

AIS Legislative Report



PBWG Meeting
PDX

April 25 2024

Stephen Phillips, Senior Program Manager

“freshwater”

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. (Shaheen (D-NH), Crapo (R-ID), Risch (R-ID)), 4/11/24

Ensure that **states** can collect fees during the boat registration and certificate of numbering process.

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. The State Boating Act would reinstate the state's authority to collect those fees.

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

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

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

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:** 4/23/2024 in conference committee (looks like a done deal)

“MARINE”

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)

“The Commandant of the Coast Guard shall, upon request by any State, the District of Columbia, or 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 (or successor Federal regulations).

NOTES: Re-introduced from last year, didn't make final 2022 Coast Guard re-authorization bill

Actions: Still in House Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation.

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.”.

(b) Clerical amendment.—The table of contents in section 2 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by inserting after the item relating to section 903 the following:

“Sec. 904. Information on type approval certificates.”.

FY 2024 APPROPRIATIONS

FY 2024 Appropriations Act: Completed in March 2024

FY 2025: This .. week should be quiet on Capitol Hill as the House and Senate both are having "district work weeks And, as we're in the middle of appropriations season, many staffers will be busy working on figuring out how to get their bosses' proposals into that must-pass legislation

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)

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

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



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 30 DAYS

DISCUSSION

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

Thank You!

Questions?

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PSMFC AIS WEBSITE: WWW.WESTERNAIS.ORG

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

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