

This Calendar Item No. C69 was approved as Minute Item No. 69 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

**CALENDAR ITEM
C69**

A Statewide
S Statewide

04/17/06
W9777.234
L. Takata
M. Falkner
G. Gregory

**CONSIDER ACCEPTANCE OF A REPORT TO THE LEGISLATURE
"COMMERCIAL VESSEL FOULING IN CALIFORNIA:
ANALYSIS, EVALUATION, AND RECOMMENDATIONS TO
REDUCE NONINDIGENOUS SPECIES RELEASE FROM
THE NON-BALLAST WATER VECTOR"**

In 2003, the Legislature passed the Marine Invasive Species Act (Act), reauthorizing and enhancing California's Marine Invasive Species Program (Program). The Program's purpose, based on the best available technology economically achievable, is to move expeditiously toward elimination of the discharge of nonindigenous species (NIS) into the waters of the State or into waters that may impact the waters of the State.

Section 71210.5 of the Public Resources Code directs the Commission to analyze the risks of vectors, other than ballast water (essentially vessel fouling), for the release of NIS to the State. In accordance with the Act, the Marine Facilities Division prepared a report, in consultation with the State Water Resources Control Board, the U.S. Coast Guard, and a Technical advisory group, summarizing this analysis and providing recommendations to address fouling NIS in California.

Considerations taken to evaluate the risk that commercial vessel fouling poses for nonindigenous species release in California included the hull husbandry practices of the merchant fleet, environmental conditions and vessel behaviors that influence vessel fouling, and the management frameworks that have been adopted or considered by other regions. The most difficult challenge for the evaluation was the limited amount of baseline information on vessel fouling and NIS across the types of vessels that regularly operate in California.

Despite difficulties, the Program believes that the State should move forward with actions to address the release of NIS through fouling on high-risk vessels, and, initiate data gathering efforts that will refine future management measures. Recommendations prescribe: (1) an expansion of the state's program to include authority to adopt regulations to minimize the release of fouling NIS; (2) the fulfillment of key data gaps

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that will inform and refine future management measures; and (3) advocate the support of technologies to address the potential for NIS release presented by in-water cleaning. The background and rationale for these recommendations are summarized in the report, attached here as Exhibit A.

STATUTORY AND OTHER REGULATIONS:

- A. Public Resources Code sections 71200 through 71271.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

EXHIBIT:

- A. "COMMERCIAL VESSEL FOULING IN CALIFORNIA: ANALYSIS, EVALUATION, AND RECOMMENDATIONS TO REDUCE NONINDIGENOUS SPECIES RELEASE FROM THE NON-BALLAST WATER VECTOR"

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) 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. ACCEPT, AS THE CALIFORNIA STATE LANDS COMMISSION'S REPORT TO THE LEGISLATURE ON COMMERCIAL VESSEL FOULING IN CALIFORNIA: ANALYSIS, EVALUATION, AND RECOMMENDATIONS TO REDUCE

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NONINDIGENOUS SPECIES RELEASE FROM THE NON-BALLAST WATER VECTOR, THE DOCUMENT IN EXHIBIT A

3. AUTHORIZE THE COMMISSION STAFF, PRIOR TO SUBMISSION TO THE LEGISLATURE, TO MAKE SUCH NONSUBSTANTIVE CHANGES IN THE REPORT AS ARE NECESSARY TO CORRECT ERRORS OR CLARIFY THE INFORMATION PRESENTED.
4. DIRECT STAFF TO SUBMIT THE REPORT, SUBSTANTIALLY IN THE FORM ATTACHED AS EXHIBIT A, TO THE LEGISLATURE IN COMPLIANCE WITH SECTIONS 71210 AND 71212 OF THE PUBLIC RESOURCES CODE.