



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

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**File #:** 16-359, **Version:** 1

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- a. Adopt a resolution delegating authority to the Director of Parks, or designee, to pursue grant funds from the Department of Boating and Waterways Quagga and Zebra Mussel Infestation Prevention Fee Program to prevent the spread of quagga and zebra mussels into Monterey County waterways; and
- b. Authorize the Director of Parks, or designee, to negotiate, execute, amend, or terminate Memorandum of Understanding with the County's Bay Area Regional Mussel Prevention partners relating to providing best efforts to comply with the Bay Area Coordinated Regional Mussel Prevention Plan.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

1. Adopt a resolution delegating authority to the Director of Parks, or designee, to pursue grant funds from the Department of Boating and Waterways Quagga and Zebra Mussel Infestation Prevention Fee Program to prevent the spread of quagga and zebra mussels into Monterey County waterways.
2. Authorize the Director of Parks, or designee, to negotiate, execute, amend, or terminate Memorandum of Understanding with the County's Bay Area Regional Mussel Prevention partners relating to providing best efforts to comply with the Bay Area Coordinated Regional Mussel Prevention Plan.

**SUMMARY/DISCUSSION:**

In 2010, the Water Resources Agency delegated authority to the Director of Parks, or designee, to negotiate, execute, amend, terminate and take any and all necessary or advisable actions relating to a Memorandum of Understanding (MOU) with various public agencies in the Bay Area, including those located in Alameda, Contra Costa, Monterey and San Benito Counties, to provide a regional approach to prevent the introduction of zebra and quagga mussels, for a period of five (5) years, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority expired on December 31, 2015.

On January 1, 2010 the Bay Area Consortium members (Santa Clara County Parks and Recreation Department, Alameda County Water District, Contra Costa Water District, Monterey County Parks Department, Monterey County Water Resources Agency, San Benito County Water District, East Bay Regional Park District, the East Bay Municipal Utility District, Zone 7 Water Agency, and Santa Clara Valley Water District) entered into an MOU for a period of five years in order to exercise best efforts to implement a *Bay Area Consortium Coordinated Mussel Prevention Plan*.

On September 23, 2012, the State Legislature chaptered AB2443, an act adding Article 1.3 to Chapter 5 of Division 3 of the Harbors and Navigation Code, and amending Sections 9853, 9860, and 9863 of the Vehicle Code, in order to collect a Mussel Vessel Fee commencing with vessel registrations due December 31, 2013.

The money will be deposited in an account managed by the State Department of Parks and Recreation, Boating and Waterways Division; and, shall be distributed by grant application to assist local mussel prevention

programs throughout the State.

Eligibility for grant funds is conditioned on applicants providing an official copy of a resolution from the governing board of the local entity authorizing application for grant funds. The Department seeks delegation to apply for grant funds for each year through December 31, 2020. The Department shall return to the Board following normal legislative processes to report on any grant funds awarded through the delegation of authority.

On September 23, 2013, the State Legislature passed AB2443 which will provide grant funding to vessel inspection programs throughout the State. The chaptered law states that the Department of Boating and Waterways, when awarding grants, shall give priority to applicants who have a prevention plan and shall take into consideration the benefits of a regional-scale mussel prevention plan.

The Bay Area Consortium members would like to extend their MOU through December 31, 2020 to demonstrate an ongoing regional approach toward mussel prevention efforts in order to benefit from the State's priority consideration to regionally implemented prevention plans.

Zebra and quagga mussels are an exotic nuisance species with the potential to render water delivery and water based utilities useless, and can permanently alter the composition and functioning of freshwater ecosystems. They are not readily detectable and they spread easily by attaching themselves to boats, personal watercraft and related equipment. Once introduced into a water body, they are nearly impossible to eradicate and they cause great expenditure of public dollars in ongoing, and year round cleaning and removal from water delivery infrastructure.

Monterey County, in cooperation with the Monterey County Water Resources Agency, implemented a vessel inspection program in 2010 to minimize the risk of mussel infestation in County waterways. The following year, Bay Area agencies met and discussed the benefits of a regional approach to vessel inspection, including the benefits of implementing similar inspection protocol, reciprocal banding, and information sharing through a live database.

In order to minimize the risk of mussel infestation in the broader area, the Bay Area partners developed the *Bay Area Regional Coordinated Mussel Prevention Plan* under the leadership of Santa Clara County Parks. The Bay Area partners then entered into an MOU to exercise best efforts to implement provisions of that plan in their respective jurisdictions. The Bay Area Consortium was the first regional model in the State. Since implementing a regional prevention plan, the Consortium has pursued and secured \$500,000 in grant funding from the State's Harbor and Navigation Revolving Fund to support Vessel Inspection efforts on a regional basis. Our regional model has now been duplicated by the *North Bay Consortium For Coordinated Mussel Prevention* lead by Sonoma County.

The Department will not be able to extend the MOU beyond its current term, and will not be eligible for priority consideration for grant funds under AB2443 if we do not demonstrate a regional approach.

OTHER AGENCY INVOLVEMENT:

Staff from Water Resources Agency and County Counsel have reviewed the proposed resolution and MOU and approved it as to form.

FINANCING:

There is no impact on the General Fund. There is no increase in costs to the Park; Department by participating in an MOU extension with our Bay Area Partners For Coordinated Mussel Prevention (Bay Area Consortium). By participating in a regional mussel prevention effort as documented by our MOU, the County may be in a better position to secure AB2443 grant funds in order to offset existing vessel inspection program costs.

Prepared by:

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Lavonne Chin, Special Events Manager

Approved by:

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Mark Mariscal, Parks & Recreation Director

Attachments:

- (1) Proposed Resolution AB2443 Quagga 3.15.2016
- (2) Bay Area Regional Consortium Zebra & Mussel Prevention MOU grant 2010-2015