CALENDAR ITEM
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REQUEST AUTHORITY TO ENTER INTO AGREEMENT TO CONDUCT INVASIVE SPECIES RESEARCH TO EVALUATE SHIP FOULING AND EMERGING REGULATORY POLICIES FOR REDUCING BIOFOULING-MEDIATED SPECIES INCURSIONS

PARTY:

California State Lands Commission
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BACKGROUND:

Vessel biofouling has been a long-standing mechanism, or "vector", of species transfers throughout the world and has led to numerous nonindigenous species (NIS) introductions. Biofouling occurs when organisms attach to, or associate with, submerged hard surfaces, including the underwater portions of commercial ships. As vessels transit from port to port, they can transport biofouling organisms which can be introduced to regions where they do not occur naturally. Recent studies have suggested that vessel biofouling is responsible for the introduction of up to 60% of the established NIS in California (Ruiz et al. 2011) and 42% of the established NIS worldwide (Campbell & Hewitt 2010).

Though the importance of vessel biofouling for species introductions has been well recognized, critical information gaps still remain for determining the risk posed by commercial vessel movements and associated assemblages of biofouling organisms. In particular, specific data for the US coastline is limited. A California State Lands Commission report submitted to the State Legislature in 2006 stated, "The limited amount of scientific research on vessel fouling and NIS in California and the west coast is the most prominent obstacle to a clear evaluation of the overall risk faced by the State" (Takata et al. 2006).

Since 2005, in an attempt to fill these information gaps, the Commission has entered into several agreements with Portland State University (PSU), which houses the Aquatic Bioinvasions Research and Policy Institute (ABRPI). The ABRPI is a joint venture between PSU and the Smithsonian Environmental Research Center, which utilizes their satellite laboratory in Tiburon, CA for this research. These agreements have enabled the Commission to utilize funds from the Marine Invasive Species Control Fund to sponsor several studies to analyze the extent, condition, and composition of biofouling

organisms on vessels operating along the US Pacific coast to better understand the risk of biofouling-mediated NIS introductions to California. In addition, these studies have provided valuable insight into the effects of certain vessel husbandry and voyage characteristics as they relate to biofouling accumulation.

The findings from these studies have influenced and guided the efforts of staff during the ongoing development of vessel biofouling regulations, which carry a statutory requirement for adoption by January 1, 2012. These biofouling guidelines are being developed in consultation with colleagues in New Zealand, Canada, Australia, the state of Western Australia, and the International Maritime Organization, all of which are in the process of developing similar biofouling regulations. Commission-funded studies have proven to be valuable tools for understanding vessel biofouling patterns not only here in California but across the world. Now that the development of the Commission's biofouling regulations are nearing completion, there are new information gaps that will need to be addressed to assess the efficacy of the proposed regulations as well as to identify tools for enforcement and compliance verification.

Public Resources Code 71213 requires the State Lands Commission 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 . . .."

PROPOSED ACTIVITY:

To meet this mandate, Commission staff has determined that scientific research targeted to evaluate certain components of the draft biofouling regulations, including the effects of certain high-risk vessel history patterns, is necessary. Using funds from the Marine Invasive Species Control Fund budgeted for conducting necessary research, staff proposes entering into an agreement with Portland State University (PSU) to complement previous work on vessel biofouling extent and to fill information gaps related to the implementation and efficacy of proposed biofouling regulations. Specifically, this proposed work will test the performance and application of existing criteria in the proposed regulatory language to adequately predict biofouling levels. This will include a test of the effect of vessel history on biofouling measures, focusing on key variables such as lay-up duration and routes with or without low salinity exposure. Also included will be evaluations of percent cover estimates of high-risk, unprotected niche areas and how this relates to quantitative measures of biofouling extent. An additional component will include an evaluation of the utility of surface-estimated biofouling evaluations by Commission staff for identifying high-risk vessels during inspections. PSU has proposed a project budget of $156,354. Funding for this work is provided from the Marine Invasive Species fund and is included in the Commissions budget. Per

Public Contract Code § 10340, contracts with a state college or university, from California or any other state, are exempt from competitive bid requirements.

STATUTORY AND OTHER REGULATIONS:

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 10/05)

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 CEQA because it is not a "project" as defined by 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.

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that these activities are exempt from the requirements of CEQA pursuant to 14 California Code of Regulations section 15060(c)(3) because these activities are not projects as defined by Public Resources Code section 21065 and 14 California Code of Regulations, section 15378.

2. Authorize the Executive Officer or his designee to award and execute contract with Portland State University in accordance with state policies and procedures for invasive species research to evaluate ship fouling and emerging regulatory policies for reducing biofouling-mediated species incursions in an amount not to exceed $156,354.