

Testimony before the House Natural Resources Subcommittee on Fisheries,
Wildlife, and Oceans on
Aquatic Nuisance Species (ANS) Threats and Recent Activities of the
Aquatic Nuisance Species Task Force (ANSTF)
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September 27, 2007

Overview

Thank you for the opportunity for the Association of Fish and Wildlife Agencies (Association) to share with you our collective experiences and thoughts about both the challenges posed by management of Aquatic Invasive Species in our Nation, the role that the Aquatic Nuisance Species Task Force has played from our perspective, the role that state wildlife agencies must play, and some thoughts about the future of Aquatic Nuisance Species management.

The Association of Fish and Wildlife Agencies was founded in 1902 as a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

The particular focus for the Association is the management, conservation, and protection of fish and wildlife resources; the habitats upon which they depend; and the responsible use of those resources. The cross jurisdictional nature and North American perspective of the Association is of particular relevance in that Aquatic Nuisance or Invasive Species respect no boundaries and is an issue of local, State, regional, national, and international concern.

The State fish and wildlife agencies have broad statutory authority and responsibility for the conservation of fish and wildlife resources within their borders. The states are thus legal trustees of these public resources with a responsibility to ensure their vitality and sustainability for present and future citizens of their States and our nation. Because of our responsibility for and vital interest in the conservation of fish and wildlife resources, state fish and wildlife agencies have significant vested concerns in the prevention and control of aquatic invasive species. The Association has been active with the Aquatic Nuisance Species Task Force (ANSTF) virtually since its inception as an Ex Officio member, and is also represented on the Invasive Species Advisory Committee.

Based upon the strong interests of our members, the Association has been involved in multiple activities related to aquatic nuisance species in recent years. Among these has been a project to

develop and improve ANS outreach-communications strategies for state wildlife agencies and to improve coordination of regulation and enforcement related to ANS. The Outreach component of this project focused on development of targeted outreach strategies for selected states as models that could be implemented or adopted by others. These strategies focus on targeted audiences, development and deployment of targeted messages, and evaluation procedures. Model states included New Hampshire, South Carolina, Missouri and Arizona. State-specific web pages and outreach tools have been developed for all four states as an online entry point to integrate ANS communication for that state. States are also incorporating the *Stop Aquatic Hitchhikers!* National campaign into their state outreach materials fostered by the Aquatic Nuisance Species Task Force and the US Fish and Wildlife Service. Many states and other partners have also joined their voice in another campaign to focus on the community of pet owners in our nation. The *Habitattitude* campaign, an alliance with the pet industry (Pet Industry Joint Advisory Council), reaches out to pet owners with and through industry to encourage prevention of introductions of invasive species through the release of pets to the wild.

The coordination of regulation and enforcement component was addressed through workshops at regional wildlife association meetings. This series of workshops was designed to identify priorities and to increase coordination among state fish and wildlife agencies, state and federal law enforcement, regional entities, and federal agencies responsible for regulating ANS through development of region-specific plans. Over 40 states, numerous federal agencies and several private sector partners participated in one of more of these workshops. Action Plans were developed and refined during the workshop for each region.

The Association sponsored a workshop at the 72nd Annual North American Wildlife and Natural Resources Conference in March of 2007 to deploy the results of the project to stimulate better communication with the State agencies and other partners not only about the threats posed by Aquatic Invasive Species and the actions that we as citizens and responsible wildlife stewards could implement to blunt these threats. That deployment workshop resulted in a number of recommendations provided to the membership of the Association at their annual meeting this month in Louisville, Kentucky. Those recommendations are incorporated into this testimony.

Building Unified Lines of Defense against Unwanted and Unplanned for Introductions of Aquatic Invasive Species

Prevention and exclusion of unwanted and unplanned for aquatic nuisance species is not a new goal, and has been at the heart of the nation's effort to address the aquatic invasive species concerns even before the passage of the Nonindigenous Aquatic Nuisance Prevention and Control Act in 1990. The Act, which laid the foundation for the ANS Task Force, envisioned a future where incursions of aquatic invasive species could be rationally controlled and losses to our natural resources and economies could be avoided. The Act and its successors (and hoped for successors) are truly forward looking, as are the efforts of the Executive Branch to implement prudent, reasonable, and feasible invasive species policy (through the National Invasive Species Council, the Invasive Species Advisory Committee, and the combined efforts of Departments and Bureaus of the Federal Government). The Task Force's role is to focus and coordinate efforts on prevention, detection, response and management of the aquatic invaders that are currently or can damage our nation's and our state's resources, health, and economies. Our only reasonable defense against this kind of invasion by unwanted aliens must be unified. Neighbors implementing defense strategies that are not aligned suffer the consequences of inconsistency. Aquatic invasive species, or any invasive species, are unconstrained by jurisdictional boundaries or fence lines. So aquatic invasive species defense systems and policies are focused on people as much or even more than on the invaders themselves. It is driven by concurrence on policy, approach, and human determination as much as it is driven by science and technology. So this begs the question of the role of the Task Force in addressing the coordination function of unified defense in the context of available science and technology.

I admit some bias in evaluation of the ANS Task Force; I have served the Association as its *ex officio* representative to the Task Force in recent years. Before my call to serve, Mr. Gary Isbell of the State of Ohio served in that role. The Association has appreciated our opportunity to participate at the very highest level in coordination with those Federal Departments and Bureaus that are charged with coordination of unified defense against aquatic invasive species. The Association has alternately been supportive of the outputs of the Task Force and critical, where we believed criticism was needed. But the key to the Task Force's function is coordination – a human endeavor.

The Task Force has had some notable successes in the field of coordinating unified defense. The role of the Task Force in developing, encouraging, and supporting regional coordination through the use of Regional Panels of the Task Force is notable. The Task Force takes pains in attempting to integrate our North American and international partners in this coordination effort, recognizing the need for unified defense. The Great Lakes Panel, the Western Regional Panel, Gulf and South Atlantic Regional Panel, Northeast Regional Panel, Mississippi River Basin Panel, and Mid-Atlantic Panel have risen to the fore over the span of the last decade and have become forums for reasoned approaches to aquatic invasive species management and integrated coverage and defense. The focal point of this strategy is coordination with and among the States, and encouragement of and support for the development of State Aquatic Nuisance Species plans. This success is noteworthy. I will not suggest that Regional Panels are perfect or perfectly

matured, however they provide a tool for integration of approaches and mentorship for aquatic invasive species planning.

Unified defense hinges on prevention as a primary tactic. Prevention is our least expensive and potentially most effective defense strategy. Key to that strategy is information and information sharing across jurisdictions and in consistent fashion. Outreach strategies to the public developed in coordination among Federal Departments under the auspices of the Task Force are some of the most successful tools developed to date. The concept of “marketing” this issue by demonstrating the relevance to citizens; building their sense of social responsibility to care for resources that are managed in trust for them; and giving them real and tangible ways to take action themselves has been a breakthrough element for prevention. Again, this is a notable success for the Task Force. But there is much yet to be done to bolster our prevention defense strategies. Strong and well reasoned screening strategies for intentional introductions into the United States and into our states are honestly only beginning to take shape. Pathway interdiction for unwanted aquatic invasive hitchhikers that infiltrate unwanted and unobserved across our national boundaries and our state borders is an ongoing dilemma of immense proportion. While ballast water is not the direct subject of this forum, it has become the recruiting poster for the battle against aquatic invasive species and aquatic hitchhikers. The Task Force struggles, in my assessment, attempting to implement strategies to prevent introductions into the United States and need statutory support. The Task Force needs greater capacity and capability to share technical information using inter-operational and inter-jurisdictional tools to provide a common intelligence and information tool accessible to a wide range of invasive species managers, meeting their needs and specifications.

A unified defense entails the need for a strategy and command system. This is sometimes a controversial issue, but a notable function that the Task Force has taken up is the development of broad rapid response plans, National management plans for ongoing aquatic invasive species incursions, and the concept of responding to the detection of acknowledged invaders in a real emergency context. The Task Force has advocated the use of Incident Command Systems and the National Incident Management System for coordinated response to invasions by aquatic nuisance species for which there is a consensus based acknowledgement that immediate response is indeed an emergency issue. This is a bold step, and one that will bring with it some degree of turf battle. But this is a step that requires that we make informed judgments about the severity of impact from an invader and determine when such an incursion is indeed an emergency issue. What is truly lacking is a financing strategy to address such an emergency in an emergency fashion. There is rarely a rainy-day fund available to be directed at rapid response, a notable hole in our defense net.

Recent incursion of quagga mussel from the Upper Midwest to the Colorado River Basin in the West is illustrative of what can go well, and what can be improved. Outreach to citizens about the potential for accidental movement of zebra or quagga mussels on watercraft trailered across the country has been ongoing for a decade through the 100th Meridian Initiative. The Initiative, heavily utilized by the states, has proven an excellent coordination forum in partnership with Regional Panels; has been a valued source of technical information and expertise; has been a network for early detection; has served as a fulcrum for response planning; and was a principle tool we used in marshalling forces. Incident Command was utilized to ensure continuity of

approach among the National Park Service, the Fish and Wildlife Service and the States of Arizona, Nevada, and California. All of these tools served their need and were invaluable. Have we or will we defeat quagga / zebra mussel incursion into the Southwest? Perhaps not, but management of this issue will be with us for a long time to come. Could we have done better and closed more holes in our defense network? Perhaps, but the network and support system proved itself extremely useful and its improvement is inevitable.

State Aquatic Species Management Plans were envisioned as key skeletal support for unified defense. I agree with that. The Task Force continues to make encouragement of State Management Planning a top priority, but the Task Force can only encourage. The Task Force has established the framework for State ANS Planning and utilizes incentives and technical advice to encourage their development. Many States have capitalized upon that opportunity. There are 21 approved State Plans, two approved interstate plans, and 13 State Plans in at least some degree of development. But the incentive that Congress planned is slipping away. Appropriations for this function have not matched authorization. The Task Force (The Fish and Wildlife Service and NOAA Fisheries) have striven to maintain level funding for plan implementation grants to the States, but with increasing participation the financial incentive to the State to join the cadre of unified defense declines incrementally. The combination of decline in available assistance in plan implementation, and the fact that financial assistance grants to develop the plans are nonexistent combine to reduce the effectiveness of the incentive that Congress had envisioned.

The Task Force, its Regional Panels, and their combined missions with the States serve a real and tangible function that is indispensable. Those functions need to be supported by well reasoned, comprehensive statutory support, reasonable and implementable policy, and sufficient financial support to implement that policy.

The Ballast Water Issue – Broaching from Coastal Incursion to Inland Issue

This hearing is not the place to address Ballast water issues, as I understand it. It is a real and tangible pathway of introduction of Aquatic Invasive Species that we must come to terms with in a reasonable fashion that can be implemented. Workable statutory frameworks, permitting systems, and international agreements will have to be forged – and soon. This begs the need for comprehensive approaches to the Aquatic Nuisance Species issue.

As the Nation forges ahead on ballast water policy it is important to avoid unnecessary casualties. The determination that long standing exclusion under the National Pollution Discharge Elimination System of incidental discharges from recreational boats along with discharge of ballast from large vessels, sets the stage for loss of support for ANS issues with recreational boating partners. Certainly recreational boats are a potential pathway for accidental movement of aquatic invasive species, but increased restriction on some 18 million recreational boats adds a complex and potentially expensive component that may threaten the support of the public to address the critical issue of ballast as a primary vector for Aquatic Invasive Species incursions. The potential to develop reasoned policy approaches in the near term, the viability of the system to handle the load, and the capability to enforce such permitting requirements is challenging. A reasoned approach, we believe, is founded on decoupling the role of ballast from

incidental discharges from recreational boats (i.e. deck runoff, rainwater runoff, and engine cooling water for properly functioning engines). Addressing the issues separately, and in a well thought out approach is our most feasible option. By utilizing strategies like the *Stop Aquatic Hitchhikers!* Campaign, and partnerships with industry, non-governmental organizations, the Federal Agencies, and the States we can pursue these challenges in a way that resonates in the hearts of recreational boaters and builds partnerships with those that value the resources that might otherwise be degraded by ANS impacts.

Building Capabilities and Capacities on the Ground to Address the Aquatic Invasive Species Threat

The Task Force's key ally is the States. The Task Force has utilized its talents and tools to work with the States directly, through its Regional Panels, through Development of Rapid Response and National Management Plans, and in encouragement of State Management Plan Development. At the State level, we have need to further develop our capabilities in the area of Aquatic Invasive Species planning and management, and in many instances lack the capacities to finance this kind of work as part of an integrated National defense system targeting Aquatic Invasives. We need help in the form of financial and regulatory assistance for capability development, broad scale Aquatic Invasive Species implementation, and emergency rapid response..

Working With the ANS Task Force – Common Goals, Common Strategies, Common Needs – Specific Recommendations

Our experience with the Task Force has been positive. The pace of developing our integrated preparedness for addressing the ongoing aquatic invasive species challenge seems all too slow. We, the State Wildlife Agencies, share common goals and common needs with the Task Force. We recognize that the real key to success is in our ability to reach the public that we serve. To that end, at the Association's meeting earlier this month, a series of recommendations were offered to guide our involvement in this issue in the future. The recommendations emerged from the workshop noted above, and focused on our need to broaden the partnership in addressing Aquatic Invasive Species and hone our ability to send a consistent message about both the seriousness of the issue and the fact that we can control it. Applicable elements of those recommendations that will guide the Association and our member states follow:

- Strongly advocate congressional funding for aquatic invasive species communication, management, and research on economic and biological impact and rapid response plans.
- Encourage and advocate comprehensive federal legislation and policy intended to prevent the introduction of Aquatic Invasive Species into the United States, focusing on pathway analysis, screening, and risk assessment.
- Encourage and advocate components of comprehensive federal legislation that would provide for cost-shared development and implementation of regional rapid response plans for aquatic invasive species.

- Develop national partnerships using national marketing strategies that can be incorporated into industry recreational, boating and fishing equipment and with non-governmental organizations and corporate entities.
- Facilitate regional Fish and Wildlife Invasive Species Committees within regional associations.
- Recognize Nongovernmental and Corporate contributions to delivering the Aquatic Invasive Species marketing.
- Incorporate Aquatic Nuisance Species information and marketing efforts with other national efforts such as: National Fish Habitat Action Plans, State Wildlife Action Plans, Farm Bill and Agricultural Policies, and Recreational Boating and Fishing Foundation.

General Recommendations We Have Shared Previously

Based on the collective experiences of the states, and the results of regional workshops, Association can offer some specific recommendations.

First, prevention of introductions is the single most effective ANS control action. Prevention strategies can be important globally, regionally or even locally. Prevention of purposeful movement of potentially harmful species requires a strong scientific base of knowledge to assess risk, and effective government controls to prevent or restrict movements found to exceed acceptable risk standards. **At the Association's annual meeting in 2004, the Association adopted a resolution that urged the federal governments of the US and Canada to develop and implement a multinational exotic species screening process to identify potential aquatic invasive species threats.**

Accidental introductions can be addressed through a variety of mechanisms, including government regulation, such as with ballast water controls, but also through education of a broad array of potential audiences, ranging from pet owners to anglers and boaters.

Once a situation moves beyond prevention, early detection and rapid response pose the next most effective and efficient opportunity for addressing ANS. The opportunity to identify and eradicate problems in early stage generally applies in only limited circumstances, with a limited window and limited geographic scope.

Finally, failing at prevention or early detection and eradication, long term management responses are needed to minimize spread and or other impacts. There are many examples of this type of response, and most carry very large price tags, require perpetual vigilance, and have limited prospects for long term reversal.

A focused, effective and coordinated partnership among state and federal agencies is essential to using scarce natural resource management funds most effectively. Because pathways for introduction of invasive species at the nation's borders are under the statutory authority of the federal government, we expect federal agencies to take a significant role in prevention strategies, but we also expect the state fish and wildlife agencies to play an integral role, as full resource management partners, in achieving the ANS management objectives.

In addition to federal level action, states participate actively in the development and implementation of local or regional ANS action plans and panel efforts. In addition, the resolution noted previously, each of the four regional fish and wildlife agency organizations has expressed strong support for ANS actions through recent resolutions and or action planning efforts.

The Association has developed a network among the 50 states for dissemination of invasive species and ANS information to each member state, using the contact within each state as a conduit for information to each state wildlife agency director. One such workshop with the Western Association of Fish and Wildlife Agencies (WAFWA) resulted in a resolution adopted by member states supporting recommendations from the Western Regional Panel regarding capacity building for ANS; participation with the Western Regional Panel; supporting the Western Governor's Association in its efforts to build capability and capacity in the west; and providing encouragement to member states; and encouraging development of capacity within each member state.

The Wildlife Management Institute (WMI) held an Invasive Species "Super session" in conjunction with the North American Wildlife and Natural Resources Conference during March of 2005 in Arlington, Virginia. The heart of the session was conceived by WMI staff working with the Wildlife Resources Policy Committee of the Association. While much of the focus of gathering was on terrestrial weeds, Aquatic Nuisance Species efforts (ANSTF, ANS Legislation, ANS experiences, Stop Aquatic Hitchhikers, and Habitattitude) formed an important framework for the broader discussion of invasive species. Duane Shroufe and Larry Riley (AZ and ANSTF) presented a paper entitled "Invasive Species Management for State Wildlife Agencies: The Goals and Challenges to Implementation" as part of that workshop.

The Fisheries and Water Resources Policy Committee of the Association was awarded a 2003 Multi-state Conservation Grant for a 3-year project to help address ANS issues. This project involves multiple partners including the Association, the four regional associations, four pilot state fish and wildlife agencies, their respective in-state and regional partners, and the U.S. Fish and Wildlife Service.

Our long-standing and consistent general recommendations include:

- Pass comprehensive and updated reauthorization.
- Establish and maintain a close and coordinated role with state agencies.
- Provide Funding Support for state and regional management activities including development and implementation of State Management Plans.
- Take a lead role in developing and implementing screening efforts and species lists.
- Coordinate federal activities across agencies.

Thank you for the opportunity to share some of our views with you. On behalf of the Association and my State of Arizona, we deeply appreciate the opportunity to share some of our thoughts with you.

Regional Recommendations and Action Priorities

Northeastern

- Naming interim Northeastern Association of Fish and Wildlife Agencies (NEAFWA) representatives to the Northeast and Mid-Atlantic ANS Panels and inviting these panels to comment and act on the Action Plan, as appropriate.
- Development of a NEAFWA Aquatic Nuisance Species Resolution to be forwarded to the Regional Directors through the Northeast Fisheries Administrators Association (NEFAA) with particular emphasis on enhancing support for federal funding and other priority actions in the ANS plan.
- Development of a Transgenic Fish Policy to be the Northeast Fisheries Administrators Association (NEFAA) in mid-February and forwarded to the Regional Directors for approval.
- Several states continue to implement various strategies to address ANS regulation and enforcement at the state level, including outreach activities conducted by New Hampshire, an Association ANS pilot communications state for the region, and on baitfish production and distribution by the state of Vermont.

Western

The chart included with this report provides a prioritized list of ANS regulation and enforcement issues. To address these issues, the Western Association of Fish and Wildlife Agencies (WAFWA) passed a resolution that encourages its member states to adopt the recommendations of the Western Regional Panel of the ANS Task Force, including:

- Appointment of a state Aquatic Nuisance Species Coordinator;
- Establishment of state Aquatic Nuisance Species (or Invasive Species) Committee;
- Establishment of state Aquatic Nuisance Species Plans;
- Appointment of a representative from each state to the Western Regional Panel;
- Establishment of programs with additional resources to prevent the spread of unwanted aquatic nuisance species;
- Establishment of early detection and rapid response plans; and
- Establishment of authorities necessary to implement these programs and plans.

Infrastructure for implementation

To facilitate implementation, the WAFWA sought a partnership with the Western Governors' Association to convene an Aquatic Invasive Species Working Group to work toward the development and implementation of a comprehensive program to prevent the spread of aquatic invasive species in the water resources of the western states (as per WGA Policy Resolution 04-11).

Southeast

Region-specific Issues for the Southeastern Association of Fish and Wildlife Agencies (SEAFWA)

The chart included with this report provides a prioritized list of ANS regulation and enforcement issues. Other issues that were of particular regional interest included:

- Continued implementation of assistance provided to states through funding from a Multistate Conservation Grant as they develop ANS management plans and facilitate access to all plans in the region.
- Coordinate plans within the region to create basin ANS plans with mechanism to enforce regulations.
- Enhance interagency and regional communication and coordination between organizations that address ANS, including international cooperation in the Gulf of Mexico (Mexico, Caribbean nations).
- Identify and discuss differences between perceptions among the states about which species and uses are of highest concern (e.g., aquaculture industry varies by state), develop criteria to evaluate risks and determine region and state level management strategies for potential ANS.

Infrastructure for implementation

One of the key recommendations that will be instrumental in making progress on the Action Plan was the development of an Aquatic Nuisance Species (ANS) Committee for the SEAFWA. The charge of the Committee shall be to address issues and matters concerning management of aquatic nuisance species and proper use of introduced aquatic species which are or may be relative to members of the SEAFWA to address their responsibilities for the protection and management of their states' fish and wildlife resources.

The committee charge included but was not limited to:

- Law enforcement;
- Fisheries and aquatic plant management;
- ANS program funding;
- Both salt and fresh water; and
- Coordination and communication between member states concerning ANS matters.

After the workshop, the SEAFWA did approve establishing a SEAFWA ANS committee and solicited nominees from the member states to serve on it.

Midwest

Region-specific Issues

The chart included with this report provides a prioritized list of ANS regulation and enforcement issues. Other issues that were of particular regional interest included:

- Improving federal regulations (e.g., ballast water)
- Review relationships between regulations among agencies (e.g., fish and wildlife, agriculture, NEPA)
- Understanding Federal ANS laws and laws in adjacent states
- Collection and movement of fish by organized naturalist and hobby groups
- Cultural significance and influences on fish release

Regional ANS Regulation and Enforcement Priorities – 2004 Workshops

Northeast Priorities

1. Funding
2. Regulated species lists
3. Internet sales and other shipments
4. Screening and risk assessment tools

Western Priorities

1. Funding
2. Training on species identification
3. Involve external organizations
4. Screening and risk assessment tools
5. Internet sales and other shipments
6. Rapid response
7. Organizational structure
8. Regulated species lists
9. Understanding federal ANS laws

Southeast Priorities

1. Funding
2. Regulated species lists
3. Enhance regulatory authority
4. Coordinate regional ANS management
5. Economic impact information
6. Detection and rapid response

Midwest Priorities

1. Funding
2. Prevent new ANS introductions and spread (regulatory authority; screening and risk assessment)
3. Early detection and rapid response
4. Economic impact information
5. Understanding of federal ANS laws
6. Partnerships and cooperation
7. Model legislation and definitions
8. Internet sales and other shipments
9. Regulated species lists
10. Training on species identification
11. International cooperation
12. Control and management

