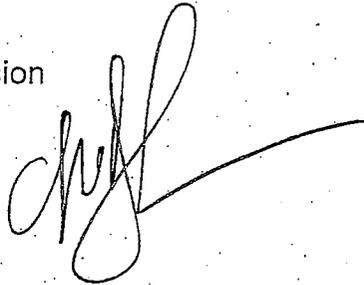


## Memorandum

Date: ~~June~~  
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

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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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