

## STAFF SUMMARY FOR NOVEMBER 15, 2016

**5B. KELP AND ALGAE HARVEST****Today's Item**Information Action 

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

**Summary of Previous/Future Actions**

- |   |  |
|---|--|
| • FGC approves 3-phase approach for kelp review         | Jun 2012                               |
| • FGC adopts Phase 1 kelp regulations                   | Nov 2013                               |
| • MRC reviews approach to next regulation phases        | Nov 4, 2015; MRC, Ventura              |
| • FGC approves revised 3-phase approach                 | Dec 9, 2015; San Diego                 |
| • <b>Today review approach to next regulation phase</b> | <b>Nov 15, 2016; MRC, Los Alamitos</b> |

**Background**

Kelp has been identified as an important biogenic habitat, and is managed through DFW's kelp management program. In Jun 2012, FGC and DFW agreed to a three-phase approach to revise antiquated kelp 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 kelp fees, royalty rate, and lease deposits;
- Phase 3: Review and revise kelp management and harvest.

Phase 1 was completed in 2013 and implemented in 2014. Following a DFW update and discussion with MRC in Nov 2015, FGC approved an MRC recommendation to reverse the order of the 2<sup>nd</sup> and 3<sup>rd</sup> phases, to undertake evaluation of kelp harvest management measures and policies as Phase 2, before reviewing fees as Phase 3, to ensure any potential increased costs to DFW resulting from changes in kelp management structure could be considered in setting fees.

Today, DFW's presentation will focus on the status of its review of management measures (the new Phase 2), and highlight potential options that address regulatory clean-up needs and/or offer broader management overhaul, and the associated benefits and challenges associated with each pathway (Exhibit 2).

**Significant Public Comments**

Previously, kelp harvesters, edible seaweed harvesters, and Tribes have expressed interest in participating in review of regulations governing the take of kelp and algae.

**Recommendation**

*FGC staff:* Discuss possible guidance on next steps as requested by DFW given trade-offs described by DFW.

*DFW:* Provide guidance on whether to pursue clean-up regulations only or conduct more comprehensive management review, in light of cost and time considerations.

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**Exhibits**

1. [DFW memo on three-phase approach, dated Jun 1, 2012 – for reference purposes only](#)
2. [DFW presentation](#)

**Committee Direction**

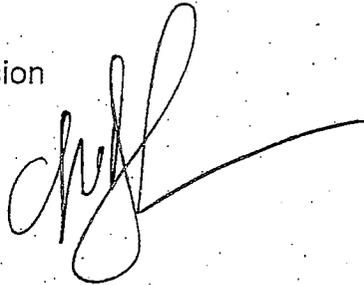
Consider recommendation to FGC regarding any changes to the approved three-phase approach and/or next steps.

## 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

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.

ec: Marija Vojkovich, Regional Manager  
Marine Region  
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# Update on Process to Review and Amend Regulations for the Commercial Harvest of Marine Algae



Marine Resources Committee Meeting  
November 15, 2016

Rebecca Flores Miller  
California Department of Fish and Wildlife



# Purpose



- Background
- Range of possible amendments for consideration
- Next steps

bull kelp

Photo Credit: R. Flores Miller



# Background

## **Phase One:** *Kelp – Adopted April 1, 2014*

- Administrative kelp bed boundaries
- Harvest plans
- Editorial changes

## **Phase Two:** *Edible seaweed, agar-bearing, and kelp*

- Management policies
- Harvest methods and seasons

## **Phase Three:** *Edible seaweed, agar-bearing, and kelp*

- License fees
- Royalty rates



# Regulatory Clean Up

## Edible Seaweed and Agar-bearing

### **Regulation language**

- Correct inaccurate references
- Update language

### **Harvest methods**

### **Licenses**

- List individuals harvesting under license
- List species to be collected
- Use of harvest
- Move license reference in Title 14



# Broader Overhaul

## Kelp, Edible, Agar-bearing

### **Edible species (sea palm and bull kelp)**

- Consideration of life history
- Ecosystem needs
- Potential harvest seasons
- Harvest methods
- Sea palm and bull kelp
  - Harvest limits

### **Bull kelp closures**



# Benefits and Challenges

<b>Clean Up</b> Edible/Agar-bearing	<b>Overhaul</b> Kelp/Edible/Agar-bearing
<b>Benefits</b>	
Clean up language, improve administration and oversight	Considers life history and ecosystem needs
Further define harvest methods	Increase protections for sea palm and bull kelp
<b>Challenges</b>	
CEQA compliance –potential for less cost	CEQA compliance – potential increased cost and time
May not fully protect sea palm and bull kelp and may require future rulemaking	Surveys and monitoring needed – increased costs



# Next Steps

- Consider range of options to pursue and availability of resources
- Input from researchers, commercial harvesters, Tribal governments, others



sea palm

Photo Credit: R. Flores Miller



**Thank You**



**Questions?**

**Rebecca Flores Miller  
Environmental Scientist  
Marine Region  
831-649-2835**





# Commercial Harvest 2010-2015

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Licenses</b>	37	22	33	32	31	33
<b>Kelp</b>	4,054	3,220	2,984	3,643	3,894	3,681
<b>Edible Seaweed</b>	29	34	25	18	31	38

Licenses = kelp, edible, agarweed, or combination  
Harvest recorded as wet tons