

## REPORT OF THE HABITAT COMMITTEE

The Habitat Committee (HC) heard a presentation by Fish and Wildlife Service and Enforcement Consultants about aquatic invasive species (AIS), such as Quagga and zebra mussels. The HC concurs that AIS pose a serious threat to habitat and other Council resources. We encourage the Council to post relevant AIS information on its website and newsletter to further public awareness. There are multiple federal and state bills under development currently addressing AIS issues. For more information, Council members are encouraged to review the attachment to this report.

The HC also discussed eleven recent wave energy proposals in Washington, Oregon, and California, and their potential effects on Council-managed fisheries. The Federal Energy Regulatory Commission (FERC) appears to be exerting regulatory authority over such proposals. We understand that FERC has, or will soon, publish their notice of public rulemaking, with comments due in sixty days. However, it is unclear whether FERC truly has this authority over wave energy within territorial seas. A number of agencies including Oregon's Department of Land Conservation and Development, Oregon State University, Minerals Management Service (MMS) and National Marine Fisheries Service (NMFS) are collaborating to hold a workshop with the objective of scoping environmental issues related to wave energy development on the Oregon Coast in June of 2007. Similarly, MMS has developed a draft programmatic environmental impact statement for wave energy and other alternative energy sources with comments due on May 21, 2007. These proposals are yet another example of the need to develop ecosystem-based approach for dealing with multiple ocean uses.

PFMC  
04/03/07



## WEST COAST STATES ENFORCEMENT EFFORTS AIMED AT PREVENTING THE SPREAD OF THE AQUATIC INVASIVE SPECIES QUAGGA MUSSEL

### OSP OUTLINE

#### Introduction

Currently in Oregon, most of the fight against the introduction of aquatic invasive species (AIS) has been through education to anglers and boaters.

#### Current Oregon State Police Enforcement Efforts

Oregon has implemented the following:

- The Oregon Department of Fish and Wildlife (ODFW) has one full time employee, Jim Gores, assigned as an Invasive Species Coordinator. ODFW also posts a one page flyer in the 2007 Oregon Sport Fishing Regulations on stopping AIS in Oregon.
- The Oregon State Marine Board provides information on AIS to the boating public and trains marine law enforcement deputies and Oregon State Police Fish and Wildlife troopers on an annual basis regarding AIS including zebra mussels. Many other agencies, such as PSFMC and USFWS are also involved in keeping these AIS out of Oregon and the Pacific Northwest.
- ODFW, PSMFC, OSMB and OSP are training personnel in Watercraft Decontamination in Oregon in order to have trained responders if infested watercraft is located.
- Zebra mussels – Dreissenidae – all species (to include Quagga mussels) are listed as prohibited species by Oregon Administrative Rule (635-056-0050) and are unlawful to import, possess, sale, purchase, exchange, or transport in the State of Oregon. Violation of this rule with a culpable mental state (Intentionally, Knowingly, Recklessly or with Criminal Negligence) would be a Class A misdemeanor. This rule can be very difficult to enforce particularly regarding import and transportation as the mussels can be of such small size. Also there is no stop or search authority (without probable cause) or check station authority associated with this rule.

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## **Proposed Actions**

The Oregon State Police is awaiting the passage of legislation, which will allow for and/or mandate the following AIS prevention efforts:

- The OSP Fish & Wildlife Division is currently monitoring a house bill (HB3435) in the 2007 Oregon State Legislature which would create new provisions to prohibit a person from launching a boat into waters of Oregon with (a) any visible aquatic species on the exterior of the boat, trailer or motor; (b) or any aquatic species that are detrimental to wildlife in this state (such as zebra mussel & quagga mussel) within the bilge, livewell, motorwell or other interior location of a boat. This bill would also have provisions for impoundment of boats found to be in violation. This bill currently does not have any monies set aside for monitoring, enforcement or decontamination. Violation of this rule would be a violation punishable by a maximum fine of \$360.

## **WDFW OUTLINE**

### **Introduction**

On September 1, 2006, the Enforcement and Fish Management Divisions of the Washington State Department of Fish and Wildlife (WDFW) began implementation of a joint effort to prevent Aquatic Invasive Species (AIS) from harming the economy, environment and public health of the citizens and aquatic resources of our Washington State. The main intention of this effort is “to prevent the introduction or spread of highly destructive species currently not found in Washington’s waters”.

### **Current Enforcement Efforts**

Currently the WDFW Enforcement Division has implemented the following;

- One full time officer dedicated to AIS enforcement and prevention. This position is funded by the Aquatic Nuisance Species project through WDFW Fish Management Division.
- Developed and implemented an AIS Inspection protocol and certificate to document vessels that have been inspected for the presence of AIS.
- All WDFW Enforcement field staff, (21 Sgt’s, 70 Officers), have been trained on how to inspect watercraft for the presence of AIS. The main focus of the training is being directed at Zebra/Quagga mussel interdiction. Additionally, 15 of the field staff are to be designated as first line Zebra/Quagga mussel responders and will be receiving the Watercraft Decontamination Training offered through the 100<sup>th</sup> Meridian Initiative.
- Developed a partnership with The Washington State Patrol (WSP) to cooperatively work together to conduct Zebra/Quagga Mussel Vessel Inspections. All WSP staff at the five Ports of Entry Weigh Stations have been trained in vessel inspection and Zebra/Quagga mussel identification. All five stations are actively conducting inspections of vessels required to stop at the weigh station (commercially hauled < 10,000 lbs gross weight).

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- Developed an AIS training program directed at general law enforcement officers, on the Identification and detection of AIS and how to enforce current applicable Washington State AIS laws. The training program will be presented at the 2007 Washington State Marine Law Enforcement Conference. Additionally, WDFW is attempting to get this training program adopted as a section of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy.

Development of action plans for AIS emphasis patrols and random check stations to occur in 2007. The patrols and check stations will focus on the inspection of watercraft at for the presence of AIS at areas of high boating activity.

- Begun an AIS Awareness Outreach effort directed at public, private and government stakeholder groups.
- Begun an internal review of policies, procedures and regulations related to the prevention of AIS to ensure that they adequately provide the necessary safeguards.

### **Proposed Actions**

The WDFW Enforcement Division is awaiting the passage of legislation, which will allow for and/or mandate the following AIS prevention efforts;

- Appropriation of funds for an additional full time dedicated AIS officer.
- Legal authority to set-up and operate random **mandatory** watercraft inspection check stations. The check stations would require all recreational and commercial watercraft that encounter the check station to stop and be inspected for the presence of AIS.
- Creation of a new section to be added to chapter added to 77.15 RCW, which creates the crime of “Unlawfully avoiding aquatic invasive species check stations. A person would be subject to this regulation if the person fails to obey check station signs and /or fails to stop and report to a mandatory AIS watercraft inspection check station. The crime of “Unlawfully avoiding aquatic invasive species check station” would be a gross misdemeanor.
- Creation of a new section to be added to chapter 77.15 RCW, which creates the crime of “Unlawfully introducing a prohibited aquatic animal species”. A person would be subject to this regulation if the person fails to have the vessel inspected prior to launching the vessel in Washington waters and the vessel is contaminated with an AIS. The crime of “Unlawfully introducing a prohibited aquatic animal species” would be a gross misdemeanor. Additionally, the contaminated watercraft would be subject to seizure and forfeiture.
- Dedicated appropriation of funds for signage to be placed at all points of entry into Washington State. The signage shall warn of the threat of aquatic invasive species, the penalties associated with introduction of an AIS and the proper contact information for obtaining vessel inspections.
- Dedicated appropriation of funds for signage which will be made available, at no cost, to all port districts, privately or publicly owned marinas, state parks, and other state agencies or political

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- subdivisions that own or lease boat launches. The signs will warn of the threat of AIS, the penalties associated with introduction of an AIS and the proper contact information for obtaining vessel inspections.
- The continued development of WDFW's internet web site to provide AIS information to the general public concerning the threat of AIS, the penalties associated with introduction of AIS, the proper contact information for obtaining vessel inspections and preventative measures to follow to prevent AIS introductions.

## **CDFG OUTLINE**

### **Introduction**

A formal emergency Incident Command Structure (ICS) has been in place since January 12, 2007. The objectives for phase one are as follows: 1) Maintain safe operations for responders and public; 2) Detect and delimit Quagga Mussel (QM) distribution in Lower Colorado River System from Lake Mead to border with Mexico, and waterways within California; 3) Prevent further movement of QM into California waters; 4) Develop and implement eradication plans; 5) Educate public to obtain understanding of problem, elicit cooperation, and support in controlling and reducing QM infestation; 6) Facilitate interagency communication to maintain smooth operations, support and cooperation in controlling and reducing QM infestation; 7) Train staff as necessary to recognize and appropriately take action to control and reduce QM infestation. Phase 1 will end on March 16, 2007.

Management and staff have been involved in the Incident since its inception. The Incident Command is led by the Department of Fish and Game Invasive Species Program, Fisheries Programs Branch, and a position redirected from another project.

### **Current Enforcement Efforts**

Currently the California Department of Fish and Game Enforcement has implemented the following;

- Develop funding proposals for operation
- Develop partnerships with other State agencies for vessel inspections
- Attempting to supplement enforcement with 15 new warden positions
- Management of project
- Provide and staff the Incident Command Center
- Warden assistance with boat inspections
- Develop legislative language to allow thorough boat inspections
- Develop and disseminate informational materials to boaters and other stakeholders, including press releases, brochures and presentations
- Develop Quagga mussel website

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## **Proposed Actions**

CDFG is awaiting the passage of legislation, which will allow for and/or mandate the following AIS prevention efforts: This is a draft piece taken from the proposed regulation.

The proposed legislation if passed will make it unlawful to possess, import, ship, or transport in the state, or place, plant, or cause to be placed or planted in any water within the state, dreissenid mussels. The director may designate employees or other persons to take any action they determine is reasonably necessary to detect, destroy, or monitor, control, reduce, or prevent the spread of dreissenid mussels within the state. Such actions may include, but are not limited to establishing and maintaining administrative inspection stations for the purpose of inspecting conveyances, which includes vehicles, boats and other watercraft, and trailers, that might carry or contain adult or larval dreissenid mussels; temporarily stopping and inspecting conveyances, including any items that may contain adult or larval dreissenid mussels; inspecting any facility that uses or discharges water that may contain dreissenid mussels; ordering that areas in a conveyance that contain water, or any facility containing water, be drained, dried, or decontaminated; and impounding or quarantining conveyances for a period of time necessary to ensure that dreissenid mussels can no longer live on or in the conveyance. The department may also adopt regulations to further the purposes of this section.

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