

AMENDED IN SENATE APRIL 30, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 223

Introduced by Senator Galgiani

February 13, 2015

An act to amend Section 64 of, and to add and repeal Section 64.6 of, the Harbors and Navigation Code, relating to ~~aquatic~~ invasive *aquatic* plants, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 223, as amended, Galgiani. Division of Boating and Waterways: oversight committee: invasive aquatic plants.

Existing law designates the Division of Boating and Waterways within the Department of Parks and Recreation as the lead agency of the state for purposes of cooperating with other state, local, and federal agencies in identifying, detecting, controlling, and administering programs to manage invasive aquatic plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh, and prescribes the duties of the division with regard to the management and control or eradication of those plants.

This bill would require the division, no later than 90 days after the effective date of the bill, to establish, and designate and provide staff support to, an advisory and oversight committee to *evaluate and* monitor the activities of the division relating to the management and control or eradication of those plants. The bill would require the membership of the advisory and oversight committee to include an equitable number of representatives from specified interests and would require the advisory and oversight committee to meet, at a minimum, twice per year and communicate any findings or recommendations to the division.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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 Sacramento-San Joaquin Delta is an invaluable
4 California natural resource. However, the health of the Delta is
5 being threatened by water hyacinth as it obstructs waterways and
6 marinas, consumes valuable water resources, creates human health
7 and safety hazards, and damages cherished natural ecosystems by
8 crowding out native plants and wildlife.

9 (b) The Division of Boating and Waterways is the lead agency
10 responsible for eradicating and controlling invasive aquatic plants,
11 such as water hyacinth, in the Delta, its tributaries, and the Suisun
12 Marsh.

13 (c) Water hyacinth is controlled by the Division of Boating and
14 Waterways primarily through the use of pesticides, which require
15 state and federal permits, approvals, and biological opinions.

16 (d) In 2012, the Division of Boating and Waterways failed to
17 obtain these permits in a timely manner and pesticide spraying
18 was significantly delayed, ~~which~~ *which, in combination with other*
19 *factors*, allowed water hyacinth to grow and multiply into dense,
20 unsafe mats that blanketed and obstructed several areas of the
21 Delta.

22 (e) Therefore, in order to improve public transparency and
23 accountability, an advisory and oversight committee must be
24 established to *evaluate and* monitor the activities of the Division
25 of Boating and Waterways relating to the management and control
26 or eradication of invasive aquatic plants in the Delta, its tributaries,
27 and the Suisun Marsh.

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

30 64. (a) The Legislature hereby finds and declares that the
31 growth of water hyacinth (*Eichhornia crassipes*), Brazilian elodea
32 (*Egeria densa*), and South American spongeplant (*Limnolobos*
33 *laevigatum*) in the Sacramento-San Joaquin Delta, its tributaries,

1 and the Suisun Marsh has occurred at an unprecedented level and
2 that the resulting accumulations of water hyacinth (*Eichhornia*
3 *crassipes*), Brazilian elodea (*Egeria densa*), and South American
4 spongeplant (*Limnobium laevigatum*) obstruct navigation, impair
5 other recreational uses of waterways, have the potential for
6 damaging manmade facilities, and may threaten the health and
7 stability of fisheries and other ecosystems within the Delta and the
8 Suisun Marsh. Accordingly, it is necessary that the state, in
9 cooperation with agencies of the United States, undertake an
10 aggressive program for the effective control of water hyacinth
11 (*Eichhornia crassipes*), Brazilian elodea (*Egeria densa*), and South
12 American spongeplant (*Limnobium laevigatum*) in the Delta, its
13 tributaries, and the Suisun Marsh.

14 (b) The department is designated as the lead agency of the state
15 for the purpose of cooperating with agencies of the United States
16 and other public agencies in controlling water hyacinth (*Eichhornia*
17 *crassipes*), Brazilian elodea (*Egeria densa*), and South American
18 spongeplant (*Limnobium laevigatum*) in the Delta, its tributaries,
19 and the Suisun Marsh.

20 (c) The department, other state agencies, including, but not
21 limited to, the California Conservation Corps, cities, counties, and
22 districts are hereby authorized to cooperate with one another and
23 with agencies of the United States in controlling water hyacinth
24 (*Eichhornia crassipes*), Brazilian elodea (*Egeria densa*), and South
25 American spongeplant (*Limnobium laevigatum*) in the Delta, its
26 tributaries, and the Suisun Marsh and may furnish money, services,
27 equipment, and other property to that end.

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

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

37 SEC. 3. Section 64.6 is added to the Harbors and Navigation
38 Code, to read:

39 64.6. The division shall, no later than 90 days after the effective
40 date of the act adding this section, establish an advisory and

oversight committee to *evaluate and* monitor the activities of the division relating to the management and control or eradication of invasive aquatic plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh.

(a) The division shall designate and provide staff support to the advisory and oversight committee.

(b) The membership of the advisory and oversight committee shall include an equitable number of representatives from each of the following interests affected by invasive aquatic plants in the Delta, its tributaries, and the Suisun Marsh:

- (1) Agriculture.
- (2) Recreational boating.
- (3) Commercial shipping.
- (4) Business owners.
- (5) California Invasive Plant Council.
- (6) Research institutions.
- (7) Wildlife conservation.
- (8) Environment.
- (9) Resource conservation districts.
- (10) The general public.
- (11) Local government.

(c) The advisory and oversight committee shall meet, at a minimum, twice per year and communicate any findings or recommendations to the division. The division shall make any such findings or recommendations publically available on the division's Internet Web site.

(d) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to aid in the mitigation and control of invasive aquatic plants that have caused significant damage to the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh by obstructing waterways and marinas, consuming valuable water resources, creating human health and safety hazards, and damaging cherished

- 1 natural ecosystems, it is necessary that this act take effect
- 2 immediately.

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