

AMENDED IN ASSEMBLY APRIL 9, 2008
AMENDED IN ASSEMBLY MARCH 24, 2008
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2065

Introduced by Assembly Member Hancock

February 19, 2008

An act to add Section 2302 to the Fish and Game Code, relating to invasive aquatic species.

LEGISLATIVE COUNSEL'S DIGEST

AB 2065, as amended, Hancock. Invasive aquatic species.

(1) Existing law, until January 1, 2012, generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Game or his or her designee to engage in various enforcement activities. Existing law exempts a public or private agency that operates a water supply system from those enforcement activities, if the operator of the facilities has prepared and implemented a prescribed plan to control or eradicate dreissenid mussels.

This bill would require any ~~person~~ *private entity*, state or local agency, district, authority, or other governing body that owns or manages a water storage reservoir or waterway to assess the vulnerability of the reservoir or waterway for the introduction of nonnative mussel species and to develop and implement a monitoring and control program to prevent the introduction of that species, thereby imposing a state-mandated local program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The introduction and spread of nonnative mussel species
4 ~~threatens~~ *threaten* the California water system and the ecological
5 health of ~~the~~ California waterways.

6 (b) Nonnative mussel species are fast-growing mollusks that
7 can rapidly grow into dense barnacle-like clusters and completely
8 cover and clog critical water supply infrastructure.

9 (c) Nonnative mussel species have been shown to disrupt the
10 ecological balance in watersheds, lakes, and reservoirs by
11 devouring massive amounts of food and nutrients and starving
12 native species.

13 (d) Nonnative mussel species reproduce quickly. A single mussel
14 may release over 40,000 eggs in a reproductive cycle and up to ~~1~~
15 ~~million~~ *1,000,000* eggs in a spawning season.

16 (e) Nonnative mussel species spread easily. The microscopic
17 larval stage of the mussels can be suspended in water and move
18 downstream to other water bodies or can be carried in plants, boats,
19 motors, trailers, and recreational equipment.

20 (f) Nonnative mussel species have recently been discovered in
21 California. Since early 2007, nonnative quagga mussels have been
22 found in the Colorado River and the Colorado River Aqueduct,

1 and at least 10 reservoirs in Nevada, Arizona, and southern
2 California. In January 2008, nonnative zebra mussels were first
3 discovered in northern California and in the San Justo Reservoir
4 in San Benito County.

5 (g) Wherever nonnative mussels have invaded, water system
6 costs have risen dramatically to provide for cleaning of facilities,
7 additional treatment, and construction of additional water supply
8 intakes. The Department of Water Resources estimates the cost to
9 control mussels in the State Water Project to be forty million
10 dollars (\$40,000,000) annually.

11 (h) Because much of California's water supply system is
12 interconnected, widespread prevention efforts are necessary to
13 stop the spread of nonnative mussel species.

14 SEC. 2. Section 2302 is added to the Fish and Game Code, to
15 read:

16 2302. (a) Any ~~person~~ *private entity*, state or local agency,
17 district, authority, or other governing body that owns or manages
18 a water storage reservoir or other waterway shall do both of the
19 following:

20 (1) Assess the vulnerability of the water storage reservoir or
21 other waterway for the introduction of nonnative mussel species.

22 (2) Develop and implement a monitoring and control program
23 to prevent the introduction of nonnative mussel species.

24 (b) The monitoring and ~~prevention~~ *control* program shall
25 include, at a minimum, all of the following:

26 (1) Public education and outreach.

27 (2) The identification of measures that can be used to prevent
28 the introduction of nonnative mussels into the water storage
29 reservoir or other waterway under its control, including the
30 inspection and management of boating activities.

31 (3) A description of monitoring and prevention measures that
32 have been or are currently being implemented.

33 ~~SEC. 3. If the Commission on State Mandates determines that~~
34 ~~this act contains costs mandated by the state, reimbursement to~~
35 ~~local agencies and school districts for those costs shall be made~~
36 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
37 ~~4 of Title 2 of the Government Code.~~

38 *SEC. 3. No reimbursement is required by this act pursuant to*
39 *Section 6 of Article XIII B of the California Constitution because*
40 *a local agency or school district has the authority to levy service*

- 1 *charges, fees, or assessments sufficient to pay for the program or*
- 2 *level of service mandated by this act, within the meaning of Section*
- 3 *17556 of the Government Code.*

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