

STAFF SUMMARY FOR NOVEMBER 4, 2015

9. KELP AND ALGAE HARVEST**Today's Item**Information Action

Receive DFW update on approach to amending commercial kelp and algae harvest regulations. Provide guidance on approach and next steps.

Summary of Previous/Future Actions

- FGC approves 3-phase approach to revise kelp regulations Jun 2012
- FGC adopts Phase 1 kelp regulations Nov 2013
- **Today MRC reviews approach to next regulation phases Nov 4, 2015; Ventura**

Background

Kelp has been identified as an important biogenic habitat, and is managed through DFW's kelp management program. In June 2012, FGC and DFW agreed to a three-phase approach to revise antiquated kelp and other aquatic plant regulations over several years, to improve management and enforceability (Exhibit 1), as follows:

- Phase 1: Modernize administrative kelp bed boundaries; require kelp harvest plans; improve reporting requirements;
- Phase 2: Review and potentially revise license fees and royalty rates;
- Phase 3: Review and potentially revise regulations to address kelp harvest and management concerns.

Phase 1 was completed in 2013 and implemented in 2014; DFW was scheduled to undertake the Phase 2 rulemaking in 2015, but rescheduled it to 2016 to allow time for further staff research and analysis. Recently, DFW and FGC staff have discussed the implications of undertaking a review of fees (Phase 2) prior to determining the management structure that the fees are intended to support (Phase 3). An alternative may include a step-wise approach to fee adjustments to address the lack of current funding to support the work underway. Today provides an opportunity for the committee to review and reevaluate the approach and associated timeline to most efficiently and effectively meet the management needs for commercial kelp harvest.

Significant Public Comments

Both kelp harvesters and edible seaweed harvesters have expressed interest in participating in a review of regulations governing the take of kelp and algae.

Recommendation

Clarify the purpose of the three-phase approach endorsed by FGC in 2012, and consider how to fund ongoing and future management through a change to the fee structure and timing.

Exhibits

1. [CDFW memo](#), dated Jun 1, 2012

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Committee Direction

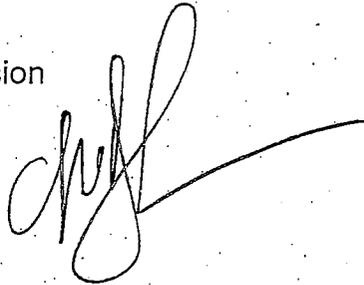
Consider recommendation to FGC regarding any changes to the approved three-phase approach.

Memorandum

Date: ~~June 1~~
May 15, 2012

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: Agenda Item for June 20-21, 2012, Fish and Game Commission Meeting Re:
Recommendation to Amend Regulations for the Commercial Take of Kelp and Other
Aquatic Plants (Sections 165 and 165.5, Title 14, CCR)

On February 2, 2012, the Fish and Game Commission (Commission) directed the Department of Fish and Game (Department) to provide an approach and time line to revise antiquated kelp and other aquatic plant regulations (Sections 165 and 165.5, Title 14, CCR). The purpose of this informational item is to begin a formal discussion to improve management of marine algae. The Department recommends a three-phase reconstruction approach over several years to improve management and enforceability of the regulations.

Phase 1. Boundaries and Improved Guidelines

Request notice authorization at the Commission's October 3-4, 2012 meeting to consider these amendments to the existing regulations:

- Enhance descriptions of Administrative Kelp Bed (Kelp Bed) boundaries with spatially explicit latitude and longitude coordinates.
- Improve management of the mechanical harvest of giant kelp (*Macrocystis pyrifera*) by requiring a Commission-approved kelp harvest plan for all kelp beds.
- Improve spatial reporting requirements for kelp harvest.

Phase 2. Fees

Conduct public scoping meetings in 2012-2013, with assistance from the Commission, to explore options for increasing existing commercial license fees and royalty rates for harvesting giant kelp and bull kelp (*Nereocystis luetkeana*), edible seaweed, and agarweed to cover the long-term costs of managing these algae. By October 2013, the Department intends to have collected the necessary information to have had detailed discussions with the Commission's Marine Resources Committee.

Sonke Mastrup, Executive Director

May 15, 2012

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After discussion in the Commission venue late in 2013, the Department will be prepared to ask the Commission to authorize notice of its intent to amend existing regulations concerning commercial license fees and royalty rates for the aforementioned resources.

Phase 3. Kelp Management and Harvest

Over the next three years (2013-2016), conduct a full review and potential rewrite of existing regulations to address management and harvest concerns identified by the Commission, kelp harvesters, and the public. This phase would include the following elements:

- Identify management and harvest issues and challenges by consulting and collaborating with kelp harvesters, the scientific community, and the public.
- Conduct public scoping meetings on a proposed project.
- Provide options for the Commission to consider revising the regulations.
- Draft an Initial Statement of Reasons for kelp regulations.
- Draft an Environmental Impact Report.

The Department looks forward to receiving input and guidance on this concept and to providing more detail and opportunity for discussion at future Commission and Marine Resource Committee meetings.

If you have questions or need additional information, please contact Ms. Marija Vojkovich, Regional Manager in the Department's Marine Region, by telephone at (805) 568-1246.

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