

Model Guidance on ANS Legislation, Regulation and Policy: A Step Forward in the Prevention and Control of Great Lakes Biological Invaders

By Katherine Glassner-Shwayder, Project Manager, Great Lakes Commission

The Great Lakes Panel on Aquatic Nuisance Species takes aim at closing the door on Great Lakes biological invaders with implementation of its recently completed policy document titled *Legislation, Regulation and Policy for the Prevention and Control of Nonindigenous Aquatic Nuisance Species: Model Guidance for Great Lakes Jurisdictions*. The model guidance is a tool kit from which states, provinces, tribal authorities and local entities can select the legislative, regulatory and policy provisions best suited to address ANS problems.

The impetus for development of this regional model was the lack of interjurisdictional consistency in laws, regulations and policies directed at ANS prevention and control efforts. "Regional policy to help prevent ANS introduction and spread is needed immediately to respond to the increased likelihood of introductions due to the increase in international and domestic trade and travel," says Jay Rendall, Panel member representing the Minnesota DNR. "The model guidance is a good start at familiarizing the governing agencies in the Great Lakes region and elsewhere on ways to respond proactively to ANS problems."

The primary building blocks of the model guidance include:

- ◆ designation of management authority;
- ◆ a four-tiered classification system for nonindigenous aquatic species (prohibited, regulated, unregulated and unlisted species) and criteria to guide in the classification process;
- ◆ designation of infested waters and activities subject to regulated/prohibited activities in infested waters;
- ◆ permit and regulatory protocol pertaining to beneficial uses of nonindigenous aquatic species;

- ◆ inspection of recreational vehicles/equipment and beneficial use operations;
- ◆ establishment of enforcement authority and related penalties; and
- ◆ protocol for an ANS emergency action plan.

Among others, the guidance suggests rules covering the transport of watercraft from infested waters. Boats must be properly drained, and any visible plants, animals and mud must be removed before the vessel is launched elsewhere. Another suggested regulation prohibits the diversion, appropriation and interstate transport of water taken from infested waters. Provisions pertaining to the movement of high-risk fishing gear from infested waters to uninfested waters call for the decontamination of gear with removal of plant material, animals and mud, along with freezing, drying, or use of separate gear as alternatives.

Operations involving aquatic nuisance species for beneficial uses, such as the live-bait industry, aquaculture trade, and the horticultural business are also addressed in the guidance. Panel Chair Gary Isbell, of the Ohio DNR, points out that "although implementation of the model's provisions may not be popular with everyone, it is a critical move to strengthen ANS prevention and control measures in the Great Lakes region and beyond."

The model guidance is not presented as an "all or nothing" proposition, but rather as a map to guide Great Lakes jurisdictions toward achieving a higher level of consistency regarding their legislative, regulatory and policy mandates to prevent ANS introductions and dispersal. A multi-watershed, interjurisdictional approach is essential in addressing the insidious problems caused by invasive species since they are coming

from other parts of the country as well as waters around the world.

Panel Vice Chair Ron Martin, of the Wisconsin DNR, views this policy document as "providing an opportunity for more regulatory consistency in laws and polices directed at ANS prevention and control; and at the same time, allowing each jurisdiction the flexibility to select from the guidance the provisions that best suit individual jurisdictional needs." The Panel's work on the model guidance reflects the long-standing commitment of this regional body to mitigate problems stemming from biological invasions in Great Lakes waters.

The model guidance, approved by the Great Lakes Panel, is available for \$10 upon request. It is also accessible on the Great Lakes Panel's publications page (<http://www.glc.org/ans/anspubs.html>). This initiative is funded by a grant from the National Oceanic and Atmospheric Administration and the Michigan Department of Environmental Quality, Coastal Management Program. **Contact:** Kathe Glassner-Shwayder, Great Lakes Commission, 734-665-9135, shwayder@glc.org.

Great Lakes Panel Update

The draft ANS Action Plan has been revised and is under review by the Panel membership and will be submitted for formal approval at the Panel's fall meeting. Staff is preparing recommendations for Great Lakes ballast water research based on input received at the April 29 symposium held in Duluth, Minn. The final document to be presented for Panel approval next fall, will provide a detailed ballast water research agenda for the Great Lakes Basin. **Contact:** Kathe Glassner-Shwayder, Great Lakes Commission, 734-665-9135, shwayder@glc.org.

Washington Watch

Both House and Senate Appropriations committees have begun to draft and mark appropriations bills. House and Senate allocations differ considerably; most notable for ANS programs are likely to be the allocations for Interior (House mark a 19 percent cut below FY1999, Senate mark a 4 percent cut) and Commerce, Justice, State and Judiciary (House mark a 7.5 percent cut below FY 1999, Senate mark a 1 percent increase).

The House Appropriations Subcommittee on Transportation has marked up its Transportation Appropriations bill, which will include funding for U.S. Coast Guard ballast water regulation efforts. Despite an overall cut of nearly 10 percent to the Senate Transportation Appropriations allocation, the bill includes level funding (\$3 million) for the Coast Guard's Ballast Water Guidelines and Prevention Program and increased funding (at least \$1.5 million) for Coast Guard research relating to ballast water exchange verification.

For the Energy and Water Development Appropriations Committee, overall cuts resulted in a bill with relatively few earmarks for specific ANS programs and almost no funding for new initiatives. The bill does not provide funding for the Corps' Zebra Mussel Control Program (ANS Public Facility Research and Development) and only \$100,000 for completion of the dispersal barrier in the Chicago Ship and Sanitary Canal (the Corps' project estimates place total federal cost at an additional \$300,000). The Senate bill does provide a substantial increase for Aquatic Nuisance Plant Control (research authorized under the Rivers and Harbors Act) from \$3 million to \$5 million, but accompanying report language shifts the program away from its research framework in favor of cost-shared "on-the-ground" control efforts. The committee recommends that "the Corps place a higher priority on actual plant harvesting and eradication... that be undertaken only when a local sponsor agrees to provide 50 percent of the cost of the work." **Contact:** Rochelle Sturtevant, Senate Great Lakes Task Force, Northeast Midwest Institute, 202-224-1211, rochelle_sturtevant@levin.senate.gov.

News from Around the Basin

ILLINOIS: The annual meeting of International Association for Great Lakes Research (IAGLR), held in late May at Case Western Reserve, featured papers from the latest in round goby research and identified related research priorities. Conference sponsors included IL-IN Sea Grant, Ohio DNR, Ohio Sea Grant and IAGLR. The state ANS management plan is completed and will be sent in July to constituents for comments. **Contact:** Pat

Charlebois, IL-IN Sea Grant, 847-872-0140, p_char@ix.netcom.com.

INDIANA: Information will be evaluated on the design and feasibility of a fish barrier for Bixler Lake (Noble County in northeast Ind.) to prevent carp from moving into the lake from downstream areas. Modifications to the outlet structure of Pine Lake (LaPorte County) are being considered to protect downstream areas from zebra mussel colonization. **Contact:** Randy Lang, 317-232-4094, lang@dfw.dnr.state.in.us.

MICHIGAN: The Office of the Great Lakes received a final report titled *Analysis of Laws and Policies Concerning Exotic Invasions of the Great Lakes* prepared by Eric Reeves, Commander, U.S. Coast Guard (Ret.). The report was commissioned pursuant to Michigan's ANS State Management Plan. **Contact:** Mark Coscarelli, 517-335-4227, cosarem@state.mi.us.

MINNESOTA: State statutes have been changed to prohibit the harvest of live bait from infested waters, with an exception to allow harvest from Eurasian watermilfoil waters by permit (after required annual ANS training for permittees). The DNR provided ANS training for several bait dealers this spring, which was considered valuable by the dealers. The DNR plans to inspect boats entering and leaving several noninfested waters this summer to raise awareness of ANS threats and related state laws. The DNR is developing an enforcement plan to provide the conservation officers with information on ANS threats and enforcement priorities for their districts. **Contact:** Jay Rendall, MN DNR, 651-297-1464, jay.rendall@dnr.state.mn.us.

NEW YORK: Two ANS research projects will be conducted at Cornell University, based on a cooperative agreement that was signed between the U.S. Fish & Wildlife Service (U.S. FWS) and the DEC to facilitate the transfer of funds. Dr. Edward Mills is investigating the ecological relationships between zebra mussels and quagga mussels, and the consequences of zebra mussel displacement by quagga mussels in Lake Ontario. Dr. Robert Johnson is investigating the efficacy of Eurasian watermilfoil control by aquatic weevils and moths. **Contact:** Bill Culligan, NYS DEC, 716-366-0228, nysdecck@netsync.net.

OHIO: The DNR's ANS Advisory Team and Steering Committee are currently reviewing existing state ANS laws, rules and regulations in comparison with the Great Lake Panel's model guidance. Based on their reviews and input, changes may be recommended to the appropriate agencies. **Contact:** Randy Sanders, OH DNR, 614-265-6344, randy.sanders@dnr.state.oh.us.

WISCONSIN: The DNR, with assistance from volunteers, will be sampling over 100 lakes for zebra mussels this sum-

mer. In 1998, zebra mussels were discovered in seven inland lakes in the state. As of April 1998, the DNR has had the authority to close waters to bait harvest if they are infested with invasive species. It is expected that the DNR will receive \$50,000 in state funds between 1999 and 2001 to fund information and education activities related to zebra mussels and other aquatic nuisance species. The state ANS management plan is nearly complete and soon will be sent out for public review. **Contact:** Ron Martin, WI DNR, 608-266-9270, martinr@dnr.state.wi.us.

National ANS Task Force

The ANS Task Force meeting is scheduled for Aug. 18-29, 1999 in Olympia, Wash. A field trip is planned for Aug. 17 to visit ballast water facilities on a vessel and a local shell fish aquaculture business. Gary Edwards, ANS Task Force Co-Chair representing the U.S. FWS, recently transferred to Alaska. His replacement is Cathleen Short, serving as U.S. FWS Assistant Director of Fisheries. In addition, the ANS Task Force Executive Secretary, Robert Peoples, has retired and has been replaced by Sharon Gross of the U.S. FWS. **Contact:** Sharon Gross, 703-358-2308, sharon_gross@fws.gov.

On the Bookshelf

- ◆ *Legislation, Regulation and Policy for the Prevention and Control of Nonindigenous Aquatic Nuisance Species: Model Guidance for Great Lakes Jurisdictions.* June 1999. Publication of the Great Lakes Panel on Aquatic Nuisance Species. **Contact:** Kathe Glassner-Shwayder, Great Lakes Commission, 734-665-9135, shwayder@glc.org.
- ◆ *Abstracts: International Zebra Mussel and Aquatic Nuisance Species Conference.* April 1999. Minnesota Sea Grant Program publication X60. **Contact:** Doug Jensen, MN Sea Grant, 218-726-8712, djensen1@d.umn.edu.
- ◆ *Help Prevent the Spread of Aquatic Exotic Plants and Animals.* IL-IN Sea Grant brochure. 1998. **Contact:** Robin Goettel, IL-IN Sea Grant, 217-333-9448, goettel@uiuc.edu.

Upcoming Events

- ◆ *Meeting of the Great Lakes Panel on Aquatic Nuisance Species,* Oct. 19-20, 1999, Chicago, Ill. **Contact:** Kathe Glassner-Shwayder, Great Lakes Commission, 734-665-9135, shwayder@glc.org.
- ◆ *Meeting of the ANS Task Force,* Aug. 18-19, 1999, Olympia, Wash. **Contact:** Sharon Gross, 703-358-2308, sharon_gross@fws.gov.
- ◆ *Meeting of the Western Regional Panel on ANS,* Oct. 5-6, 1999, Austin, Texas. **Contact:** Linda Drees, USFWS, 785-539-3474, Ext. 20, linda_drees@fws.gov.