

STAFF SUMMARY FOR OCTOBER 14, 2021

24. COMMERCIAL KELP HARVEST PERMIT**Today's Item****Information** ☐**Action** ☒

Consider approving Lance (Jeff) Maassen's permit application for commercial harvest of *Sargassum horneri* (*S. horneri*) at Anacapa Island, Ventura County, and Santa Rosa Island, Santa Barbara County, including the permit conditions and royalty amount.

Summary of Previous/Future Actions

- | | |
|--|---|
| • FGC received application for permit to harvest <i>S. horneri</i> | Oct 14, 2020; Webinar/Teleconference |
| • FGC referred application to DFW for review and recommendation | Dec 9-10, 2020; Webinar/Teleconference |
| • FGC received DFW recommendation and continued action to next meeting | Aug 18, 2021; Webinar/Teleconference |
| • Today consider approving application | Oct 14, 2021; Webinar/Teleconference |

Background

Section 165, Title 14 defines the provisions for commercially harvesting kelp and other marine aquatic plants. Subsections 165(a) and (b) provide general permitting and harvesting provisions, while subsections 165(c) – (e) define provisions specific to harvest of giant and bull kelp, specified agar-bearing marine plants, and specified edible seaweed species, respectively. For all other species of kelp not specified, subsection 165(f) provides a pathway for an applicant to apply to FGC for commercial harvest authorization for specific amounts and locations. FGC may set the conditions and royalty amount after reviewing the application.

In Oct 2020, FGC received an application from Lance (Jeff) Maassen requesting authorization pursuant to subsection 165(f) to commercially harvest *S. horneri*, a non-native, invasive marine algal species not specified in Section 165 (Exhibit 1). Mr. Maassen proposed to harvest by hand at Anacapa and Santa Rosa islands in Southern California. In applying for the permit, Mr. Maassen acknowledged the ecological impacts *S. horneri* has already had on native algal communities, and suggested commercial harvest to contribute to removal efforts for this invasive species. Mr. Maassen offered to collaborate closely with DFW staff to ensure the hand harvesting methods used are appropriate for removing an invasive species. He believes collaboration will “facilitate efficient scaling and enable measured ecological outcomes.” In Dec 2020, FGC referred the request to DFW for review and recommendation.

DFW Review

At its Aug 2021 meeting, FGC received DFW's review and recommendation for consideration and potential action (Exhibit 2). DFW noted it had conferred with the applicant regarding specific harvest conditions, amounts, and locations. DFW has identified seven precautionary harvest conditions to prevent the inadvertent spread or increased distribution of this species; with these measures in place, DFW does not consider the commercial harvest likely to increase the risk of perpetuating or expanding *S. horneri* populations, nor does it expect the

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proposed level of take to have any measurable impact on the species in the proposed harvest locations.

DFW recommends that harvest locations be defined through boundary coordinates, reporting be required via harvest logs, and the same royalty rate be set as for edible seaweed harvest, which is \$24 per wet ton. The royalty rate would be reviewed with rates for other kelp and seaweeds during the future review of marine algae regulations. If the application is approved, DFW intends to continue working closely with the applicant to evaluate the effectiveness and practicality of the harvest conditions, and notes that in the future it may be necessary to adaptively modify the permit conditions regarding harvest methods.

At its Aug 2021 meeting, FGC discussed the application and DFW's review. FGC continued action on this item to today, to allow time for further FGC deliberation after FGC staff responded to inquiries made at the meeting..

FGC Staff Analysis

FGC has previously considered and denied public petitions to authorize fisheries for non-native, invasive species. A notable example is Chinese mitten crab. In the late 1980s, late 1990s, and again in 2013, FGC received requests to commercially harvest Chinese mitten crab for economic gain while helping "to control/eradicate," and "to curb poaching/harvesting which otherwise could lead to illegal local sales." A highly prized delicacy in other areas of the globe, the species was spreading along the Pacific coast's waterways, damaging habitat, and causing ecological and economic devastation, resulting in an active West Coast-wide eradication effort. FGC received letters in strong opposition to opening a commercial fishery for Chinese mitten crab from the states of Oregon and Washington, academics, and the public. FGC denied the petitions to prevent risk of further inadvertent or intentional spread and avoid an expectation for DFW to maintain a fishery for which economic value has been established.

Today's consideration of a kelp harvest permit is similar in that it seeks to commercially harvest an invasive species, *S. horneri*. However, there are several important differences: (1) At the time of FGC's denial, eradication of mitten crab was still considered a possibility and being actively pursued. In contrast, *S. horneri* populations have already supplanted stressed native kelp and algae in vast areas through the Northern Channel Islands, and managers consider eradication there infeasible; the ecological consequences have already been realized. (2) There have been many recent, massive shifts in the ocean ecosystem. We are leveraging new approaches to help us adapt management practices and develop new management tools as we face unprecedented, and in many cases previously unimaginable, conditions or management responses. (3) Currently, there is minimal commercial market for *S. horneri*.

There are risks associated with potential approval of this permit. There is the risk of unintentional spread of the species. Additionally, there is a risk of developing a local commercial market for an invasive species that would increase demand for harvest, and potentially incentivize spread of the species to maintain the economic opportunity through harvest. However, staff believes the risks are relatively low and well mitigated through the measures proposed by DFW. The permit would allow for tightly-controlled harvest for a single individual, as opposed to a general commercial harvest regulation, and would not allow or set any precedent that would require FGC to allow general commercial harvest in the future. DFW has proposed tight sideboards for the

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project as described in the DFW review and analysis in Exhibit 2. Should monitoring reveal negative consequences, the permit can be canceled at any time.

Additionally, the project provides potential benefits. The project represents an opportunity to gather information about the feasibility of managing an invasive species in partnership with a commercial harvester. Outcomes may help inform potential future projects, policies or regulations, including approaches to apply in areas where eradication of *Sargassum* is still a possibility.

Approval as recommended would represent an opportunity to test a novel approach to addressing non-native invasive algal species in specific defined geographies, rather than representing a shift in policy or a departure from FGC and DFW's long-standing actions to disincentivize perpetuating the spread of invasive species. Should FGC choose to approve this approach, it is doing so as a pilot project with no assurance of a long-term commercial fishing opportunity for this species.

Significant Public Comments (N/A)

Recommendation

FGC staff: Approve the application for commercial harvest of *S. horneri* on an annual basis, subject to renewal, as recommended by DFW, and notify FGC's executive director of any changes to harvest methods specified in permit conditions.

DFW: Approve the application for commercial harvest of *S. horneri* with permit conditions, authorized harvest locations and amounts, and royalty amounts as specified in Exhibit 2. Authorize DFW to work with the applicant to develop more specific harvest areas with boundaries represented by coordinates, and authorize DFW to adaptively modify the harvest conditions as necessary.

Exhibits

1. [Email and application from Lance \(Jeff\) Maassen, including attachment and addendum, received Oct 1 and 10, 2020](#)
2. [DFW memo, received Aug 2, 2021](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the application for a commercial permit to harvest *Sargassum horneri* at Anacapa Island, Ventura County, and Santa Rosa Island, Santa Barbara County, consistent with 165 (a) and (b) and in specific locations and amounts specified, approves the permit conditions and royalty amount as recommended by the Department, and authorizes the Department to make modifications to harvest methods as needed, in consultation with the permittee and with notification to the Commission's executive director.

From: Jeff Maassen [REDACTED]
Sent: Thursday, October 1, 2020 4:29 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>
Subject: Sargassum Horneri--Request for Commercial Kelp harvest permit

Dear California Department of Fish and Game Commission,

Please see attached request packet for a commercial permit to harvest Sargassum Horneri.

Respectfully,

Lance Maassen
[REDACTED]
[REDACTED]

SARGASSUM HORNERI

Request for Commercial Kelp Harvest permit



Lance Maassen • October 2020

Dear California department of Fish and Game commissioners,

I am a Santa Barbara based Commercial Sea Urchin Fisherman and boat owner Over the last 35 years I have dive harvested within California's Subtidal waters for Sea Urchins from San Clemente Island to Fort Bragg. During this tenure I have collaborated and willingly shared information with CDF&W, UCSB, NOAA, Scripps, SDSU, USC, OPC and others to inform management and research and to hopefully ensure sustainable outcomes for Californias commercial fisheries.

I would like to request the issuance of a permit to Dive- harvest for the Invasive species "Sargassum Horneri". Over the past several years this species abundance appears to be spreading Northward has been observed to be over taking and choking out other indigenous species in the Southern California Bio region.

We are currently in discussions with San Luis Obispo based Kelp harvesting company "Kelpfulca" to collaborate in processing and distribution to explore opportunities utilizing Sargassum including utilizing in food as Seasonings, "Akamoku"(Soup), Beer, Soap and possibly a specialty fertilizer.

Pursuant to Title 14 regulatory compliance I would request some latitude and close collaboration with staff in tailoring some of the regulations and permit fees specifically towards the Hand harvesting of an invasive species which would be necessary to proceed. This would facilitate efficient scaling and enable measured ecological outcomes.

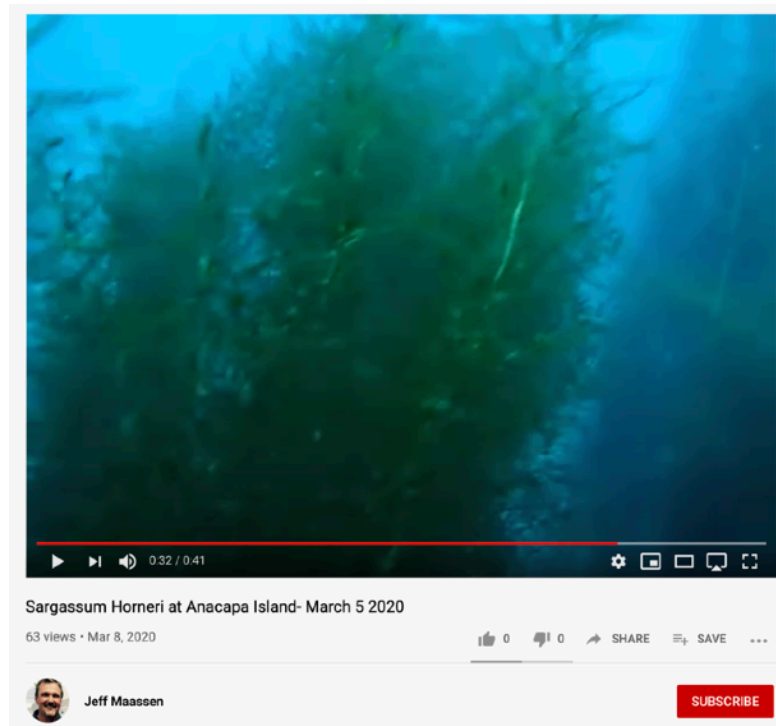
Thank You very much for your consideration,

Lance Maassen



f) All Other Species of Kelp.

(1) Applicant shall apply to the commission, outlining the species to be harvested, amount and location. The commission may set conditions and amount of royalty after review of the application.



Reference Videos:

Youtube video of Sargassum Horneri at Anacapa Island:

<https://www.youtube.com/watch?v=iqo9ASD5GAk>

<https://agris.fao.org/agris-search/search.do?recordID=JP2009005623>

1. § 165. Harvesting of Kelp and Other Aquatic Plants.

2.14 CA ADC § 165 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Term

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 1. Fish and Game Commission-Department of Fish and Game

Subdivision 1. Fish, Amphibians and Reptiles

Chapter 6. Fish, Commercial (Refs & Annos)

14 CCR § 165

§ 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 person harvesting kelp and other aquatic plants for profit shall apply each year for a license on 2015 Kelp Harvesting License Application (DFW 658 Rev. 08/14) 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 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 by 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.

(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:

1. Category of plants harvested as defined in subsections 165(c), (d) and (e).
2. The wet weight of harvested kelp or other aquatic plants recorded in pounds or tons (1 ton = 2000 lb).
3. Name and address of the person or firm to whom the plants are sold, unless utilized by the harvester.

(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).

(A) The landing records shall show:

1. The wet weight of all aquatic plants harvested in units as defined in subsection (b)(2)(A)2. above.
2. Name and address of harvester.
3. Department of Fish and Wildlife kelp harvester number.
4. Report period, royalty rate, balance of advance deposit (applicable to leased beds), royalty rate amount due and dates of landing.
5. Administrative kelp bed number and, if applicable, marine protected area where plants were harvested.

(B) A duplicate copy of the landing record shall be 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 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 submitted to the department's Accounting Services Branch at 1416 Ninth Street, Room 1215, Sacramento, CA 95814 (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090) 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.

(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) 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.

(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.

(6) Prior commission approval of a kelp harvest plan is necessary before a kelp harvester may use a mechanical harvester to harvest giant kelp.

(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.

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

(d) Harvesting of marine plants of the genera Gelidium, Pterocladia, Gracilaria, Iridaea, Gloiopeltis or Gigartina which are classified as agar-bearing plants.

(1) General Provisions.

(A) All agar-bearing plants must be harvested by cutting, except that drift or loose plants may be picked up by the harvester. Agar-bearing plants may be cut no closer than two inches to the holdfast and no holdfast may be removed or disturbed. All agar-bearing plants which are removed from a bed must be taken from the water for weighing and processing.

(B) While harvesting agar-bearing plants, it is unlawful to harvest abalone or to have abalone harvesting equipment in possession.

(C) License numbers of the harvesters will be displayed on both sides of the boat from which they are operating in 10-inch black numbers on a white background.

(D) A harvester may use conventional underwater diving gear or SCUBA when harvesting agar-bearing plants.

(2) Kelp Drying Permits. Pursuant to section 6653.5 of the Fish and Game Code, no company or individuals shall reduce the moisture content or otherwise dry agar-bearing plants harvested from waters of the state except under the authority of a kelp drying permit issued by the department. Drying permits shall be issued under the following conditions:

(A) Where Issued. Requests for kelp drying permits shall be submitted to the Department of Fish and Game at the address listed in section 165(a)(3).

(B) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit.

(C) Permit Review. The department shall return permit application forms to the applicant within three working days of receipt.

(D) Duration of Permits. Except as otherwise provided, kelp drying permits shall be valid for a term of one year from date of issue.

(E) Weighing of Kelp. All agar-bearing marine plants shall be weighed upon landing pursuant to the provisions of subsection (b)(1) of these regulations.

(F) Plant Delivery. Every person taking delivery of agar-bearing marine plants for drying purposes from persons licensed pursuant to section 6650 of the Fish and Game Code or harvesters drying their own plants shall keep a book or books recording the following:

1. A full and correct record of all agar-bearing plants received from other licensed agar harvesters or taken by permittee.
2. Names of the different species.
3. The number of pounds received.
4. Name, address and kelp harvester number of the person from whom the agar-bearing plants were received. The book(s) shall be open at all times for inspection by the department.

(G) Landing Receipts. Receipts shall be issued by all kelp drying permittees to harvesters licensed pursuant to subsection (b)(3) of these regulations and shall show:

1. Price paid.
2. Department origin block number where the agar-bearing plants were harvested.
3. Such other statistical information the department may require.

(H) The original signed copy of receipt shall be delivered to the agar harvester at the time of purchase or receipt of the agar-bearing plants. The duplicate copy shall be kept by the kelp drying permittee for a period of one year and shall be available for inspection at any time within that period by the department, and the triplicate shall be delivered to the department at the address indicated within 10 days after the close of each month, with a royalty of \$17.00 per wet ton (2,000 lbs.) for all agar-bearing seaweed received. Failure to submit the required landing receipts and royalty fees within the prescribed time limit is grounds for revocation of the permittee's drying permit.

(e) Harvesting of marine plants, including the genera Porphyra, Laminaria, Monostrema, and other aquatic plants utilized fresh or preserved as human food and classified as edible seaweed.

(1) General Provisions.

(A) Edible varieties of marine plants must be harvested by cutting or picking, except that drift or loose plants may be picked up by the harvester. All harvested plants must be processed.

(B) Edible seaweed may be harvested from state waters throughout the year, except as provided under section 164.

(C) While harvesting edible seaweed, it is unlawful to harvest abalone or to have abalone harvesting equipment in possession.

(D) A harvester may use conventional underwater diving gear or SCUBA while harvesting edible seaweed.

(2) Harvest of Bull Kelp for Human Consumption. Notwithstanding subsection 165(c) (5)(A), persons operating under the authority of an edible seaweed harvesters license may take, not to exceed, 2 tons (4,000 lbs) of bull kelp per year. The entire plant may be harvested.

(3) Weighing of Edible Marine Plants. All edible marine plants shall be weighed pursuant to the provisions of subsection (b)(1) of these regulations and landing receipts in duplicate issued as per subsection (b)(3).

(4) The original copy of the receipt shall be delivered to the department at the address indicated within 10 days after the close of each month with a royalty of \$24 per wet ton (2,000 lbs.) of edible marine plants harvested from state waters other than San Francisco Bay and Tomales Bay.

F) All Other Species of Kelp.

(1) Applicant shall apply to the commission, outlining the species to be harvested, amount and location. The commission may set conditions and amount of royalty after review of the application.

Note: Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference: Sections 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

1. Amendment of subsection (a)(3) filed 10-8-69 as an emergency; designated effective 11-10-69 (Register 69, No. 41). For prior history, see Register 69, No. 15.
2. Certificate of Compliance -section 11422.1, Gov. Code, filed 12-17-69 (Register 69, No. 51).
3. Amendment of subsection (a)(1)(E) filed 6-30-77 as an emergency; effective upon filing (Register 77, No. 27).
4. Certificate of Compliance filed 8-24-77 (Register 77, No. 35).
5. Amendment filed 3-9-81; effective thirtieth day thereafter (Register 81, No. 11).
6. Amendment filed 9-6-85; effective thirtieth day thereafter (Register 85, No. 36).
7. Change without regulatory effect of subsection (e)(3) filed 5-5-86; effective thirtieth day thereafter (Register 86, No. 19).
8. Amendment of subsections (a)(2), (a)(3) and (c)(5) filed 1-27-87; effective thirtieth day thereafter (Register 87, No. 5).
9. Amendment of subsection (c) filed 12-3-90; operative 1-2-91 (Register 91, No. 4).
10. Amendment of subsections (a) and (d) filed 4-18-91; operative 5-18-91 (Register 91, No. 21).
11. Editorial correction of printing error in subsection (c)(3) (Register 91, No. 31).
12. Amendment of subsections (a)(3) and (c)(2), new subsections (c)(5)-(c)(5)(B), subsection renumbering and amendment of newly designated subsection (c)(6), and new subsection (e)(3) and subsection renumbering filed 3-26-96; operative 3-26-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 13).
13. Amendment filed 10-25-2001; operative 11-24-2001 (Register 2001, No. 43).
14. Amendment of subsection (b)(5) filed 3-8-2005; operative 4-7-2005 (Register 2005, No. 10).
15. Change without regulatory effect amending subsection (a)(3) filed 5-5-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 18).
16. Amendment of subsections (b)(1), (b)(3), (b)(3)(D)-(F) and (c)(4)(D) filed 8-22-2007; operative 9-21-2007 (Register 2007, No. 34).
17. Editorial correction restoring inadvertently omitted subsection (c)(5) (Register 2011, No. 5).
18. Amendment of section and Note filed 1-14-2014; operative 4-1-2014 (Register 2014, No. 3).
19. Change without regulatory effect amending subsection (a)(1) filed 5-22-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 21).
20. Change without regulatory effect amending subsection (a)(1) filed 6-24-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 26).
21. Change without regulatory effect amending subsection (b)(3)(B) filed 8-8-2019 pursuant to section 100, title 1, California Code of Regulations (Register 2019, No. 32).

This database is current through 9/11/20 Register 2020, No. 37 14 CCR § 165, **14 CA ADC § 165**

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FW: Sargassum Horneri--Request for Commercial Kelp harvest permit

Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>

Tue 10/06/2020 10:10 AM

To: FGC <FGC@fgc.ca.gov>**Cc:** [REDACTED]; Dodgen, Rose-Contractor@FGC
<Rose.Dodgen@FGC.ca.gov> 1 attachments (197 KB)

LanceMaassen_2020_Request_Addendum.pdf;

Forwarding on behalf of Mr. Maassen, for attachment to his request (general public comment). Please append.

Susan

From: Jeff Maassen [REDACTED]**Sent:** Tuesday, October 6, 2020 10:01 AM**To:** Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>**Subject:** Re: Sargassum Horneri--Request for Commercial Kelp harvest permit

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Hi Susan,

Attached please find an addendum to the Sargassum harvest permit request. Could you please include this in the proposal to the FGC for issuance of a harvest permit.

Thanks

Jeff

On Mon, Oct 5, 2020 at 9:10 AM Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov> wrote:

Thanks Jeff.

From: Jeff Maassen [REDACTED]**Sent:** Saturday, October 3, 2020 1:08 PM**To:** Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>**Cc:** FGC <FGC@fgc.ca.gov>; Flores Miller, Rebecca@Wildlife
<Rebecca.FloresMiller@wildlife.ca.gov>**Subject:** Re: Sargassum Horneri--Request for Commercial Kelp harvest permit

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Hi Susan,

Yes, I can do that. Will send to you by Tuesday COB latest.

Info like;

Harvest location -Island , general reference location, IVO Lat-Lon, Block number, depth, est harvest amount per trip, expected port of landing.

Can utilize Sea Urchin Log Book etc.

Thank you

Jeff

On Fri, Oct 2, 2020 at 1:56 PM Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov> wrote:

Jeff,

I noticed that you did not specify a proposed location or amount. That is part of the regulation requirement, so you'll need to offer up something to start from.

Would you be able to submit an update by our Supplemental Comments deadline (next Fri at noon)? An email would suffice to clarify **location** (Anacapa?) and amount, even a **range of potential harvest levels**, recognizing that your application asks to coordinate this with DFW before formalizing that detail. We can append it to your letter of application already submitted.

Thank you,
Susan

From: Jeff Maassen [REDACTED]
Sent: Thursday, October 1, 2020 4:29 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>
Subject: Sargassum Horneri--Request for Commercial Kelp harvest permit

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Dear California Department of Fish and Game Commission,

Please see attached request packet for a commercial permit to harvest Sargassum Horneri.

Respectfully,

Lance Maassen

[REDACTED]

[REDACTED]

SARGASSUM HARVEST NOTES

Sites 1 & 2

1. Anacapa Island
2. Santa Rosa Island

General Reference Location:

1. Arch Rock, East End
2. Brockway Point

IVO Lat-Lon (In-Vacinity-Of):

1. N 34° 01.001' W 119° 21.318'
2. N 34° 01.743' W 120° 08.674'

F&W Block number:

1. # 707
2. #688

Depth:

1. 20'-30'
2. 15-25'

Estimated preliminary harvest amount per trip:

1. 800-1200 lbs
2. 1000-1400 lbs

Expected port of landing:

1. Oxnard
2. Santa Barbara

Misc.

- Can utilize existing dive fisheries log book for CPUE for baseline data collection
- Kelp will be tested in lab to determine suitability for human consumption.

105232

Species* _____

Boat Name

Signature _____

F&G Boat Number

```
print name
```

L Number

Each sea cucumber diver is required to fill out their own log.

Month of _____ Year _____

MAIL THIS PAGE BY THE 10TH OF THE MONTH, FOLLOWING THE RECORDED MONTH.

[illegible]

** Each sea cucumber diver is required to fill out their own log

*** Total hrs underwater is combined time of all divers who harvested in this location, to nearest 1/2 hr

Memorandum

Date: July 28, 2021

Original on file
Received 8/2/21

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Response to application to allow commercial harvest of marine alga, *Sargassum horneri***

Background

On December 9, 2020, the California Fish and Game Commission (Commission) referred an application requesting permission to commercially harvest the invasive brown marine alga, *Sargassum horneri*, to the California Department of Fish and Wildlife (Department) for review and recommendation. Current regulations pursuant to Title 14, California Code of Regulations (CCR), Section 165(f)(1) allow for an applicant to apply to the Commission, outlining the species to be harvested, amount and location. The Commission may set conditions and the royalty amount due after review of the application. Mr. Maassen (Applicant) requests the ability to commercially harvest *S. horneri* by hand, including approximately 800-1,200 pounds (lb) per trip from depths approximately 20-30 feet in the vicinity of Arch Rock, east end (Anacapa Island) and approximately 1,000-1,400 lbs per trip from depths approximately 15-25 feet in the vicinity of Brockway Point (Santa Rosa Island). The expected ports of landing are Oxnard and Santa Barbara.

Department Recommendation

The Department has reviewed the above referenced application and a subsequent addendum and recommends approving the application for commercial harvest of *S. horneri* with several conditions. *S. horneri* is an invasive alga that when established can impact the diversity and abundance of native algal communities. As such, the Department is concerned about the risks of inadvertently spreading this species due to harvest and expanding its distribution to new locations. However, with the following harvest conditions in place, the Department does not consider commercial harvest likely to increase the risk of perpetuating or expanding *S. horneri* populations in the proposed harvest locations. Further, the Department intends to work closely with the Applicant to determine the effectiveness and practicality of the harvest conditions and recommends the Commission authorize the Department to adaptively modify the conditions as necessary.

Sargassum horneri Harvest Conditions

- 1) Only non-reproductive *S. horneri* may be harvested as determined by visual inspection for the absence of reproductive receptacles. Department approved materials for the identification of reproductive receptacles will be provided.

- 2) *S. horneri* may only be harvested by hand, or with hand tools such as dive knives, scissors, or clippers, and placed in sealed non-permeable bags underwater at the point of harvest, before being transferred to a vessel.
- 3) To limit potential for dispersal, *S. horneri* may not be transported greater than 500 feet underwater from the point of harvest to the vessel.
- 4) On the vessel, bags of harvested *S. horneri* must be placed within additional containment, such as fish totes, other similar hard-sided containers, or heavy duty brailer bags to limit distribution on the deck and reduce accidental spillage of *S. horneri* while transferring from the boat to the dockside. The secondary containers, such as fish totes or brailer bags may only be washed out at upland sites or into municipal wastewater systems where appropriate.
- 5) Any debris from harvesting activity must be washed from the deck or fish hold before leaving the harvest location. Fish holds shall not be openly connected to surrounding seawater while harvesting or transporting *S. horneri*. Fish holds used to transport *S. horneri* must be sterilized with a 10% bleach solution before reconnection to seawater.
- 6) To reduce the risk of spreading to new locations, *S. horneri* may only be harvested and possessed at approved harvest and landing locations and direct routes in between, as defined by the Department.
- 7) To reduce take of incidental species, epibionts and other species should be removed from *S. horneri* prior to placement in sealed non-permeable bags and care should be taken to not remove or disturb native species while harvesting.

All general license and harvesting provisions in Section 165 also apply.

Harvest Quantity and Locations

The Department recommends the Applicant be permitted to harvest up to 1,500 lbs of *S. horneri* per trip from all approved harvest locations. The Department also recommends the Applicant be permitted to harvest from the following locations: 1) in the vicinity of Arch Rock (N 34° 01.001, W 119° 21.318) (Anacapa Island) and 2) in the vicinity of Brockway Point (N 34° 01.743, W 120° 08.674) (Santa Rosa Island), with the recommended approved ports of landing being Oxnard and Santa Barbara, respectively. However, the Department recommends the Commission authorize the Department to work with the Applicant to develop more specific harvest areas with defined boundaries represented by coordinates.

Harvest Logs and Royalty Fee

Harvesting kelp, agar, or edible seaweed for commercial purposes requires an annual Commercial Kelp Harvesting License. License holders must submit harvest logs and harvest royalty payments monthly to the Department (Title 14, CCR, subsection 165(b)). The Department recommends that the Applicant report commercial *S. horneri* harvest monthly using the Edible Seaweed/Agarweed Aquatic

Plant Harvester's Monthly Report. The monthly harvest log must be submitted by the 10th of the month for the preceding month's harvest. In addition, the Department recommends commercial *S. horneri* harvest royalty payments, regardless of end use (edible or non-edible), be equivalent to the royalty rate for edible seaweed harvest, which is \$24.00 per wet ton (\$0.012 per wet lb) (Title 14, CCR, Section 165). However, the Department also recommends that revising royalty rates for commercial *S. horneri* harvest be explored as part of the future review of marine algae regulations.

If you have any questions regarding this item, please contact Senior Environmental Scientist Specialist James Ray by email James.Ray@wildlife.ca.gov.

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