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RE: Seaweed Harvest in Oregon
September 30, 2013

Dear OPAC Chairman Scott McMullen,

Kari and I are writing to inform the Ocean Policy Advisory Council about the history of small-scale commercial hand harvesting of edible and medicinal seaweeds (marine algae) in Oregon, how this harvest was shut down, and to ask this council to help resolve the issues currently preventing the state from being able to effectively manage this promising new cottage industry.

We request that this subject be included as a topic of discussion at the October 3rd OPAC meeting.

Kari and I began harvesting edible and medicinal seaweeds from the southern Oregon coast in 1990. We process and sell these seaweeds through our family mail order business, Naturespirit Herbs LLC, as dried "sea vegetables" as well as a variety of powdered and encapsulated products. Seaweeds provide over 80% of our family's income and provide much-needed employment in our rural community.

Over the years, Kari and I have been working with Oregon’s resource management agencies, marine biologists, legislators etc. in an effort to gain visibility, prove the sustainability of our harvest, and encourage the state of Oregon to develop a permit system for the small-scale commercial hand harvesting of edible and medicinal seaweeds. We have invested many hundreds of hours of our time in these efforts. However, we seem to keep "falling through the cracks" in Oregon's resource management system.

ORS 274.895 is the law that allowed us to harvest in Oregon. It was a 2,000 pound per person per year exemption crafted in 1967 to allow (without a lease) the small-scale harvest of kelp for making pickled kelp and kelp candy, which were popular regional specialty items sold in tourist shops along the Oregon coast at that time.

In 2008, in response to concerns about the ecological sustainability of the large-scale mechanical harvest of Bull Kelp, the Department of State Lands adopted new administrative rules stating that they will not authorize any commercial harvest of kelp or other seaweeds in Oregon.

In 2011, the Oregon State Legislature amended ORS 274.895 in a way that requires us to get a lease from DSL. This has placed our livelihood in a “catch-22” legal situation, because DSL’s administrative rules state that they will not authorize a lease to harvest kelp or other seaweeds. To the best of our knowlege, there has not yet been any discussion or explanation, by DSL or the Oregon State Legislature, of the need for this “de facto” prohibition on small-scale commercial hand harvesting of seaweeds in Oregon or its impact to our small business.

Although DSL has recently indicated that they would consider amending their administrative rules to allow for small-scale commercial hand harvesting, an additional issue needs to be addressed: conflicting legislation regarding DSL’s and OPRD’s overlapping jurisdictions in the intertidal zone. Our interpretation of the statutes governing these two agencies is that the area of the ocean we harvest from is divided into three jurisdiction zones:

1. Subtidal Zone (below the Extreme Low Water line): if DSL changes their administrative rules, DSL can independently authorize a lease to harvest seaweed in this zone. One or two of the ten seaweed species we harvest are found in this zone.

2. Lower Intertidal Zone (between the Extreme Low Water line and the Mean Low Water line): if DSL changes their administrative rules, DSL can authorize a lease to harvest seaweed in this zone. However, we would need to get permission from OPRD as well, and OPRD has stated that they cannot issue such a permit. Five or six of the ten seaweed species we harvest are found in this zone.

3. Upper Intertidal Zone (between the Mean Low Water line and the High Water line): DSL cannot authorize a lease to harvest seaweed in this zone. We would need permission from OPRD to harvest seaweed in this zone, but OPRD has stated that they cannot issue such a permit. Three or four of the ten seaweed species we harvest are found in this zone.

In our opinion, this unintentional situation should be re-evaluated because it does not allow sufficient latitude for practical, ecosystem based management. If the Oregon State Legislature had been aware (many years ago) of the potential economic value of Oregon’s intertidal seaweed resources, they would have assigned their management solely to DSL (or to ODFW; the above-mentioned intertidal jurisdiction issues would be irrelevant if ODFW was solely responsible for the harvest of marine algae).

Kari and I must now go to California to harvest (the California Department of Fish & Wildlife has managed a simple commercial permit system for the hand harvesting of edible seaweeds for over 30 years). However, we have not been able to find safe kayak access (or backpacking access) to areas with sufficient quantities of several of the seaweed species we need to harvest for our business. Our primary concern here is safety, for ourselves and our harvesters. Another issue is driving distance; we must drive each day’s harvest back to our home for drying. This has imposed considerable hardship on our business and our family.

State Representative Dennis Richardson and State Senator Betsy Johnson (the sponsor of Senate Bill 600) are helping us resolve this situation. We will initiate this process by writing one letter to DSL and one to OPRD, asking each agency to explain, in terms of rule and law, why they cannot issue a lease or permit to harvest seaweed in the entire subtidal and intertidal zone, as well as what could be done to resolve this situation.

About the Industry

The small-scale commercial *hand* harvesting of seaweeds for human consumption is a unique, high value/low volume/low impact use of resources that should be viewed and managed as an entirely different industry than the large-scale *mechanical* harvesting (using boats with cutters) of kelp for production of algin, kelp meal or abalone food.

First of all, there is a vast difference in the volume of material harvested. Most commercial kelp operations harvest thousand of tons per year. We harvest and process less than 6 tons of wet seaweed annually, but this keeps us busy all year and produces enough income to support our family as well as ten to twelve part time employees. The considerable amount of manual labor and expertise involved in kayaking/backpacking to and from the harvest areas, harvesting by hand, hanging, drying, trimming, processing, storing and selling of top quality dried seaweeds for human consumption provides a large amount of employment in relation to the amount of natural resources used.

Second, when we harvest by hand, we cut each plant in a way that allows it to continue to grow and reproduce, and we never harvest more than 25% of the seaweed stand. This maintains the integrity of the ecosystem. This is simply not possible when harvesting with mechanical equipment. Preliminary research by the Oregon Institute of Marine Biology suggests that there is no year-to-year impact from our harvest methods.

The small-scale hand harvesting of edible and medicinal seaweeds has been a thriving cottage industry in northern California for over 30 years. Over time, increasing public awareness of the many health benefits of eating seaweeds regularly has resulted in a steadily increasing demand for sustainably harvested Pacific Coast seaweeds.

Kari and I would like the state of Oregon to adopt a practical and sensible commercial seaweed harvest permit system that prohibits all mechanical harvesting, but allows small-scale hand harvesting of edible and medicinal seaweeds.

We would be happy to give a more detailed presentation of our work and the issues at hand at the next OPAC meeting.

Thank you.

Sincerely,
James Jungwith and Kari Rein