

Proposed Regulatory Language

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

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

[...*No changes to subsections (a) through (c)(8)(K)*...]

[...*Subsection (c)(9) is amended as follows*...]

(9) Temporary harvest restrictions and weekly reporting for bull kelp. Subsections (c)(9) through (c)(9)(C)3. shall remain in effect only until ~~January 1, 2026~~, January 1, 2029, and as of that date are repealed.

[subsection (c)(9)(A) Option 1 - no change to current regulatory language]

(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 - amends subsection (c)(9)(A) and adds subsections (c)(9)(A)1. through (c)(9)(A)4.: Sonoma and Mendocino counties annual harvest quota. The Commission will select the annual 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 to 2,000 pounds (one 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 annual overall fishery quota has not been met, the fishery will reopen and commercial kelp harvester license holders shall be limited to allotted harvest amounts to preclude exceeding the annual overall fishery quota and the annual license quota specified in subsection 165(e)(2)(A).

a. Allotted harvest amounts will be calculated as the difference between the annual overall fishery quota and bull kelp harvest from Sonoma and Mendocino counties reported in the monthly harvest reports required pursuant to subsection 165(b)(3) and the weekly harvest reports required pursuant to subsection 165(c)(9)(C), divided by the number of licensed harvesters who indicated "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 and those who have not indicated "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 but have reported take of bull kelp in Sonoma and/or Mendocino counties on their Commercial Edible

Seaweed/Agarweed Aquatic Plant Harvester's Monthly Reports DFW 113A in one or more months during the current annual fishery quota period.

b. Licensed harvesters who indicated "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 and licensed harvesters who did not indicate "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 but have reported take of bull kelp in Sonoma and/or Mendocino counties on their Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Reports DFW 113A in one or more months during the current annual fishery quota period shall be allotted the amount calculated in subsection 165(c)(9)(A)1.a. If the allotment exceeds the amount remaining in a licensed harvester's annual license quota specified in subsection 165(e)(2)(A), the licensed harvester's allotment shall be decreased to the amount remaining in the licensed harvester's annual license quota and the amount of the allotment in excess of the licensed harvester's annual license quota shall be divided equally between the remaining licensed harvester(s) who have not exceeded their annual license quota specified in subsection 165(e)(2)(A). Prior to reopening the fishery, the department shall notify licensed harvesters via email of their allotted amount.

2. The department shall inform the public by posting a notice on its webpage <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commercial-Harvest> and shall notify commercial kelp harvester license holders by email prior to any implementation of a temporary closure pursuant to subsection 165(c)(9)(A)1., allotments pursuant to subsections 165(c)(9)(A)1. through 165(c)(9)(A)1.b., or an annual closure triggered by the annual overall fishery quota. (Note: A department status report on progress toward the annual overall fishery quota is updated weekly and available at <https://wildlife.ca.gov/Conservation/Marine/Kelp/Commercial-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/Commercial-Harvest>. Any announcement issued shall constitute official notice.

4. All harvest in excess of the annual overall fishery quota or allotments shall be forfeited to the department by signing a Release of Property DFW 1108 incorporated by reference in Section 705.1. The excess harvest shall be used, sold, disposed of, or donated to a non-profit institution. If sold, the proceeds of all such sales shall be paid into the Fish and Game Preservation Fund.

[...No changes to subsections (c)(9)(B) through (c)(9)(B)4.; however, they are provided for here for context...]

(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 annual overall fishery quota has not been met, the fishery will reopen and commercial kelp harvester license holders shall be limited to allotted harvest amounts to preclude exceeding the annual overall fishery quota and the annual license quota specified in subsection 165(e)(2)(A).

a. Allotted harvest amounts will be calculated as the difference between the annual overall fishery quota and bull kelp harvest from Humboldt and Del Norte counties reported in the monthly harvest reports required pursuant to subsection 165(b)(3) and the weekly harvest reports required pursuant to subsection 165(c)(9)(C), divided by the number of licensed harvesters who indicated "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 and those who have not indicated "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 but have reported take of bull kelp in Del Norte and/or Humboldt counties on their Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Reports DFW 113A in one or more months during the current annual fishery quota period.

b. Licensed harvesters who indicated "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 and licensed harvesters who did not indicate "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 but have reported take of bull kelp in Del Norte and/or Humboldt counties on their Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Reports DFW 113A in one or more months during the current annual fishery quota period shall be allotted the amount calculated in subsection 165(c)(9)(B)1.a. If the allotment exceeds the amount remaining in a licensed harvester's annual license quota specified in subsection 165(e)(2)(A), the licensed harvester's allotment shall be decreased to the amount remaining in the licensed harvester's annual license quota and the amount of the allotment in excess of the licensed harvester's annual license quota shall be divided equally between the remaining licensed harvester(s) who have not exceeded their annual license quota specified

in subsection 165(e)(2)(A). Prior to reopening the fishery, the department shall notify licensed harvesters via email of their allotted amount.

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 a temporary closure pursuant to subsection 165(c)(9)(B)1., allotments pursuant to subsections 165(c)(9)(B)1. through 165(c)(9)(B)1.b., or an annual closure triggered by the annual overall fishery quota. (Note: A department status report on progress toward the annual overall fishery 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 official notice.

4. All harvest in excess of the annual overall fishery quota or allotments shall be forfeited to the department by signing a Release of Property DFW 1108 incorporated by reference in Section 705.1. The excess harvest shall be used, sold, disposed of, or donated to a non-profit institution. If sold, the proceeds of all such sales shall be paid into the Fish and Game Preservation Fund.

(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, no change to current regulatory language]

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.

[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.

[...No changes to subsections (c)(9)(C)2. through (c)(9)(C)3.; however, they are provided for here for context...]

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 required for the duration of the annual license unless the harvester provides

a notice via email to kelp@wildlife.ca.gov that bull kelp 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 which includes the month, specific calendar days of harvest, and year.

[...No changes to subsections (d) through (d)(4)...]

[...No changes to subsection (e); however, it is provided for here for context...]

(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.

[...No changes to subsections (e)(1) through (e)(1)(E)...]

[...subsection (e)(2) is amended as follows...]

(2) Harvest of Bull Kelp for Human Consumption.

(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~~ 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.

[...No changes to subsections (e)(3) through (g)...]

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*.

[...*No changes to subsections (a) through (b)(6)...*]

[...**Subsection (c) is amended as follows...**]

(c) Lease only administrative kelp beds 308, 309, and 312 are temporarily closed and cannot be leased through ~~January 1, 2026~~ January 1, 2029. Beds 308, 309, and 312 are available for lease on or after ~~January 2, 2026~~ January 2, 2029.

[...*No changes to subsections (d) through (k)(2)(H)...*]

[...**Subsection (k)(2)(I) is amended as follows...**]

(I) 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

~~34° 58.999' N. lat.~~ 33° 58.999' N. lat. 119° 29.556' W. long.; thence eastward along the three nautical mile offshore boundary to

34° 03.605' N. lat. 119° 28.116' W. long.

[...*No changes to subsections (k)(2)(J) through (k)(4)(H)...*]

[...*No changes to subsections (k)(4)(I) and (k)(4)(J); however, they are provided here for context...*]

(I) 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) 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.

[...No changes to subsections (k)(4)(K) and (k)(4)(L)...]

[...No changes to subsection (k)(4)(M); however, it is provided here for context...]

(M) 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.

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.