

# HUMBOLDT BAY MUNICIPAL WATER DISTRICT

## ORDINANCE NO. 26

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AMENDING AND RESTATING ORDINANCE 19 REGARDING THE REGISTRATION AND INSPECTION PROGRAM FOR ALL WATERCRAFT AT RUTH LAKE

#### RECITALS

Whereas, pursuant to Ordinance 19, the Humboldt Bay Municipal Water District (“District” or “HBMWD”) adopted and maintains a watercraft registration and inspection program for its water system;

Whereas, by way of this Ordinance, the District desires to amend and restate Ordinance 19 as set forth below.

NOW, THEREFORE, be it ordained by the Board of Directors of Humboldt Bay Municipal Water District as follows:

#### **SECTION I. Findings:**

Whereas, the District owns and operates a regional water system, including Ruth Lake, the primary function of which is to provide water to municipal and industrial users in Humboldt County; and

Whereas, Ruth Lake represents a continuing, important recreational feature of Trinity County; and

Whereas, maintaining and preserving the water quality in Ruth Lake is of critical importance for HBMWD’s water supply; and

Whereas, the ability of HBMWD to fulfill its primary function and responsibility is threatened by the real potential of the introduction of aquatic invasive species, including mussel species that are not native to the United States, California, or to Ruth Lake and the Mad River; and

Whereas, HBMWD’s responsibility requires that it take action to prevent the introduction of aquatic invasive species, including but not limited to Dreissenid mussels (Quagga Mussels and Zebra Mussels), and Golden Mussels (*Limnoperna fortunei*); and

Whereas, the presence of aquatic invasive mussel species, particularly Quagga Mussels and Golden Mussels, has been confirmed in multiple California waterways, posing a significant and escalating threat to public water infrastructure, aquatic ecosystems, and water quality statewide; and

Whereas, Quagga Mussels have been identified in over 45 water bodies in California, including but not limited to Castaic Lake and Lagoon (Los Angeles County), Pyramid Lake (Los Angeles County), the Freeman Diversion Facility (Ventura County), and throughout portions of the Santa Clara River system; and

Whereas, Quagga Mussels continue to spread across Southern and Central California, establishing dense colonies that obstruct water conveyance systems, reduce hydraulic efficiency, increase maintenance costs, and impair ecosystem health; and

Whereas, in October 2024, Golden Mussels were detected for the first time in North America, with confirmed presence in the Sacramento–San Joaquin Delta near the Port of Stockton (San Joaquin County), and suspected presence in O’Neill Forebay (Merced County), with genetic verification pending; and

Whereas, Golden Mussels, native to Southeast Asia and previously established in South America, are capable of rapid reproduction and attachment to submerged surfaces, threatening to clog water intake structures, damage municipal and industrial water systems, and outcompete native aquatic species; and

Whereas, the proximity of these infestations to interconnected water systems and major transportation corridors in California creates an imminent risk of further spread to uninfested water bodies, including Ruth Lake and the Mad River watershed; and

Whereas scientific and technical evidence has shown that once a water body is infested with aquatic invasive mussels such as Dressedid or Golden Mussels, there are few possibilities for eradicating said species, and attempts to eradicate these species are both problematic and expensive; and

Whereas, scientific and technical evidence has shown that one of the most common means of transportation of these mussel species from one water body, lake or reservoir to another is by the species being attached to, or included with, watercraft, boat trailers, hulls, anchors, vegetation caught on vehicles or outboard motors, and by the species being carried in water found in wet wells,

built-in or removable bait tanks, associated plumbing, engine cooling systems, pumps and bilges; and

Whereas, infestation by aquatic invasive mussels could result in conditions that would reduce Ruth Lake leaseholder and private property values; and

Whereas, aquatic invasive mussels could adversely affect fishery and sport values at Ruth Lake and Mad River; and

Whereas, these mussels may attach themselves to almost all hard surfaces, causing extreme maintenance problems for the water delivery system, including intake structures, pipes, pump stations and other infrastructure, and can result in drastic impacts to lake water quality and the aquatic environment; and

Whereas, the HBMWD, based on its research, consultation and communication with other Federal, State and local agencies is aware of the critical and imminent situation facing the District due to the proximity of actual or potential aquatic invasive species infestations at water bodies throughout California, and the fact that potentially infected and unquarantined water bodies are within a reasonable driving distance to Ruth Lake; and

Whereas this Ordinance is authorized by numerous authorities, including but not limited to, Water Code Section 71590, Water Code Section 71660, Health & Safety Code Section 117105 and the general police powers of the District; and

Whereas, the Master Lease between the County of Trinity and HBMWD dated December 31, 1964 and assigned by the County of Trinity to the Ruth Lake Community Services District on July 20, 1966 provides that the lessee thereof:

[S]hall not nor shall any of them in any way interfere with Lessor's lake and dam, the water therein, or the beneficial enjoyment and use thereof or the quantity thereof. The parties hereto recognize that the waters impounded in said lake are intended for both human and industrial consumption and that every effort must be taken and maintained in order to preserve the purity and quantity thereof; and

Whereas, the Sublease entered into between the Ruth Lake Community Services District ("RLCSD") and its sublessees provides that:

Subleasee acknowledges that Ruth Lake is an artificial impoundment of water created primarily for municipal and industrial purposes and that any recreational use of the water is subordinate to such uses;

Whereas, in compliance with Fish & Game Code Section 2302 (AB 2065), the HBMWD and RLCSD jointly formulated a "Aquatic Invasive Species Prevention Plan at Ruth Lake" ("Prevention Plan"). The Prevention Plan was approved by the RLCSD on June 10, 2025 and by the HBMWD on June 10, 2025; and

Whereas, the HBMWD hereby restates and incorporates by reference the entire Prevention Plan as though stated in full herein, and as it may be amended from time to time.

## **SECTION II. Definitions.**

For purposes of this Ordinance, the following words and phrases shall have the following meanings:

A. "All other watercraft" means the same as Category 2 Watercraft as defined in the Prevention Plan.

B. "Inspection Procedures" means the program of registration and inspection required by this Ordinance to ensure that all Watercraft launching onto Ruth Lake are in compliance with this Ordinance and the Prevention Plan.

C. "Inspector" means an individual who has received the necessary training approved by the State Department of Fish and Game or other agency to conduct inspections of Watercraft for the purpose of determining whether said vessels are in compliance with this Ordinance and the Prevention Plan.

D. "Launch Site" or "Launch Sites" shall be those locations approved for the Launch of Watercraft in this Ordinance or the Prevention Plan.

E. "Live bait" means any fish, or other organisms used in conjunction with fishing.

F. "Registration Sticker" means the sticker issued by an Inspector evidencing the fact that the vessel to which the sticker is affixed has satisfied the Inspection Procedures.

G. "Sworn Affidavit" or "Affidavit" means any document submitted by any person signed under penalty of perjury attesting to the truth of the statements contained therein.

H. "Watercraft" means any boat, trailer, kayak, raft, jet ski, float plane, or other device capable of being launched onto Ruth Lake. "Watercraft" includes all motorized and non-

motorized Watercraft.

I. “Watercraft Resident to Ruth Lake” means the same as Category 1 Watercraft as defined in the Prevention Plan.

### **SECTION III. Applicability.**

This Ordinance shall be applicable to any Watercraft intending to launch onto Ruth Lake.

### **SECTION IV. Registration Stickers.**

A. Each Watercraft must be affixed with a Registration Sticker issued by an Inspector showing compliance with the Inspection Procedures prior to launching that Watercraft onto Ruth Lake.

B. Each Registration Sticker shall be valid for the time period and conditions as set forth in the Prevention Plan.

### **SECTION V. Inspection and Registration.**

A. Inspection Procedures are required on all Watercraft to be launched onto Ruth Lake, except for:

1. Watercraft approved in Category 1 which have been issued a Yellow Inspection Sticker for the current year, and
2. Watercraft in Category 2 which previously passed Inspection Procedures and have been issued a Red Inspection Sticker for the current year and have either (i) an intact tamper-proof band issued by an Inspector which ties the Watercraft to the trailer, or (ii) a valid duration pass issued by an Inspector.

B. Owners of Watercraft Resident to Ruth Lake (Category 1) as defined in the Prevention Plan shall register their Watercraft and submit a sworn affidavit in a form to be provided by the Inspector. Only Category 1 Watercraft that exhibit a valid Registration Sticker shall be allowed to launch onto Ruth Lake. In the event of an occurrence necessitating Inspection Procedures as set forth in the Prevention Plan, that Watercraft then shall be subject to the Inspection Procedures as set forth in the Prevention Plan.

C. Owners of all Other Watercraft (Category 2) shall submit a sworn affidavit in a form to be provided by the Inspector and their Watercraft shall undergo an inspection by the Inspector. Only Watercraft that pass the Inspection Procedures and exhibit a valid Registration Sticker shall

be allowed to launch onto Ruth Lake.

D. Any Watercraft owner/operator who desires to participate in the electronic card key entry system shall submit an additional sworn affidavit and pay the fee to be set by RLCSD.

E. A Watercraft owner or operator may refuse to consent to the Inspection Procedures. If the Watercraft owner or operator refuses to consent to Inspection Procedures, or refuses to comply with a request of an Inspector, that Watercraft shall not be allowed to launch onto Ruth Lake and shall be in violation of this Ordinance if they should nonetheless attempt to do so.

F. Said Inspection Procedures shall consist of, among other items, a verification by the Inspector that the Watercraft is clean, drained and dry and a thorough search of the exterior and interior of the Watercraft, including but not limited to bilge pumps, motors, live wells, bait wells, ballast tanks, bladders and all areas are free of standing water.

G. If for any reason in the judgment of the Inspector, the Watercraft does not pass Inspection Procedures, that Watercraft shall not be allowed on the waters of Ruth Lake. The Watercraft will be ordered into quarantine by the Inspector for the period of time specified in the Prevention Plan.

H. If, in the judgment of the Inspector, a Watercraft passes Inspection Procedures, the Inspector shall affix a Registration Sticker on the Watercraft which signifies that the Watercraft may be launched onto Ruth Lake in accordance with the provisions of this Ordinance and the Prevention Plan.

I. In the event a Watercraft with a Yellow Registration Sticker or a Red Registration Sticker wishes to leave the Ruth Lake area it shall be reinspected upon arrival unless it has an intact tamperproof exit band connecting the Watercraft to the trailer.

## **SECTION VI. Launch Sites.**

A. Motorized Watercraft shall not be permitted to launch at Hobart Creek Campground and Hetton Cove, or at any other location at Ruth Lake, except as set forth below.

B. Motorized Watercraft displaying valid Registration Stickers shall be allowed to launch only at three approved locations. These locations are:

1. Old Ruth Day-Use Area (Category 1 only, with a valid Yellow Registration Sticker).
2. Ruth Rec Campground (All valid stickers, with a card key).

3. RLCSO Marina (All valid stickers, with a card key).

C. Launch of motorized Watercraft at any other location shall be unlawful and a violation of this Ordinance and the Prevention Plan.

D. Non-motorized Watercraft may launch at any location if displaying a valid Registration Sticker, and if required by the Prevention Plan, a duration pass.

## **SECTION VII. Fees.**

Fees for all official activities covered by this Ordinance and the Prevention Plan shall be as established from time to time by RLCSO.

## **SECTION VIII. Live Bait.**

Disposing of Live Bait into Ruth Lake is prohibited. It shall be unlawful to dispose of any live bait and/or any liquid containing live bait or any liquid which previously contained live bait into Ruth Lake.

## **SECTION IX. Penalties.**

A. Any person violating any provision of this Ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individuals shall be deemed guilty of a separate offense for each launch in a water body into Ruth Lake.

B. Except as otherwise provided in this section, any individual convicted of a violation of this Ordinance shall be:

1. Guilty of an infraction and punished by a fine for the first offense the amount provided in Section 71600 of the Water Code, as amended from time to time;
2. Guilty of an infraction and punished by a fine for the second offense in the amount provided in Section 71600 of the Water Code, as amended from time to time;
3. The third and subsequent offenses shall constitute a misdemeanor and shall be punishable by a fine of not less than one thousand dollars (\$1,000.00) and/or up to six months in the county jail or both.

C. Notwithstanding subparagraphs 1 and 2 above, any person who, with the intent to

avoid inspection or reinspection for mussels, violates this Ordinance may be charged and prosecuted as misdemeanor, punishable by a fine, imprisonment, or both.

D. Notwithstanding subparagraphs 1 and 2 above, the following offenses are considered to be egregious and may be punished as a misdemeanor and/or separately subject the offender to permanently losing the privilege of coming onto HBMWD property at Ruth Lake upon the first offense:

1. Giving out any combination or key to any unauthorized person at Old Ruth Day-Use area.
2. Moving or breaching any barrier without authorization.
3. Giving out any card key/duration pass to any unauthorized person.
4. Avoiding Inspection Procedures by, among other things, launching after hours when no Inspector is present.
5. Submitting a false, incomplete or misleading statement on an Affidavit.
6. Making a false, incomplete or misleading statement to any Inspector.
7. Failing to leave the property of HBMWD when ordered to do so by an Inspector or law enforcement officer.

E Any person may be denied access to Ruth Lake for such time and under such conditions as determined by the General Manager of HBMWD. Any such person may appeal this determination by appeal to the Board of Directors of HBMWD at the next available regularly scheduled public Board meeting.

F. A Watercraft unlawfully launched into Ruth Lake may be subject to impound if, pursuant to a misdemeanor arrest for violation of this Ordinance, an Inspector or law enforcement officer determines that circumstances necessitate law enforcement custody of the Watercraft.

G. Payment of any fine or penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the Inspector or law enforcement officer.

H. Any person found not in compliance with this Ordinance is subject to citation, immediately shall be ordered off the property of the HBMWD, and shall be subject to any other legal action as deemed necessary by the HBMWD.

I. All remedies provided by this ordinance, whether civil, criminal, or administrative, are cumulative and not exclusive of any other remedy provided by law. The District may pursue



any combination of remedies simultaneously or consecutively. The election of one remedy shall not bar the pursuit of other available remedies. Nothing in this ordinance shall be construed to limit or preclude any other lawful action that may be taken to enforce compliance with this ordinance or to abate violations thereof.

#### **SECTION X. Public Nuisance Declaration.**

Any violation of this Ordinance is hereby declared to be unlawful and a public nuisance and may be abated by any law enforcement personnel or Inspector or any other person authorized by the Humboldt Bay Municipal Water District, irrespective of any other remedy provided in this Ordinance.

#### **SECTION XI. California Environmental Quality Act Compliance.**

A. This Ordinance is not a “project” because the California Environmental Quality Act (CEQA) defines a project as “an activity which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment” (California Public Resources Code Section 21065); and

B. Even if this Ordinance is determined to be a “project” this Ordinance would be categorically exempt from CEQA under CEQA Guidelines Section 15307 as a Class 7 Categorical Exemption which “consists of actions taken by regulatory agencies as authorized by State law or local ordinance to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment,” and a Class 8 Categorical Exemption, CEQA Guidelines Section 15308, which exempts “actions taken by regulatory agencies, as authorized by State or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.”

#### **SECTION XII: URGENCY FINDINGS**

The Board of Directors hereby finds and declares that this Ordinance is necessary as an urgency measure for the immediate preservation of the public health, safety, and welfare, and must take effect immediately upon adoption for the following reasons:

A. Imminent and Escalating Threat.

1. Recent Detection of Golden Mussels. In October 2024, Golden Mussels were detected for the first time in North America in the Sacramento-San Joaquin Delta near the Port of Stockton, with suspected presence in O'Neill Forebay, creating an unprecedented and immediate threat to California's water infrastructure.
2. Rapid Expansion of Quagga Mussel Infestations. Quagga Mussels have been identified in over 45 water bodies in California and continue to spread across Southern and Central California at an alarming rate, establishing dense colonies that threaten water conveyance systems.
3. Critical Proximity to Ruth Lake. The proximity of these confirmed infestations to interconnected water systems and major transportation corridors creates an imminent risk of spread to Ruth Lake and the Mad River watershed.

B. Irreversible Consequences of Delay

1. No Effective Eradication Methods. Scientific evidence demonstrates that once a water body is infested with aquatic invasive mussels, there are few possibilities for eradication, and attempts are both problematic and extremely expensive.
2. Exponential Spread Pattern. These invasive species are capable of rapid reproduction and can quickly establish self-sustaining populations that are virtually impossible to eliminate.
3. Critical Infrastructure Damage. Infestation would result in severe damage to Ruth Lake's water intake structures, pipes, pump stations, and other infrastructure, potentially compromising the District's ability to provide safe drinking water to municipal and industrial users.

C. Seasonal Urgency - Watercraft Activity Window

1. Peak Recreation Season Approaching. The upcoming recreational boating season will bring increased watercraft traffic from potentially infected water bodies throughout California to Ruth Lake.

2. **Primary Vector of Transmission.** Scientific evidence confirms that watercraft, boat trailers, and associated equipment are the most common means of transporting invasive mussels between water bodies.
3. **Limited Prevention Window.** Immediate implementation is essential before the peak boating season begins, as any delay significantly increases the risk of introduction during periods of high watercraft activity.

**D. Economic and Public Health Necessity**

1. **Protection of Water Supply:** Ruth Lake serves as the primary water source for municipal and industrial users in Humboldt County, making protection of this resource critical to public health and safety.
2. **Substantial Economic Impact:** Infestation would reduce property values for Ruth Lake leaseholders, adversely affect fishery and sport values, and impose catastrophic maintenance costs on the water delivery system.
3. **Regional Economic Consequences:** Any compromise to the District's water supply would have devastating economic impacts throughout Humboldt County.

**E. Inadequacy of Normal Adoption Procedures**

1. **Time-Sensitive Nature.** The normal 30-day waiting period for ordinance effectiveness would coincide with the beginning of the peak boating season, creating an unacceptable window of vulnerability.
2. **Established Prevention Framework.** The District and RLCSD have already developed and approved a comprehensive Prevention Plan that requires immediate regulatory implementation to be effective.
3. **Coordination with Existing Programs.** Delay would undermine the coordinated prevention efforts already established between the District and Ruth Lake Community Services District.

**F. Public Interest and Welfare.** The immediate implementation of this comprehensive watercraft inspection and registration program is essential to:

1. Prevent irreversible contamination of Ruth Lake
2. Protect the region's primary water supply

3. Preserve recreational and economic values of Ruth Lake
4. Avoid potentially catastrophic infrastructure damage and associated costs
5. Maintain the District's ability to fulfill its primary function of providing safe water

G. Conclusion. Based on these findings, the Board determines that the public health, safety, and welfare require that this Ordinance take effect immediately upon adoption without the usual 30-day waiting period. Any delay in implementation would create an unacceptable risk of aquatic invasive species introduction that could result in irreversible environmental and economic damage to the District's water supply system and the broader community it serves.

#### **SECTION VIII: Effective Date:**

This Ordinance shall take effect immediately upon adoption as an urgency measure necessary for the immediate preservation of the public health and safety.

#### **SECTION XIV: Severability**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid, unconstitutional, or unenforceable. To this end, the provisions of this Ordinance are severable.

PASSED AND ADOPTED THIS 14 day of August, 2025, by the following vote:

3. Preserve recreational and economic values of Ruth Lake
4. Avoid potentially catastrophic infrastructure damage and associated costs
5. Maintain the District's ability to fulfill its primary function of providing safe water

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PASSED AND ADOPTED THIS 14 day of August, 2025, by the following vote:

Ayes: 3

Nays: 0

Abstain: 0

Absent: 1

ATTEST:



Michelle Fuller, President



Bruce Rupp, Secretary Treasurer