



June 30, 2025

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

The Honorable Mike McGuire  
Senate President Pro Tem  
1021 O Street, Suite 8518  
Sacramento, CA 95814

The Honorable Scott Weiner  
Chair, Senate Budget and Fiscal Review Committee  
1020 N Street, Room 502  
Sacramento, CA 95814

The Honorable Ben Allen  
Chair, Senate Budget Sub No. 2  
1020 N Street, Room 502  
Sacramento, CA 95814

The Honorable Robert Rivas  
Assembly Speaker  
1021 O Street, Suite 8330  
Sacramento, CA 95814

The Honorable Jesse Gabriel  
Chair, Assembly Budget Committee  
1021 O Street, Suite 8230  
Sacramento, CA 95814

The Honorable Steve Bennett  
Chair, Assembly Budget Sub No. 4  
1021 O Street, Suite 8230  
Sacramento, CA 95814

**Re: Request for Trailer Bill Language – Non-Native – Invasive Golden Mussels in California**

Dear Governor Newsom, Pro Tem McGuire, Speaker Rivas, Budget Chairs Weiner and Gabriel, and Budget Subcommittee Chairs Allen and Bennett:

On behalf of the undersigned organizations, we write to respectfully request your attention to an urgent matter concerning the presence of golden mussels in California's waterways. Without legislative protection and funding, the presence of golden mussels could jeopardize water supply reliability, severely restrict the ability of water suppliers to use imported water for groundwater recharge, and lead to closures of lakes and reservoirs across the state. While California water agencies did not introduce golden mussels into California, they will be responsible for control and eradication efforts that will unfortunately be passed on to ratepayers in the absence of state funding.

**Background**

The first known detection of golden mussels in North America occurred in the Delta in October 2024. Golden mussels are an invasive species that are known to spread rapidly, creating problems for infrastructure and water quality, and damaging native ecosystem health. Similar to quagga mussels, golden mussels attach to infrastructure in dense clusters, clogging water conveyance systems, pipelines, pumps, filters, and hydropower and agricultural facilities. They also alter food webs and nutrient cycles, deplete primary producers, outcompete native species, and can severely impact fisheries. As filter feeders they remove particles from the water causing increased water clarity and sunlight penetration, potentially promoting cyanobacterial blooms, including toxin-producing blooms.

In response, the California Fish and Game Commission took emergency action in December to add golden mussels to the restricted species list for purposes of possession and transportation. To control and prevent the

spread of these invasive mussels, numerous agencies initially implemented closures of their lakes and reservoirs for boating and recreation. Moving forward, those that allow boating are implementing new quarantine and inspection protocols.

Beyond recreation, water agencies will also have to implement costly control measures in their water conveyance operations to ensure critical water infrastructure continue to operate, prevent the spread of golden mussels to other water bodies, and to avoid restrictions on the ability to use imported water supplies for groundwater recharge. This issue is similar to that of quagga mussels, which were first discovered in California in 2007. Their discovery led to them being listed as restricted species, which brought challenges for water agencies' ability to move water through the system or put it into other waters of the state without being in violation of the Fish and Game Commission rules. As a result, legislation was passed authorizing water agencies to move water without being in violation of the restricted species rule, as long as those agencies adopted a mussel control plan that was approved by the California Department of Fish and Wildlife. This protection from liability served as a key avenue to ensure that water agencies could continue their operations and has led to effective control of quagga mussels in Colorado River supplies.

### **Request**

Now that golden mussels have been introduced into California's waterways, we request that the Legislature and Administration approve amendments to update Fish and Game Code (FGC) Sections 2301 and 2302, to include golden mussels and any other invasive freshwater mussel species. These amendments would prevent the introduction and spread of invasive mussels and ensure that water agencies operating under an appropriate mussel control plan are protected from regulatory enforcement, similar to amendments adopted for quagga mussel control.

In addition, there is a key funding need for these control efforts. Mussel control is a multi-million-dollar effort for the agencies implementing control plans. The water industry and its ratepayers should not be solely responsible for golden mussel control when they did not introduce golden mussels into California.

### **Summary**

Golden mussels are spreading rapidly and pose significant risks to water conveyance systems and Delta watershed biodiversity. The risk must be addressed urgently to contain the spread and allow California residents to continue existing recreation opportunities and to have access to reliable, clean drinking water. For these reasons, we urge the Legislature and Administration to amend (1) FGC 2301, authorizing water agencies operating under an appropriate mussel control plan to continue delivering water without fear of enforcement actions, and (2) FGC 2302, to require that any entity that owns and manages a reservoir where there is recreational boating to develop and implement a program to prevent the introduction of nonnative invasive mussels. In addition, we respectfully request additional funding in the FY 2025-26 budget to support golden mussel control efforts.

For any questions, please contact Glenn Farrel with the State Water Contractors at [glenn@gfadvocacy.com](mailto:glenn@gfadvocacy.com) or Jay Jefferson with Metropolitan Water District of Southern California at [jjeffersonii@mwdh2o.com](mailto:jjeffersonii@mwdh2o.com).

## **DRAFT LEGISLATION TO ADDRESS GOLDEN MUSSELS**

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### **PROPOSED REVISIONS TO SECTION 2301**

**§ 2301. Prohibitions relating to ~~dreissenid mussels~~invasive freshwater mussels; Authority of director; Plan to control or eradicate; Penalties [Repealed effective January 1, 2030]**

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**(a)**

**(1)** Except as authorized by the department, a person shall not possess, import, ship, or transport in the state, or place, plant, or cause to be placed or planted in any water within the state, invasive freshwater mussels. -For purposes of this section, “invasive freshwater mussels” means dreissenid mussels, commonly referred to as quagga or zebra mussels, Limnoperna fortunei, commonly referred to as golden mussels, and any other invasive freshwater mussels ~~any species added to the lists pursuant to Sections 2118 and 2120 or regulations promulgated thereunder.~~

**(2)** The director or the director’s designee may do all of the following:

**(A)** Conduct inspections of conveyances, which include vehicles, boats and other watercraft, containers, and trailers, that may carry or contain adult or larval ~~dreissenid mussels~~invasive freshwater mussels. Included as part of this authority to conduct inspections is the authority to temporarily stop conveyances that may carry or contain adult or larval ~~dreissenid mussels~~invasive freshwater mussels on any roadway or waterway in order to conduct inspections.

**(B)** Order that areas in a conveyance that contain water be drained, dried, or decontaminated pursuant to procedures approved by the department.

**(C)** Impound or quarantine conveyances in locations designated by the department for up to five days or the period of time necessary to ensure that ~~dreissenid mussels~~invasive freshwater mussels can no longer live on or in the conveyance.

**(D)**

**(i)** Conduct inspections of waters of the state and facilities located within waters of the state that may contain ~~dreissenid mussels~~invasive freshwater mussels. If ~~dreissenid mussels~~invasive freshwater mussels are detected or may be present, the director or the director’s designee may order the affected waters or facilities closed to conveyances or otherwise restrict access to the affected waters or facilities, and shall order that conveyances removed from, or introduced to, the affected waters or facilities be inspected, quarantined, or disinfected in a manner and for a duration necessary to detect and prevent the spread of ~~dreissenid mussels~~invasive freshwater mussels within the state.

**(ii)** For the purpose of implementing clause (i), the director or the director’s designee shall order the closure or quarantine of, or restrict access to, these waters, areas, or facilities in a manner and duration necessary to detect and prevent the spread of

~~dreissenid mussels~~invasive freshwater mussels within the state. A closure, quarantine, or restriction shall not be authorized by the director or the director's designee without the concurrence of the Secretary of the Natural Resources Agency. If a closure lasts longer than seven days, the department shall update the operator of the affected facility every 10 days on efforts to address the ~~dreissenid~~invasive freshwater mussel infestation. The department shall provide these updates in writing and also post these updates on the department's internet website in an easily accessible manner.

**(iii)** The department shall develop procedures to ensure proper notification of affected local and federal agencies, and, as appropriate, the Department of Water Resources, the Department of Parks and Recreation, and the State Lands Commission in the event of a decision to close, quarantine, or restrict a facility pursuant to this paragraph. These procedures shall include the reasons for the closure, quarantine, or restriction, and methods for providing updated information to those affected. These procedures shall also include protocols for the posting of the notifications on the department's internet website required by clause (ii).

**(iv)** When deciding the scope, duration, level, and type of restrictions, and specific location of a closure or quarantine, the director shall consult with the agency, entity, owner, or operator with jurisdiction, control, or management responsibility over the marina, boat launch facility, or other facility, in order to focus the closure or quarantine to specific areas and facilities so as to avoid or minimize disruption of economic or recreational activity in the vicinity.

**(b)**

**(1)** Upon a determination by the director that it would further the purposes of this section, other state agencies, including, but not limited to, the Department of Parks and Recreation, the Department of Water Resources, the Department of Food and Agriculture, and the State Lands Commission, may exercise the authority granted to the department in subdivision (a).

**(2)** A determination made pursuant to paragraph (1) shall be in writing and shall remain in effect until withdrawn, in writing, by the director.

**(c)**

**(1)** Except as provided in paragraph (2), Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the implementation of this section.

**(2)** An action undertaken pursuant to subparagraph (B) of paragraph (2) of subdivision (a) involving the use of chemicals other than salt or hot water to decontaminate a conveyance or a facility is subject to Division 13 (commencing with Section 21000) of the Public Resources Code.

**(d)**

**(1)** A public or private agency that operates a water supply system shall cooperate with the department to implement measures to avoid infestation by ~~dreissenid~~musselsinvasive freshwater mussels and to control or eradicate any infestation that may



occur in a water supply system, to the extent feasible. If ~~dreissenid mussels~~invasive freshwater mussels are detected, the operator of the water supply system, in cooperation with the department, shall prepare and implement a plan to manage, control, or eradicate ~~dreissenid mussels~~invasive freshwater mussels within the system to the extent operationally feasible, to eliminate or minimize any potential downstream transport of invasive freshwater mussels. Agencies shall provide a certification to the department that their plans comply with the provisions of this section subject to periodic review by the department. The ~~approved self-certified~~ plan shall contain the following minimum elements:

**(A)** Methods for delineation of infestation, including both adult mussels and veligers.

**(B)** Methods for control or eradication of adult mussels and decontamination of water containing larval mussels.

**(C)** A systematic monitoring program to determine any changes in conditions.

**(D)** The requirement that the operator of the water supply system permit inspections by the department as well as cooperate with the department to update or revise control or eradication measures in the ~~approved self-certified~~ plan to address scientific advances in the methods of controlling or eradicating mussels and veligers.

**(2)** If the operator of water delivery and storage facilities for public water supply purposes has prepared, initiated, and is in compliance with all the elements of a ~~approved self-certified~~ plan to control or eradicate ~~dreissenid mussels~~invasive freshwater mussels in accordance with paragraph (1), the requirements of subdivision (a) do not apply to the operation of those water delivery and storage facilities, and the operator is not subject to any civil or criminal liability for the introduction of ~~dreissenid~~invasive freshwater mussel species as a result of those operations. The department may require the operator of a facility to update its plan, and if the plan is not updated or revised as described in subparagraph (D) of paragraph (1), subdivision (a) shall apply to the operation of the water delivery and storage facilities covered by the plan until the operator updates or revises the plan and initiates and complies with all of the elements of the updated or revised plan.

**(e)** Any entity that discovers ~~dreissenid mussels~~invasive freshwater mussels within this state shall immediately report the discovery to the department.

**(f)**

**(1)** In addition to any other penalty provided by law, any person who violates this section, violates any verbal or written order or regulation adopted pursuant to this section, or who resists, delays, obstructs, or interferes with the implementation of this section, is subject to a penalty, in an amount not to exceed one thousand dollars (\$1,000), that is imposed administratively by the department.

**(2)** A penalty shall not be imposed pursuant to paragraph (1) unless the department has adopted regulations specifying the amount of the penalty and the procedure for imposing and appealing the penalty.

- (g) The department may adopt regulations to carry out this section.
  - (h) Pursuant to Section 818.4 of the Government Code, the department and any other state agency exercising authority under this section shall not be liable with regard to any determination or authorization made pursuant to this section.
  - (i) This section shall remain in effect only until January 1, ~~2030~~2035, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2030~~2035, deletes or extends that date.
- (4) This bill would declare that it is to take effect immediately as an urgency statute.

## **DRAFT BILL**

**SECTION 1.** The Legislature finds and declares all of the following:

- (a) Mussels of the genus Dreissena and Limnoperna (invasive freshwater mussels) are a harmful, highly invasive species, and not native to California.
- (b) Invasive freshwater mussels, which include both zebra and quagga mussels, were first discovered in the United States in the Great Lakes in or around 1988. This infestation has caused billions of dollars in costs to public agencies and private industry. Invasive freshwater mussels have been detected in Lake Mead on the Arizona-Nevada border and in Lake Havasu in California.
- (c) Golden mussels have been confirmed in approximately 30 locations throughout the California Delta and in the State Water Project
- (d) Invasive freshwater mussels can readily move from place to place as free-swimming larvae and adults, and reproduce rapidly and in large numbers. Invasive freshwater mussels can severely hinder the delivery of water due to the mussels' capacity to clog or foul pipes, pumps, and other water intake structures, water delivery systems, powerplant intakes, cooling systems, and fish screens. Invasive freshwater mussels damage the hulls, propellers, and motors of boats and other watercraft.
- (e) Invasive freshwater mussels alter the natural food web of aquatic ecosystems. By filtering planktonic algae and other nutrients that are the primary base of the food chain from the water, invasive freshwater mussels can cause the decline o-r extirpation of native species, and otherwise disrupt the ecological balance of infested water bodies.
- (f) Invasive freshwater mussels' sharp-edged shells along swimming beaches can be a hazard to unprotected feet.
- (g) In order to protect and preserve the health and safety of the people of the State of California, its economy, and its fish and wildlife resources, it is the intent of the Legislature to establish an effective program to prevent additional invasive freshwater mussels from entering the state, to prevent invasive freshwater mussels from being introduced into any water in California where they currently do not exist, and to detect and destroy invasive freshwater mussels anywhere in the state.

**SEC. 2.** Section 2301 of the Fish and Game Code is amended to read:

[INSERT WHEN DONE]

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**SEC. 3.** 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 minimize the adverse impacts caused by listed invasive species, including impacts on water service deliveries, watercraft, recreational swimmers, and aquatic ecosystems, as soon as possible, it is necessary that this act take effect immediately.



# California Code, Fish and Game Code - FGC § 2302

Current as of January 01, 2023 | Updated by [FindLaw Staff](#)

(a) Any person, or federal, state, or local agency, district, or authority that owns or manages a reservoir, as defined in [Section 6004.5 of the Water Code](#), where recreational, boating, or fishing activities are permitted, except a privately owned reservoir that is not open to the public, shall do both of the following:

(1) Assess the vulnerability of the reservoir for the introduction of nonnative dreissenid-invasive freshwater mussel species, including dreissenid mussels commonly referred to as quagga or zebra mussels, and Limnoperna fortunei, commonly referred to as golden mussels, and any other invasive freshwater mussel species added to the lists pursuant to Sections 2118 and 2120 or regulations promulgated thereunder.

(2) Develop and implement a program designed to prevent the introduction of nonnative dreissenid-invasive freshwater mussel species.

(b) The program shall include, at a minimum, all of the following:

(1) Public education.

(2) Monitoring.

(3) Management of those recreational, boating, or fishing activities that are permitted.

(c) Any person, or federal, state, or local agency, district, or authority, that owns or manages a reservoir, as defined in [Section 6004.5 of the Water Code](#), where recreational, boating, or fishing activities of any kind are not permitted, except a privately owned reservoir that is not open to the public, shall, based on its available resources and staffing, include visual monitoring for the presence of mussels as part of its routine field activities.

(d) Any entity that owns or manages a reservoir, as defined in [Section 6004.5 of the Water Code](#), except a privately owned reservoir that is not open to the

public for recreational, boating, or fishing activities, may refuse the planting of fish in that reservoir by the department if the owner/operator of the reservoir determines the planting presents an unacceptable risk of introduction of an invasive mussel species. ~~unless the department can demonstrate that the fish are not known to be infected with nonnative dreissenid mussels.~~

(e) Except as specifically set forth in this section, this section applies both to reservoirs that are owned or managed by governmental entities and reservoirs that are owned or managed by private persons or entities.

(f) Violation of this section is not subject to the sanctions set forth in [Section 12000](#). In lieu of any other penalty provided by law, a person who violates this section shall, instead, be subject to a civil penalty, in an amount not to exceed one thousand dollars (\$1,000) per violation, that is imposed administratively by the department. To the extent that sufficient funds and personnel are available to do so, the department may adopt regulations establishing procedures to implement this subdivision and enforce this section.

(g) This section shall not apply to a reservoir in which nonnative dreissenid mussels and *Limnoperna fortunei* have been detected.