



Overview of CDFW's Draft Dreissenid Mussel Regulations

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EPA Regional Tribal Operations
Committee Meeting

CALIFORNIA DEPARTMENT OF
Fish and Wildlife



Quagga and Zebra Mussels

An Overview



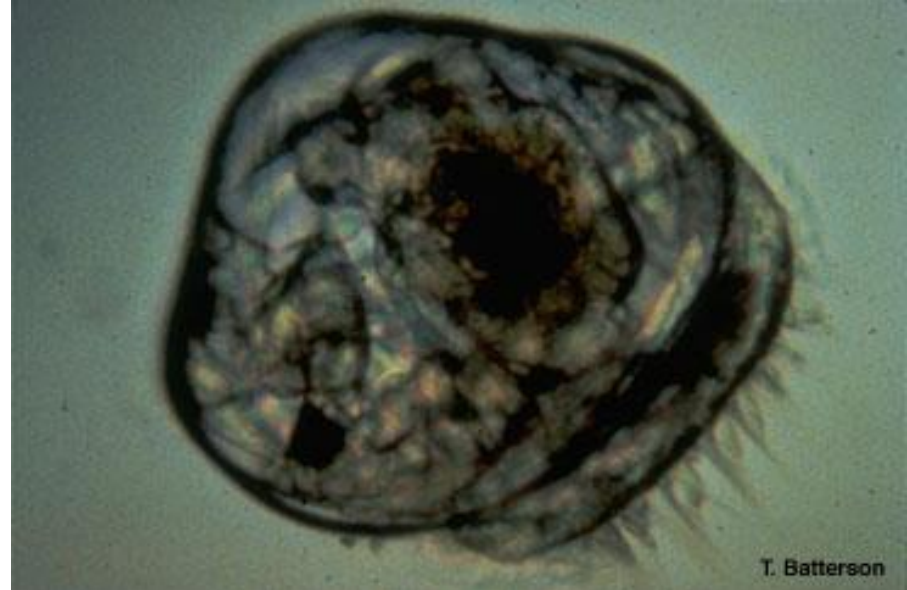
Description

- Freshwater bivalve
- Small, banded or solid color pattern
- Free-floating larval stage (veligers)



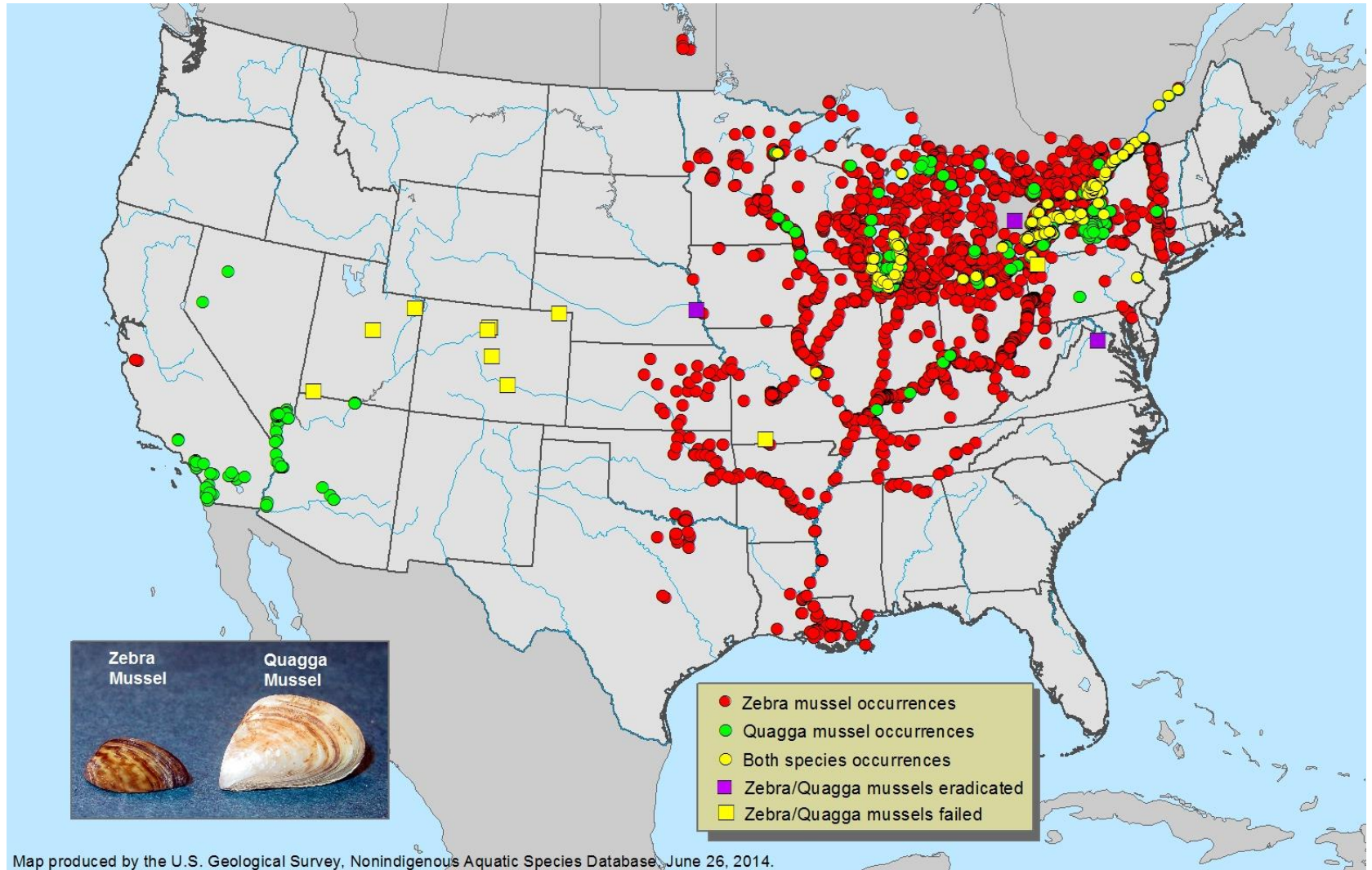
Impacts

- Destroy fisheries
- Damage boats
- Cripples water systems
- Costs could be billions



Quagga and Zebra Mussels

U.S. Infestation



Map produced by the U.S. Geological Survey, Nonindigenous Aquatic Species Database, June 26, 2014.

Range in California

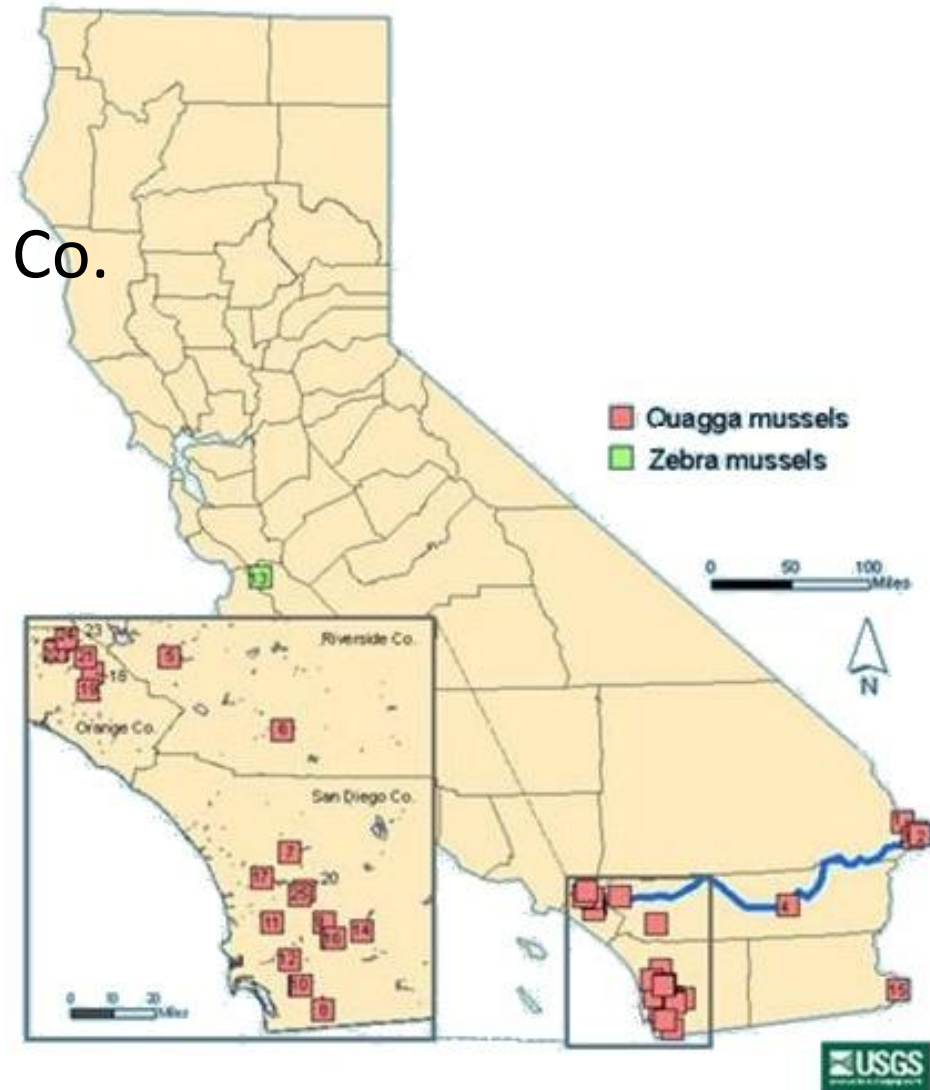


Quagga Mussel

- Jan 07 Colorado River
- Mar 07 San Bernardino Co.
- Jul 07 Riverside Co.
- Aug 07 San Diego Co.
- Feb 08 Imperial Co.
- Apr 08 Orange Co.

Zebra Mussel

- Jan 08 San Benito Co.



Quagga and Zebra Mussel Authority



- Fish and Game Code Section 2301
 - Inspection authority
 - Quarantine authority
 - Control Plans
- Fish and Game Code Section 2302
 - Prevention Programs
- California Code of Regulations
 - Restricted Species List – Title 14, Section 671



Zebra Mussels (*Dreissena polymorpha*) - USFWS Photo

Dreissenid Mussel Regulations



- Why Are Regulations Needed
 - Illegal to possess mussels
 - Reports
 - Timelines
 - Collection of program information
 - Annual reporting
 - Penalty Process
 - Fines
 - Appeal procedures

Dreissenid Mussel Regulations



- Title 14, California Code of Regulations
 - Proposing to add three new sections:
 - §681. Possession, Importation, and Transportation of Dreissenid Mussels
 - §681.5. Dreissenid Mussel Control and Prevention
 - §682. Dreissenid Mussel Penalty and Appeal Procedures

Dreissenid Mussel Regulations



- §681.5 Possession, Importation, and Transportation of Dreissenid Mussels
 - Definitions
 - Dreissenid Mussel Permit
 - Issued for outreach, education, species verification, training, disposal of mussel fouling debris
 - Dreissenid Mussel Permit Application



Quagga Mussel Substrate. CDFW File Photo

Dreissenid Mussel Regulations



- §681.5 Dreissenid Mussel Control and Prevention
 - §681.5(a) Control Plan
 - Plan meeting requirements of FGC §2301 must be submitted within 60 days of a request from CDFW or mussels being discovered
 - Annual Reports
 - Demonstrate program implementation
 - Penalties
 - Fine of up to \$1,000 for failure to submit a Control Plan or Annual Report

Dreissenid Mussel Regulations



- §681.5 Dreissenid Mussel Control and Prevention
 - §681.5(b) Prevention Program
 - Program Report
 - Summarizing program components
 - Submitted within 90 of a CDFW request
 - Annual Reports
 - Demonstrate program implementation
 - Penalties
 - Fine of up to \$1,000 for failure to submit a Prevention Program Summary Report or Annual Report

Dreissenid Mussel Regulations



- §681.5 Dreissenid Mussel Control and Prevention
 - §681.5(c) Inspection of Conveyances
 - Quarantine process for conveyances
 - Illegal to tamper with tags, stickers, bands, or other methods used to quarantine a conveyance
 - Quarantine Notice
 - Penalty of \$100 - \$1,000 for violations



CDFA File Photo

Dreissenid Mussel Regulations



- §682 Dreissenid Mussel Penalty and Appeal Procedures
 - Administrative Penalty Process
 - Written Notice of Penalty Assessment
 - Reason for penalty
 - Amount of penalty
 - Time and method for payment
 - Options for appeal
 - Appeal Procedures
 - Must file written request within 30 days of notice of penalty assessment
 - CDFW decision within 45 days of information received

Impact to Native American Tribes



- Federally Recognized Tribes
 - Not subject to Fish and Game Code §2301-2302 or the draft Dreissenid Mussel Regulations on Tribal lands
- Non-Federally Recognized Tribes
 - Subject to Fish and Game Code §2301-2302 and draft Dreissenid Mussel Regulations

Regulatory Next Steps



Regulatory Activity	Date
Preliminary Outreach	Comments due July 25, 2014
Regulations submitted to OAL	October 7, 2014
Public Notice	October 17-December 1, 2014
File Final Regulations with OAL	January 15, 2015
Regulations take effect	April 1, 2015



CDFW Contact Information

Invasive Species Issues

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