Mississippi Interstate Cooperative Resource Association
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February 24, 2000

Jamie Rappaport Clark, Director
U.S. Fish & Wildlife Service
1849 C. Street, Rm. 3012
Washington, D.C. 20240

Dear Director Clark:

I am writing to express the concerns of the Mississippi Interstate Cooperative Resource Association (MICRA) (1) regarding the use of black carp (*Mylopharyngodon piceus*) as a control agent for snail populations in fish culture ponds, (2) for the potential of the escape of these black carp to the wild, and (3) for the welfare of the nation's mollusk populations (many of which are threatened or endangered) should these black carp escape from captivity and establish populations in the wild. **Because of these significant concerns, I am asking, on behalf of MICRA, that you use your authority as Director of the U.S. Fish and Wildlife Service (Service) to list the black carp as an injurious species of wildlife under the Lacey Act. I am also asking that the Service work with private and state entities to eliminate all remaining black carp that currently exist in the U.S.**

Black carp were first introduced into the U.S. in the early 1970s as a "contaminant" in imported grass carp stocks. The second introduction came in the 1980s when the species was imported as a food fish, and as a biological control agent to combat the spread of yellow grubs in aquaculture ponds. As you may know the state of Mississippi recently decided to allow their state's fish farmers to import reproductively viable black carp from Arkansas to control snail populations, an intermediate host of the yellow grub, in their catfish rearing ponds. This raised a significant "red flag" with MICRA because other methods of grub control utilizing native fish species are available and have been used successfully in other states. MICRA's member states have expressed interest through our letters to the governors of Mississippi and Arkansas expressing our willingness to assist these two states, and any other state or federal agency, with the snail problem by providing the necessary resources and expertise and using native species or other measures as alternatives to black carp in order to arrive at a solution to the grub problem presently facing the aquaculture industry.

Four other Asian carp species (common, grass, bighead, and silver carp) have been introduced into U.S. waters, and all have been able to establish themselves and reproduce in the wild. In fact, your own Service biologists have recently recorded significant numbers of these species (i.e. 97% of the total) in recent fish kills investigated in backwater pools of National Wildlife and Fish Refuges along the Upper Mississippi River (River Crossings, Vol. 8, No. 6). These large numbers of Asian carp undoubtedly are producing significant negative impacts on the River's native fish species, and efforts are needed to address these important issues. But more important is the fact that the black carp poses an even greater threat to native invertebrate populations if it is allowed to escape to the wild. As I am sure you are aware, freshwater mollusks are the most endangered group of animals in North America, with over 70% of the fauna in need of conservation (Williams, et al. 1993). Additionally, a 1997 publication of your Region 4 (Atlanta) states that "Ninety percent (90%) (191) of native mussel species designated as endangered, threatened or of special concern are found in the Southeast. Forty-eight percent (48%) (102) are endemic to the region." Because adult black carp feed almost exclusively on mollusks, this Asian carp species has the potential to adversely impact endangered mollusk populations and perhaps even drive some species to extinction. And added to that, because the aquaculture facilities in question are located in the Southeast,

these impacts could occur almost immediately to the threatened and endangered mollusk resources identified in your Region 4 report. The black carp also could have a profound negative effect on native fingernail clam populations which serve as a primary food source for many migratory waterfowl species in the Mississippi flyway and elsewhere.

Scientists at the USGS/Biological Resources Science Center in Gainesville, FL have developed and published a detailed risk assessment on the effects that black carp will have if they enter the aquatic environment (Nico & Williams, 1996). In it, they state that there is a high potential that black carp would negatively impact native aquatic communities by feeding on, and reducing, populations of native mussels and snails, many of which are endangered or threatened. They also provided specific recommendations on the controlled use of black carp that are currently being ignored by the affected states and the industry.

Additionally, the Nonindigenous Aquatic Nuisance Species Prevention and Control Act of 1990 called for a review of intentional introduction policies. A subsequent report by the Aquatic Nuisance Species Task Force (1994), submitted to Congress by the previous Service Director recommended expediting use of the Lacey Act by: "1) expediting the injurious species listing process; 2) fostering compliance with interstate commerce clauses of the Lacey Act by maintaining and making available to all interested entities information on State lists (approved, restricted, prohibited) and regulatory requirements; 3) establishing a list of Federally approved and prohibited species to facilitate quick decisions on those species; 4) ...initiating a review system for all other species not so listed; and 5) making an effort to identify pathogens and parasites of concern." The report further states that:

- "Federal agencies should...encourage the use of Federal-State-private partnerships in developing the authorized control and prevention programs";
- A Federal permitting system should be established "...for imports from outside the United States to provide a credible review of proposed *new* introductions of nonindigenous aquatic organisms";
- "State and Federal officials should solicit review and approval from existing or newly developed interjurisdictional panels regarding new introductions that may affect the resources of multiple jurisdictions"; and
- "Interjurisdictional panels should serve as a forum for the sharing of nonindigenous species information; for the coordination, where desirable, of State laws; and for the development of regional policy."

Because the individual states who allow black carp did not consult with an entity such as MICRA or the Aquatic Nuisance Species Task Force regarding the use of black carp in the Mississippi River Basin, or follow any regional codes of practice (eg., Kohler & Courtney, 1986) for intentional introductions, it is now necessary for MICRA to seek federal regulations to protect the aquatic resources of the states in the basin from another invasive species; <u>and the urgency surrounding the deliberate introduction of black carp necessitates immediate Service action</u>.

Further support for MICRA's request can be found on the Service Web Page (2000) where you state that one of your agency's top four priority agenda items for the next two years is "leading efforts to prevent the introduction and spread of invasive species". MICRA fully endorses this priority because exotic species represent one of the most insidious and challenging resource problems facing Federal, State, and Tribal governments; as well as the private sector. Both accidental and intentional introductions of exotics are continuing throughout North America. Unlike other environmental problems, many of which have at least been partly controlled or reversed, the negative effects of exotic species on natural communities have steadily increased in recent years and, once wild populations are established, these impacts are <u>usually</u> irreversible.

Your Web Page also includes an action plan entitled, "Invasive Species A Call to Arms", with a vision

statement that reads: "The ecological and economic impacts of invasive species are better understood and the nation has mechanisms in place to prevent their introduction and spread". The Web Page further states that the Service is prepared to expand its leadership role to identify additional actions, steps, and authorities needed to prevent the introduction and spread of invasive species. And finally your Web Page states that, "Through its law enforcement program, the Service has the authority to enforce injurious/invasive fish and wildlife laws involving interstate commerce for all 50 States". These statements are clearly consistent with MICRA's request for listing the black carp as an injurious species of wildlife under the Lacey Act.

Some of the other action items on your Web Page agenda that apply to this issue, and which are in need of clarification and expansion, include the following:

> **FWS Action:** Work with the pet industry and the American Zoo and Aquarium Association to encourage adoption of voluntary measures that will prevent introductions and spread of invasive species, and to build consensus for additional legislative and/or regulatory solutions if needed.

MICRA comment: The aquaculture industry should be included in this regard.

> **FWS Action:** Conduct a review of Service invasive species legislative authorities and develop proposed language to fill gaps, such as the need to deny import of known invasive species posing a threat and the permitting of biological agent invasive species control.

MICRA comment: It is critical that all legislation related to invasive species be reviewed and that a consistent and enforceable National Policy be developed on intentional introductions. At the present time states are free to import and release exotic species without regard to the impact of this action on neighboring states with conflicts sure to follow. MICRA's members include hundreds of biologists, many of which would be more than willing to provide leadership or share information to formulate such a policy.

> **FWS Action:** Establish a Service team to review and update regulations and procedures for implementing the Injurious Wildlife Provisions of the Lacey Act of 1990 (18 U.S.C. 42) and work with the Pet Industry Advisory Council and other interested parties to develop support for additional injurious wildlife listings.

MICRA comment: The Service should list the black carp as injurious without delay and avert a potential disaster to our nations native aquatic fauna.

> **FWS Goal 2: Take Direct Action -** The Service will identify specific invasive species threats and develop and take direct action to prevent introductions, control spread, and mitigate associated impacts.

MICRA comment: An e-mail circulated in early February indicated that there are about 20 aquaculture facilities in Arkansas currently holding black carp in their ponds. Given the current limited distribution of the species, immediate direct action on the part of the Service could prevent the escape of this exotic species to the wild. In regard to such action, I want to point out that MICRA would strongly support some sort of financial mitigation (or subsidy), if necessary, for individuals who have made significant investments in raising black carp. MICRA would also like to work with the industry to help achieve a solution to the problem. To that end we have formed a committee of biologists who are beginning to compile information on alternative control strategies

and are initiating discussions with industry representatives in order to effectively deal with this problem.

The literature cited above is listed below:

Aquatic Nuisance Species Task Force. 1994. Findings Conclusions and Recommendations of the Intentional Introductions Policy Review. A report to Congress. Washington, D.C.

Kohler, C.C., and W.R. Courtney. 1986. American Fisheries Society position on introductions of aquatic species. Fisheries 11:39-42.

Nico, L.G., and J.D. Williams. 1996. Risk Assessment on black carp (Pisces: Cyprinidae). Final Report to the Risk Assessment and Management Committee of the Aquatic Nuisance Species Task Force. U.S. Geological Survey, Biological Resources Division, Gainesville, FL.

River Crossings. 1999. Black Carp Invasion. Mississippi Interstate Cooperative Resource Association, P.O. Box 774, Bettendorf, IA 52722. Vol. 8(6).

Williams, J.D., M.L. Warren, Jr, K.S. Cummings, J.L. Harris, and R.J. Neves. 1993. Conservation status of freshwater mussels of the United States and Canada. Fisheries 18(9):6-22.

I look forward to a prompt response to this petition because every minute of delay provides the black carp just that much more time and opportunity to escape to the wild. Thank you for your cooperation on this matter, and I look forward to working with the Service in solving this important issue.

Sincerely,

William C Reeves

William C. Reeves, Chairman

cc.: ANS Task Force
Secretary of the Interior
Mississippi River Basin Congressional Delegation
MICRA Members
State Basin Associations
Regional Directors, USFWS Regions 2,3,4,5,6
USFWS Division of Management Assistance
USFWS Invasive Species Coordinator
Catfish Farmers of America
American Fisheries Society
American Sport Fishing Association
Freshwater Mussel Conservation Society