

Staff Report 55

Consider Approval of Proposed Amendment to section 2298.5 of the California Code of Regulations, title 2, division 3, chapter 1, article 4.8 Marine Invasive Species Program Annual Vessel Reporting Form

PARTY:

California State Lands Commission

PROPOSED RULEMAKING:

Staff proposes to amend section 2298.5 in article 4.8 of title 2, division 3, chapter 1 of the California Code of Regulations. The Commission currently requires submission of the Marine Invasive Species Program Annual Vessel Reporting Form (AVRF) in written or electronic form at least 24 hours in advance of the first vessel arrival of each calendar year at a California port of call. The regulated community includes masters, owners, operators, and persons in charge of vessels 300 gross registered tons and above that are capable of carrying ballast water.

The proposed regulatory action would:

- Amend the submission method requirement for the Marine Invasive Species Program Annual Vessel Reporting Form and require the regulated community to submit forms via the Commission's web-based user interface (<https://misp.io>).
- Amend section 2298.5 to incorporate by reference the revised annual reporting form.

This proposed amendment would likely become effective January 1, 2021.

BACKGROUND:

The California Marine Invasive Species Program (MISP) is a multi-agency program designed to reduce the risk of introducing nonindigenous species into State waters from vessels 300 gross registered tons and above that can carry ballast water. The MISP was established by the Ballast Water Management for Control of Nonindigenous Species Act of 1999 and reauthorized and expanded by the Marine Invasive Species Act of 2003. The purpose of the MISP is to move the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state (Public Resources Code section 71201, subdivision (d)). The MISP is funded exclusively

through fees assessed on vessels arriving at California ports. Fees are deposited in the Marine Invasive Species Control Fund; the MISP uses no general fund dollars.

Nonindigenous species (NIS) are organisms that have been transported by humans to locations where they do not naturally or historically occur. Once established, NIS can have adverse economic, ecological, and public health consequences. The Marine Invasive Species Act addresses NIS introduction by regulating operational, recordkeeping, and reporting requirements for ocean-going vessels arriving at the state's ports.

To implement the mandate of the Marine Invasive Species Act, Public Resources Code section 71201.7 provides authority for the Commission to adopt regulations. To that end, the Commission adopted title 2, California Code of Regulations, division 3, chapter 1, article 4.8, section 2298 et seq., which took effect on October 1, 2017. These regulations include a comprehensive set of requirements, both operational (biofouling management) and administrative (reporting and recordkeeping), to help prevent vessel-borne introductions of NIS into the waters of the state.

PROBLEM STATEMENT:

Pursuant to title 2, California Code of Regulations, section 2298.5, the Commission requires submission of the AVRF in written or electronic form at least 24 hours in advance of the first arrival of each calendar year at a California port of call. The AVRF consists of two sections with 16 questions, totaling six pages of information. On average, 1,850 vessels are subject to the reporting requirement annually. Since the adoption of this requirement in 2017, all AVRFs have been submitted to the Commission electronically. Ninety-seven percent of AVRFs are submitted as an email attachment; the remaining 3 percent of forms, on average, are submitted using the Commission's web-based user interface (<https://misp.io>).

When forms are received as an email attachment, staff prints, date stamps, and enters the data contained on the AVRFs into the MISP database. If the AVRF lacks the required information or contains errors, staff contacts the submitter directly for clarification and correction. After data entry, the AVRFs are stored for a minimum of 5 years per the Commission's Records Retention Schedule. Based on existing processes, staff prints and must subsequently find storage for over 11,000 pages of data annually.

The current manual procedure (print, review, data entry, etc.) requires four staff members spending a combined total of approximately 56 minutes to manually process each AVRF received as an email attachment, totaling approximately 144 hours per month to process AVRFs. Due to the time-intensive nature of the manual process, staff has a backlog of approximately 1,800 forms awaiting data entry. As a

result of this backlog, staff is unable to address public and internal requests for data in a timely fashion. Additionally, the backlog impacts the Commission's ability to prioritize vessels for boarding and inspection based on a weighted risk assessment procedure that uses the information reported on each vessel's AVRF. Finally, the current manual process diverts resources from other high priority projects within the MISP, such as compliance assessments, enforcement efforts, and scientific literature reviews and analyses.

The current manual data entry process is inefficient and resource intensive, requiring four staff members to handle each AVRF, with an estimated annual time of 1,727 hours. The MISP is solely funded through fees assessed on vessels arriving at California ports, and the fee is currently set at the maximum allowable by statute (see Public Resources Code section 71215, subdivision (b)). The balance in the Marine Invasive Species Control Fund is declining due to increased costs for personnel and Commission overhead. Therefore, the MISP must be as efficient as possible in its use of resources to carry out its mandates. The proposed amendment is necessary to reduce the administrative and resource burdens placed on the Commission.

SUMMARY OF NOTIFICATION AND RULEMAKING PROCESS:

The proposed regulations were published in the California Regulatory Notice Register (Register 2020, No. 19-Z) on May 8, 2020. A complete copy of the proposed regulations, including the amended AVRF, are attached as Exhibits A and B.

The Public Comment Period for the proposed regulations spanned 46 days, from May 8, 2020, through June 23, 2020. After reviewing the comments from the Public Comment Period, staff recommends no changes to the proposed regulations. All comments received will be addressed formally in the Final Statement of Reasons as part of the rulemaking process, but they are summarized with staff's responses below.

SUMMARY OF RESPONSES TO PUBLIC COMMENTS:

Staff received five comment letters from individuals representing the following maritime shipping companies and industry organizations:

- Pacific Merchant Shipping Association
- Crowley Maritime Corporation
- Gallagher Marine Services LLC
- Stefan/George Associates on behalf of the Cruise Lines International Association
- A.P. Moller - Maersk

Staff reviewed the comment letters and found a total of 22 specific comments among the five letters. Fourteen of the comments were not relevant to the rulemaking. These comments pertained to the original purpose of the AVRF and the reasoning for some of the questions on the form and provided suggestions for improving the misp.io web-based user interface. Although the comments are not relevant to the proposed rulemaking, staff will conduct further outreach with the regulated community regarding the purpose of the AVRF. Additionally, staff will plan public and industry engagement opportunities in the near future to gather input on how to make misp.io more user friendly.

The remaining eight comments that were relevant to the rulemaking can be broken into two related categories: 1) concerns about a lack of consistently available broadband internet access for vessels at sea to access misp.io; and 2) a request that alternative submission methods (e.g., submission by email) be allowed if vessels cannot access misp.io.

Staff appreciates the thoughtful comments from the regulated community, which provided a greater appreciation for the challenges associated with broadband internet while vessels are at sea. In response to the public comments, staff notes that the AVRF can be submitted at the beginning of the calendar year. Vessels do not need to wait until 24 hours prior to arrival at a California port to submit the AVRF. Many, but not all, vessels know their schedule far enough in advance to enable submission of the AVRF either by company office staff or when a vessel is in port and has broadband internet access. Nevertheless, challenges could arise if a vessel is unexpectedly routed to California.

If a vessel cannot submit the AVRF via misp.io due to a lack of internet access, the article 4.8 biofouling management regulations (California Code of Regulations, title 2, section 2298.1 et seq.), which include the AVRF requirements, contain a provision (California Code of Regulations, title 2, section 2298.9) wherein any person subject to the regulations may petition for alternatives to the requirements of the article. The petition must be received in writing (email is sufficient) and may be approved by the Chief, Marine Environmental Protection Division.

Regulated community members that cannot comply with the proposed requirement to submit the AVRF via misp.io due to challenges accessing the website are therefore able to submit a petition for alternatives and request permission to provide the AVRF via email or other acceptable method of transmission.

Commenters may not have been aware of this alternative approach. Staff will conduct outreach to ensure that the regulated community is aware of the petition for alternatives.

Because members of the regulated community can request an alternative to the proposed regulation when misp.io is not accessible, staff believes that no further changes to the proposed regulation are necessary to address industry concerns.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code section 71201.7.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Adoption of the proposed amendment would reduce the number of manually processed reporting forms, reduce paper use and storage requirements, and allow the Commission to redirect resources to other high priority projects within the MISP. Mandating the use of the web-based user interface will also improve transparency and customer service while allowing the MISP to function more efficiently and effectively.

The Commission's web-based user interface enables online completion, submission, and tracking of required reporting forms, including the AVRF. For AVRFs submitted through the MISP's web-based user reporting system, staff performs a review of the data prior to releasing the information into the database; on average, this process takes approximately 5 minutes for each form, significantly reducing the time to process an AVRF. Hence, the web-based user interface has already proven to increase the efficiency and effectiveness of the Commission's MISP.

The proposed amendment would significantly reduce the annual time to process AVRFs from 1,727 hours to approximately 154 hours, enabling management to redirect staff hours to focus on other high priority projects within the MISP. This would not result in a budget reduction, but would allow approximately 1,573 staff hours, valued at \$57,390, to be redirected to other program needs.

The proposed regulations will further the interests of the Public Trust by improving efficiency of the MISP, providing greater protection to Public Trust resources. Currently, the introduction of nonindigenous species to California's waters threatens Public Trust resources and values, including ecosystem preservation and the promotion and protection of fishing, water-related recreation, maritime commerce, and water-dependent tourism. Additionally, these proposed regulations will not affect navigation because substantive ballast water and biofouling regulations are already in effect.

The proposed regulations satisfy the purpose of the Marine Invasive Species Act (Public Resources Code section 71201, subdivision (d)) "to move the State expeditiously

toward elimination of the discharge of nonindigenous species into the waters of the State." Thus, staff believes that adoption of the proposed regulations would further enhance and protect Public Trust resources and is in the State's best interests.

CONCLUSION:

For these reasons, staff believes that the proposed amendment would benefit existing Public Trust uses and resources and be in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. The proposed regulations interpret, implement, and make specific the provisions of Public Resources Code section 71216.
2. Staff believes that no alternatives would be more effective in carrying out the purposes for which the regulations are proposed, would be as effective as and less burdensome, or would more greatly lessen any adverse economic impact on small businesses or affected private persons than the proposed regulations.
3. Staff has determined that this proposed regulatory action is not a major regulation as defined by Government Code section 11342.548.
4. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction. Further, this action is consistent with Key Action 1.1.3 of the Commission's Strategic Plan to implement ballast water discharge performance standards and biofouling management strategies that prevent the introduction of nonindigenous species into State marine waters.
5. The Commission's adoption of an amendment to the regulations of the MISP reporting methodology is not a project as defined by the California Environmental Quality Act because it is an administrative activity that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Express Terms (text of the proposed regulation amendment)
- B. *Marine Invasive Species Program Annual Vessel Reporting Form* (SLC 600.12, Revised 04/20)

RECOMMENDED ACTION:

It is recommended that the Commission:

FINDING:

Find that no alternatives would be more effective in carrying out the purposes for which the regulations are proposed, would be as effective as and less burdensome, or would more greatly lessen any adverse economic impact on small businesses or affected private persons, than the proposed regulations.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that adoption of the proposed regulations, or regulations substantially in the same form, will not substantially interfere with the public rights to navigation or the Public Trust needs and values at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

1. Adopt the amendment of section 2298.5 of the California Code of Regulations, title 2, division 3, chapter 1, article 4.8, substantially in the form as set forth in the attached Exhibits A and B.
2. Authorize staff to make non-substantive modifications to the proposed regulations in response to recommendations by the Office of Administrative Law.
3. Authorize staff to take whatever action is necessary and appropriate to comply with provisions of the Government Code regarding the lawful adoption and publication of the regulations and to ensure that the regulations become effective.
4. Authorize staff to take whatever action is necessary and appropriate to implement the regulations at such time as they become effective.

EXHIBIT A

EXPRESS TERMS

**TITLE 2. ADMINISTRATION
DIVISION 3. STATE PROPERTY OPERATIONS
CHAPTER 1. STATE LANDS COMMISSION
ARTICLE 4.8. BIOFOULING MANAGEMENT TO MINIMIZE THE TRANSFER OF
NONINDIGENOUS SPECIES FROM VESSELS ARRIVING AT CALIFORNIA PORTS
§ 2298.5. MARINE INVASIVE SPECIES PROGRAM ANNUAL VESSEL REPORTING
FORM**

2 CCR § 2298.5

§ 2298.5. Marine Invasive Species Program Annual Vessel Reporting Form.

The form “Marine Invasive Species Program Annual Vessel Reporting Form” (SLC 600.12, Revised 04/20 08/17) is hereby incorporated by reference. The master, owner, operator, agent or person in charge of a vessel carrying, or capable of carrying, ballast water that arrives at a California port shall submit the “Marine Invasive Species Program Annual Vessel Reporting Form” (SLC 600.12, Revised 04/20 08/17) to the Commission in ~~written or~~ electronic form through the web-based user interface <https://misp.io> at least twenty-four hours in advance of the first arrival of each calendar year at a California port of call.

Note: Authority cited: Sections 71201.7 and 71204.6, Public Resources Code. Reference: Sections 71204, 71204.6 and 71205, Public Resources Code.

EXHIBIT B



STATE OF CALIFORNIA – STATE LANDS COMMISSION
MARINE INVASIVE SPECIES PROGRAM ANNUAL VESSEL REPORTING FORM
SLC 600.12 (Revised 04/20 ~~08/17~~)
Public Resources Code Sections 71201.7, 71205

Vessel Name:
Official / IMO Number:
Responsible Officer's Name and Title:
Date Submitted (Day/Month/Year):

1. Does the vessel have a ballast water treatment system installed?

Yes <input type="checkbox"/> IF "YES" Complete sections 1 and 2
No <input type="checkbox"/> IF "NO" Complete section 1 only

Section 1: Hull Husbandry Maintenance and Operational Information

2. Since delivery, has this vessel ever been removed from the water for maintenance?

Yes <input type="checkbox"/> No <input type="checkbox"/>
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a. If Yes, enter the date and location of the most recent out-of-water maintenance.

Last date out of water (Day/Month/Year):	
Port or Position:	Country:

b. If No, enter the delivery date and location where the vessel was built:

Delivery Date (Day/Month/Year):	
Port or Position:	Country:

3. Were the submerged portions of the vessel coated with an anti-fouling treatment or coating during the **out-of-water** maintenance or shipbuilding process listed above?

Yes, full coat applied <input type="checkbox"/>
Yes, partial coat <input type="checkbox"/> Date last full coat applied (Day/Month/Year)
No coat applied <input type="checkbox"/> Date last full coat applied (Day/Month/Year)

Official / IMO Number _____



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 Public Resources Code Sections 71201.7, 71205

4. For the most recent full coat application of anti-fouling treatment, what type of anti-fouling treatment was applied and to which specific sections of the submerged portion of the vessel was it applied?

Manufacturer/Company:
Product Name:
Applied on (Check all that apply) : Hull Sides <input type="checkbox"/> Hull Bottom <input type="checkbox"/> Sea Chests <input type="checkbox"/> Sea Chest Gratings <input type="checkbox"/> Propeller <input type="checkbox"/> Rope Guard/Propeller Shaft <input type="checkbox"/> Previous Docking Blocks <input type="checkbox"/> Thrusters <input type="checkbox"/> Rudder <input type="checkbox"/> Bilge Keels <input type="checkbox"/>

Manufacturer/Company:
Product Name:
Applied on (Check all that apply) : Hull Sides <input type="checkbox"/> Hull Bottom <input type="checkbox"/> Sea Chests <input type="checkbox"/> Sea Chest Gratings <input type="checkbox"/> Propeller <input type="checkbox"/> Rope Guard/Propeller Shaft <input type="checkbox"/> Previous Docking Blocks <input type="checkbox"/> Thrusters <input type="checkbox"/> Rudder <input type="checkbox"/> Bilge Keels <input type="checkbox"/>

Manufacturer/Company:
Product Name:
Applied on (Check all that apply) : Hull Sides <input type="checkbox"/> Hull Bottom <input type="checkbox"/> Sea Chests <input type="checkbox"/> Sea Chest Gratings <input type="checkbox"/> Propeller <input type="checkbox"/> Rope Guard/Propeller Shaft <input type="checkbox"/> Previous Docking Blocks <input type="checkbox"/> Thrusters <input type="checkbox"/> Rudder <input type="checkbox"/> Bilge Keels <input type="checkbox"/>

5. Were the sea chests inspected and/or cleaned during the out-of-water maintenance listed above?
 If no out-of-water maintenance was performed since delivery, select Not Applicable.

(Check all that apply) Yes, sea chests inspected <input type="checkbox"/> Yes, sea chests cleaned <input type="checkbox"/>
No, sea chests not inspected or cleaned <input type="checkbox"/> Not Applicable <input type="checkbox"/>

6. Are Marine Growth Prevention Systems (MGPS) installed in the sea chest(s) or sea strainer(s)?

Yes <input type="checkbox"/> Manufacturer:	Model:
If Yes, MGPS installed in (check all that apply) : Sea Chest(s) <input type="checkbox"/> Sea strainer(s) <input type="checkbox"/>	
No <input type="checkbox"/>	

Official / IMO Number _____



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 Public Resources Code Sections 71201.7, 71205

7. Has the vessel undergone in-water cleaning to the submerged portions of the vessel since the last out-of-water maintenance period? Yes No

a. If Yes, when and where did the vessel most recently undergo **in-water** cleaning?
 (Do not include cleaning performed during out-of-water maintenance period)

Date (Day/Month/Year):	
Port or Position:	Country:
Vendor providing cleaning service:	
Section(s) cleaned (Check all that apply): Hull Sides <input type="checkbox"/> Hull Bottom <input type="checkbox"/> Propeller <input type="checkbox"/> Sea Chest Grating <input type="checkbox"/> Sea Chest <input type="checkbox"/> Bilge Keels <input type="checkbox"/> Rudder <input type="checkbox"/> Docking Blocks <input type="checkbox"/> Thrusters <input type="checkbox"/> Unknown <input type="checkbox"/>	
Cleaning method: Divers <input type="checkbox"/> Robotic <input type="checkbox"/> Both <input type="checkbox"/>	

8. Has the propeller been polished since the last **out-of-water** maintenance (including shipbuilding process) or **in-water** cleaning?

Yes <input type="checkbox"/> Date of propeller polishing (Day/Month/Year):
No <input type="checkbox"/>

9. Are the anchor and anchor chains rinsed during retrieval? Yes No

10. List the following information for this vessel averaged over the last four months:

a. Average Voyage Speed (knots):
b. Average Port Residency Time (hours or days): Hours or Days

11. Since the hull was last cleaned (out-of-water or in-water), has the vessel visited:

a. Fresh water ports (Specific gravity of less than 1.005)?

Yes <input type="checkbox"/> How many times?
No <input type="checkbox"/>

b. Tropical ports (between 23.5° S and 23.5° N latitude)?

Yes <input type="checkbox"/> How many times?
No <input type="checkbox"/>

c. Panama Canal?

Yes <input type="checkbox"/> How many times?
No <input type="checkbox"/>

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12. List the previous 10 ports visited by this vessel in the order they were visited (start with most recent). You do not have to use all 10 spaces if the vessel has a regular route that involves less than 10 ports.

Check here if the vessel visits the same ports on a regular route.

List dates as **(Day/Month/Year)**.

Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
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Arrival date:	Departure date:

Official / IMO Number _____



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 Public Resources Code Sections 71201.7, 71205

13. Since the most recent hull cleaning (out-of-water or in-water) or delivery, has the vessel spent 10 or more consecutive days in any single location? (Do not include time out-of-water or during in-water cleaning.)

No Indicate the longest amount of time spent in a single location since the last hull cleaning

Number of Days:	Date of Arrival:
Port or Position:	Country:

Yes List all of the occurrences where the vessel spent 10 or more consecutive days in any single location since the last hull cleaning. List dates as **(Day/Month/Year)**:

Number of Days:	Date of Arrival:
Port or Position:	Country:
Number of Days:	Date of Arrival:
Port or Position:	Country:
Number of Days:	Date of Arrival:
Port or Position:	Country:
Number of Days:	Date of Arrival:
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Number of Days:	Date of Arrival:
Port or Position:	Country:
Number of Days:	Date of Arrival:
Port or Position:	Country:

Official / IMO Number _____



Section 2: Ballast Water Treatment System Information

COMPLETE ONLY IF VESSEL HAS A BALLAST WATER TREATMENT SYSTEM INSTALLED

Note: Complete a separate Section 2 for each installed ballast water treatment system.

14. Provide the following information about the vessel's installed ballast water treatment system:

Manufacturer/Company:
Product Name:
Model Number:
Date System Commissioned (Day/Month/Year):

15. Has the installed ballast water treatment system been used to treat ballast water in the last 12 months?

Yes <input type="checkbox"/>
Number of times the system was used in the last 12 months:
No <input type="checkbox"/>

16. Has the installed ballast water treatment system malfunctioned in the last 12 months?

Yes <input type="checkbox"/>	Date of Most Recent Malfunction (Day/Month/Year)
Describe all malfunctions during the previous 12 months:	
Describe all repairs for all malfunctions during the previous 12 months :	
No <input type="checkbox"/>	

17. Has an onboard test for biological performance of the vessel's installed ballast water treatment system been completed since the system was commissioned?

Yes <input type="checkbox"/>	If "YES", List the dates of the tests (Day/Month/Year):
No <input type="checkbox"/>	

Official / IMO Number _____



Instructions

California State Lands Commission
Public Resources Code Sections 71201.7, 71205
April 2020-August 2017

As used in this form, “vessel” has the same meaning as defined in California Code of Regulations, Title 2, section 2298.2. Applicability of this reporting requirement is defined in California Code of Regulations, Title 2, section 2298.5.

SUBMIT THE COMPLETED FORM TO THE COMMISSION IN ELECTRONIC FORM THROUGH THE WEB-BASED USER INTERFACE [HTTPS://MISP.IO](https://misp.io) AT LEAST TWENTY-FOUR HOURS IN ADVANCE OF THE FIRST ARRIVAL OF THE CALENDAR YEAR AT A CALIFORNIA PORT OF CALL. TO:

~~California State Lands Commission
Marine Environmental Protection Division
200 Oceangate, Suite 900
Long Beach, CA 90802
or
FAX: 562-499-6444
or
Email: bwform@slc.ca.gov~~

Report information using the following instructions:

Question 1: Check the appropriate box to indicate whether the vessel has an onboard ballast water treatment system installed.

- If Yes was selected, complete both Section 1 and Section 2
- If No was selected, complete only Section 1

Section 1: Hull Husbandry Maintenance and Operational Information

Question 2: Check the appropriate box to indicate whether, since delivery, the vessel has ever been removed from the water for maintenance.

- If “Yes” was selected, enter the date (Day/Month/Year) and location for the most recent out-of-water maintenance period (for example, if vessel was out of water for dry-dock from 1 January 2016 through 10 January 2016, list 10 January 2016 as the last date out of water)
- If “No” was selected, enter the vessel’s delivery date (Day/Month/Year) and the location where the vessel was built

Question 3: Check the appropriate box to indicate whether the vessel’s hull was coated with an anti-fouling treatment/coating during the out-of-water maintenance period or shipbuilding process described in Question 2.

- If “Yes, full coat applied” was selected, move on to Question 4
- If “Yes, partial coat” was selected, list completion date (Day/Month/Year) of most recent full coat application of an anti-fouling treatment/coating

- If "No coat applied" was selected, list completion date (Day/Month/Year) of most recent full coat application of an anti-fouling treatment/coating



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Question 4: For the most recent full coat application of anti-fouling treatment/coating, list the manufacturer(s)/company(ies) and product names of the treatment(s)/coating(s) and check the box next to the specific section(s) of the submerged portions of the vessel where each treatment was applied (check all sections that apply). List information for each anti-fouling treatment/coating if more than one was applied. Attach additional pages if necessary.

Question 5: Check the appropriate box to indicate whether the sea chest(s) were inspected and/or cleaned during the most recent out-of-water maintenance period described in Question 2. If no out-of-water maintenance was performed since delivery, check Not Applicable.

Question 6: Marine Growth Protection Systems (MGPS) are systems installed in the sea chests or sea strainers to prevent the accumulation of fouling organisms within the sea chests and associated seawater circulation networks. Check the appropriate box to indicate if a Marine Growth Protection System is installed in the sea chest(s) or sea strainers.

- If "Yes" was selected, list the Manufacturer and Model
- If "Yes" was selected, indicate whether MGPS is installed in sea chests or sea strainers (or both)
- If "No" was selected, move on to Question 7

Question 7: Check the appropriate box to indicate if the vessel has undergone in-water cleaning on the submerged portions of the vessel since the last out-of-water maintenance period. In-water cleaning does not include cleaning carried out during out-of-water maintenance but does include cleaning carried out during the Underwater Inspection in Lieu of Dry-Docking (UWILD). For this question, out-of-water maintenance includes the shipbuilding process.

- If "Yes" was selected, answer Question 7a
- If "No" was selected, move on to Question 8

Question 7a: Provide date (Day/Month/Year) and location of most recent in-water cleaning (do not include cleaning performed during out-of-water maintenance period) as well as the vendor that conducted the in-water cleaning. Check the box next to the appropriate sections to indicate those sections of the vessel that were cleaned during the in-water cleaning described in Question 7. Indicate whether in-water cleaning was conducted by divers, a robotic system, or both.

Question 8: Check the appropriate box to indicate whether the propeller has been polished since the most recent out-of-water maintenance or in-water cleaning. For this question, **out-of-water** maintenance includes the shipbuilding process.

- If "Yes" was selected, list the date of the most recent propeller polishing
- If "No" was selected, move on to Question 9.

Question 9: Check the appropriate box to indicate whether the anchor and anchor chains are rinsed during retrieval.

Question 10a: Over the past four months, list the average speed (knots) at which this vessel has traveled.

Question 10b: Over the past four months, list the average length of time (either hours or days) that this vessel has spent in any given port.



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Question 11a: Check the appropriate box to indicate whether this vessel has visited any freshwater ports (specific gravity of less than 1.005) since the hull was last cleaned (either in-water or out-of-water) or since delivery if the hull has never been cleaned.

- If “Yes” is selected, list the number of times that this vessel visited freshwater ports since the hull was last cleaned or since delivery if the hull has never been cleaned.

Question 11b: Check the appropriate box to indicate whether this vessel has visited any tropical ports between latitudes 23.5° S and 23.5° N since the hull was last cleaned (either in-water or out-of-water) or since delivery if the hull has never been cleaned.

- If “Yes” is selected, list the number of times that this vessel visited tropical ports since the hull was last cleaned or since delivery if the hull has never been cleaned.

Question 11c: Check the appropriate box to indicate whether this vessel has traversed the Panama Canal since the hull was last cleaned (either in-water or out-of-water) or since delivery if the hull has never been cleaned.

- If “Yes” is selected, list the number of times that this vessel has traversed the Panama Canal since the hull was last cleaned or since delivery if the hull has never been cleaned.

Question 12: Starting with the most recent port, list the last 10 ports visited by this vessel. Provide information on the port or place, country, and the dates of arrival and departure.

If this vessel follows a regular route, visiting the same ports routinely, place a check in the box provided and list the information for the most recently completed route. You do not have to use all ten spaces if the regular route involves less than 10 ports.

Question 13: Check the appropriate box to indicate whether this vessel has spent 10 or more consecutive days in any single location since the last time the hull was cleaned (either in-water or out of water) or since delivery if the hull has never been cleaned. Do not include time spent out-of-water or time spent during in-water cleaning.

- If “No” is selected, enter the information for the single longest amount of time this vessel has spent in a single location since the last hull cleaning or since delivery if the hull has never been cleaned.
- If “Yes” is selected, list all of the occurrences where the vessel spent 10 or more consecutive days in any single location since the last hull cleaning or since delivery if the hull has never been cleaned.



Section 2: Ballast Water Treatment System Information

COMPLETE ONLY IF VESSEL HAS A BALLAST WATER TREATMENT SYSTEM INSTALLED

If more than one treatment system is installed on board the vessel, Section 2 must be filled out separately for each system.

Question 14: Provide the following information for each ballast water treatment installed on the vessel:

- System manufacturer or company (For example - Acme Incorporated)
- Product name, if applicable (For example - Acme Ballast Water Treatment System)
- Model number, if applicable (For example - Acme Model # 5454). Do not provide the serial number.
- Date (Day/Month/Year) the ballast water treatment system was commissioned. This is the date that the system was determined to be ready for active service including:
 - (1) Functionally ready for use, and
 - (2) Has received all applicable use approvals.

Question 15: Provide the number of times the vessel's installed ballast water treatment system was used during the previous 12 months.

Question 16: Check the appropriate box to indicate whether the installed ballast water treatment system has malfunctioned during operation in the previous 12 month period. Attach additional pages as necessary.

- If "Yes" was selected:
 - List the date of the most recent malfunction
 - Describe the malfunction including the type of malfunction (for example software, chemical, operational, plumbing, etc.)
 - Describe all repairs that were completed as a result of each malfunction
- If "No" was selected, move on to Question 17

Question 17: Check the appropriate box to indicate whether an onboard test for biological efficacy has been completed since the system was installed. Biological efficacy is the ability of the ballast water treatment system to reduce the number of viable organisms in water.

- If "Yes" was selected, list the dates (Day/Month/Year) for all tests of biological efficacy since the system was installed.
- If "No" was selected, this is the end of the form.