

**CALENDAR ITEM
C68**

A) S))Statewide	04/26/05 W 9777.234 M. Falkner G. Gregory
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**CONSIDER REPORT TO THE LEGISLATURE ON
THE MARINE INVASIVE SPECIES PROGRAM**

In 2003, the Legislature adopted AB 433, reauthorizing and enhancing California's Marine Invasive Species Program. Its purpose is to move the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state or into waters that may impact the waters of the state, based on the best available technology economically achievable.

As part of the program, Section 71212 of the Public Resources Code (P.R.C.) requires the California State Lands Commission to submit a report to the Legislature. The report is to include, but not be limited to, all of the following:

- (a) A summary of the information provided in ballast water discharge report forms submitted to the Commission, including the volumes of ballast water exchanged, volumes discharged into state waters, types of ballast water treatment, and locations at which ballast water was loaded and discharged;
- (b) Monitoring and inspection information collected by the Commission pursuant to this program, including a summary of compliance rates, categorized by geographic area and other groupings as information allows;
- (c) An analysis of the monitoring and inspection information, including recommendations for actions to be undertaken to improve the effectiveness of the monitoring and inspection program;
- (d) An evaluation of the effectiveness of the measures taken to reduce or eliminate the discharge of nonindigenous species from vessels, including recommendations regarding action that should be taken to improve the effectiveness of those measures; and

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- (e) A summary of the research completed during the two-year period that precedes the release of the report, and ongoing research, on the release of nonindigenous species by vessels, including, but no limited to, the research under this program. Additionally, Section 71210 of the P.R.C. requires the California State Lands Commission to submit a report to the Legislature. The report is to include, but not be limited to, all of the following:
- (a) A description of the projects, the relative effectiveness of the technologies examined in minimizing the discharge of nonindigenous species, and the costs of implementing the technologies.

The report has been prepared by the Commission's Marine Facilities Division in compliance with Public Resources Code Sections 71210 and 71212. The report summarizes vessel ballast water activities as related to the Act from January 2003 through December 2004.

As a result of intensive outreach multipronged and education activities undertaken by Staff, vessel compliance with the ballast water management and reporting requirements remains high, at 92% and 98% respectively. Inspectors distribute information to crews on legislation and regulations. Agents are notified monthly of their vessels' reporting compliance or non-compliance. Multi-agency, multi-interest advisory groups are continually convened and consulted regarding evolving policy considerations. These efforts serve to maintain well-informed stakeholders, build working relationships with affected parties, and ensure that regulations are wisely developed.

In addition to the regulatory activities, the Act mandated CSLC to conduct research to address gaps identified during the beginning years of the program to improve the ability of the program to prevent NIS introductions. CSLC is active in research that will improve the effectiveness of monitoring and inspection by funding a project designed to develop a rigorous test for discerning exchanged ballast water from unexchanged ballast water on a vessel. CSLC is also active in research addressing the major vessel-borne invasion vectors. Beginning in mid-2005, CSLC will be funding projects that evaluate alternative shipboard treatment technology, as well as the impact of hull fouling as a vector for NIS introduction.

The Commission's Staff proposes that the Commission accept the report, on file with the Commission, and direct that it be submitted to the Legislature.

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STATUTORY AND OTHER REGULATIONS:

A. Public Resources Code Sections 71200 through 71271

PERMIT STREAMLINING ACT:

N/A

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 10561), the Commission Staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Sections 21084 and 14 Cal. Code Regs. 15300.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378
2. RECEIVE THE REPORT ON FILE AS THE CALIFORNIA STATE LANDS COMMISSION'S REPORT TO THE LEGISLATURE ON THE STATE'S MARINE INVASIVE SPECIES PROGRAM
3. DIRECT STAFF TO SUBMIT THE REPORT TO THE LEGISLATURE IN COMPLIANCE WITH SECTIONS 71210 AND 71212 OF THE PUBLIC RESOURCES CODE.