

Assembly Bill No. 2065

Passed the Assembly August 28, 2008

Chief Clerk of the Assembly

Passed the Senate August 26, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2065, Hancock. Invasive aquatic species: dreissenid mussels.

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, or federal, state, or local agency, district, or authority, that owns or manages a reservoir, as defined, where certain recreational activities are permitted, except a privately owned reservoir that is not open to the public, to assess the vulnerability of the reservoir for the introduction of nonnative dreissenid mussel species and to develop and implement a program designed to prevent the introduction of that species. The bill would require visual monitoring at certain reservoirs where those activities are not permitted. The bill would make violations of its provisions subject to a civil penalty of \$1,000 per violation, imposed administratively by the department. These provisions would not apply to a reservoir in which nonnative dreissenid mussels have been detected.

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

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

(a) The introduction and spread of nonnative dreissenid mussel species threaten the California water system and the ecological health of California waterways.

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

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

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

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

(f) Zebra and quagga mussels, both of which are nonnative dreissenid mussel species, have recently been discovered in California. Since early 2007, nonnative quagga mussels have been found in the Colorado River and the Colorado River Aqueduct, and at least 10 reservoirs in Nevada, Arizona, and southern California. In January 2008, nonnative zebra mussels were first discovered in northern California and in the San Justo Reservoir in San Benito County.

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

(h) Working to prevent the spread of dreissenid mussels in California is a serious problem and requires the combined effort of federal, state, and local entities.

(i) The state is implementing an early detection monitoring program that involves the monitoring of high-priority water bodies throughout the state, including California waters, rivers, and the Sacramento-San Joaquin Delta, for the presence of dreissenid mussels.

(j) The combined effort of federal, state, and local entities is needed to address this serious threat at reservoirs throughout the state.

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

2302. (a) Any person, or federal, state, or local agency, district, or authority that owns or manages a reservoir, as defined in Section 6004.5 of the Water Code, where recreational, boating, or fishing activities are permitted, except a privately owned reservoir that is not open to the public, shall do both of the following:

(1) Assess the vulnerability of the reservoir for the introduction of nonnative dreissenid mussel species.

(2) Develop and implement a program designed to prevent the introduction of nonnative dreissenid mussel species.

(b) The program shall include, at a minimum, all of the following:

(1) Public education.

(2) Monitoring.

(3) Management of those recreational, boating, or fishing activities that are permitted.

(c) Any person, or federal, state, or local agency, district, or authority, that owns or manages a reservoir, as defined in Section 6004.5 of the Water Code, where recreation, boating, or fishing activities of any kind are not permitted, except a privately owned reservoir that is not open to the public, shall, based on its available resources and staffing, include visual monitoring for the presence of mussels as part of its routine field activities.

(d) Any entity that owns or manages a reservoir, as defined in Section 6004.5 of the Water Code, except a privately owned reservoir that is not open to the public for recreational, boating, or fishing activities, may refuse the planting of fish in that reservoir by the department unless the department can demonstrate that the fish are not known to be infected with nonnative dreissenid mussels.

(e) Except as specifically set forth in this section, this section applies both to reservoirs that are owned or managed by governmental entities and reservoirs that are owned or managed by private persons or entities.

(f) Violation of this section is not subject to the sanctions set forth in Section 12000. In lieu of any other penalty provided by law, a person who violates this section shall, instead, be subject to a civil penalty, in an amount not to exceed one thousand dollars (\$1,000) per violation, that is imposed administratively by the

department. To the extent that sufficient funds and personnel are available to do so, the department may adopt regulations establishing procedures to implement this subdivision and enforce this section.

(g) This section shall not apply to a reservoir in which nonnative dreissenid mussels have been detected.

Approved _____, 2008

Governor