

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MONTEREY DELEGATING AUTHORITY TO THE  
DIRECTOR OF PARKS, OR DESIGNEE, TO APPLY FOR  
MUSSEL FEE GRANT FUNDS FROM THE STATE OF CALIFORNIA  
DEPARTMENT OF BOATING AND WATERWAYS (DEPARTMENT) AND TO  
NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE  
DEPARTMENT TO RECEIVE AND EXPEND SAID FUNDS TO IMPLEMENT  
THE COUNTY'S MUSSEL PREVENTION PROGRAM, FOLLOWING  
APPROVAL BY COUNTY COUNSEL AS TO FORM AND LEGALITY; AND,  
FINDING THAT SAID ACTIONS ARE EXEMPT FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15307  
AND 15309 OF THE CEQA GUIDELINES.

**WHEREAS**, quagga and zebra mussels are invasive aquatic nuisance species that pose serious economic, environmental, recreation, and agricultural risks to the County's waterways; and,

**WHEREAS**, quagga mussels were discovered in Southern California in January 2007, and zebra mussels were discovered in San Justo reservoir in San Benito County in January 2008; and,

**WHEREAS**, in 2010, the Board of Supervisors approved recommendations to implement a Vessel Inspection Program to prevent the spread of invasive quagga and zebra mussels into Monterey County waterways; and,

**WHEREAS**, in 2010, the Water Resources Agency approved the County's participation in a Bay Area Regional Consortium to implement coordinated efforts to prevent introduction of invasive quagga and zebra mussels in the region; and,

**WHEREAS**, the Parks Department, in furtherance of its participation in the Bay Area Regional Consortium, has implemented an invasive quagga and zebra mussel prevention program for the purpose of detecting and preventing the presence of these invasive species on vessels before entering the waterways at County-managed parks and reservoirs; and,

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**WHEREAS**, on or about September 23, 2012, the Governor of the State of California signed into law key quagga and zebra mussel legislation amending both the Vehicle Code and the Harbors and Navigation Code (the “Amendments”) as follows: (1) the Harbors and Navigation Code (Sections 675-677) now authorizes the Department of Boating and Waterways (“Deaprtment”) to establish quagga and zebra mussel infestation prevention fees and (2) the Vehicle Code (Sections 9853, 9860, and 9863) now authorizes the Department of Motor Vehicles (“DMV”) to collect the quagga and zebra mussel infestation prevention fees upon vessel registration or upon issuance of a certificate of number in the amount established by the Department; and,

**WHEREAS**, pursuant to these Amendments, all funds derived from the imposition fo the quagga and zebra mussel prevention fee under Section 9853 or Section 9860 of the Vehicle Code, must be distributed as specified in Section 676 of the Harbors and Navigation Code, which also allows for such funds to be made available for grants to entities subject to subdivision (a) of Section 2302 of the Fish and Game Code for the reasonable regulatory costs incident to the implementation of a dreissenid mussel infestation prevention plan implemented either before or after January 1, 2013, that is consistent with the requirements of Section 2302 of the Fish and Game Code (the “Mussel Fee Grant Funds”); and,

**WHEREAS**, to award Mussel Fee Grant Funds, the Department of Boating and Waterways must take into account the following factors:

- (1) Give priority to dreissenid mussel infestation prevention plans that are consistent with Section 2302 of the Fish and Game Code and that also include visual and manual inspection standards and other infestation prevention procedures consistent with either the Department of Fish and Game’s Invasive Mussel Guidebook for Recreation Water Managers and Users, dated September 2010, or the Natural Resource Agency’s Aquatic Invasive Species Management Plan, dated January 2008, or subsequently adopted guidebooks and management plans;
- (2) Take into consideration the benefits of regional-scale dreissenid mussel infestation prevention plans;
- (3) Take into consideration the unique economic, ecological, and recreational impacts to rural and urban reservoirs from dreissenid mussel infestation;

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- (4) Reasonable regulatory costs include costs associated with the investigation and inspection of a conveyance for the presence of dreissenid mussels prior to contact with a reservoir, as defined in Section 6004.5 of the Water Code; and,
- (5) As a condition of receiving grant funding, an entity shall report to the Department, data, as deemed appropriate by the Department, regarding dreissenid mussel prevention and inspection programs implemented with the funding.

**WHEREAS**, in order to be eligible to apply for and receive Mussel Fee Grant Funds for partial funding of reasonable regulatory costs associated with investigations and inspections under the County’s mussel prevention program, County will need to provide an official copy of a Resolution signed and approved by the Board of Supervisors authorizing the Parks Department, on behalf of the County, to submit an application for the grant; and,

**WHEREAS**, pursuant to Section 15307 and 15309 of the CEQU Guidelines, an application for and expenditure of these Mussel Fee Grant Funds pursuant to a Grant Agreement with the Department are exempt from CEQA in that such funds (if awarded) will be used for natural resource protection and vessel inspections as a part of an existing Board-approved mussel prevention program currently operated by the Parks Department. Such funds are in lieu of, or as a supplement to, expenditure of existing Park funds and serve and exiting Park purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Monterey, that pursuant to Section 15307 and 15309 of the CEQA Guidelines, an application for, receipt and expenditure of these Mussel Fee Grant Funds pursuant to the terms of a Grant Agreement with the State of California, Department of Water Resources are categorically exempt from CEQA in that such finds (if awarded) will be used for natural resource protection and vessel inspections as a part of an existing Board-approved mussel prevention program currently operated by the Parks Department;

**BE IT FURTHER RESOLVED**, that the Director of Parks, or designee, is authorized to (1) apply for Mussel Fee Grant Funds, (2) to negotiate and execute a Grant Agreement with the State of California, Department of Boating and Waterways for said funds, and (3) to receive and expend said funds and implement the program in accordance with the Grant Agreement terms, following approval as to form and legality by County Counsel; and,

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**BE IT FURTHER RESOLVED**, that the Delegation of Authority to the Parks Director, or designee, will expire on December 31, 2020.

PASSED AND ADOPTED by the Board of Supervisors of the County of Monterey on \_\_\_\_\_ by the following vote:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

ABSTAIN: Supervisors

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Jane Parker, Chair  
Board of Supervisors

Signed and certified that copy of this Document has been delivered by electronic or other means to the Chair, Board of Supervisors.

ATTEST:

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Gail T. Borkowski  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

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Michael Whilden  
Deputy County Counsel

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