

SUMMARY
DRAFT

Summary of Proposed Project

Existing law (§6653 and §6750, Fish and Game Code, Appendix 1) provides the Commission with authority to establish regulations to ensure the proper harvesting of kelp and aquatic plants for commercial and sport purposes. Under the authority provided by §6653, the Commission has established license and permit requirements; established fees and royalties; required report of take; established open and closed seasons; established or changed possession limits; established and changed area or territorial limits for harvesting; and prescribed the manner and the means of taking kelp and aquatic plants for commercial purposes.

Section 6750 of the Fish and Game Code gives the Commission the authority to regulate the taking, collecting, harvesting, gathering, and possession of marine aquatic plants for purposes other than profit. Under this authority, the Commission has established, extended, shortened, and abolished open and closed seasons; established, changed, and abolished bag limits, possession limits, and size limits; established and changed areas or territorial limits for taking; and prescribed the manner and means of taking kelp and aquatic plants for recreational purposes.

Proposed Project

The Department is recommending that the Commission adopt regulations that will provide for the continued commercial and recreational take of kelp. Specifically, the Department is recommending the Commission continue the existing regulations (§30 ,

§165, and § 165.5 Title 14, CCR, Appendix 1) that became effective May 8, 1984 and January 2, 1991 respectively, as modified by changes suggested by the Department and interested parties intended to address particular resource problems or issues.

Effects on the Environment

The Department is recommending the continued use of existing regulations as modified (Proposed Project, p. 2-1) to address resource concerns. In addition to the proposed project, the Department is also providing the Commission with one alternative which could feasibly attain the basic objectives of the project, and a no-action alternative.

Alternative 1 expands the suite of amendments in the proposed project to include a precautionary measure to prevent over-harvest by limiting the amount of kelp that can be harvested from any kelp bed. This alternative is reviewed and evaluated in Chapter 6. While the alternative would achieve the project objective, the ecological gains would not be significant in most geographical areas and may cause a shift in harvest pressure to more sensitive areas. The Department would prefer to develop a biologically tenable threshold value beyond which impacts could be anticipated before imposing harvest limitations on a broad scale.

The no-action alternative would continue the commercial and recreational harvest of kelp under existing regulations with no modifications. However, this alternative does not provide for changes to the existing regulations which may be justified. This alternative is reviewed and evaluated in Chapter 6.

An analysis of the proposed project's potential impacts is set forth in Chapter 4.

The Department has determined, based on this analysis, that the proposed project will not adversely affect the giant and bull kelp resources of the state. Table 1-1 summarizes Department findings associated with the proposed project and the project alternatives.

Table 1-1. Summary of significant impacts expected by the proposed project and the alternatives				
Alternative	Significant Impact	Nature of Impact	Mitigation Available	Nature of Mitigation
<u>Proposed project</u>	No	None	N/A	N/A
<u>No Action</u>	No	None	N/A	N/A
<u>Alternative 1: statewide harvest controls</u>	Yes	Economical and Biological	N/A	N/A

N/A - Not applicable

Public Input

The California Environmental Quality Act (CEQA) encourages public input. One of the primary purposes of the environmental document review process is to obtain public comment, as well as to inform the public and decision makers. It is the intent of the Department to encourage public participation in this environmental review process.

Prior to preparing this environment document (ED), the Department issued a Notice of Preparation (NOP). The NOP was provided to the State Clearinghouse for distribution as well as to affected agencies, interested organizations, and individual.

CEQA encourages an early consultation, or scoping process to help identify the range of actions, alternatives, and significant effects to be analyzed in depth in an environmental document, and to help resolve concerns of affected agencies and

individuals. This environmental document was prepared after 3 scoping sessions were conducted for the purpose of receiving input from the public and interested agencies and organizations. The scoping sessions were conducted on February 24, 2000 in Monterey, March 2, 2000 in Long Beach, and March 13, 2000 in Santa Rosa.

Section 15087 of the CEQA guidelines requires that the draft document be available for public review for no less than 45 days. During this period, the public is encouraged to provide written comments regarding the draft document to the Fish and Game Commission, 1416 Ninth Street, Sacramento, California 95814. Additionally, oral testimony regarding the document will be accepted by the Commission at properly noticed hearings. The Department anticipates that this document will be considered by the Commission early in 2001. The first discussion hearing is tentatively scheduled for the December 2000 meeting in Eureka. A second discussion hearing is tentatively scheduled for the first meeting on the 2001 schedule. The Commission's website (www.dfg.ca.gov/fg_comm) provides Commission agendas once they are finalized.

Areas of Controversy

The public comment received at the scoping sessions or during the public comment period following the scoping sessions raised the following concerns:

- The potential effects of harvesting on kelp associated species including incidental mortality from harvesting and impacts from creating patchiness in the kelp canopy (increased predation).
- The potential for harm to divers from boats or mechanical harvesters if dive flags are not recognized or are ignored and the potential for harm to shore divers that do not use dive flags.

- The negative socio-economic effects if there is not and the positive effects if there is a healthy, accessible kelp resource and a stable regulatory environment to support businesses dependent upon kelp harvest.
- The potential effects from intense and localized harvest on canopy forming kelp.
- The potential beneficial effects from enhancement of kelp resource using artificial reefs.
- The potential negative effects of kelp harvesting on the sea otter population in California.
- The potential effects from other human activities (boating) or pollution (pesticides and sedimentation) on kelp.
- The potential effects if kelp is not managed based on harvesting under worst case scenarios (for example, El Nino events) and does not consider cumulative impacts.
- The need for harvest data to help evaluate socio-economic factors in determining whether harvesting is in public's best interest.
- The need to consider specialized uses for harvested kelp (herring-roe on kelp).
- The potential effects from non-consumptive uses of kelp (diving and kayaking).
- The potential effects from managing based on regulations that do not specify criteria that identify when emergency closures are warranted.
- The potential positive and negative ecological effects associated with harvesting drift kelp or wrack.
- The potential effects from managing kelp without a secure funding base to support monitoring, enforcement, and enhancement.

Issues to be Resolved

The decision before the Commission is whether or not the commercial and sport take of giant and bull kelp should be continued under existing regulations as amended by the preferred project. If these activities are authorized, decisions are needed to

specify the areas, authorize method of take, possession and bag limits, and other special conditions under which commercial and sport harvest of giant and bull kelp may be conducted.

Conclusion

Dr. Wheeler North wrote " all studies cited above indicate that a general equilibrium presently exists between man's withdrawal of resources from the kelp environment and replacement by natural productivity. It cannot be assumed that the various inputs and withdrawals will remain constant and certainly natural and artificially induced changes in the environment will affect the overall system" (North and Hubbs, 1968). He based this statement on the extensive research that was conducted to assess the impact of kelp harvesting on nearshore marine ecosystems prior to 1968. The information gathered and presented in this environmental document finds that Dr. North's statement is still true in 2000. The numerical relationship of species within some kelp beds has changed due to removal of dominant kelp inhabitants by various sources. The relative magnitude of the changes potentially attributable to kelp harvesting are minor compared to these changes. Consequently, the proposed project is not expected to have any adverse impacts on the giant or bull kelp resources or on their associated communities.