

Staff Summary for October 8-9, 2025

25. Commercial Bull Kelp Harvest Restrictions**Today's Item****Information** ☐**Action** ☒

Discuss and consider adopting proposed amendments to regulations regarding temporary commercial bull kelp harvest restrictions along the north coast and the closure of lease-only administrative kelp beds 308, 309 and 312 until January 1, 2029.

Summary of Previous/Future Actions

- | | |
|-------------------------------------------------------------------------------------|--------------------------|
| • Adopted temporary commercial bull kelp harvest restrictions along the north coast | February 16-17, 2022 |
| • Marine Resources Committee (MRC) vetting and recommendation | July 16-17, 2025; MRC |
| • Supported MRC recommendation; notice hearing | August 13-14, 2025 |
| • Today's discussion and adoption hearing | October 8-9, 2025 |

Background

Commercial harvesting of kelp and other aquatic plants is governed by regulations in sections 165 and 165.5, which also cover the leasing of specific administrative kelp beds for exclusive harvesting privileges.

In February 2022, the Commission adopted a three-year restriction on commercial bull kelp harvest from the California/Oregon border to the southern Sonoma County boundary line. The Commission took this action in response to a severe, multi-year decline in bull kelp populations that began in 2014 due to shifting oceanographic and ecological conditions. The restrictions, set to expire January 1, 2026, were implemented as a precautionary measure due to a lack of scientific data on whether harvest was negatively impacting struggling kelp forests.

At its July 2025 meeting, MRC received a Department update showing only limited restoration of bull kelp through 2024. Consequently, the Department recommended extending the temporary restrictions for an additional three years, until January 1, 2029.

For more detailed background information, see the August 2025 staff summary (Exhibit 1).

Current Restrictions and Proposed Amendments

The current, temporary restrictions are:

- *Humboldt and Del Norte counties*: A combined annual quota of 8,000 pounds (wet weight) with mandatory weekly reporting.
- *Sonoma and Mendocino counties*: A complete closure of commercial bull kelp harvest.
- *Administrative kelp beds*: Temporary closure of three kelp beds (308, 309 and 312).

MRC supported the Department's recommendation to extend the restrictions but also recommended a second option for Sonoma and Mendocino counties that would allow limited harvest.

Staff Summary for October 8-9, 2025

The two options for consideration in Sonoma and Mendocino counties are:

- *Option 1 (Department recommendation):* A complete closure of commercial bull kelp harvest in Sonoma and Mendocino counties for an additional three years.
- *Option 2 (added per MRC):* A combined annual quota of between 1 pound to 2,000 pounds (wet weight), with mandatory weekly reporting.

Previous Actions and Updates

At the notice hearing in August 2025, the Commission heard public testimony and authorized publication of a notice of intent to amend the regulations with the two options. The notice was published on August 22, 2025.

For this discussion and action hearing, the Department has provided a memo in lieu of a pre-adoption statement of reasons (Exhibit 5), and a summary of written and oral comments and Department recommended responses to the comments (Exhibit 6). The Department is not recommending any updates to the information in the initial statement of reasons or any further amendments to the regulatory text based on the comments received.

Options

If the Commission chooses to adopt the proposed regulations at today's meeting, it must select either the Option 1 closure extension for Sonoma and Mendocino counties, or, if selecting Option 2, identify a total annual harvest quota between 1 and 2000 pounds. While the harvest quota is at an extremely small scale, and is likely to have limited impacts on the kelp population or its recovery, a study is currently underway (through a [California Ocean Protection Council project funded in December 2024](#)) to assess the impacts of commercial and recreational kelp harvest. Results of the study, along with a kelp restoration and management plan currently under development, may provide a stronger scientific basis for an appropriate harvest approach.

Significant Public Comments

A summary of the six comments received at both the July MRC meeting and the August Commission meeting, along with the Department's recommended responses, is available in Exhibit 6. A letter from the InterTribal Sinkyone Wilderness Council, received in supplemental handouts for the Commission's August 13-14 meeting (and summarized in Exhibit 6), is provided for reference in Exhibit 7.

Recommendation

Commission staff: In adherence with the precautionary principle and an adaptive management framework, select Option 1 for Sonoma and Mendocino counties to continue the current closure, pending outcomes of state research and management efforts; and approve the regulatory amendments as proposed in Exhibit 4.

Department: Approve the regulatory amendments as proposed in Exhibit 4, selecting Option 1 for Sonoma and Mendocino counties.

Staff Summary for October 8-9, 2025

Exhibits

1. [Staff summary from Agenda Item 20, August 13-14, 2025 meeting \(for background purposes only\)](#)
2. [Economic impact statement \(STD 399\)](#)
3. [Initial statement of reasons](#)
4. [Proposed regulatory language](#)
5. [Department memo in lieu of a pre-adoption statement of reasons, received October 1, 2025](#)
6. [Memo Attachment 1: Department-recommended responses to public comments](#)
7. [Letter from InterTribal Sinkyone Wilderness Council, transmitted by Buffie Campbell, Executive Director, received August 7, 2025](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the regulatory action as proposed, including Option 1 for Mendocino and Sonoma counties.

OR

Moved by _____ and seconded by _____ that the Commission approves the regulatory action as proposed, including Option 2 for Mendocino and Sonoma counties, and sets the combined annual quota at _____ pound(s).

Staff Summary for August 13-14, 2025
For background only

20. Commercial Bull Kelp Harvest Restrictions

Today's Item

Information ☐

Action ☒

Consider authorizing publication of notice of intent to amend regulations regarding temporary commercial bull kelp harvest restrictions along the north coast and the closure of lease-only administrative kelp beds 308, 309, and 312 until January 1, 2029.

Summary of Previous/Future Actions

- | | |
|-----------------------------------------------------------------------------------------|---------------------------|
| • Adoption of temporary commercial bull kelp harvest restrictions along the north coast | February 16-17, 2022 |
| • Marine Resources Committee (MRC) vetting and recommendation | July 16-17, 2025; MRC |
| • Today's notice hearing | August 13-14, 2025 |
| • Discussion and adoption hearing | October 8-9, 2025 |

Background

Regulations in sections 165 and 165.5 govern the commercial harvest of giant and bull kelp, edible seaweeds, and other aquatic plants. The regulations also govern the leasing of administrative kelp beds for the exclusive privilege to harvest.

In February 2022, the Commission adopted a temporary, three-year restriction on commercial bull kelp harvest from Sonoma County to the Oregon border. The decision was made in response to a dramatic, multi-year decline in bull kelp (*Nereocystis luetkeana*) populations, which began in 2014 and was attributed to a series of persistent changes in oceanographic and ecological conditions. However, the restrictions on commercial harvest were specifically implemented due to a lack of scientific data to determine if harvest was further impacting the already-struggling kelp populations.

Leading up to the Commission's 2022 decision, the Department developed and recommended options for amending bull kelp harvest regulations. The options were informed by a multi-year process that included input from the Commission's Marine Resources Committee, its Tribal Committee, a stakeholder working group, and tribal consultation with the InterTribal Sinkiyone Wilderness Council member tribes. While the work resulted in long-term management goals to develop, the Department recommended temporary near-term restrictions.

The Commission adopted temporary restrictions, which are set to expire January 1, 2026:

- in Humboldt and Del Norte counties, a combined annual quota of 8,000 pounds (wet weight), with mandatory weekly reporting and a process for closure if the quota is met;
- in Sonoma and Mendocino counties, a complete closure of commercial bull kelp harvest; and
- in Mendocino, Humboldt and Del Norte counties, temporarily close three administrative kelp beds (308, 309 and 312).

Staff Summary for August 13-14, 2025
For background only

Recent Recommendations and Proposed Amendments

At its July 2025 meeting, MRC received a Department update that bull kelp coverage has shown only limited reestablishment through 2024. As a result, the Department recommended extending the temporary restrictions for an additional three years, until January 1, 2029. The Department also would correct a coordinate error identified for administrative kelp bed 109.

After discussion and public testimony, MRC developed a recommendation to extend the temporary restrictions for an additional three years as recommended by the Department. However, they also asked for a second option to be considered for Sonoma and Mendocino counties to allow limited harvest. MRC requested that the Department confer with the InterTribal Sinkiyone Wilderness Council member tribes regarding this limited-take option, given their support for a full closure in the original rulemaking.

Based on the July MRC recommendation, Commission staff proactively developed and integrated a second option into the draft initial statement of reasons and regulatory language (exhibits 3 and 4) for Sonoma and Mendocino counties. To facilitate the Commission's consideration today, staff utilized the same limited-take option that was included in the 2021-22 rulemaking, though ultimately not adopted.

- Option 1 (Department): A complete closure of commercial bull kelp harvest.
- Option 2 (per MRC): A combined annual quota of 1,000 to 2,000 pounds (wet weight), with mandatory weekly reporting and a process for closure once the quota is met.

Today the Department will present an overview of the proposed regulations and options (Exhibit 6) for Commission consideration and potential authorization for publishing a notice of intent to amend regulations.

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of notice as recommended by MRC with two options for Sonoma and Mendocino counties.

Committee: Support extending the temporary commercial bull kelp harvest restrictions and correcting a typographical error, as recommended by the Department. Support inclusion of a second option for Sonoma and Mendocino counties offering flexibility to allow limited take.

Department: Authorize publication of notice of Commission intent to extend the current temporary commercial bull kelp harvest restrictions by three years.

Exhibits

1. Staff summary for Agenda Item 8, February 16-17, 2022 Commission meeting (*for background purposes only*)
2. Department memo, received July 21, 2025
3. Draft initial statement of reasons for regulatory action, dated August 5, 2025
4. Draft proposed regulatory language

Staff Summary for August 13-14, 2025

For background only

5. Draft economic and fiscal impact statement (STD 399)
6. Department presentation

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 165 and 165.5 regarding commercial bull kelp harvest restrictions.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME California Fish and Game Commission	CONTACT PERSON Dixie Van Allen	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916-201-6201
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sec. 165 and 165.5, Title 14, CCR re: Extension of Commercial Bull Kelp Harvest Restrictions, etc.			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:
- | | |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input checked="" type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The **California Fish and Game Commission** estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)
- ☒ Below \$10 million
☐ Between \$10 and \$25 million
☐ Between \$25 and \$50 million
☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: **6**
- Describe the types of businesses (Include nonprofits): **Commercial kelp harvesters**
- Enter the number or percentage of total businesses impacted that are small businesses: **100%**
4. Enter the number of businesses that will be created: **0** eliminated: **0**
- Explain: **Closure or harvest limits in Sonoma & Mendocino cos. and current harvest limits Del Norte & Humboldt cos.**

5. Indicate the geographic extent of impacts: ☐ Statewide
☒ Local or regional (List areas): **Mendocino, Sonoma, Humboldt, Del Norte cos.**

6. Enter the number of jobs created: **0** and eliminated: **0**
- Describe the types of jobs or occupations impacted:

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly:

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 720
 - a. Initial costs for a small business: \$ 120 Annual ongoing costs: \$ 120 Years: 3
 - b. Initial costs for a typical business: \$ 120 Annual ongoing costs: \$ 120 Years: 3
 - c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: 3
 - d. Describe other economic costs that may occur: Opt 1: No costs imposed by continuing closure in Mendocino and Sonoma cos. or by extending the reporting requirements for the annual quota in Del Norte & Humboldt cos. Opt 2: Reporting costs from reopening Mendocino and Sonoma, see addendum.
2. If multiple industries are impacted, enter the share of total costs for each industry: N/A, only industry impacted are commercial kelp harvesters.
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ 120 see add.
4. Will this regulation directly impact housing costs? ☐ YES ☒ NO
If YES, enter the annual dollar cost per housing unit: \$ _____
Number of units: _____
5. Are there comparable Federal regulations? ☐ YES ☒ NO
Explain the need for State regulation given the existence or absence of Federal regulations: Resource is within State waters in which notable declines have been documented. CA Fish and Game Commission is charged with protecting fish, wildlife and their habitats.
Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Benefits include the value of commercial harvest, ecosystem benefits for commercial and recreational fisheries, cultural traditions, and tourism. See addendum.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?
Explain: F&G Code Section 6653 provides the authority to regulate take of kelp and other aquatic plants.
3. What are the total statewide benefits from this regulation over its lifetime? \$ 45,569; see addendum
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: No expansion is anticipated. However, under Option 2, harvesters in Mendocino and Sonoma counties could resume activity if commercial kelp harvest is reopened. See addendum.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: The "no change" alternative eliminates reporting requirements and quotas in Humboldt & Del Norte counties by letting them sunset, and reopens Sonoma and Mendocino counties with no quota.

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: \$	<u>45,569</u>	Cost: \$	<u>240</u>
Alternative 1:	Benefit: \$	<u>37,018</u>	Cost: \$	<u>0</u>
Alternative 2:	Benefit: \$		Cost: \$	

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: Calculating ecosystem services for the preservation of bull kelp is difficult to do as ecosystems inherently are not a monetized resource.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☒ NO

Explain: Harvest limits and harvest reports are more enforceable for kelp resource management.

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ YES ☒ NO

If YES, complete E2. and E3

If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: No impact on the level of investment in the State is anticipated from extending the current harvesting regulations (Opt 1) or implementing harvest limits in Sonoma & Mendocino counties (Opt 2).

The incentive for innovation in products, materials or processes: No impact on incentives is anticipated from the extending the current harvesting regulations (Opt 1) or implementing harvest limits in Sonoma and Mendocino counties (Opt 2).

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: The regulations reduce negative cumulative impacts to bull kelp and protect an important habitat.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____

- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☒ 4. Other. Explain Option 2 may create additional revenue from collecting edible seaweed royalties from reopening Sonoma and Mendocino counties to harvest, estimated to be \$24 annually. See addendum.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

Docusigned by:



Dan Reagan

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DATE

8/22/2025

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



Melissa A. Miller-Henson Bryan Cash

8/22/2025

DATE

08/19/2025

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

STD. 399 Addendum

Amend Subsection (c)(9) of Section 165, and Subsections (c) and (k)(2)(I) of Section 165.5, Title 14, California Code of Regulations, Regarding Commercial Bull Kelp Harvest Restrictions

Background

Bull kelp (*Nereocystis luetkeana*) is a foundational species providing physical structure of biodiverse and productive habitats that provide ecological functions and ecosystem services as well as supporting fisheries for invertebrates and fish, is important in cultural and ceremonial traditions, and supports tourism.

Bull kelp is managed for commercial harvest pursuant to Section 165, Commercial Harvesting of Kelp and Other Aquatic Plants, and Section 165.5, Lease of Kelp Beds for Exclusive Harvest of *Macrocystis and Nereocystis*. At its October 2022 meeting, the California Fish and Game Commission (Commission) approved a precautionary approach temporarily restricting commercial bull kelp harvest along the north coast. The restrictions were in response to a dramatic and persistent decline of bull kelp populations outside the range of normal variability in both Mendocino and Sonoma counties as well as a lack of scientific data to inform understanding of potential effects of commercial harvest on the remaining kelp population.

The harvest amendments enacted in the 2022 rulemaking span a three-year period and will sunset on January 1, 2026; the temporary nature was intended to allow time for drafting and potentially adopting a comprehensive, statewide kelp restoration and management plan (KRMP). Development of the KRMP was initiated in 2023 and is actively underway. Critical studies addressing knowledge gaps around bull kelp biomass and harvest are in progress, and results are essential to informing the consideration of harvest management within the KRMP.

Kelp canopy area (annual maximum) across the northernmost counties of Del Norte, Humboldt, Mendocino and Sonoma, through the fourth quarter of 2024 have continued to experience declines.

Proposed Regulations

The California Department of Fish and Wildlife (Department) recommends that the Commission extend the temporary harvest restrictions and weekly reporting for bull kelp for Del Norte, Humboldt, Mendocino and Sonoma counties. If adopted, the extended temporary harvest restrictions will expire on January 1, 2029.

For Del Norte and Humboldt counties combined, the Department recommends extending the annual overall fishery harvest quota sunset date for commercial take not to exceed four tons (8,000 pounds (lbs)) wet weight through January 1, 2029. Commercial harvest of bull kelp in the combined Del Norte and Humboldt counties per weekly reporting reflected 1,620 lbs in 2023 and 2,926 lbs in 2024.

For Mendocino and Sonoma counties, two options are provided: (1) extend existing regulations to January 1, 2029 or (2) implement an annual fishery quota of 1 to 2,000 pounds wet weight.

Option 1 (Extend Existing Regulations)

The Option 1 proposed amendment to subsection 165(c)(9) extends the sunset date pertaining to the closure of commercial bull kelp harvest in Mendocino and Sonoma counties from January 1, 2026 to January 1, 2029. The Department recommends this option.

Option 2 (Implement Fishery Quota)

The Option 2 proposed amendment to subsection 165(c)(9) implements provisions that would sunset on January 1, 2029:

- an annual fishery quota from 1 to 2,000 pounds wet weight, in Mendocino and Sonoma counties combined, with the amount to be determined by the Commission;
- mandatory weekly reporting for bull kelp harvesters in Mendocino and Sonoma counties;
- authorization for the Department to temporarily close harvest in order to obtain an accurate tally of the harvest;
- the potential for individual harvester allotments to ensure the quota is not exceeded;
- the mathematical formula to calculate the fishery allotments if the fishery is temporarily closed and reopened;
- the process by which the Department will notify the public and harvesters of the attainment of the quota;
- the harvesters' responsibility to monitor the Department's website to be kept informed of the remaining annual fishery quota; and
- the requirement that harvest in excess of the annual overall fishery quota or allotments be forfeited to the Department.

In addition to the kelp harvest restrictions, the proposed amendment extends the temporary closure and lease prohibition of lease-only administrative kelp beds 308, 309 and 312 from January 1, 2026 to January 1, 2029.

Economic Impact Statement

Section B. Estimated Costs

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime?

Mendocino and Sonoma counties: \$0 for Option 1, \$240 annually for Option 2.

Option 1: The proposed amendment extends the current temporary commercial bull kelp harvest closure in Mendocino and Sonoma counties, which began on January 1, 2023.

Option 2: Allows for limited commercial harvest of bull kelp in Mendocino and Sonoma counties and requires weekly reporting to manage the annual fishery quota.

Under Option 1, the proposed regulations do not impose any new direct costs to businesses or individuals who participate in the commercial bull kelp harvesting sector. By temporarily extending the closure in Mendocino and Sonoma counties, and the annual fishery quota and weekly reporting requirements for Del Norte and Humboldt counties, the proposed regulations continue the current baseline conditions for the commercial harvest of bull kelp in these counties; thus, the proposed regulations do not require participants to adjust reporting practices or take new actions that would incur direct and indirect costs in order to participate in harvesting.

The temporary four ton (8,000 lbs) annual fishery quota restriction for Del Norte and Humboldt counties combined that expires on January 1, 2026 has not restricted the industry from harvest in the two counties. Commercial harvest of bull kelp in the combined counties, per weekly reporting, was 1,620 lbs in 2023 and 2,926 lbs in 2024. Extending the current annual fishery quota in Del Norte and Humboldt counties combined would sustain current use and harvest. Due to the temporary closure, no commercial harvest of bull kelp was reported in Mendocino or Sonoma counties in 2023 and 2024.

Commercial harvesters in Mendocino and Sonoma counties did not shift their harvest to Del Norte and Humboldt counties during the temporary closure in 2023 and 2024. However, if bull kelp harvesting reopens in Mendocino and Sonoma counties, it is assumed that these harvesters will resume their activity, which could result in up to \$120 in annual reporting costs per harvester (see response to Question 3 of this section). Applied to the average of two active harvesters from 2018-2022, reporting costs would lead to \$240 in total additional annual costs.

Commercial harvest of wild marine algae is not allowed in nearby states of Oregon and Washington. Therefore, the industry is not competing with nearby markets for harvested kelp.

Question 3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.

The proposed regulations in Option 1 do not add any additional reporting requirements for commercial bull kelp harvesters; rather, they temporarily extend the current weekly reporting requirements for monitoring the annual harvest quota in Del Norte and Humboldt counties. The costs for existing reporting requirements are based on the number of harvesters licensed by the Department that reported bull kelp harvest in the specified counties, as well as the associated wages and time requirements to conduct the reporting (see Table 1).

Table 1. Bull Kelp Harvester Weekly Reporting Costs, Del Norte and Humboldt Counties

Task	Minutes	Hourly Rate	Cost
Record Keeping	15 (0.25 hour)	\$30	\$7.50
Reporting to Department	5 (0.083 hour)	\$30	\$2.49
Total	20 (0.333 hour)	—	~\$10

Sources: Department analysis; Bureau of Labor Statistics, Supervisor of Fishing Workers hourly wage rate, 2024, [Occupational Employment and Wage Statistics](#)^[OBJ]

Five (5) months is the period of harvest activity during 2023 and 2024 in Del Norte and Humboldt counties combined and, thus, the metric for calculating potential costs. Using the bull kelp harvester weekly reporting cost of \$10 x 4 extra reports each month of harvest x 5 months = \$200 maximum annual costs per harvester. Applied to an estimated two harvesters in the area, the total annual cost for the current weekly reporting costs that will be temporarily extended by the proposed regulation is \$400 per year.

Under Option 2, limited harvest would be allowed in Mendocino and Sonoma counties, which would require bull kelp harvesters in these counties to begin submitting weekly reports to the Department. Based on historical averages from the five years prior to the temporary closure (2018-2022), Department staff estimates that approximately two harvesters would be active in these counties for about three months of the calendar year. Thus, the estimated total reporting costs imposed by the regulations would be \$10 x 4 extra reports each month of harvest x 3 months x 2 harvesters = \$240 annually, or \$720 over three years and \$120 per harvester annually.

Section C. Estimated Benefits

Question 1. Briefly summarize the benefits of the regulation.

Adopting the regulations is anticipated to benefit the state's environment in the sustainable management of this resource. As a foundational species forming the physical structure of kelp forest habitats, bull kelp supports fisheries, cultural and ceremonial traditions, and tourism. Sustaining kelp resources maintains the value of the commercial harvest of the kelp harvest industry, and other commercial and recreational fisheries that benefit from kelp forest habitats.

There are some challenges in the monetization of much of the anticipated benefits of the proposed regulation because a portion of the intended outcomes are comprised of non-market traded ecosystem values. However, if Option 2 is selected by the Commission and Mendocino and Sonoma counties are allowed to reopen, the direct economic benefit of harvesting the full quota of 2,000 wet pounds per year would be approximately \$21,406 annually.

No direct benefits to the health and welfare of California residents, or to worker safety are anticipated as a result of these regulations.

Question 3. What are the total statewide benefits from this regulation over its lifetime?

The value of the commercial bull kelp harvest in Del Norte and Humboldt counties is estimated to be \$24,163 annually (Table 2), with the number of harvesters engaged in bull kelp harvest from 2018 to 2024 ranging from 0 to 2. The estimated annual benefit from harvest under Option 1 is \$24,163.

Retail prices for bull kelp by three businesses engaged in the fishery during 2021 through 2024 are presented in Table 3, with an average price of \$154 per pound based on the three sellers with listed retail pricing. The revenue estimates are conservative because gross revenue does not subtract out the costs of labor and other inputs utilized in the production of the finished bull kelp products. Additionally, the prices used in Table 3 identified by program staff are retail and not wholesale prices.

Table 2: Bull Kelp Harvest for Del Norte and Humboldt Counties 2018-2024

	2018	2019	2020	2021	2022	2023	2024	Average
Combined Harvest (wet pounds)	3,248	4,129	0	2,635	1,258	1,620	2,926	2,259
Combined Harvest (dry pounds)	226	287	0	183	87	113	203	157
Combined Gross Revenue	\$34,736	\$44,157	\$0	\$28,180	\$13,454	\$17,325	\$31,292	\$24,163

Note: Department commercial bull kelp harvest data reported from commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Reports. No reported harvest for 2020. Preliminary wet kelp to dry conversion factor 14.14 lbs wet = 1 lb dry bull kelp.

Table 3: Retail Cost of Bull Kelp (Dry Weight) for Three Businesses with Reported Bull Kelp Harvest 2021-24

Business Scenarios	Retail Cost (Dry Weight)
Business 1	\$10 per 0.5 oz or \$320/lb
Business 2	\$12 per 1/4 lb or \$40 per lb
Business 3	\$18.75 per 2 oz or \$102 per lb

Note: Ounce = oz; pound = lb

If Mendocino and Sonoma counties are reopened to harvest (Option 2), then the value of harvesting the annual quota of 2,000 wet pounds of bull kelp would be approximately \$21,406 annually (2,000 wet pounds/14.14 = 138.89 dry pounds, or approximately 139 pounds, multiplied by \$154 per pound). Combined with the value of the harvest from Del Norte and Humboldt counties, the total monetary benefit of harvesting under Option 2 is approximately \$45,569 annually; however, this value assumes the Commission selects — and harvesters elect to harvest — a 2,000-lb quota, which is higher than the 2018-2022 average of 1,170 wet pounds with an estimated value of \$12,513 (see Table 4 in Section D of the Economic Impact Statement).

Question 4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation.

The Commission does not anticipate any impacts on expansion of businesses in California under Option 1 because the proposed regulations extend the existing baseline conditions for the closure in Mendocino and Sonoma counties, and the baseline conditions for the annual fishery quota and weekly reporting for Del Norte and Humboldt counties.

If Option 2 is selected to reopen Mendocino and Sonoma counties to harvest, then the harvesters who had previously operated in the area would likely resume their operations. Based on historical data from Department staff for the last five-year period of harvest before

the temporary closure (2018-2022), the range of harvesters in those counties is zero to four with an average of two active harvesters in a year. The harvesters' return would likely yield economic activity similar to 2018-2022 levels, representing a small increase in economic activity that is capped at approximately \$21,400 annually by the quota.

Section D. Alternatives to the Regulation

Question 2. Summarize the total statewide costs and benefits from this regulation and each alternative considered.

Alternative 1

The no-change alternative would leave the existing regulations in place: bull kelp temporary harvest restrictions in Del Norte, Humboldt, Mendocino and Sonoma counties, and weekly reporting to monitor the annual quota in Del Norte and Humboldt counties. The current regulations expire on January 1, 2026, at which time the regulations will revert to what existed prior to 2023.

The number of harvesters engaged in bull kelp harvest in Mendocino and Sonoma counties from 2014 to 2022 ranged from zero to four, with an average of two active harvesters annually. Reopening Mendocino and Sonoma counties would bring the benefit of economic activity related to harvesting bull kelp, estimated at \$12,513 annually using average harvest numbers for 2014-2022 (Table 4). The revenue estimates are conservative because gross revenue does not subtract out the costs of labor and other inputs utilized in the production of the finished bull kelp products. Additionally, the prices used in Table 3 identified by program staff are retail and not wholesale prices. Finally, the estimate uses the average annual harvest from the last time Mendocino and Sonoma counties were open (2014-2022), which is different than the robust approach that assumes the full quota is harvested in those counties under Option 2.

Table 4: Bull Kelp Harvest in Mendocino and Sonoma Counties 2014-2022

	2014	2015	2016	2017	2018	2019	2020	2021	2022	Average
Combined Harvest (wet pounds)	951	1915	892	118	560	0	5	4,300	1,789	1,170
Combined Harvest (dry pounds)	66	133	62	8	39	0	0	299	124	81
Combined Gross Revenue	\$10,170	\$20,480	\$9,539	\$1,262	\$5,989	\$0	\$53	\$45,986	\$19,132	\$12,513

Note: Department commercial bull kelp harvest data reported from commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Reports. No reported harvest for 2019. Preliminary wet kelp to dry conversion factor 14.14 lbs wet = 1 lb dry bull kelp. Average price is \$154 per pound.

The combined estimated average gross revenue from reopening Mendocino and Sonoma counties (\$12,513) plus the combined estimated average gross revenue from Del Norte and Humboldt counties from Table 2 (\$24,163), which would likely remain unchanged, gives a total estimated monetary benefit of \$36,618 from the harvest. When the removal of the \$400 in annual reporting costs for Del Norte and Humboldt counties described in Section B are factored in, the total estimated annual monetary benefit rises to \$37,018. The costs for the no-change alternative would be \$0, as there would be no direct costs imposed by the no-change alternative.

Despite the continued loss of bull kelp, temporary precautionary measures to limit bull kelp harvest would not be extended and harvest of bull kelp for human consumption would be allowed to continue. As an annual species with its reproductive material located on the blades at the water's surface, harvest can result in less available reproductive material, which could present a non-monetized cost to harvesters via the impact to the bull kelp's ability to reproduce and replenish itself as a resource. Also of concern is the lack of scientific data to inform managers whether commercial harvest has an impact on the current kelp population. Knowledge gaps around the potential effects of commercial harvest on the remaining kelp population are actively being addressed; once available, results will be integrated into the harvest framework within the KRMP.

Additionally, under the no change alternative, the current temporary closure of lease-only administrative kelp beds would expire on January 1, 2026, and the lease-only beds will be available for lease on January 2, 2026, regardless of bull kelp decline. Maintaining the lease-only status could be misleading and confuse the public since lease applications may result in denial by the Commission due to the loss of bull kelp as well as create an undue workload for Department and Commission staff.

Fiscal Impact Statement

Section A. Fiscal Effect on Local Government.

Answer: None.

Section B. Fiscal Effect on State Government

Answer: 4. Other.

No fiscal impact exists for Option 1 as the proposed regulatory amendments extend current harvesting conditions that do not require additional staff time or resources from the Commission, Department or other state agencies.

While Option 2 reopens the harvest in Mendocino and Sonoma counties, it does not represent a new fiscal cost to the Department, as monitoring would be folded into existing duties for staff and not incur any new costs. However, under Option 2 the Department would collect revenue from the edible seaweed royalty rate at \$24.00 per wet ton (2,000 lbs) or \$0.012 per lb. Considering the range of harvest proposed of 1 to 2,000 lbs, the estimated royalty collection range is \$0.012 to \$24.00 of additional revenue to the Department.

Section C. Fiscal effect on federal funding of state programs.

Answer: None.

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Subsection (c)(9), of Section 165,
and
Subsections (c), and (k)(2)(I), of Section 165.5, Title 14, California Code of Regulations

Re: Commercial Bull Kelp Harvest Restrictions

I. Date of Initial Statement of Reasons: August 5, 2025

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: August 13-14, 2025

Location: Sacramento

(b) Discussion and Adoption Hearing:

Date: October 8-9, 2025

Location: Sacramento

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), Commission refers to the California Fish and Game Commission, and Department refers to the California Department of Fish and Wildlife.

Background

Bull kelp (*Nereocystis luetkeana*) is a foundational species providing physical structure of biodiverse and productive habitats that provide ecological functions and ecosystem services as well as supporting fisheries for invertebrates and fish, is important in cultural and ceremonial traditions, and supports tourism.

Bull kelp is managed for commercial harvest in Section 165, Commercial Harvesting of Kelp and Other Aquatic Plants, and Section 165.5, Lease of Kelp Beds for Exclusive Harvest of *Macrocystis* and *Nereocystis*. The reproductive material of this annual species — although some individuals may live into a second year — are located within its blades at the top of the kelp. Current commercial harvest regulations allow cutting of attached kelp up to four feet below the surface of water, and those harvesting bull kelp for human consumption may take the entire individual. The allowance of take of blades which contain or will contain the reproductive material, and its annual life history can result in less available reproductive material.

At its October 2022 meeting, the Commission approved a precautionary approach temporarily restricting commercial bull kelp harvest in the north coast in response to a dramatic and persistent decline of bull kelp populations in Mendocino and Sonoma counties and a lack of scientific data to inform understanding of potential effects of commercial harvest on the remaining kelp population (Office of Administrative Law (OAL) rulemaking file 2022-1014-04SR). The temporary harvest amendments enacted in that rulemaking span a three-year period, to sunset on January 1, 2026, with the intent to allow for drafting and potential adoption of a comprehensive, statewide Kelp Restoration and Management Plan (KRMP). Development of the KRMP was initiated in 2023 and is actively underway. Critical studies addressing knowledge gaps around bull kelp biomass and harvest are in progress, and results are essential to informing the consideration of harvest management within the KRMP.

As described in the January 14, 2022 Pre-Adoption Statement of Reasons (PSOR) in OAL rulemaking file 2022-1014-04SR, Mendocino, Sonoma, and Del Norte counties experienced kelp canopy declines of 90 percent, 95 percent, and 5 percent, respectively, while Humboldt County experienced a 20 percent increase during 2014 through the third quarter of 2021 compared to the mean annual maximum canopy area prior to the Marine Heatwave (MHW), 1984 through 2013. The Department and California Ocean Protection Council's *Status of Research and Monitoring, Restoration Efforts, and Developing Management Strategies for Kelp Canopy Forming Species in California* presented on November 16, 2023 to the Commission's Marine Resources Committee, highlighted continued declines in kelp canopy for 2014 through 2022 post-MHW for Mendocino and Sonoma counties, and declines in Humboldt and Del Norte counties, which continue to be reflected through the fourth quarter of 2024 (Table 1). Kelp canopy area (annual maximum) across the four northernmost counties through the fourth quarter of 2024 have not increased (Figure 1). Del Norte and Humboldt counties historically have supported significantly less kelp than Mendocino and Sonoma counties, as depicted by the total amount of kelp in each county shown in the y-axis in Figure 1. The kelp canopy data processes are improving and refined over time, which may result in changes in the data when comparing past datasets as depicted in the January 2022 PSOR to data updated through 2024. Additionally, minor changes in canopy area in Del Norte and Humboldt counties may reflect larger percentage changes (Table 1). For example, in 2021 the increase in Humboldt County was the result of a small kelp patch that emerged and was sustained for one season.

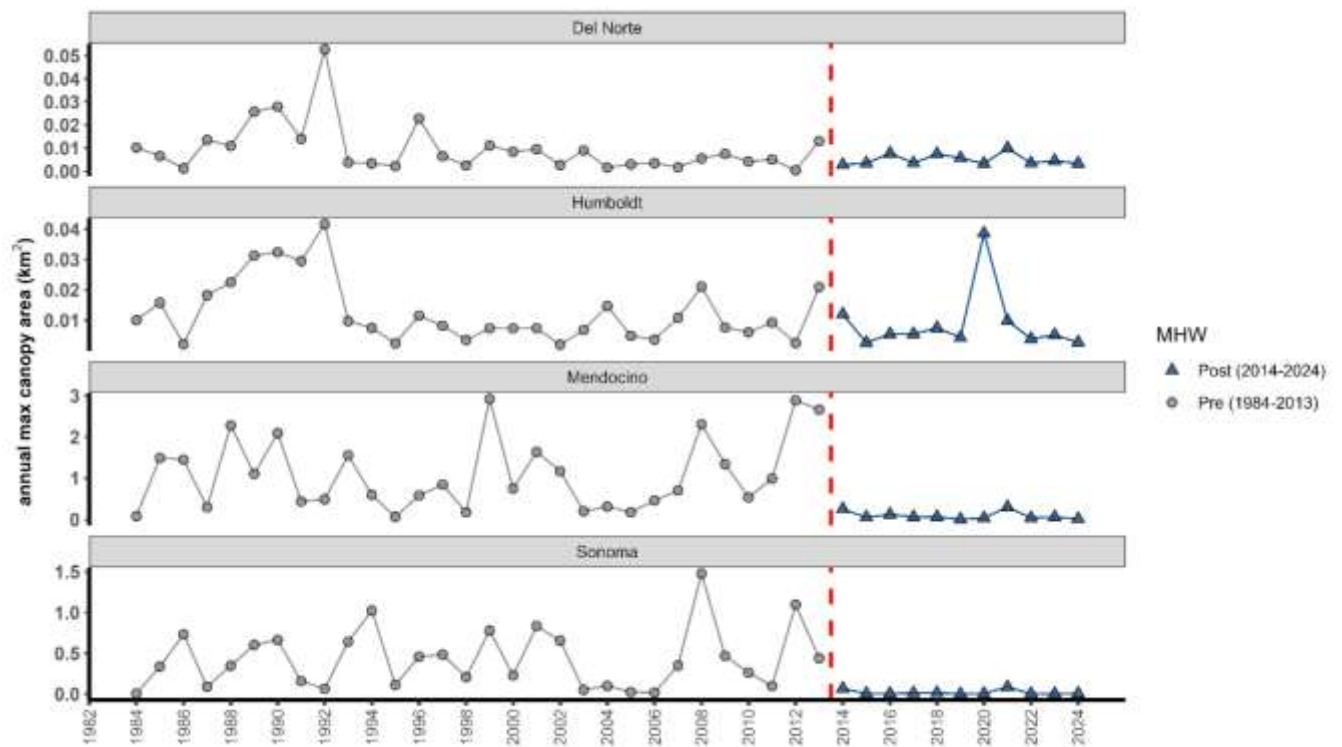


Figure 1. Annual kelp canopy area maximum (measured quarterly) in square kilometers estimated from Landsat satellites (SBC LTER et al., 2025) for Del Norte, Humboldt, Mendocino, and Sonoma counties, 1984 through the fourth quarter of 2024. The vertical dashed line reflects the timeframe before and after the Marine Heatwave (MHW). Bell, T., K. Cavanaugh, and D. Siegel. 2025. SBC LTER: Time series of quarterly NetCDF files of kelp biomass in the canopy from Landsat 5, 7 and 8, since 1984 (ongoing) ver 28. Environmental Data Initiative.

<https://doi.org/10.6073/pasta/d33bd376547863acffc675a611b40289>. Accessed 2025-03-14.

Table 1. The percent change of the mean annual maximum kelp canopy area in Del Norte, Humboldt, Mendocino, and Sonoma counties. Data reflects the time frame considered during the adopted temporary bull kelp amendments, 2014 through the third quarter of 2021, and current proposed amendments, 2014 through the fourth quarter of 2024.

County	2022 Pre-Adoption Statement of Reasons: 2014 Through the Third Quarter of 2021 Percent Change Time Frame (Compared to 1984-2013 mean)	Updated: 2014 Through the Fourth Quarter of 2024 Percent Change Time Frame (Compared to 1984-2013 mean)
Mendocino	90% decline	91% decline
Sonoma	95% decline	96% decline
Humboldt	20% increase	29% decline
Del Norte	5% decline	48% decline

Current Regulations

The current regulations in Section 165 provide the general licensing provisions for the commercial harvest of kelp and other aquatic plants. The section also establishes harvest reporting and royalty fee requirements, establishes geographical limitations on bull kelp harvesting, establishes harvesting method limitations on giant kelp, bull kelp, agar-bearing marine plants, and edible seaweed and prohibits the disturbance of certain aquatic plants. Although Section 165 provides regulations for kelp and other aquatic plants overall, it also contains subsections which provide more nuanced regulations depending on the species harvested and/or use of the harvest. Current subsections which pertain to the more substantive proposed amendments include:

- Subsection (b) pertains to general harvest of kelp and other aquatic plants and includes information on harvest reporting, harvest restrictions in marine protected areas established under subsections 632(a) and 632(b), prohibition of kelp, marine aquatic plants, and edible seaweed harvest from Tomales Bay or San Francisco Bay, and prohibition of bull kelp harvest in closed or lease only administrative kelp beds as described in subsection 165.5(k), unless harvested for human consumption pursuant to subsection 165(e)(2), or, if a lease is granted for lease only beds by the Commission.
- Subsection (c) pertains to harvest of giant kelp and bull kelp and includes information on allowable harvest methods, the bull kelp harvest seasonal closure within non-leased administrative kelp beds which lie partially or completely within the Monterey Bay National Marine Sanctuary boundaries, kelp harvest reporting, and kelp harvest plans for mechanical harvest or administrative kelp bed leasing as described in Section 165.5. Subsection (c) also provides information on temporary

harvest restrictions and weekly reporting for bull kelp which sunset on January 1, 2026.

- Subsection (e) specifies regulations regarding harvest of marine plants, classified as edible seaweed, for human consumption. These regulations allow limited harvest of bull kelp for human consumption, including take in closed or lease only administrative kelp beds. Subsection (e) also specifies that license holders harvesting bull kelp for human consumption cannot exceed an annual limit of two tons (4,000 pounds (lbs)) wet weight per license.

The existing regulations in Section 165.5 define procedures for leasing administrative kelp beds for the exclusive right to harvest giant or bull kelp. In addition, the regulation spatially describes the existing 87 administrative kelp beds under the following management categories:

- open: beds which are available to harvest by all commercial kelp harvesters;
- closed: all commercial kelp harvest is prohibited;
- leasable: available for harvest by all commercial kelp harvesters until an exclusive lease is granted by the Commission, then only available for harvest by the lessee; and
- lease only: commercial kelp harvest is prohibited unless an exclusive lease is granted by the Commission.

The designations were designed for optimal harvest, while ensuring sustainable management of the resource and the species that depend upon kelp. Administrative kelp beds 308, 309, and 312 in Mendocino, Humboldt, and Del Norte counties are designated as lease only beds wherein only harvest by lease holders is allowed; however, current regulations allow limited harvest for human consumption of the lease only and closed beds within the limits specified in subsection 165(e). Section 165.5 also provides information on temporary lease closures for bull kelp in administrative kelp beds 308, 309, and 312 which sunset on January 1, 2026.

Proposed Regulatory Changes

The Department recommends that the Commission amend one subsection of 165 and one subsection of 165.5 pertaining to temporary restrictions for commercial harvest of the marine alga bull kelp. At the request of the Commission's Marine Resources Committee during its July 2025 meeting, an option for Mendocino and Sonoma counties has been added for subsection (c)(9) to allow for limited commercial bull kelp harvest.

Section 165

Subsection (c)(9): Current regulations in subsection (c)(9) specify temporary harvest restrictions and weekly reporting for bull kelp.

- The proposed amendment to subsection 165(c)(9)(A) includes two harvest options for Mendocino and Sonoma counties:
 - Subsection 165(c)(9)(A) Option 1 (Department recommendation): Extend the sunset date of the current bull kelp harvest closure in Sonoma and

Mendocino counties regardless of intended use of harvested bull kelp to January 1, 2029.

- Subsection 165(c)(9)(A) Option 2: Impose an annual overall bull kelp harvest quota from 1 pound to 2,000 pounds (1 ton) wet weight in Sonoma and Mendocino counties, combined, between January 1 – December 31 to sunset on January 1, 2029. Harvest is limited for human consumption only. The Commission will select the annual quota within the range provided if this option is chosen.
- Subsections (c)(9)(A)1. through (c)(9)(A)3.: In the event the Commission adopts subsection (c)(9)(A) Option 2, proposed subsections (c)(9)(A)1. through (c)(9)(A)3. are necessary to ensure an orderly fishery in Sonoma and Mendocino counties and that the quota will not be exceeded. The proposed amendment specifies:
 - the Department may temporarily close the harvest in order to obtain an accurate tally of the harvest;
 - the potential for individual harvester allotments;
 - the mathematical formula to calculate the fishery allotments if the fishery is temporarily closed and reopened;
 - the process by which the Department will notify the public and harvesters of the attainment of the quota; and
 - the harvesters' responsibility to monitor the Department's website to be kept informed of the remaining quota.

The Department has determined that the harvesters who may target harvest of bull kelp for human consumption in Sonoma and/or Mendocino counties if the fishery is temporarily closed and reopened are (1) the harvesters who have indicated they **plan to target** bull kelp for human consumption by indicating "Bull Kelp (Human Consumption)" on their Kelp Harvesting License and Drying Application DFW 658 and (2) the harvesters who **have reported bull kelp harvest** for human consumption in Sonoma and/or Mendocino counties on their previously submitted Commercial Edible Seaweed/Agarweed Aquatic Harvester's Monthly Reports DFW 113A in one or more months during the annual fishery quota period. Therefore, the number of harvesters in these two groups will be used in calculating the harvest allotment amount. The formula allows an equitable distribution of the remaining quota amount by ensuring that all harvesters who may target harvest of bull kelp for human consumption in Sonoma and/or Mendocino counties are included in the harvest allotment calculation. The allotment approach in this subsection ensures that all harvesters who may target harvest of bull kelp for human consumption in Sonoma and/or Mendocino counties will be allotted amounts. However, since harvesters may not exceed their annual license quota, any allotment

in excess of a licensed harvester's annual license quota will be allotted to other harvesters who the Department has identified may target harvest of bull kelp for human consumption in Sonoma and/or Mendocino counties to ensure the full amount of the annual overall fishery quota may be harvested.

- Subsection (c)(9)(A)4.: In the event the Commission adopts subsection (c)(9)(A) Option 2, proposed subsection (c)(9)(A)4. specifies that all harvest in excess of the annual overall fishery quota or allotments shall be disposed of or used in a manner determined by the Department by forfeiting the excess harvest to the Department by signing a Release of Property form DFW 1108. This regulation is necessary to ensure that any inadvertent excess harvest is discouraged to prevent waste, and is consistent with existing regulations in subsection (b)(6) which specifies it is unlawful to cause or permit waste of kelp, marine aquatic plants, or marine algae taken in California waters or to take, receive, or agree to receive more kelp, marine aquatic plants, or marine algae than can be used without waste or spoilage.

All Option 2 provisions will sunset January 1, 2029.

- **Subsection 165(c)(9)(B):** The proposed amendment extends the sunset date pertaining to the current harvest restrictions for bull kelp in Del Norte and Humboldt counties from January 1, 2026 to January 1, 2029 in subsection (c)(9)(B).
- **Subsection 165(c)(9)(C):** To allow the Department to monitor the harvest and avoid exceeding the annual harvest quota, in addition to the currently required monthly harvest reports, subsection (c)(9)(C) lists requirements for weekly reporting via email of bull kelp harvest with options dependent on the Commission's decision on Sonoma and Mendocino counties.
 - Subsection 165(c)(9)(C) Option 1: If subsection (c)(9)(A) Option 1 is adopted by the Commission, requirements for weekly reporting of bull kelp harvest for Del Norte and Humboldt counties will remain unchanged and the sunset date will be extended through January 1, 2029.
 - Subsection 165(c)(9)(C) Option 2: If subsection (c)(9)(A) Option 2 is adopted by the Commission, the sunset date for weekly reporting of bull kelp harvest for Del Norte and Humboldt counties will be extended to January 1, 2029 and weekly reporting of bull kelp harvest will be implemented for Mendocino and Sonoma counties, with a sunset date of January 1, 2029.

Section 165.5

Subsection (c): The proposed amendment to subsection (c) extends the temporary closure and lease prohibition of the lease only administrative kelp beds 308, 309, and 312 from January 1, 2026 to January 1, 2029 and amends the availability to lease

administrative kelp beds 308, 309, and 312 from “on or after January 2, 2026” to “on or after January 2, 2029.”

The Department also recommends that the Commission amend subsection 165.5(k)(2)(I) to correct an error.

Subsection (k)(2)(I): The proposed amendment to subsection (k)(2)(I) corrects the second coordinate in the description of administrative kelp bed 109 from **34° 58.999' N.** lat. 119° 29.556' W. long to **33° 58.999' N.** lat. 119° 29.556' W. long. A typographical error was introduced in rulemaking file 2013-1205-01S that placed the coordinate on land (Figure 2); this proposed amendment will correct the coordinate to that which was originally noticed in that rulemaking.

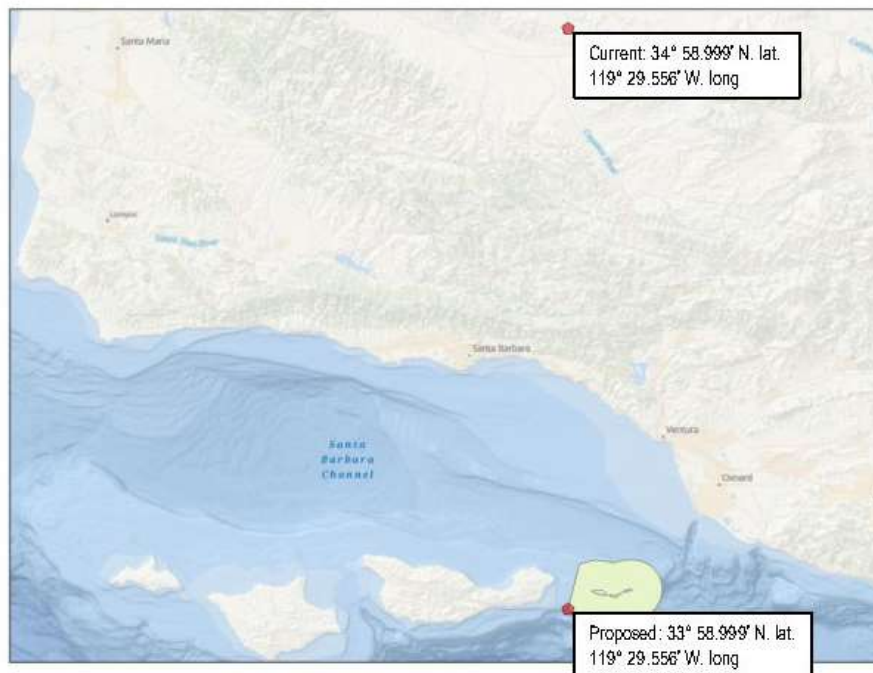


Figure 2. Image depicting current coordinate and proposed amendment to coordinate for administrative kelp bed 109, Anacapa Islands.

Minor edits are proposed for clarity and consistency.

(b) Goals and Benefits of the Regulation

Under the Marine Life Management Act (MLMA), it is the policy of the state to ensure the conservation, sustainable use, and restoration of California's living marine resources for the benefit of all citizens of the state (Fish and Game Code (FGC), Section 7050). Furthermore, FGC defines a fishery as one or more populations of marine fish or marine plants that may be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics (FGC, Section 94).

Kelp is therefore considered a fishery and is subject to the policy of the state that programs for the conservation and management of the marine fishery resources of California shall be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure

conservation, to facilitate long-term protection, and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources [subdivision 7055(b), FGC] and that fisheries are conducted sustainably so that long-term health of the resources is not sacrificed in favor of short-term benefits [subdivision 7056(a), FGC].

To meet the goals of these policies, the Department has determined that a precautionary approach is warranted to protect and maintain the remaining bull kelp along the northern California coast.

The changes to the bull kelp regulations are proposed with the goal to protect and maintain the remaining bull kelp beds in Sonoma, Mendocino, Humboldt, and Del Norte counties.

The temporary nature of the proposed bull kelp regulations provides an interim management measure to protect the resource while allowing for the Department, Tribes, industry, and interested stakeholders to continue to collaboratively develop the KRMP.

The proposed regulations will provide benefits to the sustainable management of kelp resources and will provide regulatory clarity and enforceability.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Section 165

Authority cited: Sections 6653 and 6653.5, FGC.

Reference: Sections 51, 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, FGC.

Section 165.5

Authority cited: Sections 6653, 6700 and 6701, FGC.

Reference: Sections 6653, 6700, 6701, 6701.5, 6702, 6703, 6704, 6705, 6706, and 6707, FGC.

(d) Specific Technology or Equipment Required by Regulatory Change:

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Identification of Documents Providing Background Information

Documents from Office of Administrative Law Rulemaking file 2022-1014-04SR:

- California Fish and Game Commission. January 14, 2022. Pre-Adoption Statement of Reasons for Regulatory Action. Amend Sections 165, and 165.5, and Appendix A, and add Section 705.1 Title 14, California Code of Regulations (CCR). Re: Commercial Harvesting of Kelp and Other Aquatic Plants; Lease of Kelp Beds for Exclusive Harvest of *Macrocystis* and *Nereocystis*; Commercial Kelp Harvesting and Drying Application, Monthly Harvest Reports.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=199028&inline>

- California Fish and Game Commission. April 7, 2022. Final Statement of Reasons for Regulatory Action. Amend Sections 165, and 165.5, and Appendix A, and add Section 705.1 Title 14, California Code of Regulations (CCR). Re: Commercial Harvesting of Kelp and Other Aquatic Plants; Lease of Kelp Beds for Exclusive Harvest of Macrocystis and Nereocystis; Commercial Kelp Harvesting and Drying Application, Monthly Harvest Reports. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207556&inline>

California Department of Fish and Wildlife, Marine Region and California Ocean Protection Council. November 2023. Status of Research and Monitoring, Restoration Efforts, and Developing Management Strategies for Kelp Canopy Forming Species in California. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216814&inline>

California Ocean Protection Council. December 9, 2024. Staff Recommendation Action Item: Consideration and Approval of Disbursement of Funds to Support Adaptive Management and Resilience of Kelp Forests. <https://opc.ca.gov/wp-content/uploads/2024/11/Item-7-Kelp-Package-2024-508.pdf>

California Department of Fish and Wildlife, Kelp Restoration and Management Plan webpage. <https://wildlife.ca.gov/Conservation/Marine/Kelp/KRMP>. Last accessed 2025-0617.

(g) Public Discussions of Proposed Regulations Prior to Notice Publication

- July 1, 2025, Stakeholder informational meeting webinar. Webinar invitees included commercial kelp harvest licensees (years 2024 and 2025), and members of the 2022 Bull Kelp Working Group. Additionally, the informational meeting information was posted on the Department's Marine Management News blog and sent to the KRMP listserv.
- July 16-17, 2025 Marine Resources Committee meeting

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Option 2 (to allow limited harvest in Sonoma and Mendocino counties) was added as a result of discussion at the July 16-17, 2025, Marine Resources Committee meeting. No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect as the proposed regulations.

(b) No Change Alternative

The no change alternative would leave the existing regulations in place and the bull kelp temporary harvest restrictions in Sonoma, Mendocino, Humboldt, and Del Norte counties and weekly reporting to monitor the annual quota in Humboldt and Del Norte counties will expire on January 1, 2026.

Despite the continued loss of bull kelp, temporary precautionary measures to prohibit and limit bull kelp harvest would not be extended and harvest of bull kelp for human consumption would be allowed to resume and continue. As an annual species with its reproductive material located on the blades at the water's surface, all forms of harvest can result in less reproductive material, which could lead to an even smaller population in the

next generation. Also of concern is the lack of scientific data to inform managers whether commercial harvest does or does not have an impact on the current kelp population. Knowledge gaps around the potential effects of commercial harvest on the remaining kelp population are actively being addressed. Once available, results will be integrated into the harvest framework within the KRMP.

The current temporary closure of lease only administrative kelp beds would expire on January 1, 2026, and the lease only beds will be available for lease on January 2, 2026, regardless of bull kelp decline. Leaving the beds available for lease would also contradict the proposed bull kelp harvest closures (Option 1) or harvest limits (Option 2) in Mendocino and Sonoma counties, and the proposed harvest limits in Del Norte and Humboldt counties. Additionally, maintaining the lease only status or not imposing a temporary hiatus on accepting new lease applications would mislead and confuse the public into the belief that the beds are available for lease when lease applications may result in denial by the Commission due to the loss of bull kelp. This would also cause undue workload for the Department and Commission staff as well as the applicant.

The error in the administrative kelp bed 109 description in Section 165.5, subsection (k)(2)(I) will continue to be inaccurate and may affect enforceability of the regulations.

(c) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business:

Option 2 (to allow limited harvest in Sonoma and Mendocino counties) was added as a result of discussion at the July 16-17, 2025, Marine Resources Committee meeting. No alternatives that would lessen adverse impact on small business were identified or brought to the attention of Commission staff.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

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

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

The proposed action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states.

The proposed amendments extend the current temporary regulatory amendments established through OAL rulemaking file 2022-1014-04SR that closed all commercial bull kelp harvest in Sonoma and Mendocino counties and imposed an annual fishery quota and weekly reporting for bull kelp harvest in Humboldt and Del Norte counties.

The temporary four ton (8,000 lbs) annual fishery quota restriction that expires on January 1, 2026 for Del Norte and Humboldt counties combined has not restricted the industry from harvest in these counties. Weekly reporting of commercial harvest of bull kelp in the combined counties reflected 1,620.2 lbs in 2023 and 2,926.2 lbs in 2024. Extending the current annual fishery quota in Del Norte and Humboldt counties combined would maintain current use and harvest post-2014. Due to the temporary closure, no commercial harvest of bull kelp was reported in Sonoma and Mendocino counties in 2023 and 2024.

Commercial harvesters in Mendocino and Sonoma counties did not shift their harvest to Del Norte and Humboldt counties during the temporary closure in 2023 and 2024. Under Option 2, the reopening of Mendocino and Sonoma counties to harvest could potentially yield an annual monetary benefit of approximately \$21,406 if the full 2,000-pound wet weight harvest quota is met while also introducing approximately \$120 in reporting costs per harvester. See the Addendum to the economic and fiscal impact statement (STD 399) for further details.

Commercial harvest of wild marine algae is not allowed in nearby states of Oregon and Washington. Therefore, the industry is not competing with nearby markets for harvested kelp.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. Under Option 2 harvesters in Sonoma and Mendocino counties may resume their harvesting activities, but it is anticipated that this will reactivate existing harvesters from that area who did not move to Del Norte or Humboldt counties.

The Commission does not anticipate any benefits to health and welfare of California residents or worker safety under either option.

The Commission anticipates benefits to the state's environment in the sustainable management of this resource. As a foundational species forming the physical structure of kelp forest habitats, bull kelp supports fisheries, cultural and ceremonial traditions, and tourism.

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

The current long-standing monthly harvest reporting requirement for all commercially harvested marine alga will continue. The proposed extension of the current weekly reporting requirement for bull kelp harvest would continue to introduce additional time for harvesters in Del Norte and Humboldt counties, which is estimated to be about \$200 annually per harvester (see Table 1. Bull Kelp Harvester Weekly Reporting Costs for Del Norte and Humboldt Counties in the STD 399 Addendum). If Option 2 is selected, it is estimated that harvesters in Sonoma and Mendocino counties would face annual reporting costs of approximately \$120 per harvester (see STD 399 Addendum for further details).

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

Management of bull kelp harvest quota and weekly reporting of harvest will continue for an additional three years for the Department. Management tasks in counties with a harvest quota will include: weekly compiling and tracking of harvest and posting status updates on the Department webpage, comparison of weekly to monthly reporting and communications with license holders as needed if discrepancies occur in the reports, determining status of harvest toward the quota as needed, drafting and emailing notices to license holders prior to implementation of restrictions triggered by the quota, posting notice of temporary closure or closures on the Department webpage, and ensuring any harvest in excess of any established quota is forfeited to the Department through a Release of Property form. The continuation of these activities by the Department does not represent a new cost to the state as it has already been budgeted. However, under Option 2 the Department could see up to \$24 in additional annual revenue from the collection of the edible seaweed royalty in the reopened Sonoma and Mendocino counties, see STD 399 Addendum for further details.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None

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

None

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

None

(h) Effect on Housing Costs:

None

(i) Business Reporting Requirements:

The current long-standing monthly harvest reporting requirement for all commercially harvested marine algae will continue. The proposed regulations extend the current weekly reporting requirements for commercial harvest of bull kelp in Humboldt and Del Norte counties for three years and, under Option 2, implement weekly reporting requirements for commercial harvest of bull kelp in Sonoma and Mendocino counties for three years. The data provided in the weekly reports will help the Department to monitor bull kelp harvest in order to obtain an accurate tally of harvest and avoid exceeding the annual harvest quota. Without these weekly reporting requirements for commercial harvester businesses, the Department's ability to closely monitor bull kelp harvest in order to obtain an accurate tally of harvest and to avoid exceeding the annual harvest quota would not be realized.

It is the policy of the state to ensure the conservation, sustainable use, and restoration of California's living marine resources for the benefit of all citizens of the state and that programs for the conservation and management of the marine fishery resources be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure

conservation, to facilitate long-term protection, and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources and that fisheries are conducted sustainably so that long-term health of the resources is not sacrificed in favor of short-term benefits. Therefore, the Commission finds it is necessary for the welfare of the people of the state that the proposed reporting requirements apply to business.

VII. Economic Impact Assessment

The proposed continued temporary harvest limits for bull kelp in Humboldt and Del Norte counties combined (8,000 lbs per year) are above recent annual harvest range during the current limits from 2023 through 2024, thus the average revenue per harvester is anticipated to be within recent historic levels. The proposed continued temporary closure of bull kelp harvest for Mendocino and Sonoma counties under Option 1 could result in a continued decline in revenue for the industry that harvests bull kelp.

The proposed continuation of the weekly reporting requirement would continue to temporarily introduce additional time that is estimated to be \$200 annually per harvester (see Table 1. Bull Kelp Harvester Weekly Reporting Costs for Del Norte and Humboldt Counties in the STD 399 Addendum).

Under Option 2, the reopening of Mendocino and Sonoma counties to harvest could potentially yield an annual monetary benefit of approximately \$21,406 if the full 2,000-pound wet weight harvest quota is met while also introducing approximately \$120 in reporting costs per harvester. See the Addendum to the STD 399 for further details.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission anticipates no impacts on the creation or elimination of jobs within the state because the proposed action will not spur the need for more or less labor. While Option 2 does restore the ability of harvesters in Sonoma and Mendocino to resume the harvest of bull kelp, it is unlikely to spur job growth as these activities are typically done under smaller operations, and these businesses have remained in the area due to the harvesting of other marine plants still being permitted under current regulations.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission anticipates no impacts on the creation of new businesses or the elimination of existing businesses within the state. The proposed changes under either option are not expected to spur new business creation or the elimination of businesses. The proposed harvest limit in Del Norte and Humboldt counties is within historic take. Harvest of other marine plants is still authorized in Del Norte, Humboldt, Mendocino and Sonoma counties.

Under Option 2 existing harvesters in Sonoma and Mendocino counties are expected to resume their harvest of bull kelp, but as mentioned previously these harvesters have largely remained active in those counties due to the harvest of other marine plants being authorized under current regulations.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

Under Option 1 the Commission anticipates no impacts on the expansion of businesses currently doing business within the state because the harvest limit is not being increased. However, under Option 2 harvesters could resume activity in Sonoma and Mendocino counties, which could have an annual monetary benefit of approximately \$21,406 if the full 2,000-pound wet weight quota for those two counties is fully harvested.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission anticipates no direct benefits to the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission anticipates no impacts on the worker safety because the proposed action does not have any bearing on working conditions.

(f) Benefits of the Regulation to the State's Environment

The Commission anticipates benefits to the State's environment by contributing to the conservation of kelp forest ecosystem benefits.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), Commission refers to the California Fish and Game Commission, and Department refers to the California Department of Fish and Wildlife.

Current Regulations

The current regulations in Section 165 provide the general licensing provisions for the commercial harvest of kelp and other aquatic plants. The section also establishes harvest reporting and harvest royalty fee requirements, establishes geographical limitations on bull kelp harvesting, establishes harvesting method limitations on giant kelp, bull kelp, agar-bearing marine plants, and edible seaweed and prohibits the disturbance of certain aquatic plants. Although Section 165 provides regulations for kelp and other aquatic plants overall, it also contains subsections which provide more nuanced regulations depending on the species harvested and/or use of the harvest, including temporary harvest restrictions and weekly reporting for bull kelp which sunset on January 1, 2026.

The existing regulations in Section 165.5 define procedures for leasing administrative kelp beds for the exclusive right to harvest giant or bull kelp. In addition, the regulation spatially describes the existing 87 administrative kelp beds under the following management categories: open, closed, leaseable, and lease only. The designations were designed for optimal harvest, while ensuring sustainable management of the resource and the species that depend upon kelp. Administrative kelp beds 308, 309, and 312 in Mendocino, Humboldt, and Del Norte counties are designated as lease only beds wherein only harvest by lease holders is allowed; however, current regulations allow limited harvest for human consumption of the lease only and closed beds within the limits specified in subsection 165(e). Section 165.5 also provides information on temporary lease closures for bull kelp beds 308, 309, and 312 which sunset on January 1, 2026.

Proposed Amendments

Subsection 165(c): The Department recommends temporary prohibitions, limits, weekly reporting, and lease restrictions for commercial harvest of bull kelp (*Nereocystis luetkeana*).

- The proposed amendment to subsection 165(c)(9) extends the sunset date pertaining to the current harvest restrictions and weekly reporting for bull kelp in Del Norte and Humboldt counties from January 1, 2026 to January 1, 2029.
- Two options are provided for Mendocino and Sonoma counties.
 - Under Option 1 (Department recommendation), the proposed amendment to subsection 165(c)(9) extends the sunset date pertaining to the closure of commercial bull kelp harvest in Mendocino and Sonoma counties from January 1, 2026 to January 1, 2029.
 - Under Option 2, the proposed amendment to subsection 165(c)(9) implements an annual fishery quota, from 1 to 2,000 pounds wet weight, in Mendocino and Sonoma counties combined with the amount to be determined by the Commission; mandatory weekly reporting for bull kelp harvesters in Mendocino and Sonoma

counties; authorization for the Department to temporarily close harvest in order to obtain an accurate tally of the harvest; the potential for individual harvester allotments to ensure the quota is not exceeded; the mathematical formula to calculate the fishery allotments if the fishery is temporarily closed and reopened; the process by which the Department will notify the public and harvesters of the attainment of the quota; the harvesters' responsibility to monitor the Department's website to be kept informed of the remaining annual fishery quota; and the requirement that harvest in excess of the annual overall fishery quota or allotments shall be disposed of or used in a manner determined by the Department by forfeiting the excess harvest to the Department. These provisions would sunset on January 1, 2029.

Subsection 165.5(c): The proposed amendment to subsection (c) extends the temporary closure and lease prohibition of the lease only administrative kelp beds 308, 309, and 312 from January 1, 2026 to January 1, 2029 and amends the availability to lease administrative kelp beds 308, 309, and 312 from "on or after January 2, 2026" to "on or after January 2, 2029."

The Department is also recommending correcting a coordinate error for administrative kelp bed 109.

Subsection 165.5(k)(2)(l): The proposed amendment to subsection (k)(2)(l) corrects the second coordinate in the description of administrative kelp bed 109 from **34°** 58.999' N. lat. 119° 29.556' W. long to **33°** 58.999' N. lat. 119° 29.556' W. long. A typographical error was introduced in rulemaking file 2013-1205-01S that placed the coordinate on land; this proposed amendment will correct the coordinate to that which was originally noticed in that rulemaking.

Minor edits are proposed for clarity and consistency.

Benefits of the Regulations

Under the Marine Life Management Act (MLMA), it is the policy of the state to ensure the conservation, sustainable use, and restoration of California's living marine resources for the benefit of all citizens of the state (Fish and Game Code (FGC), Section 7050). Furthermore, FGC defines a fishery as one or more populations of marine fish or marine plants that may be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics (FGC, Section 94).

Kelp is therefore considered a fishery and is subject to the policy of the state that programs for the conservation and management of the marine fishery resources of California shall be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure conservation, to facilitate long-term protection, and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources [subdivision 7055(b), FGC] and that fisheries are conducted sustainably so that long-term health of the resources is not sacrificed in favor of short-term benefits [subdivision 7056(a), FGC].

To meet the goals of these policies, the Department has determined that a precautionary approach is warranted to protect and maintain the remaining bull kelp along the northern California coast.

The changes to the bull kelp regulations are proposed with the goal to protect and maintain the remaining bull kelp beds in Sonoma, Mendocino, Humboldt, and Del Norte counties.

The temporary nature of the proposed bull kelp regulations provides an interim management measure to protect the resource while allowing for the Department, Tribes, industry, and interested stakeholders to continue to collaboratively develop the Kelp Restoration and Management Plan, a comprehensive management framework for kelp.

The proposed regulations will provide benefits to the sustainable management of kelp resources and will provide regulatory clarity and enforceability.

Business Reporting Requirements

The Commission finds it is necessary for the welfare of the people of the state that the proposed reporting requirements apply to business.

Consistency and Compatibility with Existing Regulations

The proposed regulatory changes are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing the harvest of kelp and other aquatic plants for profit (FGC, Section 6653). No other state agency has the authority to adopt regulations governing the harvest of kelp and other aquatic plants for profit. Commercially manufactured and processed food for human consumption in California is regulated by the California Department of Public Health (CDPH); however, CDPH regulations do not address the harvesting of kelp. The Commission has reviewed its own regulations and finds that the proposed regulatory changes are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR and has found no other state agency regulations pertaining to the commercial harvest of kelp and other aquatic plants; therefore, the Commission has concluded that the proposed regulatory changes are neither inconsistent nor incompatible with existing state regulations.

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.

Memorandum

Date: September 23, 2025

Original received 10/01/25;
signed copy on file

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

From: Charlton H. Bonham
Director

Subject: **Submission of Pre-Adoption Statement of Reasons for October 8-9, 2025, Fish and Game Commission Meeting Agenda Item. Re: Commercial Bull Kelp Harvest Restrictions**

The California Department of Fish and Wildlife (Department) has prepared this memorandum in lieu of a pre-adoption statement of reasons to summarize and respond to public comments received by the California Fish and Game Commission (Commission) on the proposed amendments to subsection 165(c)(9) and subsection 165.5(c) and 165.5(k)(2)(l), Title 14, California Code of Regulations.

The proposed amendments extend the temporary restrictions for commercial harvest of the marine alga bull kelp (*Nereocystis luetkeana*) from January 1, 2026 to January 1, 2029:

- Mendocino and Sonoma counties, two options:
 - Option 1: harvest closure (Department recommended)
 - Option 2: limited harvest between 1 to 2,000 lbs wet weight, mandatory weekly reporting for bull kelp harvesters in Mendocino and Sonoma counties
- Annual fishery quota in Del Norte and Humboldt counties combined, and mandatory weekly reporting for bull kelp harvesters in Del Norte and Humboldt counties
- Closure and lease prohibition of the lease only administrative kelp beds 308, 309, and 312 and amend the availability to lease the administrative kelp beds from on or after January 2, 2026 to January 2, 2029

Additionally, the project will correct a coordinate error in administrative kelp bed 109 that was introduced in rulemaking file 2013-1205-01S.

Comments received from the public on the proposal from the July 16, 2025 Marine Resources Committee through the Commission's notice hearing August 14, 2025 have been summarized. The summarized comments and Department's responses are included for your information in Attachment 1. The Department is not recommending any updates to the information in the initial statement of reasons or any further

Melissa Miller-Henson, Executive Director
California Fish and Game Commission
September 23, 2025
Page 2

amendments to the regulatory text based on the comments received.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this regulation is Environmental Scientist Rebecca Flores Miller, who can be reached at kelp@wildlife.ca.gov.

Enclosures:

Attachment 1, Response to Comments
InterTribal Sinkyone Wilderness Council, August 7, 2025, Letter

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

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

Kirsten Ramey, Env. Program Manager
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

Garrett Wheeler, Attorney
Office of General Counsel

Ona Alminas, Env. Program Manager
Regulations Unit
Wildlife and Fisheries Division

Emily McKim, Regulatory Scientist
Regulations Unit
Wildlife and Fisheries Division

David Thesell, Deputy Executive Director
Fish and Game Commission

Susan Ashcraft, Marine Advisor
Fish and Game Commission

Sherrie Fonbuena, Analyst
Fish and Game Commission

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
1	Doug Bush, Marine Resources Committee (MRC) meeting verbal comment, 7/16/25	<p>1a. During the considerations of the current temporary regulations, the Bull Kelp Working Group (BKWG) discussed what the spatial area of bull kelp meant in terms of harvest weight. There was no agreement. Mr. Bush stated it is arbitrary to restrict harvest when it is unknown what the take represents. Previous discussions included a 2002 report with a conversion factor, which another harvester referenced. These were deemed not sufficient for use to determine a conversion for bull kelp weight per area. The suggestion during the previous consideration of the current regulations was that, before the regulation sunset date approached, we would have clarity on harvest amounts, if the resource is under stress, what the take represents in available kelp. As another harvester previously stated, it could be that harvest represents less than what is lost to boat propellers. The sunset date was approved to allow knowledge gaps to be addressed.</p>	<p>1a. An expert on remote sensing for kelp at Woods Hole Oceanographic Institution, who has conducted extensive research in California on kelp has been funded by the California Ocean Protection Council (OPC) to conduct an “Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California”. The study will build on past and ongoing state-funded projects and directly inform the adaptive harvest framework within the kelp restoration and management plan (KRMP) to address knowledge gaps. Specifically, the study will:</p> <ul style="list-style-type: none"> (a) provide quantitative metrics for giant and bull kelp biomass and production (b) develop a canopy biomass remote sensing relationship for bull kelp (c) assess biomass turnover in bull and giant kelp canopies (d) Quantify potential effects of harvest on bull and giant kelp (e) forecast giant and bull kelp harvest potential.

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
1 con't	Doug Bush, MRC meeting verbal comment, 7/16/25	1a. continued. Before automatically extending the bull kelp harvest restrictions sunset date, has there been any progress on the knowledge gaps, especially in terms of what proposed take in Sonoma and Mendocino counties means, what has been done to advance the creation of a bull kelp mass per unit area conversion?	1a. continued. Department staff are assisting with the study, and the study will include partnerships with commercial harvesters in northern, central and southern California. Department staff have begun discussions with the four commercial bull kelp and giant kelp harvesters involved in the study who harvest in Del Norte, Mendocino, Monterey and Santa Barbara counties. Field data collections with the harvesters are underway and the study will involve observing the commercial harvest of kelp.
1	Doug Bush, MRC meeting verbal comment, 7/16/25	1b. Encouraged the Department to reach out to commercial harvesters in Sonoma and Mendocino counties for their insight on how the kelp resource looks.	1b. The Department agrees that commercial kelp harvesters are a valuable resource and can provide insight into how kelp is doing at their harvest sites. Refer to response 1a. for information on the Department's partnership with commercial kelp harvesters to assist with the OPC-funded study titled "Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California".

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
2	Andrew Daunis, MRC meeting verbal comment, 7/16/25	2a. The previous regulation consideration (the current temporary regulations) provided two options for Sonoma and Mendocino counties. One of the options allowed limited harvest. In the previous regulation consideration (the current temporary regulations), Commissioner Zavaleta provided an estimate of harvest compared to available kelp. Three years after the current regulations were enacted there is no information to fill the data gaps. He is in the potentially highest priority area and has not been included in the KRMP. He feels he is shut out of the process and hears of limiting factors (that will need to be considered with the kelp biomass study). He doesn't understand why the Department is not involving harvesters and community driven science. He respects the bull kelp harvester KRMP Community Working Group (CWG) member, but he harvests differently. His method of harvest does not remove individuals, does not alter the spatial canopy, and preserves diversity. No one has observed him harvest. He can fill in the data gaps and should be involved.	<p>2a. Refer to response 1a. for information on the Department's partnership with commercial kelp harvesters to assist in the OPC-funded study titled "Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California".</p> <p>In 2023, the Department, in close collaboration and with support from the OPC, began development of the KRMP for giant kelp and bull kelp.</p> <p>The KRMP CWG is composed of 23 representatives of California Native American Tribes, stakeholders, and members of the public interested in engaging in the KRMP process to help inform the design and development of the core KRMP components. The KRMP CWG includes one commercial giant kelp harvester and one commercial bull kelp harvester.</p>

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
2 con't	Andrew Daunis, MRC meeting verbal comment, 7/16/25	2a. continued. His understanding is that he has been the primary bull kelp harvester in Mendocino County for the past 25 years.	<p>2a. continued. The CWG members are tasked with representing and communicating the perspectives and interests of their constituencies, being available to their constituencies between CWG meetings, and keeping their constituents informed of the development of the KRMP including discussions and recommendations through various means of networking and engagement.</p> <p>The Department notified all commercial harvesters of their KRMP CWG member representative and continues to encourage communication between the commercial harvesters and their KRMP CWG harvester representative.</p> <p>An overview of the KRMP process including research to inform the KRMP can be accessed in the meeting materials for the July 2025 MRC meeting.</p>

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
2	Andrew Daunis, MRC meeting verbal comment, 7/16/25	2b. He stated Tribal input was the other reason the California Fish and Game Commission (Commission) approved the no harvest option over the reasonable alternative to limited harvest during the previous regulation consideration (the current temporary regulations). The harvester supports Tribal people and felt left out of the conversation with the Tribes. He has since reached out to some Tribal members. He appreciates Commissioner Murray's inquiry about seeking out the Tribes and InterTribal Sinkyone Wilderness Council feedback on the proposed extension of temporary harvest restrictions.	2b. Comment noted.

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
2	Andrew Daunis, MRC meeting verbal comment, 7/16/25	2c. During the last regulatory consideration, the Commission chose no harvest instead of a limited harvest in Mendocino County. Opening up commercial bull kelp harvest in Sonoma and Mendocino counties does not look good from a publicity point or by those that oppose opening up commercial harvest. He wished the previous amendments (current regulation) had allowed a 1,000-pound allowance. He asked the Commission if there would be some type of amendment (to allow limited harvest) or include harvesters in the KRMP process to inform kelp area which is not picked up during monitoring.	2c. Comment noted. Refer to response 2a. During its July 2025 meeting, the MRC recommended two temporary options for Mendocino and Sonoma counties combined: option one: closure, and option two: limited harvest. At its August 2025 meeting, the Commission approved consideration of the two options for Mendocino and Sonoma counties combined, option one: closure and option two: an annual fishery limit for commercial bull kelp harvest between 1 to 2,000 pounds (lbs.) wet weight.
2	Andrew Daunis, MRC meeting verbal comment, 7/16/25	2d. States he thought the Tribes were upset with his commercial harvest of bull kelp, but the Tribes were instead upset at the restriction to harvest under the recreational harvest limits. The Tribes should not be limited to 10 lbs. per day.	2d. This comment is outside the scope of the proposed commercial regulations. The recreational harvest limit is 10 lb wet weight in the aggregate for allowable species. Currently there is not a separate regulation for Tribal take. Tribal take is a topic for the Tribes to discuss within the Commission's Tribal Committee. The KRMP CWG and Science Advisory Committee are actively discussing Tribal take.
3	Art Seavey, MRC meeting verbal comment, 7/16/25	3. Appreciates that individuals like Doug and Andrew consider the (regulation) topic and provide their input.	3.Comment noted.

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
4	InterTribal Sinkyone Wilderness Council (ITSWC) on behalf of its 10 member Tribes: Cahto Tribe of Laytonville Rancheria, Coyote Valley Band of Pomo Indians, Hopland Band of Pomo Indians, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley Little River Band of Pomo Indians, Robinson Rancheria of Pomo Indians, Round Valley Indian Tribes, Scotts Valley Band of Pomo Indians, Sherwood Valley Rancheria of Pomo Indians, dated, 8/7/25	4. The Tribal members are at the coast every day to conduct cultural responsibilities and care for the ocean. The Tribes in the ITSWC stated that they are witnessing an increasingly vast quantities of dead kelp washing ashore. The Tribes are the first and most experienced ocean experts. The ITSWC Tribes have never seen the level of degradation of species and habitats that is occurring and strongly recommend to pay attention to what is happening and to collaborate with the ITSWC Tribes to advance kelp conservation for recovery and revitalization. Kelp is a key indicator of the health of the ocean and of wellbeing. The ITSWC supports a minimum three-year closure extension of commercial bull kelp harvest at the Mendocino and Sonoma counties coastlines starting in January 1, 2026. The ITSWC opposes limited commercial bull kelp harvest at Mendocino and Sonoma counties shoreline. The Tribes' core cultural principle of their care of nature is to allow nature to heal and rest by not gathering from species when the species are experiencing difficulties. Kelp is experiencing difficulties.	4. Support for extending the commercial bull kelp temporary closure in Mendocino and Sonoma counties is noted.

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5a. States data from 2025 needs to be included before considering extension of the temporary regulations for bull kelp.	5a. Kelp canopy data detected by Landsat satellite imagery is available on a quarterly basis. Waiting until 2025 data is available would significantly delay any consideration of the regulations, resulting in no restrictions on commercial bull kelp harvest during a time of sustained loss in Mendocino and Sonoma counties (refer to the August 5, 2025 Initial Statement of Reasons (ISOR)). The commercial bull kelp harvest regulations would revert, thereby allowing commercial bull kelp harvesters harvesting for human consumption in Mendocino and Sonoma counties to take two tons (4,000 lbs) of bull kelp annually per license, removing the annual overall fishery four-ton (8,000 lbs) quota in Del Norte and Humboldt counties (allowance for human consumption only), and reverting to lease only status the temporarily closed administrative kelp beds 308, 309, and 312 which would allow bull kelp harvest for human consumption without a lease.
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5b. In the last three years, nothing has been done to fill data gaps or assess harvest techniques.	5b. Refer to responses 1a and 2a.

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Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5c. Since no bull kelp harvesters [from Mendocino and Sonoma counties] shifted their harvest [to Del Norte and Humboldt counties], this can be considered an indication of low harvest pressure.	5c. Comment noted.
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5d. The option to allow harvest between 1 to 2,000 lbs. is negligible and within a precautionary approach. His harvest is selective, is not lethal, does not remove a single individual, and does not remove reproductive capability or genetic diversity.	5d. Support for limited commercial bull kelp harvest in Mendocino and Sonoma counties for a three-year timeframe is noted.
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5e. States that current temporary bull kelp harvest restrictions have stopped promised work from occurring. There has been no effort made to learn about his harvest methods and he is pretty much the only bull kelp harvester in Mendocino County for the past 25 years. There will “supposedly” be an effort to learn his harvest. His discussion with the Department included a conversation on mimicking his harvest technique which he believes would be a challenge. The commenter wonders how any effect of harvest will be evaluated when commercial harvest in Mendocino and Sonoma counties is temporarily closed to harvest and there are not any (harvester) partners.	5e. The temporary closure of commercial bull kelp harvest in Mendocino and Sonoma counties has not prevented research from occurring and will not hinder the bull kelp biomass harvest studies from occurring. Refer to responses 1a. and 2a. The Department has discussed with the commenter their partnership in the study titled “ Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California ”, conversations and participation is ongoing.

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5f. The commenter asked if the Tribes who have indicated they want to learn more about harvest techniques have been contacted. He also inquired if Tribes have been invited to participate in the study.	5f. The Department has not been contacted by Tribal members to learn more about commercial harvest techniques. The " Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California " study pertains to commercial giant kelp and bull kelp harvest to inform the management of commercial harvest and is not a study of Tribal take. Therefore, Tribal members have not been invited to participate in the study. Refer to responses 2a. and 2d.
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5g. States that it is important to have limited harvest. The speaker stated that Commissioner Zavaleta correctly pointed out before harvest was temporarily closed, the degree of harvest was "like less than 100 th of a percent."	5g. Comment noted.
5	Unidentified speaker, Commission meeting verbal comment, 8/14/25	5h. The Department needs to have partners, and the harvesters are available to collect data. The commenter doesn't know how the Department will collect data without the harvesters assisting in some capacity.	5h. Refer to responses 1a., 2a., and 5e.

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Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
6	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 8/14/25	6a. States they were a member of the BKWG and are a member of the KRMP CWG. The commenter stated they may be involved in the bull kelp biomass study.	6a. Comment noted. The Department has had discussions with the commenter about their participation in the study titled “Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California” . The commenter has indicated they are interested in participating and the Department looks forward to their participation.
6	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 8/14/25	6b. Referenced the options considered during the current regulations and stated there is still not a method to determine canopy to biomass ratios. The commenter stated because Sonoma and Mendocino counties are currently temporarily closed to bull kelp harvest, studies of harvesting methods could not occur. The Department proposed to simulate harvest methods, but it does not have an understanding of the task.	6b. Refer to responses 1a, 2a, and 5e.

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Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
6	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 8/14/25	6d. States when the (current) temporary closure was chosen Commissioner Zavaleta stated she reviewed the numbers and total biomass and considered 2,000 lbs a tiny amount (of available kelp). When he calculated the numbers he determined that even at a 95% loss of bull kelp, the 2,000 lbs represented 0.125% of total biomass. Even if the numbers are wrong by a factor of 10, harvest is about 1-2% (of the biomass). His calculation yielded similar results to Commissioner Zavaleta's. The Commission closed harvest in Sonoma and Mendocino counties anyways.	6d. Comment noted. There is currently a lack of scientific data to explain if commercial kelp harvest does or does not have an impact on the currently depressed kelp population. Therefore, as described in the ISOR Section III(b), the Department is recommending a precautionary approach as mandated by the Marine Life Management Act (MLMA) to protect and maintain the remaining bull kelp populations. The temporary nature of the proposed bull kelp regulations provides an interim management measure to protect the resource while allowing for the Department, Tribes, industry, and interested stakeholders to continue to collaboratively develop the KRMP, a comprehensive management framework for kelp.
6	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 8/14/25	6e. Requests the Commission choose option two, a precautionary approach, and allow 2,000 lbs of harvest in Sonoma and Mendocino counties (combined).	6e. Support for limited commercial bull kelp harvest in Mendocino and Sonoma counties for a three-year timeframe is noted.

Attachment 1: California Department of Fish and Wildlife Recommended Responses to Public Comments on the Proposed Temporary Extension of Commercial Bull Kelp Harvest Restrictions, Sections 165 and 165.5, Title 14, California Code of Regulations.

Commenter #	Commenter Name, Affiliation, Format, Date	Comment # and Summary	California Department of Fish and Wildlife (Department) Recommended Response
6	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 8/14/25	6f. States the Commission should allow the study and research to move forward.	6f. Refer to response 5e.

From: InterTribal Sinkyone Wilderness Council [REDACTED]
Sent: Thursday, August 7, 2025 09:03 AM
To: FGC <FGC@fgc.ca.gov>
Cc: Mariah Rosales [REDACTED]
Subject: Tribal Comments for Item 20 in Commission's Aug 13-14 Meeting Agenda


Dear California Fish and Game Commission:

Attached is a letter addressed to the Commission from the InterTribal Sinkyone Wilderness Council. The letter contains the Council's comments regarding agenda item **20. Commercial bull kelp harvest restrictions**, listed in the Commission's August 13-14, 2025 meeting agenda.

I have cc'd the Council's Chairwoman Mariah Rosales on this message.

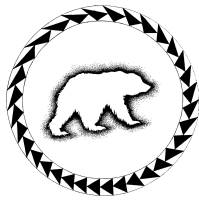
The Sinkyone Council requests that its attached letter regarding agenda item 20 be provided to Commissioners at the Commission's August 13-14 meeting for their review and consideration. We also request that the Commission provide the Council with a formal letter of response to the attached letter.

Kindly also acknowledge your receipt of this email and its attached letter, via Reply All email.

K'edi na:m (be well)
Buffie L. Campbell
Executive Director
InterTribal Sinkyone Wilderness Council

Office 707-468-9500

"Hint̓il ma: dileyama: ʔa: t̓oman t̓o mayuji"

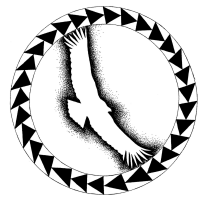
"I acknowledge everywhere I stand, is native land."



InterTribal Sinkyone Wilderness Council

P.O. Box 1523 Ukiah, CA 95482 Phone (707) 468-9500 www.sinkyone.org

InterTribal Protection of Traditional Lands and Waters



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STAFF

Buffie Campbell
Executive Director

August 7, 2025

California Fish and Game Commission

Sent via email to: fgc@fgc.ca.gov

Comments: Aug. 13-14 Meeting Agenda Item 20. Commercial bull kelp harvest restriction

Dear Commissioners:

These comments are submitted by the InterTribal Sinkyone Wilderness Council, on behalf of its 10 member Tribes. The Tribes comprising the Sinkyone Council are all sovereign, federally recognized Tribes that possess inherent, unceded Indigenous rights and authorities of self-determination and self-governance. The Sinkyone Council's member Tribes formed the Council to advocate for and defend their inherent rights and responsibilities relating to the protection and care of nature.

The California Fish and Game Commission, Department of Fish and Wildlife, and Natural Resources Agency maintain their collaborations and partnerships with Tribes. The agencies have expressed the sentiment that Tribal "traditional ecological knowledge" should inform the state's efforts to better manage marine and terrestrial "resources". It is true that Tribal peoples understand the lands and waters of their traditional territories better than anyone else. This is because our longstanding relationships with these cultural landscapes and seascapes go back to the very dawn of time, and because these relationships are founded upon Indigenous laws, our cultural lifeways, and the time-tested principles of respect, restraint and reciprocity.

Not a day passes when our people are not present at some location along the coast, caring for our marine environments and conducting a variety of cultural responsibilities and activities to help ensure the ocean's health and healing, for the benefit of all people and indeed all life. We know the state of the ocean better than anyone else, from millennia of our direct interaction and communion with these precious marine ecosystems.

Every day, we are witnessing increasingly vast quantities of dead kelp washing ashore. In recent weeks, the die-off has been intensifying. You have asked for Tribal input on this matter. When the Tribes of this region tell you that in the long history of our presence here we have never before seen the level of degradation of species and habitats now occurring, we strongly recommend you listen up, pay very close attention, and then take actions to ensure that you actually collaborate with us. Because we are the first and the most experienced ocean experts. For the sake of present and future generations, work with us to advance effective conservation measures for the recovery and revitalization of kelp, which is a key indicator of ocean health and wellbeing.

To achieve our mutual goals of protecting kelp, we ask that you: a) support a minimum 3-year extension for the continued closure of commercial kelp harvesting along Mendocino and Sonoma coastlines, beginning January 1, 2026; and b) do not approve proposed exemptions that allow for any "limited" commercial harvesting along the Mendocino and Sonoma shorelines, as such exemptions would contradict the purpose and goals of the extended closure.

InterTribal Sinkyone Wilderness Council is a Nonprofit Consortium of California Indian Tribes

• Conservation of Cultural Lands & Waters • Tribal Traditional Stewardship • Cultural Ecology Education

It is not our way to abuse the gifts of the Creator. A core cultural principle of caring for nature is to refrain from gathering whenever species indicate to us that they are experiencing difficulties. To allow nature to rest and heal. This is what the kelp is clearly telling us.

Thank you,

InterTribal Sinkyone Wilderness Council