



An Organizational Strategy for a Mississippi River Basin Panel on Aquatic Nuisance Species

Prepared by

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INTRODUCTION

The Mississippi Interstate Cooperative Resources Association (MICRA), an interstate entity with membership of 28 state departments of conservation and natural resources in the Mississippi River Basin prepared this draft document in response to a letter of invitation from the National Aquatic Nuisance Species (ANS) Task Force. It presents an approach for establishing a Mississippi River Basin Panel (MRBP) on aquatic nuisance species. It includes (1) brief background information on nonindigenous aquatic nuisance species in the Mississippi River Basin, (2) a proposed framework for developing and implementing an MRBP work program; (3) proposed MRBP operational procedures; (4) milestones for the conduct of initial MRBP activities; and (5) suggestions for securing requisite funds for carrying out the spirit and intent of Section 1203. It is MICRA's intent that this strategy be used to guide the establishment and operation of the MRBP pursuant to the provisions of Public Law 101-646 (the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 as amended by the National Invasive Species Act of 1996).

BACKGROUND ON HARMFUL AQUATIC NUISANCE SPECIES AND PATHWAYS OF INTRODUCTION

Twenty-three of MICRA's 28 member states reported 149 aquatic nuisance species in the Mississippi River Basin during a 1999 survey. These included 56 plants, 16 invertebrates, 75 fish, 1 amphibian and 1 mammal. The number of species reported by state follows: Alabama (Did not respond), Arkansas (5), Colorado (54), Georgia (1), Illinois (13), Indiana (Did not respond), Iowa (13), Kansas (10), Kentucky (6), Louisiana (10), Minnesota (7), Mississippi (Did not respond), Missouri (16), Montana (1), Nebraska (13), North Carolina (2), North Dakota (7), New York (3), Ohio (17), Oklahoma (9), Pennsylvania (4), South Dakota (4), Tennessee (13), Texas (56), Virginia (5), West Virginia (8), Wisconsin (Did not respond), and Wyoming (Did not respond). Respondents to the MICRA survey held varied views as to what species should be included on their aquatic nuisance species lists. Those states reporting higher numbers of species included all exotics (i.e. desired species such as rainbow trout as well as undesirable species such as Asian carp) on their lists, others did not.

Invasion of aquatic nuisance species can occur through many pathways. These include connections between waters and watersheds; escape from aquaculture facilities; aquarium and live bait releases; horticultural and water garden aquatic plant sales and use; attachment to barges; and attachment to boats, trailers and other water/outdoor recreation equipment. The sanitary and shipping waterways that connect Lake Michigan with the Illinois River in Chicago are an especially troublesome, unrestricted pathway through which aquatic nuisance species can move between the Great Lakes and Mississippi River basin ecosystems. This was the pathway that allowed zebra mussels to invade the Mississippi River Basin, and now appears to be the route that the round goby, ruffe and other aquatic nuisance species of the Great Lakes will follow as they expand their ranges into the Mississippi River Basin.

An equally troubling aquatic nuisance species problem presently plaguing the Mississippi River Basin is the invasion of four species of Asian carp. These nuisance species were introduced into the waters of southern U.S. states in the 1970's and 80's by and for aquaculture interests (i.e., catfish farmers) as biological controls for aquatic vegetation, plankton blooms and snails. Three of these carps escaped captivity or were intentionally or accidentally released to the wild and are now reproducing and spreading northward throughout most of the rivers of the Upper Midwest. This northward colonization now also threatens the Great Lakes via the same pathway that Great Lakes invasives are entering the Mississippi River Basin (i.e., the sanitary and shipping canals in the Chicago area). Effective control measures (i.e. barriers and treatment of diversion waters) are needed to block such pathways of infestation. Additionally, controls are needed to better regulate introduction of exotic species into the U.S. in the first place, and to control their use as aquarium/baitfish and transport between states and watersheds once they are here.

The best defense against aquatic nuisance species invasions is prevention. Once an invasion occurs, and a species becomes established, it is usually impossible to achieve complete eradication. Control measures are also usually very expensive, and require widespread cooperation to be effective. Regional panels on aquatic nuisance species provide one mechanism to coordinate cooperative actions over wide geographic areas or watersheds involving all stakeholders and interests (i.e., Federal, State and local agencies; economic interests; environmental interests; etc.). The latter is what makes the Regional Panels more comprehensive in scope than the existing MICRA Aquatic Nuisance Species Committee. Additionally, MICRA presently is not recognized by Congress under any formal statute, and holds no regulatory authority. MICRA does, however, offer the only known basinwide coordination mechanism in the Mississippi River Basin, and therefore provides a logical focal point for hosting a MRBP. Under such arrangement, MICRA would be charged with convening meetings, managing files and records, preparing reports, and carrying on the day to day operations of the MRBP. Funding for operations and staff would be provided by the ANS Task Force.

REGIONAL PANELS ON AQUATIC NUISANCE SPECIES

Public Law 101-646 (The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990) had several purposes:

- to prevent unintentional introductions;
- to coordinate research, control, and information dissemination activities;
- to develop and carry out environmentally sound control methods;

- to minimize economic and ecological impacts; and
- to establish a research and technology program to benefit state governments.

Section 1204 of the act allows states to prepare comprehensive state and interstate management plans for aquatic nuisance control that describe state and local programs; identify needed federal programs; and provide a schedule for plan implementation. Approved plans will be eligible for federal grants, with no less than a 25% state cost-share.

Establishment of Regional Panels

Section 1203 of the act (Appendix A) provides direction for regional panels to be established by the national ANS Task Force:

“The Task Force shall – (1) encourage the development and use of regional panels and other similar entities in regions other than the Great Lakes and western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsection (a) and (b); and (2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1).”

Panel Membership

Section 1203 also provides direction for panel membership to include “representatives from federal, state and local agencies and from private environmental and commercial interests.”

Panel Responsibilities

The act established six responsibilities for regional ANS panels:

- identify priorities;
- make recommendations to the National ANS Task Force;
- assist the National ANS Task Force in coordinating federal programs;
- coordinate non-federal programs within the region;
- advise public and private individuals; and
- submit an Annual Report to the National ANS Task Force describing the various activities underway.

Another important task which was not specifically listed by the Act is to develop an emergency response strategy for use by Federal, State, and local entities in stemming the invasions of aquatic nuisance species infestations.

FRAMEWORK FOR MRBP IMPLEMENTATION

In designing and coordinating MRBP activities, the MICRA will be guided by the following objectives.

- Participation by all diverse interests in the basin will be maximized to ensure that Section 1203 goals and responsibilities are fully addressed.
- The MRBP will not duplicate or replace ongoing ANS efforts, rather it will build upon and showcase them.
- The MRBP will adopt a consensus-based approach in priority-setting and all related

decision making activities. The consensus-based approach is defined here as follows: “Every attempt will be made by the MRBP to reach consensus on any decision making situations. However, in the event that consensus cannot be reached, a vote will be taken, with minority opinions expressed as deemed necessary by MICRA.”

- The MRBP will serve as a coordinator, catalyst and convener, relying upon its membership and other cooperators for the conduct of most program activities (e.g., research, public information, outreach, etc.).
- The MRBP will provide basinwide clearinghouse/referral services.
- The MRBP will serve as the principal basin-wide conduit to the National ANS Task Force, federal agencies, and Congress with regard to ANS related legislative, policy, and program matters.

Completion of all of these objectives will, of course, be limited by the amount of funding (federal and member) and in-kind contributions and services made available to the MRBP. On the basis of the above objectives, the following discussion presents key aspects in Section 1203 implementation for a MRBP.

Membership

Section 1203 provides limited guidance in establishing membership, calling only for the convening of “a panel of representatives from Federal, State and local agencies and from private environmental and commercial interests...” However, a careful balance must be struck to ensure that the MRBP is both broad in representation and yet manageable in size. To achieve this, a two-tiered approach will be employed:

- MRBP members will be drawn from key agencies/organizations pursuant to the “categories” of interest identified in Section 1203.
- MRBP observers will also be identified and will have the opportunity to contribute fully to MRBP discussions. They will not, however, have an official vote on any MRBP recommendation or decision related action. An agency or organization will be designated as an observer (as opposed to a member) if:
 - 1) Section 1203 does not provide for direct membership of the subject agency or organization;
 - 2) the subject agency’s or organization’s category of interests (e.g., environmental, commercial) is already adequately represented on the MRBP; or
 - 3) the agency’s or organization’s role in aquatic nuisance species research, control and monitoring is comparatively limited.

In the interest of maintaining functional size, MRBP membership policy will dictate that, where available, associations or other “umbrella” groups will be requested to designate a single individual to represent all members within the group’s association (i.e., aquaculture association, towing industry, etc.).

The proposed membership arrangement is as follows (See Figure 1):

Federal - One member each from the U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration; U.S. Coast Guard; U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; and the USDA/Animal and Plant Health Inspection

Service.

State - One member each from the Mississippi River Basin states' natural resource agency charged with management and control of invasive species.

Regional - One member each from the Upper Mississippi River Conservation Committee, Lower Mississippi River Conservation Committee, Missouri River Natural Resources Committee, Ohio River Fish Management Team, and MICRA.

Tribal Authorities - One member each (a total of five) representing the tribal interests of the five major sub-basins (Upper Mississippi, Lower Mississippi, Missouri, Ohio and Arkansas/Red) in the Mississippi River Basin.

Local - Two members representing mayoral, chambers of commerce or waterfront owners associations in the Mississippi River Basin.

Private Environmental/User Groups - Two members representing the angler and environmental interests of the Mississippi River Basin.

Private Commercial - One member each representing the following commercial interests: fishing; aquaculture, baitfish, and aquarium trades; nurserymens association; shellers; navigation; electric utility; and water supply.

University / Research - Two members from the National Sea Grant College Program (one from the northern half and the other from the southern half of the Basin), and one member from a USGS/Biological Resources Division Cooperative Research Unit.

At Large - Anyone possessing a special expertise, interest, significant reason, or advisory capability may be elected by the MRBP members to serve as an "at large" member. At large members may duplicate the interest or expertise of another member.

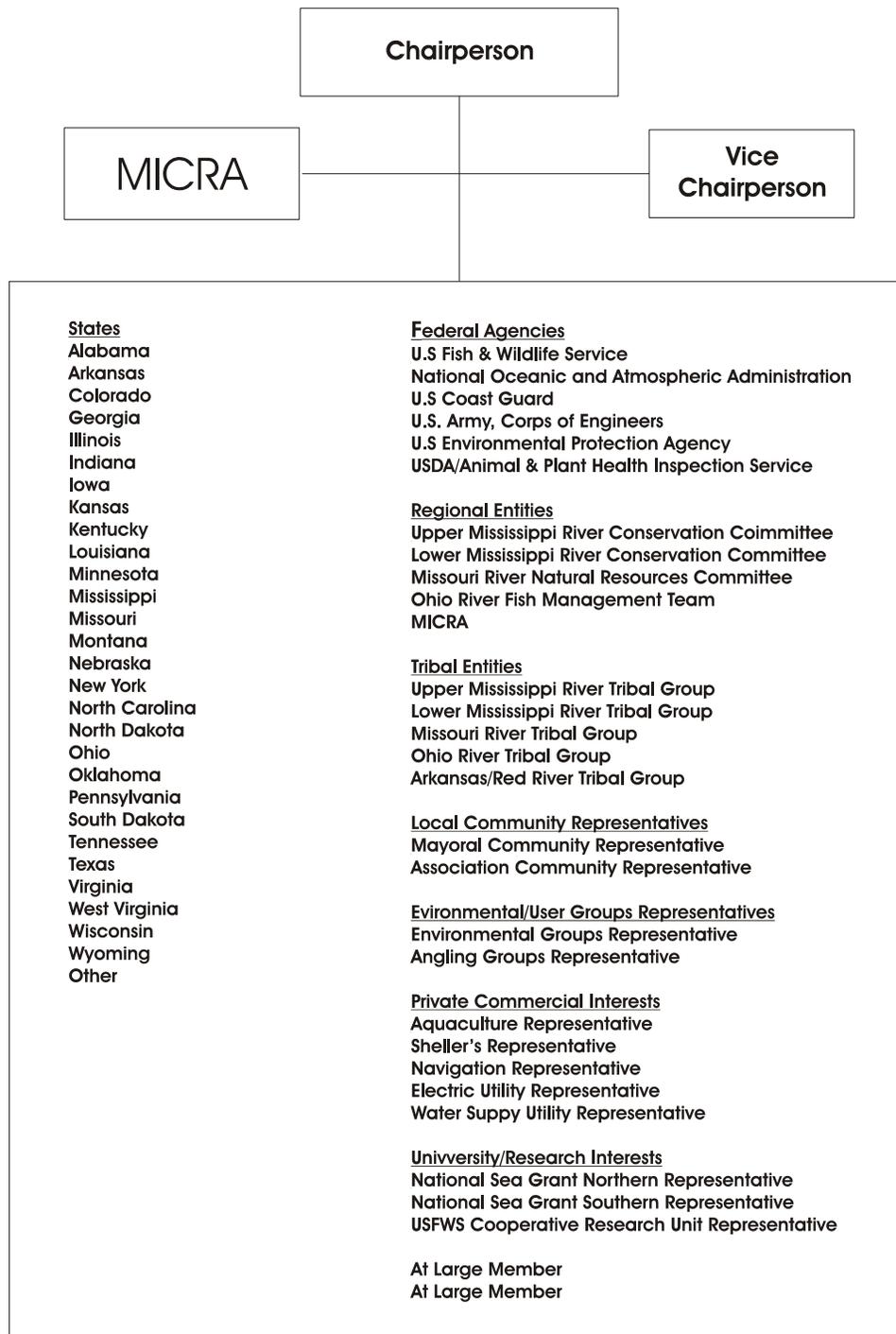


Figure 1. Proposed MRBP Organizational Chart.

In finalizing MRBP membership, the following points are emphasized:

- MRBP membership may require approval of the two co-chairs of the National ANS Task Force (i.e., U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration) and must meet all criteria for a federally chartered advisory body.
- MICRA will be responsible for extending MRBP membership invitations.
- MRBP members will suggest to MICRA any agencies/organizations that might be given an “observer” status. Similarly, such agency/organization can request that designation via communication with MICRA.
- With regard to membership, in some instances, it is recognized that one representative may be in a position to speak for a larger group. For example, the 28 states may wish to appoint one or two individuals as key MRBP contacts and regular meeting participants to speak on their behalf.
- With the exception of at large members, all members will be appointed by the agency, organization or interest they represent

MRBP Structure and Procedures

The MRBP will be responsible for addressing the provisions of Section 1203 and for carrying out all identified elements of a work program. The MRBP will meet in full session on a regular basis, anticipated to be 2-4 times per year. At a minimum the MRBP will meet twice annually. An MRBP Chairperson and Vice Chairperson will be initially appointed by MICRA to serve one year terms. After completion of these initial terms, selection or election of future chairpersons and vice-chairpersons will be by MRBP members. The Chairperson shall be selected from among state members; and the Vice-Chairperson from the membership-at-large. These two officers will assist the MICRA staff in facilitating meetings, and will serve on occasion as spokespersons for the MRBP. The MRBP will establish committees, working groups, and task forces, as needed, to accomplish its mandate. This may include policy, education and research committees. The MRBP will attempt to achieve consensus in all aspects of its work. As noted earlier, in the event that recommendations from the MRBP reflect a majority view, but lacks consensus, the MICRA (as an ex-officio member of the National ANS Task Force) will use its discretion to accompany any such recommendation with a minority opinion. The breadth of MRBP activities will be a function of funding levels and the extent to which members and observers can contribute “in-kind” services, including staff resources. Limited support for travel and associated meeting expenses of non-federal MRBP members may be available at the discretion of MICRA. MICRA will administer all funds received for MRBP operation, and expenditures recommended by the MRBP will require MICRA approval.

Staff Support

MICRA will provide staff support to the MRBP. The level of support provided will be a function of availability of funds. At a minimum, a portion of existing staff time will be dedicated to facilitate MRBP activities. Under ideal funding circumstances, a full time ANS coordinator or staff totaling 1 FTE will be hired and dedicated exclusively to MRBP support. The Chairperson of MICRA will be responsible for oversight of all personnel assigned to support MRBP activities.

Work Program

The Work Program will have six elements that collectively respond to MRBP responsibilities specified in Section 1203 (a) (1-6) of P.L. 101-646. Each element is presented below, accompanied by a statement describing MICRA's implementation approach.

Priority Setting - The Act calls for the panels to identify priorities for the subject basin with respect to aquatic nuisance species. The MRBP will interpret this broad statement as applying to the areas of research, monitoring and control, and policy. Position statements will provide guidance for program development, budgeting and operational purposes, and will be of use at the regional and national levels, particularly for the National ANS Task Force. The MRBP may wish to use a survey and/or workshop approach in establishing such positions. In the area of research, the MRBP will contract as necessary on a limited basis (depending on available funding and agency participation) for this work. With respect to policy priorities, the MRBP will determine policy, program, legislative, regulatory and budgetary needs to ensure that the Mississippi River Basin-related provisions of P.L. 101-646 are pursued to the maximum extent possible. Such priorities will be regularly conveyed to the National ANS Task Force, as well as agency and elected officials at all levels of government.

Make Recommendations to the National ANS Task Force - The legislation calls upon the panels to "make recommendations to the Task Force". The MRBP will make these recommendations based on consensus of its members, or by majority position with minority position stated if MICRA deems the latter appropriate.

Assist National ANS Task Force in Coordinating Federal ANS Activities in the Mississippi River Basin - The National ANS Task Force has oversight and primary coordination responsibilities for federal programs called for in P.L. 101-646. The assistance of the MRBP, however, is considered vital, since the MRBP has primary coordination responsibility for all other (i.e., non-federal) Mississippi River Basin programs. The MRBP will offer the National ANS Task Force advice and recommendations relative to the coordination of priorities and the relationship of those programs to non-federal efforts, both public and non-governmental.

Coordinate Non-Federal Programs in the Mississippi River Basin - The MRBP is charged with coordinating, "where possible" all non-federal program activities not conducted pursuant to the Act in the Mississippi River Basin. As indicated above, the MRBP recognizes that a multi-jurisdictional "partnership approach" is required to address the aquatic nuisance species issue, and a single system for tracking and coordinating activities is advisable. On the basis of its broad membership, the MRBP will design a system to permit the assembly of research, control and monitoring activities. Current efforts to compile this data (e.g., Sea Grant clearinghouse services) will be relied upon to the extent possible. Through its own membership, workshops and other networking techniques (e.g., newsletter inserts), the MRBP will convey its research, control, monitoring and policy priorities to all applicable agencies and interests and promote coordination of efforts among them.

Provide Advice on Control Methods - The MRBP is mandated to "provide advice to public and private individuals and entities concerning methods of controlling aquatic

nuisance species.” This activity will be accomplished primarily by MRBP members which have special expertise in this area and presently maintain active information and outreach programs. The MRBP will serve primarily as a vehicle for coordinating the efforts of the Sea Grant programs, government agencies, basin and sub-basin groups, and other entities presently or potentially engaged in public information and education activities. Further, the MRBP will identify and prioritize information/ education needs and work with applicable public entities to address these needs. In those instances where the MRBP itself is determined to be the preferred vehicle for delivering a public information/education service, the design and implementation of such will be pursued. Given its role and prospective stature within the overall aquatic nuisance species control effort, the MRBP will operate in conjunction with existing agencies and organizations to assume a clearinghouse function with government agencies, the public and industry. The MRBP will make referrals, provide its own documents (e.g., priority lists, annual reports, technical reports), and distribute public information materials that its members make available. A descriptive listing of all entities providing public information/referral services is a particularly valuable initiative the MRBP could undertake.

Annual Report on Mississippi River Basin Activities - The MRBP is required to submit an annual report to the national ANS Task Force describing activities within the Mississippi River Basin related to aquatic nuisance species prevention, research and control. The MRBP will prepare such a document and consider the following for inclusion in its outline:

- background on the aquatic nuisance species issues;
- state of the problem and current/emerging trends;
- current work plan of the MRBP;
- MRBP priorities for research, control, monitoring and policy;
- MRBP activities and accomplishments by state;
- status reports submitted by various jurisdictions/MRB members; and
- recommendations for consideration by the National ANS Task Force, the Congress and governments at all levels.

The Annual Report process is viewed as a collective one, and all MRBP members will contribute to its development. The MRBP also recognizes that funding levels will determine the extent to which work program elements are pursued.

Funding

Section 1301 (b) (6) of P.O. 101-646 authorizes funding to support regional panels. Support from the U.S. Fish and Wildlife Service for administering the MRBP in 2002 and 2003 is likely to be \$30,000 per year. With the support and assistance of MRBP members, MICRA will also continue to pursue “creative financing” arrangements for the MRBP and its special projects. Prospective sources include relevant federal agencies (i.e., grants, budget “add ons”, general operating funds, etc.); sport fishing associations and companies; recreational boating associations and companies; and various regional/national foundations.

Coordination and overlap with other regional panels

Membership in other regional panels (i.e., Western Panel, Gulf Panel, and Great Lakes Panel) and focus may overlap with that of the MRBP. MICRA will work to avoid duplication effort and establish good relationships with the other panels, clarify boundaries, and determine which state will have dual representation in two panels. It will be considered beneficial for states to participate in two panels if the state is located in two major watersheds (e.g., portions of Illinois, Minnesota, Wisconsin are located in the Mississippi River watersheds and the Great Lakes watersheds).

Milestones

Several key milestones have been established for start-up of MRBP activities:

December 2001 - MICRA received invitation from National ANS Task Force to convene the MRBP.

February 2002 - MICRA responded to the ANS Task Force laying out a schedule for reaching a MICRA decision regarding its interest in serving as the sponsor/host for the MRBP.

April 2002 - A draft "Organizational Strategy" statement (i.e., this document) for Mississippi River Basin MRBP start-up was approved by MICRA's Executive Board circulated for review, comment and approval by all MICRA delegates.

Spring 2002 - A working group of MICRA's Executive Committee and ANS Committee will finalize the "Organizational Strategy" based on comments from MICRA members and the National ANS task Force; and initiate MRBP start-up activities.

Summer/Fall 2002 - The first meeting of the MRBP will be held.

Appendix A - SECTION 1203 OF THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990

(P.L. 101-646, 11/29/90, as amended through 10/26/96)

SEC. 1203. REGIONAL COORDINATION.

(a) GREAT LAKES PANEL.--

(1) IN GENERAL.--Not later than 30 days following the date of enactment of this Act, the Task Force shall request that the Great Lakes Commission (established under Article IV of the Great Lakes Compact to which the Congress granted consent in the Act of July 24, 1968, P.L. 90-419) convene a panel of Great Lakes region representatives from Federal, State and local agencies and from private environmental and commercial interests to--

- (A) identify priorities for the Great Lakes region with respect to aquatic nuisance species;
- (B) make recommendations to the Task Force regarding programs to carry out section 1202(i) of this Act;
- (C) assist the Task Force in coordinating Federal aquatic nuisance species program activities in the Great Lakes region;
- (D) coordinate, where possible, aquatic nuisance species program activities in the Great Lakes region that are not conducted pursuant to this Act;
- (E) provide advice to public and private individuals and entities concerning methods of controlling aquatic nuisance species; and
- (F) submit annually a report to the Task Force describing activities within the Great Lakes region related to aquatic nuisance species prevention, research, control.

(2) CONSULTATION.--The Task Force shall request that the Great Lakes Fishery Commission provide information to the panel convened under this subsection on technical and policy matters related to the international fishery resources of the Great Lakes.

(3) CANADIAN PARTICIPATION.--The panel convened under this subsection is encourage to invite representatives from the Federal, provincial or territorial governments of Canada to participate as observers.

(b) WESTERN REGIONAL PANEL.--Not later than 30 days after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall request a Western regional panel, comprised of Western region representatives from Federal, State, and local agencies and from private environmental and commercial interests, to--

- (1) identify priorities for the Western region with respect to aquatic nuisance species;
- (2) make recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program to prevent the spread of the zebra mussel west of the 100th Meridian pursuant to section 1202(i) of this Act;
- (3) coordinate, where possible, other aquatic nuisance species program activities in the Western region that are not conducted pursuant to this Act;
- (4) develop an emergency response strategy for Federal, State, and local entities for stemming new invasions of aquatic nuisance species in the region;
- (5) provide advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species infestations; and

(6) submit annually a report to the Task Force describing activities within the Western region related to aquatic nuisance species prevention, research, and control.

c) ADDITIONAL REGIONAL PANELS.--The Task Force shall--

(1) encourage the development and use of regional panels and other similar entities in regions other than the Great Lakes and western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsection (a) and (b); and

(2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1).