

**Attachment 1** Responses to Public Comments on the 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	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.	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 <a href="#">“Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California”</a> . 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: (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.

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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 California Fish and Game Commission (Commission) and the Department agree 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".

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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 <a href="#">KRMP CWG</a> 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>

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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 <a href="#">meeting materials for the July 2025 MRC meeting</a>.</p>

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2	Andrew Daunis, MRC meeting verbal comment, 7/16/25	2b. He stated Tribal input was the other reason the 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.
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.	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.

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2 con't	Andrew Daunis, MRC meeting verbal comment, 7/16/25	2c. continued. 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. continued. In adherence with the precautionary principle and an adaptive management framework, at its October 2025 meeting, the Commission adopted the proposed regulations, including Option 1 for Sonoma and Mendocino counties to continue the current closure, pending outcomes of state research and management efforts.
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 kelp harvesting 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.

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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 option 1, extending the commercial bull kelp temporary closure in Mendocino and Sonoma counties, is noted. The Commission adopted option one to extend the commercial bull kelp temporary closure in Mendocino and Sonoma counties.

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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 <a href="#">Initial Statement of Reasons</a> (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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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 option 2, limited commercial bull kelp harvest in Mendocino and Sonoma counties for a three-year timeframe, is noted. The Commission adopted option one to extend the commercial bull kelp temporary closure in Mendocino and Sonoma counties. Refer to response 2c.
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 “ <a href="#">Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California</a> ”, conversations and participation is ongoing.

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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 " <a href="#">Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California</a> " 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 <sup>th</sup> of a percent."	5g. Comment noted. Refer to response 2c.
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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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 <a href="#">“Assessment of Biomass, Production, and Harvest Impact for Canopy-forming Kelps in California”</a> . 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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6	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 8/14/25	6c. 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.	6c. 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 <a href="#">ISOR</a> 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	6d. Requests the Commission choose option two, a precautionary approach, and allow 2,000 lbs of harvest in Sonoma and Mendocino counties (combined).	6d. Support for option 2, limited commercial bull kelp harvest in Mendocino and Sonoma counties for a three-year timeframe, is noted. The Commission adopted option one to extend the commercial bull kelp temporary closure in Mendocino and Sonoma counties. Refer to response 2c.

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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. States the Commission should allow the study and research to move forward.	6e. Refer to response 5e.

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7	Abigail Bova, Commission meeting verbal comment, 10/9/25	7. Expresses support of option one to extend the sunset date of the current bull kelp harvest closure in Sonoma and Mendocino counties due to two major climate anomalies projected to occur through 2026. The first of those is a current marine heatwave off the coast of California that National Oceanic and Atmospheric Administration began tracking in May of this year, and it has now grown to be the fourth largest marine heatwave and is under observation for continued growth. The second, just this morning, the National Weather Service, announced a La Niña warning, expected to affect the December 2025 to February 2026 time period. While La Niña events typically create positive environments for bull kelp growth, it is unclear how these two events will interact with each other, and given the uncertain outcomes of these converging events and the detrimental effects of the 2014 to 2016 marine heatwave on the bull kelp population, believes it's important to continue bull kelp harvest closure in Sonoma and Mendocino counties.	<p>7. Support for option 1, extending the commercial bull kelp temporary closure in Mendocino and Sonoma counties, is noted. The Commission adopted option one to extend the commercial bull kelp temporary closure in Mendocino and Sonoma counties.</p> <p>The KRMP will incorporate the best available science to support a proactive, climate-ready approach to managing kelp under changing ocean conditions, including those that challenge kelp recovery and persistence, such as those mentioned by the commenter.</p>

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8	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 10/9/25	8a. Commenter recommends the Commission select option two and allow the harvest of up to 2,000 lbs of bull kelp in Sonoma and Mendocino counties.	8a. Support for option 2, limited commercial bull kelp harvest in Mendocino and Sonoma counties, is noted. The Commission adopted option one to extend the commercial bull kelp temporary closure in Mendocino and Sonoma counties. Refer to response 2c.
8	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 10/9/25	8b. As Doug Bush pointed out in a previous Commission meeting, the proposal for a three year prohibition on commercial harvest of bull kelp in Sonoma and Mendocino counties included a proposal to do research to determine canopy to biomass ratios and to assess harvest impacts. States that none of this has been done yet. States that there is no way to simulate an actual bull kelp harvest. Believes the Department really doesn't how they actually harvest, how dangerous it can be and how much hard work is involved. The only way to study an actual harvest is to have harvesters involved. That means that in the case of Mendocino, Andrew Daunis would need to be involved. In Del Norte and Humboldt, the commenter would need to be involved.	8b. Refer to responses 1a., 2a., and 5e.

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8 con't	James Jungwirth, commercial bull kelp and other edible seaweed harvester in Humboldt and Del Norte counties, Commission meeting verbal comment, 10/9/25	<p>8b. continued.</p> <p>Commenter is hoping to be able to harvest bull kelp next summer and have the Department do their study in relation to that. However, in Andrew's case, the full closure prohibits him from being able to harvest. The Department has proposed that they can get a scientific permit and would have to dump the harvested kelp on the ground. There's not much else to do with it and Andrew can't dry it and sell it. So it would just go to waste. If it's okay to harvest 2,000 lbs and dump it on the ground, it should be okay to allow Andrew to harvest it and dry it and sell it.</p> <p>Also, it's really not fair to ask Andrew to donate a huge amount of his time and effort to this without any compensation, allowing harvest of up to 2,000 lbs would allow this research to happen in a real way, and it would make it much more fair for Andrew to be involved.</p>	<p>8b. continued.</p> <p>Refer to responses 1a., 2a., and 5e.</p>



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9	Andrew Daunis, Commission meeting verbal comment, 10/9/25	9a. States that with regard to the precautionary principle, and from what we heard from the commissioners already, there is going to be a harvest anyway. It's not about whether any kelp is or isn't harvested. There is \$250,000 that is allotted to a study. So far nothing's happened. The staff summary says that there's a harvest assessment underway, but nothing has actually happened. I think there was a delay with the disbursement of the funds. But when he did a little dry run with the Department on how this is going to happen, the harvest restrictions make it very, very difficult to actually conduct any of the studies. So you want to study commercial harvest while maintaining commercial harvest as being illegal. So the two things are really in opposition.	9a. Refer to responses 1a., 2a., and 5e.
9	Andrew Daunis, Commission meeting verbal comment, 10/9/25	9b. States they recently spoke with a kelp scientist that said about 2,000 lbs is about one landsat pixel, this correlates to what President Zavaleta said in February 2022, essentially it's a negligible amount.	9b. Refer to response 6c.

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9	Andrew Daunis, Commission meeting verbal comment, 10/9/25	9c. Appreciates the Commission reaching out to the InterTribal Sinkyone Wilderness Council for input. Commentor hasn't been able to have contact with them but has had conversations with other tribal people that just said they assumed that commercial harvesters are ripping the bull kelp out of the water and once they understand what commercial harvesters are doing, they have been supportive. But so far, no one actually knows what the harvest technique is, and it's important to note that it's non lethal. This isn't a whale hunt or catching salmon in the delta before they can spawn or something. It's non lethal and preserves every individual and preserves the reproductive capability, genetic diversity. So I just think that if there's going to be a study involved, if there's going to be a study happening, that studying commercial harvest, by commercial harvesters, having some degree of allotment just makes sense.	9c. Refer to responses 1a., 2a., 2c., 5e. and 5f.

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9	Andrew Daunis, Commission meeting verbal comment, 10/9/25	9d. Commenter actually really wants to invite tribal participation in the study, said that that was really important to him when he spoke with the Department, and was told that tribal participation is irrelevant. But commenter thinks that that would be an important piece to put together. The commenter states he is willing to volunteer, but if he is going to be involved in this study, he wants to have a good study. That's important to him, and he doesn't want the kelp to just be wasted. The best way to do that is to just approve a small amount of kelp to be harvested, in coordination with the Department.	9d. Refer to responses 1a., 2a., 2c., 5e. and 5f.