

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): CA Fish and Game Commission
P. O. Box 944209, Sacramento, CA 94244-2090

County Clerk

County of: N/A

(Address)

Project Title: Amend section 165 (Re: Commercial harvest of kelp and other aquatic plants), amend Section 165.5 (lease of kelp beds for exclusive harvest of *Macrocystis* and *Nereocystis*), and amend Appendix A and add Section 705.1 (commercial kelp harvesting and drying application, and monthly harvest reports)

Project Applicant: N/A

Project Location - Specific: The project is located within state waters in coastal California, including offshore islands.

Project Location - City: N/A

Project Location - County: San Diego, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, San Mateo, San Francisco, Marin, Sonoma, Mendocino, Humboldt, and Del Norte.

Description of Nature, Purpose and Beneficiaries of Project:

Amendments to California Code of Regulations (CCR), Title 14, sections 165 and 165.5, and Appendix A, and the addition of new Section 705.1, will temporarily restrict commercial bull kelp harvest in Del Norte, Humboldt, Mendocino, and Sonoma counties; introduce new harvest reporting requirements; provide an option for a drying permit to meet compliance with California Fish and Game Code subdivision 6653.5(b); and make non-substantive language and structure changes throughout the regulatory text.

Starting in 2014, bull kelp populations in Mendocino and Sonoma counties have declined dramatically outside their range of normal variability due to changing oceanographic and ecological conditions. Satellite imagery data illustrates this decline has continued through the third quarter of 2021. The amendments include temporary annual harvest limits in Del Norte and Humboldt counties, a temporary harvest closure in Mendocino and Sonoma counties, and temporarily closing the three lease-only administrative kelp beds in Mendocino, Humboldt, and Del Norte counties.

The goal of the amendments is to protect and maintain the remaining bull kelp to the maximum extent possible and support ongoing restoration efforts to improve the resource in the future. The closures and limits in Sonoma through Del Norte counties would sunset in three years. The sunset date will provide time for the Department and its partners to draft and potentially adopt a kelp restoration and management plan that will provide a comprehensive management framework for giant and bull kelp.

Additionally, revisions to the kelp harvester's monthly report require separate reporting of bull kelp and giant kelp, and modifications to both the kelp harvesters' and the edible seaweed/agarweed aquatic plant harvester's monthly reports to introduce new reporting requirements of the number of individuals harvesting during the month, and central latitude/longitude coordinates for bull kelp harvest. The amendments also include weekly reporting of bull kelp harvest via email in the counties with temporary harvest limits to allow the Department to track harvest to avoid exceeding the annual quota. The regulatory changes regarding reporting requirements will provide more defined and precise reporting methods for harvesters which will provide the Department with information to make management decisions.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife

Exempt Status: **(check one)**:

Ministerial (Sec. 21080(b)(1); 15268);

- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Class 7 and 8 exemptions (subsections 15307 and 15308, Title 14, CCR)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:
See attached.

Lead Agency
Contact Person: Melissa Miller-Henson Area Code/Telephone/Extension: (916) 653-4899

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: 2/24/2022 Title: Executive Director

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____