

**CALENDAR ITEM  
C45**

A	Statewide	12/10/10 W9777.234
S	Statewide	L. Takata M. Falkner G. Gregory

**CONSIDER APPROVAL OF THE REPORT TO THE LEGISLATURE TITLED "2011  
BIENNIAL REPORT ON THE CALIFORNIA MARINE INVASIVE SPECIES PROGRAM**

In 2003, the Legislature adopted AB 433 (Chapter 491, Statutes of 2003), reauthorizing and enhancing California's Marine Invasive Species Program. Its purpose is to move the state expeditiously towards 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, Public Resources Code (PRC) Sections 71210 and 71212 require the California State Lands Commission to submit a report every two years 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, as well as ongoing research on the release of nonindigenous species by vessels, including, but not limited to, the research under this program.
- (f) A description of pilot projects for treating or otherwise managing ballast water to minimize the release of nonindigenous species, the relative effectiveness of the technologies examined, and the costs of implementing the technologies.

Attached as Exhibit A is the report prepared by the Commission's Marine Facilities Division in compliance with PRC Sections 71210 and 71212. The Commission's Staff recommends that the Commission accept the attached report and direct that it be submitted to the Legislature.

**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.

**EXHIBIT:**

- A. "2011 BIENNIAL REPORT ON THE CALIFORNIA MARINE INVASIVE SPECIES PROGRAM"

**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.

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2. ACCEPT EXHIBIT A AS THE CALIFORNIA STATE LANDS COMMISSION'S 2011 BIENNIAL REPORT TO THE LEGISLATURE ON THE STATE'S MARINE INVASIVE SPECIES PROGRAM.
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.