

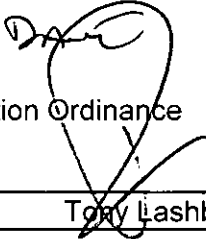
MEETING DATE: August 14, 2012

TO: Honorable Mayor and Council Members

FROM: Dan Olsen, Animal Services Manager

SUBJECT: New Aquatic Invasive Species Prevention Ordinance

APPROVED BY _____


Tony Lashbrook, Town Manager

RECOMMENDATION: Council waives the second reading and adopts Ordinance 2012-06 to help prevent the introduction and spread of Aquatic Invasive Species.

DISCUSSION: The Truckee River watershed is at risk of aquatic invasive species (AIS) introduction and establishment. This treat comes from infested water bodies, such as Lahontan Reservoir east of Reno, Nevada and potentially from Lake Mead in southern Nevada. Two threats that can result in the introduction of AIS are an environmentally destructive and irreversibly altered ecosystem and lake closures to stop the spread of AIS into northern and central California. Both of these threats would harm our recreational industry as well as the ecologically important fish species in the area.

Quagga and zebra mussels, Asian clams, New Zealand mud snail, along with other plant and warm water fish, are known AIS species that have established in nearby waters. The most recent of these was larval stage Quagga mussels found in both Lahontan and Rye Patch Reservoirs near Reno, Nevada. Boater survey data from 2011 showed there were 55 boaters that came to Truckee area waters from Lahontan Reservoir in one week alone. Six of the boaters agreed to decontamination and the remaining boaters were able to launch due to the absence of a regulated program.

For the past two boating seasons, the Tahoe Resource Conservation District (Tahoe RCD) has been operating a pilot AIS inspection program in Truckee and surrounding area water bodies with funding provided through the Truckee River Fund. That survey data was used to develop a proposed work plan which includes the adoption of the proposed ordinance. The ordinance and work plan was a joint effort of Town staff, the Resource Conservation District and the Truckee River Watershed Council.

If enacted this ordinance puts a mandatory inspection program in place for water bodies within the Truckee Town Limits. The focus of inspections will be on Donner Lake. The Truckee River and the Glenshire Pond are also covered by the ordinance should issues arise or complaints be received regarding infestation. Inspections would be done by trained personnel and any enforcement for violations of the ordinance would be done by the Town of Truckee.

The Truckee Donner Recreation and Park District will operate the inspection portion of the program

at its facility. A letter to that effect is attached. This would include the watercraft inspections and issuance of a sticker certifying that the vessel has been inspected and that the owner has signed an affidavit promising to keep their watercraft clean, drained, and dried. The Donner Lake Property Owners Association and the Tahoe Donner Association have also expressed their support for a mandatory program starting in 2013 and will check to see that boats launching at their facilities have been inspected. If not, the boat will be sent for inspection before launch. Overflow areas for inspection will be established during peak periods.

Exact details of how the program would operate will be brought back to the Town Council in the fall of 2012 after further consultation with the partner entities and the end of the 2012 season. The program will operate only during the summer months.

FISCAL IMPACT: Program revenue is proposed to come from an annual sticker fee of \$50 for each unique vessel. This cost was derived from the same boater surveys done by Tahoe RCD over the past two years. Additional funding for the implementation of the AIS program is expected to continue through the Truckee River Fund once the mandatory ordinance is adopted.

Staff time may be required to respond to start-up and enforcement issues generated from the ordinance. The additional work is anticipated to be minimal therefore, there is no significant fiscal impact to the Town. There may be a component that has the Town overseeing the administration of the overall AIS program. There would be staff costs associated with this oversight that is anticipated to be paid with funding from the Truckee River Fund and annual sticker fees. The amount of \$20,000 has been budgeted to cover those costs annually, if required and can be obligated as needed in the future.

A multi-jurisdictional enforcement effort with Placer, Nevada, and Sierra Counties was originally discussed. It was generally agreed, however, that a pilot program on Donner Lake and the smaller water bodies would be instructive before a larger program was undertaken.

PUBLIC COMMUNICATIONS: The Truckee River Watershed Council has held numerous public information forums over the past year which led to the development of this ordinance. After the first reading, a letter and a copy of this report and ordinance was sent to California Department of Boating and Waterways for review and comment as required by statute.

ATTACHMENTS:

1. Draft Ordinance 2012-06 is attached.

TOWN OF TRUCKEE
California

ORDINANCE 2012-06

AN ORDINANCE ESTABLISHING TITLE 14 AQUATIC INVASIVE SPECIES PREVENTION

The Town Council of the Town of Truckee Does Ordain as Follows:

Section 1. The Town Clerk is hereby directed to amend the Town of Truckee Municipal Code Title 14.01 Aquatic Invasive Species Prevention in accordance with Exhibit A.

Section 2. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Town Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 3. The Town Clerk will certify to the passage of this Ordinance by the Town Council of the Town of Truckee, California, and cause the same to be published once in the Sierra Sun, a newspaper of general circulation, published and circulated in the Town of Truckee, and will take effect thirty (30) days after its final passage.

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the Truckee Town Council held on the 24th day of July 2012, and adopted at a regular meeting of the Truckee Town Council, on the ___ day of ____; _____, moved for the adoption, the motion was seconded by _____ and was carried by the following vote:

AYES:

NOES:

ABSENT:

Joan deRyk Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Price, MMC, Town Clerk

Dennis Crabb, Town Attorney

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TITLE 14 AQUATIC INVASIVE SPECIES

CHAPTER 14.01 AQUATIC INVASIVE SPECIES PREVENTION

14.01.010 Purpose

The purpose of this ordinance is to protect all native and desired aquatic species and aquatic habitat in the Donner Lake, Glenshire Pond, and the Truckee River drainages by preventing the introduction and spread of Aquatic Invasive Species.

8.01.020 Findings

The Aquatic Invasive Species of Dreissenid mussels such as Quagga and Zebra mussels pose a significant and imminent threat to the water bodies within the Donner Lake, Glenshire Pond, and the Truckee River drainages. Dreissenid mussels have already created serious and irreparable harm to bodies of water located in other locations in the United States and California. Once introduced into a water body, these mussels proliferate at an alarming rate, drastically altering the ecosystem of that water body, harming and/or consuming native species and food resources within the ecosystems they infest. Dreissenid mussels additionally potentially pose a significant and imminent threat to the water distribution systems of Donner Lake, Glenshire Pond, and the Truckee River drainages.

Water vessels entering Donner Lake, Glenshire Pond, and the Truckee River drainages from other areas of the state and country may have recently been launched in infested counties or waters, making those vessels at high risk to carry mussels (adults and larvae) into Donner Lake, Glenshire Pond, and the Truckee River drainages waters.

A mandatory screening and inspection program for such vessels is integral to the preservation of the water bodies and water distribution systems with the Donner Lake, Glenshire Pond, and the Truckee River drainages and to the drainages from Donner Lake, Glenshire Pond, and the Truckee River drainages.

8.01.030 Aquatic Invasive Species Defined

Aquatic Invasive Species include but are not limited to invertebrates, plants, and warm water fishes. Aquatic Invasive Species pose a serious threat to the waters of the region. The following provisions shall be adhered to in order to prevent the introduction and spread of Aquatic Invasive Species.

8.01.040 Prohibition

The transport or introduction of Aquatic Invasive Species into the Donner Lake, Glenshire Pond, and the Truckee River drainages region is prohibited. Further, the knowingly launching of any watercraft contaminated with Aquatic Invasive Species into the waters of the Donner Lake, Glenshire Pond, and the Truckee River drainages region is prohibited.

8.01.050 Watercraft Inspection and Decontamination

1. All motorized and/or trailered watercraft shall be inspected by Town of Truckee or its designee prior to launching into the waters of the Donner Lake, Glenshire Pond, and the Truckee River drainages region to detect the presence and prevent the introduction of

Aquatic Invasive Species. Non-motorized watercraft may be subject to an inspection prior to entering the waters of the Donner Lake, Glenshire Pond, and the Truckee River drainages region if determined necessary by Town of Truckee or its designee.

2. All watercraft inspected in subsection (1) shall be subject to decontamination or quarantine for a period if determined necessary by an inspection. A watercraft shall launch only if: (a) the required decontamination is performed and completed by a certified individual pursuant to Town of Truckee or its designee standards and requirements for Aquatic Invasive Species, and (b) following the decontamination, the launch is authorized by a certified inspector pursuant to Town of Truckee or its designee standards and requirements for Aquatic Invasive Species Inspections.
3. An owner operator of a Boat Ramp or other Boat Launch Facility (inclusive of single family residences) shall close the ramp or facility to launching of watercraft of non-compliant vessels at all times when the provisions of subsection (2) have not been or cannot otherwise be provided or met.
4. Affidavit of Compliance: At the time of the inspection, the watercraft owner/operator shall be required to execute an affidavit which attests to the responsibility of that owner/operator to ensure that his/her watercraft is clean, drained and dry and properly screened, re-screened, inspected, and, if necessary, decontaminated prior to launching in a water body in the Donner Lake, Glenshire Pond, and the Truckee River drainages region. The Affidavit shall be signed under penalty of perjury.
5. If the watercraft owner/operator falsely provides information, this shall be a violation of this Ordinance.
6. A watercraft owner or operator may refuse to consent to said screening. If the watercraft owner or operator refuses to consent to screening, that watercraft shall not be allowed to launch in any water body within the Donner Lake, Glenshire Pond, and the Truckee River drainages region and shall be in violation of this Ordinance if he/she should nonetheless attempt to do so.

8.01.060 Fees

All watercraft inspected are subject to a fee to pay for the inspection and/or decontamination.

The schedule of fees will be those established and adopted by the Town Council from time to time by resolution.

8.01.070 Violations

A violation of any regulation set forth in this Chapter shall be punishable as provided in Chapter 1.03 of this Code (Administrative Remedies) and shall be enforced by Town Code Compliance or Police Department.

8.01.080 Public Nuisance Declaration

Any violation of this chapter is additionally declared to be unlawful and a public health nuisance and may be abated by authorized Town of Truckee or its designee, irrespective of any other remedy provided by law.

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