



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-718 Mosquito abatement and vector control districts: managed wetland habitat: memoranda of understanding. (2017-2018)

SHARE THIS:  

Date Published: 10/04/2017 02:00 PM

Assembly Bill No. 718

CHAPTER 446

An act to amend Section 1506 of the Fish and Game Code, relating to pest abatement.

[Approved by Governor October 03, 2017. Filed with Secretary of State October 03, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 718, Frazier. Mosquito abatement and vector control districts: managed wetland habitat: memoranda of understanding.

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. Existing law authorizes a district to levy special taxes, to levy special benefit assessments for specified purposes, and to charge a fee to cover the cost of any service that the district provides or the cost of enforcing any regulation for which the fee is charged.

Existing law requires a mosquito abatement and vector control district whose boundaries include one or more wildlife management areas or in which vectors and vectorborne diseases from a wildlife management area may enter the district to notify the Department of Fish and Wildlife of those areas that are of concern due to the potential for high mosquito populations that may incur associated mosquito control costs. Existing law requires the department to consult with districts to identify those areas within those wildlife management areas having the highest need for additional mosquito reduction through the implementation of best management practices, as defined.

This bill would authorize a private landowner whose property includes managed wetland habitat, as defined, located within the boundaries of a district and meets other criteria to initiate the opportunity to enter into a memorandum of understanding with the district to establish a process to implement best management practices with regard to the managed wetland habitat. The bill would authorize the Central Valley Joint Venture, in consultation with districts, the department, and the State Department of Public Health, to periodically modify the best management practices in order to best fulfill certain purposes. To the extent that the bill imposes additional duties on a district, the bill would impose a state-mandated local program.

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1506 of the Fish and Game Code is amended to read:

1506. (a) 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 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.

(b) (1) A mosquito abatement and vector control district whose district boundaries include one or more wildlife management areas or a mosquito abatement and vector control district in which vectors and vectorborne diseases from a wildlife management area may enter the district shall periodically, or at least semiannually, notify the department of those areas that are of concern due to the potential for high mosquito populations that may incur associated mosquito control costs.

(2) (A) To reduce mosquito production at those wildlife management areas described in paragraph (1), the department shall consult with local mosquito abatement and vector control districts to identify those areas within wildlife management areas having the highest need for additional mosquito reduction through the implementation of best management practices.

(B) 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.

(c) This section does not affect existing authority of a mosquito abatement and vector control district under Section 2040 of the Health and Safety Code.

(d) (1) A private landowner whose property includes managed wetland habitat located within the boundaries of a mosquito abatement and vector control district may initiate the opportunity to enter into a memorandum of understanding with the district if all of the following criteria are met:

(A) The managed wetland habitat is encumbered by a state or federal conservation easement or similar state or federal voluntary habitat agreement or is protected in perpetuity by state or federal law.

(B) The managed wetland habitat is within the boundaries of the Central Valley Joint Venture, as those boundaries are identified in the Central Valley Joint Venture Implementation Plan.

(2) The goal of a memorandum of understanding entered into pursuant to paragraph (1) is to establish a process to implement best management practices for the purposes of decreasing mosquito production, providing net cost savings to the landowner, decreasing the application of pesticides, and maintaining or enhancing the waterfowl habitat values on the property.

(3) Notwithstanding paragraph (2) of subdivision (a), the Central Valley Joint Venture, in consultation with mosquito abatement and vector control districts, the department, and the State Department of Public Health, may periodically modify the best management practices in order to best fulfill the purposes described in paragraph (2) of this subdivision.

(4) A memorandum of understanding entered into pursuant to paragraph (1) shall not conflict with the provisions of any applicable conservation easement or other state or federal habitat agreement. The participating private landowner shall ensure that the memorandum of understanding is in compliance with the requirements of this paragraph. Compliance with the requirements of this paragraph is the sole responsibility of the private landowner and subject to enforcement pursuant to the terms contained in any applicable conservation easement or habitat agreement.

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 17556 of the Government Code.