



March 2, 2015

California Fish & Game Commission
Jack Baylis, President
Via Email: fgc@fgc.ca.gov

Dear President Baylis and Honorable Members of the Fish and Game Commission:

The Environmental Action Committee of West Marin (EAC) writes to follow up on its public comments regarding the Point Reyes Oyster Company's request to amend its mariculture lease to allow the harvesting of algae. Since 1971, the EAC has been the leading voice to protect and enhance the magnificent marine and terrestrial biodiversity in West Marin.

The Point Reyes Oyster Company proposes to amend its mariculture leases in Tomales Bay "to allow for the sale of the following types of algae commonly found on and amongst our cultured shellfish and associated culture equipment." The Company's request, as submitted, is overly vague on the uses of the intended harvest ("rich source of vitamins and minerals"), on exactly what the algae is attached to ("on and amongst" the shellfish and equipment), and what volume of algae harvest is being proposed. Compounding the vagueness of the oyster company's request, the regulations regarding the commercial harvest of algae are piece-meal and have no cohesive, guiding policy.

As stated in EAC's public comments at the February 11th Commission hearing, the administrative kelp bed number for the waters of Tomales Bay is #302. The Bay has been classified as "Closed" to commercial kelp (*macrocystis* & *nerocystis*) leases for many years.¹ Commercial harvesting of edible seaweeds is apparently not allowed in the waters of Tomales Bay.² This would include the Company's request to harvest porphyra and any of the other requested species that were intended for sale for human consumption.

Additionally, under current regulations agar-bearing seaweeds (*gracilariopsis* on the requested list) cannot be removed entirely. Rather, it must be cut, leaving the holdfasts in place when it is commercially harvested.³

¹ Title 14, CCR Section 165(a)(4). These CCR sections cite Fish & Game Code section 6650-6680.

² CCR Sec. 165(e)(4).

³ CCR Sec. 165(d)(1)(A).

Since the entirety of Tomales Bay is presently closed or restricted to commercial seaweed harvest, it seems that this Commission would have to first go through a public process to consider lifting that harvest ban before it could consider an individual proposal like Point Reyes Oyster Company's. Additionally, given the overlapping jurisdiction of the California Coastal Commission and Gulf of the Farallones National Marine Sanctuary, and possibly other state and federal agencies on matters involving Tomales Bay, we would be interested to understand what is the Commission's planned coordination among interested federal and state authorities.

In conclusion, as it stands now, it seems that commercial harvesting of all seaweed is extremely limited, if not outright prohibited, in Tomales Bay until some environmental review and public process occurs to lift the existing restrictions. The vagueness of the regulations, as well as the vagueness of the Point Reyes Oyster Company's request, make it seemingly impossible to identify with any level of specificity the intended actions and their environmental consequences.

If your interpretation of the applicable code and regulatory provisions is different from the above, we would appreciate a thorough explanation in writing at your earliest convenience. Thank you for your consideration and for clarifying this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Amy Trainer". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Amy Trainer
Executive Director

Cc: California Coastal Commission
Gulf of the Farallones National Marine Sanctuary
Point Reyes National Seashore