

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, ADDING CHAPTER 6.02 TO THE NAPA
COUNTY CODE AUTHORIZING INSPECTIONS OF WATERCRAFT
FOR INVASIVE MUSSELS AT LAKE BERRYESSA**

WHEREAS, fresh-water mussels, such as Quagga, Zebra, and Golden Mussels, are invasive species that reproduce prolifically, capable of rapidly colonizing and clogging water infrastructure as well as altering the aquatic environment by removing phytoplankton and displacing native species; and

WHEREAS, invasive mussels can inadvertently be introduced into new water bodies by boats which are used in infested waterways, then trailered and launched into pristine lakes or reservoirs without being adequately cleaned and dried; and

WHEREAS, Napa County is engaged in projects to increase recreational opportunities at Lake Berryessa through an agreement with the Federal Bureau of Reclamation (BOR), which will lead to more recreational boating at the lake; and

WHEREAS, invasive mussels are not known to inhabit Lake Berryessa, but there are other water bodies within a one-hour drive of Lake Berryessa known to be infested with invasive mussels; and

WHEREAS, invasive adult mussels can survive for up to thirty days out of water under ideal conditions, and their larvae can survive for approximately the same amount of time in small amounts of water left inside a boat or trailer; and

WHEREAS, invasive mussels are difficult to eradicate once they are established, and are best managed by preventing their introduction in the first place; and

WHEREAS, the California Code of Regulations at 14 C.C.R. § 671 identifies Quagga,

Zebra, and Golden Mussels as “detrimental animals” which are unlawful to import, transport, or possess without a permit issued by the Department of Fish and Wildlife; and

WHEREAS, local agencies may adopt and enforce local laws on BOR facilities, lands, and waterbodies, pursuant to the Federal Code of Regulations at 43 C.F.R. § 423.3; and

WHEREAS, Napa County is under contract with BOR to provide law enforcement services at Lake Berryessa.

NOW, THEREFORE, the Board of Supervisors of Napa County ordains as follows:

SECTION 1. Chapter 6.02 (Invasive Mussels) of Title 6 (Animals) is added to the Napa County Code to read in full as follows:

Chapter 6.02 – INVASIVE MUSSELS

6.02.010 – Purpose.

The purpose of this chapter is to help prevent the introduction of invasive mussels, such as Quagga, Zebra, and Golden Mussels, into Lake Berryessa.

6.02.020 – Definitions.

As used in this chapter:

“Invasive mussel” means any mussel identified in Section 671 of Title 14 of the California Code of Regulations, as may be amended, including Quagga, Zebra, and Golden Mussels.

“Launch” means to allow any part of a vessel, boat or other watercraft to contact the surface of Lake Berryessa.

“Motorized” means equipped with a motor to provide propulsion.

6.02.030 – Inspections.

- A. County employees, Sheriff’s deputies, and any inspectors hired by the county, may inspect any vehicles, trailers, vessels, boats and other watercraft, whether motorized or not, that could carry or contain adult or larval invasive mussels, at any resort or recreational area at Lake Berryessa. This authority includes the right to temporarily stop any vehicles, trailers, vessels, boats and other watercraft within a resort or

recreational area, or on Lake Berryessa, that may carry invasive mussels in order to conduct inspections.

- B. County employees, Sheriff's deputies, and any inspectors hired by the county may deny access to Lake Berryessa and order the removal of any vessel, boat or other watercraft from the lake that:
 - 1. Is motorized and does not display a valid and intact mussel inspection sticker, seal or tag;
 - 2. Fails a mussel inspection at Lake Berryessa; or
 - 3. Is not adequately inspected for mussels because a person interferes with or prevents an inspection from occurring.
- C. Employees or subcontractors of concessionaires operating resort or recreational areas at Lake Berryessa may exercise the authority granted by this section.
- D. Employees or representatives of the Solano County Water Agency may exercise the authority granted by this section.
- E. Peace Officers as defined in Penal Code Sections 830.1 and 830.2 and whose jurisdiction includes Lake Berryessa, and Wildlife Officers with the California Department of Fish and Wildlife, may exercise the authority granted by this section.

6.02.040 – Violations.

- A. It is unlawful to launch any motorized vessel, motorized boat or other motorized watercraft at Lake Berryessa that does not display a valid and intact mussel inspection sticker, seal or tag.
- B. It is unlawful to launch any vessel, boat, or other watercraft at Lake Berryessa that fails an inspection at the lake without being reinspected and passing inspection.
- C. It is unlawful to launch any motorized vessel, motorized boat or other motorized watercraft into Lake Berryessa from anywhere other than a designated boat launch at a resort or recreational area.

6.02.050 – Penalties.

- A. Except as otherwise provided in this section, a person who violates Section 6.02.040 is guilty of an infraction, punishable by a fine as set forth in Section 1.20.150(A) of this code.
- B. A person who violates Section 6.02.040 with the intent to avoid inspection or reinspection for mussels is guilty of a misdemeanor, punishable by a fine, imprisonment, or both, as set forth in Section 1.20.150(B) of this code.

SECTION 2. The Board of Supervisors finds that adoption of this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, as relating to the operation of existing facilities involving negligible or no expansion of existing or former use.

SECTION 3. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 4. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 5. A summary of this Ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

The foregoing Ordinance was introduced at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 24th day of June, 2025, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 22nd day of July, 2025, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____

ABSTAIN:	SUPERVISORS	_____

ABSENT:	SUPERVISORS	_____

NAPA COUNTY, a political subdivision of the
State of California

ANNE COTTRELL, Chair of the
Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas C. Zeleny</u> Chief Deputy County Counsel</p> <p>By: <u>McKayla McMahon</u> Code Services</p> <p>Date: <u>May 29, 2025</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____</p> <p>_____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
NEHA HOSKINS, CLERK OF THE BOARD