Introduced by Assembly Member Eggman

February 22, 2013

An act to add Section 1506 to the Fish and Game Code, relating to wildlife management.

LEGISLATIVE COUNSEL’S DIGEST

AB 896, as introduced, Eggman. Wildlife management areas: mosquito abatement.

1) Existing law provides for the formation of mosquito abatement and vector control districts, and prescribes the powers, functions, and duties of those districts, as specified. The existing Fish and Game Code authorizes the Department of Fish and Wildlife to take specified actions to protect, restore, rehabilitate, and improve fish and wildlife habitat.

Statutory provisions that were repealed on January 1, 2010, required a mosquito abatement and vector control district whose boundaries include one or more wildlife management areas to periodically, or at least semiannually, notify the department of those areas that exceed locally established mosquito population thresholds and associated mosquito control costs. These provisions required the department to take specified actions with regard to the control and abatement of mosquitos in those wildlife management areas. These provisions required those mosquito abatement and vector control districts, in consultation with the department, to develop standardized monitoring procedures for mosquito surveillance, as prescribed, for each managed wetland habitat at each wildlife management area, and to provide an annual report to the department of pesticide use in those habitats and areas, as specified.
This bill would permanently reenact those provisions. This bill would also make nonsubstantive conforming changes. By imposing new duties on local agencies with regard to mosquito control and abatement practices in wildlife habitat areas, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

SECTION 1. Section 1506 is added to the Fish and Game Code, to read:

1506. (a) (1) It is the intent of the Legislature to control mosquito production on managed wetland habitat that is owned or managed by the department, in a manner that does all of the following:

(A) Maintains or enhances the waterfowl and other wildlife values of that habitat.

(B) Minimizes financial costs to the department and local mosquito abatement and vector control districts.

(C) Reduces the need for chemical treatment or other nonecological control of mosquitoes.

(D) Increases coordination and communication between the department, local mosquito abatement and vector control districts, and the State Department of Public Health.

(E) Maintains and protects humans, domestic animals, and wildlife from vector-borne diseases such as West Nile virus.

(2) The Legislature further finds and declares that the implementation of mosquito prevention best management practices on managed wetland habitat is critical to the department’s effort to reduce mosquito production on its wildlife management areas.

(b) For purposes of this section, the following definitions apply:

(1) “Managed wetland habitat” means artificially irrigated and intensively managed wetland habitat administered primarily for the benefit of waterfowl and other wetland-dependent species.
(2) “Best management practices” means management strategies jointly developed by the department, the State Department of Public Health, and mosquito abatement and vector control districts, in consultation with the Central Valley Habitat Joint Venture, for the ecological control of mosquitoes on managed wetland habitat.

(3) “Wildlife management area” has the same meaning as set forth in subdivision (d) of Section 1504.

(4) “Mosquito abatement and vector control district” has the same meaning as set forth in subdivision (f) of Section 2002 of the Health and Safety Code.

(c) (1) A mosquito abatement and vector control district whose district boundaries include one or more wildlife management areas shall periodically, or at least semiannually, notify the department of those areas that exceed locally established mosquito population thresholds and associated mosquito control costs. The district shall provide the basis for the established thresholds to the department. Those thresholds and costs may be reviewed by the State Department of Public Health for conformity to generally acceptable mosquito control standards.

(2) In order to reduce mosquito production at those wildlife management areas described in paragraph (1), the department shall do all of the following:

(A) Identify best management practices for each applicable wildlife management area that, when implemented, would result in the mosquito population being reduced below the locally established threshold value while maintaining and enhancing the waterfowl and other wildlife values of that habitat.

(B) In consultation with the local mosquito abatement and vector control district, develop and implement a mosquito control plan that applies the best management practices and any other necessary management practices at each applicable wildlife management area.

(C) If capital improvements or other infrastructure are required to implement selected best management practices at a wildlife management area, the department shall work to secure any necessary funding through the board or other appropriate sources.

(D) In coordination with the local mosquito abatement and vector control district, develop each spring an annual work plan for each wildlife management area that specifies the intended management activities for each unit of the wildlife management
area and that, to the extent practicable, employs best management
practices.
(E) Implement the best management practices referenced in the
annual work plan to the greatest extent possible, recognizing that
unanticipated modifications to those plans are often necessary due
to the uncertainty of water availability, water conveyance problems
associated with beaver, muskrat and other animal activity, ditch,
levee or pump failures, equipment breakdowns, rainfall or
runoff-induced natural flooding, and other factors beyond the
control of the department’s wetland managers, all of which may
require periodic alteration of wetland management plans.
(F) Meet with the local mosquito abatement and vector control
district each summer to coordinate fall flooding of managed
wetland habitat at each applicable wildlife management area and,
if chemical treatment or other nonecological control is necessary,
conduct post-fall flooding meetings to discuss the refinement of
best management practices.
(G) If the wetland occupies land outside the jurisdictional
boundaries of a mosquito abatement and vector control district,
the department may consult with the State Department of Public
Health to determine which best management practices can be
implemented in the absence of an organized local mosquito control
program.
(d) A mosquito abatement and vector control district whose
boundaries include a wildlife management area described in
paragraph (1) of subdivision (c) shall do all of the following:
(1) In consultation with the department, develop standardized
monitoring procedures for mosquito surveillance for each managed
wetland habitat at each wildlife management area, and, when the
monitoring procedures are completed, provide a copy of the
procedures to the department. These procedures may be reviewed
by the State Department of Public Health for conformity to
generally accepted mosquito control standards.
(2) Conduct posttreatment monitoring of wildlife management
area lands and develop performance criteria to document mosquito
control effectiveness.
(3) Provide an annual report to the department specifying the
types and quantities of pesticides used, types of habitat sprayed,
and the total number of acres treated in a wildlife management
area. The annual report shall also include recommendations for
the refinement of best management practices to reduce the need
for any chemical treatment or other nonecological control.
SEC. 2. No reimbursement is required by this act pursuant to
Section 6 of Article XIII B of the California Constitution because
a local agency or school district has the authority to levy service
charges, fees, or assessments sufficient to pay for the program or
level of service mandated by this act, within the meaning of Section