

Informational Digest to the Regulations Governing the Harvest of Kelp and other Marine Algae in California



**Revised regulations
Effective date April 1, 2014**

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Attachment 1. Administrative Kelp Bed Maps.

Attachment 2. Nearshore Fishing Block Maps used for Commercial Edible Seaweed and Agar Algae Harvest.

Note: the Fish and Game Commission adopted amendments effective April 1, 2014 to regulations for the commercial harvest of kelp. The amendments:

- **Clarify existing regulations which include correcting the location of Department of Fish and Wildlife offices that sell commercial kelp harvesting licenses and the mailing address for harvest records**
- **Update administrative kelp bed boundaries to reference coordinates of latitude and longitude**
- **Eliminate the development plan requirement for lease holders**
- **Require a Commission-approved kelp harvest plan for lease holders and for the mechanical harvest of kelp in all locations where harvest is allowed**
- **Require current lease holders to provide additional information to meet the kelp harvest plan requirement**
- **Specify the information required in the kelp harvest plan**

The amendments are reflected in this document.

KELP HARVEST REGULATIONS

Regulations for the harvest of kelp and other marine algae are found in the California Fish and Game Code Sections 6650-6751 (FGC) and Title 14, California Code of Regulations, Sections 165 and 165.5 (Title 14, CCR). These regulations can be found on the Office of Administrative Law webpage through the Fish and Game Commission weblink <http://www.fgc.ca.gov/regulations/current/>. When reviewing the regulations, unless otherwise defined, "Kelp" describes kelp or other aquatic plants and the seeds thereof" per FGC Section 51. **All harvesters must be knowledgeable of the regulations and not rely solely on this document.**

NON-COMMERCIAL HARVEST OF KELP

California law makes a distinction between marine algae harvest for personal (non-commercial) use and harvest for commercial purposes. Under recreational fishing regulations an individual may harvest up to ten pounds (wet weight in the aggregate) of marine algae per day for personal use. Sea palm (*Postelsia*), eelgrass (*Zostera*), and surfgrass (*Phyllospadix*) cannot be harvested. The following laws and regulations apply to non-commercial harvest.

Regulations for the Non-Commercial Harvest of Kelp, California Fish and Game Code

ARTICLE 4. Noncommercial Use of Kelp [6750 - 6751]

(Article 4 added by Stats. 1972, Ch. 468.)

6750.

The commission may regulate the taking, collecting, harvesting, gathering, or possession of kelp for purposes other than profit.

(Added by Stats. 1972, Ch. 468.)

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.

(Added by Stats. 1972, Ch. 468.)

Regulations for the Non-Commercial Harvest of Kelp and other Marine Plants, Title 14, California Code of Regulations

§ 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 state marine reserves.

Regulations within state marine conservation areas and state marine parks may prohibit cutting or harvesting of marine aquatic plants per subsection 632(b).

Note: Authority cited: Section 6750, Fish and Game Code. Reference: Section 6750, Fish and Game Code.

§ 30.10. Prohibited Species.

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

Note: Authority cited: Section 6750, Fish and Game Code. Reference: Section 6750, Fish and Game Code.

HISTORY

1. New section filed 5-9-84; effective thirtieth day thereafter (Register 84, No. 19).

For a complete regulatory history of Section 30, refer to Title 14, California Code of Regulations which can be found at the following webpage: <http://ccr.oal.ca.gov/>

COMMERCIAL HARVEST OF KELP, EDIBLE MARINE ALGAE, AND AGAR

The State Legislature has delegated to the Fish and Game Commission (Commission) the authority to regulate the commercial harvest of kelp within guidelines set in Statute. The laws passed by the Legislature and the regulations adopted by the Commission are found in FGC Sections 6650 through 6711 and Title 14, CCR Sections 165 and 165.5. These laws and regulations require all commercial kelp harvesters be licensed and pay a royalty to the State based on the amount of kelp harvested. The Commission has designated 87 geographical kelp beds along the California coast and Channel Islands. Each of the 87 kelp beds fall within specific designations that were designed for optimal harvest while ensuring sustainable management of the resource and the species that depend upon kelp. The kelp bed designations are defined as follows: open - kelp bed is open to all kelp harvesting, and leases cannot be issued; closed - kelp bed is closed to all kelp harvesting; lease only - kelp bed is closed to all kelp harvesting unless an exclusive lease is obtained; and leasable - kelp bed is open to kelp harvesting until the bed is leased and, once leased, can only be harvested by the lessee. **Kelp harvesters must be aware of individual kelp bed status as some beds may be closed to harvest, available for harvest only if a lease is obtained, or currently leased** (allowing the lessee exclusive harvesting privileges). It is the responsibility of the potential harvester to contact the Department to ensure leasable beds are not leased before harvest occurs. Detailed descriptions of these beds can be found on pages 20 - 37 and are depicted on maps in Attachment 1.

No eelgrass (*Zostera*) or surfgrass (*Phyllospadix*) may be cut or disturbed per Title 14, CCR Section 165(b)(3)(C)(4).

Title 14 Section 165(b)(3)(C)(5) states, "No kelp or other aquatic plant may be harvested in a state marine reserve or state marine park as per subsection 632(a). Commercial harvest of kelp or other aquatic plants may be limited in state marine conservation areas as per subsection 632(b)." **Harvesters must be knowledgeable of areas which may be closed or limited to harvest due to Marine Protected Areas** (MPA). MPAs regulations are located on the Department webpage: http://www.dfg.ca.gov/marine/mpa/mpa_summary.asp.

Kelp Harvesting License

Kelp harvesting license are valid from January 1st to December 31st. If an applicant applies for the license before December 31st the license will be valid through the end of the year purchased, the fee is not pro-rated. The kelp harvesting license can cover kelp, edible seaweed, or agar algae harvest. When applying for the license the applicant must choose which type of harvest they will be participating in.

Every person(s) that has a kelp harvesting license must submit to the Department a monthly harvest report along with any royalty due on or before the 10th day of each month following the month of harvest, even if harvest did not occur.

Different types of algae harvest require different forms (kelp, edible seaweed, or agar). Blank copies of the reports are located on pages 39 – 41.

Giant and Bull Kelp

Giant and bull kelp are defined as members of the genera *Macrocystis* and *Nereocystis*, respectively. There are two species of *Macrocystis* and a single species of *Nereocystis* along the California coastline. Giant kelp, *Macrocystis pyrifera*, is the most common large kelp found off the coast of southern and central California. North of San Francisco, *Macrocystis pyrifera* is gradually replaced by *Macrocystis integrifolia*. Bull kelp becomes more abundant the further north one travels, whereas Giant kelp becomes far less prevalent.

Kelp harvesters may not cut attached giant and bull kelp at a depth greater than four feet below the sea surface at the time of cutting, allow no cut kelp to escape from harvest, weigh and report the amount harvested and pay a royalty to the State for each wet ton of kelp harvested. Bull kelp may only be taken by hand harvesting north of Point Montara (boundary of beds 225 and 226) and cannot be harvested north of the entrance to San Francisco Bay, except by a kelp bed lessee authorized by the Commission. Other regulations apply to both giant and bull kelp and are included for reference.

A Commission-approved kelp harvest plan is required for kelp bed lease holders and for the mechanical harvest of kelp in all locations where harvest is allowed. Details on kelp harvest plans can be found in Title 14, CCR Section 165 (c)(6).

There currently are no provisions for the commercial harvest of other large kelps such as elk kelp, (genus *Pelagophycus*), feather boa kelp (genus *Egregia*), or members of the genus *Pterygophora*. Request to the harvest these species or any other species of marine algae not mentioned in Title 14 Section 165 or 165.5 must be made to the Commission and granted by the Commission.

Edible Seaweed

Members of the genera, *Porphyra*, *Laminaria*, *Monostrema*, and other aquatic plants utilized fresh or preserved as human food are classified as edible seaweeds. The holder of an edible seaweed harvester license may take up to two wet tons (4,000 pounds) of *Nereocystis* annually for human consumption. Regulations require harvesters weigh and report the amount harvested and pay a royalty of \$24.00/wet ton of edible algae harvested. Other regulations apply to the harvest of edible seaweed are included for reference. The Department encourages sustainable harvest techniques including cutting only the blade portion (Figure 1) of certain algae such as the laminarians (kombu) and *Postelsia* (sea palm) and rotating harvest to allow adequate time for regrowth.

Edible and agar algae harvest locations are denoted by commercial fishing blocks, maps are located in Attachment 2.

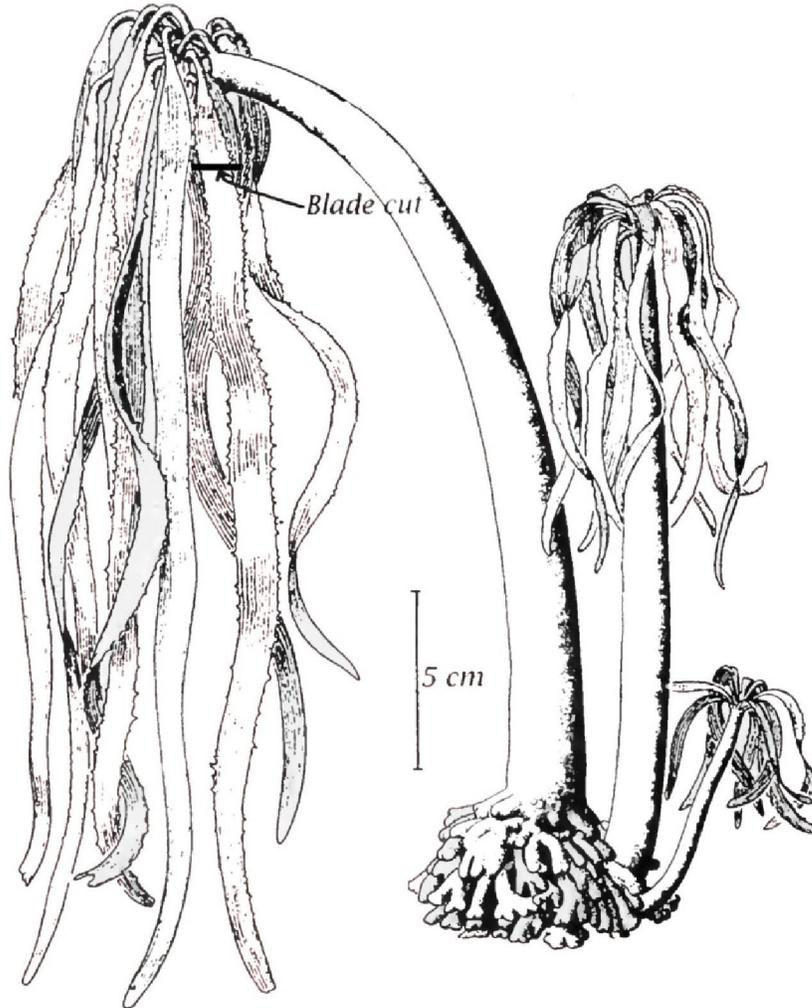


Figure 1. *Postelsia* (sea palm) showing location of blade cut. The blade cut is recommended for this species to allow the algae the opportunity to regenerate the blade providing the potential for multiple harvest in one season and helps ensure spore production (from Kalvass, P. 1994. The effect of different harvest methods on sea palm sporophyll growth. (Cali. Fish and Game 80:57-67).

Agar-bearing Plants

Agar-bearing marine algae are defined as members of the genera *Gelidium*, *Pterocladia*, *Gracilaria*, *Iridaea*, *Gloiopeltis*, and *Gigartina*. Regulations require harvesters weigh and report the amount of agar-bearing algae harvested and pay a royalty of \$17.00/wet ton harvested. A special permit is required for drying agar-bearing seaweed [FGC Section 6653.5 and Title 14, Section 165 (d)(2)]. The agar-drying permit cost is \$53.00, applications are submitted to the Department's Los Alamitos office, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720.

Edible and agar algae harvest locations are denoted by commercial fishing blocks, maps are located in Attachment 2.

LEASING KELP BEDS

Approximately 41 percent of the State's kelp beds have been designated by the Commission as available for leasing. When a kelp bed is leased, only the leaseholder may harvest kelp within the area of the bed. About 38 percent of the State's kelp beds have been designated as available for kelp harvest by any licensed kelp harvester, these beds are not available for lease. This policy insures smaller scale kelp harvesters have access to kelp and are not shut out by lease agreements. The remaining 21 percent of kelp beds are closed to kelp harvesting. Harvest of these beds has been deemed too potentially disruptive to the environment to be allowed.

Kelp Lease Process

The kelp lease process begins with the submission of a written request to lease a bed to the Fish and Game Commission. The kelp bed lease request must include a deposit based upon the particular bed of interest and a kelp harvest plan. Details on kelp bed leasing can be found in Title 14, CCR Section 165.5. Kelp bed leases are awarded to the highest qualified bidder. The Department will review the application following guidelines set by the Commission and make recommendations to the Commission. 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. The Commission may reject bids it determines to be unqualified or not in the public's best interest.

Once the Commission receives and accepts an application to lease a kelp bed, and determines that the requested bed is available for lease, it must advertise the fact by placing a legal notice in a newspaper of general circulation in the county where the kelp bed is located, and notify all kelp harvest license holders that the lease of a kelp bed is being considered.

At the next regularly scheduled meeting following the end of a minimum two week advertisement period, and in the absence of additional applications to lease the specified bed, the Commission may award the lease, at the minimum lease rate, to the applicant. However, if additional applications are received and accepted for the lease of the requested bed, the Commission must issue a call for sealed bids to be submitted by all applicants. All sealed bids will be opened at a regularly scheduled meeting and awarded to the highest qualified bidder.

Once a lease has been granted by the Commission, the Department will administer the lease and monitor the lessee's performance. Lessees in good standing have a prior right to renew their lease before the expiration of their lease on terms agreed upon by the Commission and the lessee.

Kelp bed lessees must submit a non-refundable advance payment to the Department on January 1st of each year. The amount of the advance payment is determined by the size and location of the leased kelp bed, and agreed royalty rate (as determined in the lease). Royalty rates for harvested kelp are deducted from the required advance payment until the advance payment is exhausted. Thereafter, harvesters must remit any royalty fees owed to the department with their monthly harvesting report. Any advance payment remaining at the end of the year will be carried over to the following

year's deposit.

For information on kelp beds which may be available for lease see Title 14, CCR Section 165.5(j). To determine if a particular bed is currently leased contact the Departments Kelp Project lead, Rebecca Flores Miller, rebecca.floresmiller@wildlife.ca.gov or 831-649-2835.

FISH AND GAME CODE SECTIONS 6650-6751. REGULATIONS FOR THE COMMERCIAL HARVEST OF KELP AND OTHER AQUATIC PLANTS.

ARTICLE 1. General Provisions [6650 - 6657]

(Article 1 enacted by Stats. 1957, Ch. 456.)

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.

(Enacted by Stats. 1957, Ch. 456.)

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) The Commission shall adjust the amount of the fees specified in subdivision (a), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the Department and the Commission relating to those licenses.

(c) 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).

(Amended by Stats. 2012, Ch. 559, Sec. 22. Effective January 1, 2013.)

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.

(Amended by Stats. 1963, Ch. 212.)

6653.

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

(Enacted by Stats. 1957, Ch. 456.)

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.

(Added by Stats. 1984, Ch. 242, Sec. 1.)

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.

(Enacted by Stats. 1957, Ch. 456.)

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.

(Enacted by Stats. 1957, Ch. 456.)

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.

(Amended by Stats. 1986, Ch. 1244, Sec. 6.)

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.

(Enacted by Stats. 1957, Ch. 456.)

ARTICLE 2. Royalties [6680- 6680.]

(Heading of Article 2 amended by Stats. 1967, Ch. 1348.)

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.

(Amended by Stats. 1967, Ch. 1348.)

ARTICLE 3. Exclusive Leases [6700 - 6711]

(Article 3 repealed and added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Repealed and added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Repealed and added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Repealed and added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Amended by Stats. 1988, Ch. 295, Sec. 1.)

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.

(Repealed and added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Repealed and added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Repealed and added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Amended by Stats. 1988, Ch. 295, Sec. 2.)

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.

(Amended by Stats. 1988, Ch. 295, Sec. 3.)

6709.

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

(Added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Added by Stats. 1984, Ch. 1373, Sec. 2.)

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.

(Added by Stats. 1984, Ch. 1373, Sec. 2.)

ARTICLE 4. Noncommercial Use of Kelp [6750 - 6751]

(Article 4 added by Stats. 1972, Ch. 468.)

6750.

The Commission may regulate the taking, collecting, harvesting, gathering, or possession of kelp for purposes other than profit.

(Added by Stats. 1972, Ch. 468.)

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.

(Added by Stats. 1972, Ch. 468.)

TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 165 and 165.5. REGULATIONS FOR THE COMMERCIAL HARVEST OF KELP AND OTHER AQUATIC PLANTS

§ 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 person harvesting kelp and other aquatic plants for profit shall apply each year for a license on 2014 Kelp Harvesting License Application (MRD 658 Revised 9/13) which is incorporated by reference herein. License applications and a list of laws and regulations governing the harvest of kelp and other aquatic plants (including maps depicting administrative kelp beds) are available on request from the Department's Los Alamitos office at 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720.

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

(3) Where to Submit Applications. Application forms, together with the fee authorized by Section 6651 of the Fish and Game Code, shall be submitted to the Department's Los Alamitos office, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720.

(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. A kelp harvester shall determine the weight of harvested kelp or other aquatic plants upon landing or delivery to the harvester's place of business. The harvester may determine the weight of harvested kelp or other aquatic plants by either direct weighing with a state certified scale or a volume conversion that has been approved by the Department. If the weight is determined by a certified or licensed weighmaster, the harvester shall obtain a receipt and maintain the receipt in the landing record required under subsection (b)(3) below.

(2) Harvesting Records

(A) Every person harvesting kelp and other aquatic plants and licensed pursuant to Section 6650 of the Fish and Game Code shall keep a record of the following:

1. Category of plants harvested as defined in subsections 165(c), (d) and (e).
2. The wet weight of harvested kelp or other aquatic plants recorded in pounds or tons (1 ton = 2000 lb).
3. Name and address of the person or firm to whom the plants are sold, unless utilized by the harvester.

(B) The record 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 triplicate using Kelp Harvester's Monthly Report forms FG 113 (Rev. 1/97, see Appendix A) and FG 114 (Rev. 1/07, see Appendix A).

(A) The landing records shall show:

1. The wet weight of all aquatic plants harvested in units as defined in subsection (b)(2)(A)2. above.
2. Name and address of harvester.
3. Department of Fish and Wildlife kelp harvester number.
4. Report period, royalty rate, balance of advance deposit (applicable to leased beds), royalty rate amount due and dates of landing.
5. Administrative kelp bed number and, if applicable, marine protected area where plants were harvested.

(B) A duplicate copy of the landing record shall be retained by a kelp harvester for a period of one year and shall be available for inspection at any time within that period by the Department. A kelp harvester who harvests kelp from a marine protected area established under subsection 632(b) shall maintain a copy of the landing record on board the harvest vessel for all harvesting conducted during that harvest control period. The original and one copy of the landing record shall be submitted to the Department's Accounting Services Branch at 1416 Ninth Street, Room 1215, Sacramento, CA 95814 on or before the 10th day of each month following the month to which the landing records pertain with the specified royalty required for all kelp and other aquatic plants harvested. Landing records that are mailed shall be postmarked on or before the 10th day of each month following the month to which the landing records pertain. The landing record shall be submitted whether or not harvest occurred.

(C) Failure to submit the required landing records of harvest activity and royalty fees within the prescribed time limit and/or failure to retain the required landing records for the prescribed time period(s) may result in revocation or suspension

(including non-renewal) of the harvester's license for a period not to exceed one year. Any revocation, suspension, or nonrenewal may be appealed to the Commission.

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

(5) No kelp or other aquatic plant may be harvested in a state marine reserve or state marine park as per subsection 632(a). Commercial harvest of kelp or other aquatic plants may be limited in state marine conservation areas as per subsection 632(b).

(6) It is unlawful to cause or permit 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 waste or spoilage.

(c) Harvesting of *Macrocystis* and *Nereocystis* (giant and bull kelp). In this subsection, kelp means both giant and bull kelp.

(1) A kelp harvester may harvest kelp by cutting and removing portions of attached kelp or by collecting unattached kelp.

(2) A kelp harvester may not cut attached kelp at a depth greater than four feet below the surface of the water at the 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 Montara, *Nereocystis* (bull kelp) may only be taken by hand harvesting. No mechanical harvesters of any kind shall be allowed.

(5) Between April 1 and July 31, a kelp harvester may not harvest bull kelp from a nonleased kelp bed that lies partially or totally within the boundary of the Monterey Bay National Marine Sanctuary extending from Santa Rosa Creek, San Luis Obispo County, northward to Rocky Point, Marin County. This subsection does not preclude the removal of bull kelp from beaches within the Monterey Bay National Marine Sanctuary during the seasonal closure.

(6) Prior Commission approval of a kelp harvest plan is necessary before a kelp harvester may use a mechanical harvester to harvest giant kelp.

(A) A kelp harvest plan must identify how a mechanical harvester will be used while avoiding:

1. repetitive harvest from individual giant kelp plants;
2. harvest of bull kelp from those portions of kelp beds that contain both giant kelp and bull kelp; and
3. harvest of giant kelp near sea otter rafting sites used by female sea otters with dependent pups.

(B) All kelp harvest plans shall also include the following:

1. the number of the designated bed or beds as shown in subsection 165.5(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;
2. intended use of kelp;
3. amount of kelp proposed to harvest on a monthly and annual basis during the next five years;
4. estimated frequency of harvesting activities for each kelp bed;

5. number of harvest boats, maximum kelp holding capacity in wet tons for each boat, including the operating vessel gross tonnage and fuel tank capacity;
6. harvesting methodology (harvest operation description);
7. all locations (addresses) where kelp landing and weighing will take place;
8. specific details of wet kelp weighing equipment and methods to be used at the landing sites for accurate reporting; and
9. name, address, phone number, and license number of kelp processor and method of transporting the kelp to the processing location.

(C) Kelp harvest plans must be updated and submitted to the Commission for approval every five years.

(7) In addition to the license fee, a kelp harvester shall pay a royalty of \$1.71 for each ton (2,000 lb) of wet kelp harvested from a non-leased bed.

(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*, *Monostroma*, 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.

Note: Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference: Sections 6650-66806650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

HISTORY

1. Amendment of subsection (a)(3) filed 10-8-69 as an emergency; designated effective 11-10-69 (Register 69, No. 41). For prior history, see Register 69, No. 15.
2. Certificate of Compliance -section 11422.1, Gov. Code, filed 12-17-69 (Register 69, No. 51).
3. Amendment of subsection (a)(1)(E) filed 6-30-77 as an emergency; effective upon filing (Register 77, No. 27).
4. Certificate of Compliance filed 8-24-77 (Register 77, No. 35).
5. Amendment filed 3-9-81; effective thirtieth day thereafter (Register 81, No. 11).
6. Amendment filed 9-6-85; effective thirtieth day thereafter (Register 85, No. 36).
7. Change without regulatory effect of subsection (e)(3) filed 5-5-86; effective thirtieth day thereafter (Register 86, No. 19).
8. Amendment of subsections (a)(2), (a)(3) and (c)(5) filed 1-27-87; effective thirtieth day thereafter (Register 87, No. 5).
9. Amendment of subsection (c) filed 12-3-90; operative 1-2-91 (Register 91, No. 4).
10. Amendment of subsections (a) and (d) filed 4-18-91; operative 5-18-91 (Register 91, No. 21).
11. Editorial correction of printing error in subsection (c)(3) (Register 91, No. 31).
12. Amendment of subsections (a)(3) and (c)(2), new subsections (c)(5)-(c)(5)(B), subsection renumbering and amendment of newly designated subsection (c)(6), and new subsection (e)(3) and subsection renumbering filed 3-26-96; operative 3-26-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 13).
13. Amendment filed 10-25-2001; operative 11-24-2001 (Register 2001, No. 43).
14. Amendment of subsection (b)(5) filed 3-8-2005; operative 4-7-2005 (Register 2005, No. 10).
15. Change without regulatory effect amending subsection (a)(3) filed 5-5-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 18).
16. Amendment of subsections (b)(1), (b)(3), (b)(3)(D)-(F) and (c)(4)(D) filed 8-22-2007; operative 9-21-2007 (Register 2007, No. 34).
17. Editorial correction restoring inadvertently omitted subsection (c)(5) (Register 2011, No. 5).
18. Amendment of section and Note filed 1-14-2014; operative 4-1-2014 (Register 2014, No. 3).

§ 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). In this section, kelp means giant kelp, bull kelp, or both.

(b) A current list of kelp beds considered by the Commission to be available for leasing may be obtained through written request to the Department's Marine Region at 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940. 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) 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.)

(2) A detailed kelp harvest plan. The kelp harvest plan must be updated and resubmitted every five years.

(A) If kelp is mechanically harvested, the kelp harvest plan must identify how a mechanical harvester will be used while avoiding:

1. repetitive harvest from individual giant kelp plants;
2. harvest of bull kelp from those portions of kelp beds that contain both giant kelp and bull kelp; and
3. harvest of giant kelp near sea otter rafting sites used by female sea otters with dependent pups.

(B) All kelp harvest plans (mechanical or hand harvest) shall also include the following:

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;
2. intended use of kelp;
3. amount of kelp proposed to harvest on a monthly and annual basis during the next five years;
4. estimated frequency of harvesting activities for each kelp bed;
5. number of harvest boats, maximum kelp holding capacity in wet tons for each boat, including the operating vessel gross tonnage and fuel tank capacity;
6. harvesting methodology (harvest operation description);
7. all locations (addresses) where kelp landing and weighing will take place;
8. specific details of wet kelp weighing equipment and methods to be used at the landing sites for accurate reporting; and
9. name, address, phone number, and license number of kelp processor and method of transporting the kelp to the processing location.

(3) Copy of business license.

(4) The financial capabilities of the lessee to carry out the proposed harvest plan.

(5) Applicants for available lease only kelp beds in the 301-312 series 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) The Department shall evaluate the submitted application, and provide its evaluation to the Commission. 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 may 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 nonrefundable 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 subsection 165(c)(7).

(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) Kelp beds are defined as follows: kelp bed number, designation, area (approximate square miles of kelp canopy within a kelp bed based on historic survey data), and boundary descriptions. Kelp bed designations are defined as follows: open - kelp bed is open to all kelp harvesting, and leases cannot be issued; closed - kelp bed is closed to all kelp harvesting; lease only - kelp bed is closed to all kelp harvesting unless an exclusive lease is obtained; and leasable - kelp bed is open to kelp harvesting until the bed is leased and, once leased, can only be harvested by the lessee. It is the responsibility of the potential harvester to contact the Department to ensure leasable beds are not leased before harvest occurs. All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

(1) Mainland Kelp Beds (U.S./Mexico Border to Pt. Arguello)

Bed 1. Open. 0.20 square miles. This bed extends from the U.S./Mexico Border to the southern tip of San Diego Bay, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

32° 32.063' N. lat. 117° 07.431' W. long.; thence westward along the U.S./Mexico border to:

32° 31.847' N. lat. 117° 11.018' W. long.; thence northward along the three nautical mile offshore boundary to

32° 35.979' N. lat. 117° 11.601' W. long.; and

32° 35.979' N. lat. 117° 08.010' W. long.

Bed 2. Open. 0.10 square miles. This bed extends from the southern tip of San Diego Bay to the southern tip of Point Loma, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

32° 35.979' N. lat. 117° 08.010' W. long.;

32° 35.979' N. lat. 117° 11.601' W. long.; thence northwestward along the three nautical mile offshore boundary to

32° 39.189' N. lat. 117° 18.171' W. long.; and

32° 39.891' N. lat. 117° 14.559' W. long.

Bed 3. Leasable. 2.58 square miles. This bed extends from the southern tip of Point Loma to the south jetty of Mission Bay, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

32° 39.891' N. lat. 117° 14.559' W. long.;

32° 39.189' N. lat. 117° 18.171' W. long.; thence northward along the three nautical mile offshore boundary to

32° 45.492' N. lat. 117° 19.169' W. long.;

32° 45.364' N. lat. 117° 15.501' W. long.; and

32° 45.398' N. lat. 117° 15.221' W. long.

Bed 4. Leasable. 2.53 square miles. This bed extends from the south jetty of Mission Bay to Scripps Pier, defined as the area bounded by the mean high tide line

and straight lines connecting the following points in the order listed except where noted:

32° 45.398' N. lat. 117° 15.221' W. long.;
32° 45.364' N. lat. 117° 15.501' W. long.;
32° 45.492' N. lat. 117° 19.169' W. long.; thence northward along the three nautical mile offshore boundary to
32° 52.941' N. lat. 117° 19.411' W. long.;
32° 52.025' N. lat. 117° 15.445' W. long.; and
32° 51.976' N. lat. 117° 15.273' W. long.

Bed 5. Leasable. 0.00 square miles. This bed extends from Scripps Pier to the mouth of the San Dieguito River, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

32° 51.976' N. lat. 117° 15.273' W. long.;
32° 52.025' N. lat. 117° 15.445' W. long.;
32° 52.941' N. lat. 117° 19.411' W. long.; thence northward along the three nautical mile offshore boundary to
32° 58.482' N. lat. 117° 19.992' W. long.; and
32° 58.482' N. lat. 117° 16.208' W. long.

Bed 6. Leasable. 1.52 square miles. This bed extends from the mouth of the San Dieguito River to Loma Alta (at South Oceanside), defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

32° 58.482' N. lat. 117° 16.208' W. long.;
32° 58.482' N. lat. 117° 19.992' W. long.; thence northward along the three nautical mile offshore boundary to
33° 08.674' N. lat. 117° 25.021' W. long.; and
33° 10.601' N. lat. 117° 22.164' W. long.

Bed 7. Open. 0.66 square miles. This bed extends from Loma Alta Creek (at South Oceanside) to the middle of the city of San Onofre, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 10.601' N. lat. 117° 22.164' W. long.;
33° 08.674' N. lat. 117° 25.021' W. long.; thence northwestward along the three nautical mile offshore boundary to
33° 20.034' N. lat. 117° 36.352' W. long.; and
33° 22.790' N. lat. 117° 34.422' W. long.

Bed 8. Open. 1.53 square miles. This bed extends from the middle of the city of San Onofre to San Juan Creek, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 22.790' N. lat. 117° 34.422' W. long.;
33° 20.034' N. lat. 117° 36.352' W. long.; thence northwestward along the three nautical mile offshore boundary to
33° 24.473' N. lat. 117° 43.639' W. long.; and
33° 27.707' N. lat. 117° 41.020' W. long.

Bed 9. Open. 0.39 square miles. This bed extends from San Juan Creek to Abalone Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 27.707' N. lat. 117° 41.020' W. long.;

33° 24.473' N. lat. 117° 43.639' W. long.; thence northwestward along the three nautical mile offshore boundary to

33° 30.698' N. lat. 117° 51.298' W. long.; and

33° 33.219' N. lat. 117° 49.182' W. long.

Bed 10. Closed. 0.00 square miles. This bed extends from Abalone Pt. to the south jetty of Newport Bay, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 33.219' N. lat. 117° 49.182' W. long.;

33° 30.698' N. lat. 117° 51.298' W. long.; thence northwestward along the three nautical mile offshore boundary to

33° 32.813' N. lat. 117° 54.793' W. long.;

33° 35.373' N. lat. 117° 52.645' W. long.;

33° 35.531' N. lat. 117° 52.654' W. long.; and

33° 35.555' N. lat. 117° 52.662' W. long.

Bed 13. Open. 0.54 square miles. This bed extends from the San Pedro Breakwater Lighthouse to Pt. Vicente, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 42.482' N. lat. 118° 16.637' W. long.;

33° 42.249' N. lat. 118° 16.188' W. long.;

33° 42.223' N. lat. 118° 16.053' W. long.;

33° 42.247' N. lat. 118° 15.903' W. long.;

33° 42.513' N. lat. 118° 15.094' W. long.;

33° 39.690' N. lat. 118° 13.838' W. long.; thence westward along the three nautical mile offshore boundary to

33° 42.308' N. lat. 118° 27.456' W. long.; and

33° 44.469' N. lat. 118° 24.691' W. long.

Bed 14. Open. 0.74 square miles. This bed extends from Pt. Vicente to the southern tip of the Redondo Beach Breakwater, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 44.469' N. lat. 118° 24.691' W. long.;

33° 42.308' N. lat. 118° 27.456' W. long.; thence northward along the three nautical mile offshore boundary to

33° 49.486' N. lat. 118° 27.625' W. long.;

33° 50.459' N. lat. 118° 23.721' W. long.;

33° 50.513' N. lat. 118° 23.650' W. long.;

33° 50.475' N. lat. 118° 23.550' W. long.; and

33° 50.479' N. lat. 118° 23.529' W. long.

Bed 15. Closed. 0.04 square miles. This bed extends from the Santa Monica Pier to Malibu Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 00.528' N. lat. 118° 29.887' W. long.;

34° 00.444' N. lat. 118° 29.993' W. long.;

33° 57.994' N. lat. 118° 32.278' W. long.; thence westward along the three nautical mile offshore boundary to

33° 59.044' N. lat. 118° 39.530' W. long.; and

34° 01.853' N. lat. 118° 40.931' W. long.

Bed 16. Leasable. 0.21 square miles. This bed extends from Malibu Pt. to Pt. Dume, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 01.853' N. lat. 118° 40.931' W. long.;

33° 59.044' N. lat. 118° 39.530' W. long.; thence westward along the three nautical mile offshore boundary to

33° 56.897' N. lat. 118° 48.604' W. long.; and

34° 00.026' N. lat. 118° 48.330' W. long.

Bed 17. Leasable. 0.62 square miles. This bed extends from Pt. Dume to Pt. Mugu, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 00.026' N. lat. 118° 48.330' W. long.;

33° 56.897' N. lat. 118° 48.604' W. long.; thence westward along the three nautical mile offshore boundary to

34° 02.348' N. lat. 119° 05.122' W. long.; and

34° 05.136' N. lat. 119° 03.701' W. long.

Bed 18. Open. 0.15 square miles. This bed extends from the mouth of Ventura River to Pitas Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 16.442' N. lat. 119° 18.425' W. long.;

34° 13.835' N. lat. 119° 20.389' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 16.413' N. lat. 119° 25.172' W. long.; and

34° 19.071' N. lat. 119° 23.379' W. long.

Bed 19. Leasable. 0.05 square miles. This bed extends from Pitas Pt. to Rincon Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 19.071' N. lat. 119° 23.379' W. long.;

34° 16.413' N. lat. 119° 25.172' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 19.818' N. lat. 119° 30.669' W. long.; and

34° 22.376' N. lat. 119° 28.671' W. long.

Bed 20. Leasable. 0.24 square miles. This bed extends from Rincon Pt. to Loon Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 22.376' N. lat. 119° 28.671' W. long.;

34° 19.818' N. lat. 119° 30.669' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 21.817' N. lat. 119° 35.552' W. long.; and

34° 24.749' N. lat. 119° 34.600' W. long.

Bed 21. Leasable. 0.19 square miles. This bed extends from Loon Pt. to Edgecliff Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 24.749' N. lat. 119° 34.600' W. long.;

34° 21.817' N. lat. 119° 35.552' W. long.; thence westward along the three nautical mile offshore boundary to

34° 21.929' N. lat. 119° 38.626' W. long.; and

34° 24.953' N. lat. 119° 38.415' W. long.

Bed 22. Closed. 0.05 square miles. This bed extends from Edgecliff Pt. to the tip of the Santa Barbara Breakwater, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 24.953' N. lat. 119° 38.415' W. long.;

34° 21.929' N. lat. 119° 38.626' W. long.; thence westward along the three nautical mile offshore boundary to

34° 21.150' N. lat. 119° 40.483' W. long.;

34° 24.290' N. lat. 119° 41.266' W. long.;

34° 24.187' N. lat. 119° 41.506' W. long.; and

34° 24.187' N. lat. 119° 41.520' W. long.

Bed 23. Open. 0.10 square miles. This bed extends from the tip of the Santa Barbara Breakwater to the Santa Barbara Lighthouse, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 24.187' N. lat. 119° 41.520' W. long.;

34° 24.187' N. lat. 119° 41.506' W. long.;

34° 24.290' N. lat. 119° 41.266' W. long.;

34° 21.150' N. lat. 119° 40.483' W. long.; thence westward along the three nautical mile offshore boundary to

34° 20.703' N. lat. 119° 44.181' W. long.; and

34° 23.734' N. lat. 119° 43.369' W. long.

Bed 24. Closed. 0.05 square miles. This bed extends from the Santa Barbara Lighthouse to Rogue Creek (Arroyo Burro), defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 23.734' N. lat. 119° 43.369' W. long.;

34° 20.703' N. lat. 119° 44.181' W. long.; thence westward along the three nautical mile offshore boundary to

34° 21.056' N. lat. 119° 45.509' W. long.; and

34° 24.183' N. lat. 119° 44.590' W. long.

Bed 25. Open. 0.18 square miles. This bed extends from Rogue Creek (Arroyo Burro) to -Hope Ranch Creek, defined as the area bounded by the mean high tide

line and straight lines connecting the following points in the order listed except where noted:

34° 24.183' N. lat. 119° 44.590' W. long.;

34° 21.056' N. lat. 119° 45.509' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 21.626' N. lat. 119° 47.085' W. long.; and

34° 24.875' N. lat. 119° 46.801' W. long.

Bed 26. Leaseable. 0.60 square miles. This bed extends from Hope Ranch Creek to Goleta Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 24.875' N. lat. 119° 46.801' W. long.;

34° 21.626' N. lat. 119° 47.085' W. long.; thence westward along the three nautical mile offshore boundary to

34° 21.219' N. lat. 119° 50.437' W. long.; and

34° 24.276' N. lat. 119° 50.651' W. long.

Bed 27. Leaseable. 0.43 square miles. This bed extends from Goleta Pt. to Coal Oil Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 24.276' N. lat. 119° 50.651' W. long.;

34° 21.219' N. lat. 119° 50.437' W. long.; thence westward along the three nautical mile offshore boundary to

34° 21.675' N. lat. 119° 54.268' W. long.; and

34° 24.413' N. lat. 119° 52.687' W. long.

Bed 28. Open. 0.61 square miles. This bed extends from Coal Oil Pt. to the middle of Gato Canyon, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 24.413' N. lat. 119° 52.687' W. long.;

34° 21.675' N. lat. 119° 54.268' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 24.045' N. lat. 120° 00.375' W. long.; and

34° 26.989' N. lat. 119° 59.304' W. long.

Bed 29. Leasable. 0.17 square miles. This bed extends from the middle of Gato Canyon to Refugio Creek, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 26.989' N. lat. 119° 59.304' W. long.;

34° 24.045' N. lat. 120° 00.375' W. long.; thence westward along the three nautical mile offshore boundary to

34° 24.570' N. lat. 120° 04.347' W. long.; and

34° 27.767' N. lat. 120° 04.180' W. long.

Bed 30. Leasable. 0.39 square miles. This bed extends from Refugio Creek to the middle of Canada de Molino, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 27.767' N. lat. 120° 04.180' W. long.;

34° 24.570' N. lat. 120° 04.347' W. long.; thence westward along the three nautical mile offshore boundary to

34° 25.122' N. lat. 120° 10.123' W. long.; and

34° 28.175' N. lat. 120° 10.123' W. long.

Bed 31. Leasable. 0.16 square miles. This bed extends from the middle of Canada de Molino to the middle of Alegria Canyon, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 28.175' N. lat. 120° 10.123' W. long.;

34° 25.122' N. lat. 120° 10.123' W. long.; thence westward along the three nautical mile offshore boundary to

34° 25.000' N. lat. 120° 16.338' W. long.; and

34° 28.136' N. lat. 120° 16.338' W. long.

Bed 32. Leasable. 2.76 square miles. This bed extends from the middle of Alegria Canyon to Pt. Conception., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 28.136' N. lat. 120° 16.338' W. long.;

34° 25.000' N. lat. 120° 16.338' W. long.; thence westward along the three nautical mile offshore boundary to

34° 23.644' N. lat. 120° 28.313' W. long.; and

34° 26.899' N. lat. 120° 28.313' W. long.

Bed 33. Open. 0.97 square miles. This bed extends from Pt. Conception to Espada Bluff, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 26.899' N. lat. 120° 28.313' W. long.;

34° 23.644' N. lat. 120° 28.313' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 29.575' N. lat. 120° 34.185' W. long.; and

34° 31.846' N. lat. 120° 31.380' W. long.

Bed 34. Leasable. 0.31 square miles. This bed extends from Espada Bluff to Pt. Arguello, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 31.846' N. lat. 120° 31.380' W. long.;

34° 29.575' N. lat. 120° 34.185' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 34.612' N. lat. 120° 42.763' W. long.; and

34° 34.612' N. lat. 120° 39.039' W. long.

Total Area Mainland Kelp Beds (U.S./Mexico Border to Pt. Arguello).....19.07 square miles

(2) Channel Island Kelp Beds

Bed 101. San Clemente Island. Open. 0.66 square miles. This bed extends from Pyramid Head to China Pt., defined as the area bounded by the mean high tide line

and straight lines connecting the following points in the order listed except where noted:

32° 49.221' N. lat. 118° 20.948' W. long.;
32° 47.494' N. lat. 118° 17.943' W. long.; thence southwestward along the three nautical mile offshore boundary to
32° 45.198' N. lat. 118° 27.222' W. long.; and
32° 48.054' N. lat. 118° 25.564' W. long.

Bed 102. San Clemente Island. Leasable. 2.39 square miles. This bed extends from China Pt. to Seal Cove, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

32° 48.054' N. lat. 118° 25.564' W. long.;
32° 45.198' N. lat. 118° 27.222' W. long.; thence northwestward along the three nautical mile offshore boundary to
32° 51.927' N. lat. 118° 34.637' W. long.; and
32° 54.458' N. lat. 118° 32.017' W. long.

Bed 103. San Clemente Island. Leasable. 2.90 square miles. This bed extends from Seal Cove to Northwest Harbor, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

32° 54.458' N. lat. 118° 32.017' W. long.;
32° 51.927' N. lat. 118° 34.637' W. long.; thence northward along the three nautical mile offshore boundary to
33° 05.298' N. lat. 118° 35.312' W. long.; and
33° 01.713' N. lat. 118° 35.312' W. long.

Bed 104. San Clemente Island. Open. 0.22 square miles. This bed extends from Northwest Harbor to Pyramid Head, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 01.713' N. lat. 118° 35.312' W. long.;
33° 05.298' N. lat. 118° 35.312' W. long.; thence southeastward along the three nautical mile offshore boundary to
32° 47.494' N. lat. 118° 17.943' W. long.; and
32° 49.221' N. lat. 118° 20.948' W. long.

Bed 105. Santa Catalina Island. Open. 0.75 square miles. This area is bounded by the mean high tide line and the three nautical mile offshore boundary surrounding Santa Catalina Island.

Bed 106. Santa Barbara Island. Leasable. 0.24 square miles. This area is bounded by the mean high tide line and the three nautical mile offshore boundary surrounding Santa Barbara Island.

Bed 107. San Nicolas Island. Leasable. 1.15 square miles. This bed extends along the southern side of San Nicolas Island from the east end at Sand Spit to the west end at Vizcaino Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 13.618' N. lat. 119° 26.070' W. long.;

33° 14.733' N. lat. 119° 21.909' W. long.; thence westward along the three nautical mile offshore boundary to

33° 17.813' N. lat. 119° 39.569' W. long.; and

33° 16.690' N. lat. 119° 34.705' W. long.

Bed 108. San Nicolas Island. Leasable. 2.85 square miles. This bed extends along the northern side of San Nicolas Island from the west end at Vizcaino Point to the east end at Sand Spit, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 16.690' N. lat. 119° 34.705' W. long.;

33° 17.813' N. lat. 119° 39.569' W. long.; thence eastward along the three nautical mile offshore boundary to

33° 14.733' N. lat. 119° 21.909' W. long.; and

33° 13.618' N. lat. 119° 26.070' W. long.

Bed 109. Anacapa Islands. Open. 0.32 square miles. This bed encompasses all of the Anacapa Islands, defined as the area bounded by the mean high tide line and a straight line connecting the following points in the order listed except where noted:

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

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

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

Bed 110. Santa Cruz Island. Open. 0.64 square miles. This bed extends from San Pedro Pt. to Bowen Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 02.046' N. lat. 119° 31.220' W. long.;

34° 02.233' N. lat. 119° 28.545' W. long.;

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

33° 54.557' N. lat. 119° 42.741' W. long.; and

33° 57.562' N. lat. 119° 43.271' W. long.

Bed 111. Santa Cruz Island. Leasable. 0.61 square miles. This bed extends from Bowen Pt. to West Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 57.562' N. lat. 119° 43.271' W. long.;

33° 54.557' N. lat. 119° 42.741' W. long.; thence westward along the three nautical mile offshore boundary to

33° 56.287' N. lat. 119° 54.419' W. long.;

34° 03.640' N. lat. 119° 59.420' W. long.; thence northeastward along the three nautical mile offshore boundary to

34° 06.632' N. lat. 119° 57.912' W. long.; and

34° 04.632' N. lat. 119° 55.159' W. long.

Bed 112. Santa Cruz Island. Open. 0.11 square miles. This bed extends from West Pt. to San Pedro Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 04.632' N. lat. 119° 55.159' W. long.;
34° 06.632' N. lat. 119° 57.912' W. long.; thence eastward along the three nautical
mile offshore boundary to
34° 03.605' N. lat. 119° 28.116' W. long.;
34° 02.233' N. lat. 119° 28.545' W. long.; and
34° 02.046' N. lat. 119° 31.220' W. long.

Bed 113. Santa Rosa Island. Open. 0.59 square miles. This bed extends from
Skunk Pt. to South Pt., defined as the area bounded by the mean high tide line and
straight lines connecting the following points in the order listed except where noted:

33° 58.979' N. lat. 119° 58.837' W. long.;
34° 00.021' N. lat. 119° 56.958' W. long.;
33° 56.287' N. lat. 119° 54.419' W. long.; thence southwestward along the three
nautical mile offshore boundary to
33° 50.623' N. lat. 120° 06.954' W. long.; and
33° 53.657' N. lat. 120° 06.954' W. long.

Bed 114. Santa Rosa Island. Open. 2.18 square miles. This bed extends from
South Pt. to Sandy Pt., defined as the area bounded by the mean high tide line and
straight lines connecting the following points in the order listed except where noted:

33° 53.657' N. lat. 120° 06.954' W. long.;
33° 50.623' N. lat. 120° 06.954' W. long.; thence northwestward along the three
nautical mile offshore boundary to
33° 58.204' N. lat. 120° 17.918' W. long.;
34° 00.631' N. lat. 120° 16.744' W. long.; and
34° 00.161' N. lat. 120° 14.992' W. long.

Bed 115. Santa Rosa Island. Open. 1.59 square miles. This bed extends from
Sandy Pt. to Carrington Pt., defined as the area bounded by the mean high tide line
and straight lines connecting the following points in the order listed except where
noted:

34° 00.161' N. lat. 120° 14.992' W. long.;
34° 00.631' N. lat. 120° 16.744' W. long.;
34° 03.466' N. lat. 120° 15.373' W. long.; thence eastward along the three nautical
mile offshore boundary to
34° 04.486' N. lat. 120° 00.248' W. long.; and
34° 02.146' N. lat. 120° 02.587' W. long.

Bed 116. Santa Rosa Island. Open. 0.62 square miles. This bed extends from
Carrington Pt. to Skunk Pt., defined as the area bounded by the mean high tide line
and straight lines connecting the following points in the order listed except where
noted:

34° 02.146' N. lat. 120° 02.587' W. long.;
34° 04.486' N. lat. 120° 00.248' W. long.; thence southeastward along the three
nautical mile offshore boundary to
34° 03.640' N. lat. 119° 59.420' W. long.;
34° 00.021' N. lat. 119° 56.958' W. long.; and
33° 58.979' N. lat. 119° 58.837' W. long.

Bed 117. San Miguel Island. Open. 1.35 square miles. This bed extends along
the southern side of San Miguel Island from Cardwell Pt. to Pt. Bennett, defined as

the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 01.305' N. lat. 120° 18.514' W. long.;

34° 02.984' N. lat. 120° 15.606' W. long.;

33° 58.204' N. lat. 120° 17.918' W. long.; thence westward along the three nautical mile offshore boundary to

33° 59.614' N. lat. 120° 29.817' W. long.; and

34° 01.778' N. lat. 120° 27.144' W. long.

Bed 118. San Miguel Island. Open. 1.51 square miles. This bed extends along the northern side of San Miguel Island from Pt. Bennett to Cardwell Pt., defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 01.778' N. lat. 120° 27.144' W. long.;

33° 59.614' N. lat. 120° 29.817' W. long.; thence northwestward along the three nautical mile offshore boundary to

34° 03.466' N. lat. 120° 15.373' W. long.;

34° 02.984' N. lat. 120° 15.606' W. long.; and

34° 01.305' N. lat. 120° 18.514' W. long.

Total Channel Island Kelp Beds.....20.68 square miles

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

Bed 202. Leasable. 0.10 square miles. This bed extends from Pt. Arguello to Point Sal, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 34.612' N. lat. 120° 39.039' W. long.;

34° 34.612' N. lat. 120° 42.763' W. long.; thence northward along the three nautical mile offshore boundary to

34° 54.182' N. lat. 120° 44.006' W. long.; and

34° 54.182' N. lat. 120° 40.311' W. long.

Bed 203. Closed. 0.00 square miles. This bed extends from Point Sal to Pismo Beach Pier, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 54.182' N. lat. 120° 40.311' W. long.;

34° 54.182' N. lat. 120° 44.006' W. long.; thence northward along the three nautical mile offshore boundary to

35° 06.359' N. lat. 120° 45.369' W. long.;

35° 08.259' N. lat. 120° 45.369' W. long.;

35° 08.259' N. lat. 120° 38.803' W. long.; and

35° 08.311' N. lat. 120° 38.636' W. long.

Bed 204. Leasable. 0.72 square miles. This bed extends from Pismo Beach Pier to Point San Luis, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 08.311' N. lat. 120° 38.636' W. long.;

35° 08.259' N. lat. 120° 38.803' W. long.;

35° 08.259' N. lat. 120° 45.369' W. long.; and

35° 09.600' N. lat. 120° 45.369' W. long.

Bed 205. Open. 0.64 square miles. This bed extends from Point San Luis to Point Buchon, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 09.600' N. lat. 120° 45.369' W. long.;

35° 06.359' N. lat. 120° 45.369' W. long.; thence northwestward along the three nautical mile offshore boundary to

35° 14.015' N. lat. 120° 57.535' W. long.; and

35° 15.308' N. lat. 120° 53.984' W. long.

Bed 206. Closed. 0.04 square miles. This bed extends from Point Buchon to Morro Rock, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 15.308' N. lat. 120° 53.984' W. long.;

35° 14.015' N. lat. 120° 57.535' W. long.; thence northward along the three nautical mile offshore boundary to

35° 22.161' N. lat. 120° 55.921' W. long.; and

35° 22.161' N. lat. 120° 52.228' W. long.

Bed 207. Leasable. 1.46 square miles. This bed extends from Morro Rock to Point Estero, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 22.161' N. lat. 120° 52.228' W. long.;

35° 22.161' N. lat. 120° 55.921' W. long.; thence northwestward along the three nautical mile offshore boundary to

35° 24.609' N. lat. 121° 00.704' W. long.; and

35° 27.621' N. lat. 121° 00.173' W. long.

Bed 208. Leasable. 2.61 square miles. This bed extends from Point Estero to Von Helm Rock, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 27.621' N. lat. 121° 00.173' W. long.;

35° 24.609' N. lat. 121° 00.704' W. long.; thence northwestward along the three nautical mile offshore boundary to

35° 30.694' N. lat. 121° 08.680' W. long.; and

35° 32.904' N. lat. 121° 06.046' W. long.

Bed 209. Leasable. 2.20 square miles. This bed extends from Von Helm Rock to San Simeon Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 32.904' N. lat. 121° 06.046' W. long.;

35° 30.694' N. lat. 121° 08.680' W. long.; thence northwestward along the three nautical mile offshore boundary to

35° 35.234' N. lat. 121° 12.753' W. long.; and

35° 38.063' N. lat. 121° 11.723' W. long.

Bed 210. Leasable. 2.02 square miles. This bed extends from San Simeon Point to Point Piedras Blancas, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 38.063' N. lat. 121° 11.723' W. long.;

35° 35.234' N. lat. 121° 12.753' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 37.682' N. lat. 121° 19.849' W. long.; and
35° 39.905' N. lat. 121° 17.201' W. long.

Bed 211. Leasable. 1.50 square miles. This bed extends from Point Piedras Blancas to Salmon Head, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 39.905' N. lat. 121° 17.201' W. long.;
35° 37.682' N. lat. 121° 19.849' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 46.880' N. lat. 121° 25.878' W. long.; and
35° 48.725' N. lat. 121° 22.414' W. long.

Bed 212. Leasable. 1.26 square miles. This bed extends from Salmon Head to Cape San Martin, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 48.725' N. lat. 121° 22.414' W. long.;
35° 46.880' N. lat. 121° 25.878' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 51.420' N. lat. 121° 31.231' W. long.; and
35° 53.346' N. lat. 121° 27.895' W. long.

Bed 213. Open. 2.14 square miles. This bed extends from Cape San Martin to Lopez Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 53.346' N. lat. 121° 27.895' W. long.;
35° 51.420' N. lat. 121° 31.231' W. long.; thence northwestward along the three nautical mile offshore boundary to
35° 59.281' N. lat. 121° 37.281' W. long.; and
36° 01.164' N. lat. 121° 34.019' W. long.

Bed 214. Leasable. 2.03 square miles. This bed extends from Lopez Point to Partington Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 01.164' N. lat. 121° 34.019' W. long.;
35° 59.281' N. lat. 121° 37.281' W. long.; thence northwestward along the three nautical mile offshore boundary to
36° 08.740' N. lat. 121° 44.957' W. long.; and
36° 10.494' N. lat. 121° 41.919' W. long.

Bed 215. Open. 0.80 square miles. This bed extends from Partington Point to Pfeiffer Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 10.494' N. lat. 121° 41.919' W. long.;
36° 08.740' N. lat. 121° 44.957' W. long.; thence northwestward along the three nautical mile offshore boundary to
36° 11.127' N. lat. 121° 49.986' W. long.; and
36° 14.124' N. lat. 121° 48.895' W. long.

Bed 216. Leasable. 3.08 square miles. This bed extends from Pfeiffer Point to Point Sur, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 14.124' N. lat. 121° 48.895' W. long.;

36° 11.127' N. lat. 121° 49.986' W. long.; thence northwestward along the three nautical mile offshore boundary to

36° 14.629' N. lat. 121° 55.539' W. long.; and

36° 18.431' N. lat. 121° 54.156' W. long.

Bed 217. Open. 2.38 square miles. This bed extends from Point Sur to Yankee Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 18.431' N. lat. 121° 54.156' W. long.;

36° 14.629' N. lat. 121° 55.539' W. long.; thence northward along the three nautical mile offshore boundary to

36° 29.407' N. lat. 122° 00.729' W. long.; and

36° 29.407' N. lat. 121° 56.758' W. long.

Bed 218. Open. 0.49 square miles. This bed extends from Yankee Point to Point Lobos, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 29.407' N. lat. 121° 56.758' W. long.;

36° 29.407' N. lat. 122° 00.729' W. long.; thence northward along the three nautical mile offshore boundary to

36° 31.445' N. lat. 122° 01.314' W. long.; and

36° 31.445' N. lat. 121° 57.282' W. long.

Bed 219. Open. 1.28 square miles. This bed extends from Point Lobos to Point Cypress, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 31.445' N. lat. 121° 57.282' W. long.;

36° 31.445' N. lat. 122° 01.314' W. long.; thence northward along the three nautical mile offshore boundary to

36° 34.809' N. lat. 122° 02.581' W. long.; and

36° 34.809' N. lat. 121° 58.722' W. long.

Bed 220. Open. 1.88 square miles. This bed extends from Point Cypress to Monterey Pier, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 34.809' N. lat. 121° 58.722' W. long.;

36° 34.809' N. lat. 122° 02.581' W. long.; thence northward along a line three nautical miles from shore to

36° 40.597' N. lat. 121° 53.385' W. long.;

36° 36.351' N. lat. 121° 53.385' W. long.;

36° 36.290' N. lat. 121° 53.357' W. long.; and

36° 36.113' N. lat. 121° 53.385' W. long.

A kelp harvester may not harvest kelp in that portion of kelp bed 220 that lies south of latitude 36° 36.830' N. and north of the Monterey Breakwater.

Bed 221. Open. 0.90 square miles. This bed extends from Monterey Pier to Santa Cruz Pier, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 36.113' N. lat. 121° 53.385' W. long.;
36° 36.290' N. lat. 121° 53.357' W. long.;
36° 36.351' N. lat. 121° 53.385' W. long.;
36° 40.597' N. lat. 121° 53.385' W. long.; thence northward along a line three nautical miles from shore to
36° 54.053' N. lat. 122° 01.035' W. long.;
36° 57.433' N. lat. 122° 01.035' W. long.;
36° 57.529' N. lat. 122° 01.070' W. long.; and
36° 57.727' N. lat. 122° 01.369' W. long.

Bed 222. Open. 0.81 square miles. This bed extends from Santa Cruz Pier to Sand Hill Bluff defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 57.727' N. lat. 122° 01.369' W. long.;
36° 57.529' N. lat. 122° 01.070' W. long.;
36° 57.433' N. lat. 122° 01.035' W. long.;
36° 54.053' N. lat. 122° 01.035' W. long.; thence northwestward along a line three nautical miles from shore to
36° 56.762' N. lat. 122° 12.317' W. long.; and
36° 58.575' N. lat. 122° 09.178' W. long.

Bed 223. Leasable. 0.19 square miles. This bed extends from Sand Hill Bluff to Point Ano Nuevo, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 58.575' N. lat. 122° 09.178' W. long.;
36° 56.762' N. lat. 122° 12.317' W. long.; thence northwestward along the three nautical mile offshore boundary to
37° 04.681' N. lat. 122° 23.354' W. long.; and
37° 06.765' N. lat. 122° 19.743' W. long.

Bed 224. Closed. 0.06 square miles. This bed extends from Point Ano Nuevo to Pescadero Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 06.765' N. lat. 122° 19.743' W. long.;
37° 04.681' N. lat. 122° 23.354' W. long.; thence northwestward along the three nautical mile offshore boundary to
37° 14.514' N. lat. 122° 29.134' W. long.; and
37° 14.514' N. lat. 122° 25.169' W. long.

Bed 225. Closed. 0.00 square miles. This bed extends from Pescadero Point to Point Montara, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 14.514' N. lat. 122° 25.169' W. long.;
37° 14.514' N. lat. 122° 29.134' W. long.; thence northward along the three nautical mile offshore boundary to
37° 32.173' N. lat. 122° 35.012' W. long.; and
37° 32.173' N. lat. 122° 31.194' W. long.

Total area of Mainland Kelp Beds (Pt. Arguello to Point Montara).....28.59 square miles

(4) Mainland Kelp Beds (Point Montara to Oregon).

Bed 226. Closed. 0.00 square miles. This bed extends from Point Montara to Fort Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 32.173' N. lat. 122° 31.194' W. long.;

37° 32.173' N. lat. 122° 35.012' W. long.; thence northward along the three nautical mile offshore boundary to

37° 48.661' N. lat. 122° 36.577' W. long.; and

37° 48.661' N. lat. 122° 28.649' W. long.

Bed 301. Closed. 0.00 square miles. This bed extends from Fort Point to Point Reyes, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 48.661' N. lat. 122° 28.649' W. long.;

37° 48.661' N. lat. 122° 36.577' W. long.; thence northwestward along the three nautical mile offshore boundary to

37° 59.717' N. lat. 123° 05.276' W. long.; and

37° 59.717' N. lat. 123° 01.449' W. long.

San Francisco Bay is excluded from Bed 301. For the purposes of this subsection San Francisco Bay is defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed:

37° 49.534' N. lat. 122° 28.760' W. long.; and

37° 48.661' N. lat. 122° 28.649' W. long.

Bed 302. Closed. 0.00 square miles. This bed extends from Point Reyes to Duncan's Point defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 59.717' N. lat. 123° 01.449' W. long.;

37° 59.717' N. lat. 123° 05.276' W. long.; thence northward along the three nautical mile offshore boundary to

38° 21.787' N. lat. 123° 08.807' W. long.; and

38° 23.572' N. lat. 123° 05.714' W. long.

Bed 303. Closed. 1.33 square miles. This bed extends from Duncan's Point to Gualala Point defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

38° 23.572' N. lat. 123° 05.714' W. long.;

38° 21.787' N. lat. 123° 08.807' W. long.; thence northwestward along the three nautical mile offshore boundary to

38° 45.158' N. lat. 123° 36.973' W. long.; and

38° 45.158' N. lat. 123° 31.627' W. long.

Bed 304. Closed. 0.89 square miles. This bed extends from Gualala Point to Iverson Point-defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

38° 45.158' N. lat. 123° 31.627' W. long.;

38° 45.158' N. lat. 123° 36.973' W. long.; thence northwestward along the three nautical mile offshore boundary to
38° 48.954' N. lat. 123° 41.880' W. long.; and
38° 50.724' N. lat. 123° 38.819' W. long.

Bed 305. Closed. 1.11 square miles. This bed extends from Iverson Point to Point Arena, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

38° 50.724' N. lat. 123° 38.819' W. long.;
38° 48.954' N. lat. 123° 41.880' W. long.; thence northward along the three nautical mile offshore boundary to
39° 00.332' N. lat. 123° 46.245' W. long.; and
38° 57.310' N. lat. 123° 44.501' W. long.

Bed 306. Closed. 1.03 square miles. This bed extends from Point Arena to Stillwell Point, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

38° 57.310' N. lat. 123° 44.501' W. long.;
39° 00.332' N. lat. 123° 46.245' W. long.; thence northward along the three nautical mile offshore boundary to
39° 15.200' N. lat. 123° 51.699' W. long.; and
39° 15.200' N. lat. 123° 47.211' W. long.

Bed 307. Closed. 0.93 square miles. This bed extends from Stillwell Point to of Ten-mile River, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

39° 15.200' N. lat. 123° 47.211' W. long.;
39° 15.200' N. lat. 123° 51.699' W. long.; thence northward along the three nautical mile offshore boundary to
39° 33.260' N. lat. 123° 50.548' W. long.; and
39° 33.260' N. lat. 123° 46.000' W. long.

Bed 308. Lease only. 0.20 square miles. This bed extends from the mouth of Ten-mile River to Point Delgada, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

39° 33.260' N. lat. 123° 46.000' W. long.;
39° 33.260' N. lat. 123° 50.548' W. long.; thence northward along the three nautical mile offshore boundary to
39° 57.631' N. lat. 124° 04.134' W. long.; and
40° 01.278' N. lat. 124° 04.134' W. long.

Bed 309. Lease only. 0.14 square miles. This bed extends from Point Delgada to Cape Mendocino, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

40° 01.278' N. lat. 124° 04.134' W. long.;
39° 57.631' N. lat. 124° 04.134' W. long.; thence northwestward along the three nautical mile offshore boundary to
40° 25.120' N. lat. 124° 31.323' W. long.; and
40° 26.309' N. lat. 124° 24.582' W. long.

Bed 310. Closed. 0.00 square miles. This bed extends from Cape Mendocino to the South jetty of Humboldt Bay, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

- 40° 26.309' N. lat. 124° 24.582' W. long.;
- 40° 25.120' N. lat. 124° 31.323' W. long.; thence northeastward along the three nautical mile offshore boundary to
- 40° 47.711' N. lat. 124° 17.801' W. long.;
- 40° 45.889' N. lat. 124° 14.644' W. long.; and
- 40° 45.433' N. lat. 124° 14.102' W. long.

Bed 311. Closed. 0.00 square miles. This bed extends from the South jetty of Humboldt Bay to mouth of the Klamath River, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

- 40° 45.433' N. lat. 124° 14.102' W. long.;
- 40° 45.889' N. lat. 124° 14.644' W. long.;
- 40° 47.711' N. lat. 124° 17.801' W. long.; thence northward along the three nautical mile offshore boundary to
- 41° 32.828' N. lat. 124° 10.636' W. long.; and
- 41° 32.828' N. lat. 124° 04.821' W. long.

Bed 312. Lease only. 0.20 square miles. This bed extends from the mouth of the Klamath River to the California/Oregon Border, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

- 41° 32.828' N. lat. 124° 04.821' W. long.;
- 41° 32.828' N. lat. 124° 10.636' W. long.; thence northward along the three nautical mile offshore boundary to
- 42° 00.000' N. lat. 124° 19.814' W. long.; and
- 42° 00.000' N. lat. 124° 12.735' W. long.

Total area of Mainland Kelp Beds (Point Montara to California/Oregon Border).....	5.83 square miles
Grand Total	74.17 square miles

NOTE: Authority cited: Sections 6653, 6700 and 6701, Fish and Game Code.
Reference: Sections 6653, 6700, 6701, 6701.5, 6702, 6703, 6704, 6705, 6706 and 6707, Fish and Game Code.

HISTORY

1. Amendment and renumbering from Section 165 filed 6-11-68; effective thirtieth day thereafter (Register 68, No. 22). For prior history, see Register 67, No. 50.
2. Amendment of subsection (d) filed 8-28-68; effective thirtieth day thereafter (Register 68, No. 33).
3. Amendment of subsection (f) filed 6-30-77 as an emergency; effective upon filing (Register 77, No. 27).
4. Certificate of Compliance filed 8-24-77 (Register 77, No. 35).

5. Amendment of subsection (f) filed 3-9-81; effective thirtieth day thereafter (Register 81, No. 11).
6. Amendment of NOTE filed 10-19-81; effective thirtieth day thereafter (Register 81, No. 43).
7. Amendment filed 9-6-85; effective thirtieth day thereafter (Register 85, No. 36).
8. Amendment of subsection (k) filed 9-6-85; effective thirtieth day thereafter (Register 85, No. 36).
9. Change without regulatory effect of subsections (j)(1)-(3) filed 5-5-86; effective thirtieth day thereafter (Register 86, No. 19).
10. Amendment of subsections (b)(2), (c)(2), (g), (j)(3) and (k) filed 1-27-87; effective thirtieth day thereafter (Register 87, No. 5).
11. Amendment of subsections (b)(1), (c)(1) and (j)(3) filed 7-14-88; operative 8-13-88 (Register 88, No. 30).
12. Amendment of subsections (b)(2), (c)(2), (g), and (j) filed 12-3-90; operative 1-2-91 (Register 91, No. 4).
13. Amendment filed 3-26-96; operative 3-26-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 13).
14. Amendment of subsections (b), (b)(1) and (k) filed 10-25-2001; operative 11-24-2001 (Register 2001, No. 43).
15. Editorial correction restoring inadvertently omitted text in subsection (j)(4) (Register 2011, No. 5).
16. Amendment of section and Note filed 1-14-2014; operative 4-1-2014 (Register 2014, No. 3).

**STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
GIANT /BULL KELP HARVESTER'S MONTHLY REPORT- DETAIL SHEET**

Name of Kelp Harvester _____ Month _____ Year _____
Harvest License Number _____

Tons (short tons- 2000 lbs/ton) Of Kelp Harvested By Bed Number (§165.5, T14, CCR).
Please designate leased beds by prefixing bed number with letter (for example, "L23" or
"L-32") and portions of beds within marine protected areas with the name of the marine
protected area (§632, T14, CCR) (for example "Edward F. Ricketts SMCA - 220").

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