

Notice of Exemption

Appendix E

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

From: California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 95814

County Clerk
County of: N/A

Project Title: Amend Sections 165 and 705.1 of Title 14, California Code of Regulations (CCR), Regarding Commercial Harvest of Kelp and Other Aquatic Plants; Commercial Kelp Harvesting License and Drying Application, Monthly Harvest Reports

Project Applicant: N/A

Project Location: Ocean Waters, Statewide

Project Location – City: N/A

Project Location – County: N/A

Description of Nature, Purpose, and Beneficiaries of Project: The proposed regulation amendments define allowable sea palm harvest methods, restrict incidental take of invertebrates when harvesting sea palm, prohibit sea palm harvest south of Pigeon Point, revise monthly harvest reports for all marine algae, and make other changes for clarity and consistency.

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. California Code of Regulations, Title 14, sections 15307, 15308
- Statutory Exemptions. State code number:

Reasons why project is exempt: The proposed regulations will help reduce the risk of overharvest for sea palm and restrict incidental take of marine invertebrates. Commission adoption of regulations to protect natural resources and the natural environment is an activity that is the proper subject of CEQA’s class 7 and 8 categorical exemptions. See attachment.

Lead Agency

Contact Person: Melissa Miller-Henson

Telephone: (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: May 6, 2025 Title: Executive Director

Signed by Lead Agency Signed by Applicant. Date Received for filing at OPR:

**Attachment to the Notice of Exemption for
Amendments to Sections 165 and 705.1 of
Title 14, California Code of Regulations,
Regarding Commercial Harvest of Kelp, Including Sea Palm and Other
Aquatic Plants, Commercial Kelp Harvesting License and
Drying Application, and Monthly Harvest Reports**

At its April 16-17, 2025 meeting, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the Administrative Procedure Act with respect to the above-named project. In taking its final action for the purposes of the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 *et seq.*), the Commission adopted amendments to sections 165 and 705.1 of Title 14, California Code of Regulations (CCR) (“Project”), relying on the categorical exemptions for “Actions by Regulatory Agencies for Protection of Natural Resources and the Environment” contained in CEQA Guidelines sections 15307 and 15308 (class 7 and 8 categorical exemptions, CCR, Title 14, sections 15307 and 15308). Class 7 and 8 categorical exemptions apply to agency actions to protect natural resources and the environment.

The rulemaking will assist the California Department of Fish and Wildlife (Department) in carrying out its duty to protect marine resources in state waters, specifically sea palm. Sea palm can be susceptible to overharvest due to its morphology, limited spore dispersal, and existing allowable harvest methods for commercial take. Additionally, there is concern for the species based on Multi-Agency Rocky Intertidal Network (MARINe) monitoring.

Researchers with MARINe, a partnership of universities, agencies, and private groups, conduct long term monitoring of rocky intertidal ecosystems on the U.S. west coast. Although not all sites are monitored every year, the MARINe dataset is a robust tool to detect changes over time for species monitored and is the best available fishery-independent data source for sea palm in California of which the Department is aware. MARINe data depict a drop in sea palm density after 2014, with the most loss in its southern range, which coincides with the Northeast Pacific Marine Heatwave that began in mid-2014. Additionally, MARINe monitoring shows slow recovery at most sites, especially in its southern range and a lack of recovery at some sites.

The amendments specify changes for commercial sea palm harvest to define allowable harvest methods, require central latitude/longitude coordinates of harvest location, restrict incidental take of marine invertebrates during harvest, and prohibit harvest in the southern portion of its range (from Pigeon Point, San Mateo County southward). Additionally, the amendments update the kelp harvesting license fee and provide clarifying edits and update references. New subsections in Section 705.1 allow for the removal of Kelp Harvesting License and Drying Application DFW 658 (incorporated by reference) from Title 14 and negate the need for annual regulation updates to the form. The project also updates the Commercial Kelp Harvester’s Monthly Report (DFW 113) and the Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester’s Monthly Report (DFW 113A) to include harvest reporting changes for commercial harvest of all marine algae to identify the day of harvest, specify if take is “drift” or “beached”, and include additional information on harvest effort; and clarifies language and updates outdated references in the Commercial Kelp

Harvesting License and Drying Application (DFW 658), monthly harvest reports, and sections 165 and 705.1.

The proposed regulations will result in increased protection for sea palm along the California coast and the intertidal ecosystems that depend on its health and viability. The class 7 and 8 categorical exemptions described in the CEQA guidelines apply because the updated set of guidelines and requirements for the commercial harvest of sea palm will help reduce the risk of overharvest and will ensure the maintenance and enhancement of marine resources and the marine environment.