

## Proposed Regulatory Language

Section 165, Title 14, CCR, is amended to read:

### **§165. Commercial 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.~~department pursuant to this section or a marine aquaria collector's permit issued pursuant to Section 8597 of the Fish and Game Code.
- (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. Any person harvesting kelp or other aquatic plants for commercial purposes shall first obtain a valid license for that purpose and shall have that license on their person or in their immediate possession when engaged in carrying out any activity authorized by the license.~~
- (A) Kelp harvesting licenses are valid from January 1 to December 31, inclusive, or if issued after the beginning of that term, for the remainder thereof.
- (B) Drying Permits for agar-bearing marine plants. Pursuant to Section 6653.5 of the Fish and Game Code, no person shall reduce the moisture content or otherwise dry agar-bearing marine plants harvested from waters of the state except under the authority of a Drying Permit issued by the department. To obtain a Drying Permit, the applicant must choose the Drying Permit option on the Kelp Harvesting License and Drying Application (DFW 658).
- (C) License applications, informational maps depicting administrative kelp beds and fishing blocks for edible seaweed and agar-bearing marine algae, and Monthly Harvest Reports are available on request by contacting the department's Los Alamitos office by phone at (562) 342-7100.
- (2) Cost of License. See ~~section~~Section 6651 of the Fish and Game Code.
- (3) Where to Submit Applications. ~~Application forms~~The applicant for a Kelp Harvesting and Drying Permit shall submit the completed application, as specified in Section 705.1, together with the fee authorized by Section 6651 of the Fish and Game Code, to the address listed on the application.~~shall be submitted to the department's Los Alamitos office, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720. Pursuant to Section 700.5, license applications and authorized fees may also be submitted electronically upon the department's establishment of an online submission system.~~
- (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~~these 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.~~

(1) Pursuant to Section 51 of Fish and Game Code kelp is defined as kelp or other marine aquatic plants and the seeds thereof. For the purposes of these regulations, marine aquatic plants include marine algae.

(2) Harvesting Records. Every person harvesting kelp, other aquatic plants, and marine algae and licensed pursuant to Section 6650 of the Fish and Game Code shall keep a record of the following:

(A) Category of harvest as defined in subsections (c), (d), and (e).

(B) The wet weight of harvest recorded in pounds or tons (1 ton = 2,000 lbs) wet weight.

- (C) Month, day, and year of harvest.
- (D) Name and address of the person or firm to whom the harvest is sold, unless utilized by the harvester.
- (E) The record shall be available for inspection by the department.
- (3) Monthly Harvest Reports. Monthly harvest reports refer to both forms DFW 113 and DFW 113A unless otherwise described.
  - (A) Monthly Harvest Reports shall be prepared by all harvesters licensed pursuant to Section 6650 of the Fish and Game Code and the harvester shall keep a record of the following:
    - 1. the harvest specified by scientific or common name, and
    - 2. the harvest's wet weight in pounds or tons (1 ton = 2,000 lbs).
  - (B) For harvest of giant (*Macrocystis*) and bull (*Nereocystis*) kelp not for human consumption, the report shall be made using the Commercial Kelp Harvester's Monthly Report form DFW 113; see Section 705.1.
  - (C) For harvest of agar-bearing marine plants and edible seaweed, including giant and bull kelp, for human consumption, the report shall be made using the Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report form DFW 113A; see Section 705.1.
  - (D) Weighing of Kelp, Other Marine Aquatic Plants, Marine Algae, Agar-bearing Plants, and Edible Seaweed. The harvester shall determine and record the weight of harvest upon landing or delivery to the harvester's place of business. The harvester may determine the wet weight of harvest 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 with the Monthly Harvest Report.
  - (E) The Monthly Harvest Report shall be available for inspection by the department for a period of one year.
  - (F) A duplicate paper copy of the Monthly Harvest Report shall be retained by a kelp harvester for a period of one year.
  - (G) A kelp harvester who harvests kelp from a marine protected area established under subsection 632(b) shall maintain a copy of the Monthly Harvest Report on board the harvest vessel for all harvesting conducted during that harvest control period.
  - (H) Monthly Harvest Reports and royalty fees shall be submitted via paper copies or, pursuant to Section 700.5, may be submitted electronically upon the department's establishment of an online submission system. If submitting via paper copies, the original Monthly Harvest Report shall be submitted to the department's Accounting Services Branch/Cash Receipts 715 P Street, 16<sup>th</sup> Floor, Sacramento, CA 95814 (or mailed to P.O. Box 944209, Sacramento, CA 94244-2090) on or before the 10th day of each month following the month to which the Monthly Harvest Reports pertain with the specified royalty required for all kelp and other aquatic plants harvested. Monthly Harvest Reports that are mailed shall be postmarked on or before the 10th day of each month following the month to which the Monthly Harvest Reports pertain. The Monthly Harvest Report shall be submitted whether or not harvest occurred.
  - (I) Failure to submit the required Monthly Harvest Reports of harvest activity and royalty fees within the prescribed time limit and/or failure to retain the required Monthly Harvest Reports 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~~ cut, disturbed, or possessed.
- (5) No ~~kelp or other~~ marine aquatic plant, or marine algae may be harvested in a state marine reserve or state marine park as per subsection 632(a). Commercial harvest of ~~kelp or other~~ kelp, marine aquatic plants, or marine algae 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~~ kelp, marine aquatic plants, or marine algae taken in the waters of this state or to take, receive or agree to receive more ~~kelp or other~~ kelp, marine aquatic plants, or marine algae than can be used without waste or spoilage.
- (7) No person shall harvest kelp, marine aquatic plants, or edible seaweed from Tomales Bay and San Francisco Bay.
- (8) Bull kelp may not be harvested in closed or lease only administrative kelp beds as described in subsection 165.5(k) of these regulations unless harvest is for human consumption as specified pursuant to subsection (e)(2) of this section. Bull kelp may be harvested for other uses by the lease holder in lease only beds if a lease is granted by the commission.
- (9) Only lease holders may harvest giant and bull kelp from their leased administrative kelp bed(s) per stipulations of their lease agreement and Section 165.5.
- (c) Harvesting of ~~Macrocystis and Nereocystis (giant and bull kelp)-~~ 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 shall 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, San Mateo County, Nereocystis (bull kelp)-bull kelp may only be taken by hand harvesting. Hand harvesting includes using manually operated hand-held tools. 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.~~

(6) Monthly Harvest Reports for uses other than human food. Monthly Harvest Reports shall be made in duplicate using Commercial Kelp Harvester's Monthly Report form DFW 113; see subsection (b)(2) and Section 705.1.

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

(B) Maintenance and submission requirements for Commercial Kelp Harvester's Monthly Harvest Reports and submission requirements for royalty fees are specified in subsection (b)(3).

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

(8) Kelp Harvest Plans. All kelp harvest plans shall include the following:

(A) The number of the designated bed or beds as shown in subsection 165.5(k), 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;

(B) The intended use of kelp;

(C) If a mechanical harvester will be used, the kelp harvest plan must identify how the mechanical harvester will be used while avoiding:

1. repetitive harvest of 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.

(D) The amount of kelp proposed to harvest on a monthly and annual basis during the next five years.

(E) The estimated frequency of harvesting activities for each kelp bed.

(F) The number of harvest boats, maximum kelp holding capacity in wet tons for each boat, including the operating vessel gross tonnage and fuel tank capacity.

(G) Harvesting methodology (harvest operation description).

(H) All locations (addresses) where kelp landing and weighing will take place.

(I) The specific details of wet kelp weighing equipment and methods to be used at the landing sites for accurate reporting.

(J) The name, address, phone number, and license number of kelp processor and method of transporting the kelp to the processing location.



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

(9) Temporary harvest restrictions and weekly reporting for bull kelp. Subsections (c)(9) through (c)(9)(C)3. shall remain in effect only until [date will be three to five years from the effective date of this regulation amendment], and as of that date are repealed, unless a later enacted amendment deletes or extends that date.

*Subsection (c)(9)(A) Option 1 adds subsection (c)(9)(A): Sonoma and Mendocino counties harvest closure.*

(A) Notwithstanding subsection (b)(8), bull kelp may not be taken for any purpose in Sonoma and Mendocino counties.

*Subsection (c)(9)(A) Option 2 adds subsections (c)(9)(A) through (c)(9)(A)4.: Sonoma and Mendocino counties annual harvest quota. The Commission will select a quota within the range provided.*

(A) Bull kelp may be harvested in Sonoma and Mendocino counties for human consumption only, not to exceed an annual overall fishery quota of [1 lb to 2,000 lbs (1 ton)] wet weight for the combined counties between January 1 and December 31.

1. The department may announce a temporary commercial bull kelp harvest closure in order to obtain an accurate tally of harvest. If the fishery is reopened permittees may be limited to equally allotted amounts to preclude exceeding the quota, as may be announced.
2. The department shall inform the public by posting a notice on its webpage <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commerical-Harvest> and shall notify commercial Kelp Harvester License holders by email prior to any implementation of restrictions triggered by the quota. (Note: A department status report on progress toward the quota is updated weekly and available at <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commerical-Harvest>.)
3. It is the responsibility of the harvester to keep themselves informed of the remaining quota by monitoring the reported harvest on the department's webpage: <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commerical-Harvest>. Any announcement issued shall constitute as official notice.
4. All harvest in excess of any established quota shall be forfeited to the department by signing a Release of Property form DFW 1108. The excess harvest shall be disposed of or used in a manner determined by the department.

(B) Bull kelp may be harvested in Humboldt and Del Norte counties for human consumption only, not to exceed an annual overall fishery quota of 4 tons (8,000 lbs) wet weight for the combined counties between January 1 and December 31.

1. The department may announce a temporary commercial bull kelp harvest closure in order to obtain an accurate tally of harvest. If the fishery is reopened permittees may be limited to equally allotted amounts to preclude exceeding the quota, as may be announced.
2. The department shall inform the public by posting a notice on its webpage <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commerical-Harvest> and shall notify commercial Kelp Harvester License holders by email prior to any implementation of restrictions triggered by the quota. (Note: A department status report on progress

toward the quota is updated weekly and available at <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commerical-Harvest.>)

3. It is the responsibility of the harvester to keep themselves informed of the remaining quota by monitoring the reported harvest on the departments webpage: <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commerical-Harvest.> Any announcement issued shall constitute as official notice.
4. All harvest in excess of any established quota shall be forfeited to the department by signing a Release of Property form DFW 1108. The excess harvest shall be disposed of or used in a manner determined by the department.

(C) Mandatory Harvest Data Reporting Requirements for bull kelp.

*Subsection (c)(9)(C)1. Option 1 – if subsection (c)(9)(A) Option 1 is selected:*

1. In addition to monthly reporting, persons harvesting bull kelp in Humboldt and Del Norte counties must submit weekly reports by email to [kelp@wildlife.ca.gov](mailto:kelp@wildlife.ca.gov).

*Subsection (c)(9)(C)1. Option 2 – if subsection (c)(9)(A) Option 2 is selected:*

1. In addition to monthly reporting, persons harvesting bull kelp in Sonoma, Mendocino, Humboldt, and Del Norte counties must submit weekly reports by email to [kelp@wildlife.ca.gov](mailto:kelp@wildlife.ca.gov).
2. Weekly harvest reports shall be submitted by 5:00 p.m. on each Monday for the Sunday through Saturday of the preceding week. Weekly harvest reporting is for the duration of the annual license unless the harvester provides a notice via email to [kelp@wildlife.ca.gov](mailto:kelp@wildlife.ca.gov) that bull kelp harvest will not be harvested within a specified time frame or no longer occur for the remainder of the license year.
3. Harvest Reporting shall be provided in the email body and shall include business name, business contact name, harvester license number, amount of harvest in pounds by county in which harvest occurred, and time period of harvest to include the month, specific calendar days of harvest, and year.

(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.~~ take or possess abalone.
- (C) When harvesting agar-bearing plants, the harvester's license number License numbers of the harvesters will be legibly displayed on both sides of the boat from which they are operating in 10-inch black numbers on a white background. However, on boats less than 12 feet long, the harvester's license number may be displayed no smaller than 6-inch black numbers on a white background on both sides of the boat from which they are operating. All harvester's license numbers must be kept clearly legible, kept in good repair, and the harvester must ensure that the harvester's license number is not obstructed from view.

- (D) A harvester may use conventional underwater diving gear or SCUBA when harvesting agar-bearing plants.
- (E) Weighing of Agar-bearing Marine Plants. All agar-bearing marine plants shall be weighed upon landing pursuant to the provisions of subsection (b)(3)(D) of these regulations.
- ~~(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.~~
- (2) Monthly Harvest Reports shall be made in duplicate using Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report DFW 113A, see subsection (b)(3) and Section 705.1.
- (3) Royalty rate amount due. In addition to the license fee, an agar-bearing marine plant harvester shall pay a royalty fee of \$17.00 per ton (2,000 lbs) of wet agar-bearing marine plant harvested.
- (4) Maintenance and submission requirements for Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report and submission requirements for royalty fees are specified in subsection (b)(3).



- (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~~Section 164.
    - (C) While harvesting edible seaweed, it is unlawful to take or possess abalone~~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.
    - (E) Harvesters of giant and bull kelp shall adhere to regulations specified in subsections (c)(1) and (c)(4) through (c)(5). Harvesters of giant kelp shall adhere to the regulations specified in subsection (c)(2).
  - (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.~~
    - (A) Unless otherwise prohibited, in addition to open or leasable beds, bull kelp may be harvested for human consumption in a closed or lease-only administrative kelp beds described in subsection 165.5(k) if the beds are not leased. Persons operating under the authority of an edible seaweed harvesters license may take, not to exceed, 2 tons (4,000 lbs) of bull kelp annually per license. The entire plant may be harvested.
    - (B) Temporary bull kelp harvest restrictions and harvest reporting are specified in subsections (c)(9) through (c)(9)(C)3.
  - (3) Weighing of Edible Marine Plants. All edible marine plants shall be weighed pursuant to the provisions of subsection ~~(b)(4) (b)(3)(D)~~ 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.~~
  - (4) Monthly Harvest Reports shall be made in duplicate using Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report DFW 113A, see subsection (b)(3) and Section 705.1.
  - (5) In addition to the license fee, an edible seaweed harvester shall pay a royalty fee of \$24 per ton (2,000 lbs) of wet edible seaweed harvested.
  - (6) Maintenance and submission requirements for Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report and submission requirements for royalty fees are specified in subsection (b)(3).
- (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.
- (g) Commercially manufactured and processed food for human consumption in California is regulated by the California Department of Public Health. Commercial marine algae harvesters shall refer to the California Department of Public Health for information on regulations, requirements, and permitting for commercially manufactured and processed food.

NOTE: Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference: Sections 51, 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

## Proposed Regulatory Language

Section 165.5, Title 14, CCR, is amended to read:

### **§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)~~(k). 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~~ (or by postal delivery to P.O. Box 94209, Sacramento, CA 94244-2090). ~~94244-2090~~. The application for kelp bed lease shall include:
- (1) The number of the designated bed or beds as shown in subsection (k), 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.
- ~~(1)~~(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.)~~ The deposit shall be made payable to the California Department of Fish and Wildlife and submitted with the lease application to the Fish and Game Commission at the address in subsection (b). The deposit shall be returned to the applicant if a lease is not executed.
- ~~(2)~~ A detailed kelp harvest plan. ~~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) The specified bid amount. The bid process is defined in subsection 165.5(d).~~

~~(3)-(4) Copy of business license.~~

~~(4) The financial capabilities of the lessee to carry out the proposed harvest plan.~~

~~(5) A detailed kelp harvest plan. Kelp harvest plans must be updated and submitted to the commission for approval every five years. Requirements of a kelp harvest plan are defined in subsection 165(c)(8).~~

~~(5)-(6) Applicants for 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.~~

***Option: Temporarily closes the lease only kelp beds. The Commission will select a date within the range provided.***

~~(c) Lease only administrative kelp beds 308, 309, and 312 are temporarily closed and cannot be leased through [date will be three to five years from the effective date of this subsection] unless a later enacted amendment deletes or extends that date. Beds 308, 309, and 312 are available for lease on or after [date will be the day after the date in the first sentence of this subsection] unless a later enacted amendment deletes or extends that date.~~

~~(e)-(d) The department shall evaluate the submitted application, 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)-(e) 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)-(f) 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)-(g) Kelp bed leases may be awarded for a maximum term of 20 years.~~

~~(g)-(h) 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 subsection ~~465(c)(7)~~165(c)(6)(A).

~~(h)~~(i) 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)~~(j) Notwithstanding the provisions of subsections ~~(f)~~(g) and ~~(h)~~(i), 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.

~~(j)~~(k) ~~Administrative Kelp~~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. The grand total for all administrative kelp beds = 74.17 square miles. All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

(1) ~~Mainland Kelp Beds (U.S./Mexico Border to Pt. Arguello)~~administrative kelp beds  
U.S./Mexico Border to Pt. Arguello (Total 19.07 square miles)

(A) ~~Bed 1-Administrative kelp bed 1.~~ Open. 0.20 square miles. This bed extends from the U.S./Mexico Border to the southern tip of San Diego Bay, 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.

(B) ~~Bed 2-Administrative kelp bed 2.~~ Open. 0.10 square miles. This bed extends from the southern tip of San Diego Bay to the southern tip of Point Loma, 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.

(C) ~~Bed 3.~~ Administrative kelp bed 3. Leasable. 2.58 square miles. This bed extends from the southern tip of Point Loma to the south jetty of Mission Bay, 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.

(D) ~~Bed 4.~~ Administrative kelp bed 4. Leasable. 2.53 square miles. This bed extends from the south jetty of Mission Bay to Scripps Pier, 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.

(E) ~~Bed 5.~~ Administrative kelp bed 5. Leasable. 0.00 square miles. This bed extends from Scripps Pier to the mouth of the San Dieguito River, 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.

(F) ~~Bed 6.~~ Administrative kelp bed 6. Leasable. 1.52 square miles. This bed extends from the mouth of the San Dieguito River to Loma Alta Creek (at South Oceanside), 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.

(G) ~~Bed 7. Administrative kelp bed 7.~~ Open. 0.66 square miles. This bed extends from Loma Alta Creek (at South Oceanside) to the middle of the city of San Onofre, 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.

(H) ~~Bed 8. Administrative kelp bed 8.~~ Open. 1.53 square miles. This bed extends from the middle of the city of San Onofre to San Juan Creek, 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.

(I) ~~Bed 9. Administrative kelp bed 9.~~ Open. 0.39 square miles. This bed extends from San Juan Creek to Abalone Pt., 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.

(J) ~~Bed 10. Administrative kelp bed 10.~~ Closed. 0.00 square miles. This bed extends from Abalone Pt. to the south jetty of Newport Bay, 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.

- (K) ~~Bed 13. Administrative kelp bed 13.~~ Open. 0.54 square miles. This bed extends from the San Pedro Breakwater Lighthouse to Pt. Vicente, 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.
- (L) ~~Bed 14. Administrative kelp bed 14.~~ Open. 0.74 square miles. This bed extends from Pt. Vicente to the southern tip of the Redondo Beach Breakwater, 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.;  
33° 50.475' N. lat. 118° 23.550' W. long.; and  
33° 50.479' N. lat. 118° 23.529' W. long.
- (M) ~~Bed 15. Administrative kelp bed 15.~~ Closed. 0.04 square miles. This bed extends from the Santa Monica Pier to Malibu Pt., 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.
- (N) ~~Bed 16. Administrative kelp bed 16.~~ Leasable. 0.21 square miles. This bed extends from Malibu Pt. to Pt. Dume, 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.

- (O) ~~Bed 17. Administrative kelp bed 17.~~ Leasable. 0.62 square miles. This bed extends from Pt. Dume to Pt. Mugu, 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.
- (P) ~~Bed 18. Administrative kelp bed 18.~~ Open. 0.15 square miles. This bed extends from the mouth of Ventura River to Pitas Pt., 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.
- (Q) ~~Bed 19. Administrative kelp bed 19.~~ Leasable. 0.05 square miles. This bed extends from Pitas Pt. to Rincon Pt., 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.
- (R) ~~Bed 20. Administrative kelp bed 20.~~ Leasable. 0.24 square miles. This bed extends from Rincon Pt. to Loon Pt., 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.
- (S) ~~Bed 21. Administrative kelp bed 21.~~ Leasable. 0.19 square miles. This bed extends from Loon Pt. to Edgecliff Pt., 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.

(T) ~~Bed 22. Administrative kelp bed 22.~~ Closed. 0.05 square miles. This bed extends from Edgecliff Pt. to the tip of the Santa Barbara Breakwater, 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.

(U) ~~Bed 23. Administrative kelp bed 23.~~ Open. 0.10 square miles. This bed extends from the tip of the Santa Barbara Breakwater to the Santa Barbara Lighthouse, 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.

(V) ~~Bed 24. Administrative kelp bed 24.~~ Closed. 0.05 square miles. This bed extends from the Santa Barbara Lighthouse to Rogue Creek (Arroyo Burro), 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.

(W) ~~Bed 25. Administrative kelp bed 25.~~ Open. 0.18 square miles. This bed extends from Rogue Creek (Arroyo Burro) to Hope Ranch Creek, 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.



- (X) ~~Bed 26. Administrative kelp bed 26.~~ Leaseable. 0.60 square miles. This bed extends from Hope Ranch Creek to Goleta Pt., 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.
- (Y) ~~Bed 27. Administrative kelp bed 27.~~ Leaseable. 0.43 square miles. This bed extends from Goleta Pt. to Coal Oil Pt., 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.
- (Z) ~~Bed 28. Administrative kelp bed 28.~~ Open. 0.61 square miles. This bed extends from Coal Oil Pt. to the middle of Gato Canyon, 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.
- (AA) ~~Bed 29. Administrative kelp bed 29.~~ Leasable. 0.17 square miles. This bed extends from the middle of Gato Canyon to Refugio Creek, 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.
- (BB) ~~Bed 30. Administrative kelp bed 30.~~ Leasable. 0.39 square miles. This bed extends from Refugio Creek to the middle of Canada de Molino, 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.

(CC) Bed 31. Administrative kelp bed 31. Leasable. 0.16 square miles. This bed extends from the middle of Canada de Molino to the middle of Alegria Canyon, 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.

(DD) Bed 32. Administrative kelp bed 32. Leasable. 2.76 square miles. This bed extends from the middle of Alegria Canyon to Pt. Conception, 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.

(EE) Bed 33. Administrative kelp bed 33. Open. 0.97 square miles. This bed extends from Pt. Conception to Espada Bluff, 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.

(FF) Bed 34. Administrative kelp bed 34. Leasable. 0.31 square miles. This bed extends from Espada Bluff to Pt. Arguello, 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 (U.S./Mexico Border to Pt. Arguello)~~

.....19.07 square miles

(2) ~~Channel Island Kelp Beds~~ administrative kelp beds (Total 20.68 square miles)

- (A) ~~Bed 101. Administrative kelp bed 101.~~ San Clemente Island. Open. 0.66 square miles. This bed extends from Pyramid Head to China Pt., 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.
- (B) ~~Bed 102. Administrative kelp bed 102.~~ San Clemente Island. Leasable. 2.39 square miles. This bed extends from China Pt. to Seal Cove, 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.
- (C) ~~Bed 103. Administrative kelp bed 103.~~ San Clemente Island. Leasable. 2.90 square miles. This bed extends from Seal Cove to Northwest Harbor, 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.
- (D) ~~Bed 104. Administrative kelp bed 104.~~ San Clemente Island. Open. 0.22 square miles. This bed extends from Northwest Harbor to Pyramid Head, 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.
- (E) ~~Bed 105. Administrative kelp bed 105.~~ Santa Catalina 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.
- (F) ~~Bed 106. Administrative kelp bed 106.~~ Santa Barbara Island. 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.

- (G) ~~Bed 107. Administrative kelp bed 107.~~ San Nicolas Island. Leasable. 1.15 square miles. This bed extends along the southern side of San Nicolas Island from the east end at Sand Spit to the west end at Vizcaino Point, 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.
- (H) ~~Bed 108. Administrative kelp bed 108.~~ San Nicolas Island. Leasable. 2.85 square miles. This bed extends along the northern side of San Nicolas Island from the west end at Vizcaino Point to the east end at Sand Spit, 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  
33° 13.618' N. lat. 119° 26.070' W. long.
- (I) ~~Bed 109. Administrative kelp bed 109.~~ Anacapa 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'~~34° 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.
- (J) ~~Bed 110. Administrative kelp bed 110.~~ Santa Cruz Island. Open. 0.64 square miles. This bed extends from San Pedro Pt. to Bowen Pt., 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.
- (K) ~~Bed 111. Administrative kelp bed 111.~~ Santa Cruz Island. Leasable. 0.61 square miles. This bed extends from Bowen Pt. to West Pt., 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.

(L) ~~Bed 112.~~ Administrative kelp bed 112. Santa Cruz Island. Open. 0.11 square miles. This bed extends from West Pt. to San Pedro Pt., 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.

(M) ~~Bed 113.~~ Administrative kelp bed 113. Santa Rosa Island. Open. 0.59 square miles. This bed extends from Skunk Pt. to South Pt., 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.

(N) ~~Bed 114.~~ Administrative kelp bed 114. Santa Rosa Island. Open. 2.18 square miles. This bed extends from South Pt. to Sandy Pt., 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.

(O) ~~Bed 115.~~ Administrative kelp bed 115. Santa Rosa Island. Open. 1.59 square miles. This bed extends from Sandy Pt. to Carrington Pt., 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.

(P) ~~Bed 116. Administrative kelp bed 116.~~ Santa Rosa Island. Open. 0.62 square miles. This bed extends from Carrington Pt. to Skunk Pt., 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.

(Q) ~~Bed 117. Administrative kelp bed 117.~~ San Miguel Island. Open. 1.35 square miles. This bed extends along the southern side of San Miguel Island from Cardwell Pt. to Pt. Bennett, 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.

(R) ~~Bed 118. Administrative kelp bed 118.~~ San Miguel Island. Open. 1.51 square miles. This bed extends along the northern side of San Miguel Island from Pt. Bennett to Cardwell Pt., 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.....20.68 square miles

(3) ~~Mainland Kelp Beds (Pt. Arguello to Point Montara)~~ administrative kelp beds Pt. Arguello to Point Montara (Total 28.59 square miles)

(A) ~~Bed 202. Administrative kelp bed 202.~~ Leasable. 0.10 square miles. This bed extends from Pt. Arguello to Point Sal., 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.

(B) ~~Bed 203.~~ Administrative kelp bed 203. Closed. 0.00 square miles. This bed extends from Point Sal to Pismo Beach Pier, 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.

(C) ~~Bed 204.~~ Administrative kelp bed 204. Leasable. 0.72 square miles. This bed extends from Pismo Beach Pier to Point San Luis, 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.

(D) ~~Bed 205.~~ Administrative kelp bed 205. Open. 0.64 square miles. This bed extends from Point San Luis to Point Buchon, 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.

(E) ~~Bed 206.~~ Administrative kelp bed 206. Closed. 0.04 square miles. This bed extends from Point Buchon to Morro Rock, 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.

(F) ~~Bed 207.~~ Administrative kelp bed 207. Leasable. 1.46 square miles. This bed extends from Morro Rock to Point Estero, 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.

- (G) ~~Bed 208.~~ Administrative kelp bed 208. Leasable. 2.61 square miles. This bed extends from Point Estero to Von Helm Rock, 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.

- (H) ~~Bed 209.~~ Administrative kelp bed 209. Leasable. 2.20 square miles. This bed extends from Von Helm Rock to San Simeon Point, 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 northwestward 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.

- (I) ~~Bed 210.~~ Administrative kelp bed 210. Leasable. 2.02 square miles. This bed extends from San Simeon Point to Point Piedras Blancas, 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.

- (J) ~~Bed 211.~~ Administrative kelp bed 211. Leasable. 1.50 square miles. This bed extends from Point Piedras Blancas to Salmon Head, 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.

- (K) ~~Bed 212. Administrative kelp bed 212.~~ Leasable. 1.26 square miles. This bed extends from Salmon Head to Cape San Martin, 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.
- (L) ~~Bed 213. Administrative kelp bed 213.~~ Open. 2.14 square miles. This bed extends from Cape San Martin to Lopez Point, 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.
- (M) ~~Bed 214. Administrative kelp bed 214.~~ Leasable. 2.03 square miles. This bed extends from Lopez Point to Partington Point, 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.
- (N) ~~Bed 215. Administrative kelp bed 215.~~ Open. 0.80 square miles. This bed extends from Partington Point to Pfeiffer Point, 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.
- (O) ~~Bed 216. Administrative kelp bed 216.~~ Leasable. 3.08 square miles. This bed extends from Pfeiffer Point to Point Sur, 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.

(P) ~~Bed 217. Administrative kelp bed 217.~~ Open. 2.38 square miles. This bed extends from Point Sur to Yankee Point, 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.

(Q) ~~Bed 218. Administrative kelp bed 218.~~ Open. 0.49 square miles. This bed extends from Yankee Point to Point Lobos, 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.

(R) ~~Bed 219. Administrative kelp bed 219.~~ Open. 1.28 square miles. This bed extends from Point Lobos to Point Cypress, 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.

(S) ~~Bed 220. Administrative kelp bed 220.~~ Open. 1.88 square miles. This bed extends from Point Cypress to Monterey Pier, 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° 40.597' N. lat. 121° 53.385' W. long.;  
36° 36.351' N. lat. 121° 53.385' 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.



- (T) ~~Bed 221. Administrative kelp bed 221.~~ Open. 0.90 square miles. This bed extends from Monterey Pier to Santa Cruz Pier, 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° 53.385' 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.
- (U) ~~Bed 222. Administrative kelp bed 222.~~ Open. 0.81 square miles. This bed extends from Santa Cruz Pier to Sand Hill Bluff, 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.
- (V) ~~Bed 223. Administrative kelp bed 223.~~ Leasable. 0.19 square miles. This bed extends from Sand Hill Bluff to Point Ano Nuevo, 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.
- (W) ~~Bed 224. Administrative kelp bed 224.~~ Closed. 0.06 square miles. This bed extends from Point Ano Nuevo to Pescadero Point, 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.
- (X) ~~Bed 225. Administrative kelp bed 225.~~ Closed. 0.00 square miles. This bed extends from Pescadero Point to Point Montara, 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)....28.59 square miles~~

(4) Mainland administrative kelp beds Kelp Beds (Point Montara to Oregon)-Point Montara to California/Oregon Border (Total 5.83 square miles)

(A) Bed 226. Administrative kelp bed 226. Closed. 0.00 square miles. This bed extends from Point Montara to Fort Point, 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.

(B) Bed 301. Administrative kelp bed 301. Closed. 0.00 square miles. This bed extends from Fort Point to Point Reyes, 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° 28.649' 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.

(C) Bed 302. Administrative kelp bed 302. Closed. 0.00 square miles. This bed extends from Point Reyes to Duncan's Point, 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.

- (D) ~~Bed 303. Administrative kelp bed 303.~~ Closed. 1.33 square miles. This bed extends from Duncan's Point to Gualala Point, 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.
- (E) ~~Bed 304. Administrative kelp bed 304.~~ Closed. 0.89 square miles. This bed extends from Gualala Point to Iverson Point, 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° 31.627' W. long.;  
38° 45.158' N. lat. 123° 36.973' W. long.; thence northwestward 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.
- (F) ~~Bed 305. Administrative kelp bed 305.~~ Closed. 1.11 square miles. This bed extends from Iverson Point to Point Arena, 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.
- (G) ~~Bed 306. Administrative kelp bed 306.~~ Closed. 1.03 square miles. This bed extends from Point Arena to Stillwell Point, 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.
- (H) ~~Bed 307. Administrative kelp bed 307.~~ Closed. 0.93 square miles. This bed extends from Stillwell Point to the mouth of Ten-mile River, 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.

- (I) ~~Bed 308. Administrative kelp bed 308.~~ Lease only. Temporary lease restrictions per subsection (c). 0.20 square miles. This bed extends from the mouth of Ten-mile River to Point Delgada, 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.
- (J) ~~Bed 309. Administrative kelp bed 309.~~ Lease only. Temporary lease restrictions per subsection (c). 0.14 square miles. This bed extends from Point Delgada to Cape Mendocino, 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  
40° 26.309' N. lat. 124° 24.582' W. long.
- (K) ~~Bed 310. Administrative kelp bed 310.~~ Closed. 0.00 square miles. This bed extends from Cape Mendocino to the South jetty of Humboldt Bay, 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.
- (L) ~~Bed 311. Administrative kelp bed 311.~~ Closed. 0.00 square miles. This bed extends from the South jetty of Humboldt Bay to the mouth of the Klamath River, 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.
- (M) ~~Bed 312. Administrative kelp bed 312.~~ Lease only. Temporary lease restrictions per subsection (c). 0.20 square miles. This bed extends from the mouth of the Klamath River to the California/Oregon Border, 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.

<del>Total of Mainland Kelp Beds (Point Montara to California/Oregon Border)</del>	<del>5.83 square miles</del>
<del>Grand Total</del>	<del>74.17 square miles</del>

NOTE: Authority cited: Sections 6653, 6700 and 6701, Fish and Game Code. Reference: Sections 6653, 6700, 6701, 6701.5, 6702, 6703, 6704, 6705, 6706 and 6707, Fish and Game Code.



Proposed Regulatory Language

Section 705.1, Title 14, CCR, is added to read:

**§ 705.1 Commercial Kelp Harvesting and Drying Application, Monthly Harvest Reports.**

<u>(a) Application</u>	<u>Permit Fees (US\$)</u>
<u>(1) 2022 Kelp Harvesting License and Drying Application DFW 658 (REV. 11/01/21) incorporated by reference herein.</u>	<u>\$161.00</u>

(b) Monthly Harvest Reports

- (1) Commercial Kelp Harvester's Monthly Report DFW 113 (REV. 11/01/21), incorporated by reference herein.
- (2) Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report DFW 113A (11/01/21), incorporated by reference herein.

(c) Release of Property

- (1) Release of Property DFW 1108 (11/01/21), incorporated by reference herein.

Note: Authority cited: Sections 713, 1050, 6651, 6653, and 6653.5 Fish and Game Code.

Reference: Sections 713, 1050, 6650, 6651, 6652, 6653, and 6653.5, Fish and Game Code.