

Legislative Update

**CRB TEAM
BOISE, ID**



December 2018

Stephen Phillips, Senior Program Manager

FY 2019 FEDERAL APPROPRIATIONS

10/1/18: President Signs "Minibus" Including Defense Spending Bill and Continuing Resolution

- keeping government open through December 7, 2018

H.R.5895 - Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019

Includes USACE “WRDA” funding; Signed into law 9/21/18

Flowering rush. \$1,000,000 control (nationwide)

Aquatic Plant Control Program: For nationwide research and development to address invasive aquatic plants: **\$5,000,000**

Q/Z Watercraft Inspection Stations: \$5,000,000 [\$1 Million increase over 2018]

Q/Z Monitoring: \$1,000,000

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2019

Report Language *(Not Passed Yet)*

USFWS

- **SENATE** Aquatic Invasive Species.—\$22,348,000 [\$600k difference = Asian Carp]
- **HOUSE** Aquatic Invasive Species. -- \$21,748,000

BOR [Energy/Water Budget]

- FY 2019 = FY 2018 there was an increase of \$4.3 million for mussels

NPS

- Further, consistent with fiscal year 2018, the Committee provides the Service with \$3,000,000 for quagga and zebra mussel containment, prevention, and enforcement. [both Senate and House]

The Committee directs the Secretary of the Interior, in cooperation with the Chief of the Forest Service, through the Secretary of Agriculture, and the U.S. Army Corps of Engineers/Civil Works, to work with the Western Governors Association and individual western governors to **develop a joint Federal/State incident command system that would allow for cooperative and rapid response to new detections of invasive mussels in the West.**

Such incident command system must address appropriate division of labor between Federal and State governments, **identify pre-arranged mechanisms for the Federal/State partners to fund rapid response actions,** and address in advance any necessary environmental compliance requirements that might be associated with a predictable range of rapid response actions.

OTHER AIS RELATED LEGISLATION

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

Invasive Species Legislation

115th Congress
2017-2018

Session	Bill Number	Original Sponsor	Bill Title	Date	Language	Notes	Actions	Reports	Related Bill(s)
115	H.R. 204	Rep. Young [R-AK-At Large]	<i>Genetically Engineered Salmon Labeling Act</i>	1/3/2017	This bill requires the market name of genetically modified (commonly called "GMO") salmon to include "Genetically Engineered" or "GE" in front of the existing market name.	Alaska Congressman Don Young was sworn into office today to begin his 23rd term as Alaska's sole Member in the United States House of Representatives. Wasting no time, Young's first Congressional action was introducing 38 pieces of legislation, including bills restricting EEZ aquaculture and genetically engineered fish:	1/25/2017 Referred to the Subcommittee on Health.		
115	H.R. 205	Rep. Young [R-AK-At Large]	<i>To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish</i>	1/3/2017	This bill amends the Federal Food, Drug, and Cosmetic Act to prohibit the sale of food that contains genetically engineered fish unless the food bears a label stating that it contains genetically engineered fish.	""	1/25/2017 Referred to the Subcommittee on Health.		
115	H.R. 206	Rep. Young [R-AK-At Large]	<i>Prevention of Escapement of Genetically Altered Salmon in the United States Act</i>	1/3/2017	This bill prohibits a person from: shipping, transporting, offering for sale, selling, or purchasing a genetically altered finfish, or a food product containing those fish, in commerce; engaging in net-pen aquaculture (pens of fish contained by nets) of those fish; releasing those fish into a natural environment; ...	""	1/3/2017 Referred to the House Committee on Natural Resources. 2/10/2017 Referred to the Subcommittee on Water, Power and Oceans.		
115	H.R. 223	Rep. Young [R-AK-At Large]	<i>To prohibit the Secretary of the Interior and the Secretary of Commerce from authorizing commercial finfish aquaculture operations in the Exclusive Economic Zone except in accordance with a law authorizing such action.</i>	1/3/2017	This bill prohibits the Department of the Interior and the Department of Commerce from issuing a permit or in any other way authorizing commercial finfish aquaculture operations in the U.S. Exclusive Economic Zone, except in accordance with a law enacted after enactment of this bill.	""	1/3/2017 Referred to the House Committee on Natural Resources. 2/10/2017 Referred to the Subcommittee on Water, Power and Oceans.		
115	S.168	Sen. Wicker [R-MS] +	<i>Commercial Vessel Incidental Discharge Act</i>	1/17/2017	This bill requires the U.S. Coast Guard to address the regulation of discharges	[this legislation preempts traditional state authority to take the actions necessary for	01/24/17: Committee on Commerce,	Report No. 115-16	H.R.1154

PASSED LEGISLATION

S. 3021 -- AWIA [WRDA]

S. 756 Sen. Sullivan [R-AK] + *Save Our Seas* 3/29/2017 A bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes. **Signed 10/11/18**

- [House Companion: **H.R. 2748 Young, R-AK/Bonamici, D-OR**]

S. 140 Frank LoBiondo Coast Guard Authorization Act of 2018

- Includes "VIDA" [Allen]

DEAD?

Aquaculture Con

[HR 205 Rep. Young \[R-AK-At Large\]](#) *To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish* 1/3/2017 This bill amends the Federal Food, Drug, and Cosmetic Act to **prohibit the sale of food that contains genetically engineered fish** unless the food bears a label stating that it contains genetically engineered fish.

[H.R. 206 Rep. Young \[R-AK-At Large\]](#) ***Prevention of Escapement of Genetically Altered Salmon in the United States Act***

[H.R. 223 Rep. Young \[R-AK-At Large\]](#) *To **prohibit** the Secretary of the Interior and the Secretary of Commerce from **authorizing commercial finfish aquaculture operations** in the Exclusive Economic Zone except in accordance with a law authorizing such action.*

Aquaculture Pro

[S.3138 Sen. Wicker \[R-MS\]](#) *AQUAA Act* 6/26/2018 To **establish a regulatory system for marine aquaculture** in the United States exclusive economic zone, and for other purposes.

H.R. 3041: Rep. Crawford [R-AR-1] *Aquaculture Risk Reduction Act* 6/23/2017 **To amend the Lacey Act Amendments of 1981 to provide an exception for a de minimus amount of fish or wildlife included in interstate commercial shipments,** and for other purposes.

DEAD?

S. 1398 Rep. Kaptur [D-OH-9] Stop the Asian Carp Now Act of 2017 6/21/2017 This bill directs the U.S. Army Corps of Engineers to **release** for public comment the Great Lakes and **Mississippi River Interbasin Study - Brandon Road interim report** that was scheduled for release on February 27, 2017. ******released August 2017******

[H.R.6255](#) [Rep. Soto \[D-FL-9\]](#) *To amend title 18, United States Code, to establish measures to combat invasive lionfish, and for other purposes.* 6/27/2018 (a) **Addition Of Species Of Lionfish To The List Of Injurious Species That Are Prohibited From Being Imported Or Shipped;** (b) Exemption From Permitting For Movement In Commerce

[H.R. 6362](#) [Rep. Stefanik \[R-NY-21\]](#) *Invasive Fish and Wildlife Prevention Act* 7/12/2018 Allows Secretary to designate injurious wildlife... The **Director [of the USFWS] may immediately and temporarily make an emergency temporary designation of any wildlife as an injurious wildlife** taxon or taxa for any wildlife that poses an imminent threat in the United States = **S.3210** (Sen. Gillibrand, D-NY)

[S. 340](#) [Sen. Crapo \[R-ID\]](#) *Sensible Environmental Protection Act of 2017* 2/7/2017 This bill amends the **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)** and the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to **prohibit the Environmental Protection Agency or a state from requiring a permit under the National Pollutant Discharge Elimination System (NPDES)**

DEAD?

[S.3270 Sen. Inhofe \[R-OK\]](#) *The Securing and Revitalizing Aviation (SARA) Act of 2018*. 7/25/18
To address the need for pilot development and encourage more individuals to enter the field of aviation, and for other purposes.

SEC. 6. MITIGATING THE SPREAD OF AQUATIC SPECIES BY AIRCRAFT. (a) IN GENERAL.—Any person that holds a seaplane rating from the Administrator of the Federal Aviation Administration and **successfully completes a free online education course** on aquatic species mitigation that is acceptable to the Secretary of the Interior may hold themselves out to the public as qualified to **inspect aircraft for aquatic invasive species and to take action to mitigate the spread of aquatic invasive species.**

(b) NO FURTHER REGULATORY OR ENFORCEMENT ACTION.—**Any person that is qualified under subsection (a) or whose aircraft is inspected by a person qualified** under subsection (a) and subject to the mitigation described in subsection (a) **shall not be subject to any further regulatory or enforcement action by any Federal, State, local, or tribal government for any action related to aquatic invasive species.**

[H.R. 4647 Rep. Fortenberry \[R-NE-1\]](#) *Recovering America's Wildlife Act* 12/14/2017 (3).— The bill will redirect \$1.3 billion in existing revenues annually from the development of energy and mineral resources on federal lands and waters to be dedicated to the Wildlife Conservation Restoration Program,(F) may be used to manage, control, and **prevent invasive and nuisance species**; **Companion: [S.3223](#)**



DEAD?

[H.R.1330](#) [Rep. Amodei \[R-NV-2\]](#) *Federal Land Invasive Species Control, Prevention, and Management Act (AKA healthy habitats)*

[S.826](#) [Sen. Barrasso, \[R-WY\]](#) *Wildlife Innovation and Longevity Driver Act or WILD Act* **Includes Most of HR 1330;** Partners for Fish and Wildlife Program. Marine Turtle Conservation Fund. Great Ape Conservation Act, **Theodore Roosevelt Genius Prizes (Includes invasives)**



[H.R.1357](#) [Rep. Stefanik \[R-NY-21\]](#) *Stamp Out Invasive Species Act*

[S.789](#) [Sen. Cruz \[R-TX\]](#) *Public Water Supply Invasive Species Compliance Act*
3/20/2017 amends the **Lacey Act exempting** certain water transfers between public water supplies located on, along, or across the boundaries of TX LA AR.

[S.2194](#) [Sen. Cantwell \[D-WA\]](#) *Fishing and Small Vessel Relief Act* 12/5/2017 This bill extends until December 18, 2020, an exemption from permit requirements of the National Pollutant Discharge Elimination System from vessels that are either less than **79 feet in length or a fishing vessel** **[***IS INCLUDED IN VIDA***]**

WRDA Update

Water Resources Reform and Development Act (WRDA) (2014, 2016)

JUNE 2014: “Water Resources Reform and Development Act of 2014”(Public Law 113–121—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 at locations**, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.

December 2016: Reauthorized as Water Infrastructure Improvements for the Nation (WIIN Act) [Attempt add Arkansas/Platte; *Sen Bennet (CO), Amendment FAILS;*]

April 2017: Watercraft Inspection and Monitoring Cost Share Program Begins; PSMFC signs agreement to administer the \$\$\$ with the USACE (Walla Walla) on behalf of OR, ID, MT and WA. **50/50 match program;**

S. 3021

America's Water Infrastructure Act of 2018 [aka WRDA]

9/13/18: House approves Unanimously

10/10/18: Senate approves 99:1

10/23/18: Signed into law

SEC. 1170. WATERCRAFT INSPECTION STATIONS.

“(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); and

“(C) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(iii).

S. 3021
America’s Water Infrastructure Act of 2018
[aka WRDA]

“(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~~

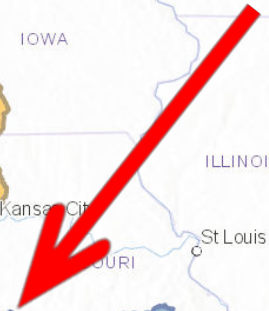
“(ii) to protect the Upper Missouri River Basin; and

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

Unofficial Basin Map



Not Eligible



S. 3021

America's Water Infrastructure Act of 2018

[aka WRDA]

“(B) LOCATIONS.—The Secretary shall establish watercraft inspection stations under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species **at reservoirs operated and maintained by the Secretary**, as determined by the Secretary in consultation with States within the areas described in subparagraph (A).

“(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

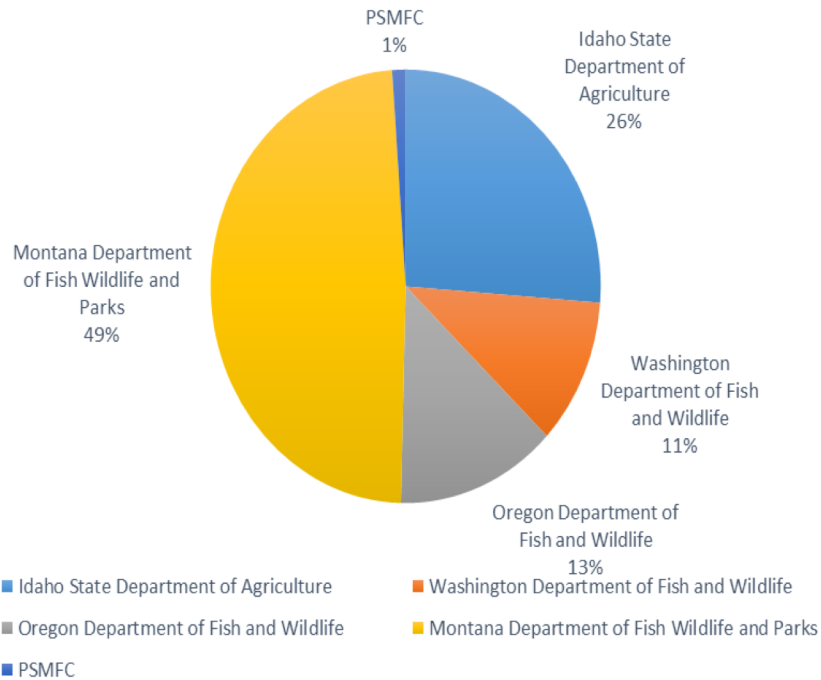
PSMFC /USACE Allocated CRB WRDA (WRRDA WFIA AWIA) Funding (**All \$\$\$\$'s Matched**)

YEAR	Watercraft Ins	Monitoring	Flowering rush
2017	\$3.7 Million	\$373,000	0
2018	\$4.1	\$692,000	\$270,000
2019	~\$4.0	~\$691,000	?

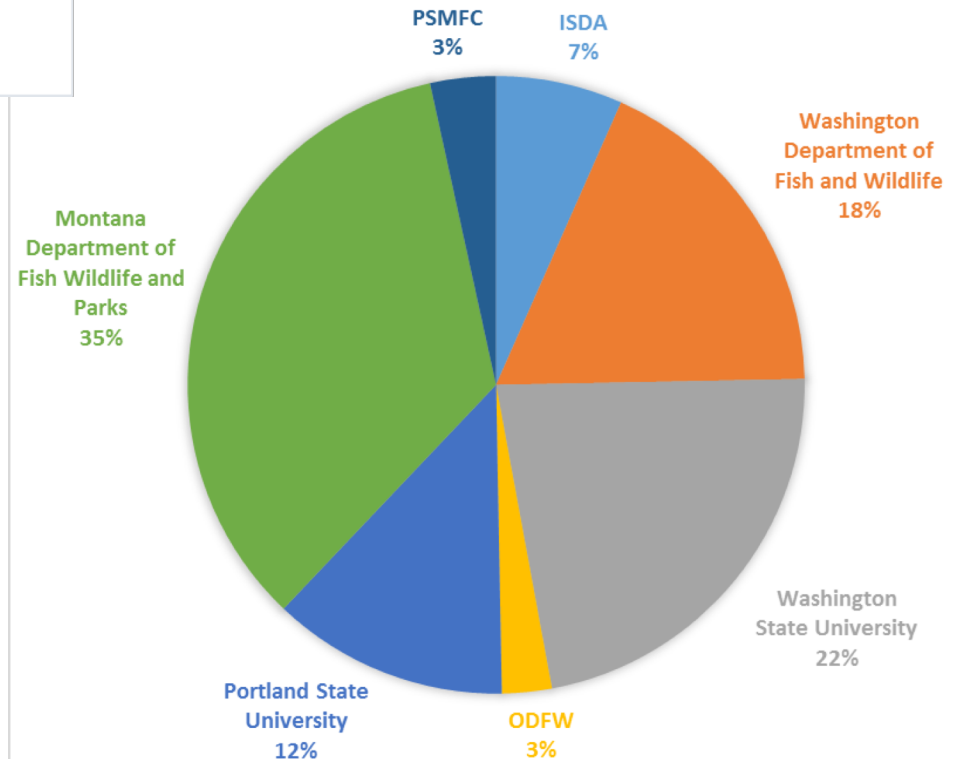
2020 (New Basins Likely Come Online)

2020	?	?	?
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2018 WATERCRAFT INSPECTION - \$4.1 Million



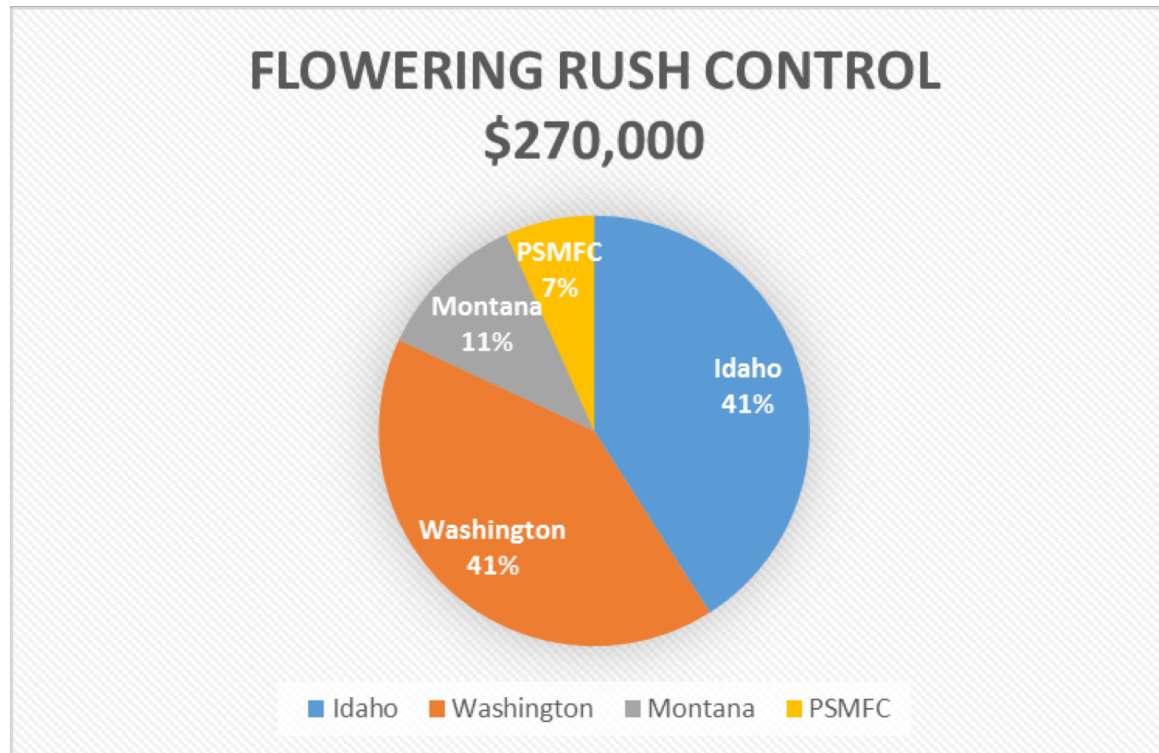
2018 MONITORING PROGRAM - \$692,000



- Veliger (Larval) Monitoring
- Substrate/Shoreline Sampling
- Water Quality Sampling
- eDNA Sampling

Flowering Rush Control

FY 2018 WRDA \$ 1 Million Authorized Nationwide



Notes:

- **Oregon does not qualify (federal waters)**
- **Permitting Hold – 2018 project will not begin until **Spring 2019****

Thank You!

Questions?

PSMFC AIS WEBSITE: WWW.WESTERNAIS.ORG

