

LEGISLATIVE UPDATE/WRDA



Columbia River Basin Team 100th Meridian Initiative

December 3, 2020

Stephen Phillips, Senior Program Manager

FY 2020, 2021 Appropriations

FY 2021 HOUSE – USFWS APPROPS

H.R. 7612 Rep. McCollum, Betty [D-MN-4] (Introduced 07/14/2020)).

<https://www.westernais.org/news> **2020 July 20 Issue**

Aquatic Invasive Species-- \$40,576,000 [FY 2020, \$40,482,000; FY 2019 \$21,748,000]

- Controlling Asian carp **\$25,000,000 (=)** is for Asian carp (including not less than \$3 million (**\$2,500,000**) for contract fishing;)
- States AIS plans: \$2,834,000 (=)
- National Invasive Species Act (NISA): \$1,566,000 (=)
- Prevent the spread of Q/Z mussels in the West: \$3,000,000 (=)
- Lake Tahoe: \$4,088,000 (=)
- \$1,011,000 is for Great Lakes Sea Lamprey administration costs (=)

FY 2021 -- SENATE USFWS APPROPS

(Introduced November 10, 2020)).

<https://www.westernais.org/news> 2020 November 19 Issue

Aquatic Invasive Species--\$41,159,000 [FY 2020, \$40,482,000; FY 2019 \$21,748,000]

\$41,159,000 is provided for aquatic invasive species activities, an increase of \$700,000 above the fiscal year 2020 enacted level. Within these funds, the enacted level has been provided to implement section 5(d)(2) of the Lake Tahoe Restoration Act (Public Law 114–322), **an additional \$500,000 is provided for mussel eradication, as well as an additional \$200,000 for research on hydrilla, eel, and milfoil invasive grasses.** Given that efforts to prevent introductions of aquatic invasive species are usually much more efficient than efforts to mitigate or respond to widespread invasions, the Committee requests that prevention activities, including inspection and decontamination efforts at points of entry to regions that are largely uncontaminated but susceptible to new introductions, are given high priority by the Service. Within 120 days of enactment of this act, **the Service shall submit a report describing its current efforts to prevent the introduction of invasive species to uninvaded ecosystems.**

The Committee recognizes the importance of the work conducted by the Service to combat the serious threat of **Asian carp** and maintains the enacted level of **\$25,000,000** provided in fiscal year 2020 for Asian carp activities.

FY 2021 -- SENATE COMMERCE (NOAA) APPROPS

(Introduced November 10, 2020)).

<https://www.westernais.org/news> 2020 November 19 Issue

Aquatic Invasive Species.—The Committee directs NOAA to establish the Coastal Aquatic Invasive Species Mitigation Grant Program and Mitigation Fund, as authorized by the Vessel Incident Discharge Act of 2018 (Public Law 115–282).

Note: VIDA set up the Coastal Aquatic Invasive Species Mitigation Grant Program and Mitigation Fund (authorizes \$5 million)

FY 2020 ENERGY AND WATER FEDERAL APPROPRIATIONS

" WRDA" -- U.S. Army Corps Engineers

Aquatic Plant Control Program (WRDA Directed)

- Watercraft Inspection Stations: **\$15,000,000** (FY 2019 \$5 Million)
- Monitoring: **\$3,000,000** (FY 2019 \$1 million)
- Of the funding recommended for the Aquatic Plant Control Program: \$1,000,000 shall be for activities for **monitoring, surveys**, and control of **flowering rush**
 - **Oregon can now participate**

HOUSE FY 2021 ENERGY AND WATER FEDERAL APPROPRIATIONS

HR 7613 Rep. Kaptur, Marcy [D-OH-9] (Introduced 07/15/2020)

<https://www.westernais.org/news> 2020 July 20 Issue

REPORT LANGUAGE

Aquatic Plant Control Program.—Of the additional funding provided for the Aquatic Plant Control Program, \$15,000,000 shall be for watercraft inspection stations, as authorized in section 104 of the River and Harbor Act of 1958, equally distributed to carry out subsections (d)(1)(A)(i), (d)(1)(A)(ii), and (d)(1)(A)(iii), and \$3,000,000 shall be for related monitoring. Additional funding is also provided for nationwide research and development to address invasive aquatic plants, and activities for monitoring, surveys, and control of flowering rush and hydrilla verticillata.

The Committee recognizes that mechanical harvesting technologies and other non-chemical methods can be used to combat the spread invasive aquatic plant species. The Committee directs the Corps to investigate the use of mechanical harvesting technologies to control invasive species and to brief the Committee not later than 90 days after enactment of this Act on its findings.

SENATE FY 2021 ENERGY AND WATER FEDERAL APPROPRIATIONS

Aquatic Plant Control Program

Of the funding recommended for the Aquatic Plant Control Program:

\$1,000,000 shall be for activities for monitoring, surveys, and control of **flowering rush**;

\$6,000,000 shall be for nationwide research and development to address invasive aquatic plants, within which the Corps is encouraged to support cost-shared aquatic plant management programs;

\$11,000,000 shall be for watercraft inspection stations and rapid response, as authorized by section 1039 of WRRDA, as amended **and \$2,000,000** shall be for related monitoring.

- **House >Senate**

2020 WRDA Reauthorization

H.R. 7575

S. 3591

WRDA/WRRDA/AWIA

- April 2017:** Watercraft Inspection Program Begins; PSMFC signs agreement to administer the \$3.7 million with the USACE (Walla Walla) on behalf of OR, ID, MT and WA.
- **May 2017** The FY 17 federal budget included \$ 5 million for the CRB WRDA project -
- It included **“monitoring”** (**\$ 1 million**) as an allowable expense.
 - **July 2017:** Monitoring Cost Share Program Begins (WALLA WALLA/PSMFC) for OR MT ID WA (included PSU, WSU)
 - **March 2018:** FY 2018 federal budget included language for the **control** of the **flowering rush** AND \$ 1 million appropriation (**nationwide**)
 - (50/50 Cost share)
 - ...but excluded OR
 - **October 2018, WRDA Reauthorized:** “America’s Water Infrastructure Act”
 - **(C) RAPID RESPONSE.**—The Secretary shall assist States within the areas described in subparagraph (A) with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation.”; and

2018 WRDA Reauthorization (The Expansion)

“(A) WATERCRAFT INSPECTION STATIONS.—In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing watercraft inspection stations—

“(i) to protect the Columbia River Basin;

“(ii) to protect the Upper Missouri River Basin; and

“(iii) to protect the Upper Colorado River Basin and the South Platte and **Arizona** [*Arkansas*] River Basins.

HOUSE

2020 WRDA Reauthorization HR 7575

Rep. DeFazio, Peter A. [D-OR-4] (Introduced 07/13/2020)

SEC. 305. WATERCRAFT INSPECTION STATIONS. Section 104(d)(1)(A) of the River and Harbor Act of 1958 (33 U.S.C. 610(d)(1)(A)) is amended—

(2) in clause (iii), by striking “**Arizona River Basins.**” and inserting “**Arkansas River Basins; and**”; and

(3) by adding at the end the following: “(iv) to protect the **Russian River Basin, California.**”.

SEC. 129. Update on Invasive Species Policy Guidance.

The Secretary shall periodically update the Invasive Species Policy Guidance, developed under the River and Harbor Act of 1958 ...NANCPA 1990 ...in accordance with the most recent NISC Management Plan developed pursuant to EO13112. (b) INCLUSION.—The Secretary may include in the updated guidance invasive species specific efforts at federally authorized water resources development projects located in— (1) high-altitude lakes; and (2) the Tennessee and Cumberland River basins.

SENATE 2020 WRDA Reauthorization

S.3591 - America's Water Infrastructure Act of 2020

Sen. Barrasso, John [R-WY] (Introduced 05/04/2020)

<https://www.westernais.org/news> 2020 May 4 Issue

Sec.1602. Invasive species in impaired waters.

This section allows EPA to provide technical assistance to support the efforts of states, Indian Tribes and local governments in the eradication of invasive species from U.S. waterways.

Sec.1603. Aquatic invasive species research.

This section also adds **elodea and quagga** mussels to the list of species the Secretary shall research, as well as adding the “Arctic” region as a region impacted by aquatic invasive species.

Sec.1604. Invasive species mitigation and reduction.

This section authorizes \$10 million in appropriations for fiscal years 2021 through 2024 to **support watercraft inspection stations along the US border with Canada.**

This section also authorizes the Secretary to carry out a **pilot program** in collaboration with states in the **Upper Missouri River Basin.** The purpose would be to **develop voluntary aquatic invasive species management plans** to mitigate the effects of invasive species on public infrastructure facilities located on reservoirs of the Corps reservoirs.

S.3591 (Cont'd)

Sec.1605. Terrestrial noxious weed control pilot program.

This section requires the Secretary to carry out a pilot program, in consultation with the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, to identify and develop new and improved strategies for terrestrial noxious weed control on federal land under the jurisdiction of the Secretary.

Sec.1606. Invasive species assessment, prioritization, and management.

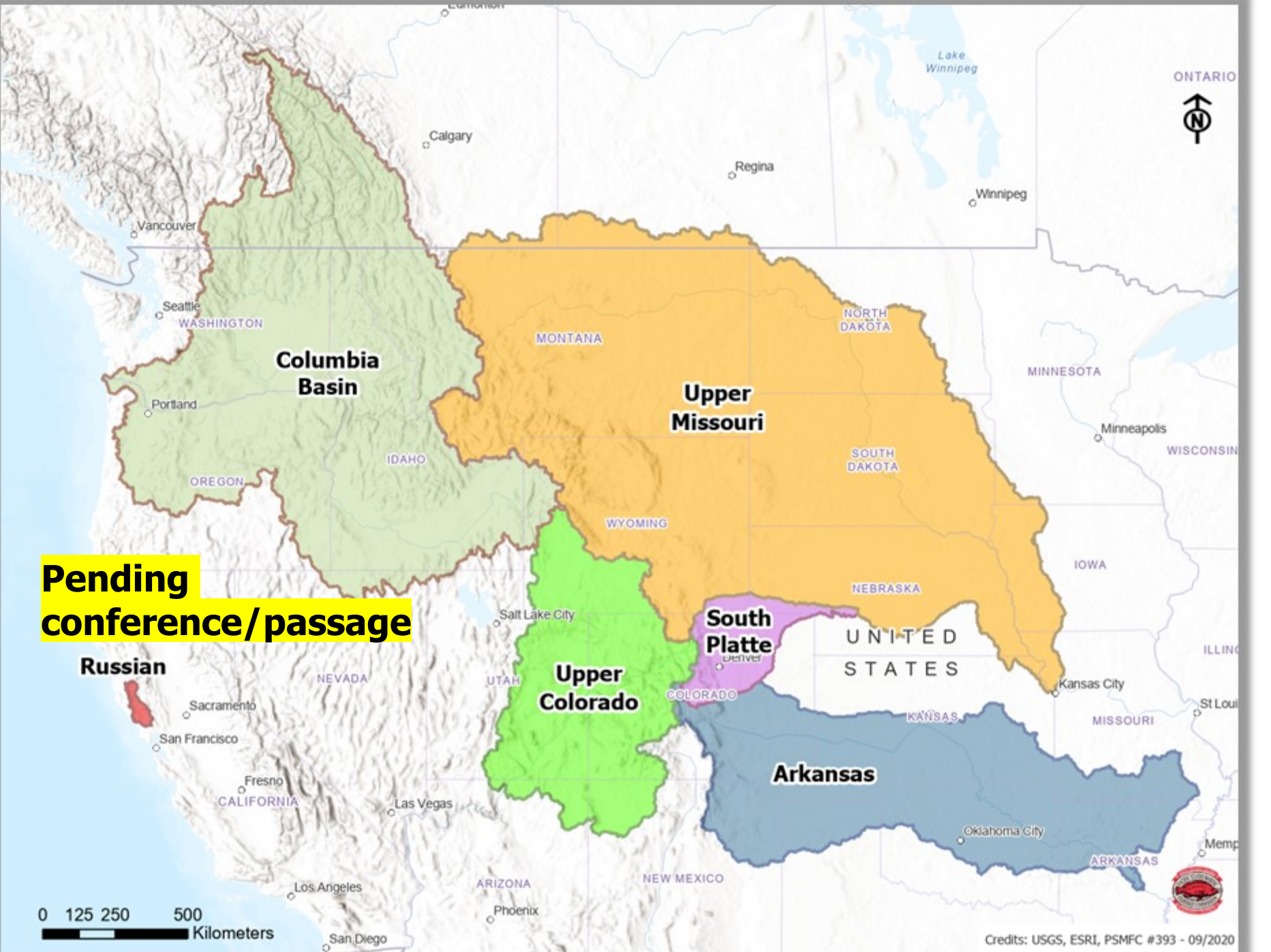
South Florida Ecosystem Restoration Task Force (Task Force) to develop a priority list of invasive species

Sec.1607. Asian carp prevention and control pilot program.

Sec.1608. Aquatic invasive species prevention.

This section amends section 1039(b) of WRRDA 2014 (16 U.S.C. 4701 note; Public Law 113-121) by expanding the program to slow the spread of Asian Carp beyond the Upper Mississippi and Ohio River Basins and tributaries to all six sub-basins of the Mississippi River.

Sec.1609. Invasive species in Alpine Lakes pilot program.



**Pending
conference/passage**

Russian

0 125 250 500
Kilometers

Credits: USGS, ESRI, PSMFC #393 - 09/2020



NOW WHAT: 2020 WRDA Reauthorization

**House has passed its bill
Senate is expected to pass its bill (Lame Duck)
Conference Committee to Finalize
Signed by President**

And of course... Lawmakers have until Dec. 11. to cinch a deal or face a federal shutdown when government funding expires

OTHER LEGISLATION 106th Congress PASSED

S.47 - John D. Dingell, Jr. Conservation, Management, and Recreation Act ([Pub. L. 116-9](#))

- DOI: Invasive Species Strategic Plan (7/29)
- Written comments were due **10/9/20**.

HR 3399 *To amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.*

This bill reauthorizes through FY2025 and revises the Nutria Eradication and Control Act of 2003, which provided grants to Maryland and Louisiana for a program to eradicate or control nutria (a type of rodent). The program also provided grants to restore marshland damaged by nutria.

This bill revises the grant program, including by expanding the program to include grants for eradicating nutria in any state that has demonstrated a need for the program as well as grants for restoring wetlands or agricultural lands damaged by nutria.

- \$12,000,000 for each of fiscal years 2021 through 2025.";

OTHER LEGISLATION (Cont'd)

PASSED

S. 3051//H.R.925 America's Conservation Enhancement Act

Sen. Barrasso, John [R-WY] (Introduced 12/12/2019)

The bill combines several legislative provisions codifying the National Fish Habitat Partnership program, reauthorization of the North American Wetlands Conservation Fund, the establishment of a task force to combat the rapidly growing threat of chronic wasting disease etc.

SEC. 105. INVASIVE SPECIES.

Section 10 of the Fish and Wildlife Coordination Act, (16 U.S.C. 666c-1) is amended—

“(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for each of fiscal years 2021 through 2025— “(1) \$2,500,000 to the Secretary of the Army, acting through the Chief of Engineers; and “(2) \$2,500,000 to the Secretary of the Interior.”.

OTHER LEGISLATION (Cont'd)

NOT PASSED

S.2975/ H.R. 6057 - Stop the Spread of Invasive Mussels Act of 2019

Sen. Bennet, Michael F. [D-CO] (Introduced 12/04/2019)

Bureau of Reclamation Assistance This section authorizes the Secretary of the Interior, through the Commissioner of Reclamation, to provide financial assistance to purchase, establish, operate, or maintain watercraft inspection and decontamination stations

H.R. 3742: Recovering America's Wildlife Act of 2019 (Attached to HR 2 *Moving Forward Act* in July and passed house):

Title I—Wildlife Conservation And Restoration Sec. 101. Wildlife Conservation And Restoration Subaccount. 11(a) In General. Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended in subsection (c)—

Beginning in fiscal year 2020, the Secretary of the Treasury shall transfer **\$1,300,000,000** from the general fund of the treasury each fiscal year to the fund for deposit in the Subaccount.

“(4) USE OF FUNDS.—Funds apportioned from the Subaccount—

“(F) may be used to manage, control, and prevent invasive and nuisance species, disease, and other risks to species of greatest conservation need; and

OTHER LEGISLATION (Cont'd)

NOT PASSED

S.4538 (09/08/2020)- "Restore Employment in Natural and Environmental Work (RENEW) Conservation Corps Act," (Durbin D-IL) which would authorize more than **\$55 billion** over five years to hire 1 million young people for jobs in the outdoors — planting trees, constructing trails, controlling **invasive species**, restoring wetlands and building parks.

OTHER AIS RELATED LEGISLATION

<https://www.westernais.org/regulations>

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- [115th Congress AIS Federal Legislation](#)
- [116th Congress AIS Federal Legislation](#)

	A	B	C	D	E	F	G	H
7	116	H.R.3195	Rep. Van Drew [D-NJ-2]	<i>Land and Water Conservation Fund Permanent Funding Act</i>	6/11/2019	To amend title 54, United States Code, to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.		06/11/2019 Referred to the House Committee on Natural Resources. 06/19/2019 Ordered to be Reported (Amended) by the Yeas and Nays: 21 - 13.
3	116	H.R. 3244	Rep. Welch [D-VT]	The Invasive Species Prevention and Forest Restoration Act	6/12/2019	To amend the Plant Protection Act for purposes of mitigating the threat of invasive species, and for other purposes.		06/12/2019 Referred to the House Committee on Agriculture. 06/28/2019 Referred to the Subcommittee on Biotechnology, Horticulture, and Research.
3	116	H.R.3399	Rep. Harder [D-CA-10]	To amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.	6/21/2019	To amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.		07/02/2019 Referred to the Subcommittee on Water, Oceans, and Wildlife. 09/25/2019 Subcommittee Hearings Held.
0	116	S. 1982	Sen. Sullivan [R-AK]	Save Our Seas 2.0 Act	6/26/19	To improve efforts to combat marine debris, and for other purposes.		06/26/2019 Read twice and referred to the Committee on Commerce, Science, and Transportation.
	116	H.R.3742	Rep. Dingell [D-MI]	Recovering America's Wildlife Act of 2019	7/12/2019	To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.	“(1) ESTABLISHMENT OF SUBACCOUNT.— “(C) DEPOSITS INTO SUBACCOUNT.—Beginning in fiscal year 2020, the Secretary of the Treasury shall transfer \$1,300,000,000 from the general fund of the treasury each fiscal year to the fund for deposit in the Subaccount.	07/12/2019 Referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. 07/29/2019 Referred to the Subcommittee on Water, Oceans, and Wildlife.

Thank You!

Questions?

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PSMFC AIS WEBSITE: WWW.WESTERNAIS.ORG

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HR 7575

Report Language

See <https://www.westernais.org/news> **2020 August 10 Issue**

Sec. 104. (a). PAGE 210:

(b) Authorization of Appropriations.—

(1) In general.--There is authorized to be appropriated to carry out this section \$110,000,000 for each fiscal year, of which--

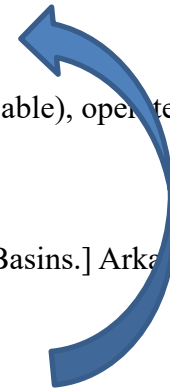
- (A) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(i);
- (B) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(ii);
- (C) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(iii).

(A) Watercraft inspection stations.--In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing watercraft inspection stations--

- (i) to protect the Columbia River Basin;
- (ii) to protect the Upper Missouri River Basin [; and];
- (iii) to protect the Upper Colorado River Basin and the South Platte and [Arizona River Basins.] Arkansas River Basins;
- and
- (iv) to protect the **Russian River Basin, California.** [*Editor's Note: This is a new basin*]

(2) Cost share.--The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be—

- (A) 50 percent; and
- (B) provided by the State or local governmental entity in which such inspection station is located.



Water Resources Reform and Development Act (WRDA/WRRDA/AWIA/WIIN)

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

“(1) IN GENERAL

—In carrying out this section, the **Secretary may establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington**

FY 2016 Federal Budget - \$4 million to establish a (50/50 Cost share) watercraft inspections

(Simpson, DeFazio, Thompson, Murray, MT Delegation)

2016: Water Infrastructure Improvements for the Nation Act or the WIIN Act passed