


State of California
Department of Fish and Wildlife

Memorandum

Date: January 25, 2017

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Craig Shuman, D. Env. 
Marine Region Manager

Subject: **Submission of Presentation to be Included in the Tribal Committee's Briefing Binder**

On December 7, 2016, the Fish and Game Commission (Commission) requested the Department of Fish and Wildlife (Department) provide a presentation to the Tribal Committee on the process to review and amend regulations for the commercial harvest of marine algae. Attached please find the Department presentation to be included in the Tribal Committee's February 7, 2017 meeting briefing binder.

If you have questions or need additional information, please contact Dr. Craig Shuman, Marine Region Manager, by telephone at (805) 568-1246 or by email at Craig.Shuman@wildlife.ca.gov.

Attachment

cc: Department of Fish and Wildlife

Tom Barnes, Environmental Program Manager
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Kirsten Ramey, Senior Environmental Scientist
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Rebecca Flores Miller, Environmental Scientist
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Nathan Voegeli, Attorney and Tribal Liaison
Office of General Council
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Process to Review and Amend Regulations for the Commercial Harvest of Marine Algae



Tribal Committee Meeting
February 7, 2017

Rebecca Flores Miller
California Department of Fish and Wildlife

Photo Credit: R. Flores Miller



Outline

- Background
- Pathway supported by Commission
- Challenges
- Outreach to Tribal Governments
- Closing



bladderwrack

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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



Commercial Regulation Overhaul

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



Commercial Regulation Overhaul and Challenges

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

Challenges

- CEQA costs
- Time



Outreach to Tribal Governments



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



January 10, 2017

SUBJECT: NOTIFICATION OF CONSIDERATION TO RECOMMEND AMENDING TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTIONS 165 AND 165.5 FOR THE COMMERCIAL HARVEST OF MARINE ALGAE

Dear Honorable Tribal Representative:

The California Department of Fish and Wildlife (CDFW) would like to inform you that its Marine Region is proposing to recommend to the California Fish and Game Commission (Commission) amendments to Title 14, California Code of Regulations Sections 165 and 165.5 for the commercial harvest of kelp and other marine algae (Project). CDFW welcomes direct communication and consultation prior to the public review process to discuss the Project and identify any Project impacts to Tribal interests or cultural resources.

The Project is a result of CDFW and the Commission's awareness of an increased interest in the commercial harvest of marine algae. To prepare for a potential harvest increase, the Commission approved a three-phase approach to review and update the regulations during their June 2012 meeting. The Phase One amendments became effective in 2014. These amendments addressed regulations for the commercial harvest of kelp and included: updating kelp bed boundaries, requiring a kelp harvest plan for all leases and for all mechanical harvest, and editorial changes to improve clarity and consistency of the regulations.

The current phase of the Project, Phase Two, will focus on management policies which may include edible and agar-bearing algae harvest methods and seasons as well as a clean-up of the regulation language to enhance regulation clarity. Phase Three of the Project will follow Phase Two and will address license fees and royalty rates.

The area of interest for Phase Two of the Project is coastwide and includes the offshore islands. Phase Two is anticipated to impact the commercial harvest of kelp and other marine algae, which may be of interest to your Tribe.

CDFW's goal is to understand Tribal interests and concerns early in the Phase Two review process and to work collaboratively to resolve any concerns. CDFW is committed to open communication with your Tribe under its Tribal Communication and Consultation Policy, which is available through CDFW's Tribal Affairs webpage at <https://www.wildlife.ca.gov/General-Counsel/Tribal-Affairs>. A brief update on the status of the Phase Two review is expected to be an item during the Fish and Game Commission's Tribal Committee meeting on February 7, 2017.

CDFW respectfully requests your preliminary input regarding the Phase Two review by February 23, 2017. If you would like more information, please contact Rebecca Flores Miller, Environmental Scientist at Rebecca.Floresmiller@wildlife.ca.gov, 831-649-2835, or write to Rebecca Flores Miller, California Department of Fish and Wildlife, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940.

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- Mailed January 10, 2017
- Requested comments by February 23, 2017
- Received comments
 - Elk Valley Rancheria
 - Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- Guidance on further outreach



Closing

- Background
- Overhaul
- Challenges
- Outreach



bull kelp

Photo Credit: R. Flores Miller



Thank You  **Questions?**

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