

AN ACTION PLAN TO IMPLEMENT LEGAL AND REGULATORY EFFORTS TO MINIMIZE EXPANSION OF INVASIVE MUSSELS THROUGH WATERCRAFT MOVEMENTS IN THE WESTERN UNITED STATES

On August 22–23, 2012, a workshop was hosted by the Arizona Department of Game and Fish and convened in Phoenix, Arizona, by the US Fish and Wildlife Service, the National Association of Attorneys General, Oregon Sea Grant, the National Sea Grant Law Center, and the Western Regional Panel on Aquatic Nuisance Species. The purpose of the workshop was to engage Assistant Attorneys General, natural resource agency attorneys, law enforcement supervisors, policy makers, and the Aquatic Invasive Species (AIS) Coordinators from the 19 Western states, interstate organizations, and Federal partners to establish clear legal and regulatory approaches and opportunities for AIS abatement and reform. One clear deliverable from this workshop was the creation of an action plan that articulates needed actions at the federal/national, regional, state, and local levels to minimize the expansion of invasive mussels through watercraft movements in the western United States. The following actions were drafted at the meeting:

FEDERAL/NATIONAL

1.1 Obtain a commitment from one or more members of Congress to champion the listing of the *Dreissena* mussel genus as injurious (under the Lacey Act) in the interests of wildlife and the wildlife resources of the United States.

- Lead: Pacific States Marine Fisheries Commission
- Participants: Northwest Power and Conservation Council, Tahoe Regional Planning agency, tribes, and western states
- Timeline: 2013

1.2 Deliver on the Department of Interior and Fish and Wildlife Service leadership's goal of using the injurious wildlife provisions of the Lacey Act (18 USC 42) as an effective 21st Century conservation tool for preventing the introduction and establishment of invasive non-native species into US ecosystems.

- Lead: US Fish and Wildlife Service
- Participants: National Invasive Species Council
- Timeline: 2013

1.3 Work with national boat/recreational/angling associations and organizations to share information, obtain support, and champion efforts to reduce the spread of *Dreissena* mussels.

- Lead: David Dickerson, Government Relations Director, National Marine Manufacturers Association
- Participants: State Aquatic Invasive Species (AIS) Coordinators
- Timeline: December 2013

1.4 Define roles and responsibilities of all entities and organizations associated with the management of *Dreissena* mussels.

- Lead: Aquatic Nuisance Species Task Force members
- Participants: State, interstate, and Federal AIS Coordinators, NISC?
- Timeline: December 2012

1.5 Using existing established western forums to collate and share information with decision makers about the economic impacts of *Dreissena* mussels at a variety of scales (statewide, regional, western United States, e.g.). Create a repository for economic and other data on *Dreissena* mussels at www.aquaticnuisance.org.

- Leads: Entities that have produced economic impact documents; individual western states; Invasive Species Councils; Pacific States Marine Fisheries Commission; AIS Coordinators
- Participants: Staffs to the Pacific Northwest Economic Region, Western Association of Fish and Wildlife Agencies, Western Governors' Association, Northwest Power and Conservation Council's Independent Economic Analysis Board, and other forums
- Timeline: December 2012

1.6 Obtain the commitment from one or more members of Congress to champion reauthorization of the National Invasive Species Act.

- Lead: Western Invasive Species Councils
- Participants: Existing legislative forums (Pacific Northwest Economic Region, e.g.)
- Timeline: December 2013

1.7 Broaden the scope of federal regulations to include preventing the movement of *Dreissena* mussels onto and off of federal lands and waters.

- Leads: Craig Martin (US Fish and Wildlife Service) and Lori Williams (National Invasive Species Council)
- Participants: Western states, NPS, BLM, USFS, BOR, USFWS?
- Timeline: December 2014

1.8 Review and modify National Park Service regulations and Superintendent Compendiums based on Lacey Act language for prevention and containment of *Dreissena* mussels.

- Lead: National Park Service staffs
- Participants: US Fish and Wildlife Service

- Timeline: December 2014

1.9 Expand decontamination, containment, communication programs, and efforts to include “source” areas—the Lower Colorado, Midwest and Great Lakes—with a focus on consistent messaging (e.g., Clean, Drain, Dry) aimed at pathways.

- Lead: AIS Coordinators, federal agency AIS staff
- Participants: Federal agency staff, Invasive Species Councils, State AIS Coordinators
- Timeline: Ongoing

1.10 Host a follow-up session to the AIS meeting in Phoenix, Arizona, and report on action item progress at National Invasive Species Awareness Week in Washington, DC, March 3-8, 2013.

- Lead: Lori Williams (National Invasive Species Council)
- Participants: Western state staffs, Invasive Species Councils, State AIS Coordinators, National Sea Grant Law Center, National Association of Attorneys General
- Timeline: March 2013

REGIONAL

2.1 Enhance and improve timely communication about movements and inspections of high risk boats in the West via the creation and use of a database that captures information about moored boats in infested waters.

- Lead: US Fish and Wildlife Service – Dave Britton
- Participants: National Park Service, National Park Service concessionaires, State AIS Coordinators, Pacific States Marine Fisheries Commission
- Timeline: March 2013

2.2 Build on existing Uniform Minimum Protocols and Standards for Watercraft Interception Programs for *Dreissena* Mussels in the Western United States (UMPS) document with a goal of consistent decontamination protocols and reciprocity across the western states.

- Leads: Pacific States Marine Fisheries Commission, Colorado
- Participants: State and interstate AIS Coordinators, Tahoe Regional Planning Agency
- Timeline: December 2013

2.3 Develop standard definitions for language used in efforts to prevent the transport of *Dreissena* mussels.

- Lead: National Invasive Species Advisory Committee (via Bob Wiltshire)
- Participants: State AIS Coordinators
- Timeline: March 2103

2.4 Develop standard criteria for *Dreissena* mussel monitoring, testing, and the protocols for listing and de-listing of positive (infested) water bodies.

- Lead: State and interstate AIS coordinators
- Participants: Pacific States Marine Fisheries Commission, US Fish and Wildlife Service
- Timeline: March 2013

2.5 Define roles and responsibilities of the numerous regional entities (Western Association of Fish and Wildlife Agencies, Western Regional Panel, etc.) involved in preventing the spread and establishment of *Dreissena* mussels.

- Lead: 100th Meridian
- Participants: All regional entities
- Timeline: March 2013

2.6 Develop model statutory/regulatory language for a comprehensive watercraft inspection and decontamination program.

- Lead: National Sea Grant Law Center
- Participants: Federal and state regulatory agency staffs
- Timeline: July 2013

2.7 Create a smartphone application for boat inspections to achieve Clean, Drain, Dry.

- Lead: Oregon, Washington, and Idaho Invasive Species Councils
- Participants: State AIS Coordinators, Sea Grant and other Universities
- Timeline: December 2013

2.8 Analyze and compare fines for violations of aquatic invasive species laws related to the trailered boat vector throughout the western region and share with all western states.

- Lead: National Association of Attorneys General
- Participants: National Sea Grant Law Center
- Timeline: July 2013

2.9 Explore the establishment of a compact among the western states to share AIS violation data and potentially revoke fishing and/or boating licenses for significant/repeated violations.

- Lead: State attorney general's office staffs
- Participants: State wildlife law enforcement staffs
- Timeline: December 2013

2.10 Increase international border protection participation in AIS issues.

- Lead: Pacific Northwest Economic Region Invasive Species Working Group

- Participants: Pacific Northwest Economic Region states-Canadian provinces/territories, US Customs and Border Protection Agency
- Timeline: December 2014

2.11 Standardize boat inspection documentation/seals and other similar types of materials across regions.

- Lead: State AIS Coordinators
- Participants: State agencies and local entities using seals and documentation (see for ex. CA)
- Timeline: December 2014

STATE

3.0 Host a summit with the Council of State Governments - West (aligned with the Western Invasives Mussels Summit) to share information about AIS economic and environmental issues as well as regulatory needs to prevent the transport, spread, and establishment of AIS in the western states.

- Lead: Sea Grant
- Participants: Western state staffs, AIS Coordinators, Invasive Species Councils
- Timeline: December 2013

3.1 Increase decontamination information and infrastructure at all high-risk water bodies in the West.

- Lead: Department of Interior, AIS Coordinators (to achieve consensus on list of high risk water bodies where decontamination information and infrastructure is most needed)
- Timeline: December 2012 (to identify high risk water bodies); March 2013 (to develop an approach for funding)

3.2 Review existing state legal and regulatory authorities related to the movement of AIS by trailered watercraft, and compare these state programs to a model law/regulation (see action 2.5) to identify areas where gaps in each state can be addressed.

- Lead: National Sea Grant Law Center
- Participants: State attorney general office staff, AIS coordinators
- Timeline: December 2013

3.3 Explore a tiered fine strategy for repeat offenders of AIS laws.

- Lead: Attorney general office staff
- Participants: State law enforcement officials and state fish and wildlife agencies
- Timeline: December 2013

3.4 Launch a western states “See it—Report It” outreach campaign for fouled boats, emphasizing the 877 STOP ANS, and Stop Aquatic Hitchhikers messages (with a supporting smartphone application – see action 2.6)

- Lead: State AIS Coordinators and Invasive Species Councils
- Participants: All western federal and state fish and wildlife agencies
- Timeline: December 2013 (for 2014 boating season)

3.5 Ensure all state boating education material includes AIS information.

- Lead: State agencies that produce boating materials
- Timeline: December 2013

LOCAL

4.0 Explore the establishment of small business loans to foster private industry efforts to develop decontamination infrastructure (including decontamination training and boat inspection training), particularly in rural locations.

- Lead: National Invasive Species Council
- Participants: Western states
- Timeline: December 2013