
DECLARATION OF COOPERATION ACTION ITEMS – OCTOBER 2013 UPDATE

Declaration of Cooperation signatories

UPDATE: To date, a total of 21 entities have signed the Declaration of Cooperation

- City of Bellingham
- Clark Public Utilities
- Cocolalla Lake Association
- Columbia River Inter-Tribal Fish Commission
- Douglas County PUD
- Eugene Water and Electric Board
- Hoover Dam
- Idaho House of Representatives
- Idaho Power Company
- Northwest Power and Conservation Council
- Oregon Department of Environmental Quality
- Oregon Invasive Species Council
- Oregon State Marine Board
- Pacific Northwest Economic Region
- Pacific States Marine Fisheries Commission
- Portland State University
- Skamania County
- Seattle City Light
- Washington Department of Fish and Wildlife
- Washington Department of Transportation
- Washington Invasive Species Council
- Washington PUD Association

The following action items listed in the Declaration of Cooperation have been completed and are in progress:

- The [webpage](#) for “Preventing an Invasion: Building a Regional Defense against Quagga and Zebra Mussels” includes the meeting presentations and documents, the updated Declaration of Cooperation, and other relevant documents.

A. REGULATORY/POLICY ACTIONS

- AI. Conduct a series of workshops to:
 - Advance regulatory review for chemical/pesticide control.

- Advance regulatory review for non-chemical/pesticide control.
- Explore the NEPA/SEPA framework re: process evaluation for emergency treatment and control.
- Assess 24C local use designation under FIFRA for control options not already registered in states and provinces.
- Update the appendix of the Columbia River Basin (CRB) plan re: control/eradication methods, including non-chemical/pesticide control options.

UPDATES: A Rapid Response Working Group, consisting of 21 individuals, was formed to address the five bulleted items (above). The goal of the workgroup is to update the control options and permitting requirements needed for eradicating Dreissenid mussels in CRB states, followed by an exercise in early December 2013 (and potentially another in early 2014) that will simulate several invasive mussel eradication scenarios that test permitting requirements and coordination. The working group has enlisted the help of EPA regional representatives to navigate the NEPA/SEPA framework and assess 24C local use designations. In addition, work is underway to update the appendices of the CRB plan, and the regional Rapid Response Notification List has been updated with current contact information.

- A2. Support federal and state legislation/regulations authorizing the closure of infested waterbodies.

UPDATES:

- Washington: 2014 legislation has been drafted and submitted to Governor/Office of Financial Management State of Washington under the title “An Act Related to Invasive Species.” The latest review draft can be found [here](#). The bill includes a Quarantine Declaration (section 107)
- Addressing AIS Issues at Federally-managed Water Bodies – Preventing the movement of infested boats off federal lands through a national federal policy is critical. Federal staff (USFWS/NISC) is currently researching rules and regulations on federal land and waterbodies. On 10/2/13, Washington Invasive Species Council Coordinator Wendy Brown presented information at a staff briefing of the Invasive Species Caucus in DC with the following message for possible Congressional action: “Provide direction to the Department of Interior to re-focus their strategic planning process away from an investigation of agency authorities on invasive species and towards an actionable plan that requires agencies to prevent further spread of invasive species. This strategic planning process has been stalled and needs to be completed quickly.” [Note: The staff briefing was

- supposed to be a Hearing, but the hearing was cancelled because of the federal government shutdown.]
- A3. Support Northwest state/provincial/tribal efforts to develop zebra/quagga mussel rapid response emergency plans for their jurisdictions.

UPDATES:

- Washington: 2014 Legislation has been drafted and submitted to Governor/Office of Financial Management State of Washington under the title “An Act Related to Invasive Species.” The latest review draft can be found @ http://wdfw.wa.gov/ais/ism_stakeholder_review_draft%20_2_v.091313b.pdf . The bill includes a Quarantine Declaration (section 107) and Rapid Response and infested site management action provisions (Section 110)
- Oregon completed its Dreissenid Rapid Response Plan (October 2013).
- A meeting was held August 12-15, 2013 in Denver, Colorado with the state AIS Coordinators and western state Attorneys General to:
 - 1) Achieve consensus on a set of minimum definitions for waterbody monitoring and classification;
 - 2) Achieve consensus on a set of minimum watercraft inspection protocols, standards and definitions;
 - 3) Achieve consensus on a set of minimum decontamination protocols, standards and definitions;
 - 4) Achieve consensus on a set of minimum standards for a WID banding/seal/receipt program;
 - 5) Achieve consensus on a set of minimum protocols and standards relative to management response to classification, specifically the state’s response to each element of an incident and how each element of that incident is communicated internally and externally;
 - 6) Achieve consensus on essential legal authorities for an effective Watercraft Inspection/Decontamination Program; and
 - 7) Select model approaches and draft model legislative language to implementing these authorities.

A summary report from that meeting will be posted [here](#) in the coming week.

- For the Columbia River Basin – we will seek to adopt the waterbody minimum definitions (negative, suspect, positive, etc.) at the next meeting of the Columbia River Basin Team on 10/15/13 in Vancouver, WA.
- A template flow chart helping Oregon navigate through permitting and regulatory processes to implement Dreissenid control measures was completed in preparation for the early December scenario exercises. Similar flow charts will be completed for the CRB states.
- Also see actions above on regulatory permitting (A.1)

- A4. Support federal listing of the genus *Dreissena* as injurious in the United States and Canada.
 - UPDATES:** [HR 1823, the PLAQ Act](#) (legislative listing of quagga mussels) has 21 co-sponsors. The bill has not had a hearing and is still looking for a committee (House Judiciary Committee is “hesitant” about holding a hearing on this bill). There has been no companion bill introduced in the Senate. There has been push back on the bill by water providers (a quagga listing would criminalize interstate water transport). Concerns have also been raised on overcriminalization (fear that the law will lead to arrest of Mom and Pops who “unknowingly” transport mussels). Another vehicle discussed is the [“Invasive Fish and Wildlife Prevention Act” \(H.R. 996\)](#). This Lacey Act bill contains: Sec. 6. Emergency Temporary Designation for nonnative wildlife taxon. However, the chances of this legislation being passed are slim this year as it has turned into a partisan issue (pet industry does not like this bill). We will continue to work with Congressional staff to seek a pathway for quagga mussel listing.
- A5. Make connections with industry and private entities to contact DOI Secretary Jewell and Senator Wyden and other congressional delegates to support a legislative listing of quagga mussels as injurious under Lacey Act.
- A6. Support full appropriation of state funded AIS plans (per section 1204 of the National Invasive Species Act)
 - UPDATES:** For items A.5.–A.6: Both of these items were included in the 10/2/13 Congressional staff briefing to the Invasive Species Caucus by Wendy Brown. There is support by Congressional staff for some type of legislative vehicle to fund quagga mussel (and other AIS) issues in the West.
- A7. Support reauthorization of the National Invasive Species Act.
- A8. Support reintroduction of H.R.2732, the Stop Westward Aquatic Threats Act, introduced by Washington’s Brian Baird in 2001. The bill would amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to prevent the westward spread of aquatic nuisance species by directing the Secretary of the Interior to prevent westward spread of such species across and beyond the 100th meridian, monitor water bodies, and provide rapid response capacity in certain Western States, and for other purposes.

B. OUTREACH ACTIONS

- B1. Develop consistent messaging for targeted stakeholders and others that would be affected by the introduction and establishment of invasive mussels to raise awareness about the importance of addressing this issue, then host a series of webinars and use social media to outreach to groups.
- B2. Build legislative interest and political will in zebra and quagga mussel prevention efforts in the Pacific Northwest.
 - Ensure there is an AIS supporter/educator in every state legislative caucus to enhance awareness and understanding of the threat of invasive mussels and the need to take action.
 - Encourage legislative hearings on invasive mussels in each state and province by reaching out to key supportive legislators.
- B3. Create a regional passport system task force to implement a regional passport and reciprocity with watercraft inspection stations across state and provincial borders for the 2014 boating season. Provide clear guidelines on use of such a system (e.g., no “fast pass”).

UPDATE: The August 12–15, 2013 meeting in Denver, Colorado helped to lay the foundation for a regional passport system by obtaining consensus on minimum standards for watercraft definitions, inspections, protocols, and standards.

UPDATE: In August PSMFC, IDA and WDFW discussed the regional passport. There was discussion on a regional AIS fee-based system as a long-term vision (proposed by WDFW) tied to a passport. WDFW is planning on printing WA State passports in 2014 (as a short-term education and outreach tool). WDFW will coordinate this 2014 effort with Idaho. Further discussions will take place on this issue at the 10/15 CRB team meeting. The PNWER Invasive Species Working Group also discussed the passport at its last conference call (September)

- B4. Engage the Vulnerability Assessment Team with virtual meetings, webinars, site visits, etc.

UPDATE: The Vulnerability Assessment Team, consisting of 26 individuals, has been formed, and is meeting via conference call and webinars. As indicated in Action Item D1 Update, the group has completed a survey on vulnerability assessments for 49 hydropower facilities in the Columbia River Basin. This information, in addition to water quality (i.e., calcium) and fish facilities (yes/no) is currently being mapped. The team will then lay out a road map to create efficiencies to achieve the goal of completing VAs for the highest risk hydropower facilities with minimal resources available.
- B5. Enhance and improve timely communication about movements and inspections of high-risk watercraft in the West via the creation and use of a database that captures information about water conveyances moored in infested waters.

UPDATE: An electronic database, in which watercraft inspection information from state inspection programs are loaded into a common database (i.e., cloud) and then are accessible by all jurisdictions, was discussed at the WISCE (Western Aquatic Invasive Species Coordinators) meeting in September. The hope is that the proposed Lake Mead check in/check out database will be included in this effort. However, the Lake Mead database (being developed by USFWS) is still in development. With additional inspection programs using electronic forms, there is broad agreement that an interjurisdictional electronic sharing tool is needed. The WISCE group will continue to work on developing the standards and protocols, permissions for sharing, and platform for this project.

C. FUNDING ACTIONS

- C1. Explore opportunities to identify and generate funding for regional AIS prevention efforts (currently spending ~\$2 million annually on prevention efforts in four states; need ~\$5-6 million annually to increase inspection coverage, dates, and times) and ensure multiple contributors are involved.

UPDATE: Senate: In May the Senate passed [S.601, Water Resources Development Act \(WRDA\) of 2013](#), which will provide funding for water projects involving navigation, flood control, and environmental restoration as follows: “Sec. 5007. (a) In General - The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.” Bill language includes provisions for (b) Watercraft Inspection Stations; (c) Monitoring and Contingency planning, and includes “establish a Columbia River Basin watershed-wide plan for expedited response to an infestation of aquatic invasive species;” It includes appropriation language as follows: “AUTHORIZATION OF APPROPRIATIONS —There is authorized to be appropriated to the Secretary to carry out this section \$30,000,000, of which \$5,000,000 may be used to carry out subsection (c).”

House: In the past month, an attempt was made (led by representative Mike Thomson (D-CA)) to include the Senate language and broaden it in the House WRDA bill HR [H.R. 3080](#). Many of us worked on this effort. Rep. Peter DeFazio (D-Ore.) also offered and then withdrew an amendment to establish a program aimed at blocking the spread of invasive aquatic species. "I understand that there are concerns on the majority side that this would be a new program and it would authorize up to \$30 million," DeFazio said. "The annual costs of just one invasive species are more than 20 times of that currently with the quagga mussel, and there are many other invasive species out there where the control efforts are extraordinarily expensive once they're in our environment." Shuster

and panel ranking member Nick Rahall (D-W.Va.) said they opposed the amendment because it would add to the cost of the bill. The House bill did include [amendments](#) AIS language as follows:

SEC. 134. AQUATIC INVASIVE SPECIES.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting “and aquatic invasive species” after “noxious aquatic plant growths”.

- **NEXT STEPS: House is supposed to consider full bill in the “near” future and a conference committee will occur in October or early November. We will be contacting you if an actionable item develops.**
 - Develop a list of organizations at risk by subgroup.
 - Develop shared vision and messaging.
 - Host legislative hearings in states.
 - Focus attention, efforts, and strategic investments on water conveyance inspection stations on the southern and eastern borders of the Pacific Northwest, where vectors and pathways of introduction are likely to occur. Engage in discussions with Pacific Northwest states and provinces re: pooling financial resources to support border protection.
 - Refine identification of high priority sites for watercraft cleaning stations and monitoring through risk assessments.
UPDATE: USGS (Cook Lab) has developed a Risk of Establishment map partially based on water chemistry (e.g., Calcium) for the CRB. A presentation on this project will be given at the 10/15 CRB Team meeting.
- C2. Provide funding to PSMFC to assume more responsibility for coordination efforts.

D. RESEARCH ACTIONS

- D1. Identify a Vulnerability Assessment Team to coordinate/prioritize needed assessment and mitigation response efforts at hydro/raw water projects and facilitate sharing of information among affected areas and uninfested areas.
UPDATE: A Vulnerability Assessment Team has been formed consisting of 26 individuals, who have completed an initial survey on vulnerability assessments for 49 hydropower facilities in the Columbia River Basin.