

***Meeting of the Great Lakes Panel on Aquatic Nuisance Species***  
**May 9-10, 2006**  
**U.S. EPA, Great Lakes National Program Office**  
**Chicago, Illinois**

**Tuesday Morning, May 9, 2006: Plenary Session**

**Welcome and Introductions**

Tom Crane from the Great Lakes Commission welcomed everyone to the spring meeting of the Great Lakes Panel meeting and acknowledged the U.S. EPA, Great Lakes National Program Office for providing meeting space. He also introduced the new Panel Chair, Mike Conlin, Chief of Fisheries at the Illinois DNR who provided welcoming remarks as well.

**Agenda Review and Approval**

Kathe Glassner-Shwayder, Great Lakes Commission then reviewed the meeting agenda and requested approval of the agenda. After agenda approval, Crane asked for a role call to determine if quorum could be declared. In ascertaining that quorum was not met, Crane indicated that no official action could be conducted, including agenda approval, unless quorum was met later in the meeting<sup>1</sup>.

**Great Lakes Panel Update**

Glassner-Shwayder then gave an update on Panel business, beginning with the Panel election results announced at the May meeting.

- Chair: Mike Conlin, Director, Office of Resource Conservation for Illinois Department of Natural Resources
- Vice Chair (chair elect): Jim Grazio, Great Lakes Biologist, Pennsylvania Department of Environmental Protection, Office of the Great Lakes and Coastal Resources

**Committee Chairs**

- Information/Education Committee: Rochelle Sturtevant, National Oceanic Atmospheric Administration, Great Lakes Environmental Research Lab, and Sea Grant Extension
- Research Coordination Committee: Phil Moy, Fisheries Specialist, Wisconsin Sea Grant,
- Policy Coordination Committee: Jennifer Nalbone, Habitat and Biodiversity Coordinator,

**At-Large Members**

- Allegra Cangelosi, Senior Policy Analyst, Northeast Midwest Institute
- Ted Batterson, Director of the North Central Regional Aquaculture Center, Michigan State University
- Doris Bautch, Director of Great Lakes Region, Maritime Administration
- John Andersen, Great Lakes Director, The Nature Conservancy;
- Francine MacDonald, Invading Species Technologist, Ontario Federation of Anglers and Hunters;
- Mike Murray, Staff Scientist, National Wildlife Federation.

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<sup>1</sup> Later in the meeting, it was determined by the Panel that quorum had never been officially established prior to the recommendation in the operational guidance document. For the current meeting, the Panel members present decided to go with the old system of not having an official quorum, which allowed for approval of the agenda, minutes from the November 2005 meeting, and other action items.

Glassner-Shwayder next reviewed the Action Items from the November 2005 meeting and how they were being addressed. These included the Panel's contribution to the Aquatic Nuisance Species Task Force (ANSTF) Annual Report to Congress, the Panel's submission to NOAA's Request For Proposals presented by Dorn Carlson at the November meeting, the Panel's decision to join the *Stop Aquatic Hitchhikers!*<sup>TM</sup> and *Habitattitude*<sup>TM</sup> campaigns.

Approval of the minutes from the Panel meeting of November 2005 was postponed given the absence of a quorum<sup>2</sup>. The Great Lakes Panel update presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_Pres-GLP-Update.pdf](http://www.glc.org/ans/pdf/06May_Pres-GLP-Update.pdf).

## **Federal/Regional Program Updates**

- ***U.S. Coast Guard***

Commander Karen Phillips, U.S. Coast Guard (USCG), gave an update on USCG and International Maritime Organization (IMO) activities. The IMO Marine Environmental Protection Committee has continued development of a ballast water management convention. Under this convention, two ballast water treatment methods were approved, though ships are still required to get USCG approval to incorporate these practices. It was noted that the convention has not yet been ratified. Phillips also indicated that the ballast water discharge standards Environmental Impact Statement (EIS) that began in 2003 is now finished based on the review of three standards: the IMO standard, one more strict and one less strict. Public hearings will be held before the ballast water discharge standards become final. Briefly discussed was a USCG collaborative effort with Canada, whereby the USCG is allowed to board ships in the St. Lawrence to examine tank contents and compare them with ballast water management practices. As part of this, No-Ballast-On-Board (NOBOB) best management practices (BMPs) are being developed by review of logs and interviews with vessel crew.

Phillips pointed out that problems have emerged with ballast water inspections slowing down vessel movement, manifesting the need for a ballast water management clearinghouse to coordinate all relevant data. (Salinity concentrations have been tested in ballast tanks since 1993. If required levels are not met, the vessel must go back to the ocean and exchange the water or retain the water on board.) It was noted that to minimize disruption to the industry, the clearinghouse needs to be set up to provide "one stop shopping." Phillips discussed USCG District 9 outreach goals to build partnerships with the Great Lakes states to facilitate increased collaboration. She commented that each jurisdiction of the Great Lakes chain is vital to finding and maintaining solutions that are environmentally protective, economically viable and technically feasible. In regards to NOBOB vessels given challenges involving salinity testing, the USCG is taking a comprehensive approach through both regulations and management practices, with efforts to create incentives to implement BMPs. Mike Ripley, Chippewa-Ottawa Resource Authority, mentioned that a presentation on the new technologies being tested through the USCG technology evaluation program would be useful at the next meeting. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_USCG-UPDATE.pdf](http://www.glc.org/ans/pdf/06May_USCG-UPDATE.pdf).

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- ***Great Lakes Water Quality Agreement Review***

John Nevin from the International Joint Commission presented an update on the Great Lakes Water Quality Agreement (GLWQA) review process. He mentioned that the GLWQA is reviewed every three years but has not been updated since 1987. Nevin commented that more than four thousand people have made public comments through a series of public meetings and web-based conferences held during the fall and winter of 2005/06. During this review process, concern has been expressed by many over issues not covered in the current GLWQA. Nevin noted that there was particular concern regarding the aquatic invasive species issue not being adequately addressed given the aquatic invasive species (AIS) threat to biodiversity. Through public comment, the question was raised as to whether the cost of shipping, a primary pathway of AIS introduction, is worth the benefits.

Jennifer Nalbene, Great Lakes United presented an overview of how non-government organizations (NGOs) in the Great Lakes region are preparing for the GLWQA review and how they are planning to constructively participate in the review process. Nalbene explained that NGO's strive to educate and empower citizens to participate in the GLWQA process. The Great Lakes NGO community recently held a series of calls to discuss issues not currently covered by the GLWQA. Issues that emerged in these discussions included AIS, habitat and biodiversity, and climate change. Nalbene indicated that the NGO stakeholders have identified the AIS issue as a priority to be addressed in the GLWQA, since AIS is considered a form of biological pollution that should be covered in this pollution prevention agreement. She noted that no consensus has yet been reached on the AIS issue in the GLWQA renegotiation process thus far.

- ***Federal Budget on AIS Prevention and Control: FY 2006 Appropriations & Great Lakes Regional Collaboration AIS Strategy***

Mike Hoff, U.S. Fish and Wildlife Service (USFWS), presented information on AIS federal appropriations for fiscal years 2005 and 2006, as well as the President's budget request for FY2007. The President's budget request reflects the following changes in funding levels: an overall 36% decrease in AIS related funding for the National Oceanic and Atmospheric Administration (NOAA); a 15% decrease for the Great Lakes Fishery Commission Sea Lamprey Control Program; and flat funding for items such as state and interstate management plans, regional panels, and the Great Lakes Science Center AIS Research Programs. The NOAA Invasive Species program received a 150% increase as requested. The requested Sea Grant AIS budget is not clear at this time because it will be a percentage of NOAA's appropriated budget. The Sea Grant Program base funding received a 73% decrease and the U.S. Army Corps of Engineers funding for Aquatic Nuisance Species (ANS) Plant Control Research was decreased by 25%. Hoff pointed out that the numbers are not always absolute since they are based on varying sources and actual appropriations generally vary from the President's budget. The appropriations bill was scheduled for passage on May 15, 2006. Hoff also spoke briefly about the Great Lakes Regional Collaboration (GLRC) AIS Strategy, noting that some issues are moving forward but are not yet ready for public dissemination. Under the GLRC Task Force, working groups are being convened, including an AIS Rapid Response Team. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_fed%20budget.pdf](http://www.glc.org/ans/pdf/06May_fed%20budget.pdf).

- ***National Oceanic and Atmospheric Administration (NOAA): NOAA Ballast Water Exchange Report to Congress & Great Lakes ANS Information System***

Representing Dave Reid, Rochelle Sturtevant, NOAA Great Lakes Environmental Research Lab (GLERL) and Michigan and Sea Grant Extension, gave a brief update on the NOAA Ballast Water

Exchange Report to Congress. The report is currently undergoing scientific peer review and will next undergo a policy review. Until the policy review is complete, the information contained in the report is embargoed. She also reported on the NOAA-USFWS ballast water technology demonstration program with potential funding for the Great Lakes in 2007.

On behalf of Dave Raikow, GLERL, Sturtevant reported on the Great Lakes Aquatic Nonindigenous Species Information System (GLANSIS) which is a “one-stop” information source on all known Great Lakes AIS. The Information System is meant to be a comprehensive database of information on AIS in the Great Lakes including distribution maps, pictures, references, links, impacts, ecology, etc., and is aimed at a wide target audience, including students, researchers and managers. The information system is a newly organized subset of the USGS Nonindigenous Aquatic Database. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_fed%20budget.pdf](http://www.glc.org/ans/pdf/06May_fed%20budget.pdf).

### **Panel Member Updates**

Illinois DNR: Steve Shults discussed a new AIS law which gives the DNR the ability to list injurious species by administrative rule and limit their possession or transport. Violations of the rule is a Class A misdemeanor. He also spoke on an upcoming international symposium on Asian Carp in August. For more information see <http://www.asiancarp.org>.

Illinois-Indiana Sea Grant: Pat Charlebois reported on Sea Grant’s collaboration with the Chicago Department of the Environment on the *Habitattitude*<sup>TM</sup> Campaign to get posters and flyers into pet shops in Chicago. Efforts are also underway to increase outreach to the water garden industry, including work with the Chicago Botanical Gardens on a raingarden demonstration program. Illinois-Indiana Sea Grant, Indiana DNR, and the Great Lakes Commission are working to hold a series of workshops for Conservation Officers to train them to more effectively enforce AIS laws and improve their information and education abilities. Pat also mentioned that Sea Grant provided technical support on the AIS Shedd Aquarium exhibit.

National Park Service: Phyllis Ellin mentioned that visitor’s centers in the National Parks are good dissemination points for outreach and education on AIS issues.

Council of Great Lakes Governors: Lisa Wojnarowski discussed the AIS Task Force of the Council, representing the state and provincial governors and premiers and natural resource agencies. The Task Force focuses on information sharing and advocacy and has recently submitted a letter to the Great Lakes Congressional Task Force requesting funding for the Asian Carp barrier.

Minnesota Sea Grant: Doug Jensen reported on ballast water legislation that has been drafted in Minnesota but has yet to receive a hearing. He also mentioned the new discovery of the New Zealand mud snail in the Duluth-Superior Harbor. Regarding AIS outreach, a grant was received by Iowa, Minnesota, and Wisconsin to help spread the message from the campaign *Stop Aquatic Hitchhikers* to increase and leverage community involvement. Jensen noted that there is ongoing survey evaluation to assess if the target audience is getting the *Stop Aquatic Hitchhikers!*<sup>TM</sup> prevention message. Minnesota’s work on the state management plan process is moving forward on implementation.

Pennsylvania Sea Grant: Sarah Whitney reported that the state Invasive Species Council began meeting last fall after the Pennsylvania Invasive Species State Management Plan Workshop (proceedings are available online at <http://glc.org/ans/initiatives.html#advance> under the section on Pennsylvania’s workshop). Given the challenges faced by the commonwealth in creating a comprehensive (terrestrial and aquatic) invasive species management plan, the Governor has indicated that a management plan

focused solely on aquatic invasive species must be developed by October. The development of this plan will also be critical in order to receive funding from the national ANS Task Force.

Michigan Sea Grant: Carol Swinehart reported that Michigan is ready to hold its third annual AIS Awareness Week and is beginning its version of *Clean Boats – Clean Waters* based on the successful Wisconsin program. Michigan is also concerned with the implementation of the new law regulating possession of prohibited species and how to add and remove species from that prohibited species list.

USDA Forest Service (USFS): Nick Schmal showed Panel members the Eastern Region of the Forest Service and explained that three ANS Panels fall within the boundaries of the Forest Service Eastern Region. Traditionally the Forest Service Invasive Species program has been in the range program which has only focused on noxious weeds. The USFS is working on turf and budget issues to move the program towards a comprehensive program that includes both terrestrial and aquatic species, starting with AIS outreach efforts. The USFS is also interested in helping with the development of state ANS management plans.

Indiana DNR: Doug Keller reported that two ballast water bills were introduced into the Indiana state legislature this past winter but did not make it out of committee due to the short length of the session. Keller expressed encouragement, however, since this activity introduced more legislators to the ballast water issue. He also spoke about a rapid response program for Brazilian elodea and the requirements for taking steps to eradicate this invasive plant if infestations are detected. Brazilian elodea is illegal for use except in aquariums. Keller expressed the need for more species to be placed on a “black” list.

Chippewa Ottawa Resource Authority (CORA): Mike Ripley discussed efforts to assist the USFWS with sea lamprey control in the upper peninsula of Michigan. He mentioned that the potential budget cuts for sea lamprey control is bad news given the dependency of tribal fishermen on lake trout. Further spread of sea lamprey populations in the reduction of the control program will reduce their fish allocation. CORA has also been collaborating on Lake Michigan and Superior Lake Management Plans.

Transport Canada: Leah Quiring gave an update that ballast water regulations are going to be published soon in the Canada Gazette.

Ontario Federation of Anglers and Hunters (OFAH): Francine MacDonald reported on a recently completed DVD, *Invaders in Our Waters*, which provides information on the various vectors of AIS introduction. OFAH also produced four 30 second public service announcements that will be distributed to all the television stations in Ontario by summer. Also underway is the administration of a survey of water gardening stores regarding a pathway analysis. OFAH is also assisting with an assessment study on round goby eradication involving rotenone application.

Great Lakes United (GLU): Jennifer Nalbone mentioned that in addition to coordinating NGOs in the GLWQA review, GLU has been working with Senate leadership to redraft comprehensive AIS legislation. Postcards demonstrating legislative support for NAISA are also being circulated. GLU is also looking for individual scientists to sign on to their prescription for management of Great Lakes aquatic invasions. Also mentioned is that New York has introduced legislation to allow the Department of Environmental Conservation (DEC) to participate in the ANS Coalition established through Michigan legislation.

U.S. Fish and Wildlife Service: Mike Hoff announced that Dale Hall has been appointed as the new USFWS director and has indicated a significant interest in AIS issues. Hoff mentioned that the USFWS sea lamprey control program is challenged due to budget shortfalls but that they will continue control efforts despite this shortfall. He reported that USFWS has recently acquired a new vessel that can be used

as a platform for AIS assessments. Hoff also reported that ruffe in the Thunder Bay River have declined according to a recent assessment, though round goby populations have increased, and that there was detection of the New Zealand mud snail in the Duluth-Superior Harbor. In terms of the Asian carp situation, Hoff noted that Asian carp have not moved up stream from last year's assessment.

Maritime Administration (MARAD): Doris Bautch reported that MARAD is partnering with NOAA to provide a barge to test ballast water control in Lake Superior. The Northeast -Midwest Institute will oversee the research on the barge platform.

U.S. Great Lakes Shipping: Helen Brohl discussed the Green Marine Industry Environmental Partnership by the US Maritime Industry which is a voluntary program to show industry's commitment to addressing environmental issues such as the risk of aquatic invasive species introductions. She recommended that a representative from the program be invited to the next Panel meeting to provide an update on the program.

U.S. Coast Guard: Karen Phillips reiterated interest in meeting with state representatives involved in ballast water issues and also mentioned an upcoming public hearing in Cleveland on July 6 regarding the dry cargo EIS.

The Nature Conservancy (TNC): John Andersen discussed TNC's interest in participating in efforts related to state ANS management planning. He also mentioned TNC involvement on several research grants.

Wisconsin Sea Grant: Phil Moy gave an update on the Wisconsin's *Clean Boats – Clean Waters Program* and mentioned that Wisconsin Sea Grant has worked with *Stop Aquatic Hitchhikers!*<sup>TM</sup> campaign to create two new Babe Winkelman public service announcements. Wisconsin's ballast water legislation is currently in development but has not been moved forward yet.

Ohio DNR: Roger Knight mentioned that the DNR will be pulling aquatic invasive weeds along Lake Erie. They have also just finished working with the Great Lakes Fishery Commission on sea lamprey control on two Lake Erie tributaries while working to minimize the impact on mudpuppies. The DNR is also working on updating the AIS website and will shortly begin to revise the Ohio ANS State Management Plan.

U.S. Army Corps of Engineers (USACE): Chuck Shea reported that the Corps is working with the Great Lakes Fishery Commission to construct sea lamprey barriers at several sites in Michigan. Discussion on the Asian carp barrier will follow in more detail later in the meeting.

U.S. Environmental Protection Agency (EPA), Region 5: Vacys Saulys passed out a summary of a recently held economic impacts workshop.

Great Lakes Commission: Kathe Glassner-Shwayder reported that the Commission is progressing on the State Management Plan project funded by the NOAA National Sea Grant Program to conduct state specific workshop on AIS management plans in each of the Great Lakes states. The regional summit culminating from these workshops will be held in the spring of 2007. It will be proposed that this summit be held in conjunction with the Panel's collaborative meeting with the ANS Task Force. Tentative date and location are May 2007 at the Tom Ridge Environmental Center in Erie, PA.

## **Tuesday Afternoon, May 9, 2006: Plenary and Break-out Sessions**

### **Research, Management, and Policy Initiatives on AIS Prevention and Control**

- ***Aquatic Plant Management Grants: Indiana DNR Lake and River Enhancement Program:*** Gwen White, Indiana DNR

Gwen White introduced the Indiana DNR Lake and River Enhancement Program (LREP), originating with Section 319 Program support, as a statewide approach to deal with soil erosion. Program funding is generated through boating fees (\$600,00 annually) that are passed on to Soil and Water Conservation Districts or similar entities to give out contract work grants, or give to farmers for agricultural conservation practices. The program has expanded since its conception to include watershed management plans and monitoring. In 1999, legislation established the Lakes Management Workgroup to identify priorities not yet addressed by LREP. It was determined that the traditional program did not address remedial or restoration actions given pressing needs to address sediment contamination. The focus of the LREP was shifted to efforts that would raise public awareness for the importance of restoring native plant communities through the use of herbicides and other innovative strategies to protect native plant communities. Funding is currently passed on to lake associations or similar groups, to initially be used for planning and then herbicide application or aquatic plant restoration if necessary. An important aspect of the program has been to let people know the difference between the importance of a natural plant community and the problems caused by invasive plants. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_LARE.pdf](http://www.glc.org/ans/pdf/06May_LARE.pdf).

- ***Update to the ANS Dispersal Barrier and Next Steps Beyond the Barrier:*** Joel Brammeier, Alliance for the Great Lakes

Joel Brammeier discussed his organization's work in the AIS area as an introduction to looking at potential next steps beyond the Asian carp barrier. The project team is evaluating the feasibility of ecologic separation of the Mississippi River and the Great Lakes, and this is currently in the background research stage. The three areas of focus for their research include: threats that artificial connections pose for AIS introduction and spread, how the protection process can be streamlined, and what can occur beyond the project. Brammeier stressed that even though canals are not as well documented as other vectors such as ballast water, they still contribute significantly to AIS introduction and spread. He noted that the focus of this research project is not on Asian carp, though these invasive fish have been a driving force, but rather on future potential invaders. It was discussed how invasions from canals are unpredictable in timing, predictable in occurrence, and most likely catastrophic in impact. Given the prevailing thinking that the electric barrier will not be adequate in providing protection needed over the long term, a recommendation was made to evaluate hydrologic separation of the two basins. The Alliance for the Great Lakes has, for this study, changed the term hydrologic separation to ecological separation. This was done to help ease public concern for eliminating a navigable channel. Some of the constraints that have been identified so far include hydrology (impact of flow on ecosystem), water quality, commercial navigation (economic impact), and jurisdictional authority. Brammeier mentioned that a full scale economic study is out of the scope of this project however, economic analysis is being applied to identify the relevant parameters to be examined. Future work will include examining the engineering of the project, scenario development, an ecosystem separation assessment, and implementation strategies. The ultimate goal of this work is to develop a streamlined set of recommendations which is estimated to take 10 years from the timeframe of the 2003 Chicago Summit. The Great Lakes Fishery Trust was acknowledged for project funding along with project partners, Great Lakes Fishery Commission, and co-

investigators, Irwin Polls and Scudder Mackey. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_J-Brammeier.pdf](http://www.glc.org/ans/pdf/06May_J-Brammeier.pdf).

- ***City of Chicago's Involvement on AIS issues:*** Joyce Coffee, City of Chicago's Department of the Environment

Joyce Coffee discussed Chicago's involvement in AIS issues, particularly regarding efforts to prevent AIS exchange between the Great Lakes and Mississippi River. She reported that the city has worked to secure funding and political support through lobbying and has been heavily involved in the Great Lakes – St. Lawrence Cities Initiative with Chicago's mayor as one of the co-chairs. The city has developed ordinances focusing on preventing the sale of live Asian carp, and transport and sale of live snakehead. Enforcement efforts have been focused at fish shops and live fish food markets. Coffee encouraged the use of Chicago's ordinance as a model for other municipalities. The city of Chicago has also collaborated with Illinois Sea Grant in the development and application of outreach tools to reach such groups as bait and tackle, boating and fishing, aquarium shops. The Mayor has also established a fishing work group with an AIS focus. The Chicago Park District has a program to educate kids through fishing programs. The mayor has also addressed AIS at the Chicago Boat Show. The City of Chicago's DOE is trying to make a difference on the AIS issue through such programs. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_J-Coffee.pdf](http://www.glc.org/ans/pdf/06May_J-Coffee.pdf).

### **Federal Legislative Session<sup>3</sup>**

- ***S. 2545 Great Lakes Collaboration Implementation Act & H.R. 5100 Great Lakes Restoration Bill***

Matt Reiffer, staff for Representative Vernon Ehlers (MI-3<sup>rd</sup> District), discussed the recently introduced H.R. 5100, the Great Lakes Restoration Bill, co-sponsored by Mr. Ehlers. The legislation was modeled after many of the recommendations from the Great Lakes Regional Collaboration (GLRC). Recommendations from the GLRC that are legislative in nature with good detail and political persuasiveness were considered for inclusion in the bill. He indicated that since invasive species are considered a major threat, there was a need for a major chapter to be devoted to invasive species. Based on GLRC recommendations, it was clear that the NAISA bill as drafted was considered by many to be a good approach, resulting in integration of much of the NAISA language into the AIS section of the GLRC bill. Reiffer commented that the bill tries to coordinate, not remove responsibility; and that the bill is designed to be passable in pieces since it is such a large bill and has been referred to by so many committees. Agencies on the Great Lakes Panel eligible to lobby, were encouraged to contact members of Congress for support of the bill, such as those on the House's Committee on Transportation and Infrastructure and Committee on Resources, to gain momentum for getting the legislation out of committee and passed.

- ***Chicago Sanitary and Ship Canal Dispersal Barrier Update:*** Chuck Shea, U.S. Army Corps of Engineers (USACE)

Shea reported that the electric contract to maintain and operate the non-permanent demonstration barrier will expire on July 2, 2006. Although the demonstration barrier is currently running, the USACE (as of May 9, 2006) has not secured funding to extend the contract for the barrier. If there is no new funding secured before July 2, the demonstration barrier will be shut down. This financial situation puts increasing pressure on the USACE to get the second (permanent) barrier up and running, the first phase of which has been constructed with safety testing currently underway. One safety test indicated that a small amount of electrical current extends outside the regulated navigation area, raising concern when barges are passing in this area. Testing found that sparking was created when two barges were pulled apart,

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<sup>3</sup> The Panel meeting agenda was altered to move on to the Federal Legislative Session given the scheduling of a conference call with speaker Matt Reiffer. The agenda returned to the Research, Management, and Policy Initiatives when the Federal Legislative session was completed.

posing a safety and fire hazard which does not occur when the barrier is turned off. Testing also indicated the need to pull the electrical field back into the regulated navigation area to prevent scenarios where sparking could occur. To address these concerns, metal mats have been put on the channel bottom in efforts to soak up the electrical currents outside the regulation area. The second barrier can not be put into full time operation until the grounding mat or some other measure proves to eliminate the sparking problem, noting that the new barrier is four volts per square inch stronger than the demonstration barrier.

Shea also mentioned that the Senate recently passed a supplemental appropriations bill with \$400,000 added on to keep the demonstration barrier running.

- o \$225,000 operation and maintenance
- o \$125,000 safety testing
- o \$50,000 monitoring

It was noted that these are not new funds, but would authorize the USACE to reassign funds from other projects to the barrier. Shea also reported that the House's supplemental bill does not have funding for the barrier. The House and Senate now have to conference and agree on the bill that goes to the President.

### **Research, Management, and Policy Initiatives on AIS Prevention and Control (continued)**

- ***State Ballast Water Regulations: Status Around the Basin:*** Lisa Butch, 2005-06 Sea Grant Fellow, Great Lakes Commission

Lisa Butch presented on state ballast water management actions, issues, and potential concerns. She reported that the Michigan Public Act 33 of 2005 requires all vessels entering Michigan ports to have a permit beginning January 1, 2007, to certify that the vessel will implement approved ballast treatment methods to prevent AIS discharges. Michigan's legislation also established the Great Lakes Aquatic Nuisance Species Coalition (Coalition) to encourage consistency in ballast water legislation among the Great Lakes states. Roger Eberhardt, Michigan DEQ, has taken a lead role in the formation of this region-wide Coalition. In response to the Michigan legislation, several other states including Indiana, New York, and Wisconsin have introduced similar legislation. Eberhardt indicated that representatives on the Coalition from Michigan, Minnesota, New York, and Wisconsin believe that the overall potential damage from further AIS introductions via ballast water justifies taking the initiative to pass legislation at the state level. It is generally believed that Congressional action to enact ballast water standards on a federal level would be best. However, there is hope that state action on a ballast water regulatory regime may push the process of developing federal regulations on the fast track. Additionally, if the improved ballast water management is achieved on a state specific basis, the Coalition will facilitate in the development of a regional standard instead of each state enacting separate sets of standards. Coalition members from Indiana, Illinois, and Ohio hold concerns for the Coalition given their belief that the federal government should establish the ballast water regulations; a state led approach may prove to be piecemeal due to multiple permits and enforcement agencies.

Butch then raised the issue of Constitutionality and whether the states have the right to regulate any part of navigation based on the Commerce Clause of the U.S. Constitution. Several cases were looked at for precedent. Two cases discussed indicate that federal law may preempt state regulation except for measures that do not at all impede commerce, while two others allowed commerce to be impeded if no other options existed to protect the public trust. If Michigan's legislation and that of the other states passing similar legislation are challenged, the outcome will be influenced by the views of the court, such as whether the court recognizes state's right versus authority of the Federal government; and how the court values unimpeded commerce versus environmental protection. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_panel\\_pres\\_lb.pdf](http://www.glc.org/ans/pdf/06May_panel_pres_lb.pdf).

- **Early Detection and Monitoring Pilot Program:** Marc Tuchman, U.S. EPA, Great Lakes National Program Office.

Marc Tuchman gave a brief presentation on an early detection and monitoring pilot program. Some of the main objectives of the project are to develop monitoring protocols to detect new invasives early in high risk areas, forecast and prioritize invasive species that are likely to become established and reach nuisance levels, and predict potential ecosystem effects of existing and potential invasive species. In the development of monitoring protocols, researchers are investigating how to identify newly established species that are not yet detectable without taking hundreds of samples, while at the same time taking ample samples so as not to miss small populations. The basic goal of this project is “to detect rare before it becomes common.” Much of the preliminary work is being conducted in the Duluth harbor with the focus this past fall on benthos and zooplankton. The monitoring was focused in high risk areas and critical habitat areas. An outcome of the pilot project was detection of the New Zealand mud snail. Doug Jensen from Minnesota Sea Grant provided some additional background on the ecology, life history and impacts of the mud snail. This presentation is available online at: [http://www.glc.org/ans/pdf/06May\\_ord\\_invasive\\_species.pdf](http://www.glc.org/ans/pdf/06May_ord_invasive_species.pdf).

### **Concurrent Break-Out Session of Panel Committees**

Break-out sessions focused on developing respective committee mission statements, goals, objectives, work plans and formal committee membership.

- Information and Education Committee, Rochelle Sturtevant, Committee Chair, NOAA Great Lakes Environmental Research Lab (GLERL), Sea Grant Extension Agent
- Research Coordination Committee, Phil Moy, Committee Chair, Wisconsin Sea Grant
- Policy Coordination Committee Jennifer Nalbene, Committee Chair, Great Lakes United

### **Wednesday Morning, May 10, 2006: Plenary Session**

#### **Panel Committee Reports:** *Moderator, Tom Crane*

Crane introduced the committee report session explaining that this portion of the meeting is important to allow the full Panel the opportunity to hear about the work that is occurring within the three committees.

- **Research Coordination Committee:** Phil Moy presented on the outcomes of the Research Committee’s break-out session. He began saying that discussion focused on developing a method for listing and de-listing species from the Committee’s Priority Species List. There is also interest in adding a justification column for listed species. The committee plans to work with Dave Raikow from NOAA’s Great Lakes Environmental Research Lab to determine justification parameters. Committee members expressed interest in linking the Priority Species List with Raikow’s website or the USGS AIS website to provide greater accessibility of the priorities list to researchers developing RFPs. Moy and Tom Crane plan to complete an introductory statement with guidance to accompany the priorities list for initial review by the committee and then circulated to the rest of the Panel. To promote the priorities list, Moy mentioned that the committee would like to publish an article in the Journal of the International Association of Great Lakes Research. They also considered development of a “blacklist” for organisms in trade which was considered a significant undertaking among committee members. The organisms in trade black list will be discussed further during future committee conference calls.
- **Information and Education Committee:** Rochelle Sturtevant reported on discussion of the draft Operational Guidance Document from an information and education (I/E) perspective. She reported that the I/E Committee initiated discussion by trying to identify base members. The need was

identified to define “base members” in the Panel’s Operational Guidance and the question was asked whether alternates could be considered among the five base members of the committee. It was also suggested that the wording in the Operational Guidance Document be changed from “required to volunteer” to “expected to volunteer.” Participants in the committee meeting expressed support for alternates to be considered as base members since alternates have historically actively participated on the committees and are needed to meet the base membership level on each of the Panel committees. Also discussed was the recommendation in the Operational Guidance for Committee Chairs to recruit members for the Panel committees. Discussion during the committee meeting indicated that this was not considered the best way to operate. If additional committee members are needed, it was suggested that the situation should be handled by Executive Committee action. Overall the Committee expressed concern over the Federal Advisory Committee Act (FACA) requirements and how it may limit the committee’s outreach capabilities. The committee recommended that FACA should be better clarified in the Operational Guidance document with additional comment that Great Lakes Panel recommendations were based on consensus that should be directed back to member agencies. It was decided that the mission statement and work plan would be covered in future conference calls based on the recently approved Information/Education Priorities Document. Also during the session, Marcia Woodburn, Great Lakes Commission, gave a report on the progress of the *Great Lakes Aquatic Invasions* brochure. Jennifer Nalbone mentioned that the committee should consider partnering with the Shedd Aquarium regarding brochure dissemination. Woodburn discussed recommendations on the brochure content and layout that had been discussed during the Tuesday break out session as well as suggestions from some recent conference calls. She mentioned the suggestion to add a dynamic dimension to the brochure timeline on AIS invasions and related policy developments by maintaining an updated version on the Panel website. Also suggested was making the title of the brochure more action-oriented.

- **Policy Coordination Committee:** Jen Nalbone presented an overview from the Committee’s breakout session. She mentioned that this committee has had problems defining its role in the past; indicating the need to work on a set of guiding principles and mission statement for the committee. There was also interest in examining what the Committee had done in the past, to help determine future activities. During the discussion, each participating member committed to identifying three policy priorities. A conference call will be held to decide which of the committee members’ priorities will be promoted by the Committee. Discussed was the idea of coordinating with the Research Coordination Committee to develop plans in drafting state-specific model legislation. The committee members also indicated the need for the Policy Committee to participate in development of the annual report to the ANS Task Force which should include a more effective way to convey Panel recommendations to the ANS Task Force and Congress.

**Great Lakes Panel Operational Guidance Document:** *Tom Crane, Great Lakes Commission*

Tom Crane provided an update on the status of the operational guidance document. Crane mentioned that further clarification is still needed to determine how communications with the ANS Task Force and other agencies are to be conducted. Doris Bautch from MARAD inquired as to whom the ANS Task Force reports. In response, it was indicated that the Task Force reports to Congress, however, it was not known if the reporting is submitted to a specific committee or to Congress as a whole. More details on the reporting process will be obtained by Panel staff. Crane pointed out that the operational guidance document is a living document and changes can be made as necessary, though it is close to being applied in governing the Panel’s general operations. Once the Panel approves the operational guidance document it will be provided to the ANS Task Force. It was clarified that although Task Force approval of the document is not required, the document will be used by ANSTF staff to be kept apprised of the Panel’s operating procedures.

Some things that have been modified in the document since the last Panel meeting include the mission statement, and requirements for new membership. It was also noted that FACA is not as prohibitive as previously believed by the Executive Committee. The need to re-evaluate Panel membership was discussed in terms of membership balance and the need to regularly communicate to inactive members reminding them of their obligations to participate in Panel activities. Concern was expressed regarding the difference between the at-large membership category and the new membership. Discussed were the benefits of the at-large membership category as a mechanism to avoid potential problems in establishing and approving new regular memberships. The concern is that the Panel may become too large and create a body that cannot be effectively managed and supported. Also mentioned was that at-large membership should be fluid to allow for those who have expertise in emerging issues, to participate on the Panel. It was noted that at-large members, after serving their term, may prove to be valuable Panel members. The need for balance among the different types of agencies and organizations was also raised as a concern regarding new membership. Also discussed, was the language added to the guidance document on membership in good standing which can be jeopardized by chronic absence from Panel meetings. It was noted that travel restrictions may impede meeting attendance. Crane indicated that since membership slots in the original charter cannot be removed from the Panel, reappointment will be necessary for those members found not to be in good standing. In such circumstances, it was suggested that letters be sent to the agency leads, requesting reappointment of a new Panel representative.

Another significant revision to the guidance document was the definition of quorum which was recommended to be set at 50 percent plus one. The need to reexamine the desired quorum was discussed given potential difficulties in meeting the recommended quorum. One suggestion was that the quorum should be a number and not a percentage to help solve the problem of inactive members, which makes quorum difficult to meet. It was determined that categories of membership should be taken into consideration for the final quorum definition so that there is an adequate mix of representation. The final definition will be worked out with the Executive Committee. Another issue raised was that many alternate members are themselves sending alternates who have no official standing with the Panel to attend the meetings. To handle this issue, it was proposed that a proxy letter be developed and added to the Panel member meeting registration form for members to appoint a proxy if he/she or the formally delegated alternate are unable to attend the meeting.

The importance of documenting minority views was mentioned during discussion. Some members indicated the need to conduct a blind survey to determine if the Great Lakes Panel is being effective in its operation. For future elections, it was recommended that an ad hoc nominating committee would be more effective than opening up the nominating process to the entire Panel as was done for the last election.

Crane concluded the session with a promise to coordinate comments from the meeting, prepare a revised draft of the operational guidance and convene one or more conference calls with the executive committee to review and evaluate the suggested approaches to the outstanding issues identified by Panel members during the meeting. A final revised draft of the document will be e-mailed to the Panel at least two weeks in advance of the fall meeting.

### **Panel Member Updates** (continued)

Panel members unable to attend the first day of the meeting provided updates:

Lake Carriers Association: Rick Harkins reported that his organization is keeping an eye on Federal ballast water legislation. Lake Carriers is in favor of seeing some new federal legislation passed which is believed the better way to go rather than state by state legislation.

Great Lakes Sport Fishing Council: Dan Thomas mentioned that Congress has yet to provide 2006 funding for the electrical barriers in the Chicago Sanitary and Ship Canal. The Council was also heavily involved in working with Senators Voinovich and Obama to get additional appropriations added to the supplemental appropriations bill.

### **Panel Business**

Glassner-Shwayder provided an update on the Taxonomic Experts Database being led by Pam Fuller, USGS. The regional ANS Panels have been asked to provide information to populate the database.

Glassner-Shwayder indicated that the Panel Annual Report is currently in progress and will be sent out to Panel members when it is finished. Helen Brohl suggested that the Panel's request for additional funds should be included in the Annual Report. It was then suggested that the funding request should be made separately as well as presented in the Annual Report.

Glassner-Shwayder proposed November 15-16 as suggested dates to hold the fall meeting. These dates will be confirmed at a later date. Glassner-Shwayder informed the group that she would be attending the ANS Task Force spring meeting on May 24-26 which will be held in conjunction with the Northeast Regional Panel Meeting. Tom Crane asked for people's opinion about moving the spring meeting around the basin instead of always being held in Ann Arbor. There seemed to be general agreement that it is beneficial to move the meetings around. It was proposed that the 2007 spring meeting be held in Pennsylvania at the new Tom Ridge Environmental Center in conjunction with the spring meeting of the ANS Task Force. The Regional Summit for the state management plan workshops may also be held in conjunction with this meeting.

Doug Jensen noted a correction to the Great Lakes Commission resolution on AIS outreach which was passed at the Commission's Semiannual Meeting earlier in May. The comments related to the background on the *Stop Aquatic Hitchhikers!*<sup>TM</sup> and *Habitattitude*<sup>TM</sup> campaigns. In the second to last 'whereas' Jensen offered the correction that *Habitattitude*<sup>TM</sup> was created by the joint partnership between NOAA Sea Grant, the U.S. Fish and Wildlife Service, and the Pet Industry Joint Advisory Council.

### **Public Comment**

There was no public comment. Glassner-Shwayder mentioned that public comment period should be structured in such a way to invite greater involvement from other AIS stakeholders in the region. John Andersen, The Nature Conservancy, noted that it would be particularly valuable to engage participation from the various industries posing as high risk vectors. Increased participation from industry would allow these stakeholders to learn more about the Panel as well as facilitating information sharing to find ways to address various aspects of AIS problem. Also suggested was to feature specific themes for each Panel meeting which may attract additional stakeholders with strong interest in the theme. Potential topics offered were recreational boating and organisms in trade. Also discussed were the benefits of structuring the meeting agenda to allow Panel business to be held on a day separate from the informational portion of the meeting.

### **Summary of Action Items**

Action items from the meeting included the following:

- **Operational Guidance Document:** Staff will hold a conference call with the Executive Committee (ExCom) to address any outstanding issues remaining after this meeting. Based on ExCom recommendations during this call, and comments from the Panel meeting discussion, staff will complete a final draft of the operational guidance document. The draft will be sent to the Panel for final review.

- **Inactive Panel Membership:** Staff will work with the ExCom in contacting inactive members designated to serve on the Panel and ascertain their interest in participating in the work of the Panel. These issues will be formalized through a letter from the Panel chair to inactive Panel members.
- **Proxy Process:** Staff will provide a proxy form as part of the pre-meeting registration materials to allow primary Panel members to appoint a proxy when he/she and the assigned alternate are unable to attend a meeting.
- **Great Lakes Aquatic Invasions Brochure:** The Shedd Aquarium will be contacted to see if there is interest in partnering with the Panel on the new AIS brochure, particularly regarding graphic development and brochure dissemination. A final mocked up version of the brochure will be sent to the full Panel for a final review.
- **Quorum for Panel Decision-Making:** It was determined by the Panel that quorum had never been officially established prior to the recommendation in the operational guidance document. For the current meeting, the Panel members present decided to go with the old system of not having an official quorum, which allowed for approval of the minutes from the November 2005 meeting as well as the other action items outlined above.

After the Panel meeting adjourned, several members went to the Shedd Aquarium to tour the new Great Lakes Aquatic Invasive Species Exhibit.