

# National AIS Legislative Update

**CRB TEAM**

**PDX**

**12/6-7/16**



# Water Resources Reform and Development Act

**2014**

“Water Resources Reform and Development Act of 2014” (Public Law 113–121—June 10, 2014` , Sec. 1039. Invasive species)

“(1) IN GENERAL

.—In carrying out this section, the **Secretary may establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations**, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.

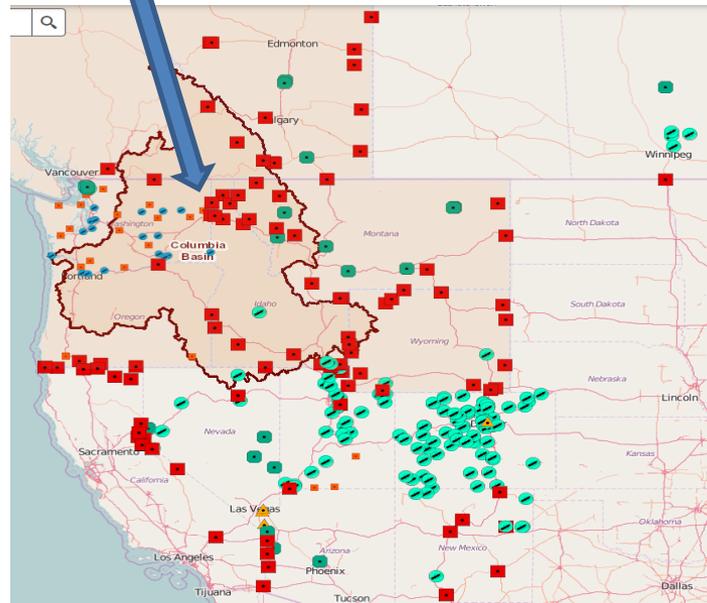
**FY 2016**

FY 2016 federal omnibus spending bill (Energy and Water Development/USACE) Appropriations bill includes **\$4 million** for watercraft inspection stations, as authorized by section 1039 of WRRDA 2014.”

# 2016: USACE Implementation Guidance / Letter Report

In carrying out this section, the Secretary may **establish watercraft inspection stations in the Columbia River Basin** to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.

Funding is for only inside the waters of the CRB/ **Can't fund usual and accustomed places???**



# WRDA 2016 !!!!! Lets fix it !!!!

PNWER, PSMFC, NWPCC ..NW Congressional Delegation

**Senate [S. 2848, Sen. Inhofe, James M. [R-OK] ] -- Passed 9/15/16; 95-3**

“(A) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain watercraft inspection stations to protect—

“(i) the Columbia River Basin; and

**[Sen Bennet (CO), Amendment]**

**“(ii) the Platte River Basin located in the States of Colorado, Nebraska, and Wyoming; and**

**“(iii) the Arkansas River Basin located in the States of Arkansas, Colorado, Kansas, New Mexico, Oklahoma, and Texas.**

# WRDA, HOUSE: H.R. 5303 ( Rep. Shuster, Bill [R-PA-9])

Passed 9/28/16, 399-25

Rep Herrera Beutler (R-WA) amendment: The Corps' implementation guidance for section 1039(d) misinterprets a portion of the law. In the section outlining the policies and procedures for the **required letter report**, the guidance document indicates that providing financial support **for existing inspection stations would require additional authorization. We do not believe this is an accurate interpretation of the law.**

# WRDA, HOUSE: H.R. 5303 ( Rep. Shuster, Bill [R-PA-9]) (continued)

## SEC. 175. WATERCRAFT INSPECTION STATIONS.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL. — In carrying out this section, the Secretary may **establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations**, as determined by the Secretary in consultation with such States with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and main by the Secretary. The Secretary shall also assist the States referred to in this paragraph with **rapid response** of any Quagga or Zebra mussel infestation.”.

(B) in paragraph (3) by inserting “Governors of the” before “States”; and

(2) in subsection (e) by striking paragraph (3) and inserting the following:

“(3) assist the States in **early detection** of Quagga and Zebra mussels;”.

**\*\*\*\*\*House Does Not Have Platte/Arkansas\*\*\*\*\***

DECEMBER 5, 2016

**RULES COMMITTEE PRINT 114-69**

**TEXT OF HOUSE AMENDMENT TO S. 612, TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 1300 VICTORIA STREET IN LAREDO, TEXAS, AS THE “GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE”**

**[Showing the text of the Water Infrastructure Improvements for the Nation (WIIN) Act]**

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Water Infrastructure Improvements for the Nation Act”  
4 or the “WIIN Act”.

5 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

Sec. 1001. Short title.

Sec. 1002. Secretary defined.

3 (b) WATERCRAFT INSPECTION STATIONS.—Section  
4 104 of the River and Harbor Act of 1958 (33 U.S.C. 610)  
5 is amended—

6 (1) in subsection (d)—

7 (A) by striking paragraph (1) and insert-  
8 ing the following:

9 “(1) IN GENERAL.—In carrying out this sec-  
10 tion, the Secretary may establish, operate, and main-  
11 tain new or existing watercraft inspection stations to  
12 protect the Columbia River Basin to be located in  
13 the States of Idaho, Montana, Oregon, and Wash-  
14 ington at locations, as determined by the Secretary  
15 in consultation with such States, with the highest  
16 likelihood of preventing the spread of aquatic  
17 invasive species at reservoirs operated and main-  
18 tained by the Secretary. The Secretary shall also as-  
19 sist the States referred to in this paragraph with  
20 rapid response to any aquatic invasive species, in-  
21 cluding quagga or zebra mussel, infestation.”; and

22 (B) in paragraph (3)(A) by inserting  
23 “Governors of the” before “States”; and  
24 (2) in subsection (e) by striking paragraph (3)  
25 and inserting the following:

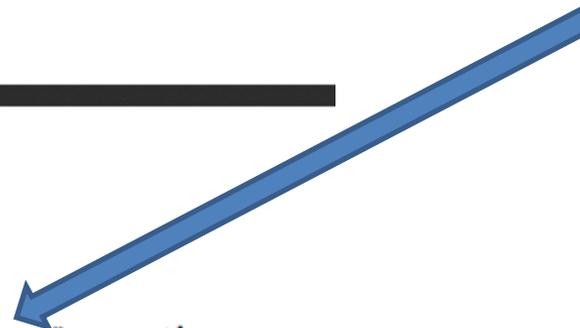
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December 5, 2016 (3:06 p.m.)

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121

1 “(3) assist States in early detection of aquatic  
2 invasive species, including quagga and zebra mus-  
3 sels; and”.



# WRDA – “Ornaments”

~~S. 2848~~ S. 612

- Includes Lake Tahoe Restoration Act language ([S. 1724](#)), including \$45 million in funding for the TRPA’s AIS and watercraft inspection program. **YES**
- Includes Great Lakes Restoration Initiative language ([S. 1024](#)), including a \$300 million authorization, some of which can be used for “the prevention and control of invasive species and the impacts of invasive species”). **YES**
- SEC. 8011. Reports by the Comptroller General: Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct the following reviews and submit to Congress reports describing the results of the reviews:
  - (2) A **review of the implementation and effectiveness of watercraft inspection stations** established by the Secretary under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) in preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. **NO**

Sen Bennet (CO), Amendment

“(ii) the Platte River Basin located in the States of Colorado, Nebraska, and Wyoming; and

“(iii) the Arkansas River Basin located in the States of Arkansas, Colorado, Kansas, New Mexico, Oklahoma, and Texas. **NO**

## **NOT A DONE DEAL**

"I was stunned to see comments made by Kevin McCarthy that the outrageous poison pill that he is trying to place on WRDA is 'a little small agreement' on California drought," Boxer said in a statement. "They have taken a very bipartisan WRDA jobs bill and now have jeopardized it completely."

# FY 2017 Appropriations (Uncertainty Abounds)

# FY 2017 APPROPRIATIONS

## Energy and Water

(Includes USACE {WRRDA})

**IN THE SENATE:** FY2017 Energy & Water Development Appropriations Bill (Passed 5/12/16)

Report language included the following (THX NWPCC/PNWER)

### Aquatic Plant Control Program

.—The Committee recommendation includes \$9,000,000 for the Aquatic Plant Control Program. Within available funds, \$4,000,000 is recommended for nationwide research and development to address invasive aquatic plants; **\$4,000,000 is for watercraft inspection stations**, as authorized by section 1039(d) of WRRDA; and **\$1,000,000 is for monitoring and contingency planning** associated with watercraft inspection stations as authorized by section 1039(e) of WRRDA. The Corps of Engineers is encouraged to support cost-shared aquatic plant management programs.

**IN THE HOUSE :** Never made it to House Floor.....Committee report —Funding is provided for watercraft inspection stations and related monitoring, as authorized by section 1039 of WRRDA 2014.

## House Passes Fiscal Year 2017 Interior and Environment Bill (7/14/16)

PAGE 18 (USFWS) -- .....Asian carp control is funded at **\$8,400,000**. Quagga and zebra mussel control is funded at \$2,000,000, as requested. Sea lamprey administrative costs are funded at \$711,000, as requested. Increases above the fiscal year 2016 enacted level include \$250,000 for the National Fish Passage Program and \$1,140,000 to implement State and interstate aquatic invasive species plans mandated by the National Invasive Species Act. The total amount allocated to the States for **implementing such plans should be not less than \$3,706,000**. [up from ~ \$ 2 million in FY 2016] ....**BUT \$3.7 likely dead**

The Service is urged to **accelerate the rulemaking process under the Lacey Act to prohibit the importation of live lionfish** without prohibiting the sale and purchase of lionfish filets or the possession of lionfish already in aquariums.

# House Passes Fiscal Year 2017 Interior and Environment Bill (7/14/16)

## (Continued)

(NPS) Aquatic Invasive Species. —The Committee remains concerned about the spread of quagga and zebra mussels in the West. As of 2015, there were 10 western parks with established quagga/zebra mussel management or prevention programs. The Committee directs the Secretary of the Interior to continue developing and updating, using the best available science minimum protocols and training techniques for Federal, State, local, and private entities, **a consistent standard of inspection and decontamination of recreational watercraft and equipment, as prescribed in the February 2010 Quagga/Zebra Mussel Action Plan for Western U.S. Waters** [*We are doing this through Building Consensus/UMPS III/ABYC/D/Etc*]

(NPS) Further, consistent with fiscal year 2016, the Committee provides the Service with **\$2,000,000 for quagga and zebra mussel containment**, prevention, and enforcement and directs the Service to prioritize the decontamination of watercraft and equipment leaving the watersheds of contaminated bodies, including Lake Powell and Lake Mead. **Lastly, the Committee directs the Service to provide, not later than 90 days after enactment of this Act, a report on steps taken in recent years to address this pervasive threat to western watersheds.**

- This is a similar to FY 2015 Request, report issues 6/1; we received the report 11/29

# Senate Appropriations Committee approves the DOI , Environment, and Related Agencies Appropriations Bill, on 6/16/16

**[Multi-Agency Directives] - Invasive Species** —The Committee recognizes the critical importance of early detection and rapid response [EDRR] of invasive species as a strategy to mitigate the threats and impacts of invasive species and expects **the Department of the Interior and the Forest Service to prioritize EDRR and control of invasive species** that imperil endangered, threatened, or candidate species. In particular, the Committee supports efforts to prioritize EDRR in areas with large populations of invasive species. **Within 180 days of the date of enactment of this act, the agencies shall provide the Committee with a report on their efforts to prioritize EDRR as part of their expected program of work for fiscal year 2017,** including detail on how the agencies plan to protect specific native species and natural resource values on public lands across the Nation.

**Asian Carp** —The Committee recognizes the importance of the work conducted by the Fish and Wildlife Service to combat the serious threat of Asian carp to the ecosystem and fisheries of the Great Lakes and provides **\$7,900,000** to be used specifically on Asian carp activities.....

## OTHER BILLS

**Predator Control, California/Bay Delta** -- Striped/largemouth Bass, weeds too: H.R. 4582 “Save Our Salmon Act,” (Rep. Jeff Denham, R-CA); S. 2533 California Long-Term ...Emergency Drought Relief Act (Sen. Feinstein); H.R. 2898 (Valadao R-CA) , the Western Water and American Food Security Act of 2015; Predator Language also amended or attempted to be amended to S. 2012 (Energy Bill ) and FY 2017 NOAA House Approps Bill (CJS) **Lame Duck 12/5/16 – still a chance: McCarthy sees minor, bipartisan drought measure in lame duck...see WRDA**

**Lionfish Elimination and Prevention Act of 2015** (H. R. 3202 )Sponsored by Rep Curt Clawson (R-FL)...7/23/15...adds to Lacey Act.... **DEAD, 2017?**

**Lacey Act: Invasive Fish and Wildlife Prevention Act [S. 3278/, H.R. 5895]**  
Gillibrand/Slaughter **Dead....2017 (likely)**

**H.R.1485/S. 2240** - Federal Lands Invasive Species Control, Prevention, and Management Act (A.K.A. Healthy Habitats) **DEAD..2017??**

**Quagga Mussel Legislative Listing (Lacey Act) - PLAQ ACT (2014) ...litigation...Snakes v. Jewell... 2017 (unlikely)**

Center for Invasive Species Prevention (9/19/16) - **multi-species (43) listing petition with US Fish & Wildlife Service – per Lacey Act (N7MS QUAGGA Corbicula C/G Carn)**

LAME DUCK...likely no later than 12/9 ....

**CR Through ???3/31/17??**

agencies like U.S. EPA and the Interior and Energy departments to operate under fiscal 2016 funding levels.

VIDA?-(Allen)

.....stay tuned

<https://www.whitehouse.gov/the-press-office/2016/12/05/executive-order-safeguarding-nation-impacts-invasive-species>

# 2017 Legislative/Budget Priorities

Mandatory decontamination of watercraft at federal waters

WRDA (USACE)

- Administrative – Implementation of FY 2016 \$\$\$\$
- If 2016 WRDA Passes -- Monitoring/RR language ??
- If WRDA does not pass ...Again push for need technical fixes

USFWS: WRP - \$40K a year to support panel and coordinator – The 6 panels want this increased

USFWS State Plan funding – currently at \$2 million (\$3.7 unlikely)...can go up to \$ 4 million

QZAP Grant Program

Rapid Response Fund – Administration budget, WRDA has RR language ....do we want it housed at USACE??; **DOI has had a 1.5 mil ask in the President's budget for a couple of years. The funds have no found their way to DOI, however. ...not appropriated**

VIDA – Likely will be reintroduced....can we get a compromise (Allen)

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