

CALIFORNIA STATE LANDS COMMISSION

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December 29, 2011

File Ref: W9777.291

**NOTICE OF MODIFICATION TO TEXT OF PROPOSED AMENDMENTS TO
REGULATIONS FOR THE MANAGEMENT OF BIOFOULING FOR VESSELS
OPERATING IN CALIFORNIA WATERS**

Title 2, Division 3, Chapter 1, Article 4.8

The staff of the California State Lands Commission (Commission) is hereby providing notice of changes made to proposed amendments of regulations for the management of biofouling for vessels operating in California waters. The proposed amendments to the regulations were originally published in the California Regulatory Notice Register on September 16, 2011, and were subject to an extended public comment period of 66-days that ended on November 21, 2011. A public hearing was held on November 16, 2011 in Oakland, CA.

Upon consideration of written and oral testimony received during the public hearing and during the initial 66-day public comment period, Commission staff has revised the proposed regulations to include:

- Revision of the performance standards for biofouling management by removing standards based on categorical Level of Fouling rankings and substituting them with percentage cover thresholds.
- A modification of the biofouling levels for the main wetted portions of the vessel (excluding niche areas) to account for cases where limited damage may compromise the efficacy of antifouling coatings.
- A delay to the effective date by one year in order to provide vessels additional time to develop and implement an effective Biofouling Management Plan.
- Alteration of the timing upon which biofouling levels must be maintained under specified thresholds.
- Specification of elevated biofouling thresholds, where if exceeded vessels must address biofouling before returning to California waters.
- Procedures for presumption of compliance for sea chests.
- Addition of marine growth protection system usage logs to the Biofouling Record Book.

- Allowance for propeller polishing in California waters, in recognition that it is a key practice for vessels to increase fuel efficiency and reduce air emissions.

A copy of the full text of the draft regulations as originally proposed and currently modified is available on the Commission's website at:
http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Ballast_Water_Default.html

WRITTEN COMMENT PERIOD

The proposed changes are considered to be substantial and sufficiently related, warranting a 15-day public comment period. However, because of several state and federal holidays occurring during this period, we will extend the public comment period an additional 15 days, resulting in a 30-day public comment period.

Therefore, Commission staff will accept written comments on the proposed changes for 30 days, starting on December 30, 2011 and ending at 5:00 pm on January 28, 2012. Comments should be limited to the modifications to the proposed amended regulations. These are indicated by ~~double strikethrough~~ for new deletions, and double underline for new language.

Please submit written comments to:

California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Attention: Ravindra Varma

Written comments may also be submitted by facsimile to (562) 499-6317 to the attention of Ravindra Varma, or by email to ravi.varma@slc.ca.gov.

Sincerely,



Don Hermanson
Chief, Marine Facilities Division