

State of California Office of Administrative Law

In re:
State Lands Commission

Regulatory Action:

Title 02, California Code of Regulations

Amend sections: 2299.01, 2299.02, 2299.03,
2299.04, 2299.05, 2299.06,
2299.07, 2299.08, and
2299.09

AMENDED NOTICE OF APPROVAL OF
REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2026-0608-01

OAL Matter Type: Regular Resubmittal (SR)

In this rulemaking action, the State Lands Commission is amending regulations governing the administrative enforcement process for violations of the Marine Invasive Species Act (Pub. Resources Code § 71200 et seq.), including procedures for assessing civil penalties allowed by Public Resources Code section 71216.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2026.

Date: July 21, 2026



Steven J. Escobar
Senior Attorney

Original: Matthew Dumlao, Executive
Officer

Copy: Nina Tantraphol

For: Kenneth J. Pogue
Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUL 20 2026

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[Signature]

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2025-0527-04	REGULATORY ACTION NUMBER 2026-0608-01SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

OFFICE OF ADMIN. LAW
2026 JUN 8 AM 11:44

AGENCY WITH RULEMAKING AUTHORITY
State Lands Commission

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025, 23-2	PUBLICATION DATE 06/06/2025	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Article 4.9 MISA Enforcement and Hearing Process Amendments	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2026-0409-035
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 2299.01; 2299.02; 2299.03; 2299.04; 2299.05; 2299.06; 2299.07; 2299.08; and 2299.09
TITLE(S) 2	REPEAL

3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346) ☒ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b))	☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☐ Other (Specify)	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) Modified regulations and materials were available October 17, 2025 to November 3, 2025			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify)			

7. CONTACT PERSON Nina Tantraphol	TELEPHONE NUMBER 916-574-0452	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) nina.tantraphol@slc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Matthew Dumlaio</i>	DATE 6/5/2026
TYPED NAME AND TITLE OF SIGNATORY Matthew Dumlaio, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 20 2026

Office of Administrative Law

EXPRESS TERMS

TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION ARTICLE 4.9. MARINE INVASIVE SPECIES ACT ENFORCEMENT AND HEARING PROCESS

California State Lands Commission staff proposes to amend Article 4.9 of Chapter 1, Division 3 of Title 2 of the California Code of Regulations, to read as follows:

Section 2299.01 Purpose and Applicability

- (a) The purpose of the regulations in Title 2, Division 3, Chapter 1, Article 4.9 of the California Code of Regulations is to establish policies and procedures ~~the Executive Officer-staff~~ of the California State Lands Commission shall undertake in assessing and commencing administrative enforcement actions pursuant to California Public Resources Code section 71216.
- (b) This article shall govern the enforcement and procedures related to violations of any of the provisions of Division 36 of the Public Resources Code and Title 2, Division 3, Chapter 1, Articles ~~4.5~~, 4.6, 4.7, and 4.8 of the California Code of Regulations.
- (c) The provisions of this article apply to all vessels, United States and foreign, carrying, or capable of carrying, ballast water into the ~~coastal~~-waters of the state after operating outside of the ~~coastal~~-waters of the state as well those vessels operating exclusively within the pacific coast region, except those vessels described in section 71202 of the Public Resources Code.

Authority Cited: Sections 71201 and 71201.7, Public Resources Code.

Reference: Section 71201, Public Resources Code.

Section 2299.02 Definitions

- ~~(a)~~ "CCR" means the California Code of Regulations.
- ~~(b)~~(a) "Cited Party" means the master, owner, operator, agent, or person in charge of a vessel that has violated a provision or provisions of the California Marine Invasive Species Act (codified as ~~Cal.~~ California Pub. Public Resources Code § 71200 et seq.) or title 2, California Code of Regulations, Articles ~~4.5, 4.6, 4.7, and 4.8.~~
- ~~(c)~~ "Coastal waters" means ~~estuarine and ocean waters within 200 nautical miles of land or less than 2,000 meters (6,560 feet, 1,093 fathoms) deep and rivers, lakes, or other water bodies navigably connected to the ocean.~~
- ~~(d)~~(b) "Commission" means the California State Lands Commission.
- ~~(e)~~(c) "Exchange" means to replace the water in a ballast tank using, ~~and strictly complying with,~~ either of the methods described in Division 36, Chapter 1, of the California Public Resources Code section 71200, subdivision (h).
- ~~(f)~~(d) "Executive Officer" means the Executive Officer of the California State Lands Commission.
- ~~(g)~~(e) "~~Incorrect Incomplete~~ exchange" means an exchange that is not performed ~~in full compliance with using~~ either of the methods described in ~~Division 36, Chapter 1 of the California Public Resources Code~~ section 71200, subdivision (h).
- ~~(h)~~(f) "Land" means the material of the earth, whether soil, rock, or other substances that sit landward of, or at an elevation higher than the ocean's mean high-tide line. Land includes rock outcroppings or islands located offshore.
- (g) "Waters of the state" has the same meaning as "waters of the state" in Public Resources Code section 71200.

- (i) ~~"PRC" means Public Resources Code.~~

Authority Cited: Sections 71201 and 71201.7, Public Resources Code.

Reference: Sections 71200 and 71216, Public Resources Code.

Section 2299.03 Classification of Violations

A violation of any provision within Division 36, Chapter 2 (comprising sections 71203 through 71207), of the Public Resources Code ~~PRC~~ or Title 2, Division 3, Chapter 1, Articles 4.6, 4.7, and 4.8 of the ~~CCR~~ California Code of Regulations shall be considered within one of three classes:

- (a) Class 1 (management violations): Class 1 violations shall be issued to a cited party when a vessel fails to comply with applicable ballast water or biofouling management requirements, ~~discharges ballast water in the coastal waters of the state without first complying with the appropriate ballast management practices identified in section 71204.3 of the PRC or 2 CCR section 2284.~~

- (1) Class 1 violations will be considered to be:

- (A) Minor:

- (1) if a vessel subject to section 71204.3, subdivision (c) of the Public Resources Code ~~PRC~~, prior to discharging ballast water into the coastal waters of the state, performs an ~~incorrect~~ exchange of ballast water in an area less than 200 nautical miles and equal to or greater than 180 nautical miles from land; or
- (2) if a vessel subject to ~~2~~ California Code of Regulations, title 2, CCR section 2284, prior to discharging ballast water into the ~~coastal~~ waters of the state, performs an ~~incorrect~~ exchange of ballast water in an area less than 50 nautical miles and equal to or greater than 45 nautical miles from land.

- (B) Moderate:

- (1) if a vessel subject to section 71204.3, subdivision (c) of the PRC Public Resources Code, prior to discharging ballast water into the ~~coastal~~ waters of the state, performs an ~~incorrect~~ exchange of ballast water in an area less than 180 nautical miles and equal to or greater than 100 nautical miles from land;
- (2) if a vessel subject to ~~2~~ California Code of Regulations, title 2, CCR section 2284, prior to discharging ballast water into the ~~coastal~~ waters of the state, performs an ~~incorrect~~ exchange of ballast water in an area less than 45 nautical miles and equal to or greater than 25 nautical miles from land; or
- (3) if any additional Class 1 Minor violations are committed on a subsequent voyage committed within twelve (12) months of a preceding Class 1 Minor violation shall be considered a Class 1 Moderate violation.

(C) Major (I):

- (1) if a vessel subject to section 71204.3, subdivision (c) of the Public Resources Code-PRC, prior to discharging ballast water into the ~~coastal~~ waters of the state, performs an ~~incorrect~~ exchange of ballast water in an area less than 100 nautical miles from land;
- (2) if a vessel subject to ~~2~~ California Code of Regulations, title 2, CCR section 2284, prior to discharging ballast water into the ~~coastal~~ waters of the state, performs an ~~incorrect~~ exchange of ballast water in an area less than 25 nautical miles from land; or
- (3) if a vessel subject to section 71204.3 of the Public Resources Code, discharges ballast water into the waters of the state after conducting an incomplete exchange;
- (4) if a vessel violates California Code of Regulations, title 2, section 2293, subdivision (a);
- (5) if a vessel violates California Code of Regulations, title 2, section 2295, subdivisions (a), (b), or (c);

- (6) if a vessel fails to notify the Commission, as soon as practicable, that the vessel's ballast water treatment system has stopped operating properly, as required by section 71205.3, subdivision (b)(1) of the Public Resources Code, and discharges ballast water into the waters of the state or fails to employ an alternative identified by the Commission in consultation with the United States Coast Guard pursuant to section 71205.3, subdivision (b)(3) of the Public Resources Code; or
- ~~(3)~~(7) if any additional Class 1 Moderate violations are committed on a subsequent voyage ~~committed~~ within twelve (12) months of a preceding Class 1 Moderate violation ~~shall be considered a Class 1 Major (I) violation.~~
- (D) Major (II):
- (1) if a vessel, subject to section 71204.3, subdivision (c) of the Public Resources Code ~~PRC~~ or 2California Code of Regulations, title 2, CCR section 2284, prior to discharging ballast water into the coastal waters of the state, fails to perform a ~~any~~ ballast water exchange during its voyage;
- (2) if a vessel subject to California Code of Regulations, title 2, section 2298.6 fails to manage or document management of biofouling as required under California Code of Regulations, title 2, section 2298.6, subdivision (b);
- (3) if a vessel subject to California Code of Regulations, title 2, section 2298.6 fails to manage or document management of biofouling as required under California Code of Regulations, title 2, section 2298.6, subdivision (c);
- (4) if a vessel subject to California Code of Regulations, title 2, section 2298.7 fails to manage or document management of biofouling as required under California Code of Regulations, title 2, section 2298.7, subdivision (c);

- (5) if a person knowingly and with intent to deceive the Commission falsifies any ballast water or biofouling records, reporting forms, or information; or
 - (6) if a vessel restricts the Commission's access to any sampling ports for compliance assessment sample collection, as required in California Code of Regulations, title 2, section 2294, subdivision (a).
- (b) Class 2 (recordkeeping violations): Class 2 violations shall be issued to a cited party when a vessel fails to properly maintain on board the vessel, as required:
 - (1) a ballast water management plan pursuant to section 71204, subdivisions (h) ~~and (i)~~ of the Public Resources Code-PRC;
 - (2) a ballast water log pursuant to section 71205, subdivision (d) of the Public Resources Code-PRC; ~~or~~
 - (3) any other information that is required to be carried or maintained on board a vessel pursuant to sections 71204 and 71205 of the Public Resources Code-PRC;
 - (4) documentation of ballast water treatment system functionality monitoring as required under California Code of Regulations, title 2, section 2297;
 - (5) a biofouling management plan pursuant to California Code of Regulations, title 2, section 2298.3; or
 - (6) documentation of biofouling management as required under California Code of Regulations, title 2, section 2298.7, subdivision (d).
- (c) Class 3 (reporting violations): Class 3 violations shall be issued when a cited party fails to submit the following information to the Commission, as required:
 - (1) the ballast water reporting information required by section 71205, subdivision (c) of the Public Resources Code-PRC;

- ~~(2)~~ the "Ballast Water Treatment Supplemental Reporting Form" as required by ~~2 CCR section 2297.1, subdivision (b);~~
- ~~(3)~~ the "Hull Husbandry Reporting Form" as required by ~~2 CCR section 2298;~~
- ~~(4)~~ the "Ballast Water Treatment Technology Annual Reporting Form" as required by ~~2 CCR section 2297.1, subdivision (a); or~~
- ~~(2)~~ the "Marine Invasive Species Program Annual Vessel Reporting Form" (SLC 600.12, Revised 4/20), which is hereby incorporated by reference, as required by California Code of Regulations, title 2, section 2298.5;
- ~~(5)(3)~~ any other forms required pursuant to section 71205 of the Public Resources Code; ~~or~~
- ~~(4)~~ notification, as soon as practicable, that the vessel's ballast water treatment system has stopped operating properly, as required by section 71205.3, subdivision (b)(1) of the Public Resources Code.

Authority Cited: Sections 71203, 71204, 71204.3, 71205, 71205.3, 71206 and 71201.7, Public Resources Code.

Reference: Sections 71207 and 71216, Public Resources Code.

Section 2299.04 Penalties

The cited party shall be assessed a penalty for each violation issued pursuant to this article. The penalty structure for each class of violation, as described in section 2299.03 of this Division, shall be as follows:

(a) Class 1 violations

- (1) Class 1 violations are subject to penalties in the amount listed in the following table:

Minor	Not to exceed \$5,000 per violation
Moderate	Not to exceed \$10,000 per violation
Major (I)	Not to exceed \$20,000 per violation
Major (II)	Not to exceed \$27,500 per violation

(2) Every ballast tank involved in a ballast discharge violating this Division shall be deemed a separate Class 1 violation.

(3) Violations of California Code of Regulations, title 2, section 2298.6 or 2298.7 shall be subject to penalties only after completion of the 60-day grace period described in California Code of Regulations, title 2, sections 2298.3, subdivision (c) and 2298.4, subdivision (c).

(b) Class 2 violations

(1) Ballast water recordkeeping

(A) Upon the first occurrence of a Class 2 violation of section 71204 or 71205 of the Public Resources Code or California Code of Regulations, title 2, section 2297 by a vessel, in lieu of a penalty, a letter of noncompliance shall be sent to the cited party explaining the violation.

~~(2)(B)~~ Subsequent occurrences by a vessel of the same type of Class 2 violation within a period of 2 (two) years after the letter of noncompliance issuance date shall be subject to a penalty of not to exceed \$10,000 per violation.

(2) Biofouling recordkeeping

(A) Any Class 2 violation of California Code of Regulations, title 2, section 2298.3 by a vessel after the expiration of the 60-day grace period shall be subject to a penalty not to exceed \$20,000 per violation.

(B) A violation of California Code of Regulations, title 2, section 2298.7, subdivision (d) by a vessel after the expiration of the 60-day grace period shall be subject to a penalty not to exceed \$10,000 per violation.

(c) Class 3 violations

- (1) Upon the first occurrence of a Class 3 violation, in lieu of a penalty, a letter of noncompliance shall be sent to the cited party explaining the violation.
- (2) Subsequent occurrences of the same type of Class 3 violation within a period of 2 (two) years after the letter of noncompliance issuance date shall be assessed a penalty of ~~\$1,000~~ \$2,000 per violation. Every thirty (30) day period that a required form or forms remain unsubmitted after the letter of noncompliance issuance date ~~original period for submission identified in section 2299.03(c) of this Division~~ shall be deemed a separate violation.

Authority Cited: Sections 71201.7 and 71216, Public Resources Code.

Reference: Sections 71207 and 71216, Public Resources Code.

Section 2299.05 Preliminary Actions

- (a) Prior to pursuing any enforcement action under the provisions of this article, the following preliminary procedures shall be followed:
 - (1) ~~The Executive Officer~~ Commission staff shall provide a written notice of a violation to the cited party containing the following:
 - (A) a description of the violation;
 - (B) a statement that enforcement proceedings may be initiated; and
 - (C) notification that the cited party may, within ~~ten (10)~~ thirty (30) ~~working calendar~~ days after receipt of the notice, submit a

request in writing to ~~the Executive Officer~~ Commission staff for a preliminary meeting.

- (2) If the cited party requests a preliminary meeting with ~~the Executive Officer~~ Commission staff, that meeting shall be held prior to any further enforcement actions and may include any discussions relating to the violations in question, including, but not limited to, whether a violation had in fact occurred, what evidence exists for the violation, and what classification should apply for each violation.
 - (3) If the cited party so requests and agrees to pay for all costs, the preliminary meeting shall be recorded and a transcript shall be prepared.
 - (4) The preliminary meeting shall ~~be scheduled at the Executive Officer's discretion, but~~ shall in no event be scheduled more than ~~thirty~~ (30)forty-five (45) calendar days after the request for the meeting is received by ~~the Executive Officer~~ Commission staff.
 - ~~(5) Within ten (10) working days after the preliminary meeting, the Executive Officer shall provide written notice to the cited party of the decision as to whether enforcement action is to proceed.~~
- (b) If, after the procedures within subdivision (a) are followed, the Executive Officer finds that the cited party has committed a violation of any provision referred to in this article, the Executive Officer may take any or all of the following actions:
- (1) initiate proceedings pursuant to section 71216 of the Public Resources Code and the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code ~~PRC~~ against the cited party to administratively impose civil penalties;
 - (2) take whatever legal action is necessary and appropriate to obtain an order from the court enjoining the violation;
 - (3) notify the appropriate federal agency of any violation which may also constitute a violation of federal law or regulation; or

- (4) refer the violation to the local district attorney for prosecution pursuant to section 71217 of the Public Resources CodePRC.
- (c) It is unnecessary for the Executive Officer to comply with the procedures of this section when issuing an order for a vessel to depart the waters of the state pursuant to section 71207, subdivision (d) of the Public Resources CodePRC.

Authority Cited: Sections 71201.7, 71207 and 71216, Public Resources Code.

Reference: Section 71207, 71216 and 71217, Public Resources Code.

Section 2299.06-Hearing Procedures Imposition of Penalties

- (a) Civil penalties shall be administratively imposed for violations of the provisions of Division 36, Chapter 2 (commencing with section 71203) of the Public Resources Code and Title 2, Division 3, Chapter 1, Articles 4.6, 4.7, and 4.8 of the California Code of Regulations.
- (b) ~~Except as otherwise specified in this article, the~~The process to impose civil penalties shall be conducted in accordance with the Administrative Procedure Act, as provided under Chapter 5 located within Title 2, Division 3, Part 1, Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and section 71216 of the Public Resources CodePRC.~~The Executive Officer and the cited party may agree to settle the violation before, during, or after the commencement of proceedings to impose civil penalties.~~
- (c) A civil penalty shall be determined by Commission staff based upon the following factors:
 - (1) the nature, circumstances, extent, and gravity of the violation, taking into account the harm to the environment and ecology;
 - (2) the cited party's past and present efforts to prevent, abate, or clean up conditions posing a threat to the public health and safety of the environment; and

- (3) the cited party's ability to pay the proposed civil penalty.
- (d) Nothing in this Article shall limit the ability of the Executive Officer and a cited party from entering into a settlement agreement to resolve any assessed violations before, during, or after the commencement of proceedings to impose civil penalties.

Authority Cited: Sections 71201.7 and 71216, Public Resources Code.

Reference: Section 71216, Public Resources Code.

Section 2299.07 Complaint

- (a) After following the preliminary actions described in section 2299.05 of this article, the Executive Officer may commence proceedings to impose civil penalties by issuing and serving a complaint to the cited party.
- (b) The complaint must contain all of the following:
 - (1) a brief statement of the violation alleged, including the acts or failures to act that constitute a basis for liability;
 - (2) the amount of the civil liability;
 - (3) a statement that the cited party has the right to request a formal hearing, ~~upon request~~, at which they may be represented by counsel; and
 - (4) a statement that the cited party's right to a hearing will be deemed waived if the cited party fails to file a notice of defense with the Executive Officer within thirty (30) days from the date the complaint was served on the cited party, or their agent for service. A notice of defense is deemed to be filed within the 30-day period if it is postmarked within the 30-day period.

- (c) A copy of the complaint shall be served upon the cited party either personally or by registered mail. Complaints served by registered mail shall be deemed served as of the postmark date.

Authority Cited: Sections 71201.7 and 71216, Public Resources Code.

Reference: Section 71216, Public Resources Code.

Section 2299.08 Notice of Defense

- (a) The cited party may, no later than thirty (30) days after service of the complaint, submit file a notice of defense ~~to the Executive Officer~~ at the principal office address identified in section 1901 of this Division.
- (b) The notice of defense shall be in the form and include the content described in section 11506 of the Government Code.
- (c) If, within the notice of defense, the cited party requests a hearing on the merits, such a hearing shall commence within thirty (30) days after the Executive Officer receives the notice of defense. The Executive Officer and the cited party may stipulate to commence the hearing date later than thirty (30) days.
- (d) If the Executive Officer does not receive a notice of defense within thirty (30) days after service of the complaint, the Executive Officer shall issue an order setting liability in the amount of the complaint.
 - (1) If the Executive Officer and cited party have reached a settlement of the violation, the Executive Officer shall issue an order setting liability in the amount of the settlement.
 - (2) An order setting liability shall not be subject to review by a court or agency.

Authority Cited: Sections 71201.7 and 71216, Public Resources Code.

Reference: Section 71216, Public Resources Code; and Section 11506, Government Code.

Section 2299.09 Hearing

- (a) The process to initiate formal proceedings and conduct a A-hearing shall be conducted by an independent hearing officer in accordance with section 71216 of the Public Resources Code and the Administrative Procedure Act, as provided under Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code procedures specified in Title 2, Division 3, Part 1, Chapter 5 (commencing with section 11500) of the Government Code, except as otherwise specified in this section. In making a determination, the hearing officer shall take the following into consideration:
- (1) the nature, circumstances, extent, and gravity of the violation, taking into account the harm to the environment and ecology;
 - (2) the cited party's past and present efforts to prevent, abate, or clean up conditions posing a threat to the public health and safety of the environment; and
 - (3) the cited party's ability to pay the proposed civil penalty.
- (b) At the Executive Officer's discretion, the venue for the hearing shall be in either Sacramento County or Los Angeles County, unless the Executive Officer and the cited party stipulate to an alternate location.

Authority Cited: Sections 71201.7 and 71216, Public Resources Code.

Reference: Section 71216, Public Resources Code.



STATE OF CALIFORNIA – STATE LANDS COMMISSION
MARINE INVASIVE SPECIES PROGRAM ANNUAL VESSEL REPORTING FORM
SLC 600.12 (Revised 04/20)
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 ☐ IF "YES" Complete sections 1 and 2
No ☐ 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 ☐ No ☐
--

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 ☐
Yes, partial coat ☐ Date last full coat applied (Day/Month/Year)
No coat applied ☐ Date last full coat applied (Day/Month/Year)

Official / IMO Number _____



STATE OF CALIFORNIA – STATE LANDS COMMISSION

MARINE INVASIVE SPECIES PROGRAM ANNUAL VESSEL REPORTING FORM

SLC 600.12 (Revised 04/20)

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 ☐ Hull Bottom ☐ Sea Chests ☐ Sea Chest Gratings ☐ Propeller ☐ Rope Guard/Propeller Shaft ☐ Previous Docking Blocks ☐ Thrusters ☐ Rudder ☐ Bilge Keels ☐

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

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

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 ☐ Yes, sea chests cleaned ☐
No, sea chests not inspected or cleaned ☐ Not Applicable ☐

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

Yes ☐ Manufacturer:	Model:
If Yes, MGPS installed in (check all that apply) : Sea Chest(s) ☐ Sea strainer(s) ☐	
No ☐	

Official / IMO Number _____



STATE OF CALIFORNIA – STATE LANDS COMMISSION
MARINE INVASIVE SPECIES PROGRAM ANNUAL VESSEL REPORTING FORM
SLC 600.12 (Revised 04/20)
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 ☐ Hull Bottom ☐ Propeller ☐ Sea Chest Grating ☐ Sea Chest ☐ Bilge Keels ☐ Rudder ☐ Docking Blocks ☐ Thrusters ☐ Unknown ☐	
Cleaning method: Divers ☐ Robotic ☐ Both ☐	

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

Yes ☐ Date of propeller polishing (Day/Month/Year):
No ☐

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 ☐ How many times?
No ☐

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

Yes ☐ How many times?
No ☐

c. Panama Canal?

Yes ☐ How many times?
No ☐

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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:
Port or Position:	Country:
Arrival date:	Departure date:
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Arrival date:	Departure date:
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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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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 ☐
Number of times the system was used in the last 12 months:
No ☐

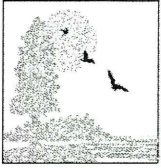
16. Has the installed ballast water treatment system malfunctioned in the last 12 months?

Yes ☐	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 ☐	

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 ☐	If "YES", List the dates of the tests (Day/Month/Year):
No ☐	

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Instructions

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

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.

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.