

AIS Legislative Report



CRB Team Meeting

Missoula, MT

June 4-5, 2024

Stephen Phillips, Senior Program Manager

S. 4113: State Boating Act (Shaheen (D-NH), Crapo (R-ID), Risch (R-ID)),
4/11/24)

A bill to allow States to require payment of State fees related to boating as a condition for issuance of a vessel number and to collect such fees in conjunction with other fees related to vessel numbering.

Recently, the Coast Guard has blocked a number of states from collecting these fees, which help fund programs to address aquatic invasive species, boating safety, search and rescue and others. The *State Boating Act* would reinstate the state's authority to collect those fees. ...which help fund programs to address aquatic invasive species, boating safety, search and rescue and others.

Status: Committee on Commerce, Science, and Transportation.. Seeking to be attached to ?? Coast Guard Bill?

Recovering Americas Wildlife Act (RAWA)

S. 1149, Recovering Americas Wildlife Act (RAWA) (3/31/23) Heinrich (D-N.M.) and Tillis (R-N.C.).

Funds conservation efforts for more than 12,000 species of wildlife and plants in need of assistance by providing **\$1.4 billion** in dedicated annual funding

Includes: (d) Wildlife Management Responsibilities.—(E) To manage, control, and prevent invasive species as well as diseases and other risks to wildlife.

19 bipartisan co-sponsors

Status: Committee on Environment and Public Works.

H.R. 7408 (Rep. Westerman (R- AR)), “America’s Wildlife Habitat Conservation Act.”

RAWA “light”

Authorize lower levels than the Senate version — approximately \$200 million to \$500 million per year.

funding depends on annual congressional appropriations and would end after five years.

Makes controversial changes to Endangered Species Act

22 co-sponsors all Republicans

Status: Out of committee (4/16/24) ...unlikely house passage ..is RAWA dead this congress???.....very unfortunate

Still to be resolved in all RAWA Bills over the last three congresses— how to fund it

S.873 America's Outdoor Recreation Act of 2023 (3/20/23) Sens Manchin (D-WV) and Barrasso (WY), reintroduced

(b) AUTHORITY OF BUREAU OF LAND MANAGEMENT, BUREAU OF RECLAMATION, NATIONAL PARK SERVICE, AND FOREST SERVICE WITH RESPECT TO CERTAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND AND WATER.

- 1) IN GENERAL.—The Secretaries **may** inspect and decontaminate vessels entering or leaving Federal land and water located within a river basin that contains a Bureau of Reclamation water project.
- 2) (c) GRANT PROGRAM FOR RECLAMATION STATES FOR VESSEL INSPECTION AND DECONTAMINATION STATIONS.
- 3) (4) LIMITATION.—The Secretaries shall not prohibit access to Federal land and water for vessels under this subsection in the absence of an inspector.
- 4) **Status:** Passed out of Committee on Energy and Natural Resources 5/17/23 Placed on Senate Legislative Calendar under General Orders. . 07/26/2023

Do not support

Support: S.2105 — Stop the Spread of Invasive Mussels Act of 2023 (Bennet, D-CO).....dead?

H.R.6492 - “Expanding Public Lands Outdoor Recreation Experiences Act” or the “EXPLORE Act” Westerman (R-Ark.), Grijalva (D-Ariz.), (11/29/23)

Outdoor recreation package, includes 12+ bills, small section with **BOR 75/25 cost** share to conduct inspections and decontamination of vessels operating in Reclamation projects,

(4) LIMITATION.—The Secretaries shall not prohibit access to Federal land and water for vessels under this subsection in the absence of an inspector.

Was changed to

4) Limitation.--The Secretaries shall not prohibit access to vessels due solely to the absence of a Federal, State, or partner's inspection program or station.

4/9/24 Passed House. Bi partisan Support Agreed to by voice vote.

STATUS: Good chance of passing ...need to watch “limitation language”...there is the senate bill (Manchin/Barrasso) with old , “bad” limitation language

WRDA 2024

Senate Bill (5/22/24)

SEC. 225. REPORT ON EFFORTS TO MONITOR, CONTROL, AND ERADICATE INVASIVE SPECIES.

a report on the results of, an assessment of the efforts by the Secretary to monitor, control, and eradicate invasive species at water resources development projects across the United States.

WRDA 2024

Senate

SEC. 322. EXPENSES FOR CONTROL OF AQUATIC PLANT GROWTHS AND INVASIVE SPECIES.

Section **104(d)(2)(A)** of the River and Harbor Act of 1958 (33 U.S.C. 610(d)(2)(A)) is amended by striking “50 percent” and inserting “35 percent”

- **Asked House: add to (d) (D) Monitoring and contingency planning – The Secretary may assist States within the areas described in subparagraph (A) with monitoring and contingency planning for aquatic invasive species.**

SEC. 348. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM

Section 128(c) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116–260) is amended—

(3) by adding at the end the following:

“(15) Lake Elsinore, California; and

“(16) Willamette River, Oregon.

STATUS: Out of Committee

NEXT: House Bill this month

H.R.7659 - Coast Guard Authorization Act of 2024 (Graves (R-MO), Larsen (D-WA); Webster (R-FL), Rescom (R- PR), Carbajal (D- CA) (3/20/24)

“SEC. 904. Information on type approval certificates.

“The Commandant of the Coast Guard shall, upon request by any State, the District of Columbia, or any territory of the United States, provide all data possessed by the Coast Guard pertaining to challenge water quality characteristics, challenge water biological organism concentrations, post-treatment water quality characteristics, and post-treatment biological organism concentrations data for a ballast water management system with a type approval certificate approved by the Coast Guard pursuant to subpart 162.060 of title 46, Code of Federal Regulations.”.

Status: Passed House 5/14/24; Awaiting Senate Action, good chance of becoming law.

= H.R.1452 - To amend the Frank LoBiondo Coast Guard Authorization Act of 2018 to direct the Commandant of the Coast Guard to provide certain data related to water quality, and for other purposes. (3/8/23), Garamendi (D-CA)

H.R.2881 —Hawaii Invasive Species Protection Act (Case D, Ed [Rep.-D-HI-1]) (Introduced 04/26/2023)

Requires preclearance quarantine inspections for all movement to or from the State of Hawaii by either domestic or international travel, and for other purposes.

Action: House - 06/01/2023 Referred to the Subcommittee on Conservation, Research, and Biotechnology. (All Actions)

NOTE: Hawaii is set to become the sixth state member state of the PSMFC in 2024

- **HB2478/ SB 3167** Authorizes the Governor to execute a compact on behalf of the State to cooperate in the Pacific States Marine Fisheries Commission. Establishes procedures for selection and succession of commissioners
- **Action: Passed.** 5/2/24 – Transmitted to Governor ...99.1% chance of becoming law

FY 2024 APPROPRIATIONS

FY 2024 Appropriations Act: Completed in March 2024

FY 2024 APPROPRIATIONS

Interior: LEVEL FUNDED compared to FY 2023

Energy and Water: USACE Watercraft Inspection/Monitoring APC Wid

FY 2022: \$18M

FY 2023: \$20M

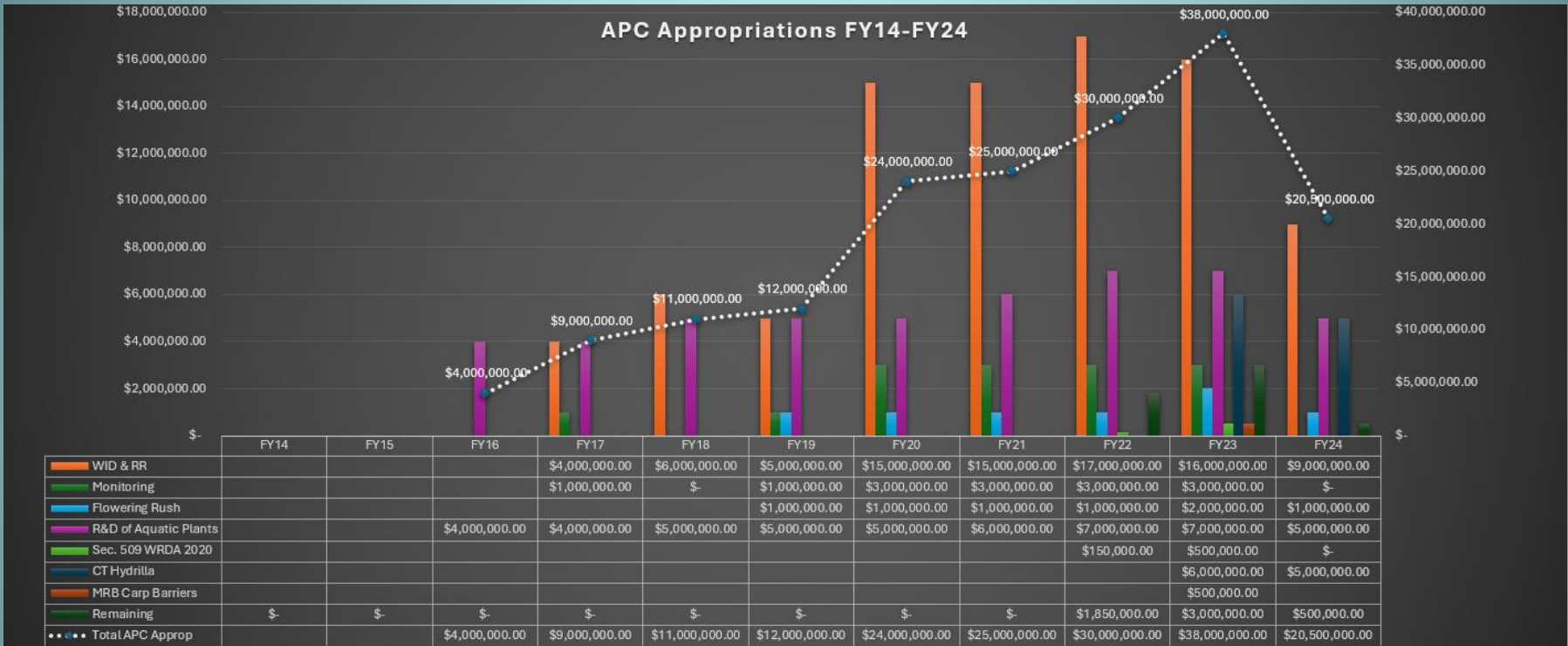
FY 2024 = \$ 9 M

FY 2025 ASK: \$23 Million (WDFW)

Surplus

FY 2025 Appropriations

APC Appropriations FY14-FY24



Westernais.org..Leg/Regs Tab

DRAFT BILLS

National Oceanic and Atmospheric Administration Act of 2023 (draft)

- Not introduced as of yet

Sec. 218. Office of Aquatic Invasive Species.

(b) PURPOSE.—The purpose of the Office of Aquatic Invasive Species shall be—

(9) in consultation with the Coast Guard, the United States Fish and Wildlife Service, the national Invasive Species Council, and the Aquatic Nuisance Species Task Force, to develop guidelines and protocols to prevent the unintentional introduction of aquatic invasive species through **ballast water**, boating, international and domestic trade, and other vectors; and

No AIS office authorization

DRAFT BILLS

Aquatic Nuisance Species Program Enhancement Act of 2024 (Draft) “AIS 2.0”

Draft legislation to implement the recommendations of the Aquatic Invasive Species Commission...fresh water focused



Thank You!

Questions?

sphillips@psmfc.org

PSMFC AIS WEBSITE: WWW.WESTERNAIS.ORG

AIS Newsletter (Robyn Draheim)– bi-monthly, includes legislative items, email astark@psmfc.org to be added

FY 2024 APPROPRIATIONS

Green Crab: Winner, NOAA BIA USFWS, USGS

- Annette Islands Reserve, AK, Metlakatla Indian Community, **\$1,000,000** to monitor, survey, and trap **European green crab** (NOAA)
- **\$2,000,000** within Habitat Conservation and Restoration for management, intervention, and mitigation of invasive **European green crab** (NOAA) **??????yes?**
- The Committee provides **\$300,000 for European green crab** eradication efforts at affected National Wildlife Refuges (USFWS) **??????????maybe?**
- The Committee encourages BIA to continue to support the work done in fiscal year 2023 to address the problem of the **European green crab** which impacts marine resources for Tribal communities in the Northwest (BIA).
- Biological Threats and Invasive Species Research Program.-The agreement provides \$44,500,000, including funding for research on **European Green Crab**, Coral Disease, phytoplankton changes in the Great Lakes, and Chronic Wasting Disease at the fiscal year 2023 enacted level. (USGS)

APPROPRIATION COMPLICATIONS

XEROX

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DIVISION – DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2024

The following statement is an explanation of the effects of Division , which provides appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and related agencies for fiscal year 2024.

~~The joint explanatory statement accompanying this division is approved and indicates congressional intent. Unless otherwise noted, the language set forth in House Report 118-155 and Senate Report 118-83 carries the same weight as language included in this joint explanatory statement and should be complied with unless specifically addressed to the contrary in this joint explanatory statement. While some language is repeated for emphasis, it is not intended to negate the language referred to above unless expressly provided herein~~

TO BE APPROPRIATED

TO BE APPROPRIATED... waiting....and waiting...??????

Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) : (f) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.—Authorized \$ 5 million but never appropriated

- (i) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity (I) to develop and implement procedures and programs, including permissible State ballast water inspection programs, to prevent, detect, control, mitigate, and rapidly or progressively eradicate aquatic invasive species in the coastal zone or the EEZ particularly in areas with high numbers of established AIS
- (II) to restore habitat impacted by an AIS
- (III) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;
- (IV) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or
- (V) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

DRAFT BILLS

Aquatic Nuisance Species Program Enhancement Act of 2024 (Draft) “AIS 2.0”

Draft legislation to implement the recommendations of the Aquatic Invasive Species Commission...fresh water focused



Aquatic Invasive Species Commission

Purpose and Objective: Convening to Identify More Effective Solutions

Leading scientists, conservationists, anglers, boaters, business leaders, and policy experts have convened to assess the persistent threat of AIS and identify more effective solutions. The AIS Commission will invite input from and dialogue with key stakeholders, Federal and State decision makers, Tribal representatives, and other leading experts. The purpose of this collaborative process is to assess the current threat from AIS and gaps in public policy and funding to develop recommendations for how AIS can be addressed more effectively at the Federal, State, Tribal, and regional levels.

Aquatic Invasive Species Commission

Vision and Key Principles

- Federal policies to address AIS should be clear, cross-cutting, and comprehensive.
- Federal funding to address AIS should be strategic and targeted, providing States, Tribes and Federal agencies with effective tools to combat AIS at a regional and watershed level.
- Laws, regulations, and policies that address AIS should maintain access to responsible boaters, anglers, and other users of our waterways.
- Interstate and regional collaboration, communication and planning is critical to slowing the spread and mitigating the impacts of AIS.
- The recruitment and education of recreational anglers to target invasive species should be prioritized in State and Federal plans and funding opportunities.

Aquatic Nuisance Species Program Enhancement Act of 2024 (Draft) (AIS 2.0)

Section 4: Use of Grant Awards Under Coastal Aquatic Invasive Species Mitigation Grant Program

This section amends the Coast Guard Authorization Act of 2018 to encourage the installation, use, and maintenance of ballast water management systems conforming to, or exceeding, international maritime standards.

Section 5: Use of Grant Awards Under Coastal Aquatic Invasive Species Mitigation Grant Program

This section amends the Coast Guard Authorization Act of 2018 [VIDA] to encourage the installation, use, and maintenance of ballast water management systems conforming to, or exceeding, international maritime standards.

Aquatic Nuisance Species Program Enhancement Act of 2024 (Draft) (AIS 2.0)

Section 6: Office of Invasive Species of National Oceanic and Atmospheric Administration

This section establishes the Office of Invasive Species at NOAA and provides further direction and guidance. The section directs the office to develop a strategy to improve aquatic invasive species management, coordinate with the Coast Guard and EPA to uphold ballast water standards, and represent NOAA on the ANS Task Force. The section authorizes appropriations of \$5,000,000 for the Office of Invasive Species.

HAS NOT BEEN INTRODUCED...CRICKETS FOR LAST ~90 DAYS

DISCUSSION

- [AIS Leg Tracker -- https://www.westernais.org/](https://www.westernais.org/) “Legislation and Regulations” and then “Federal and State Regulations
- AIS News

Other Bills - No Movement

H.R.210 - Stamp Out Invasive Species Act (Stefanik, R-NY, 1/19/23)

S.773// H.R.1560 —Public Water Supply Invasive Species Compliance Act (Cruz (R-TX) (03/09/23) - exempts certain interstate water transfers from prohibitions on the illegal trade of wildlife, fish, or plants. Re-introduced

S.771// H.R.1558 — Saving America's Vulnerable and Endangered Species Act or the (SAVES) Act. (Cruz R-TX, 03/09/23) This bill prohibits a living nonnative species from being listed as a threatened or endangered species under the Endangered Species Act of 1973. Re-introduced

S.1238: Invasive Species Prevention and Forest Restoration Act—Welch, Peter [Sen.-D-VT]
(Introduced 04/20/2023)

S.1614 - Lacey Act Amendments of 2023 (Sen. Marco Rubio (R-FL, 5/16/23)

STOP

Thank You!

Questions?

sphillips@psmfc.org

PSMFC AIS WEBSITE: WWW.WESTERNAIS.ORG

AIS Newsletter (Robyn Draheim)– bi-monthly, includes legislative items, email sphillips@psmfc.org to be added

And check your Spam Filter

H.R.1713 - DOE and USDA Interagency Research Act Lucas (R-OK)//Lofgren (D-CA) (07/31/2023)

Requires the Departments of Agriculture (USDA) and Energy (DOE) to collaborate on research and development activities that focus on a variety of topics, including environmental science, biofuels, energy storage, **invasive species management**, electric grid modernization, and rural technology development.

(H) **invasive species management** to further the work done by the Federal Interagency Committee for the Management of Noxious and Exotic Weeds (**FICMNEW**)

12/4/23: Passed House. Agreed to by voice vote.

Senate Companion: S. 3301 (Lujan R- NM//D-Hoeven (R-ND), (11/14/23)...no action

Now What: Looks like a go, no \$\$\$'s. Mostly terrestrial, **Congress last Day**
12/15/23

OUTLINE

S.4113 — 118th Congress (2023-2024)

A bill to allow States to require payment of State fees related to boating as a condition for issuance of a vessel number and to collect such fees in conjunction with other fees related to vessel numbering.

H.R.6492 _ EXPLORE ACT Expanding Public Lands Outdoor Recreation Experiences Act (EXPLORE) Act,

H.R.2881 — 118th Congress (2023-2024)

Hawaii Invasive Species Protection Act

S.2105 — 118th Congress (2023-2024)

Stop the Spread of Invasive Mussels Act of 2023

S.1614 — 118th Congress (2023-2024)

Lacey Act Amendments of 2023

S.1149 — 118th Congress (2023-2024)

Recovering America's Wildlife Act of 2023

H.R. 7408

(Rep. Westerman (R- AR)), “America's Wildlife Habitat Conservation Act.”

S.4717 - Stop the Spread of Invasive Mussels Act of 2022

H.R.886 — 118th Congress (2023-2024)

Save Our Seas 2.0 Amendments Act

Meeting Participants (Invited)

John Arway, Retired State Director
Elizabeth Brown, NAISMA
Sloane Brown, Yeti
Jason Christie, Pro Angler
George Cooper, Forbes-Tate
Clay Crabtree, NMMA
Devin Demario, AFWA
Jake Dree, Yeti
Chris Edmonston, BoatUS
Marc Gaden, Great Lakes Commission
Gene Gilliland, BASS
Heather Hennessey, Yamaha
Alanna Keating, BoatUS
Mike Leonard, ASA
Chris Macaluso, TRCP
Mark Menendez, Pro Angler
Ish Monroe, Pro Angler
Steve Moyer, Trout Unlimited
John O'Keefe, Yamaha
Martin Peters, Yamaha
Stephen Phillips (PSMFC)
Christy Plumer, TRCP
Ann Rogers Harrison, Texas Parks and Wildlife Department
Jennifer Silberman, Yeti
Mathew Van Daele, Sun'aq Tribe
Nick Wiley, DU
Drue Winters, American Fisheries
Dennis Zabaglo, Tahoe Regional Planning

S.1614 - Lacey Act Amendments of 2023 (Sen. Marco Rubio (R-FL, 5/16/23))

The legislation “would correct the negative impacts of a 2017 D.C. Circuit Court of Appeals decision that diminished the ability of the U.S. Fish and Wildlife Service to manage the establishment and spread of invasive species in the United States. The bill would also grant authority for emergency designation of species that pose an imminent threat and provide authority to prohibit importation of wildlife species until they have been assessed for injuriousness. The Commerce Clause of the U.S. Constitution charges Congress with regulating commerce between the states and with foreign nations. “

Notes:

Opposed by USARK and National Aquaculture Association.
AFWA has mostly supported past versions and

NAISMA supports

No Movement

118th Congress (2023-2024)

AIS Bills

S.4113 —A bill to allow States to require payment of State fees related to boating as a condition for issuance of a vessel number and to collect such fees in conjunction with other fees related to vessel numbering.

H.R.6492 EXPLORE ACT Expanding Public Lands Outdoor Recreation Experiences Act (EXPLORE) Act,

Recovering America's Wildlife Act

S.1149 — Recovering America's Wildlife Act of 2023

H.R. 7408: America's Wildlife Habitat Conservation Act.” (Rep. Westerman (R- AR)), “

WRDA CoaSt Guard Authorization APPROPRIATIONS

Impacts to fishes and EFH may occur from noise generated by project vessels and potential introduction of invasive species from non-local project vessels. These potential effects are not expected to affect viability of regional populations or cause long-lasting damage to habitats.