

Assembly Bill No. 1540

CHAPTER 188

An act to amend Section 64 of the Harbors and Navigation Code, relating to state waters.

[Approved by Governor August 27, 2012. Filed with Secretary of State August 27, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1540, Buchanan. Sacramento-San Joaquin Delta: invasive weeds: South American spongeplant.

Existing law designates the Department of Boating and Waterways as the lead agency in cooperating with other agencies in controlling water hyacinth (*Eichhornia crassipes*) and Brazilian elodea (*Egeria densa*) in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh.

This bill would additionally designate the department as the lead agency in cooperating with other agencies in controlling South American spongeplant (*Limnobium laevigatum*) in the delta, its tributaries, and the marsh.

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

SECTION 1. The Legislature finds and declares the following:

(a) Aquatic weeds have been a continuing problem in the Sacramento-San Joaquin Delta and have been growing in the delta at an unprecedented rate.

(b) Invasive species of aquatic weeds growing in the Sacramento-San Joaquin Delta obstruct navigation, impair other recreational uses of the waterways in the delta, and have the potential of damaging manmade facilities, including federal and state water pumping operations.

(c) The health and stability of fisheries and other ecosystems in the Sacramento-San Joaquin Delta are threatened by invasive aquatic weeds, which are known to have the following impacts:

(1) Destroy tourism in the delta, and reduce boating, fishing, and swimming in delta waterways.

(2) Block birds' access to waterways and nesting areas.

(3) Threaten water supplies by blocking canals, pumps, and dams.

(4) Damage water quality in the delta resulting from the decay of plants.

(5) Increase flood risk.

(6) Prevent the growth of native plants.

(d) South American spongeplant (*Limnobium laevigatum*) is a highly invasive weed that grows and spreads at a rate that could devastate the Sacramento-San Joaquin Delta environment in just a few years, and the

spongeplant is a prolific seed-bearing plant that will be difficult to eradicate if it is allowed to grow and spread in the delta.

(e) Early stage treatment of the South American spongeplant (*Limnobium laevigatum*) in the Sacramento-San Joaquin Delta will reduce the need for more extensive and costly later efforts to keep the spongeplant from spreading in the delta.

SEC. 2. Section 64 of the Harbors and Navigation Code is amended to read:

64. (a) The Legislature hereby finds and declares that the growth of water hyacinth (*Eichhornia crassipes*), Brazilian elodea (*Egeria densa*), and South American spongeplant (*Limnobium laevigatum*) in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh has occurred at an unprecedented level and that the resulting accumulations of water hyacinth (*Eichhornia crassipes*), Brazilian elodea (*Egeria densa*), and South American spongeplant (*Limnobium laevigatum*) obstruct navigation, impair other recreational uses of waterways, have the potential for damaging manmade facilities, and may threaten the health and stability of fisheries and other ecosystems within the delta and marsh. Accordingly, it is necessary that the state, in cooperation with agencies of the United States, undertake an aggressive program for the effective control of water hyacinth (*Eichhornia crassipes*), Brazilian elodea (*Egeria densa*), and South American spongeplant (*Limnobium laevigatum*) in the delta, its tributaries, and the marsh.

(b) The department is designated as the lead agency of the state for the purpose of cooperating with agencies of the United States and other public agencies in controlling water hyacinth (*Eichhornia crassipes*), Brazilian elodea (*Egeria densa*), and South American spongeplant (*Limnobium laevigatum*) in the delta, its tributaries, and the marsh.

(c) The department, other state agencies, cities, counties, and districts are hereby authorized to cooperate with one another and with agencies of the United States in controlling water hyacinth (*Eichhornia crassipes*), Brazilian elodea (*Egeria densa*), and South American spongeplant (*Limnobium laevigatum*) in the delta, its tributaries, and the marsh and may furnish money, services, equipment, and other property to that end.

(d) Up to five thousand dollars (\$5,000) per year of the funds available for expenditure by the Department of Fish and Game to implement this section shall be paid from the Harbors and Watercraft Revolving Fund.

(e) Whenever any control program is proposed to take place in Rock Slough, the department and the Contra Costa Water District shall develop a memorandum of understanding establishing the parameters of the control program. This subdivision does not apply to any control program proposed for Sand Mound Slough.