

## **Appendix 1. Current Kelp and Marine Aquatic Plant Laws**

### **FISH AND GAME CODE**

51. "Kelp" means kelp or other marine aquatic plants and the seeds thereof.

6650. Every person engaged in harvesting kelp or other aquatic plants for profit in the waters of this State shall have a license for that purpose.

6651. (a) A license granting the privilege to harvest kelp or other aquatic plants shall be issued upon application and the payment of a fee of one hundred dollars (\$100) to the department. The license shall be valid from January 1 to December 31, inclusive, or, if issued after the beginning of that term, for the remainder thereof.

(b) This chapter does not apply to aquatic plants grown on private land or on state water bottoms leased pursuant to Division 12 (commencing with Section 15000).

6652. Every person engaged in harvesting kelp shall determine the weight by any method, including the displacement method, approved by the department of all wet kelp immediately after it is delivered to the licensee's place of business or elsewhere, and the weight shall be entered in a book to be kept by the licensee. The book shall be open at all times to the inspection of the department. Every person engaged in harvesting kelp shall, on or before 10 days after each month of the term of the license, render a statement of the weight of all wet kelp harvested during the preceding month.

6653. The commission may make such regulations as may be necessary to insure the proper harvesting of kelp and other aquatic plants.

6653.5. (a) The department may issue permits for the drying of agar-bearing marine plants subject to the regulations the commission may prescribe to provide for proper utilization of that resource.

(b) No person shall dry agar-bearing marine plants for profit unless the person has a permit issued under this section.

6654. If, at any time, the commission finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish, the department shall serve on every person licensed to harvest kelp a written notice that the kelp bed or beds, or parts thereof, shall be closed to the harvesting of kelp for a period not to exceed one year.

6655. Within 10 days after the service of such a notice, the person upon whom notice is served may demand a hearing upon the necessity for the closing of the kelp bed or beds, or parts thereof. Upon such demand for a hearing, the commission shall fix a time and place for the taking of evidence upon the necessity for the closing, which time shall be not less than 10 days nor more than 30 days from the date of such demand. The department shall serve written notice of the time and place of the hearing upon the

person demanding the hearing, at least 10 days before the day set for the hearing. If no demand is made for a hearing within the time prescribed the kelp bed or beds, or parts thereof, shall remain closed to the harvesting of kelp for the time mentioned in the order.

6656. The commission may revoke and prohibit reissuance for a period of not more than one year, the license of:

(a) Any person who harvests any kelp from a bed which is closed, between the time of service of notice upon him or her of the closing of the bed and the decision of the commission upon a hearing as to the necessity for the closing.

(b) Any person who violates any law or regulation of the commission relating to kelp. The proceedings shall be conducted at one of the commission's regularly scheduled meetings.

6657. The commission may, subject to such regulations as it may deem proper, grant permits to any department of the United States Government or to any scientific or any educational institution, to harvest kelp at any time for scientific or experimental purposes without the payment of the kelp license or privilege tax imposed by this chapter.

6680. In addition to the license fee provided for in this chapter, every person harvesting kelp or other aquatic plants shall pay a royalty, as the commission may prescribe, of not less than five cents (\$0.05) per ton of wet kelp or wet aquatic plants harvested. Any revenues derived from such royalties shall not be available for expenditures until appropriated.

6700. The commission may lease to any person the exclusive privilege to harvest kelp in any designated kelp bed, or part thereof, if the commission determines that the lease is in the public interest. The commission shall describe the kelp beds of the state and adopt regulations for the leasing of the beds.

6701. Persons wishing to lease the exclusive privilege to harvest kelp shall submit a written application to the commission. An application shall include all of the following, and any other information the commission may prescribe:

(a) The number of the kelp bed or beds to be leased.

(b) The designated number of square miles in each bed.

6701.5. A deposit of not less than forty dollars (\$40) for each square mile, or fraction thereof, of the total area of the kelp bed or beds which are designated in the application shall be submitted with the application. The deposit shall be refunded to the person making the application unless a lease is executed.

6702. (a) If the commission finds that the kelp beds included in the application are available for lease and that the lease would be in the public interest, the commission shall publish a notice that the area is being considered for leasing.

(b) The commission shall have legal notices published in a newspaper of general circulation in each county where the kelp bed, or any part thereof, is located, describing the area to be leased and the type of operation to be conducted. Except as provided in this subdivision, the publication shall be made pursuant to Section 6066 of the Government Code.

(c) If the commission receives more than one application for the lease of a kelp bed or beds, it shall advertise for bids on the area being considered for leasing. The commission shall award the lease of that area to the highest qualified bidder.

6703. The initial term of a lease for the exclusive privilege of harvesting kelp shall not exceed 20 years. No lessee shall have an exclusive lease, excluding subleases, to an area in excess of 25 square miles or 50 percent of the total area of the kelp resource as shown on the maps of the resource prepared by the commission, whichever is greater.

6704. (a) Each kelp bed lease entered into or renewed, on and after January 1, 1985, shall specify a period prior to expiration when renewal of the lease may be requested by the lessee. If the commission determines that the lessee has complied with the terms of the lease, the lessee shall have a prior right to renew the lease on terms agreed upon between the commission and the lessee.

(b) If terms for a renewal of the lease are not agreed upon, or the commission determines that the lessee has not complied with the terms of the lease, the commission shall advertise for bids on the individual kelp beds comprising the lease.

(c) If a request for renewal is not made during the specified period by the lessee, the commission shall advertise for bids on the individual kelp beds comprising the lease.

(d) The duration of the term of any renewal of a lease shall not exceed 20 years.

6705. Notwithstanding Section 6704, with respect to any kelp lease in effect on January 1, 1983, the lessee shall have a prior right to renew the lease on terms agreed upon between the commission and the lessee. If the lessee does not renew the lease, or if terms are not agreed upon, the commission shall advertise for bids on the individual kelp beds comprising the lease. The term of any renewal of a lease shall not exceed 20 years. Any lease in effect on January 1, 1985, may be performed pursuant to its terms, notwithstanding this article, but any renewal of that lease is subject to this article.

6706. Notwithstanding Sections 6703 and 6704, at any time during the term of a lease, the commission and the lessee may negotiate and enter into a new lease on terms agreed upon between the two parties, if the commission determines that such a new lease would be in the best interest of the state. The initial term of the new lease shall not exceed 20 years.

6707. Each lease entered into, or renewed, on or after January 1, 1985, shall require, in addition to the license fee required by this chapter, a payment by the lessee or any sublessee of not less than the minimum royalty established under Article 2 (commencing with Section 6680), for all kelp harvested from the lease area, and shall

provide for an annual advance payment of not less than forty dollars (\$40) per square mile per year for the kelp bed leased, to be credited against the amount payable by the lessee, or sublessee, as the case may be, for each ton of kelp harvested during the ensuing year. The lease shall, in addition, include provisions for forfeiture of the lease if the annual payment is not made in advance.

6708. A lease may not be assigned, in whole or in part, by the lessee, either voluntarily or by operation of law, and no subleases or other rights may be granted thereunder by the lessee without the prior approval of the commission, subject to the conditions that the commission prescribes. The lease shall be forfeited in the event of a violation of this section. Each lease shall contain a statement of the contents of this section.

6709. A lease, or any renewal thereof, shall be submitted to, and approved by, the Department of General Services.

6710. When an exclusive privilege to harvest kelp has been granted by lease by the commission, the commission shall furnish a true copy thereof to the department. The department shall file a notice for record in the recorder's office of the county in which the kelp bed or beds, or part thereof, are located, setting forth the name of the person having the privilege, the description of the kelp bed or beds, or part thereof, and the time for which the privilege has been granted. The notice required to be filed for record under this section may be a copy of the executed lease.

6711. The department shall inform the State Lands Commission of all kelp bed leases executed pursuant to this chapter, and shall furnish the State Lands Commission with the information concerning these leases that it may require.

6750. The commission may regulate the taking, collecting, harvesting, gathering, or possession of kelp for purposes other than profit. 6751. The provisions of Article 1 (commencing with Section 6650), Article 2 (commencing with Section 6680), and Article 3 (commencing with Section 6700) of this chapter do not apply to the taking, collecting, harvesting, gathering, or possession of kelp under this article.

## **Title 14 - California Code of Regulations**

### **Non-commercial Use of Marine Plants**

#### **30.00. Kelp General.**

(a) Except as provided in this section and in Section 30.10 there is no closed season, closed hours or minimum size limit for any species of marine aquatic plant. The daily bag limit on all marine aquatic plants for which the take is authorized, except as provided in Section 28.60, is 10 pounds wet weight in the aggregate.

(b) Marine aquatic plants may not be cut or harvested in marine life refuges, marine



reserves, ecological reserves, national parks or state underwater parks.

**30.10. Prohibited Species.** No eel grass (*Zostera*) surf grass (*Phyllospadix*) or sea palm (*Postelsia*) may be cut or disturbed.

#### Commercial Harvest

#### **165. Harvesting of Kelp and Other Aquatic Plants.**

(a) General License Provisions. Pursuant to the provisions of section 6651 of the Fish and Game Code, no kelp or other aquatic plants may be harvested for commercial purposes except under a revocable license issued by the department.

(1) Who Shall be Licensed. Each company or individual harvesting kelp and other aquatic plants for industrial, human consumption or aquaculture purposes shall apply each year for a license on forms provided by the department. Application forms and a list of laws and regulations governing the harvest of kelp and other aquatic plants are available on request from the department's Marine Resources Division, 1416 Ninth Street, Sacramento, CA 95814, and from the department's field offices in Eureka, Menlo Park, Monterey, Long Beach and San Diego.

(2) Cost of License. See Section 6651 of the Fish and Game Code.

(3) Where to Submit Applications. Application forms, together with the \$100 license fee, shall be submitted to the department's Long Beach office, 330 Golden Shore, Suite 50, Long Beach, CA 90802.

(4) License Limitation. All provisions of sections 6650-6680 of the Fish and Game Code, and sections 165 and 165.5 of the commission regulations shall become a condition of all licenses issued under this section to be fully performed by the holders thereof, their agents, servants, employees or those acting under their direction or control.

(b) General Harvesting Provisions.

(1) Weighing of Kelp. All kelp and other aquatic plants shall be weighed upon landing or delivery by any method, including the displacement method, approved by the department. Plants weighed by a public weighmaster licensed as an individual under the laws of this state shall be verified by a receipt issued to the harvester.

(2) Harvesting Records. Every person harvesting kelp and other aquatic plants and licensed pursuant to section 6650 of the Fish and Game Code shall keep a book or books recording the following:

(A) Category of plants harvested as defined in sections 165(c), (d) and (e).

(B) The number of pounds or tons landed.

(C) Name and address of the person or firm to whom the plants are sold, unless utilized by the harvester. The book(s) shall be open at all times for inspection by the department.

(3) Landing Records. Records of landing shall be prepared by all harvesters licensed pursuant to section 6650 of the Fish and Game Code. Records of landing shall be made in duplicate on forms provided by the department. The landing records shall show:

- (A) The wet weight of all aquatic plants harvested.
- (B) Name of harvester.
- (C) Department of Fish and Game kelp harvester number.
- (D) Dates of landing or delivery.
- (E) Department origin block or kelp bed number where the plants were harvested.
- (F) Such other statistical information the department may require.
- (G) The duplicate copy of the landing record shall be kept by the kelp harvester for a period of one year and shall be available for inspection at any time within that period by the department. The original copy shall be delivered to the department at the address indicated within 10 days after the close of each month, with the specified royalty required for all kelp and other aquatic plants harvested. Failure to submit the required landing record and royalty fees within the prescribed time limit are grounds for revocation of the harvester's license.

(4) No eel grass (*Zostera*) or surf grass (*Phyllospadix*) may be cut or disturbed.

(5) No seaweed may be harvested in marine life refuges or in specially designated aquatic parks as per section 10500(f) of the Fish and Game Code.

(6) It is unlawful to cause or permit any deterioration or waste of any kelp or other aquatic plants taken in the waters of this state or to take, receive or agree to receive more kelp or other aquatic plants than can be used without deterioration, waste or spoilage.

(c) Harvesting of *Macrocystis* and *Nereocystis* (giant and bull kelp).

(1) Such species taken must be harvested by cutting, except that drift or loose kelp may be picked up by the harvester. All kelp which is cut or removed from a bed must be taken from the water and removed to a plant for processing.

(2) No *Macrocystis* (giant kelp) or *Nereocystis* (bull kelp) shall be harvested at a depth of more than four feet below the surface of the water at time of cutting.

(3) No kelp received aboard a harvesting vessel shall be allowed to escape from the vessel or be deposited into the waters of this state.

(4) In beds north of Point Arguello the take of *Nereocystis* (bull kelp) may be limited to insure that the resource is not harmed.

(5) In beds north of Point Montero, *Nereocystis* (bull kelp) may only be taken by hand harvesting. No mechanical harvesters of any kind are allowed.

(A) The following beds may not be harvested at any time:

Bed No. Square Miles

303	1.33
304	0.89
305	1.11
306	1.03
307	0.93
Total	5.29

(B) The following beds may not be harvested except by a lessee authorized by the commission.

Bed No.	Square Miles
301	0.00
302	0.00
308	0.20
309	0.14
310	0.00
311	0.00
312	0.20
Total	0.54

(6) Every person harvesting such kelp on nonleased beds shall, in addition to the license fee, pay a royalty of \$1.71 per ton (2,000 lbs.) of wet kelp harvested.

(d) Harvesting of marine plants of the genera *Gelidium*, *Pterocladia*, *Gracilaria*, *Iridaea*, *Gloiopeltis* or *Gigartina* which are classified as agar-bearing plants.

(1) General Provisions.

(A) All agar-bearing plants must be harvested by cutting, except that drift or loose plants may be picked up by the harvester. Agar-bearing plants may be cut no closer than two inches to the holdfast and no holdfast may be removed or disturbed. All agar-bearing plants which are removed from a bed must be taken from the water for weighing and processing.

(B) While harvesting agar-bearing plants, it is unlawful to harvest abalone or to have abalone harvesting equipment in possession.

(C) License numbers of the harvesters will be displayed on both sides of the boat from which they are operating in 10-inch black numbers on a white background.

(D) A harvester may use conventional underwater diving gear or SCUBA when

harvesting agar-bearing plants.

(2) Kelp Drying Permits. Pursuant to section 6653.5 of the Fish and Game Code, no company or individuals shall reduce the moisture content or otherwise dry agar-bearing plants harvested from waters of the state except under the authority of a kelp drying permit issued by the department. Drying permits shall be issued under the following conditions:

(A) Where Issued. Requests for kelp drying permits shall be submitted to the Department of Fish and Game at the address listed in section 165(a)(3).

(B) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit.

(C) Permit Review. The department shall return permit application forms to the applicant within three working days of receipt.

(D) Duration of Permits. Except as otherwise provided, kelp drying permits shall be valid for a term of one year from date of issue.

(E) Weighing of Kelp. All agar-bearing marine plants shall be weighed upon landing pursuant to the provisions of subsection (b)(1) of these regulations.

(F) Plant Delivery. Every person taking delivery of agar-bearing marine plants for drying purposes from persons licensed pursuant to section 6650 of the Fish and Game Code or harvesters drying their own plants shall keep a book or books recording the following:

1. A full and correct record of all agar-bearing plants received from other licensed agar harvesters or taken by permittee.

2. Names of the different species.

3. The number of pounds received.

4. Name, address and kelp harvester number of the person from whom the agar-bearing plants were received. The book(s) shall be open at all times for inspection by the department.

(G) Landing Receipts. Receipts shall be issued by all kelp drying permittees to harvesters licensed pursuant to subsection (b)(3) of these regulations and shall show:

1. Price paid.

2. Department origin block number where the agar-bearing plants were harvested.

3. Such other statistical information the department may require.

(H) The original signed copy of receipt shall be delivered to the agar harvester at the



time of purchase or receipt of the agar-bearing plants. The duplicate copy shall be kept by the kelp drying permittee for a period of one year and shall be available for inspection at any time within that period by the department, and the triplicate shall be delivered to the department at the address indicated within 10 days after the close of each month, with a royalty of \$17.00 per wet ton (2,000 lbs.) for all agar-bearing seaweed received. Failure to submit the required landing receipts and royalty fees within the prescribed time limit is grounds for revocation of the permittee's drying permit.

(e) Harvesting of marine plants, including the genera *Porphyra*, *Laminaria*, *Monostrema*, and other aquatic plants utilized fresh or preserved as human food and classified as edible seaweed.

(1) General Provisions.

(A) Edible varieties of marine plants must be harvested by cutting or picking, except that drift or loose plants may be picked up by the harvester. All harvested plants must be processed.

(B) Edible seaweed may be harvested from state waters throughout the year, except as provided under section 164.

(C) While harvesting edible seaweed, it is unlawful to harvest abalone or to have abalone harvesting equipment in possession.

(D) A harvester may use conventional underwater diving gear or SCUBA while harvesting edible seaweed.

(2) Harvest of Bull Kelp for Human Consumption. Notwithstanding subsection 165(c)(5)(A), persons operating under the authority of an edible seaweed harvesters license may take, not to exceed, 2 tons (4,000 lbs) of bull kelp per year. The entire plant may be harvested.

(3) Weighing of Edible Marine Plants. All edible marine plants shall be weighed pursuant to the provisions of subsection (b)(1) of these regulations and landing receipts in duplicate issued as per subsection (b)(3).

(4) The original copy of the receipt shall be delivered to the department at the address indicated within 10 days after the close of each month with a royalty of \$24 per wet ton (2,000 lbs.) of edible marine plants harvested from state waters other than San Francisco Bay and Tomales Bay.

(f) All Other Species of Kelp.

(1) Applicant shall apply to the commission, outlining the species to be harvested, amount and location. The commission may set conditions and amount of royalty after review of the application.

**165.5. Lease of Kelp Beds for Exclusive Harvest of *Macrocystis* and *Nereocystis*.**

(a) The commission may lease to any person the exclusive privilege to harvest kelp in any designated kelp bed or beds, or part thereof described in subsection (j).

(b) Any person desiring to lease the exclusive privilege of harvesting kelp shall make a written application to the Fish and Game Commission, 1416 Ninth Street, Sacramento, CA 95814. The application for kelp bed lease shall include:

(1) The number of the designated bed or beds as shown in subsection (j), a description of the kelp bed or portion of the kelp bed requested and the designated number of square miles in each bed or portion thereof applied for.

(2) A minimum deposit of \$2,565 per square mile for kelp beds lying south of Point Arguello and \$1,368 per square mile for kelp beds lying north of Point Arguello. (The deposit shall be returned to the applicant if a lease is not executed.)

(3) A detailed development plan for the proposed kelp bed lease showing the intended use, the manner of harvesting and transporting the kelp and the amount of kelp the lessee proposes to harvest during each of the next five years.

(4) The financial capabilities of the lessee to carry out the proposed plan of development. The department shall evaluate the submitted plans, and provide its evaluation to the commission.

(5) Applicants for the lease of Kelp Beds 300-312 shall, in addition to the above requirements, submit evidence of a scientifically acceptable survey of the requested kelp bed, conducted within one year of the date of the application, showing the extent of the kelp bed and the quantity (biomass) of kelp present. Evidence of such a survey must be submitted annually prior to beginning harvest. Harvest of bull kelp from leased beds shall be limited to not more than 15 percent of the bull kelp biomass revealed by the survey.

(c) Kelp leases may be awarded to applicants determined by the commission to possess the capabilities to harvest and utilize kelp in a manner beneficial to the state.

(1) In case more than one application is received for the lease of a specified kelp bed or beds, the lease shall be awarded to the highest qualified bidder.

(2) Bids tendered for the exclusive right to harvest kelp from designated kelp beds will be for the dollar amount of royalty to be paid on each wet ton of kelp harvested. The minimum acceptable bid will be for a royalty rate of no less than \$1.71 per wet ton of kelp harvested.

(3) The commission may reject any or all applications for the lease of the exclusive privilege to harvest kelp, if it deems the rejection to be in the public interest.

(d) If the specified kelp harvesting area applied for is found to be available for lease,

and that the lease would be in the public interest, the commission shall have legal notices published in a newspaper of general circulation in each county where the kelp bed, or any part thereof, is located. The department shall, in addition, notify by mail all current holders of kelp harvesting licenses that a kelp lease is being considered.

(e) Upon termination of a kelp bed lease for any reason, the commission shall notify all current holders of kelp licenses of the availability of such bed(s) for lease.

(f) Kelp bed leases shall be awarded for a maximum term of 20 years.

(g) The royalty rate for kelp harvested from leased kelp beds shall be no less than \$1.71 per wet ton of kelp harvested from such beds. A non-refundable advance payment computed on the basis of the harvest of 800 tons of kelp annually times the bid royalty rate per square mile for kelp beds located north of Point Arguello and the harvest of 1,500 tons of kelp annually times the bid royalty rate per square mile for beds lying south of that point is due and payable to the department on January 1 each year. Kelp harvested from each bed during the calendar year will be credited against the advance payment at the specified royalty rate until the deposit has been depleted. Kelp harvested from each bed in excess of the amount covered by the advance deposit shall be assessed at the basic royalty rate established by Section 165(c)(5).

(h) Each kelp lease shall specify a period prior to expiration when renewal of the lease may be requested by lessee. If during the notification period the lessee successfully demonstrates to the commission that all conditions of the lease have been met, the lessee shall have a prior right to renew the lease on terms agreed upon between the commission and the lessee. If terms of a lease renewal are not agreed upon prior to termination of a lease agreement, the commission shall advertise for bids on the individual kelp beds comprising the lease. If a request for renewal is not made during the specified period by the lessee, the commission shall advertise for bids on the individual kelp beds comprising the lease.

(i) Notwithstanding the provisions of subsections (f) and (h), at any time during the term of a lease, a lessee may notify the commission of its desire to enter into a new lease. If the lessee can successfully demonstrate to the commission that all conditions of its lease have been met and that a new lease would be in the best interest of the state, a new lease may be drawn on terms agreed upon between the two parties, provided a new lease is negotiated for an additional period not to exceed 20 years.

(j) There is established a "Revised Official Map and Description of Kelp Beds, Pt. Arguello to U.S.-Mexico Boundary" dated August 1, 1963 revised March 3, 1967, a new "Official Map and Description of Kelp Beds, Pt. Arguello to Pt. Montara" dated March 3, 1967, and a new map "Official Map and Description of Kelp Beds, Pt. Montara to California-Oregon Boundary" dated June 15, 1995. These maps are based upon U.S. Coast and Geodetic Survey Charts No. 5020, dated April 1961, No. 5302, dated October 12, 1964, and No. 5402, dated September 6, 1965, as filed with the Fish and Game Commission. Beds are described as follows: (all bearings are true bearings)

(1) Mainland Beds (Pt. Arguello to Mexico)

Bed 1. From a line drawn 264 from the U.S.A.-Mexico International Boundary to a line drawn 270 from the southern tip of San Diego Bay. 0.20 square miles.

Bed 2. From a line drawn 270 from the southern tip of San Diego Bay to a line drawn 259 from the southern tip of Point Loma. 0.10 square miles.

Bed 3. From a line drawn 259 from the southern tip of Point Loma to a line drawn 272 from the south jetty of Mission Bay. 2.58 square miles.

Bed 4. From a line drawn 272 from the south jetty of Mission Bay to a line drawn 283 from Scripps Pier. 2.53 square miles.

Bed 5. From a line drawn 283 from Scripps Pier to a line drawn 269 from the mouth of the San Dieguito River. 0.00 square miles.

Bed 6. From a line drawn 269 from the mouth of the San Dieguito River to a line drawn 236 from the middle of Loma Alta Lagoon (at South Oceanside). 1.52 square miles.

Bed 7. From a line drawn 236 from the middle of Loma Alta Lagoon to a line drawn 215 from the middle of the city of San Onofre. 0.66 square miles.

Bed 8. From a line drawn 215 from the middle of the city of San Onofre to a line drawn 219 from the middle of San Juan Creek. 1.53 square miles.

Bed 9. From a line drawn 219 from the middle of San Juan Creek to a line drawn 220 from Abalone Pt. 0.39 square miles.

Bed 10. From a line drawn 220 from Abalone Pt. to a line drawn 220 from the south jetty of Newport Bay. 0.00 square miles.

Bed 13. From a line drawn 156 from the San Pedro Breakwater Lighthouse to a line drawn 232 from Pt. Vicente. 0.54 square miles.

Bed 14. From a line drawn 232 from Pt. Vicente to a line drawn 256 from the southern tip of the Redondo Beach Breakwater. 0.74 square miles.

Bed 15. From a line drawn 223 from the Santa Monica Pier to a line drawn 156 from Malibu Pt. 0.04 square miles.

Bed 16. From a line drawn 156 from Malibu Pt. to a line drawn 185 from Pt. Dume. 0.21 square miles.

Bed 17. From a line drawn 185 from Pt. Dume to a line drawn 207 from Pt. Mugu. 0.62 square miles.

Bed 18. From a line drawn 217 from the middle of the mouth of Ventura River to a line drawn 214 from Pitas Pt. 0.14 square miles.

Bed 19. From a line drawn 214 from Pitas Pt. to a line drawn 218 from Rincon Pt. 0.05 square miles.

Bed 20. From a line drawn 218 from Rincon Pt. to a line drawn 198 from Loon Pt. 0.24 square miles.

Bed 21. From a line drawn 198 from Loon Pt. to a line drawn 184 from the eastern boundary of the Montecito Hotel (2.4 miles 072 from tip of S.B. Breakwater). 0.19 square miles.

Bed 22. From a line drawn 184 from the eastern boundary of the Montecito Hotel to a line drawn 166 from the tip of the Santa Barbara Breakwater. 0.05 square miles.

Bed 23. From a line drawn 166 from the tip of the Santa Barbara Breakwater to a line drawn 195 from the Santa Barbara Lighthouse. 0.10 square miles.

Bed 24. From a line drawn 195 from the Santa Barbara Lighthouse to a line drawn 197 from the middle of Rogue Creek (Arroyo Burro). 0.05 square miles.

Bed 25. From a line drawn 197 from the middle of Rogue Creek to a line drawn 185 from the middle of Hope Ranch Creek. 0.18 square miles.

Bed 26. From a line drawn 185 from the middle of Hope Ranch Creek to a line drawn 176 from Goleta Pt. 0.60 square miles.

Bed 27. From a line drawn 176 from Goleta Pt. to a line drawn 210 from Coal Oil Pt. 0.43 square miles.

Bed 28. From a line drawn 210 from Coal Oil Pt. to a line drawn 200 from the Middle of Gato Canyon (about 1.5 miles west of Naples). 0.60 square miles.

Bed 29. From a line drawn 200 from the middle of Gato Canyon to a line drawn 183 from the middle of Refugio Creek. 0.17 square miles.

Bed 30. From a line drawn 183 from the middle of Refugio Creek to a line drawn 180 from the middle of Canada de Molino (about 5 miles west of Refugio Creek). 0.39 square miles.

Bed 31. From a line drawn 180 from the middle of Canada de Molino to a line drawn 180 from the middle of Alegria Canyon (about 3.4 miles west of Gaviota). 0.16 square miles.

Bed 32. From a line drawn 180 from the middle of Alegria Canyon to a line drawn 180 from Pt. Conception. 2.76 square miles.

Bed 33. From a line drawn 180 from Pt. Conception to a line drawn 231 from Expada Bluff. 0.97 square miles.



Bed 34. From a line drawn 231 from Espada Bluff to a line drawn 270 from Pt. Arguello. 0.31 square miles.

#### Total Area Mainland Beds

(Pt. Arguello to Mexico) 19.05 square miles

#### (2) Island Beds

Bed 101. San Clemente Island. From a line drawn 120 from Pyramid Head to a line drawn 210 from China Pt. 0.66 square miles.

Bed 102. San Clemente Island. From a line drawn 210 from China Pt. to a line drawn 226 from Seal Cove. 2.39 square miles.

Bed 103. San Clemente Island. From a line drawn 226 from Seal Cove to a line drawn 0 from Northwest Harbor. 2.89 square miles.

Bed 104. San Clemente Island. From a line drawn 0 from Northwest Harbor to a line drawn 120 from Pyramid Head. 0.22 square miles.

Bed 105. Santa Catalina Island. Entire island. 0.75 square miles.

Bed 106. Santa Barbara Island. Entire island. 0.23 square miles.

Bed 107. San Nicolas Island. South of a line drawn 75 from the east end to a line drawn 283 from the west end. 1.15 square miles.

Bed 108. San Nicolas Island. North of a line drawn 283 from the west end to a line drawn 75 from the east end. 2.85 square miles.

Bed 109. Anacapa Islands. All islands. 0.32 square miles.

Bed 110. Santa Cruz Island. From a line drawn 86 from San Pedro Pt. to a line drawn 170 from Bowen Pt. 0.64 square miles.

Bed 111. Santa Cruz Island. From a line drawn 170 from Bowen Pt. to a line drawn 306 from West Pt. 0.61 square miles.

Bed 112. Santa Cruz Island. From a line drawn 306 from West Pt. to a line drawn 86 from San Pedro Pt. 0.11 square miles.

Bed 113. Santa Rosa Island. From a line drawn 61 from Skunk Pt. to a line drawn 180 from South Pt. 0.59 square miles.

Bed 114. Santa Rosa Island. From a line drawn 180 from South Pt. to a line drawn 285 from Sandy Pt. 2.17 square miles.

Bed 115. Santa Rosa Island. From a line drawn 285 from Sandy Pt. to a line drawn 45

from Carrington Pt. 1.59 square miles.

Bed 116. Santa Rosa Island. From a line drawn 45 from Carrington Pt. to a line drawn 61 from Skunk Pt. 0.62 square miles.

Bed 117. San Miguel Island. South of a line drawn 60 from Cardwell Pt. to a line drawn 231 from Pt. Bennett. 1.35 square miles.

Bed 118. San Miguel Island. North of a line drawn 231 from Pt. Bennett to a line drawn 60 from Cardwell Pt. 1.51 square miles.

Total Island Beds 20.65 square miles

(3) Mainland Beds (Pt. Arguello to Point Montara)

Bed 202. From a line drawn 270 from Pt. Arguello to a line drawn 270 from Point Sal. 0.10 square miles.

Bed 203. From a line drawn 270 from Point Sal to a line drawn 270 from Pismo Beach Pier. 0.00 square miles.

Bed 204. From a line drawn 270 from Pismo Beach Pier to a line drawn 180 from Point San Luis. 0.72 square miles.

Bed 205. From a line drawn 180 from Point San Luis to a line drawn 250 from Point Buchon. 0.64 square miles.

Bed 206. From a line drawn 250 from Point Buchon to a line drawn 270 from Morro Rock. 0.04 square miles.

Bed 207. From a line drawn 270 from Morro Rock to a line drawn 190 from Point Estero. 1.46 square miles.

Bed 208. From a line drawn 190 from Point Estero to a line drawn 230 from Von Helm Rock. 2.61 square miles.

Bed 209. From a line drawn 230 from Von Helm Rock to a line drawn 200 from San Simeon Point. 2.20 square miles.

Bed 210. From a line drawn 200 from San Simeon Point to a line drawn 230 from Point Piedras Blancas. 2.02 square miles.

Bed 211. From a line drawn 230 from Point Piedras Blancas to a line drawn 240 from Salmon Head. 1.50 square miles.

Bed 212. From a line drawn 240 from Salmon Head to a line drawn 240 from Cape San Martin. 1.26 square miles.

Bed 213. From a line drawn 240 from Cape San Martin to a line drawn 240 from Lopez

Point. 2.14 square miles.

Bed 214. From a line drawn 240 from Lopez Point to a line drawn 240 from Partington Point. 2.03 square miles.

Bed 215. From a line drawn 240 from Partington Point to a line drawn 200 from Pfeiffer Point. 0.80 square miles.

Bed 216. From a line drawn 200 from Pfeiffer Point to a line drawn 200 from Point Sur. 3.08 square miles.

Bed 217. From a line drawn 200 from Point Sur to a line drawn 270 from Yankee Point. 2.38 square miles.

Bed 218. From a line drawn 270 from Yankee Point to a line drawn 270 from Point Lobos. 0.50 square miles.

Bed 219. From a line drawn 270 from Point Lobos to a line drawn 270 from Point Cypress. 1.28 square miles.

Bed 220. From a line drawn 270 from Point Cypress to a line drawn 000 from Monterey Pier. 1.88 square miles.

Bed 221. From a line drawn 000 from Monterey Pier to a line drawn 180 from Santa Cruz Pier. 0.90 square miles.

Bed 222. From a line drawn 180 from Santa Cruz Pier to a line drawn 240 from Sand Hill Bluff. 0.81 square miles.

Bed 223. From a line drawn 240 from Sand Hill Bluff to a line drawn 240 from Point Ano Nuevo. 0.19 square miles.

Bed 224. From a line drawn 240 from Point Ano Nuevo to a line drawn 270 from Pescadero Point. 0.06 square miles.

Bed 225. From a line drawn 270 from Pescadero Point to a line drawn 270 from Point Montara. 0.00 square miles.

#### Total area of Mainland Beds

(Pt. Arguello to Point Montara) 28.60 square miles

#### (4) Mainland Beds (Point Montara to Oregon)

Bed 226. From a line drawn 270 from Point Montara to a line drawn 270 from Fort Point. 0.00 square miles.

Bed 301. From a line drawn 270 from Fort Point to a line drawn 270 from Point Reyes. 0.00 square miles.

Bed 302. From a line drawn 270 from Point Reyes to a line drawn 240 from Duncan's Point. 0.00 square miles.

Bed 303. From a line drawn 240 from Duncan's Point to a line drawn 270 from Gualala Point. 1.33 square miles.

Bed 304. From a line drawn 270 from Gualala Point to a line drawn 240 from Iverson Point 0.89 square miles.

Bed 305. From a line drawn 240 from Iverson Point to a line drawn 330 from Point Arena. 1.11 square miles.

Bed 306. From a line drawn 330 from Point Arena to a line drawn 270 from Stillwell Point. 1.03 square miles.

Bed 307. From a line drawn 270 from Stillwell Point to a line drawn 270 from the middle of Ten-mile River. 0.93 square miles.

Bed 308. From a line drawn 270 from the middle of Ten -mile River to a line drawn 180 from Point Delgada. 0.20 square miles.

Bed 309. From a line drawn 180 from Point Delgada to a line drawn 260 from Cape Mendocino. 0.14 square miles.

Bed 310. From a line drawn 260 from Cape Mendocino to a line drawn 300 from the South jetty of Humboldt Bay. 0.0 square miles.

Bed 311. From a line drawn 300 from the South jetty of Humboldt Bay to a line drawn 270 from the middle of the Klamath River. 0.00 square miles.

Bed 312. From a line drawn 270 from the middle of the Klamath River to a line drawn 250 from the California-Oregon Boundry. 0.20 square miles.

Total of mainland beds

Point Montera to Oregon Boundary 5.83 square miles

Grand Total 74.13 square miles

(k) Those beds not subject to lease are as follows:

*Mainland Beds*

*(Pt. Arguello to Mexico)*

Bed No.	Square Miles
1	0.20
2	0.10
7	0.66
8	1.53
9	0.39
10	0.00
13	0.54
14	0.74
15	0.04
18	0.15
22	0.05
23	0.10
24	0.05
25	0.18
28	0.60
33	0.97
Total	6.30

*Mainland Beds*

*(Pt. Arguello to Pt. Montara)*

Bed No.	Square Miles
205	0.64
206	0.04
213	2.14
215	0.80
217	2.38
218	0.49
219	1.28
220	1.88
221	0.90
222	0.81
224	0.06
225	0.00
Total	11.42

*Mainland Beds*

*(Pt. Montara to California-Oregon Border)*

Bed No.	Square Miles
303	
304	
305	
306	
307	
Total	

*Island Beds*

Bed No.	Square Miles	
1.33	101	0.66
0.89	104	0.22
1.11	105	0.75
1.03	109	0.32
0.93	110	0.64
5.29	112	0.11
	113	0.59
	114	2.18
	115	1.59
	116	0.62
	117	1.35
	118	1.51
	Total	10.54



**Fish and Game Code Sections that influence the management of kelp beds within California's coastal waters:**

2850. This chapter shall be known and may be cited as the Marine Life Protection Act.

2851. The Legislature finds and declares all of the following: (a) California's marine protected areas (MPAs) were established on a piecemeal basis rather than according to a coherent plan and sound scientific guidelines. Many of these MPAs lack clearly defined purposes, effective management measures and enforcement. As a result, the array of MPAs creates the illusion of protection while falling far short of its potential to protect and conserve living marine life and habitat. (b) California's extraordinary marine biological diversity is a vital asset to the state and nation. The diversity of species and ecosystems found in the state's ocean waters is important to public health and well-being, ecological health, and ocean-dependent industry. (c) Coastal development, water pollution, and other human activities threaten the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate. (d) Fish and other sea life are a sustainable resource, and fishing is an important community asset. MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries. (e) Understanding of the impacts of human activities and the processes required to sustain the abundance and diversity of marine life is limited. The designation of certain areas as sea life reserves can help expand our knowledge by providing baseline information and improving our understanding of ecosystems where minimal disturbance occurs. (f) Marine life reserves are an essential element of an MPA system because they protect habitat and ecosystems, conserve biological diversity, provide a sanctuary for fish and other sea life, enhance recreational and educational opportunities, provide a reference point against which scientists can measure changes elsewhere in the marine environment, and may help rebuild depleted fisheries. (g) Despite the demonstrated value of marine life reserves, only 14 of the 220,000 square miles of combined state and federal ocean water off California, or six-thousandths of 1 percent, are set aside as genuine no take areas. (h) For all of the above reasons, it is necessary to modify the existing collection of MPAs to ensure that they are designed and managed according to clear, conservation-based goals and guidelines that take full advantage of the multiple benefits that can be derived from the establishment of marine life reserves.

2852. The following definitions govern the construction of this chapter: (a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed

so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood. (b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries: (1) The area extending south from Point Conception. (2) The area between Point Conception and Point Arena. (3) The area extending north from Point Arena. (c) "Marine protected area" (MPA) means a named, discrete geographic marine or estuarine area seaward of the high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities. (d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.

2853. (a) The Legislature finds and declares that there is a need to reexamine and redesign California's MPA system to increase its coherence and its effectiveness at protecting the state's marine life, habitat, and ecosystems. (b) To improve the design and management of that system, the commission, pursuant to Section 2859, shall adopt a Marine Life Protection Program, which shall have all of the following goals: (1) To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems. (2) To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted. (3) To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity. (4) To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value. (5) To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines. (6) To ensure that the state's MPAs are designed and managed, to the extent possible, as a network. (c) The program may include areas with various levels of protection, and shall include all of the

following elements: (1) An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857. (2) Specific identified objectives, and management and enforcement measures, for all MPAs in the system. (3) Provisions for monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter. (4) Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation. (5) A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program, that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.

2854. Notwithstanding Section 7550.5 of the Government Code, the State Interagency Marine Managed Areas Workgroup established by the Resources Agency shall submit its final report to the Legislature and the commission by January 15, 2000. The workgroup shall, after appropriate consultation with members of the public, determine future actions for implementing the recommendations of its final report.

2855. (a) The commission shall adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program adopted pursuant to Section 2853 and decisions regarding the siting of new MPAs and major modifications of existing MPAs. The plan shall be based on the best readily available science. (b) (1) The department shall prepare, or by contract shall cause to be prepared, a master plan in accordance with this subdivision. In order to take full advantage of scientific expertise on MPAs, the department shall convene a master plan team to advise and assist in the preparation of the master plan, or hire a contractor with relevant expertise to assist in convening such a team. (2) The team members convened pursuant to this subdivision shall have expertise in marine life protection and shall be knowledgeable about the use of protected areas as a marine ecosystem management tool. The members shall also be familiar with underwater ecosystems found in California waters, with the biology and habitat requirements of major species groups in the state's marine waters, and with water quality and related issues. (3) The team shall be composed of the following individuals: (A) Staff from the department, the Department of Parks and Recreation, and the State Water Resources Control Board, to be designated by each of those departments. (B) Five to seven members who shall be scientists, one of whom may have expertise in the economics and culture of California coastal communities. (C) One member, appointed from a list prepared by Sea Grant marine advisers, who shall have direct expertise with ocean habitat and sea life in California marine waters. (4) The master plan shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons. In preparing the master plan, the department shall confer, to the extent feasible, with the commission, the Pacific Fishery Management Council, the National Marine Fisheries Service, the United States Navy, the United States Geological Survey's national biological survey, staff from national marine sanctuaries off California, Sea Grant researchers, marine advisers, and national



parks personnel. (5) The department may engage other experts to contribute to the master plan, including scientists, geographic information system (GIS) experts, and commercial and recreational fishermen, divers, and other individuals knowledgeable about the state's underwater ecosystems, the history of fishing effort or MPA management, or other relevant subjects. (c) The department and team, in carrying out this chapter, shall take into account relevant information from local communities, and shall solicit comments and advice for the master plan from interested parties on issues including, but not necessarily limited to, each of the following: (1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where fishing is currently prohibited, and water pollution in the state's coastal waters. (2) Socioeconomic and environmental impacts of various alternatives. (3) Design of monitoring and evaluation activities. (4) Methods to encourage public participation in the stewardship of the state's MPAs.

2856. (a) (1) The department and team shall use the best readily available scientific information in preparing the master plan adopted pursuant to Section 2855, and shall organize the location-specific contents, where feasible, by biogeographical region. In preparing the plan, the department and team shall use and build upon the findings of the Sea Grant survey of protected areas in California waters, which is entitled "California's Marine Protected Areas," the report of the State Interagency Marine Managed Areas Workgroup, the Department of Parks and Recreation's planning information and documents regarding existing and potential underwater parks and reserves, maps and other information from the department's marine nearshore ecosystem mapping project, and other relevant planning and scientific materials. (2) The master plan shall include all of the following components: (A) Recommendations for the extent and types of habitat that should be represented in the MPA system and in marine life reserves. Habitat types described on maps shall include, to the extent possible using existing information, rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles, sea mounts, kelp forests, submarine canyons, and seagrass beds. (B) An identification of select species or groups of species likely to benefit from MPAs, and the extent of their marine habitat, with special attention to marine breeding and spawning grounds, and available information on oceanographic features, such as current patterns, upwelling zones, and other factors that significantly affect the distribution of those fish or shellfish and their larvae. (C) Recommendations to augment or modify the guidelines in subdivision (c) of Section 2857, if necessary to ensure that the guidelines reflect the most up-to-date science, including, for example, recommendations regarding the minimum size of individual marine life reserves needed to accomplish the various goals set forth in Section 2853. (D) Recommended alternative networks of MPAs, including marine life reserves in each biogeographical region that are capable of achieving the goals in Section 2853 and designed according to the guidelines in subdivision (c) of Section 2857. (E) A simplified classification system, which shall be consistent with the goals of Section 2853 and the guidelines in subdivision (c) of Section 2857, and which may include protections for specific habitats or species, if no system that meets these specifications has already been developed. (F) Recommendations for a preferred siting alternative for a network of MPAs that is

consistent with the goals in Section 2853 and the guidelines in subdivision (c) of Section 2857. (G) An analysis of the state's current MPAs, based on the preferred siting alternative, and recommendations as to whether any specific MPAs should be consolidated, expanded, abolished, reclassified, or managed differently so that, taken as a group, the MPAs best achieve the goals of Section 2853 and conform to the guidelines in subdivision (c) of Section 2857. (H) Recommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long-established MPAs, to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts. (I) Recommendations for management and enforcement measures for the preferred alternative that apply systemwide or to specific types of sites and that would achieve the goals of this chapter. (J) Recommendations for improving the effectiveness of enforcement practices, including, to the extent practicable, the increased use of advanced technology surveillance systems. (K) Recommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented. (b) The team shall, as necessary, identify and define additional appropriate components of the master plan as soon as possible after enactment of this section.

2857. (a) On or before July 1, 2001, the department shall convene, in each biogeographical region and to the extent practicable near major working harbors, siting workshops, composed of interested parties, to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency with the goals of Section 2853 and guidelines in subdivision (c) of this section. (b) The preferred alternative may include MPAs that will achieve either or both of the following objectives: (1) Protection of habitat by prohibiting potentially damaging fishing practices or other activities that upset the natural ecological functions of the area. (2) Enhancement of a particular species or group of species, by prohibiting or restricting fishing for that species or group within the MPA boundary. (c) The preferred siting alternative shall include MPA networks with an improved marine life reserve component, and shall be designed according to each of the following guidelines: (1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter. (2) Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions. (3) Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region. (4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided. (5) The MPA network and individual MPAs shall be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the goals and guidelines of this chapter. (d) The department and team, in



developing the preferred siting alternative, shall take into account the existence and location of commercial kelp beds. (e) The department and team may provide recommendations for phasing in the new MPAs in the preferred siting alternative.

2858. The department shall establish a process for external peer review of the scientific basis for the master plan prepared pursuant to Section 2855. The peer review process may be based, to the extent practicable, on the peer review process described in Section 7062.

2859.(a) On or before January 1, 2002, the department shall submit to the commission a draft of the master plan prepared pursuant to this chapter.

(b) On or before April 1, 2002, after public review, not less than three public meetings, and appropriate modifications of the draft plan, the department shall submit a proposed final master plan to the commission. On or before July 1, 2002, the commission shall adopt a final master plan and a Marine Life Protection Program based on the plan and shall implement the program, to the extent funds are available. The commission's adoption of the plan and a program based on the plan shall not trigger an additional review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) The commission shall hold at least two public hearings on the master plan and the Marine Life Protection Program prior to adopting the plan and program. The commission may adopt the plan and the program immediately following the second public hearing or at any duly noticed subsequent meeting.

(d) Notwithstanding Section 7550.5 of the Government Code, upon the commission's adoption of the program, the commission shall submit the master plan and program description, including marine life reserve and other MPA designations, to the Joint Committee on Fisheries and Aquaculture for review and comment. Upon receipt of the plan, the joint committee shall have 60 days to review the plan and to submit written recommendations to the commission regarding the plan and program. The joint committee shall only submit a recommendation to the commission if a majority of the members agree to that recommendation. The commission shall consider all recommendations submitted by the joint committee, and may amend the program to incorporate the recommendations. If the commission does not incorporate any recommendations submitted by the joint committee, the commission shall set forth, in writing, its reasons for not incorporating that recommendation.

2860. (a) The commission may regulate commercial and recreational fishing and any other taking of marine species in MPAs. (b) Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including recreational and commercial fishing, except that the commission may authorize the taking of a marine species for scientific purposes, consistent with the purposes of this chapter, under a scientific collecting permit issued by the department.

2861. (a) The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions

from the department or any other interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter. (b) Notwithstanding Section 7550.5 of the Government Code, prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature. (c) Nothing in this chapter shall restrict any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission may abbreviate the master plan process to account for equivalent activities that have taken place before enactment of this chapter, providing that those activities are consistent with this chapter.

2862. The department, in evaluating proposed projects with potential adverse impacts on marine life and habitat in MPAs, shall highlight those impacts in its analysis and comments related to the project and shall recommend measures to avoid or fully mitigate any impacts that are inconsistent with the goals and guidelines of this chapter or the objectives of the MPA.

2863. The department shall confer as necessary with the United States Navy regarding issues related to its activities.

6420. The Legislature finds and declares all of the following: (a) Declines in various southern California marine species of fish have adversely affected the sport and commercial fishing industry. (b) Efforts to enhance these species through the placement of artificial reefs need to be investigated. (c) A program of artificial reef research and development, including reef design, placement, and monitoring, is in the public interest and can best be accomplished under the administration of the department with the cooperation and assistance of the University of California, the California State University, other established, appropriate academic institutions, and other organizations with demonstrated expertise in the field. (d) A state artificial reef research and construction program under the administration of the department is necessary to coordinate ongoing studies and construction of artificial reefs in waters of the state.

6421. For purposes of this article, the following terms have the following meaning: (a) "Artificial reef" means manmade or natural objects intentionally placed in selected areas of the marine environment to duplicate those conditions that induce production of fish and invertebrates on natural reefs and rough bottoms, and that stimulate the growth of kelp or other midwater plant life which creates natural habitat for those species. (b) "Production" means increases in the biomass of a species or number of species. (c) "Program" means the California Artificial Reef Program.

6422. The department shall administer the California Artificial Reef Program.

6423. The program shall include all of the following: (a) The placement of artificial reefs in state waters. (b) A study of existing successful reefs and all new reefs placed by the program to determine the design criteria needed to construct artificial reefs capable of increasing fish and invertebrate production in waters of the state. (c) A determination of the requirements for reef siting and placement.

15000. (a) The business of aquaculture is governed by this division and is exempt from Part 3 (commencing with Section 7600) of Division 6 and any other provision of this code relating to commercial fishing, harvesting, processing, and marketing. (b) Except as provided in Sections 15005, 15200, 15201, and 15202, the business of aquaculture processing, distribution, and marketing is administered by the Secretary of Food and Agriculture. (c) The director may enter into an agreement with the Secretary of Food and Agriculture for the resolution of any conflict that arises under subdivision (b). (d) Any costs incurred by the department in implementing Sections 15005, 15200, 15201, and 15202 shall be recovered pursuant to this division.

15001. The cultured progeny of wild plants and animals lawfully obtained under Section 15300 are the exclusive property of that person who cultured them or that person's successor in interest.

15002. Any person who takes aquaculture products without lawful entitlement is subject to prosecution for theft.

15003. (a) The department may assess a fee on persons growing aquaculture products on public lands and in public waters based on the price per pound of the products sold. The fees, if imposed, shall be set at amounts necessary to defray the costs of the commission and the department in administering this division. However, the fees if any, may not exceed the tax rates as provided in Section 8051. (b) The price per pound for these taxation purposes shall be based on the whole product weight or its equivalent as taken by the lessee. (c) The privilege tax imposed by this section shall be paid monthly to the department within 30 days after the close of each month. If not paid within 60 days after the close of the month in which it is due, a 10 percent penalty shall be paid.

15004. (a) Commencing in 1992, the department shall, at least once every five years, analyze the fees and taxes authorized by this division to ensure that the amount of the appropriate fee or tax is sufficient to fully fund the aquaculture program. (b) The department shall, as appropriate, recommend fee or tax changes to the Legislature or the commission. (c) Aquaculturists operating under this division shall pay all costs incurred by the department when conducting any inspections of plants, animals, facilities, or culture areas required by this division, or by regulations adopted pursuant to this division, when requested by the aquaculturists.

15005. (a) When necessary for the protection of native wildlife, the commission may

regulate the transportation, purchase, possession, and sale of specific aquaculture products as provided for in this section. (b) The commission may determine that aquaculture products shall be accompanied by a document containing any of the following information: (1) The name, address, and registration number of the aquaculture producer. (2) The species. (3) The weight, volume or count within the container. (4) The date of the shipment. (5) The name and address of the intended receiver. (c) The commission may require that certain aquaculture products shall be additionally identified as being aquaculture produced, except for the following: (1) Trout. (2) Catfish. (3) Kelp and aquatic plants. (4) Frogs and amphibia. (5) All bivalve mollusks (except little neck clams). (6) All members of the family Centrarchidae. (7) Crayfish. (8) Sea urchins. (9) Shrimp and fresh water prawns. (10) Crab.

15006. Nothing in this division applies to authorized species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

15007. Except as specifically authorized in Chapter 10 (commencing with Section 15900), nothing in this division permits ocean ranching.