MINUTE ITEM
This Calendar Item No C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 3 to 0 at its 06/28/07 meeting.

CALENDAR ITEM
C57

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06/28/07
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M. Falkner
D. Brown

REQUEST AUTHORITY TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE UNITED STATES COAST GUARD AND SOLICIT BIDS AND EXECUTIVE AGREEMENTS TO CONDUCT RESEARCH ADDRESSING TECHNICAL ASPECTS OF PREVENTING THE TRANSPORT OF AQUATIC INVASIVE SPECIES VIA THE ACTIVITIES OF COMMERCIAL VESSELS

PARTY:

California State Lands Commission
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BACKGROUND:

Commercial shipping is the most important mechanism (vector) through which aquatic invasive species (AIS) are transported to new coastal regions, in one study accounting for approximately 79.5% of the introductions in North America. Once established, AIS can have severe ecological, economic, and human health impacts on the receiving environment. For example, in the Great Lakes the European zebra mussel has altered ecological food webs, caused local extirpation of native species, and has clogged municipal water systems costing approximately a billion dollars yearly. In San Francisco Bay, the nonindigenous overbite clam now accounts for up to 95% of the living biomass in some portions of the bay floor. The clam has contributed to a persistent decline in the availability of tiny floating plants (plankton) that form the foundations of the food web, which may be contributing to a decline in fish populations in the region. The microorganisms that cause human cholera and paralytic shellfish poisoning have also been found in the ballast tanks of commercial ships.

Commercial ships transport organisms through two primary mechanisms: ballast water and vessel fouling. Typically, a vessel takes on ballast water after cargo is unloaded in one port to adjust for weight imbalances, and later discharges ballast water when cargo is loaded in another. This transfer of ballast water from "source" to "destination" ports concomitantly results in the movement of an estimated 7000 plus species around the

world every day. Vessel fouling forms as organisms attach to the submerged hard surfaces of ships. The "fouling community" includes both the organisms that attach directly to the ship such as barnacles, algae, and mussels, as well as associated mobile organisms such as worms, crabs, and small shrimp-like animals. As a ship moves from port to port, the fouling community travels with it presenting the potential for new introductions.

In recognition of the threats posed by AIS, both California and the U.S. federal government have established programs to prevent introductions through commercial ships. Since 1999, the California State Lands Commission has been responsible for the prevention of species introductions into state waters through the commercial shipping vector. This goal has been pursued through a comprehensive approach that includes collaborative policy development; ballast water regulation tracking and enforcement; facilitation of priority applied research; and outreach to stakeholders, scientists, and resource agencies. At the federal level, the United States Coast Guard (USCG) heads the national program to prevent the introduction and dispersal of ship-bourn AIS. Along with mandatory ballast water management requirements for ships operating in the U.S. Exclusive Economic Zone, the USCG administers the Shipboard Technology Evaluation Program to facilitate the development of ballast water treatment technologies, cooperatively administers the Ballast Water Treatment test facility with the Naval Research Laboratory in Key West, Florida, and represents the United States on ship-bourn AIS policy issues at the international level.

Since the inception of the California State program, the Commission's Marine Facilities Division has worked closely with the U.S. Coast Guard. This has helped ensure that each program may take advantage of the expertise and efforts of the other, and that State and Federal activities are coordinated whenever possible.

PROPOSED ACTIVITY:

The Marine Invasive Species Act of 2003 requires the State Lands Commission (SLC) to

" . . .. identify and conduct any other research determined necessary to carry out the requirements of this division. The research may relate to the transport and release of nonindigenous species by vessels, the methods of sampling and monitoring of the nonindigenous species transported or released by vessels, the rate or risk of release or establishment of nonindigenous species in the waters of the state and resulting impacts, and the means by which to reduce or eliminate a release or establishment . . .. " (Public Resources Code Section 71213).

The United States Coast Guard recently approached the Commission's Marine Facilities Division with the potential that it may have up to $500,000.00 to dedicate towards research investigating technical aspects of preventing nonindigenous species introductions through commercial vessels. In order to meet the aforementioned mandate put forth by the Marine Invasive Species Act, the Commission's Marine Facilities Division requests authority to enter into a cooperative agreement with the United States Coast Guard and solicit bids and executive agreements that may employ the funds provided by the USCG to conduct research addressing technical aspects of preventing the transport of aquatic invasive species via the activities of commercial vessels. Funds provided by the USCG may total up to $500,000.00.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code Section 6106 (Delegation to Execute written instruments)
B. Marine Invasive Species Act of 2003, Chapter 491, Statutes of 2003
C. State Administrative Manual Section 1200
D. State Contracting Manual (rev 11/04)

OTHER PERTINENT INFORMATION:

1. 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.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL CODE REGS. 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL CODE REGS. 15378.

2. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE UNITED STATES COAST GUARD AND SOLICIT BIDS AND EXECUTE AGREEMENTS IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES FOR INVASIVE SPECIES RESEARCH TO ADDRESS TECHNICAL ASPECTS OF PREVENTING THE TRANSPORT OF AQUATIC INVASIVE SPECIES VIA THE ACTIVITIES OF COMMERCIAL VESSELS IN AN AMOUNT NOT TO EXCEED $500,000.