

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN SENATE JUNE 2, 2008

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~~: *species: dreissenid mussels*.

(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, or federal, state, or local agency, district, or authority, that owns or manages a ~~freshwater~~ reservoir, as defined, where certain recreational activities are permitted 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, thereby imposing a state-mandated local program. The bill would require visual monitoring at reservoirs where those activities are not permitted.

(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 dreissenid mussel  
4 species threaten the California water system and the ecological  
5 health of California ~~freshwater~~ waterways.

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

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

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

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

21 (f) Zebra and quagga mussels, both of which are nonnative  
22 dreissenid mussel species, have recently been discovered in  
23 California. Since early 2007, nonnative quagga mussels have been  
24 found in the Colorado River and the Colorado River Aqueduct,  
25 and at least 10 reservoirs in Nevada, Arizona, and southern  
26 California. In January 2008, nonnative zebra mussels were first

1 discovered in northern California and in the San Justo Reservoir  
2 in San Benito County.

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

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

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

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

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

21 2302. (a) Any person, or federal, state, or local agency, district,  
22 or authority that owns or manages a ~~freshwater~~ reservoir, as defined  
23 in Section 6004.5 of the Water Code, where recreational, boating,  
24 or fishing activities are permitted, shall do both of the following:

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

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

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

31 (1) Public education.

32 (2) Monitoring.

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

35 (c) Any person, or federal, state, or local agency, district, or  
36 authority, that owns or manages a ~~freshwater~~ reservoir, as defined  
37 in Section 6004.5 of the Water Code, where recreation, boating,  
38 or fishing activities of any kind are not permitted, shall, based on  
39 its available resources and staffing, include visual monitoring for  
40 the presence of mussels as part of its routine field activities.

1 (d) Any entity that owns or manages a ~~freshwater~~ reservoir, as  
2 defined in Section 6004.5 of the Water Code, may refuse the  
3 planting of fish in that reservoir by the department unless the  
4 department can demonstrate that the fish, and the water used to  
5 transport the fish, are from a water body that is not known to be  
6 infected with nonnative dreissenid mussels.

7 SEC. 3. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 a local agency or school district has the authority to levy service  
10 charges, fees, or assessments sufficient to pay for the program or  
11 level of service mandated by this act, within the meaning of Section  
12 17556 of the Government Code.