STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend subsections (a), (b), and (c) of Section 165 and Section 165.5
Title 14, California Code of Regulations
Re: Commercial Harvest of Kelp

I. Date of Initial Statement of Reasons: July 18, 2013

II. Date of Final Statement of Reasons: November 12, 2013

III. Dates and Locations of Scheduled Hearings:
(a) Notice Hearing: Date: August 7, 2013
Location: San Luis Obispo
(b) Discussion Hearing Date: October 2, 2013
Location: Ventura
(c) Adoption Hearing: Date: November 6, 2013
Location: La Quinta

IV. Update:
No modifications were made to the originally proposed language of the Initial Statement of Reasons.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

(a) Jenn Eckerle, Natural Resources Defense Council, October 2, 2013 Fish and Game Commission meeting:
(1) Generally supported the proposed amendments.
(2) Stated it is important the public have the ability to access the Administrative Kelp Bed (Kelp Bed) maps at any time, suggested adding the maps to MarineBIOS.
(3) Recommended the revised regulations include information about marine protected areas (MPAs) if they co-occur with Kelp Beds.

Response:
(1) Support noted.
(2) This comment is outside the scope of the proposed regulations. The Department of Fish and Wildlife’s (Department) online map viewer, MarineBIOS, currently contains Kelp Beds, kelp canopy, and MPAs map layers. The Department will update MarineBIOS with the adopted Kelp Bed boundaries once the regulations go into effect.
Reject. The kelp regulations do not contain MPA regulations; however, a reference to the MPA regulations (Section 632, Title 14, CCR) is included in subsection 165(b)(5). The standard of providing a reference to MPA regulations is the same for all fishery regulations. It is not feasible to insert MPA regulations into the kelp regulations because if the MPA regulations were to change, the kelp regulations would also need to be revised through the regulatory process. The Department will continue to provide licensed kelp, edible seaweed, and agar harvesters with informational packets that include maps depicting the Kelp Beds and coordinates of Kelp Bed boundaries. In addition, the Department will also overlay MPA boundaries on the maps and refer users to the MPA regulations as necessary. Specific areas within the MPAs which allow harvest of kelp/edible seaweed or agar will be noted. The maps will also be provided to the public upon request.

(b) Doug Bush, The Cultured Abalone, October 2, 2013 Fish and Game Commission meeting

(1) Stated the proposed Phase One amendments are reasonable and that his company is vested in promoting stewardship.
(2) Stated his company utilizes the kelp beds and provides harvest records to the Department.
(3) Stated his company knows the Kelp Bed boundaries, uses a GPS, and knows which beds overlay areas with MPA restrictions.
(4) Expressed that kelp harvesting in California is a source of forage for their commercial abalone business, they do not want to import algae.
(5) Stated he looks forward to working collaboratively in Phases Two and Three.
(6) Stated his company has an open door policy; any Commissioner or Department staff is welcome to observe their operations.

Response:
(1-6) Comments noted.

(c) Jenn Eckerle (Natural Resources Defense Council), Greg Helms (Ocean Conservancy), and Sara Sikich (Heal the Bay), email letter received by the Fish and Game Commission October 21, 2013

(1) Generally supports the proposed amendments.
(2) Recommends including the revised kelp bed boundaries in MarineBIOS, this will allow the public to overlay MPA boundaries on top of the kelp bed boundaries.
(3) Requested that paper versions of the overlay maps be available to harvesters and the public.
(4) Recommends kelp harvest plans also include a description of whether the kelp beds proposed for harvest are within a MPA.
(5) States that Department Senior Environmental Scientist Steve Wertz confirmed kelp harvest would not be allowed in MPAs that do not
allow kelp harvest activities. The group appreciates the clarification and looks forward to increasing their understanding of how existing kelp bed leases overlap with MPA boundaries.

(6) Thanks the Department and Commission for initiating Phase One amendments to regulations for the commercial harvest of kelp and encourages continuing with Phases Two and Three in a timely manner.

Response:
(1) See response (a)(1).
(2) See response (a)(2).
(3) The Department will continue to provide licensed kelp, edible seaweed, and agar harvesters with informational packets that include maps depicting the Kelp Beds and coordinates of Kelp Bed boundaries. In addition, the Department will also overlay MPA boundaries on the maps and refer users to the MPA regulations as necessary. Specific areas within the MPAs which allow harvest of kelp/edible seaweed or agar will be noted. The maps will also be provided to the public upon request.
(4) Reject. Adding this requirement will not simplify or improve management of the commercial harvest of kelp because the Department manages both MPAs and kelp harvest.
(5-6) Comments noted.

(d) Paul Weakland, October 2, 2013 Fish and Game Commission meeting
(1) Stated the Department’s PowerPoint presentation lacks important information.
(2) Stated the Department did not discuss landing tax during Phase One.
(3) Mentioned Scripps Oceanography and chemical patents for natural compounds.
(4) Stated kelp harvest history was not provided in presentation.
(5) Stated the past method of quick liming urchins to increase kelp was a mismanagement activity.
(6) Mentioned the military harvest of kelp during WWII.
(7) Stated the Marine Resources Committee is a “dog and pony show.”

Response:
(1) The presentation covered all the information found in the Initial Statement of Reasons for the proposed regulation amendment.
(2) This topic is outside the scope of the proposed regulation. The proposed regulation amendments during the Phase Two process will address royalty rates and landing taxes.
(3-7) Comments noted, but they are not relevant to the currently proposed regulation amendments.

(e) Paul Weakland, November 6, 2013 Fish and Game Commission meeting
(1) Was glad to see the correct term used for take of kelp, “harvest” in the agenda.
(2) Stated this type of harvest would benefit from a tax.

(3) Mentioned beached kelp and followed up with the statement that aquaculturists are harvesting kelp but not using (wasting) it in an effort to not have their quota reduced the following year.

Response:

(1) Comment noted.
(2) See response (d)(2)
(3) Commercial harvest of kelp does not follow quota limits based upon amount harvested in the previous year. Per California Code of Regulations, Title 14 Section 165(b)(6), it is unlawful to cause or permit waste of kelp or other aquatic plants, receive or agree to receive more kelp or other aquatic plants leading to waste or spoilage. The Department is not aware of any waste of kelp by commercial kelp harvesters.

Jerry Lucas, November 6, 2013 Fish and Game Commission meeting

(1) Stated he wants to be a small business owner and represents small business trying to get investors involved.

(2) Expressed concern regarding information required in a Commission approved harvest plan for mechanical harvesters because of the difficulty for a small company to provide the estimated amount of kelp expected to harvest on a monthly and annual basis for five years due to the following reasons:

- Kelp is a renewable natural resource but the same amount is not available each year; water temperature can have an effect.
- Wind conditions can affect harvesting. Sometimes it takes the boat 24 hours to get to a kelp bed, if they can’t harvest in that bed due to wind for example, it takes more time to travel to another bed to harvest.

(3) Asked for flexibility when presenting the harvest plan. Five years out is difficult but they will do their best, month to month is difficult because the conditions might require they need to go somewhere else to harvest.

Response:

(1) Comment noted.
(2) Comment noted. Current regulations for the commercial harvest of kelp require kelp bed lessees provide the amount of kelp they propose to harvest on an annual basis for a five year period in a development plan. Current regulations also require a Commission approved harvest plan to mechanically harvest kelp north of Santa Rosa Creek, San Luis Obispo County. The existing regulations do not specify all information required in a harvest plan. The proposed amendments will (a) remove the development plan terminology and incorporate the development plan requirements into the kelp harvest plan; (b) specify all information required in a kelp harvest plan, including the amount of kelp proposed to be harvested on a
monthly and annual basis for a five year period. This action will standardize the requirement of a harvest plan for lessees and mechanical harvesters of kelp coastwide where harvest is allowed and improve management of the resource.

(3) While the Department recognizes there may be challenges to providing monthly harvest plans per kelp bed due to factors such as reductions in canopy resulting from wave impacts, it is expected that each company will have a reasonable estimation of the amount of kelp their business requires, which beds they will harvest from, and the frequency of harvest. The Department does recognize there may be occasional factors which may lead to a kelp harvester harvesting slightly more or less kelp than what is depicted in their harvest plans; however, a Commission-approved harvest plan must be in place before mechanical harvest occurs in any bed. The Department does recognize a mechanism for harvest plan amendments may be of interest for future rule making files. Commission-approved harvest plans are only required for mechanical harvesters and for kelp bed lease holders.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife
Marine Region
20 Lower Ragsdale Drive, Suite 100
Monterey, California 93940

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified.

(b) No Change Alternative:

The no-action alternative would retain the current, antiquated kelp bed descriptions, leaving boundary locations vague and left to subjectivity, resulting in less precision and clarity in their meaning. Additionally, no action on the proposed regulations would continue to leave open the possibility that kelp forest canopies and associated organisms could be impacted by mechanical harvesters operating without a Commission-approved harvest plan in non-leased areas south of Santa Rosa Creek, San Luis Obispo County, with little initial oversight from the Department.
(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations nominally change the boundaries of the areas available to kelp harvesters and do not significantly increase harvesting costs.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes in boundary descriptions for existing kelp beds are minor clarifications and are unlikely to result in changes to the economics of commercial kelp harvesting. Industry costs associated with preparation of the required kelp harvest plans are minor to inconsequential. For this reason, the proposed regulations are unlikely to result in either the creation of new jobs or new businesses, or the elimination of existing jobs or existing businesses, or cause the expansion of existing kelp harvesting operations.

The Commission anticipates some benefits to the health and welfare of California residents or to worker safety. Incidental benefits to health and welfare of Californians may accrue from more detailed and precise lease boundary definitions. This could lead to diminished user conflicts in areas
which heretofore may not have been as well identified as the site of industrial activities.

The Commission anticipates benefits to the environment in the improved sustainable management of commercial kelp harvest.

(c) Cost Impacts on a Representative Private Person or Business:

Some licensed kelp harvesters may incur additional costs ranging from $80 to $400 (occurring once every five years) if they plan to use mechanical harvesters in non-leased areas or intend to lease kelp beds. Furthermore, kelp bed lessees that currently have a kelp harvest plan in place would incur additional costs of approximately $40 to $200 to amend their harvest plans with the additional required information. However, these costs are considered negligible compared to overall business operating costs, occur only once every five years, and only affect those licensees that desire to use mechanical harvesters in non-leased kelp beds and those kelp bed lessees which must provide additional information in their harvest plans.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.
Existing regulations within subsections (a), (b), and (c) of Section 165, and Section 165.5, Title 14, California Code of Regulations (CCR), define procedures for the commercial harvest of kelp, as well as the exclusive right to harvest in leased Administrative Kelp Beds (kelp beds). Existing regulations define kelp bed boundaries by landmarks and compass headings, and reference outdated kelp bed maps. A kelp harvest plan approved by the Fish and Game Commission (Commission) is required only for mechanical harvesters in non-leased kelp beds north of Santa Rosa Creek, San Luis Obispo County, and a detailed development plan is required for approval of kelp bed leases. To improve management and enforceability, the proposed regulation will revise subsections (a), (b), and (c) of Section 165, and Section 165.5 by defining kelp bed boundaries using spatially explicit latitude and longitude coordinates, removing reference to antiquated kelp bed maps, requiring a Commission-approved kelp harvest plan for the mechanical harvest of kelp in all kelp beds where harvesting is allowed, removing the requirement of a Commission-approved development plan for lessees and replacing it with a Commission-approved kelp harvest plan, and specifying required details in and frequency of submittal of harvest plans. The proposed regulations will incorporate by reference the form 2013 Kelp Harvesting License Application (MRD 658 New 7/13) in subsection 165(a)(1). Subsections 165(c)(4) and 165(c)(4)(E) will be repealed. Editorial changes are also proposed to improve clarity and consistency of the regulations.

The proposed regulatory changes will benefit the environment by improving the sustainable management of commercial kelp harvest. In addition, the proposed regulatory changes will provide benefits related to regulation enforceability.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to adopt regulations as may be necessary to insure the proper harvesting of kelp and other aquatic plants, for the leasing of kelp beds, and to prescribe information necessary on kelp lease applications (Sections 6653, 6700, and 6701, Fish and Game Code). The proposed regulations are consistent with regulations that restrict or prohibit kelp harvest in marine protected areas (Section 632, Title 14, CCR), commercial herring-eggs-on-kelp regulations (Section 164, Title 14, CCR), and regulations concerning marine facility plans and small marine fueling facility plans (Sections 817.02 and 817.03, Title 14, CCR). Commission staff has searched the California Code of Regulations and statutes and has found no other state regulations related to kelp harvesting and no other state agency with authority to promulgate kelp harvest regulations.

It is impractical to publish the application form (2013 Kelp Harvesting License Application (MRD 658 New 7/13)) in Title 14, CCR, because it is lengthy and will be updated annually with the current year and license fee. The proposed form was available upon request and was also posted on the Commission’s website during the 45-day notice period.

The Commission adopted the regulations as originally proposed at its November 6, 2013 meeting.
Section 165, Title 14, CCR, is amended to read:

§ 165. Harvesting of Kelp and Other Aquatic Plants.
(a) General License Provisions. Pursuant to the provisions of Section 6651 of the Fish and Game Code, no kelp or other aquatic plants may be harvested for commercial purposes except under a revocable license issued by the department.
(1) Who Shall be Licensed. Each company or individual harvesting kelp and other aquatic plants for profit, industrial, human consumption or aquaculture purposes shall apply each year for a license on forms provided by the department.
2013 Kelp Harvesting License Application (MRD 658 New 7/13) which is incorporated by reference herein. License applications and a list of laws and regulations governing the harvest of kelp and other aquatic plants (including maps depicting administrative kelp beds) are available on request from the department's Marine Region, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940, and from the department's field offices in Eureka, Belmont, Los Alamitos and San Diego. Los Alamitos office at 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720.
(2) Cost of License. See section 6651 of the Fish and Game Code.
(3) Where to Submit Applications. Application forms, together with the fee authorized by Section 6651 of the Fish and Game Code, shall be submitted to the department's Los Alamitos office, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720.
(4) License Limitation. All provisions of sections 6650-6680 of the Fish and Game Code, and sections 165 and 165.5 of the commission regulations shall become a condition of all licenses issued under this section to be fully performed by the holders thereof, their agents, servants, employees or those acting under their direction or control.
(b) General Harvesting Provisions.
(1) Weighing of Kelp. A kelp harvester shall determine the weight of harvested kelp or other aquatic plants upon landing or delivery to the harvester's place of business. The harvester may determine the weight of harvested kelp or other aquatic plants using either direct weighing with a state certified scale or a volume conversion that has been approved by the department. If the weight is determined by a certified or licensed weighmaster, the harvester shall obtain a receipt and maintain the receipt in the landing record required under subsection (b)(3) below.
(2) Harvesting Records. Every person harvesting kelp and other aquatic plants and licensed pursuant to Section 6650 of the Fish and Game Code shall keep a book or books recording the following:
(A) Every person harvesting kelp and other aquatic plants and licensed pursuant to Section 6650 of the Fish and Game Code shall keep a record of the following:
(B) The record shall be open at all times for inspection by the department.
(3) Landing Records. Records of landing shall be prepared by all harvesters licensed pursuant to Section 6650 of the Fish and Game Code. Records of landing shall be
made in triplicate using Kelp Harvester’s Monthly Report forms FG 113 (Rev. 1/97, see Appendix A) and FG 114 (Rev. 1/07, see Appendix A). The landing records shall show:

(A) The landing records shall show:
  (A)1. The wet weight of all aquatic plants harvested in units as defined in subsection (b)(2)(B)(b)(2)(A)2. above.
  (B)2. Name and address of harvester.
  (C)3. Department of Fish and GameWildlife kelp harvester number.
  (D)4. Report period, royalty rate, balance of advance deposit (applicable to leased beds), royalty rate amount due and dates Dates of landing. and report period.
  (E)5. KelpAdministrative kelp bed number and, if applicable, harvest control area or marine protected area where plants were harvested.
  (F)(B) A duplicate copy of the landing record shall be kept retained by a kelp harvester for a period of one year and shall be available for inspection at any time within that period by the department. A kelp harvester who harvests kelp from a harvest control area established under subsection (c)(4)(E) below or from a marine protected area established under subsection 632(b) shall maintain a copy of the landing record on board the harvest vessel for all harvesting conducted during that harvest control period. The original and one copy of the landing record shall be delivered submitted to the department’s Accounting Services Branch at 1416 Ninth Street, Room 1215, Sacramento, CA 95814 the address indicated within 10 days after the close of each month, on or before the 10th day of each month following the month to which the landing records pertain with the specified royalty required for all kelp and other aquatic plants harvested. Landing records that are mailed shall be postmarked on or before the 10th day of each month following the month to which the landing records pertain. The landing record shall be submitted whether or not harvest occurred. Failure to submit the required landing record and royalty fees within the prescribed time limit are grounds for revocation of the harvester’s license.

(C) Failure to submit the required landing records of harvest activity and royalty fees within the prescribed time limit and/or failure to retain the required landing records for the prescribed time period(s) may result in revocation or suspension (including non-renewal) of the harvester’s license for a period not to exceed one year. Any revocation, suspension, or nonrenewal may be appealed to the commission.

(4) No eel grass (Zostera) or surf grass (Phyllospadix) may be cut or disturbed.
(5) No kelp or other aquatic plant may be harvested in a state marine reserve or state marine park as per subsection 632(a). Commercial harvest of kelp or other aquatic plants may be limited in state marine conservation areas as per subsection 632(b).
(6) It is unlawful to cause or permit waste of any kelp or other aquatic plants taken in the waters of this state or to take, receive or agree to receive more kelp or other aquatic plants than can be used without waste or spoilage.
(c) Harvesting of Macrocystis and Nereocystis (giant and bull kelp). In this subsection, kelp means both giant and bull kelp.
(1) A kelp harvester may harvest kelp by cutting and removing portions of attached kelp or by collecting unattached kelp.
(2) A kelp harvester may not cut attached kelp at a depth greater than four feet below the surface of the water at the time of cutting.
(3) No kelp received aboard a harvesting vessel shall be allowed to escape from the vessel or be deposited into the waters of this state.
(4) If, at any time, the commission finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of
food for fish or marine mammals, the commission may limit or prohibit the harvest of kelp within a bed or portion of a bed for any length of time.

(A)(4) In beds north of Point Montara, Nereocystis (bull kelp) may only be taken by hand harvesting. No mechanical harvesters of any kind shall be allowed.

(B)(5) Between April 1 and July 31, a kelp harvester may not harvest bull kelp from a nonleased kelp bed that lies partially or totally within the boundary of the Monterey Bay National Marine Sanctuary extending from Santa Rosa Creek, San Luis Obispo County, northward to Rocky Point, Marin County. This subsection does not preclude the removal of bull kelp from beaches within the Monterey Bay National Marine Sanctuary during the seasonal closure.

(C)(6) Prior commission approval of a kelp harvest plan is necessary before a kelp harvester may use a mechanical harvester to harvest giant kelp in a nonleased kelp bed north of Santa Rosa Creek, San Luis Obispo County. For approval of a kelp harvest plan, a harvester must identify how a mechanical harvester will be used while avoiding: 1) repetitive harvest from individual giant kelp plants; 2) harvest of bull kelp from those portions of kelp beds that contain both giant kelp and bull kelp; and 3) harvest of giant kelp near sea otter rafting sites used by female sea otters with dependent pups.

(A) A kelp harvest plan must identify how a mechanical harvester will be used while avoiding:
1. repetitive harvest from individual giant kelp plants;
2. harvest of bull kelp from those portions of kelp beds that contain both giant kelp and bull kelp; and
3. harvest of giant kelp near sea otter rafting sites used by female sea otters with dependent pups.

(B) All kelp harvest plans shall also include the following:
1. the number of the designated bed or beds as shown in subsection 165.5(j), a description of the kelp bed or portion of the kelp bed requested and the designated number of square miles in each bed or portion thereof;
2. intended use of kelp;
3. amount of kelp proposed to harvest on a monthly and annual basis during the next five years;
4. estimated frequency of harvesting activities for each kelp bed;
5. number of harvest boats, maximum kelp holding capacity in wet tons for each boat, including the operating vessel gross tonnage and fuel tank capacity;
6. harvesting methodology (harvest operation description);
7. all locations (addresses) where kelp landing and weighing will take place;
8. specific details of wet kelp weighing equipment and methods to be used at the landing sites for accurate reporting; and
9. name, address, phone number, and license number of kelp processor and method of transporting the kelp to the processing location.

(C) Kelp harvest plans must be updated and submitted to the commission for approval every five years.

(D) A kelp harvester may not harvest kelp in that portion of kelp bed 220 in Monterey County that lies in the area bounded by the mean high tide line, a line extending due north from the tip of the Monterey breakwater and latitude 36° 36.83 N.

(E) With a finding as determined in subsection (c)(4) above, the commission may designate, through emergency regulation, a nonleased kelp bed or portion of a bed as a harvest control area for a specified period of time. The commission shall set a
cumulative harvest tonnage limit for each kelp harvester that may not be exceeded while harvesting within the control area during any consecutive 7-day period. The department shall maintain a list of active harvest control areas, their effective time period, and their cumulative harvest tonnage limit on its web page (www.dfg.ca.gov). The same information may be obtained by contacting the Marine Region office at 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940.

(5) A kelp harvester may not harvest kelp from the following kelp beds:

<table>
<thead>
<tr>
<th>Bed No.</th>
<th>Square Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
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</tr>
<tr>
<td>15</td>
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<tr>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5.53</strong></td>
</tr>
</tbody>
</table>

(6) Only a lessee authorized by the commission may harvest kelp from the following beds:

<table>
<thead>
<tr>
<th>Bed No.</th>
<th>Square Miles</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>309</td>
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</tr>
<tr>
<td>312</td>
<td>0.20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0.54</strong></td>
</tr>
</tbody>
</table>

(7) In addition to the license fee, a kelp harvester shall pay a royalty of $1.71 for each ton (2,000 pounds) of wet kelp harvested from a non-leased bed.

***

Note: Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference: Sections 6650-6680, Fish and Game Code.
§ 165.5. Lease of Kelp Beds for Exclusive Harvest of *Macrocystis* and *Nereocystis*.

(a) The Commission may lease to any person the exclusive privilege to harvest kelp in any designated kelp bed or beds, or part thereof described in subsection (j). In this section, kelp means giant kelp, bull kelp, or both.

(b) A current list of kelp beds considered by the commission to be available for leasing may be obtained through written request to the department's Marine Region at 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940. Any person desiring to lease the exclusive privilege of harvesting kelp shall make a written application to the Fish and Game Commission, 1416 Ninth Street, Sacramento, CA 95814. The application for kelp bed lease shall include:

1. The number of the designated bed or beds as shown in subsection (j), a description of the kelp bed or portion of the kelp bed requested and the designated number of square miles in each bed or portion thereof.
2. A minimum deposit of $2,565 per square mile for kelp beds lying south of Point Arguello and $1,368 per square mile for kelp beds lying north of Point Arguello. (The deposit shall be returned to the applicant if a lease is not executed.)
3. A detailed development plan for the proposed kelp bed lease showing the intended use, the manner of harvesting and transporting the kelp and the amount of kelp the lessee proposes to harvest during each of the next five years. The kelp harvest plan must be updated and resubmitted every five years.

(A) If kelp is mechanically harvested, the kelp harvest plan must identify how a mechanical harvester will be used while avoiding:
   1. repetitive harvest from individual giant kelp plants;
   2. harvest of bull kelp from those portions of kelp beds that contain both giant kelp and bull kelp; and
   3. harvest of giant kelp near sea otter rafting sites used by female sea otters with dependent pups.

(B) All kelp harvest plans (mechanical or hand harvest) shall also include the following:
   1. the number of the designated bed or beds as shown in subsection (j), a description of the kelp bed or portion of the kelp bed requested and the designated number of square miles in each bed or portion thereof;
   2. intended use of kelp;
   3. amount of kelp proposed to harvest on a monthly and annual basis during the next five years;
   4. estimated frequency of harvesting activities for each kelp bed;
   5. number of harvest boats, maximum kelp holding capacity in wet tons for each boat, including the operating vessel gross tonnage and fuel tank capacity;
   6. harvesting methodology (harvest operation description);
   7. all locations (addresses) where kelp landing and weighing will take place;
   8. specific details of wet kelp weighing equipment and methods to be used at the landing sites for accurate reporting; and
   9. name, address, phone number, and license number of kelp processor and method of transporting the kelp to the processing location.

(3) Copy of business license.
(4) The financial capabilities of the lessee to carry out the proposed harvest plan. The department shall evaluate the submitted plans, and provide its evaluation to the commission.

(5) Applicants for the lease of Kelp Beds 300-312 available lease only kelp beds in the 301-312 series shall, in addition to the above requirements, submit evidence of a scientifically acceptable survey of the requested kelp bed, conducted within one year of the date of the application, showing the extent of the kelp bed and the quantity (biomass) of kelp present. Evidence of such a survey must be submitted annually prior to beginning harvest. Harvest of bull kelp from leased beds shall be limited to not more than 15 percent of the bull kelp biomass revealed by the survey.

(c) The department shall evaluate the submitted application, and provide its evaluation to the commission. Kelp leases may be awarded to applicants determined by the commission to possess the capabilities to harvest and utilize kelp in a manner beneficial to the state.

(1) In case more than one application is received for the lease of a specified kelp bed or beds, the lease shall be awarded to the highest qualified bidder.

(2) Bids tendered for the exclusive right to harvest kelp from designated kelp beds will be for the dollar amount of royalty to be paid on each wet ton of kelp harvested. The minimum acceptable bid will be for a royalty rate of no less than $1.71 per wet ton of kelp harvested.

(3) The commission may reject any or all applications for the lease of the exclusive privilege to harvest kelp, if it deems the rejection to be in the public interest.

(d) If the specified kelp harvesting area applied for is found to be available for lease, and that the lease would be in the public interest, the commission shall have legal notices published in a newspaper of general circulation in each county where the kelp bed, or any part thereof, is located. The department shall, in addition, notify by mail all current holders of kelp harvesting licenses that a kelp lease is being considered.

(e) Upon termination of a kelp bed lease for any reason, the commission shall notify all current holders of kelp licenses of the availability of such bed(s) for lease.

(f) Kelp bed leases shall be awarded for a maximum term of 20 years.

(g) The royalty rate for kelp harvested from leased kelp beds shall be no less than $1.71 per wet ton of kelp harvested from such beds. A nonrefundable advance payment computed on the basis of the harvest of 800 tons of kelp annually times the bid royalty rate per square mile for kelp beds located north of Point Arguello and the harvest of 1,500 tons of kelp annually times the bid royalty rate per square mile for beds lying south of that point is due and payable to the department on January 1 each year. Kelp harvested from each bed during the calendar year will be credited against the advance payment at the specified royalty rate until the deposit has been depleted. Kelp harvested from each bed in excess of the amount covered by the advance deposit shall be assessed at the basic royalty rate established by Section subsection 465(c)(5)165(c)(7).

(h) Each kelp lease shall specify a period prior to expiration when renewal of the lease may be requested by lessee. If during the notification period the lessee successfully demonstrates to the commission that all conditions of the lease have been met, the lessee shall have a prior right to renew the lease on terms agreed upon between the commission and the lessee. If terms of a lease renewal are not agreed upon prior to termination of a lease agreement, the commission shall advertise for bids on the individual kelp beds comprising the lease. If a request for renewal is not made during
the specified period by the lessee, the commission shall advertise for bids on the individual kelp beds comprising the lease.

(i) Notwithstanding the provisions of subsections (f) and (h), at any time during the term of a lease, a lessee may notify the commission of its desire to enter into a new lease. If the lessee can successfully demonstrate to the commission that all conditions of its lease have been met and that a new lease would be in the best interest of the state, a new lease may be drawn on terms agreed upon between the two parties, provided a new lease is negotiated for an additional period not to exceed 20 years.

(jj) There is established a “Revised Official Map and Description of Kelp Beds, Pt. Arguello to U.S.-Mexico Boundary” dated August 1, 1963 revised March 3, 1967, a new “Official Map and Description of Kelp Beds, Pt. Arguello to Pt. Montara” dated March 3, 1967, and a new map “Official Map and Description of Kelp Beds, Pt. Montara to California-Oregon Boundary” dated June 15, 1995. These maps are based upon U.S. Coast and Geodetic Survey Charts No. 5020, dated April 1961, No. 5302, dated October 12, 1964, and No. 5402, dated September 6, 1965, as filed with the Fish and Game Commission. Beds are described as follows: (all bearings are true bearings) Kelp beds are defined as follows: kelp bed number, designation, area (approximate square miles of kelp canopy within a kelp bed based on historic survey data), and boundary descriptions. Kelp bed designations are defined as follows: open - kelp bed is open to all kelp harvesting, and leases cannot be issued; closed - kelp bed is closed to all kelp harvesting; lease only - kelp bed is closed to all kelp harvesting unless an exclusive lease is obtained; and leasable - kelp bed is open to kelp harvesting until the bed is leased and, once leased, can only be harvested by the lessee. It is the responsibility of the potential harvester to contact the department to ensure leasable beds are not leased before harvest occurs. All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

(1) Mainland Kelp Beds (Pt. Arguello to Mexico) (U.S./Mexico Border to Pt. Arguello)

   Bed 1. Open. 0.20 square miles. This bed extends from a line drawn 264° from the U.S.-Mexico International Border to a line drawn 270° from the southern tip of San Diego Bay. 0.20 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted: 32° 32.063' N. lat. 117° 07.431' W. long.; thence westward along the U.S./Mexico border to: 32° 31.847' N. lat. 117° 11.018' W. long.; thence northward along the three nautical mile offshore boundary to 32° 35.979' N. lat. 117° 11.601' W. long.; and 32° 35.979' N. lat. 117° 08.010' W. long.

   Bed 2. Open. 0.10 square miles. This bed extends from a line drawn 270° from the southern tip of San Diego Bay to a line drawn 259° from the southern tip of Point Loma. 0.10 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted: 32° 35.979' N. lat. 117° 08.010' W. long.; 32° 35.979' N. lat. 117° 11.601' W. long.; thence northwestward along the three nautical mile offshore boundary to 32° 39.189' N. lat. 117° 18.171' W. long.; and 32° 39.891' N. lat. 117° 14.559' W. long.
Bed 3. Leasable. 2.58 square miles. This bed extends from a line drawn 259° from the southern tip of Point Loma to a line drawn 272° from the south jetty of Mission Bay. 2.58 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
32° 39.891' N. lat. 117° 14.559' W. long.;
32° 39.189' N. lat. 117° 18.171' W. long.; thence northward along the three nautical mile offshore boundary to
32° 45.492' N. lat. 117° 19.169' W. long.;
32° 45.364' N. lat. 117° 15.501' W. long.; and
32° 45.398' N. lat. 117° 15.221' W. long.

Bed 4. Leasable. 2.53 square miles. This bed extends from a line drawn 272° from the south jetty of Mission Bay to a line drawn 283° from Scripps Pier. 2.53 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
32° 45.398' N. lat. 117° 15.221' W. long.;
32° 45.364' N. lat. 117° 15.501' W. long.;
32° 45.492' N. lat. 117° 19.169' W. long.; thence northward along the three nautical mile offshore boundary to
32° 52.941' N. lat. 117° 19.411' W. long.;
32° 52.025' N. lat. 117° 15.445' W. long.; and
32° 51.976' N. lat. 117° 15.273' W. long.

Bed 5. Leasable. 0.00 square miles. This bed extends from a line drawn 283° from Scripps Pier to a line drawn 269° from the mouth of the San Dieguito River. 0.00 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
32° 51.976' N. lat. 117° 15.273' W. long.;
32° 52.025' N. lat. 117° 15.445' W. long.;
32° 52.941' N. lat. 117° 19.411' W. long.; thence northward along the three nautical mile offshore boundary to
32° 58.482' N. lat. 117° 19.992' W. long.; and
32° 58.482' N. lat. 117° 16.208' W. long.

Bed 6. Leasable. 1.52 square miles. This bed extends from a line drawn 269° from the mouth of the San Dieguito River to a line drawn 236° from the middle of Loma Alta Lagoon (at South Oceanside). 1.52 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
32° 58.482' N. lat. 117° 16.208' W. long.;
32° 58.482' N. lat. 117° 19.992' W. long.; thence northward along the three nautical mile offshore boundary to
33° 08.674' N. lat. 117° 25.021' W. long.; and
33° 10.601' N. lat. 117° 22.164' W. long.

Bed 7. Open. 0.66 square miles. This bed extends from a line drawn 236° from the middle of Loma Alta Lagoon (at South Oceanside) to a line drawn 215° from the middle of the city of San Onofre. 0.66 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 10.601' N. lat. 117° 22.164' W. long.;
33° 08.674' N. lat. 117° 25.021' W. long.; thence northwestward along the three nautical mile offshore boundary to
33° 20.034' N. lat. 117° 36.352' W. long.; and
33° 22.790' N. lat. 117° 34.422' W. long.

   Bed 8. Open. 1.53 square miles. This bed extends from From a line drawn 215° from the middle of the city of San Onofre to a line drawn 219° from the middle of San Juan Creek. 1.53 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 22.790' N. lat. 117° 34.422' W. long.;
33° 20.034' N. lat. 117° 36.352' W. long.; thence northwestward along the three nautical mile offshore boundary to
33° 24.473' N. lat. 117° 43.639' W. long.; and
33° 27.707' N. lat. 117° 41.020' W. long.

   Bed 9. Open. 0.39 square miles. This bed extends from From a line drawn 219° from the middle of San Juan Creek to a line drawn 220° from Abalone Pt. 0.39 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 27.707' N. lat. 117° 41.020' W. long.;
33° 24.473' N. lat. 117° 43.639' W. long.; thence northwestward along the three nautical mile offshore boundary to
33° 30.698' N. lat. 117° 51.298' W. long.; and
33° 33.219' N. lat. 117° 49.182' W. long.

   Bed 10. Closed. 0.00 square miles. This bed extends from From a line drawn 220° from Abalone Pt. to a line drawn 220° from the south jetty of Newport Bay. 0.00 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 33.219' N. lat. 117° 49.182' W. long.;
33° 30.698' N. lat. 117° 51.298' W. long.; thence northwestward along the three nautical mile offshore boundary to
33° 32.813' N. lat. 117° 54.793' W. long.;
33° 35.373' N. lat. 117° 52.645' W. long.;
33° 35.531' N. lat. 117° 52.654' W. long.; and
33° 35.555' N. lat. 117° 52.662' W. long.

   Bed 13. Open. 0.54 square miles. This bed extends from From a line drawn 156° from the San Pedro Breakwater Lighthouse to a line drawn 232° from Pt. Vicente. 0.54 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 42.482' N. lat. 118° 16.637' W. long.;
33° 42.249' N. lat. 118° 16.188' W. long.;
33° 42.223' N. lat. 118° 16.053' W. long.;
33° 42.247' N. lat. 118° 15.903' W. long.;
33° 42.513' N. lat. 118° 15.094' W. long.;
33° 39.690' N. lat. 118° 13.838' W. long.; thence westward along the three nautical mile offshore boundary to
33° 42.308' N. lat. 118° 27.456' W. long.; and
33° 44.469' N. lat. 118° 24.691' W. long.

   Bed 14. Open. 0.74 square miles. This bed extends from From a line drawn 232° from Pt. Vicente to a line drawn 256° from the southern tip of the Redondo Beach
Breakwater. 0.74 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 44.469' N. lat. 118° 24.691' W. long.;
33° 42.308' N. lat. 118° 27.456' W. long.; thence northward along the three nautical mile offshore boundary to
33° 49.486' N. lat. 118° 27.625' W. long.;
33° 50.459' N. lat. 118° 23.721' W. long.;
33° 50.513' N. lat. 118° 23.650' W. long.; and
33° 50.479' N. lat. 118° 23.529' W. long.

Bed 15. Closed. 0.04 square miles. This bed extends from From a line drawn 223° from the Santa Monica Pier to a line drawn 156° from Malibu Pt. 0.04 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 00.528' N. lat. 118° 29.887' W. long.;
34° 00.444' N. lat. 118° 29.993' W. long.;
33° 57.994' N. lat. 118° 32.278' W. long.; thence westward along the three nautical mile offshore boundary to
33° 59.044' N. lat. 118° 39.530' W. long.; and
34° 01.853' N. lat. 118° 40.931' W. long.

Bed 16. Leasable. 0.21 square miles. This bed extends from From a line drawn 156° from Malibu Pt. to a line drawn 185° from Pt. Dume. 0.21 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 01.853' N. lat. 118° 40.931' W. long.;
33° 59.044' N. lat. 118° 39.530' W. long.; thence westward along the three nautical mile offshore boundary to
33° 56.897' N. lat. 118° 48.604' W. long.; and
34° 00.026' N. lat. 118° 48.330' W. long.

Bed 17. Leasable. 0.62 square miles. This bed extends from From a line drawn 185° from Pt. Dume to a line drawn 207° from Pt. Mugu. 0.62 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 00.026' N. lat. 118° 48.330' W. long.;
33° 56.897' N. lat. 118° 48.604' W. long.; thence westward along the three nautical mile offshore boundary to
34° 02.348' N. lat. 119° 05.122' W. long.; and
34° 05.136' N. lat. 119° 03.701' W. long.

Bed 18. Open. 0.15 square miles. This bed extends from From a line drawn 217° from the middle of the mouth of Ventura River to a line drawn 214° from Pitas Pt. 0.14 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 16.442' N. lat. 119° 18.425' W. long.;
34° 13.835' N. lat. 119° 20.389' W. long.; thence northwestward along the three nautical mile offshore boundary to
34° 16.413' N. lat. 119° 25.172' W. long.; and
34° 19.071' N. lat. 119° 23.379' W. long.

Bed 19. Leasable. 0.05 square miles. This bed extends from From a line drawn 214° from Pitas Pt. to a line drawn 218° from Rincon Pt. 0.05 square miles., defined as
the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 19.071' N. lat. 119° 23.379' W. long.;
34° 16.413' N. lat. 119° 25.172' W. long.; thence northwestward along the three nautical mile offshore boundary to
34° 19.818' N. lat. 119° 30.669' W. long.; and
34° 22.376' N. lat. 119° 28.671' W. long.

Bed 20. Leasable. 0.24 square miles. This bed extends from From a line drawn 218° from Rincon Pt. to a line drawn 198° from Loon Pt.-0.24 square miles-, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 22.376' N. lat. 119° 28.671' W. long.;
34° 19.818' N. lat. 119° 30.669' W. long.; thence northwestward along the three nautical mile offshore boundary to
34° 21.817' N. lat. 119° 35.552' W. long.; and
34° 24.749' N. lat. 119° 34.600' W. long.

Bed 21. Leasable. 0.19 square miles. This bed extends from From a line drawn 198° from Loon Pt. to a line drawn 184° from the eastern boundary of the Montecito HotelEdgecliff Pt. (2.4 miles 072° from tip of S.B. Breakwater)-0.19 square miles-, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 24.749' N. lat. 119° 34.600' W. long.;
34° 21.817' N. lat. 119° 35.552' W. long.; thence westward along the three nautical mile offshore boundary to
34° 21.929' N. lat. 119° 38.626' W. long.; and
34° 24.953' N. lat. 119° 38.415' W. long.

Bed 22. Closed. 0.05 square miles. This bed extends from From a line drawn 184° from the eastern boundary of the Montecito HotelEdgecliff Pt. to a line drawn 166° from the tip of the Santa Barbara Breakwater-0.05 square miles-, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 24.953' N. lat. 119° 38.415' W. long.;
34° 21.929' N. lat. 119° 38.626' W. long.; thence westward along the three nautical mile offshore boundary to
34° 21.150' N. lat. 119° 40.483' W. long.;
34° 24.290' N. lat. 119° 41.266' W. long.;
34° 24.187' N. lat. 119° 41.506' W. long.; and
34° 24.187' N. lat. 119° 41.520' W. long.

Bed 23. Open. 0.10 square miles. This bed extends from From a line drawn 166° from the tip of the Santa Barbara Breakwater to a line drawn 195° from the Santa Barbara Lighthouse-0.10 square miles-, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 24.187' N. lat. 119° 41.520' W. long.;
34° 24.187' N. lat. 119° 41.506' W. long.;
34° 24.290' N. lat. 119° 41.266' W. long.;
34° 21.150' N. lat. 119° 40.483' W. long.; thence westward along the three nautical mile offshore boundary to
34° 20.703' N. lat. 119° 44.181' W. long.; and
34° 23.734' N. lat. 119° 43.369' W. long.

Bed 24. Closed. 0.05 square miles. This bed extends from from a line drawn 195° from the Santa Barbara Lighthouse to a line drawn 197° from the middle of Rogue Creek (Arroyo Burro). 0.05 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 23.734' N. lat. 119° 43.369' W. long.;
34° 20.703' N. lat. 119° 44.181' W. long.; thence westward along the three nautical mile offshore boundary to
34° 21.056' N. lat. 119° 45.509' W. long.; and
34° 24.183' N. lat. 119° 44.590' W. long.

Bed 25. Open. 0.18 square miles. This bed extends from from a line drawn 197° from the middle of Rogue Creek (Arroyo Burro) to a line drawn 185° from the middle of Hope Ranch Creek. 0.18 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 24.183' N. lat. 119° 44.590' W. long.;
34° 21.056' N. lat. 119° 45.509' W. long.; thence northwestward along the three nautical mile offshore boundary to
34° 21.626' N. lat. 119° 47.085' W. long.; and
34° 24.875' N. lat. 119° 46.801' W. long.

Bed 26. Leaseable. 0.60 square miles. This bed extends from from a line drawn 185° from the middle of Hope Ranch Creek to a line drawn 176° from Goleta Pt. 0.60 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 24.875' N. lat. 119° 46.801' W. long.;
34° 21.626' N. lat. 119° 47.085' W. long.; thence westward along the three nautical mile offshore boundary to
34° 21.219' N. lat. 119° 50.437' W. long.; and
34° 24.276' N. lat. 119° 50.651' W. long.

Bed 27. Leaseable. 0.43 square miles. This bed extends from from a line drawn 176° from Goleta Pt. to a line drawn 210° from Coal Oil Pt. 0.43 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 24.276' N. lat. 119° 50.651' W. long.;
34° 21.219' N. lat. 119° 50.437' W. long.; thence westward along the three nautical mile offshore boundary to
34° 21.675' N. lat. 119° 54.268' W. long.; and
34° 24.413' N. lat. 119° 52.687' W. long.

Bed 28. Open. 0.61 square miles. This bed extends from from a line drawn 210° from Coal Oil Pt. to a line drawn 200° from the Middle of Gato Canyon (about 1.5 miles west of Naples). 0.60 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 24.413' N. lat. 119° 52.687' W. long.;
34° 21.675' N. lat. 119° 54.268' W. long.; thence northwestward along the three nautical mile offshore boundary to
34° 24.045' N. lat. 120° 00.375' W. long.; and
34° 26.989' N. lat. 119° 59.304' W. long.
Bed 29. Leasable. 0.17 square miles. This bed extends from a line drawn 200° from the middle of Gato Canyon to a line drawn 183° from the middle of Refugio Creek. 0.17 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 26.989' N. lat. 119° 59.304' W. long.;
34° 24.045' N. lat. 120° 00.375' W. long.; thence westward along the three nautical mile offshore boundary to
34° 24.570' N. lat. 120° 04.347' W. long.; and
34° 27.767' N. lat. 120° 04.180' W. long.

Bed 30. Leasable. 0.39 square miles. This bed extends from a line drawn 183° from the middle of Refugio Creek to a line drawn 180° from the middle of Canada de Molino (about 5 miles west of Refugio Creek). 0.39 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 27.767' N. lat. 120° 04.180' W. long.;
34° 24.570' N. lat. 120° 04.347' W. long.; thence westward along the three nautical mile offshore boundary to
34° 25.122' N. lat. 120° 10.123' W. long.; and
34° 28.175' N. lat. 120° 10.123' W. long.

Bed 31. Leasable. 0.16 square miles. This bed extends from a line drawn 180° from the middle of Canada de Molino to a line drawn 180° from the middle of Alegria Canyon (about 3.4 miles west of Gaviota). 0.16 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 28.175' N. lat. 120° 10.123' W. long.;
34° 25.122' N. lat. 120° 10.123' W. long.; thence westward along the three nautical mile offshore boundary to
34° 25.000' N. lat. 120° 16.338' W. long.; and
34° 28.136' N. lat. 120° 16.338' W. long.

Bed 32. Leasable. 2.76 square miles. This bed extends from a line drawn 180° from the middle of Alegria Canyon to a line drawn 180° from Pt. Conception. 2.76 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 28.136' N. lat. 120° 16.338' W. long.;
34° 25.000' N. lat. 120° 16.338' W. long.; thence westward along the three nautical mile offshore boundary to
34° 23.644' N. lat. 120° 28.313' W. long.; and
34° 26.899' N. lat. 120° 28.313' W. long.

Bed 33. Open. 0.97 square miles. This bed extends from a line drawn 180° from Pt. Conception to a line drawn 231° from Expada Bluff. 0.97 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 26.899' N. lat. 120° 28.313' W. long.;
34° 23.644' N. lat. 120° 28.313' W. long.; thence northwestward along the three nautical mile offshore boundary to
34° 29.575' N. lat. 120° 34.185' W. long.; and
34° 31.846' N. lat. 120° 31.380' W. long.

Bed 34. Leasable. 0.31 square miles. This bed extends from a line drawn 231° from Expada Bluff to a line drawn 270° from Pt. Arguello. 0.31 square miles.,
defined as the area bounded by the mean high tide line and straight lines connecting
the following points in the order listed except where noted:
34° 31.846' N. lat. 120° 31.380' W. long.;
34° 29.575' N. lat. 120° 34.185' W. long.; thence northwestward along the three nautical
mile offshore boundary to
34° 34.612' N. lat. 120° 42.763' W. long.; and
34° 34.612' N. lat. 120° 39.039' W. long.

Total Area Mainland Kelp Beds (Pt. Arguello to Mexico) (U.S./Mexico Border to Pt.
Arguello)..........................49.05 19.07 square miles

(2) Channel Island Kelp Beds

Bed 101. San Clemente Island. Open. 0.66 square miles. This bed extends from
From a line drawn 120° from Pyramid Head to a line drawn 210° from China Pt. 0.66
square miles., defined as the area bounded by the mean high tide line and straight lines
connecting the following points in the order listed except where noted:
32° 49.221' N. lat. 118° 20.948' W. long.;
32° 47.494' N. lat. 118° 17.943' W. long.; thence southwestward along the three nautical
mile offshore boundary to
32° 45.198' N. lat. 118° 27.222' W. long.; and
32° 48.054' N. lat. 118° 25.564' W. long.

Bed 102. San Clemente Island. Leasable. 2.39 square miles. This bed extends
From a line drawn 210° from China Pt. to a line drawn 226° from Seal Cove. 2.39
square miles., defined as the area bounded by the mean high tide line and straight lines
connecting the following points in the order listed except where noted:
32° 48.054' N. lat. 118° 25.564' W. long.;
32° 45.198' N. lat. 118° 27.222' W. long.; thence northwestward along the three nautical
mile offshore boundary to
32° 51.927' N. lat. 118° 34.637' W. long.; and
32° 54.458' N. lat. 118° 32.017' W. long.

Bed 103. San Clemente Island. Leasable. 2.90 square miles. This bed extends
From a line drawn 226° from Seal Cove to a line drawn 0° from Northwest Harbor. 2.89
square miles., defined as the area bounded by the mean high tide line and straight lines
connecting the following points in the order listed except where noted:
32° 54.458' N. lat. 118° 32.017' W. long.;
32° 51.927' N. lat. 118° 34.637' W. long.; thence northward along the three nautical mile
offshore boundary to
33° 05.298' N. lat. 118° 35.312' W. long.; and
33° 01.713' N. lat. 118° 35.312' W. long.

Bed 104. San Clemente Island. Open. 0.22 square miles. This bed extends from
From a line drawn 0° from Northwest Harbor to a line drawn 120° from Pyramid Head. 0.22
square miles., defined as the area bounded by the mean high tide line and straight lines
connecting the following points in the order listed except where noted:
33° 01.713' N. lat. 118° 35.312' W. long.;
33° 05.298' N. lat. 118° 35.312' W. long.; thence southeastward along the three nautical
mile offshore boundary to
32° 47.494' N. lat. 118° 17.943' W. long.; and
32° 49.221' N. lat. 118° 20.948' W. long.
Bed 105. Santa Catalina Island. Entire island. Open. 0.75 square miles. This area is bounded by the mean high tide line and the three nautical mile offshore boundary surrounding Santa Catalina Island.

Bed 106. Santa Barbara Island. Entire island. 0.23 square miles. Leasable. 0.24 square miles. This area is bounded by the mean high tide line and the three nautical mile offshore boundary surrounding Santa Barbara Island.

Bed 107. San Nicolas Island. Leasable. 1.15 square miles. This bed extends along the southern side of San Nicolas Island from South of a line drawn 75° from the east end at Sand Spit to a line drawn 283° from the west end at Vizcaino Point. 1.15 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 13.618' N. lat. 119° 26.070' W. long.;
33° 14.733' N. lat. 119° 21.909' W. long.; thence westward along the three nautical mile offshore boundary to
33° 17.813' N. lat. 119° 39.569' W. long.; and
33° 16.690' N. lat. 119° 34.705' W. long.

Bed 108. San Nicolas Island. Leasable. 2.85 square miles. This bed extends along the northern side of San Nicolas Island from North of a line drawn 283° from the west end at Vizcaino Point to a line drawn 75° from the east end at Sand Spit. 2.85 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 16.690' N. lat. 119° 34.705' W. long.;
33° 17.813' N. lat. 119° 39.569' W. long.; thence eastward along the three nautical mile offshore boundary to
33° 14.733' N. lat. 119° 21.909' W. long.; and

Bed 109. Anacapa Islands. All islands. Open. 0.32 square miles. This bed encompasses all of the Anacapa Islands, defined as the area bounded by the mean high tide line and a straight line connecting the following points in the order listed except where noted:
34° 03.605' N. lat. 119° 28.116' W. long.; and
33° 58.999' N. lat. 119° 29.556' W. long.; thence eastward along the three nautical mile offshore boundary to
34° 03.605' N. lat. 119° 28.116' W. long.

Bed 110. Santa Cruz Island. Open. 0.64 square miles. This bed extends from a line drawn 86° from San Pedro Pt. to a line drawn 170° from Bowen Pt. 0.64 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 02.046' N. lat. 119° 31.220' W. long.;
34° 02.233' N. lat. 119° 28.545' W. long.;
33° 58.999' N. lat. 119° 29.556' W. long.; thence westward along the three nautical mile offshore boundary to
33° 54.557' N. lat. 119° 42.741' W. long.; and
33° 57.562' N. lat. 119° 43.271' W. long.

Bed 111. Santa Cruz Island. Leasable. 0.61 square miles. This bed extends from a line drawn 170° from Bowen Pt. to a line drawn 306° from West Pt. 0.61 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 57.562' N. lat. 119° 43.271' W. long.
33° 54.557' N. lat. 119° 42.741' W. long.; thence westward along the three nautical mile offshore boundary to
33° 56.287' N. lat. 119° 54.419' W. long.;
34° 03.640' N. lat. 119° 59.420' W. long.; thence northeastward along the three nautical mile offshore boundary to
34° 06.632' N. lat. 119° 57.912' W. long.; and
34° 04.632' N. lat. 119° 55.159' W. long.

Bed 112. Santa Cruz Island. Open. 0.11 square miles. This bed extends from a line drawn 306° from West Pt. to a line drawn 86° from San Pedro Pt. 0.11 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 04.632' N. lat. 119° 55.159' W. long.;
34° 06.632' N. lat. 119° 57.912' W. long.; thence eastward along the three nautical mile offshore boundary to
34° 03.605' N. lat. 119° 28.116' W. long.;
34° 02.233' N. lat. 119° 28.545' W. long.; and
34° 02.046' N. lat. 119° 31.220' W. long.

Bed 113. Santa Rosa Island. Open. 0.59 square miles. This bed extends from a line drawn 61° from Skunk Pt. to a line drawn 180° from South Pt. 0.59 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 58.979' N. lat. 119° 58.837' W. long.;
34° 00.021' N. lat. 119° 56.958' W. long.;
33° 56.287' N. lat. 119° 54.419' W. long.; thence southwestward along the three nautical mile offshore boundary to
33° 50.623' N. lat. 120° 06.954' W. long.; and
33° 53.657' N. lat. 120° 06.954' W. long.

Bed 114. Santa Rosa Island. Open. 2.18 square miles. This bed extends from a line drawn 180° from South Pt. to a line drawn 285° from Sandy Pt. 2.17 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
33° 53.657' N. lat. 120° 06.954' W. long.;
33° 50.623' N. lat. 120° 06.954' W. long.; thence northwestward along the three nautical mile offshore boundary to
33° 58.204' N. lat. 120° 17.918' W. long.;
34° 00.631' N. lat. 120° 16.744' W. long.; and
34° 00.161' N. lat. 120° 14.992' W. long.

Bed 115. Santa Rosa Island. Open. 1.59 square miles. This bed extends from a line drawn 285° from Sandy Pt. to a line drawn 45° from Carrington Pt. 1.59 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
34° 00.161' N. lat. 120° 14.992' W. long.;
34° 00.631' N. lat. 120° 16.744' W. long.;
34° 03.466' N. lat. 120° 15.373' W. long.; thence eastward along the three nautical mile offshore boundary to
34° 04.486' N. lat. 120° 00.248' W. long.; and
34° 02.146' N. lat. 120° 02.587' W. long.

Bed 116. Santa Rosa Island. Open. 0.62 square miles. This bed extends from a line drawn 45° from Carrington Pt. to a line drawn 61° from Skunk Pt. 0.62
square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 02.146' N. lat. 120° 02.587' W. long.;
34° 04.486' N. lat. 120° 00.248' W. long.; thence southeastward along the three nautical mile offshore boundary to
34° 03.640' N. lat. 119° 59.420' W. long.;
34° 00.021' N. lat. 119° 56.958' W. long.; and
33° 58.979' N. lat. 119° 58.837' W. long.

Bed 117. San Miguel Island. Open. 1.35 square miles. This bed extends along the southern side of San Miguel Island from South of a line drawn 60° from Cardwell Pt. to a line drawn 231° from Pt. Bennett. 1.35 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 01.305' N. lat. 120° 18.514' W. long.;
34° 02.984' N. lat. 120° 15.606' W. long.;
33° 58.204' N. lat. 120° 17.918' W. long.; thence westward along the three nautical mile offshore boundary to
33° 59.614' N. lat. 120° 29.817' W. long.; and
34° 01.778' N. lat. 120° 27.144' W. long.

Bed 118. San Miguel Island. Open. 1.51 square miles. This bed extends along the northern side of San Miguel Island from North of a line drawn 231° from Pt. Bennett to a line drawn 60° from Cardwell Pt. 1.51 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 01.778' N. lat. 120° 27.144' W. long.;
33° 59.614' N. lat. 120° 29.817' W. long.; thence northwestward along the three nautical mile offshore boundary to
34° 03.466' N. lat. 120° 15.373' W. long.;
34° 02.984' N. lat. 120° 15.606' W. long.; and
34° 01.305' N. lat. 120° 18.514' W. long.

Total Channel Island Kelp Beds .......................................................... 20.65
20.68 square miles

(3) Mainland Kelp Beds (Pt. Arguello to Point Montara)

Bed 202. Leasable. 0.10 square miles. This bed extends from From a line drawn 270° from Pt. Arguello to a line drawn 270° from Point Sal. 0.10 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 34.612' N. lat. 120° 39.039' W. long.;
34° 34.612' N. lat. 120° 42.763' W. long.; thence northward along the three nautical mile offshore boundary to
34° 54.182' N. lat. 120° 44.006' W. long.; and
34° 54.182' N. lat. 120° 40.311' W. long.

Bed 203. Closed. 0.00 square miles. This bed extends from From a line drawn 270° from Point Sal to a line drawn 270° from Pismo Beach Pier. 0.00 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 54.182' N. lat. 120° 40.311' W. long.;
34° 54.182' N. lat. 120° 44.006' W. long.; thence northward along the three nautical mile offshore boundary to
35° 06.359' N. lat. 120° 45.369' W. long.;
35° 08.259' N. lat. 120° 45.369' W. long.;
35° 08.259' N. lat. 120° 38.803' W. long.; and
35° 08.311' N. lat. 120° 38.636' W. long.

Bed 204. Leasable. 0.72 square miles. This bed extends from From a line drawn 270° from Pismo Beach Pier to a line drawn 180° from Point San Luis. 0.72 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed:
35° 08.311' N. lat. 120° 38.636' W. long.;
35° 08.259' N. lat. 120° 38.803' W. long.;
35° 08.259' N. lat. 120° 45.369' W. long.; and
35° 09.600' N. lat. 120° 45.369' W. long.

Bed 205. Open. 0.64 square miles. This bed extends from From a line drawn 180° from Point San Luis to a line drawn 260° from Point Buchon. 0.64 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
35° 09.600' N. lat. 120° 45.369' W. long.;
35° 06.359' N. lat. 120° 45.369' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 14.015' N. lat. 120° 57.535' W. long.; and
35° 15.308' N. lat. 120° 53.984' W. long.

Bed 206. Closed. 0.04 square miles. This bed extends from From a line drawn 250° from Point Buchon to a line drawn 270° from Morro Rock. 0.04 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
35° 15.308' N. lat. 120° 53.984' W. long.;
35° 14.015' N. lat. 120° 57.535' W. long.; thence northward along the three nautical mile offshore boundary to
35° 22.161' N. lat. 120° 55.921' W. long.; and
35° 22.161' N. lat. 120° 52.228' W. long.

Bed 207. Leasable. 1.46 square miles. This bed extends from From a line drawn 270° from Morro Rock to a line drawn 190° from Point Estero. 1.46 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
35° 22.161' N. lat. 120° 52.228' W. long.;
35° 22.161' N. lat. 120° 55.921' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 24.609' N. lat. 121° 00.704' W. long.; and
35° 27.621' N. lat. 121° 00.173' W. long.

Bed 208. Leasable. 2.61 square miles. This bed extends from From a line drawn 190° from Point Estero to a line drawn 230° from Von Helm Rock. 2.61 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
35° 27.621' N. lat. 121° 00.173' W. long.;
35° 24.609' N. lat. 121° 00.704' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 30.694' N. lat. 121° 08.680' W. long.; and
35° 32.904' N. lat. 121° 06.046' W. long.

Bed 209. Leasable. 2.20 square miles. This bed extends from a line drawn 230° from Von Helm Rock to a line drawn 200° from San Simeon Point. 2.20 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 32.904' N. lat. 121° 06.046' W. long.;
35° 30.694' N. lat. 121° 08.680' W. long.; thence northward along the three nautical mile offshore boundary to
35° 35.234' N. lat. 121° 12.753' W. long.; and
35° 38.063' N. lat. 121° 11.723' W. long.

Bed 210. Leasable. 2.02 square miles. This bed extends from a line drawn 200° from San Simeon Point to a line drawn 230° from Point Piedras Blancas. 2.02 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 38.063' N. lat. 121° 11.723' W. long.;
35° 35.234' N. lat. 121° 12.753' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 37.682' N. lat. 121° 19.849' W. long.; and
35° 39.905' N. lat. 121° 17.201' W. long.

Bed 211. Leasable. 1.50 square miles. This bed extends from a line drawn 230° from Point Piedras Blancas to a line drawn 240° from Salmon Head. 1.50 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 39.905' N. lat. 121° 17.201' W. long.;
35° 37.682' N. lat. 121° 19.849' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 46.880' N. lat. 121° 25.878' W. long.; and
35° 48.725' N. lat. 121° 22.414' W. long.

Bed 212. Leasable. 1.26 square miles. This bed extends from a line drawn 240° from Salmon Head to a line drawn 240° from Cape San Martin. 1.26 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 48.725' N. lat. 121° 22.414' W. long.;
35° 46.880' N. lat. 121° 25.878' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 51.420' N. lat. 121° 31.231' W. long.; and
35° 53.346' N. lat. 121° 27.895' W. long.

Bed 213. Open. 2.14 square miles. This bed extends from a line drawn 240° from Cape San Martin to a line drawn 240° from Lopez Point. 2.14 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 53.346' N. lat. 121° 27.895' W. long.;
35° 51.420' N. lat. 121° 31.231' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 59.281' N. lat. 121° 37.281' W. long.; and
36° 01.164' N. lat. 121° 34.019' W. long.

Bed 214. Leasable. 2.03 square miles. This bed extends from a line drawn 240° from Lopez Point to a line drawn 240° from Partington Point. 2.03 square miles.
defined as the area bounded by the mean high tide line and straight lines connecting
the following points in the order listed except where noted:
36° 01.164' N. lat. 121° 34.019' W. long.;
35° 59.281' N. lat. 121° 37.281' W. long.; thence northwestward along the three nautical
mile offshore boundary to
36° 08.740' N. lat. 121° 44.957' W. long.; and
36° 10.494' N. lat. 121° 41.919' W. long.

Bed 215. Open. 0.80 square miles. This bed extends from From a line drawn
240° from Partington Point to a line drawn 200° from Pfeiffer Point. 0.80 square miles.,
defined as the area bounded by the mean high tide line and straight lines connecting
the following points in the order listed except where noted:
36° 10.494' N. lat. 121° 41.919' W. long.;
36° 08.740' N. lat. 121° 44.957' W. long.; thence northwestward along the three nautical
mile offshore boundary to
36° 11.127' N. lat. 121° 49.986' W. long.; and
36° 14.124' N. lat. 121° 48.895' W. long.

Bed 216. Leasable. 3.08 square miles. This bed extends from From a line drawn
200° from Pfeiffer Point to a line drawn 200° from Point Sur. 3.08 square miles., defined
as the area bounded by the mean high tide line and straight lines connecting the
following points in the order listed except where noted:
36° 14.124' N. lat. 121° 48.895' W. long.;
36° 11.127' N. lat. 121° 49.986' W. long.; thence northwestward along the three nautical
mile offshore boundary to
36° 14.629' N. lat. 121° 55.539' W. long.; and
36° 18.431' N. lat. 121° 54.156' W. long.

Bed 217. Open. 2.38 square miles. This bed extends from From a line drawn
200° from Point Sur to a line drawn 270° from Yankee Point. 2.38 square miles., defined
as the area bounded by the mean high tide line and straight lines connecting the
following points in the order listed except where noted:
36° 18.431' N. lat. 121° 54.156' W. long.;
36° 14.629' N. lat. 121° 55.539' W. long.; thence northward along the three nautical mile
offshore boundary to
36° 29.407' N. lat. 122° 00.729' W. long.; and
36° 29.407' N. lat. 121° 56.758' W. long.

Bed 218. Open. 0.49 square miles. This bed extends from From a line drawn
270° from Yankee Point to a line drawn 270° from Point Lobos. 0.50 square miles., defined
as the area bounded by the mean high tide line and straight lines connecting the
following points in the order listed except where noted:
36° 29.407' N. lat. 121° 56.758' W. long.;
36° 29.407' N. lat. 122° 00.729' W. long.; thence northward along the three nautical mile
offshore boundary to
36° 31.445' N. lat. 122° 01.314' W. long.; and
36° 31.445' N. lat. 121° 57.282' W. long.

Bed 219. Open. 1.28 square miles. This bed extends from From a line drawn
270° from Point Lobos to a line drawn 270° from Point Cypress. 1.28 square miles., defined
as the area bounded by the mean high tide line and straight lines connecting the
following points in the order listed except where noted:
36° 31.445' N. lat. 121° 57.282' W. long.;
36° 31.445' N. lat. 122° 01.314' W. long.; thence northward along the three nautical mile offshore boundary to
36° 34.809' N. lat. 122° 02.581' W. long.; and
36° 34.809' N. lat. 121° 58.722' W. long.

Bed 220. Open. 1.88 square miles. This bed extends from From a line drawn
270° from Point Cypress to a line drawn 000° from Monterey Pier. 1.88 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
36° 34.809' N. lat. 121° 58.722' W. long.;
36° 34.809' N. lat. 122° 02.581' W. long.; thence northward along a line three nautical miles from shore to
36° 40.597' N. lat. 121° 53.385' W. long.;
36° 36.351' N. lat. 121° 53.357' W. long.;
36° 36.290' N. lat. 121° 53.357' W. long.; and
36° 36.113' N. lat. 121° 53.385' W. long.

A kelp harvester may not harvest kelp in that portion of kelp bed 220 that lies south of latitude 36° 36.830' N. and north of the Monterey Breakwater.

Bed 221. Open. 0.90 square miles. This bed extends from From a line drawn
000° from Monterey Pier to a line drawn 180° from Santa Cruz Pier. 0.90 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed:
36° 36.113' N. lat. 121° 53.385' W. long.;
36° 36.290' N. lat. 121° 53.357' W. long.;
36° 36.351' N. lat. 121° 53.357' W. long.;
36° 40.597' N. lat. 121° 53.385' W. long.; thence northward along a line three nautical miles from shore to
36° 54.053' N. lat. 122° 01.035' W. long.;
36° 57.433' N. lat. 122° 01.035' W. long.;
36° 57.529' N. lat. 122° 01.070' W. long.; and
36° 57.727' N. lat. 122° 01.369' W. long.

Bed 222. Open. 0.81 square miles. This bed extends from From a line drawn
180° from Santa Cruz Pier to a line drawn 240° from Sand Hill Bluff. 0.81 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
36° 57.727' N. lat. 122° 01.369' W. long.;
36° 57.529' N. lat. 122° 01.070' W. long.;
36° 57.433' N. lat. 122° 01.035' W. long.;
36° 54.053' N. lat. 122° 01.035' W. long.; thence northwestward along a line three nautical miles from shore to
36° 56.762' N. lat. 122° 12.317' W. long.; and
36° 58.575' N. lat. 122° 09.178' W. long.

Bed 223. Leasable. 0.19 square miles. This bed extends from From a line drawn
240° from Sand Hill Bluff to a line drawn 240° from Point Ano Nuevo. 0.19 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
36° 58.575' N. lat. 122° 09.178' W. long.;
36° 56.762' N. lat. 122° 12.317' W. long.; thence northwestward along the three nautical mile offshore boundary to
37° 04.681' N. lat. 122° 23.354' W. long.; and
37° 06.765' N. lat. 122° 19.743' W. long.

Bed 224. Closed. 0.06 square miles. This bed extends from a line drawn 240° from Point Ano Nuevo to a line drawn 270° from Pescadero Point. 0.06 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 06.765' N. lat. 122° 19.743' W. long.;
37° 04.681' N. lat. 122° 23.354' W. long.; thence northwestward along the three nautical mile offshore boundary to
37° 14.514' N. lat. 122° 29.134' W. long.; and
37° 14.514' N. lat. 122° 25.169' W. long.

Bed 225. Closed. 0.00 square miles. This bed extends from a line drawn 270° from Pescadero Point to a line drawn 270° from Point Montara. 0.00 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 14.514' N. lat. 122° 25.169' W. long.;
37° 14.514' N. lat. 122° 29.134' W. long.; thence northward along the three nautical mile offshore boundary to
37° 32.173' N. lat. 122° 35.012' W. long.; and
37° 32.173' N. lat. 122° 31.194' W. long.

Total area of Mainland Kelp Beds (Pt. Arguello to Point Montara)......28.60 28.59 square miles

(4) Mainland Kelp Beds (Point Montara to Oregon).

Bed 226. Closed. 0.00 square miles. This bed extends from a line drawn 270° from Point Montara to a line drawn 270° from Fort Point. 0.00 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 32.173' N. lat. 122° 31.194' W. long.;
37° 32.173' N. lat. 122° 35.012' W. long.; thence northward along the three nautical mile offshore boundary to
37° 48.661' N. lat. 122° 36.577' W. long.; and
37° 48.661' N. lat. 122° 28.649' W. long.

Bed 301. Closed. 0.00 square miles. This bed extends from a line drawn 270° from Fort Point to a line drawn 240° from Duncan's Point. 0.00 square miles, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 48.661' N. lat. 122° 36.577' W. long.;
37° 48.661' N. lat. 122° 36.577' W. long.; thence northwestward along the three nautical mile offshore boundary to
37° 59.717' N. lat. 123° 05.276' W. long.; and
37° 59.717' N. lat. 123° 01.449' W. long.

San Francisco Bay is excluded from Bed 301. For the purposes of this subsection San Francisco Bay is defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed:

37° 49.534' N. lat. 122° 28.760' W. long.; and
37° 48.661' N. lat. 122° 28.649' W. long.

Bed 302. Closed. 0.00 square miles. This bed extends from a line drawn 270° from Point Reyes to a line drawn 240° from Duncan's Point. 0.00 square miles.
defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
37° 59.717' N. lat. 123° 01.449' W. long.;
37° 59.717' N. lat. 123° 05.276' W. long.; thence northward along the three nautical mile offshore boundary to
38° 21.787' N. lat. 123° 08.807' W. long.; and
38° 23.572' N. lat. 123° 05.714' W. long.

Bed 303. Closed. 1.33 square miles. This bed extends from From a line drawn 240° from Duncan's Point to a line drawn 270° from Gualala Point. 1.33 square miles.,
defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
38° 23.572' N. lat. 123° 05.714' W. long.;
38° 21.787' N. lat. 123° 08.807' W. long.; thence northwestward along the three nautical mile offshore boundary to
38° 45.158' N. lat. 123° 36.973' W. long.; and
38° 45.158' N. lat. 123° 31.627' W. long.

Bed 304. Closed. 0.89 square miles. This bed extends from From a line drawn 270° from Gualala Point to a line drawn 240° from Iverson Point. 0.89 square miles.,
defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
38° 45.158' N. lat. 123° 36.973' W. long.;
38° 45.158' N. lat. 123° 31.627' W. long.; thence northward along the three nautical mile offshore boundary to
38° 48.954' N. lat. 123° 41.880' W. long.; and
38° 50.724' N. lat. 123° 38.819' W. long.

Bed 305. Closed. 1.11 square miles. This bed extends from From a line drawn 240° from Iverson Point to a line drawn 330° from Point Arena. 1.11 square miles.,
defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
38° 50.724' N. lat. 123° 38.819' W. long.;
38° 48.954' N. lat. 123° 41.880' W. long.; thence northward along the three nautical mile offshore boundary to
39° 00.332' N. lat. 123° 46.245' W. long.; and
38° 57.310' N. lat. 123° 44.501' W. long.

Bed 306. Closed. 1.03 square miles. This bed extends from From a line drawn 330° from Point Arena to a line drawn 270° from Stillwell Point. 1.03 square miles.,
defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
38° 57.310' N. lat. 123° 44.501' W. long.;
39° 00.332' N. lat. 123° 46.245' W. long.; thence northward along the three nautical mile offshore boundary to
39° 15.200' N. lat. 123° 51.699' W. long.; and
39° 15.200' N. lat. 123° 47.211' W. long.

Bed 307. Closed. 0.93 square miles. This bed extends from From a line drawn 270° from Stillwell Point to a line drawn 270° from the middlemouth of Ten-mile River. 0.93 square miles.,
defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
39° 15.200' N. lat. 123° 47.211' W. long.;
39° 15.200’ N. lat. 123° 51.699’ W. long.; thence northward along the three nautical mile offshore boundary to
39° 33.260’ N. lat. 123° 50.548’ W. long.; and
39° 33.260’ N. lat. 123° 46.000’ W. long.

Bed 308. Lease only. 0.20 square miles. This bed extends from a line drawn 270° from the middlemouth of Ten-mile River to a line drawn 180° from Point Delgada. 0.20 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
39° 33.260’ N. lat. 123° 46.000’ W. long.;
39° 33.260’ N. lat. 123° 50.548’ W. long.; thence northward along the three nautical mile offshore boundary to
39° 57.631’ N. lat. 124° 04.134’ W. long.; and
40° 01.278’ N. lat. 124° 04.134’ W. long.

Bed 309. Lease only. 0.14 square miles. This bed extends from a line drawn 180° from Point Delgada to a line drawn 260° from Point Cape Mendocino. 0.14 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
40° 01.278’ N. lat. 124° 04.134’ W. long.;
39° 57.631’ N. lat. 124° 04.134’ W. long.; thence northwestward along the three nautical mile offshore boundary to
40° 25.120’ N. lat. 124° 31.323’ W. long.; and

Bed 310. Closed. 0.00 square miles. This bed extends from a line drawn 260° from Cape Mendocino to a line drawn 300° from the South jetty of Humboldt Bay. 0.00 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
40° 26.309’ N. lat. 124° 24.582’ W. long.;
40° 25.120’ N. lat. 124° 31.323’ W. long.; thence northeastward along the three nautical mile offshore boundary to
40° 47.711’ N. lat. 124° 17.801’ W. long.;
40° 45.889’ N. lat. 124° 14.644’ W. long.; and
40° 45.433’ N. lat. 124° 14.102’ W. long.

Bed 311. Closed. 0.00 square miles. This bed extends from a line drawn 300° from the South jetty of Humboldt Bay to a line drawn 270° from the middlemouth of the Klamath River. 0.00 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
40° 45.433’ N. lat. 124° 14.102’ W. long.;
40° 45.889’ N. lat. 124° 14.644’ W. long.;
40° 47.711’ N. lat. 124° 17.801’ W. long.; thence northward along the three nautical mile offshore boundary to
41° 32.828’ N. lat. 124° 10.636’ W. long.; and
41° 32.828’ N. lat. 124° 04.821’ W. long.

Bed 312. Lease only. 0.20 square miles. This bed extends from a line drawn 270° from the middlemouth of the Klamath River to a line drawn 250° from the California-Oregon Boundary. California/Oregon Border 0.20 square miles., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:
41° 32.828’ N. lat. 124° 04.821’ W. long.;
41° 32.828' N. lat. 124° 10.636' W. long.; thence northward along the three nautical mile offshore boundary to
42° 00.000' N. lat. 124° 19.814' W. long.; and
42° 00.000' N. lat. 124° 12.735' W. long.

Total area of mainland beds, Mainland Kelp Beds (Point Montara to California/Oregon Border) ...................... 5.83 square miles
Grand Total 74.17 square miles

(k) Those beds not subject to lease are as follows:

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<thead>
<tr>
<th>Bed No.</th>
<th>Square Miles</th>
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<tbody>
<tr>
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<tr>
<td>2</td>
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<tr>
<td>7</td>
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<tr>
<td>8</td>
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<tr>
<td>9</td>
<td>0.39</td>
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<td>13</td>
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<tr>
<td>14</td>
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<tr>
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<tr>
<td>23</td>
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<tr>
<td>25</td>
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<tr>
<td>28</td>
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<td>33</td>
<td>0.97</td>
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Mainland Beds (Pt. Montara to California-Oregon Border)

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Island Beds

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