

## Michigan Acts to Close the Pathway to the State for Aquatic Invasive Species via Ship's Ballast Water

By Roger Eberhardt, Ph.D., Office of the Great Lakes, Michigan Department of Environmental Quality and Immediate Past Chair, Great Lakes Panel on ANS

Those reading this issue of *ANS Update* already know of the tremendous ecological and economic damage done to the Great Lakes by aquatic invasive species, so no reiteration of the billions of dollars in costs and of the broad and deep ecosystem problems that are occurring is needed. In addition, readers will recognize the alarming potential for further damage from the next aquatic invasive species that may enter the system. To prevent any additional species from entering through Michigan's ports via ballast water discharge from ships (the primary pathway historically), Michigan enacted legislation in 2005 requiring all oceangoing vessels engaging in port operations in the state to obtain a permit from the Michigan Department of Environmental Quality (MDEQ). In addition, the legislation requires MDEQ to facilitate the formation of a Great Lakes Aquatic Nuisance Species Coalition and to seek agreements with other Great Lakes states to implement basin-wide water pollution laws that prohibit the discharge of aquatic nuisance species from oceangoing vessels. The bills passed both houses of the state legislature, with only one dissenting vote, and were enthusiastically signed into law by Gov. Jennifer Granholm. The MDEQ is now finalizing the permit and working toward a Jan. 1, 2007, implementation date for the Coalition.

The law that establishes the Coalition, Michigan Public Act 33 of 2005, reads "In order to address discharges of aquatic nuisance species from oceangoing vessels that damage water quality, aquatic habitat, fish or wildlife, the department shall facilitate the formation of a Great Lakes Aquatic Nuisance Species Coalition. The Great Lakes Aquatic Nuisance Species Coalition shall be formed through an agreement entered into with other states in the Great Lakes basin to implement on a basin-wide basis water pollution laws that prohibit the discharge of aquatic nuisance species into the Great Lakes from oceangoing vessels. The department shall seek to enter into an agreement that will become effective not later than Jan. 1, 2007."

All eight of the Great Lakes states have appointed representatives to the Coalition and the state members of the Great Lakes Panel on Aquatic Nuisance Species are being copied on all correspondence. The Coalition is being convened through conference calls and is serving to facilitate communications regarding actions on ballast water regulation among the states. In addition to Michigan, the states of Indiana, Wisconsin and Minnesota have had legislation either introduced or proposed that would provide some level of regulation on the discharge of aquatic invasive species from the ballast water of oceangoing ships.

With regard to the permit, Michigan Public Act 33 of 2005 reads "Beginning Jan. 1, 2007, all oceangoing vessels engaging in port operations in this state shall obtain a permit from the department. The department shall issue a permit for an oceangoing vessel only if the applicant can demonstrate that the oceangoing vessel will not discharge aquatic nuisance species or if the oceangoing vessel discharges ballast water or other waste or waste effluent, that the operator of the vessel will utilize environmentally sound technology and methods, as determined by the department, that can be used to prevent the discharge of aquatic nuisance species."

A general permit for port operations in Michigan by oceangoing vessels is under development by the MDEQ Water Bureau. The permit will apply to all oceangoing vessels that a) engage in port operations in Michigan and do not discharge aquatic nuisance species into the waters of the state; b) discharge ballast water treated by one or more of the ballast water treatment methods determined by the MDEQ to be adequate treatment; and c) have not been determined by the MDEQ to need an individual permit. The discharge of treated ballast water from oceangoing vessels specified in individual certificates of coverage will be authorized under the general permit. The draft permit was discussed with U.S. Environmental Protection Agency, Region 5 state representatives in January 2006 and with a broad stakeholders' group in February; it will be finalized through the permit development process in 2006. Public notice of the draft permit is expected in late spring 2006, with finalization expected in early fall. Oceangoing vessels will need a permit for port operations in Michigan starting January 1, 2007. **Contact:** Roger Eberhardt Ph.D., Office of the Great Lakes, MDEQ, 517-335-4227, eberharr@michigan.gov.

### Great Lakes Panel Update

The Great Lakes Panel on Aquatic Nuisance Species spring meeting was held May 9-10, 2006 at the U.S. Environmental Protection Agency, Great Lakes National Program Office in Chicago, Ill. Newly elected Panel leadership was announced, including Chair Mike Conlin, Illinois DNR and Vice Chair Jim Grazio, Pennsylvania DEP. New officers, committee chairs and at-large members are listed on the Panel website (<http://glc.org/ans/panel.html>). Meeting topics included state and federal programmatic updates, the Great Lakes Water Quality Review, selected management and policy activities in the region, federal legislative updates, the Panel's operational guidance document, a new brochure on Great Lakes aquatic invasions, and other initiatives of regional and national significance. **Contact:** Kathe Glassner-Shwayder, Great Lakes Commission, 734-971-9135, shwayder@glc.org.

### Washington Watch

Major legislation has been introduced in the House and Senate that would authorize \$3.5 billion for restoration of the Great Lakes over the next five years. The legislation follows the recommendations of the Great Lakes Regional Collaboration developed last year. Provisions addressing invasive species in the House bill, H.R. 5100, and the companion bill in the Senate, S. 2545, include: stop the introduction and spread of aquatic invasive species by reauthorizing the National Invasive Species Act of 1996; and prevent Asian carp from entering the Great Lakes by authorizing the Corps of Engineers to maintain and operate the dispersal barrier on the Chicago Sanitary and Ship Canal; and prohibit the importation and sale of Asian carp. **Contact:** Jon MacDonagh-Dumler, Great Lakes Commission, 734-971-9135, jonmacd@glc.org.

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## Around the Basin:

**INDIANA:** Two ballast water bills, mirroring the Michigan legislation described in the feature article above, were introduced during the 2006 Indiana legislative session. While both bills died in committee, introduction was considered a positive step by bringing the AIS issue to the attention of other legislators. Hazard Analysis and Critical Control Point (HACCP) plans have been drafted for fish management activities and are currently being reviewed by biologists. The state AIS coordinator is working with the state fish hatcheries in developing HACCP plans for each facility. Asian carp have been reported in a few Indiana pay lakes, private lakes where anglers pay a fee to fish. The Indiana fish haulers, a likely source of introduction, were informed that the live possession, purchase and stocking of Asian Carp is illegal. **Contact:** Doug Keller, IDNR, 317-232-4080, dkeller@dnr.IN.gov.

**MICHIGAN:** In January, the Office of the Great Lakes (OGL) conducted its third annual AIS Awareness Week poster contest for students in grades 6-8. The winning poster will be reproduced and distributed statewide for Michigan's fourth annual 2006 AIS Awareness Week. In Feb., the OGL awarded \$22,427 in small grants under the AIS Information and Education Small Grants Program. Grant recipients included boater education programs, AIS lake survey training programs, and efforts to protect the inland waters of Isle Royale National Park from the spiny water flea. In March, the OGL conducted a half day workshop to provide Michigan communities with ideas on AIS prevention and control opportunities and grant opportunities. The OGL has contracted with Michigan Sea Grant to conduct "Clean Boats Clean Waters," a pilot volunteer education program to educate boaters about proper watercraft inspection and to raise awareness about AIS. **Contact:** Emily Finnell, MDEQ, 517-241-7927, finnelle@michigan.gov.

**MINNESOTA:** In October 2005, a workshop to develop a comprehensive state plan on invasive species was held in the Twin Cities. The workshop was sponsored by Minnesota Sea Grant through a grant from the Great Lakes Commission in collaboration with the Minnesota Invasive Species Advisory Council (MISAC), the state DNR, and the Minnesota Department of Agriculture. More than 70 representatives from business, industry, their associations, academia, local, county, state, tribal and federal government, and nongovernmental entities gathered to review and comment on a draft plan framework developed by MISAC. The plan will be completed in 2006. **Contact:** Doug Jensen, Minnesota Sea Grant, 218-726-8712, djensen1@umn.edu, or Jay Rendall, MDNR, 651-259-5131, jay.rendall@dnr.state.mn.us.

**NEW YORK:** New York State's ANS Management program had been on hold for the past year to provide time for the state legislature to create an invasive species task force (ISTF) to explore the invasive species issue and provide recommendations to the governor and the legislature by November 2005. Work on revising, updating, and implementing the state ANS management plan was temporarily suspended to ensure that the plan would be consistent with the recommendations of the ISTF. Work was completed by the ISTF on schedule and a final report was produced ([www.dec.state.ny.us/website/dfwmr/habitat/istf/index.html](http://www.dec.state.ny.us/website/dfwmr/habitat/istf/index.html)). As a result, the governor's proposed budget for FY 2006 contained funding for implementation of the ISTF's recommendations. In 2005, the state legislature provided the DEC with \$1,000,000 for a grant program for AIS eradication ([www.dec.state.ny.us/website/dfwmr/habitat/erad.html](http://www.dec.state.ny.us/website/dfwmr/habitat/erad.html)). **Contact:** Timothy Sinnott, NYDEC, 518-402-8970, txsinnott@gw.dec.state.ny.us.

**OHIO:** Several activities are being planned around the state in 2006 related to ANS control and monitoring; information and education; and legislative advocacy. Control activities include treatment for lamprey in the Grand and Conneaut rivers and the control of several nuisance plant species along Lake Erie. Ohio DNR also plans to update its website to highlight issues related to ANS. This fall the DNR will initiate the process of revising Ohio's State ANS Management Plan. With respect to advocacy, the department sent a letter to the U.S. Fish and Wildlife Service supporting the listing of black carp (*Mylopharyngodon piceus*) as an injurious wildlife species and expressing continued support for national legislation on the regulation of ballast water discharge. **Contact:** John Navarro, ODNR, 614-265-6346, john.navarro@dnr.state.oh.us.

**ONTARIO:** Numerous partnerships, funded partially through the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem, continue to raise awareness of invasive species; and to monitor and conduct research. In October 2005, the Ontario Ministry of Natural Resources (OMNR) worked with numerous federal and provincial agencies, as well as nongovernment groups, to apply a piscicide to a 5 km section of river in an attempt to eradicate round goby and prevent their establishment in Lake Simcoe, a large inland lake in southern Ontario. A quantity of unused Chem-Fish Regular (active ingredient rotenone) is available for purchase. **Contact:** Beth Brownson, OMNR, 705-755-1950, beth.brownson@mnr.gov.on.ca.

**PENNSYLVANIA:** The Governor's Invasive Species Council, comprised of seven state agency heads and 10 public members representing agriculture, natural resource organizations, and educational institutions, held its inaugural meeting on Oct. 17, 2005 and has met regularly since. The Council coordinates both terrestrial and aquatic invasive species management activities and is charged with developing a comprehensive, statewide invasive species management plan. A workshop was held Oct. 26-27, 2005, hosted by the Great Lakes Commission and Pennsylvania Sea Grant to facilitate the development of an invasive species management plan by the Council. There was a high level of participation in this event. The rusty crayfish was recently listed as prohibited for live sale, transport, and possession in Pennsylvania. **Contact:** Jim Grazio, PA DEP, 814-217-9636, jagrazio@state.pa.us.

**WISCONSIN:** The Clean Boats Clean Waters program (CBCW) completed its second season with volunteers participating in watercraft inspections and boater education. The watercraft database indicates that both staff and volunteers logged in 8,935 hours with volunteers contributing 6,373, or 71 percent, of those hours. Due to the success of the CBCW program, volunteers will be trained at the workshops this year to monitor for invasive species as part of a new effort called Citizen Lake Monitoring Network (CLMN). New ballast water legislation has been recently introduced into the legislature that would require ocean-going vessels that use a state port to obtain a permit from Wisconsin DNR by January 2007. **Contact:** Ron Martin, WDNR, 608-266-9270, martir@dnr.state.wi.us

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## ANS Task Force

In coordination with the ANS Task Force, the U.S. Fish and Wildlife Service (USFWS) distributed \$1.075 million in grants to support implementation of 18 state and interstate ANS management plans in 2006-07. With Task Force assistance, the U.S. Geological Survey (USGS) has initiated development of a taxonomic experts database which will help in responding to infestations of invasive species. This project is being held by Pam Fuller of USGS with input from representatives from the regional ANS panels around the country. The Northeast ANS Regional Panel will host the ANS Task Force spring meeting May 24-26, 2006 in Hyannis, Mass. Meeting information will be posted on the new Task Force website, [www.anstaskforce.gov](http://www.anstaskforce.gov), as it becomes available. The Task Force welcomes comments or suggestions regarding the new website. **Contact:** Scott Newsham, USFWS, 703-358-1796, Scott\_Newsham@fws.gov.

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## Upcoming Events

- *14th International Conference on Aquatic Invasive Species.* Key Biscayne, Florida, May 14-19, 2006. **Contact:** Elizabeth Muckle Jeffs, 800-868-8776, profedge@renc.igs.net. Web site [www.icaeis.org](http://www.icaeis.org).
- *Meeting of the National ANS Task Force.* May 24-26, 2006. Hyannis, Mass. **Contact:** Scott Newsham, USFWS, 703-358-1796, Scott\_Newsham@fws.gov.

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## On the Bookshelf

- *Invasive Species 2006 Calendar.* Minnesota Invasive Species Advisory Council. [www.mda.state.mn.us/misac//products.htm](http://www.mda.state.mn.us/misac//products.htm).
- *Invasive Species of Aquatic Plants and Wild Animals in Minnesota: Annual Report for 2005.* Minnesota DNR. [http://files.dnr.state.mn.us/eco-logical\\_services/invasives/annualreport.pdf](http://files.dnr.state.mn.us/eco-logical_services/invasives/annualreport.pdf).