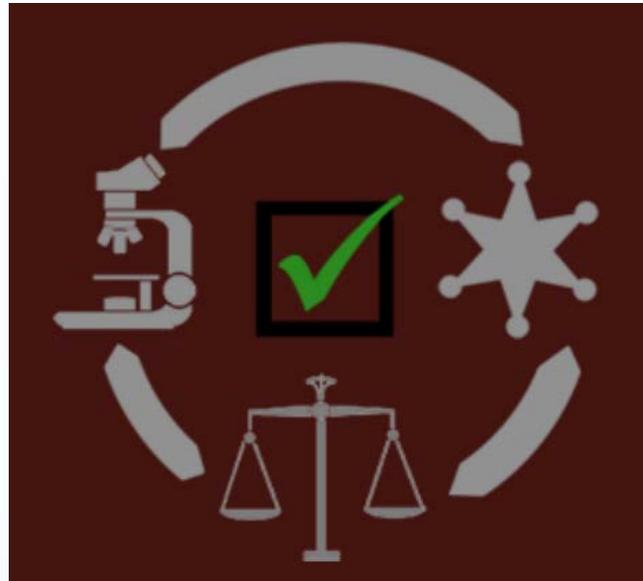


MODEL WID LAW PROJECT UPDATE: Where are we? Where are we going?

Stephanie Otts
National Sea Grant Law Center
ANS Task Force Meeting
Falls Church, VA • Nov. 5, 2014

STEP 1: BUILD POLICY CONSENSUS

AIS
Coordinators



Law Enforcement

Assistant Attorneys
General

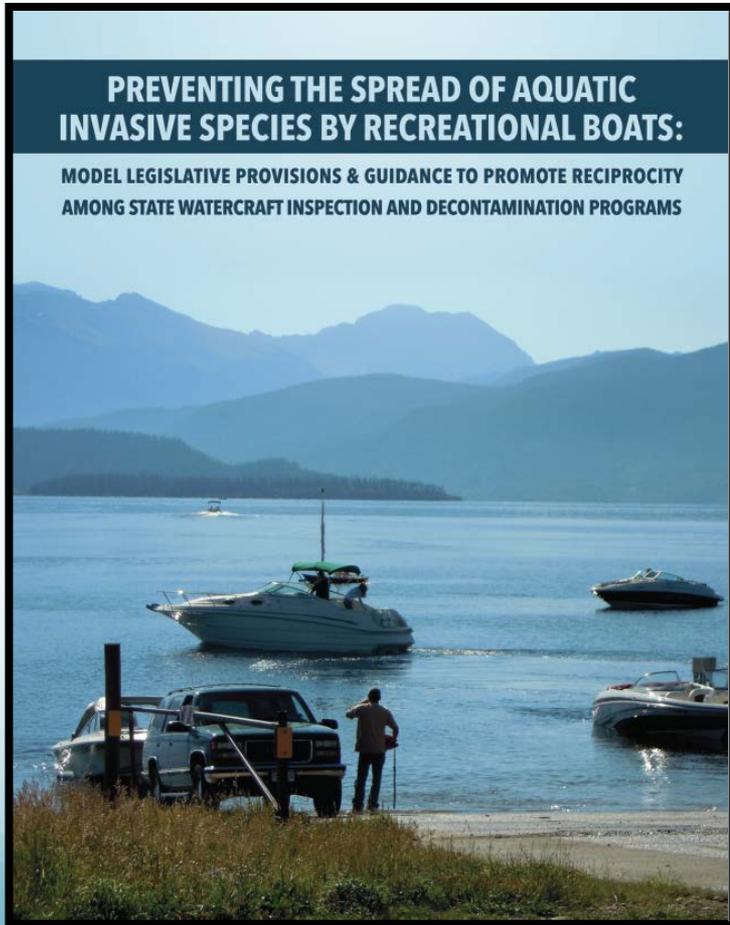
WHY?

- Create a foundation for interstate reciprocity with respect to watercraft inspection and decontamination.
- Common legal framework can facilitate:
 - Formal adoption of standard protocols;
 - Acceptance of other states' paperwork;
 - Increased boater compliance; and
 - Improved enforcement.

STEP 2: TRANSLATE POLICY INTO LEGISLATION

- Multidisciplinary Working Group led by National Sea Grant Law Center and Association of Fish and Wildlife Agencies.
- Approach:
 - Identify what statutory authorities are needed to implement consensus policies.
 - Draft model legislative provisions to provide guidance on how states might grant such authority.

PHASE 1: MODEL LEGISLATION



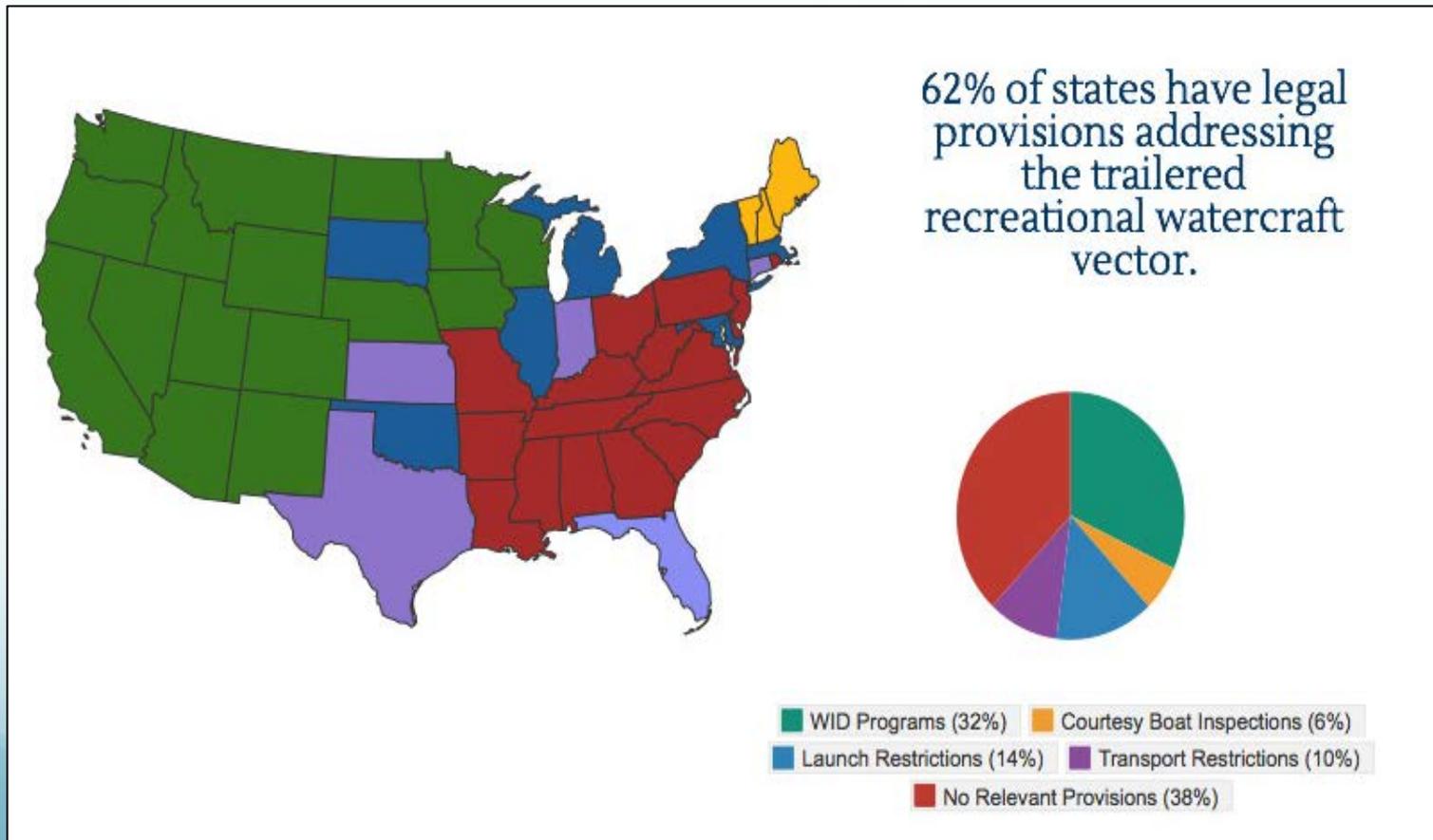
- Core Legislative Package
 - Elements needed to opt into hypothetical reciprocal program.
- Supplemental Authorities
 - Additional powers for states to consider.
- Explanatory Notes
 - Rationale
 - Application

MODEL LAW, CON'T

- Ideal Legal Framework for WID Programs – “Gold Standard”
 - Based on consensus regarding “maximum” authority.
 - Few states, if any, will fully implement.
 - Designed to provide foundation for discussions about reciprocity.
- Released in March 2014
 - Approved by AFWA at annual meeting
 - Shared with Fish and Wildlife Directors, Attorney General Offices, and federal partners.

STEP III: GAP ANALYSIS

Step 1: Research the invasive species laws in each of the 50 states for any provisions related to recreational watercraft.



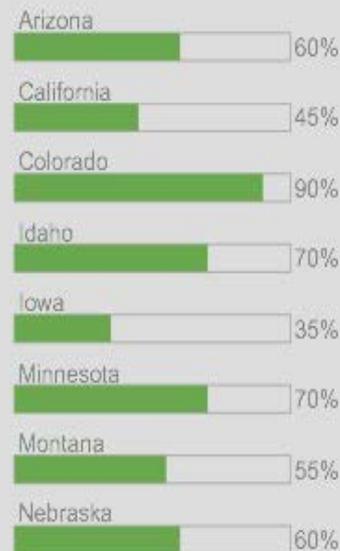
STATE-BY-STATE COMPARISONS

- **Step 2:** Complete detailed comparisons for each state with WID program, examining laws, regulations, and policies.
- Rubric developed based on model law provisions.
- Points were given if state currently exercising authority – regardless of where provisions was found.

Category	Subcomponent	Score
Legislative Findings		5
	Aquatic Invasive Species	1
Definitions	Conveyance	4
	Decontamination	4
	Inspection	4
	Person	1
	Waters	1
	Identify AIS	2
Powers and Duties	Identify Affected Waters	2
	Possess and Transport AIS	1
	Stop, detain, and Inspect	2
	Decontaminate or Order Decontamination	2
	Enter into Cooperative Agreements	1
Prohibitions	Possession, Importation, Shipment or Transport of AIS	5
	Placement of Out-of-Compliance Conveyance in Waters	5
Owner Responsibilities	Clean, Drain, Dry	5
	Comply with Inspection and Decontamination Protocols	5
Inspection	Authority to Establish Check Stations	5
	Mandatory Inspections	5
	Law Enforcement Stops	5
Decontamination	Perform or Order Decontamination	5
	Impound Conveyances	5
	Impose Costs	5
Certification	Receipt	5
	Seal	5
	Reciprocity	5
Penalties	Civil	2.5
	Criminal	2.5
	Total	100

“Big Picture” Findings

16 STATES HAVE WID PROGRAMS. HOW MANY OF THE MODEL'S SUGGESTED AUTHORITIES DO THESE PROGRAMS HAVE?



NEXT STEPS

- Gap Analysis released in October 2014.
- 2015: Work on developing model regulations to guide implementation of consensus policies for:
 - Waterbody classification;
 - Inspector training;
 - Inspection and decontamination protocols;
 - Certification of inspection and decontamination; and
 - Others.

FOR MORE INFORMATION

Visit the NSGLC's Project Website:

<http://nsglc.olemiss.edu/projects/model-legal-framework/index.html>

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