

Northeast Region ANS Action Plan

Based on results of the
ANS Regulations and Enforcement Workshops

Ocean City, MD – April 28, 2004
Atlantic City, NJ – September 29, 2004

March 16, 2006



International Association of Fish and Wildlife Agencies



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Note: *This action plan was developed based on the Northeast Region ANS Workshops held in April and September 2004. This version of the action plan was completed in August 2005. It was edited for consistent formatting in March 2006.*

Northeast Workshops

Workshop preparation

Issues were identified in discussions and through online input by Northeast contacts including state directors, fish chiefs, ANS coordinators, nongovernmental organizations, IAFWA staff and federal agencies.

Respondents clarified, expanded and prioritized these issues, then identified potential actions during discussion at two workshops.

Workshop 1: Fifteen participants attended a workshop in Ocean City, MD, on April 28, 2004, representing state and federal agencies and IAFWA. The discussion resulted in an initial development of a list of issues and actions.

Workshop 2: The Northeast Regional Association of IAFWA hosted a follow-up meeting in Atlantic City, NJ, on Wednesday, September 29, 2004. The primary purpose was to confirm issues and actions generated at the first workshop, and later expanded through online survey responses. Most importantly, participants identified specific realistic actions and drafted an action plan for addressing priority issues in NEAFWA and associated organizations. Twenty participants at the second workshop represented the states and federal agencies and NEAFWA.

Workshop participants are listed in Appendix A; agendas are provided in Appendix B.

Highest priority issues for immediate action

At the Atlantic City workshop, participants confirmed four issues as having the highest priority for immediate action by Northeast Association of Fish and Wildlife Agencies (NEAFWA) and its partners:

1. Funding for state and regional ANS management actions.
2. Coordinate and communicate ANS lists among NEAFWA states.
3. Develop mechanisms for tracking and controlling Internet sales and other shipments.
4. Development of ANS screening and risk assessment tools.

Workshop evaluation

Complete results for the workshop evaluation are in Appendix C.

Six out of 20 participants completed an evaluation regarding the second Northeast workshop. Four of the six believed that the workshop covered their major ANS concerns and issues. Responses indicated interest in a workshop with more in-depth coverage of issues, including more background for agency staff—and in particular, directors—on ANS legislation, issues and law enforcement regarding importation of aquatic or invasive species.

Participants described the workshop as a beneficial first step in enhancing coordination within the region. They rated the workshop's overall success towards launching collective efforts among NEAFWA states in addressing ANS issues as an average of 7.6 on a 10-point scale with

10 as the highest score. They also ranked the importance of state agencies in other regions attending similar regional ANS workshops as an 8.6 out of 10.

Participants also provided additional recommendations for *next steps* including:

- Ensuring that recommendations were implemented and have an affect on policies.
- Increasing communication on ANS issues with fisheries administrators and directors.
- Developing a formal chain of command to accomplish goals.
- Providing additional background information on ANS issues and federal authorities.

Participants recommended extending the effort to include stronger representation from a number of groups (e.g., designated point persons for ANS issues in state agencies, IAFWA).

Development and implementation of the action plan

The IAFWA Project Team provided an initial draft of the Northeast Region Action Plan to all parties named in the plan for review and revision.

After their review, the action plan will be distributed to the NEAFWA members and other partners for additional review and action. One of the primary mechanisms for implementing the Action Plan in the Northeast was through the recommendation to establish a NEAFWA ANS Committee. The recommendation is provided in Appendix D.

Some actions that have taken place since the workshop include:

- At its 2005 annual meeting, NEAFWA state directors adopted the following two resolutions regarding ANS and transgenic fish:
 - NEAFWA resolution *State Fish and Wildlife Agency Leadership for Aquatic Nuisance Species* which embodied a Northeast Fisheries Administrators Association (NEFAA) request to establish an ANS Technical Committee. The committee was given the following two charges: 1) implement the Northeast Region Action Plan; and 2) put together an ANS session at the 2006 Northeast Fish and Wildlife Conference.
 - NEFAA *Statement on Transgenic Fishes*, recommending that additional steps be taken to protect the biologically, socially and economically valuable native and naturalized fish species from the potential threat posed by transgenic fish.
- The NEFAA ANS Technical Committee has undertaken two high priority actions:
 - Development of a half-day Aquatic Nuisance Species Rapid Response Workshop for the 2006 Northeast Fish and Wildlife Conference. This workshop builds on a similar workshop sponsored by the NE ANS Panel, but is directed towards fisheries professionals.
 - Compilation of a master list for the Northeast of prohibited ANS in each state, along with any priority species of concern that are not on their list, to facilitate communication and coordination of regulated ANS species lists among states in the region.

The NEFAA Transgenic Fish Position Statement is presented in Appendix E. Notes providing an update on progress for the current Northeast Region Action Plan is provided in Appendix F.

Implementation at Regional and National Levels

Coordinating nationally

Although each regional workshop was independent of the others, the four regional action plans come to many of the same conclusions. The regions are setting similar top priorities and have an opportunity to work together through IAFWA to be more effective. Each region has a better chance of successfully addressing national-level issues if they coordinate as a group through the IAFWA and other national organizations, as appropriate.

Highest priorities

All four regions ranked funding as the highest priority. Federal authority for addressing importation with screening and assessment tools also ranked high, in addition to coordinated ANS lists among the states. Most of the priorities are independent of each other, and few would suffer if another cannot be enacted. The exception to this is the funding priority. The regions have made it clear they do not have the staff and resources to take on new ANS tasks without increased funding.

A list of priority actions for each region is given in Appendix G.

Priority Issues and Actions for the Northeast Region

This Northeast Region ANS Action Plan provides highest priority issues and actions for the region and describes mechanisms for further progress in addressing these pressing ANS management needs. The Project Team corresponded with up to 96 contacts in the Northeast region through preliminary online input to develop initial prioritization. Participants at each of two workshops in April and September 2004 used preliminary input to create a draft Northeast Action Plan for further electronic review by all contacts in the region.

Prioritization gives a general sense of where limited resources may be targeted. It does not imply that other issues are unimportant or should not be addressed if adequate resources and interest are available. "Who" (below) shows the entity that would undertake a particular action.

ISSUE 1. Awareness and support for federal funding

Description: More federal funding is needed for state and regional ANS programs. States go through an extensive planning process to become eligible for up to \$70,000 currently available to states through the federal ANS Task Force grants. Some states are allowing their plans to expire because the meager amount of funding available is not enough to motivate up-to-date plans. The states and regional association need to achieve buy-in on the federal level to generate awareness and support for authorization and annual appropriations for funding sufficient to foster development and implementation of state plans.

A. Priority actions at the regional level

1. Develop support and awareness for increased funding for:
 - a. Federal funding programs that currently distribute money to the states.

- b. Closer collaboration between the US FWS and state agencies.
 - c. National Aquatic Invasive Species Act (NAISA) as reauthorization of NISA.
 2. Briefly explain significance of the issue, possibly based on multi-state grant language.
 - a. Use information from state or regional ANS Management Plans in the Northeast as a basis for developing costs, needs, and lists both individually and collectively.
 - b. Focus on objectives and accountability, including prevention, restoring ecological health, cost/benefit and risk assessment models, and performance measurement.
 - c. Identify regulatory authority and associated issues that exist at the national, regional and state levels (e.g., gaps in authority).
 3. Describe funding needs
 - a. Develop a regional understanding of authorities in various states.
 - b. Foster strong interagency task forces within states.
 - c. Implement strategies from NEAFWA pilot state communication plan and promote use of effective tools on a regional level. Determine the feasibility of funding alternatives, such as use of an excise tax, for ANS programs through industries related to fisheries and aquatic resources in the Northeast.
 - d. Support reauthorization of NAISA as the mechanism for federal funding.
 - e. Ensure that NAISA addresses needs of the northeast region, including state agencies.
 4. Describe specific needs and potential uses of new funding.
 - a. Identify specific opportunities that can be addressed through new funding.
 - b. Estimate funding needs.
 - c. Articulate specific outcomes or benefits that will be realized through new funding.
- B. Process for implementation

Step 1. At next NEAFWA Directors meeting, directors will discuss ANS as a priority issue, including how the actions listed above can be addressed. For example, NEAFWA could formally request IAFWA assistance in reauthorizing and appropriating NAISA, identify and secure other funding sources, etc.

Who: Bob McDowell, Jack Buckley and other directors in NEAFWA

Step 2. NE Fisheries Administrators Association (NEFAA) currently has no subcommittees, but is entertaining proposals on establishing warm water and cold water technical committees. Fisheries Administrators could serve in the interim to bring these issues forward, but the association will need to establish a long-term technical committee eventually.

Who: Steve Perry and Lisa Barno will coordinate actions listed below.

Actions:

 - a. Discuss ANS at early December teleconference.
 - b. Create and pass a resolution from the NEAFWA fish chiefs and directors, similar to WAFWA ANS resolution. In their resolution, WAFWA encouraged member states to adopt recommendations that the Western Regional Panel of the ANS Task Force made in July, including:
 - i. Appoint a state aquatic nuisance species coordinator.
 - ii. Establish a state ANS or invasive species committee.
 - iii. Establish a state ANS management plan.

- iv. Appoint a state representative to the Western Regional Panel.
 - v. Establish programs with additional resources to address the spread of unwanted aquatic nuisance species.
 - vi. Establish early detection and rapid response plans.
 - vii. Establish authorities necessary to implement these programs and plans.
Who: Steve Perry with Lisa Barno, Bill Hyatt and IAFWA Project Team
Progress: Steve Perry has drafted a resolution for review (draft appended below).
- c. Develop a NEAFWA Invasive Species Technical Committee.
- i. Propose that NEFAA serve as an interim committee on ANS issues.
 - ii. Establish an invasive species technical committee for NEAFWA through a proposal from the committee and/or the directors.
 - iii. Ensure coordination of issues between law enforcement and fisheries through committee representation.

Step 3. Distribute this ANS Action Plan and the NEAFWA ANS Resolution to achieve understanding and identify additional partners to implement actions identified herein with coordination from NEFAA and the Regional Director.

Who: Northeast Fisheries Administrators Association (Lisa Barno and Steve Perry) and Bob McDowell.

Actions:

- a. Present and discuss the Action Plan and Resolution with:
 - i. NEAFWA Directors.
 - ii. Fish chiefs.
 - iii. Law enforcement.
 - iv. I&E staff.

Step 4. Follow-up at the regional level to ensure that implementation occurs.

Actions:

- a. Make a formal presentation to the spring NEAFWA directors meeting.
Who: Bob McDowell will work with the NEAFWA Executive Committee to place this on the agenda for the next meeting.
- b. Develop an information package on ANS issues at the regional level based on the Action Plan. The package would be provided to state agency directors, who can take the information to their state legislatures and commissions.
Who: NEAFWA staff could prepare the materials based on this Action Plan, with assistance from NE Fisheries Administrators.
- c. Enhance the relationship between the NEAFWA and the NEANS Panel.
 - i. Present the outcomes from the NEAFWA Regional Workshop to the NEANS Panel at their meeting on November 9-10, 2004, in Saratoga Springs, NY.
Who: Steve Perry with assistance from Bill Hyatt, Lisa Barno and the IAFWA Project Team.
 - ii. Ensure that there is a representative from a fish and wildlife agency for every state on the panel to transmit information for NEAFWA and the states.
 - iii. Establish official representation on the NEANS Panel Steering Committee or the Policy and Legislation Committee by the Northeast Fisheries Administrators Association (NEFAA), which is a formal committee that works to address fisheries-related issues on behalf of NEAFWA.

- iv. Use panel participation as an opportunity for state agencies to obtain educational and information resources and linkage to national programs.
- v. Increase communication between state fisheries programs and NEANS panel representatives, where those representatives are from other areas in the Northeast. Invite the NEANS Panel to assist in reviewing and commenting on the draft resolution, if there is an interest in doing so.

Step 5. Follow-up at the national level.

Actions:

- a. After all ANS Regional Workshops are completed in December 2004, the IAFWA Project Team will identify common priorities among all regional action plans. With assistance from the regions and based on results of the workshops, the information would describe ANS regulation and enforcement needs at the national level, articulate specific funding needs, identify priority issues to be pursued during NAISA reauthorization, and suggest other priority policy or funding concerns. The IAFWA Project Team will present the workshop report to Eric Schwaab, all Regional Directors, the Fisheries and Water Resources Policy Committee and other related IAFWA entities in early 2005.

Who: IAFWA Project Team.

- b. Workshop outcomes would be provided back to the Fisheries and Water Resources Policy Committee as the originator of the project. The committee could then recommend next steps and IAFWA staff and policy priorities. If new resources are needed to accomplish agreed upon work, the committee can recommend how that should happen.

Who: Doug Hansen, as chair of the Fisheries and Water Resources Policy Committee. Other IAFWA entities, such as the Law Enforcement Committee and Invasive Species Advisory Work Group, may also support these actions.

- c. Work together within IAFWA on pertinent national-level aspects of the actions identified by these regional workshops. Several IAFWA committees (e.g., Law Enforcement Committee, Invasive Species Advisory Work Group, Wildlife Resources Policy Committee) could incorporate these recommendations into ANS issues that they bring to the attention of directors at annual meetings.

Who: Doug Hansen, as chair of the Fisheries and Water Resources Policy Committee, could provide the recommendations to other pertinent IAFWA entities to request their support of these actions.

- d. Ensure that future proposals and grant funding include ANS-related needs identified by regional associations. The Fisheries and Water Resources Policy Committee has forwarded NCNs on habitat and ANS for several years successively and has had several projects funded to address ANS (e.g., SARP State ANS Management Plans, IAFWA ANS Communications Project).

Who: Regional representatives on IAFWA Fisheries and Water Resources Policy Committee.

- e. Develop a national set of NAISA and other ANS regulation and enforcement priorities as a basis for IAFWA action. To the extent that there are common themes, IAFWA staff will develop a concise document that captures national priorities for action, based on the Project Team report.

Who: Eric Schwaab with assistance from the Fisheries and Water Resources Policy Committee and other IAFWA entities.

- f. Regularly address invasive species concerns at IAFWA annual meetings.

Who: The NEAFWA representative to the Executive Committee, NEAFWA directors and/or chairs of committees listed above could prepare and bring forward appropriate action items, or request review of ongoing activities of IAFWA related to ANS on a regular basis.

- g. Deliver ANS policy information to national policy makers, including, but not limited to the ANS Task Force and the national Invasive Species Advisory Council.

Who: IAFWA Executive Director and staff and IAFWA representatives to national advisory or coordinating bodies.

ISSUE 2. Regulated species lists in NEAFWA states

Description: Communication and coordination of regulated species lists between states in the region is required for effective regulation and enforcement. Adjacent states within the region have different illegal species lists. These lists must be readily accessible to law enforcement, regulatory agencies and dealers of aquatic plant and animal species. This is especially critical for boundary waters. The region needs an "informational clearinghouse" on what is allowed or prohibited in the various states, so enforcement and regulators can stay current on regulations.

A. Priority actions at the regional level

1. Identify who can coordinate and compile existing lists.
2. Communicate existing lists within the region.
3. Develop a consistent regional approach.
4. Coordinate between state and federal agencies.
5. Determine what can be accomplished to control these species.
6. Work toward a shared methodology or science-based criteria for creating the lists.
7. Develop an information system to assess species invasiveness and support development of lists.
8. Increase consistency across state borders.
9. Implement interstate agreements and development of regional restricted species lists.
10. Encourage development of code of ethics for industry sectors (e.g., pet, nursery).
11. Establish training and education processes to facilitate use of interstate resources.

B. Process for implementation

Step 1. Identify and compile existing regulated species lists for all states in the region.

Who: NEANS Panel is developing a document for the Northeast Region titled, "Crossing state lines: An analysis of priority species lists for non-native aquatic and wetland plants in New England."

Actions:

- a. Compile state species lists, including:
 - i. Prohibited species for each state.
 - ii. Lists of species of concern, not on prohibited list.
 - iii. Export of problematic species to other countries [future issue].
 - iv. Native species that are genetically modified (transgenic).

- b. Describe the legal approach that each state uses regarding species, facilities and containment procedures, including criteria used to develop the lists (e.g., risk assessment).

Step 2. Develop additional legal tools on a state or regional basis, as needed.

Actions:

- a. Identify common species that will form the basis for funding needs and actions.
 - i. Convene state agencies to interpret the regulatory implications of ANS lists.
Who: NE Fisheries Administrators with assistance from managers.
 - ii. Ground-truth the lists.
Who: NEAFWA directors with assistance from their state agency staff.
- b. Present compilation of lists to:
 - i. NEAFWA Regional Director.
 - ii. Regional network of law enforcement agents (state and federal).
 - iii. NEANS Panel provides regional list to ANS Task Force.
Who: NE Fisheries Administrators.
- c. Enhance regulation of interstate commerce.
 - i. Forward a common regional list to the federal level as a recommendation for regulation of interstate commerce.
 - ii. Promote use of screening tools in federal regulations (see also III.B. Step 2).
- d. Increase consistency across state borders (especially between states with shared water bodies) with respect to regulations and enforcement.
- e. Develop interstate agreements and regional restricted species lists.
- f. Address genetic modification of native species.
 - i. Develop a transgenic fish policy and forward it to NEAFWA directors.
Who: NE Fisheries Administrators.
 - ii. Develop state laws on transgenic species.
Who: Some states in the northeast region (e.g., Maryland) have laws that other states could use as models.
 - iii. Develop policies and regulations for use of transgenic species in academic research.
Who: Universities in cooperation with state agencies.

Step 3. Communicate legal requirements to industry on a state or regional basis.

Actions:

- a. Identify common species that will form the basis for funding needs and actions.
- b. Identify state associations (e.g., nursery, pet industry).
- c. Use interagency ANS task forces to communicate with industry at a state level.
- d. Address cultural components of fish importation (e.g., Asian community).

ISSUE 3. Internet sales and interstate shipments

Description: Internet sales and other interstate commerce can not be adequately controlled at the state level and may require regional or national action to prevent illegal sales and introduction of harmful exotic species. Tracking and control of Internet sales and other shipments of ANS could be prohibitively expensive for states. Therefore, innovative approaches will be required.

A. Priority actions at the regional level

- 1. Develop innovative approaches to solve problems associated with illegal trade and shipment of ANS species.

2. Educate APHIS Veterinary Services on fish and wildlife management impacts.
3. Additional discussion is needed to adequately determine responsibilities, funding, and other resources necessary to implement these actions.

B. Process for implementation

Note: These actions must be taken on a national level to be effective. Therefore, IAFWA staff suggests that further action on this issue be delayed until all four Regional Workshops are complete to determine what common actions may be proposed for IAFWA.

Step 1. Contact APHIS to determine regulatory authority for invasive species shipments.

Who: IAFWA staff (Russ Mason).

Outcome: The NISC 2001 Management Plan does speak to the question of whether USDA Veterinary Services has authority to interdict shipments of invasive animals. Appendix 3 (page 63) of the Plan seems to indicate that Veterinary Services has broad authority under a series of statutes collectively known as the 'Animal Quarantine Laws'. USDA-VS can regulate the movement "of all members of the animal kingdom" if they vector communicable diseases or are a pest of poultry or livestock. The document goes on to specify that "the fact that a disease or pest primarily affects animals other than livestock or poultry does not limit USDA-VS authority to regulate a species, as long as it carries a communicable disease or pest of livestock or poultry".

Step 2. Provide information to APHIS on regulatory requirements in each state in the region and at the federal level. (This is contingent upon.)

Who: IAFWA staff (Russ Mason with assistance from Regional Directors)

Actions:

- a. Accumulate and distribute a list of state contacts (names, telephone numbers, e-mail) for invasive species (terrestrial, freshwater, marine).
- b. Compile state lists, as recommended in Issue II.
- c. Provide compiled information to APHIS.

Step 3. Establish stronger partnerships and communication between industry, APHIS and the IAFWA to develop more intensive actions to address concerns regarding illegal ANS sales.

Step 4. Communicate concerns and regulatory requirements to aquatic plant and animal dealers.

Actions:

- a. Provide information to the aquaculture industry.

Who: Aquaculture industry association in the northeast in cooperation with the NE Fisheries Administrators, NEAFWA and IAFWA.

- b. Provide information to the pet trade industry.

- i. Officially partner with the *Habitattitude*TM outreach effort, coordinated by the US FWS and the Pet Industry Joint Advisory Council (PIJAC).

Who: IAFWA and NEAFWA state agencies and other organizations in the Northeast region.

ISSUE 4. ANS screening and risk assessment tools

Description: The relative efficiency of screening and prevention approaches (e.g., use of predictive tools to list restricted species before they arrive) must be emphasized, as opposed to relying on control and management when species have already entered the state or nation.

- A. Priority actions at the regional level
 - 1. Determine IAFWA and NEAFWA role in Aquatic Screening Working Group.
 - 2. Provide public input in response to federal register announcements of working group activities.
- B. Process for implementation
 - Step 1. Develop a draft screening process for ANS species at the federal level.
 - Who:* ANS Task Force/NISC Aquatic Screening Working Group.
 - Actions:*
 - a. The Working Group is inviting participation of states on associated technical committees and in the public review process.
 - b. Propose a role for IAFWA and Regional Associations (NEAFWA) in the Aquatic Screening Working Group.
 - c. *Who:* Bob McDowell in cooperation with Eric Schwaab.
 - d. Encourage states to be prepared for public input through federal register announcement of the working group activities.
 - Step 2. Support use of screening tools in the federal legislation.
 - Actions:*
 - a. Emphasize development and implementation of a screening process as a priority in NAISA reauthorization.
 - i. Support and promote the IAFWA resolution passed at the September 2004 Atlantic City meeting.
 - Who:* IAFWA, NEAFWA and state agencies and organizations.

Appendix A.

ANS Workshops Participants

NE Workshop I, April 28, Ocean City, MD

<u>Contact</u>	<u>Organization</u>	<u>Phone</u>
Raul Camejo	Connecticut Department of Environmental Protection	860-424-3952
William Hyatt	Connecticut Department of Environmental Protection	860-424-3487
Catherine Martin	Delaware Department of Natural Resources	302-653-2887
David Walker	IAFWA	202-624-7890
Tom Santaguida	Maine Department of Inland Fisheries and Wildlife	207-287-2766
Jonathan McKnight	Maryland Department of Natural Resources	410-260-8539
Stephen Perry	New Hampshire Fish and Game Department	603-271-1745
Charles Johncox	New York Department of Environmental Conservation	585-226-5323
Robert Lucas	New York Department of Environmental Conservation	518-427-1791
John Arway	Pennsylvania Fish and Boat Commission	814-359-5147
Kari Duncan	U.S. Fish and Wildlife Service	703-358-2464
Thomas Healy	U.S. Fish and Wildlife Service	413-253-8340
Ray Fernald	Virginia Department of Game and Inland Fisheries	804-367-6913
Jim Hedrick	West Virginia Department of Natural Resources	304-367-2720
Brett Preston	West Virginia Division of Natural Resources	304-558-2771

NE Workshop II, September 29, Atlantic City, NJ

Larry Riley	Arizona Game and Fish Department	602-789-3257
Russ Mason	IAFWA	202-624-7890
Bill James	Indiana Department of Natural Resources	317-232-4092
W. Dwight Landreneau	Louisiana Department of Wildlife and Fisheries	225-765-2623
Jonathan McKnight	Maryland Department of Natural Resources	410-260-8539
Jack Buckley	Massachusetts Division of Fisheries and Wildlife	617-626-1572
Steve Eder	Missouri Department of Conservation	573-522-4115
Anne Lange	National Marine Fisheries Service	301-713-2334
Stephen Perry	New Hampshire Fish and Game Department	603-271-1745
Lisa Barno	New Jersey Division of Fish and Wildlife	609-292-8642
Shaun Keeler	New York Department of Environmental Conservation	518-402-8920
Robert McDowell	Northeast Association of Fish and Wildlife Agencies	973-948-7643
Douglas Austen	Pennsylvania Fish and Boat Commission	717-705-7801
Sarah N. Whitney	Pennsylvania Sea Grant	610-304-8753
Mark Indseth	U.S. Army	
Brian Lee	U.S. Army	804-633-8750
Bill Lorenz	U.S. Forest Service	202-205-7827
Bill Gregg	U.S. Geological Survey	703-648-4067
Robin Schrock	U.S. Geological Survey	703-648-4066
Glen Contreras	USDA Forest Service	703-605-5286

Appendix B.

Agendas for Northeast ANS Workshops

Workshop 1: ANS Regulations and Enforcement Workshop **Northeast Region, April 28, Ocean City, Maryland**

Agenda

- 8:30 Introduction, expectations, and desired outcomes – Phil Seng
- 8:45 Background information and major issues (define the scope of the issues)
- Background for the project – Joe Starinchak
 - Preliminary identification of issues – Gwen White
 - Injurious species listing process presentation (federal perspective) – Kari Duncan
 - Define the charge for breakout sessions
- 10:30 Break (prioritize issues as a group to guide development of action items in breakouts)
- 10:45 Breakout: What regulatory and policy actions that would address these issues?
- 12:00 Lunch (on your own; facilitators will summarize discussion)
- 1:00 Group discussion on state and federal law enforcement
- 1:30 Breakout: What are the enforcement actions that would address these issues?
- 2:15 Break
- 2:30 Group discussion: Reports from breakouts on high priority actions
- Prioritize actions as a whole group
 - Identify issues to be elevated
- 3:30 Action plan formulation
1. What issues need to be elevated and to whom do these issues need to be addressed?
 2. Who will be responsible for implementing these actions?
 3. Who will take the lead in articulating these issues to other decision-makers?
- 4:30 Adjourn

Workshop 2: ANS Regulations and Enforcement Workshop II
Northeastern Region, September 29, Atlantic City, NJ
Catalina 1 Room, 8:15am – 12:00pm

- 8:15 Introduction, expectations, and desired outcomes (Phil Seng)
- Welcome from Northeastern state agencies
 - Introductions by participants and expectations for workshop
 - Discuss expectations and project follow-up
- 8:30 Background information and major issues (Joe Starinchak)
- Background for the project
- 8:45 Preliminary identification of issues (Gwen White)
- Review, modify and confirm issues and actions list
 - Identify top priority issues for action plan development
 - Define the charge for breakout sessions
- 9:15 Breakout: Action plan formulation
4. What actions need to be taken to address these issues? What is the top priority action?
 5. How can the Regional Association (NEAFWA) do to accomplish these actions?
 6. What external organizations can be involved in actions (NEANS Panel, etc)?
 7. Who in these organizations will be responsible for implementing these actions?
 8. Who will take the lead in articulating these issues and actions to decision-makers within NEAFWA and other organizations?
- 10:00 Break
- 10:15 Breakout: Action plan formulation continued.
- 11:00 Group discussion: Where to from here?
- What are barriers to achieving these actions?
 - How can NEAFWA and its partners organize to pursue this ANS action agenda?
 - What would motivate continued involvement in this process?
 - Next steps
- 12:00 Adjourn: Reminder to complete online evaluation

Appendix C. Evaluation Results, ANS Workshop 2

NOTE: There were six responses to the survey, conducted at NEAFWA, Atlantic City, NJ; September 29, 2004.

A. Regarding the topics covered at the workshop:

1. Did the topics discussed cover your major ANS concerns and issues?

66.7% = yes, 16.7% = no, 16.7% = don't know/no opinion

(one person answered "yes and no")

2. Please list any issues you are concerned about related to ANS (biology, control, eradication, etc.) that were not discussed in the workshop:

a. Law enforcement and accountability issues towards importation of aquatic or invasive species.

b. Good first steps do begin seriously addressing these issues.

c. Misinterpreted what was the intent. I came in thinking that this would be an educational session where I'd learn about ANS legislation and issues. Rather, it was a workshop on already compiled material and really editing and evaluating.

B. Regarding the materials used at the workshop:

3. Were the materials used at the conference:

83.3% = adequate, 16.7% = inadequate, 0% = don't know / no opinion

4. Please list any other materials that could have been presented to workshop participants:

a. Websites containing information.

C. Presentations delivered at the workshop:

5. Please indicate if the following workshop presentations were useful and should be repeated at future regional ANS workshops:

a. History and background that led to this project (FWS)

100% = useful (repeat it) 0% = not useful (skip it) 0% = don't know/no opin.

b. ANS issues identified by workshop participants prior to the workshop

100% = useful (repeat it) 0% = not useful (skip it) 0% = don't know/no opin.

c. Other background information needed for this workshop

100% = Law enforcement 0%=Fed Authority 0%=None; and don't know/no opin.

6. Was the overall amount of background information presented in the beginning of the workshop: 33.3% = too little 66.7% = just right 0% = too much

7. Please provide any suggestions about background information we should add or delete for the next regional ANS workshop:

- a. Comment from #6. Maybe could of gone a little deeper as there were many questions requesting clarity (Partly though because of lack of knowledge by participants on process thus far.)
- b. Basic information on ANS for directors.

D. Facilitation

8. Was the workshop's facilitation:

100% = adequate 0% = inadequate 0% = don't know / no opinion

9. Please provide any suggestions regarding facilitation that could improve future regional ANS workshops (agenda, discussion management, etc.):

- a. Comment on #8 - Very diverse issue -tough to facilitate.

E. Attendance

10. Were the necessary people in attendance to meet goals

80% = yes 20% = no 0% = don't know/no opinion

11. If you answered "No" to the question above, please list who else, or which other agencies, should have been in attendance and how to reach them:

- a. Didn't have enough state folks who are point people for ANS in their states.
- b. Establish lists, coordination between states, IAFWA involvement

F. Next steps

12. What would be the most important next steps in the process, including state or regional actions?

- a. Note at end of survey: Outcome best judged by effect of recommendations on policy.
- b. Follow through with recs made (many pertained to communicating further on fishery administrators, etc.)
- c. Develop a formal chain of command process to accomplish goals.
- d. Notes from eval - 5.a need more b. but needed more background on ANS c. also marked fed. authority.

G. Overall Outcome:

13. On a scale of 1 to 10, how would you rate the workshop's overall *success towards launching collective efforts* among NEAFWA states in addressing ANS issues:

7.6 (score with 1 representing the lowest score and 10 being the highest)

14. On a scale of 1 to 10, please rank the *importance of state agencies in other regions attending similar regional ANS workshops*:

8.6 (score with 1 representing the lowest score and 10 being the highest)

Appendix D.

Recommendation to Establish a NEAFWA ANS Committee

NORTHEAST ASSOCIATION OF FISH AND WILDLIFE AGENCIES RESOLUTION

State Fish and Wildlife Agency Leadership for Aquatic Nuisance Species

-- DRAFT --

-- Approved by the NEFAA on February 16, 2005

-- Forwarded to the NEAFWA Directors for consideration in April 2005

WHEREAS, the Northeast Fisheries Administrators Association Standing Committee of the Northeast Association of Fish and Wildlife Agencies recognizes the authority and the leadership role of State Fish and Wildlife Agencies in conserving wildlife and wildlife habitat within their states; and

WHEREAS, the Fisheries and Water Policy Standing Committee of the International Association of Fish and Wildlife Agencies has identified that enhancing and improving state fish and wildlife abilities to manage unwanted (invasive) species is a national conservation need; and

WHEREAS, it is recognized that Aquatic Nuisance Species can pose a significant threat to the aquatic wildlife and the aquatic wildlife habitats of the Northeast; and

WHEREAS, it is recognized that additional infrastructure and resources within each State Fish and Wildlife Agency and within each State is needed to coordinate, plan, and seek funding to address threats from Aquatic Nuisance Species; and

WHEREAS, it is recognized that to achieve the desired security of the region's aquatic wildlife and their habitats it is necessary to employ new, consistent, and cooperative approaches among all Northeast states; and

WHEREAS, the Northeast Aquatic Nuisance Species Panel was established under the auspices of the Federal Aquatic Nuisance Species Task Force and has as its mission to "protect the marine and freshwater resources of the Northeast from invasive aquatic nuisance species through commitment and cohesive coordinated action".

NOW, THEREFORE, BE IT RESOLVED that the Northeast Association of Fish and Wildlife Agencies encourages its member states to support the objectives of the Northeast Aquatic Nuisance Species Panel, including:

- Providing regional coordination and leadership for Aquatic Nuisance Species programs and activities,
- Providing regional support for and commitment to state, provincial, and regional Aquatic Nuisance Species policies
- Providing regional support for the use of regulatory and legislative authorities, when necessary, to prevent and control Aquatic Nuisance Species;
- Increasing Aquatic Nuisance Species awareness among all sectors of the public emphasizing the need for and importance of prevention,
- Supporting and fostering research initiatives that advance control, eradication, base line monitoring, and prevention of Aquatic Nuisance Species, as well as research that contributes to the understanding of the biology, ecology, and potential impacts of Aquatic Nuisance Species and the vectors by which they are dispersed.

BE IT FURTHER RESOLVED that the Northeast Association of Fish and Wildlife Agencies encourages its member states to:

- Establish a state Aquatic Nuisance Species Committee,
- Establish and implement a state Aquatic Nuisance Species Management Plan,
- Appoint a representative to the Northeast Aquatic Nuisance Species Panel,
- Develop support and awareness for increased funding through federal programs and the National Invasive Species Act of 1996,
- Communicate and coordinate regulated species lists among states in the Northeast region for effective regulation and enforcement, and
- Assist in the development and implementation of Aquatic Nuisance Species screening and risk assessment tools.

Appendix E.

NEAFWA Transgenic Fish Position Statement

-- DRAFT --

-- Approved by the NEFAA on February 16, 2005

-- Forwarded to the NEAFWA Directors for consideration in April 2005

Background:

The American Fisheries Society (AFS) approved a policy statement on transgenic fishes in 1990. Since that time, the issue of transgenic fishes has advanced from the theoretical laboratory to the commercial aquaculture production facility. Transgenic fish are now looked upon as a commercially viable product, ready for production and distribution.

Many of the recommendations of the AFS Policy Statement #21 have not been fully realized, including completion of case-by-case risk assessment studies, development of criteria for sterilization or containment of fertile transgenic broodstocks, and prevention of stocking into natural waters until supported by adequate research, public review and comment, and approval of appropriate fish management agencies.

The fisheries management agencies of the Northeastern states hereby make their recommendation that additional steps be taken to protect the biologically, socially and economically valuable native and naturalized fish species from the potential threat posed by transgenic fish.

The NEFAA position statement on transgenic fish is as follows:

Whereas, transgenic fishes are finfish and shellfish that have been modified by genetic engineering to contain DNA from an external source, and

Whereas, studies have shown that transgenic fish perform differently than non-transgenic fish and as such have the potential of negatively impacting wild populations of fishes, and

Whereas, studies with other transgenic species reveal that the spread of transgenes is harder to control than earlier believed, and

Whereas, the existence of transgenic fish is still relatively new and the full impact of such fish have not been fully researched, and

Whereas, the American Fisheries Society adopted a precautionary policy statement concerning transgenic fish in 1990, and

Whereas, the North Atlantic Salmon Conservation Organization adopted in 2003 a guideline stating that transgenic salmon should not be introduced into streams or marine waters where native Atlantic salmon are present, and

Whereas, the U.S. Atlantic Salmon Assessment Committee adopted in 2004 a recommendation that transgenic salmon not be used in New England waters, and

Whereas, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service issued a Biological Opinion on the proposed modification of existing U.S. Army Corps of Engineers permits for aquaculture pens that prohibits the use of transgenic salmon in these pens, and

Whereas, the States of California, Washington, and Maryland have passed legislation prohibiting the use of transgenic fish in their states,

The Northeastern Fisheries Administrators Association, mindful of the potential threat posed by transgenic fish as recognized by the aforementioned parties and studies, and mindful that currently there are few laws that regulate the use of transgenic fish and that currently most regulation rests with the USFDA in respect to food safety and does not address environmental impacts, then therefore resolves that:

- Transgenic fish have the potential to cause significant and irreversible harm to wild populations of fish, including endangered species.
- The potential threats posed by transgenic fish should be considered during the development of State and National Aquatic Nuisance Species Management Plans.
- State and Federal regulations should be enacted controlling the propagation, distribution, sterilization and containment of transgenic fish.
- While the USDA has a key role in the regulation of agricultural animals, State fish and wildlife departments the USFWS and NOAA are the natural resource agencies that are most appropriate to review and regulate potential impacts to wild populations.

EP, 12/08/2004

AFS Policy Statement #21

The advent of gene transfer techniques has introduced the development of lines of fishes, as well as other aquatic organisms, bearing introduced genes. Such modifications are typically aimed at substantial changes of performance characters (e.g., faster growth), extension of environmental tolerance (e.g., cold resistance), or expression of novel proteins. Most fisheries professionals would agree that (1) traits other than those targeted by gene transfer are likely to be affected, (2) overall phenotypic performance of such fishes is virtually uncharacterized, and (3) introduction of such fishes into natural aquatic communities may cause ecological or genetic impacts.

Based on current understanding of community-level impacts of stocking non-transgenic piscivorous fish, the release of certain transgenic fishes, especially those exhibiting substantially altered performance, could destabilize and reorganize aquatic ecosystems. Because aquatic ecosystems function through complex interactions involving transfers of energy, organisms,

nutrients, and information, it is reasonable to expect difficulty in predicting the community-level impacts of releasing transgenic fishes that exhibit one of more type of phenotypic change. Ecological risks of releasing transgenic fishes could be reduced by making them sterile. When sterilization is accomplished via induction of triploidy or administration of hormones, however, there is the added risk that not all individuals are truly sterile. Further, releases of sterile transgenic fish would still involve short-term risks because sterile fish might alter community dynamics through processes such as competition and altered predation.

Because the performance and ecological impacts of transgenic organisms in natural ecosystems are unknown, their uncontrolled release is undesirable. Public policies for regulating development, patenting, and release of transgenic organisms are currently being formulated, and it is important that fisheries scientists become involved in evaluations of the performance and ecological impact of transgenic fishes. Public policies must be established which ensure that rational, carefully considered decisions are made regarding development and release of transgenic fishes. While this position statement focuses on transgenic fishes, the concerns and recommended courses of action apply to all genetically modified aquatic organisms.

The AFS policy regarding transgenic fishes is to:

1. Support research to provide data for rational policy decisions. Research needs include phenotypic characterization of transgenic lines, evaluation of the performance of transgenic lines, improvement of sterilization techniques, and development of ecological risk assessment models and protocols.
2. Advocate caution in uses of transgenic fishes including support for (a) completion of well-defined studies in secure facilities, (b) completion of case-by-case risk assessment studies, (c) development of criteria for sterilization or containment of fertile transgenic broodstocks, and (d) prevention of stocking into natural waters until supported by adequate research, public review and comment, and approval of appropriate fish management agencies.
3. Advocate policies improving comprehensiveness of the Coordinated Framework for the Regulation of Biotechnology in the United States. Support full application and revision of National Institutes of Health (NIH) and U.S. Department of Agriculture (USDA) guidelines regulating production and handling of transgenic organisms including:
 - requiring the production of transgenic animals in non-federally funded laboratories to follow NIH or USDA guidelines or performance standards (monitoring and enforcement provisions of the guidelines should be strengthened);
 - expanding the scope of policies regarding environmental release of transgenic animals to include experiments not specifically funded by USDA;
 - establishing mandatory federal oversight of proposed releases of transgenic species, including public involvement and monitoring in the permit process and monitoring by an AFS committee of technical experts of both the regulatory process and early releases of transgenic fishes;
 - developing policies regulating distribution and final use of transgenic fishes, pressing for adoption of an ecologically conservative philosophy which includes

- (a) granting of separate permits for distribution and final use of transgenic organisms on a case-by-case basis and (b) completion of risk assessments that consider particular genetic and phenotypic modification and the accessible environment at issue;
- designation of a lead agency, including AFS representation on appropriate advisory committees, for policy development and enforcement regarding distribution and uses of transgenic fishes.
4. Support the policy put forward by the Department of Fisheries and Oceans in Canada, "Transgenic aquatic organisms: policy and guidelines for research with, or for rearing in natural aquatic ecosystems in Canada," and support development of a Canadian "National policy on introductions and transfers of aquatic organisms," which will address concerns presented by aquatic organisms genetically modified by other biotechnological means.
 5. Advocate clear and narrowed definition of proprietary rights for genetically novel animals by:
 - narrowly defining patents granted for novel animals to avoid stifling subsequent work and to limit them to cases where use of new genetic elements or new production processes are key innovations;
 - strengthening legal provisions of the Patent Act for use and reproduction of patented novel animals for bona fide research purposes;
 - establishing in legislation or agency regulations the philosophy and structure of royalty obligations regarding uses of transgenic animals before such animals enter agricultural production.

Appendix F.

Status of Selected Actions for the Northeast Action Plan

ISSUE 1. Awareness and Support for Federal Funding

B. Process for implementation

Step 2. NE Fisheries Administrators Association (NEFAA) currently has no subcommittees, but is entertaining proposals on establishing warmwater and coldwater technical committees. Fisheries Administrators could serve in the interim to bring these issues forward, but the association will need to establish a long-term technical committee eventually.

Actions:

- a. Discuss ANS at early December NEFAA teleconference.
- b. Create and pass a resolution from the NEAFWA fish chiefs and directors

NEFAA Conference Call Minutes (12-8-04):

Aquatic Nuisance Species Resolution

Steve Perry provided background on the resolution in his capacity as interim NEAFWA representative to the Northeast Panel. It resulted from workshops supported by a Multi State Conservation Grant for better coordination of aquatic nuisance species work. It is similar to a resolution adopted by the Western Association of Fish and Wildlife Agencies.

Several edits were proposed to the draft. These included adding the Mid-Atlantic Panel to several references to the Northeast Panel and adding the word "aquatic" to better describe wildlife in the first "Whereas."

Motion: Bill Hyatt moved, and Steve Perry seconded, approval of the draft resolution with the edits as above to forward to the Northeastern Association of Fish and Wildlife Agencies (NEAFWA). The motion was approved.

Action Item: Doug Stang (NEFAA Chair) will forward the final version of the resolution to the NEAFWA Chair and to NEFAA members. (Note: NEFAA members have until 2-11-05 to provide comments regarding the edited version of the draft policy)

Steve Perry asked who would serve as NEAFWA representative to the Mid-Atlantic Panel.

Action Item: Doug will speak with the NEAFWA Chair about Mid-Atlantic Panel representation.

- a. Develop a NEAFWA Invasive Species Technical Committee
 - i. Propose that the Northeast Fisheries Administrators Association (NEFAA) serve as an interim committee on ANS issues.
 - ii. Establish an invasive species technical committee for NEAFWA through a proposal from the committee and/or the directors.
 - iii. Ensure coordination of issues between law enforcement and fisheries through committee representation.

NEFAA Conference Call Minutes (12-8-04):

Establishment of Coldwater and Warmwater Technical Committees

Doug Stang provided background on the NEFAA proposal to establish technical committees. Although he had not yet received formal word from the Directors on the proposal, Doug indicated that they had reservations during their October meeting. Steve Early, who was at that meeting, verified the Directors concerns including: 1) the need for two committees instead of one; 2) the nonspecific list of potential topics for committee consideration; 3) committee straying into areas beyond the needs of the Directors; and 4) how other IAFWA committees and organizations might meet their needs instead.

Much discussion ensued on the Directors' concerns, first on the need for priority issues to be identified upfront. Mark Tisa suggested that a NEFAA technical committee could work on issues surrounding the National Fish Habitat Initiative or declining fishing participation. Steve Perry mentioned that the fish habitat work would mesh well with ongoing work on the eastern brook trout initiative. Fish disease (e.g., LMBV) was another priority issue mentioned.

Bill Hyatt asked why the Directors were concerned about the establishment of two committees. Steve Early explained that the Directors didn't want permanent committees, but favored ad hoc committees to tackle specific issues as they arose. Although several NEFAA members spoke in favor of the original two committee idea, the overall feeling was that this ad hoc committee approach could perhaps be adapted to meet NEFAA needs.

Action Item: Doug Stang will continue to pursue official NEAFWA feedback on our proposal for coldwater and warmwater fisheries technical committees.

Action Item: To determine whether NEFAA has the authority to establish subcommittees, Doug will circulate the NEFAA charter/guidelines to all members.

Email from NEFFA Chair Doug Stang to NEFAA Members (1-25-05):

Re: Establishment of Technical Committees:

Before the holidays, I spoke with Paul Peditto (NEAFWA). He feels that the Directors are supportive of the establishment of the Technical Committees, but the hang-up was with the list of topics provided in the proposal. The Directors seem to want "more timely topics" than the laundry list of potential topics that we provided. I posed the eastern brook trout idea for the coldwater committee and the LMBV/ bass tournament topic to him and he felt that they were both exactly what the Directors are looking for (in fact the Directors already voted to support the brook trout effort. Paul indicated that NEFAA should approach the NE Directors with topic(s) and that the suggestion to form a technical committee to address the issue. I think that we are just about there, but we need to revamp the proposal a bit to "address pertinent topics" and perhaps list one or two for each CW and WW.

We need to develop/ agree on a "timely, specific" topic or two (or four) to officially pose to the Directors for committee establishment.

I also received a list of committee topics that are of interest to the Northeast Directors from Mark Tisa:

The National Fish Habitat Initiative (NFHI)
Declining participation rates in fishing
Fish disease issues
Contaminants in fish

Aquatic nuisance species

The New England Atlantic Salmon Restoration Program

At our February conference call, lets try to pin down a couple of topics to pose to the directors for technical committee establishment.

- Step 4. Follow-up at the regional level to ensure that implementation occurs.
- c. Enhance the relationship between the NEAFWA and the NEANS Panel.
 - i. Present the outcomes from the NEAFWA Regional Workshop to the NEANS Panel at their meeting on November 9-10, 2004, in Saratoga Springs, NY.
 - ii. Ensure that there is a representative from a fish and wildlife agency for every state on the panel to transmit information for NEAFWA and the states.
 - iii. Establish official representation on the NEANS Panel Steering Committee or the Policy and Legislation Committee by the Northeast Fisheries Administrators Association (NEFAA), which is a formal committee that works to address fisheries-related issues on behalf of NEAFWA.
 - iv. Use panel participation as an opportunity for state agencies to obtain educational and information resources and linkage to national programs.
 - v. Increase communication between state fisheries programs and NEANS Panel representatives, where those representatives are from other areas in the organization.
 - vi. Invite the NEANS Panel to assist in reviewing and commenting on the draft resolution, if there is an interest in doing so.

Update:

Stephen Perry attended the NEANS Panel meeting on November 9, 2004 and presented the outcomes from the NEAFWA Regional Workshops; provided the NEANS Panel Steering Committee with a copy of the Draft NEAFWA Policy; and accepted an interim appointment as the NEAFWA representative on the NEANS Panel.

ISSUE 2. Regulated Species Lists in NEAFWA States

B. Process for implementation

- f. Address genetic modification of native species.
 - i. Develop a transgenic fish policy and forward it to NEAFWA directors.

NEFAA Conference Call Minutes (12-8-04):

Transgenic Fish Policy

Eric Palmer provided background on a draft NEFAA transgenic fish policy that would compliment AFS Policy Statement #21. The AFS policy was judged to be still valid, but not implemented well. Steve Gephard and Meredith Bartron assisted with this draft.

Several edits were discussed on the call. These included: 1) specifically mentioning that shellfish are to be addressed as well as finfish; 2) adding the word "potential" to describe the threat posed by transgenic fish in the third paragraph; 3) adding another bullet providing a link between transgenic fish issues with aquatic species nuisance planning.

Roy Miller asked about the relationship of this policy to the AFS resolutions process, and it was clarified that the primary intent of this policy was for NEAFWA approval, not AFS. This led to a discussion on the need for NEFAA to send a letter to AFS to revisit Policy Statement #21 as per an earlier NEFAA action item. The group felt that the AFS policy was pretty good and such a letter wasn't needed.

Motion: Steve Perry moved, and Roy Miller seconded, approval of the draft transgenic fish policy as edited above to forward to the NEAFWA. The motion carried.

Action Item: Doug will send out another version of the draft policy to NEFAA members for a final review of the edits. Assuming that it's okay, he will then send it to the NEAFWA Chair.

Email from NEFFA Chair Doug Stang to NEFAA Members (1-25-05):

Attached is the "final" draft that incorporates the suggestions from the 12/8/04 conference call. Please review and let me know if there are any concerns by February 11. If there are no further edits/ suggestions, I will forward to the Directors (NEAFWA) for consideration.

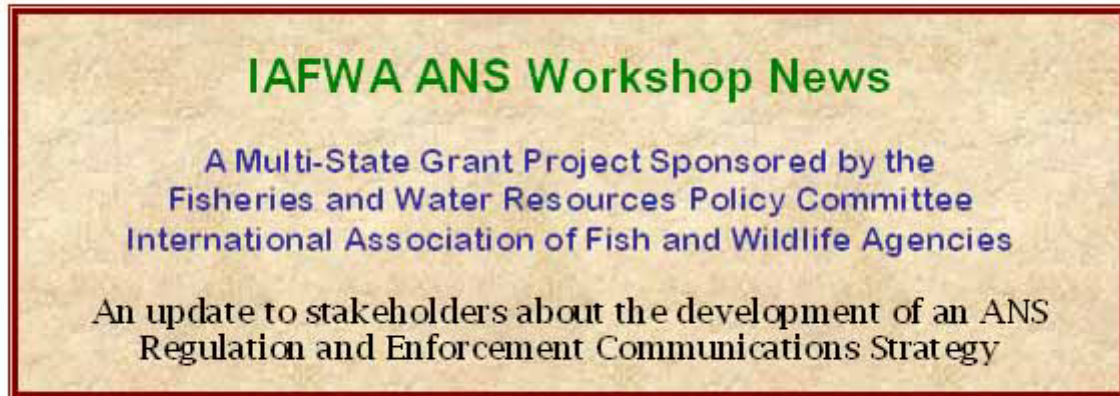
Regulated species lists

The NEFAA ANS Technical Committee has developed a half-day ANS Early Detection/Rapid Response Workshop for the 2006 Northeast Fish & Wildlife Conference. This workshop builds on a similar workshop sponsored by the NEANS Panel, but is directed towards fisheries professionals.

One of the priority issues identified for immediate action by the Northeast Association of Fish and Wildlife Agencies (NEAFWA) and its partners in the draft plan was the communication and coordination of regulated ANS species lists among states in the region. To assist in addressing this priority issue, the NEFAA ANS Technical Committee has initiated an effort to create a master list for the northeast, so each state has been requested to compile its list of prohibited ANS, as well as those ANS each state has identified as priority species of concern that are not on their prohibited list. To help make this task as easy as possible, an Excel spreadsheet was developed for this purpose and emailed to each state fish and wildlife agency. Each agency was asked to mark all the ANS it prohibits for import and/or possession with either a P(SL) if the prohibition is established by state law or P(AR) if it's by agency regulation. Each state's submission will be incorporated into a Master List, which will be sent to NEFAA members for review and discussions. To date 6 of 13 states have provided a listing of their prohibited ANS.

Appendix G.

IAFWA ANS Workshop News



May 2004

Articles in this issue:

- Northeast ANS Workshop: Meeting Overview
 - Coordinated actions and funding constraints
 - Call to Action: Setting an agenda to promote action on ANS issues
- Purpose of the IAFWA ANS Regulation and Enforcement Project
- Background presentations and issue development
 - Injurious species listing process
 - Introduction to state and federal law enforcement
 - Workshop participants expand draft list of issues and actions
- Continuing the process for the Northeast
 - Develop and implement communication and coordination plan
 - Recommendations for next steps
 - Invite a broader spectrum of participants
 - Keeping everyone involved
- Many thanks to key partners and stakeholders for supporting the meeting
- Second workshop in July: Invasive issues in the West
 - Calendar for other regional meetings
- Developing a website and listserve for regional discussion
- IAFWA Advisory Panel and Project Team
- Contact us

Northeast ANS Workshop: Meeting Overview

Coordinated actions and funding constraints

The first IAFWA ANS Regulation and Enforcement Workshop, held in Ocean City, Maryland on April 28, provided insight into project process and contacts. Ten of the 15 member agencies in the Northeast region of IAFWA had representatives at the first stakeholders meeting for the ANS Workshops. The meeting was the first of four workshops to develop a regional assessment of ANS regulation and law enforcement issues that can be addressed through enhanced coordination and communication actions.

The workshop began with introductions and an overview of project background, including results of the IAFWA / FWS Survey conducted with all states in 2002 to assess state approaches and concerns for ANS issues. Participants reviewed and updated the list of issues and actions for further consideration by the states and NEAFWA Regional Association. This newsletter serves to update those who could not attend the workshop and provides a preview of activities for Western workshop participants.

Call to Action: Setting an agenda to promote action on ANS issues

We are seeking ideas from all of you on how to advance these issues in the Northeast Region. The IAFWA Project Team is able to work with regional associations to get the project off the ground. But the states will have to work together as a region to carry out actions. Participants recommended additional input from the NE Fisheries Administrators, NE Law Enforcement Chiefs Association, and others in the region involved in ANS issues.

Much of the discussion centered on the need for more funding to implement ANS coordination and communication actions. The group also identified actions that are either underway or which could be implemented in the near future through enhance coordination of existing efforts.

By developing a consensus-based agenda, we can call attention to these funding and coordination needs at the state, regional, and international association level. We encourage all of you to participate in ongoing discussion that will be generated through the listserv and website as we determine together how to advance action on these issues.

Stay tuned for more information on how you can get involved!

Background Information and Issue Development

Injurious Species Listing Process

Kari Duncan, chief, USFWS Branch of Invasive Species, explained the federal listing process for restricted species under the Lacey Act. Injurious wildlife species are those species, including their offspring and eggs that are injurious to: health and welfare of human beings; interest of forestry, agriculture, and horticulture; or welfare and survival of wildlife or wildlife resources in the U.S. Rule promulgation and enforcement is administered by the U.S. Fish & Wildlife Service. Listing results in prohibitions against importation and interstate shipment. Mammals, birds, fish, mollusks, crustaceans, amphibians, and reptiles may be listed, but plants and insects are not covered. No emergency listing authority is provided, but interim rules may be established and enforced quickly.

The process for listing includes an evaluation with or without petition. A notice is published in the Federal Register requesting biological and economic information. State agencies and other organizations are encouraged to provide this information to facilitate the risk assessment process. If data regarding injurious capacity supports listing, a proposed rule is developed and public input requested. Criteria for examination include release or escape, survival and establishment, spread, and impacts on wildlife, threatened and endangered species, and human beings. Negative impacts are weighed against ability to prevent escape, eradication, management and control, recovery of disturbed systems, ecological benefits, and other factors such as sterility. Species currently under evaluation include black carp, swamp eel, bighead carp, silver carp. Proactive risk assessments are in process to evaluate up to 80 taxa of fishes for potential impacts.



STOP AQUATIC HITCHHIKERS!

Prevent the transport of nuisance species.
Clean all recreational equipment.

When you leave a body of water:

- Remove any visible mud, plants, fish or animals before transporting equipment.
- Eliminate water from equipment before transporting.
- Clean and dry anything that comes into contact with water (boats, trailers, equipment, clothing, dogs, etc.).
- Never release plants, fish or animals into a body of water unless they came out of that body of water.



STOP AQUATIC HITCHHIKERS!

Prevent the transport of nuisance species.
Clean all recreational equipment.
www.ProtectYourWaters.net



Introduction to State and Federal Law Enforcement

Tom Healy, USFWS Region 5 Law Enforcement, provided an overview of law enforcement and how state and federal agencies interact. There are seven regional FWS law enforcement offices in the country. There are five federal field supervisors and inspectors to cover 16 ports in US where people can bring in wildlife.

Federal agents have been conducting investigations and working with states under authorities in the Lacey Act. However, Healy stressed that the Act can only be used for a state underlying offense that is a wildlife violation. FWS agents cannot investigate violations of agriculture, environmental or health codes. Therefore, he emphasized that new regulations must be enacted under wildlife divisions to acquire assistance from federal investigators. Federal agent will generally not enter into state-level investigations unless requested by the state agents. In some cases, federal agents discover intelligence and will also go to the state to initiate an investigation.

When violations are suspected, state biologists are encouraged to contact state law enforcement chiefs and wardens. Great mechanisms are already in place for federal agents to work together with state law enforcement.

Department of Justice attorneys prosecute violations based on investigations conducted by the U.S. Fish and Wildlife Service. Attorneys are looking for clear-cut violations, consisting largely of major commercial violations.

Healy reminded participants that the agency doesn't get any new money for the new ANS issues and must weigh these needs against all of the other things that they are required to address. Law enforcement agencies recognize that invasives can have critical impacts on native wildlife and are committed to providing leadership and attention to these issues.

Participants in the meeting agreed that information provided by law enforcement was very helpful to fisheries managers, who may not have been as familiar with how enforcement operates.

Workshop participants expand list of issues and actions

The issues below were identified in discussions with the Northeast contacts (state directors, fish chiefs, ANS coordinators), nongovernmental organizations, IAFWA staff, and federal agencies. Participants clarified, expanded, and prioritized these issues, then identified potential actions during discussion at the workshop.

The workshop is just a first step in identifying and prioritizing issues. Issues are listed below in the priority order for the first three or four issues in each category, as determined by workshop participants.

FOR MORE INFORMATION: Complete notes from workshop discussions, including a draft list of actions for top priority issues, are available upon request.

Regulation and Policy Issues

1. **Funding through Federal ANS program** (applies to both regulation/policy and law enforcement)
2. **Screening and risk assessment tools**
3. **Effective communication of ongoing status of Federal ANS laws**
4. Adjacent states have different lists
5. Clarify definitions (nuisance, exotic, invasive) in regulation and policy approaches
6. Develop mechanisms for tracking and controlling internet sales
7. Involve external organizations in promoting ANS policy and agendas
8. Compile and use economic impact data to generate interest in ANS issues
9. Develop understanding and support for federal ANS laws
10. Resource management or pollution control
11. Enhance regional organizational structure for addressing ANS
12. Government ability to respond needs to be improved
13. Relation to other invasive species taxa in terrestrial environments
14. Consistent participation of states on ANS Panels
15. Develop lists of contacts and protocols for rapid response
16. Generate support of the traditional sporting community

Law Enforcement Issues

1. **Dedicated funding for LE**
2. **Officer training of on species identification**
3. **Information clearinghouse on lists in various states**
4. Interagency agreements on jurisdiction and action
5. Mechanisms for contact with law enforcement
6. Understanding of federal authorities
7. Awareness of cross-boundary issues
8. Limitations on jurisdiction across programs and taxa

Continuing the Process for the Northeast

- **Develop and implement communication and coordination plan:** The primary goal of the four regional workshops will be the development of region-specific plans to improve aquatic invasive species program coordination and assignment of tasks to implement solutions, when possible. An action plan and recommendations report will be written for each workshop that summarizes the meeting highlights and includes an "assignment sheet" listing the solutions, tasks, and recommendations necessary to improve interagency coordination. We encourage all organizations and agencies within the region to participate in the process even if they were unable to attend the workshop.
- **Recommendations for next steps:** After the workshops have concluded and all regional participants have had an opportunity to contribute to issues and actions, the Regional Associations and the IAFWA will need to discuss how they would like to pursue the recommendations generated by participants. How will results of this process be made available to the states or IAFWA? A number of committees of the IAFWA are working with

invasive species issues and can act on policy or communications recommendations, as appropriate. Basic follow-up services will be provided during the last year of this project to ensure each agency meets its commitments made at the workshop.

- **Inviting a broader spectrum of participants:** The first workshop provided an opportunity to begin developing more effective means of communicating with fisheries management, law enforcement, ANS Panels, environmental protection, and nongovernmental organizations. We will build on this experience to improve pre-workshop communications in the next set of workshops.
- **Keeping everyone involved:** The intention of the workshops and ensuing correspondence to initiate a new way of communicating across the region and between state and federal agencies within the context of the IAFWA and ANS infrastructure. Responses to on-site or e-mail evaluations at each workshop are critical to improving this process. The project team will continue to use follow-up newsletters after each regional workshop to keep everyone updated and involved.

IAFWA Advisory Panel and Project Team

Advisory Panel and IAFWA staff

Larry Riley (AZ), Chair
Mike Stone (WY)
Mike Conlin (IL)
Gary Isbell (OH)
Bill Reeves (TN)
Judy Stokes (NH)
Doug Hansen (SD, IAFWA)
Eric Schwaab (IAFWA)
Jen Mock (IAFWA)

Project Implementation team

- Rob Southwick, Southwick Associates (project administration, surveys)
- Gwen White and Phil Seng, D.J. Case & Associates (project managers, facilitators)
- Jim Wentz, Silvertip Productions (listserve, website development)
- Sharon Rushton, S.R. Enterprises (communication materials)
- Joe Starinchak, USFWS (advisory role)

Thanks to Key Partners for Ocean City Meeting Support

Many thanks go to the following partners who gave generously of their time, effort and financial resources to make the Ocean City ANS Workshop a success:



- The **Northeast Fish and Wildlife Conference** sponsored breaks.
- Thanks to Jaime Geiger (fisheries) and Tom Healy (law enforcement) from the **Regions 5 Offices of the U.S. Fish and Wildlife Service** and Eric Schwaab (IAFWA) for identifying potential participants.

Second Workshop in July: Invasive Issues in the West

The next stakeholders meeting will be held in conjunction with the Western Fish and Wildlife Association Meeting on **Saturday, July 24, in Sun Valley, ID**. Key agencies, partners and stakeholders are invited from fisheries management, law enforcement, conservation organizations, the Western ANS Panel, and others.

Make reservations early, as lodging facilities are filling up quickly.

Calendar for other regional meetings:

July 24: Western Regional Association, Sun Valley, ID

October 30: Southeast Regional Association, Hilton Head, SC

December 12: Midwest Regional Association, Indianapolis, IN

Developing a Website and ListServe for Regional Discussion

The IAFWA Project Team will provide feedback, initiate long-term contact with participants, and provide updates on progress of the project through a website, listserv, and periodic newsletters. The IAFWA Project Team will create electronic copy of all documents related to the project for posting to a project website. These materials could include: meeting dates and locations; participant lists; meeting agendas, handouts, presentations, notes, and summaries; and an outline of the project process and outcomes, as they become available.

To support project activities and the network that is ultimately created, an electronic list serve will be developed by the IAFWA Project Team for communication between workshop participants during implementation stages. The list serve will allow state and federal agencies, as well as other involved organizations, to regularly discuss progress and regional ANS issues. The Outreach Coordinator for the FWS Branch of Invasive Species and the ANS Task Force has agreed to moderate the list serve, which will be linked to the *Stop Aquatic Hitchhikers!* campaign web site: www.protectyourwaters.net.

Contact Us

For questions regarding this newsletter or to subscribe to the e-mail list, please contact: Jenny Peterson, D.J. Case and Associates, jenny@djcase.com, (574) 258-0100.

For more additional information about these workshops or to RSVP, contact Gwen White, DJ Case & Associates, (317) 931-0908, gwen@djcase.com, or Joe Starinchak, USFWS, (703) 358-2018, joe_starinchak@fws.gov.

Appendix H. Regional ANS Priorities

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