

Federal Legislation and Appropriation Update



Columbia River Basin Team
100th Meridian Initiative

January 12, 2022

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Talk Outline

- WRDA
- AIS Legislation
- 2022 Appropriations



PSMFC AIS WEBSITE

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

Federal legislation with AIS language go to <https://www.westernais.org/>

- See the
- 'Legislation & Regulations' "**AIS Legislative Tracker**"
- **NOTE:** We added a "WRDA" tab includes: WRDA WRRDA AWIA WIIN

Water Resources Reform and Development Act

Invasive Species

2014

Water Resources Reform and Development Act (WRRDA)
[Public Law 113-121]

2016

Water Infrastructure Improvements for the Nation Act (WIIN)
[Public Law 114-322]

2018

America's Water Infrastructure Act of 2018 (AWIA)
[Public Law 115-270]

2020

Water Resources Development Act of 2020 (WRDA)
Part of "Consolidated Appropriations Act, 2021"
[Public Law No: 116-260]

2022

Hearings January 12, 2022
House Transportation Water Resources and Environment Subcommittee
Senate Environment and Public Works Committee

USACE

“WRDA” AIS Cost Share Program

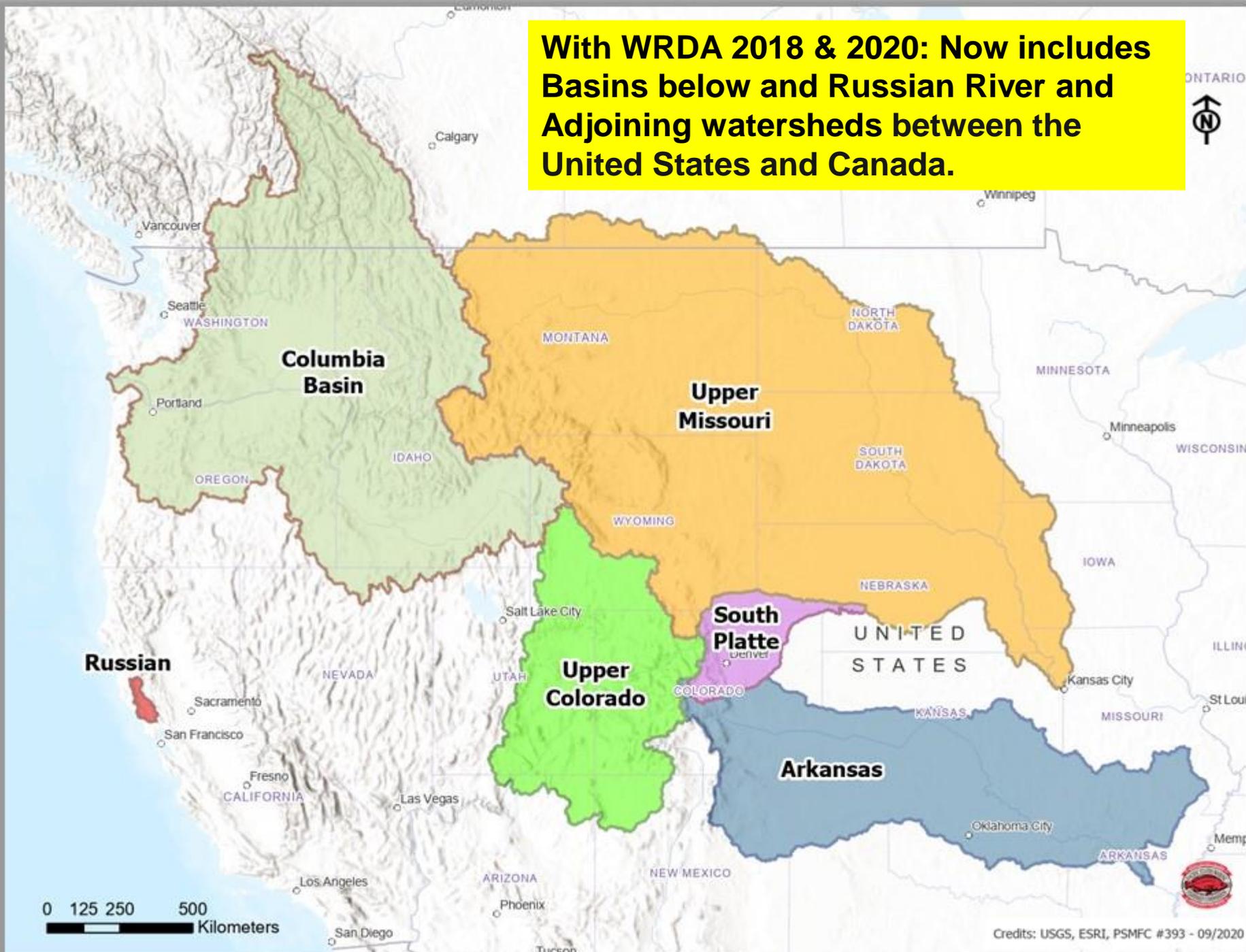
- Watercraft Inspection (2017)
- Monitoring (2017)
- Flowering Rush (2021)
- Rapid Response (agreement in place, State SOW's 2022)

- PSMFC is administrator for MT, WA, OR, ID, and WY, NV (2022)

- 2022 funding certain (WI/MON/FR); 2023 likely (WI/MON) and 2024 probably

- State coordination on WI will be critical with new basins coming on line in 2022

With WRDA 2018 & 2020: Now includes Basins below and Russian River and Adjoining watersheds between the United States and Canada.



Watershed Map of North America

WRDA 2020: Added Adjoining watersheds between the United States and Canada to cost-share program.



117th Congress (2021-2022)

Bills with Potential AIS/IS funding

117th Congress -- **BILLS WITH AIS**

HR 3132/S1583. (Amodei/Cortez-Masto) To Reauthorize the Lake Tahoe Restoration Act

S. 276/H.R. 930 (Cruz/Gohmert) Saving America's Vulnerable and Endangered Species Act or the SAVES Act

- *A bill to amend the Endangered Species Act of 1973 to include a prohibition on the listing of a **living nonnative species** as a threatened species or an endangered species, and for other purposes.*

HR 2241/S. 1057 (Neguse/Coons) Civilian Climate Corps Act of 2021 -

******See H.R. 5376 *Build Back Better*******

S. 487/H.R. 1162 (Wyden/Neguse) - 21st Century Conservation Corps Act

******See H.R. 5376 *Build Back Better*******

S.1420 (Whitehouse) “Safeguarding America’s Future and Environment Act” or SAFE Act

fish, wildlife, and plants of the United States are facing increasing risks from changing patterns of extreme weather and climate, including—

- (A) severe droughts and heatwaves;
- (B) severe storms and floods;
- (C) frequent and severe wildfires;
- (D) more frequent and severe outbreaks of forest pests and invasive species;**
- (E) Etc etc etc

Would establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change

H.R.3326 (Levin) H.R. 3330 (Gosar) “To promote the development of renewable energy on public land”

..will distribute certain revenues derived through the bill by returning 25 percent to the state where development occurs, 25% to the counties of origin, 25% deposited into a fund for **sportsmen and conservation purposes**, and 25% directed for efficiently processing permit applications/reducing the backlog of renewable energy permits.

Ocean-Based Climate Solutions Act (H.R.3764 (Grijalva))

Money collected from the **new tax on virgin plastic manufacturers** would go toward conservation efforts including \$50 million a year through 2026 for a NOAA program that promotes a living shoreline project.

SEC. 302. CAUGHT IN THE USA. “(1) The Secretary shall make grants from the fund established under subsection (b) to—

‘(B) assist persons to **market and promote the consumption of—** “(i) local or domestic marine fishery products; “(ii) environmentally and climate- friendly marine fishery products that minimize and employ efforts to avoid bycatch and impacts on marine mammals; **“(iii) invasive species; etc etc..**

(B) Coastal Science and Assessment: Competitive External Research.—

(1) IN GENERAL.—The Administrator shall establish an annual competitive grants program that gives priority to interdisciplinary coastal resilience research projects that focus on developing scalable best practices for—

(K) evaluating potential outcomes associated with **developing new commercial and recreational fishery resources**, including aquaculture and **targeting invasive and range-expanding species;**

American Shad in the Columbia River: Past, Present, Future (NWPPC ISAB 2021-4 Shad Report)

PNW could become ‘Shad Nation’ not ‘Salmon Nation’

Lacey Act Amendments of 2021

S.626 (Rubio)

A bill to amend title 18, United States Code, to enhance protections against the importation, and transport between States, of injurious species, and for other purposes.

*fill the federal regulatory gap created by the USARK litigation by reinstating the ban on **interstate transportation** of species listed as injurious under the Lacey Act.*

NAISMA (6/28/21): The importance of FWS being able to regulate interstate commerce in invasive species was brought home very clearly quite recently, when "Moss Balls" determined to harbor invasive zebra mussels from the Ukraine were unknowingly being sold in pet stores around the country. State governments had to scramble to fill the federal regulatory gap created by the litigation that S. 626 is designed to close.

Introduced: March 9, 2021, since then...no activity

Recovering America's Wildlife Act

S. 2372 H.R.2773

(32/138 co-sponsors as of 12/9/21)

\$1.4 billion annually to state, territorial and tribal wildlife agencies for the conservation of thousands of fish and wildlife species.

AIS Related language in the bill (S. 2372):

Title I—Wildlife Conservation And Restoration

Sec. 101. Wildlife Conservation And Restoration (4) Use Of Funds.—Funds apportioned from the Subaccount— (F) may be used to manage, control, and **prevent invasive species**, disease, and other risks to species of greatest conservation need; and

Title II—Tribal Wildlife Conservation And Restoration

(e) Use of Funds.—

(E) To manage, control, and prevent **invasive species** as well as diseases and other risks to wildlife.

H.R. 2773 - 7/29/21 Subcommittee Hearings Held.

S. 2372 – 12/8/21 Committee Hearings Held.

******"PAY-FOR" ISSUE******

HR 5692- Stop the Spread of Invasive Mussels Act of ~~2019~~ 2021

Garamendi/Amodei

(Introduced 10/25/2019)

Section 2: **Bureau of Reclamation Assistance** This section authorizes ...BOR... to provide financial assistance to purchase, establish, operate, or maintain watercraft inspection and decontamination stations to prevent the spread of aquatic invasive species. **(25% Cost Share)**

Section 3: **Watercraft Inspection and Decontamination Authority:** This section provides each federal agency that is a member of the Aquatic Nuisance Species Task Force with the authority to inspect and decontaminate watercraft and, as necessary, impound, quarantine, or otherwise prevent entry

HR 5692- Stop the Spread of Invasive Mussels Act

(2) Mandatory Inspection/Decontamination.—To limit the movement of aquatic invasive species (as defined in section 2(a)) into or out of the waters of the United States, each task force agency **may**, as appropriate—

(A) conduct mandatory inspections and de-contamination of watercraft

“(B) if necessary, impound, quarantine, or otherwise prevent entry of a recreational vessel; and

“(C) partner with State and local governmental agencies to conduct inspections and decontaminations under this paragraph and accept any such inspections and decontamination by States and local government agencies for the purposes of allowing entry by recreational vessels to water regulated by such member of the Task Force

AND MORE

S.3266 Outdoor Recreation Act

Manchin (D-WV)/Barrasso (R-WY) 11/29/2021

(b) Authority of Bureau of Land Management and National Park Service with respect to certain aquatic resource activities on Federal land and water.—

(1) IN GENERAL.—The Secretary **may** inspect and decontaminate watercraft entering and leaving Federal land and water located within a river basin that contains a Bureau of Reclamation water project.

(c) Grant program for reclamation states for watercraft inspection and decontamination stations.—

(1) WATERCRAFT INSPECTION IN RECLAMATION STATES.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, **shall establish a competitive grant program** to provide grants to partners to conduct inspections and decontamination of watercraft in reservoirs operated and maintained by the Secretary, including to purchase, establish, operate, or maintain a watercraft inspection and decontamination station.

(75 % federal/25% non-federal)

H.R.3684 - Infrastructure Investment and Jobs Act

(law)

- \$1.2 trillion
- The bipartisan package includes \$1 billion for culvert removal, replacement, and restoration; \$172 million for the Pacific Coastal Salmon Recovery Fund (PCSRF); and \$207 million for the Coastal Zone Management Program, among other habitat investments.

IS/AIS LANGUAGE

SEC. 11405. Promoting Resilient Operations For Transformative, Efficient, And Cost-saving **Transportation (Protect) Program.**

(b) ESTABLISHMENT OF COMPETITIVE GRANT PROGRAM.—vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against **invasive species,** facilitate wildfire control, and provide erosion control; (\$250+M/yr)

SEC. 11522. Invasive Plant Elimination Program. (Federal Aid- Highways). \$50M per year for 5 years.

H.R.3684 – CONT'D

SEC. 40804. Ecosystem restoration (fiscal years 2022 through 2026)

(6) \$200,000,000 shall be made available for **invasive species detection, prevention, and eradication**, including conducting research and providing resources to facilitate detection of invasive species at points of entry and awarding grants for eradication of invasive species on non-Federal land and on Federal land, of which--

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

SEC. 40907. Multi-Benefit Projects To Improve Watershed Health. (\$100 Million???)

BOR competitive grant program for accomplishing 1 or more of the following:

(1) Ecosystem benefits.

(2) Restoration of native species. (3) Mitigation against the impacts of climate change to fish and wildlife habitats. **(4) Protection against invasive species.** (5) Restoration of aspects of the natural ecosystem. (6) Enhancement of commercial, recreational, subsistence, or Tribal ceremonial fishing. (7) Enhancement of river-based recreation.

H.R. 5376 Build Back Better

(budget reconciliation process)

United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated,

\$242,500,000, for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas, including by—

(1) addressing the threat of invasive species;

(2) increasing the resiliency and capacity of habitats and infrastructure to withstand climate-induced weather events; and

(3) reducing the amount of damage caused by climate-induced weather events. The United States Fish and Wildlife Service may provide grants under this subsection with no cost-share requirement.

\$50,000,000 for the Forest Health Monitoring Program of the Forest Service for activities and tactics to reduce the spread of **invasive species** on non-Federal forested land;)

\$2,250,000,000 to be used for staffing, salaries, and other workforce needs and expenses to support the development of a **Civilian Climate Corps**

FY 2022 Appropriations

HOUSE

FY 2022 HOUSE – USFWS



<https://www.westernais.org/news> 2021 July 15 Issue (for details on NOAA, USGS, BIA, etc)

Aquatic Invasive Species. —The recommendation includes **\$45,311,000** [Note: past USFWS numbers: FY 2021 \$41,159,000 FY 2020 \$40,482,000; FY 2019 \$21,748,000]

- States AIS plans: \$3,834,000 (+)
- National Invasive Species Act (NISA): \$1,566,000 (=)
- Prevent the spread of Q/Z mussels in the West: \$3,500,000 (+)
- Lake Tahoe: \$6,088,000 (+)
- \$1,011,000 is for Great Lakes Sea Lamprey administration costs (=)
- Controlling Asian carp \$26,000,000 (+) is for Asian carp

July 29 2021: House passed a package of seven 2022 appropriations bills (219 to 208)

FY 2022 HOUSE – USFWS

Glen Canyon National Recreation Area and Lake Mead National Recreation Area

The significant threat that quagga mussel infestations pose to the health of the Colorado River ecosystem and its tributaries, as well as non-federal waterways, is concerning. There is a continued need for adequate monitoring of recreational boating activities carried out subsequent to leaving the National Recreation Areas. The Service is directed to continue implementation of a technology-based pilot program at **Glen Canyon National Recreation Area** to assist in **better monitoring and cleaning of recreational boating**. The Committee provides additional funding for the Service to consider expanding the program to the **Lake Mead National Recreation Area** and encourages the National Park System to **implement a fully mobile, automated solution that optimizes both federal and state resources, and can be deployed quickly**.

FY 2022 HOUSE: ENERGY & WATER FEDERAL

[AKA WRDA WI]

REPORT LANGUAGE

Aquatic Plant Control Program. —Of the additional funding provided for the Aquatic Plant Control Program:

- \$17,000,000 shall be for watercraft inspection stations, 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 verticillate.

FY 2022 Appropriations

SENATE

Details: <https://www.westernais.org/news>
2021 October 29 Issue

2022 Appropriations

Senate Energy & Water

Report Language

Funding recommended for the Aquatic Plant Control Program:

- **\$1,000,000*** shall be for activities for monitoring, surveys, and control of flowering rush and hydrilla
- **\$15,000,000*** shall be for watercraft inspection stations and rapid response and
- **\$3,000,000*** shall be for related monitoring.

[*2021 Enacted]

2022 Appropriations

Senate FWS

Report Language

USFWS

Aquatic Invasive Species. —The Committee recommends **\$43,211,000** for aquatic invasive species activities.... Within these funds, \$5,088,000 has been provided to implement section 5(d)(2) of the Lake Tahoe Restoration Act (Public Law 106–506), an increase of \$1,000,000 above the enacted level and budget request. \$3,500,000 is provided for mussel eradication. Within the funding provided, \$1,000,000 is for research on hydrilla, eel, and milfoil invasive grasses.

Asian Carp. —The Committee recognizes the importance of the work conducted by the Service to combat the serious threat of Asian carp and recommends **\$25,000,000** for Asian carp activities.

Additionally, **\$4,400,000** is provided for implementation of State Aquatic Nuisance Species management plans to help control the spread of **Asian carp**.

LEGISLATION– NOW WHAT

H.R. 5376 - Build Back Better Act [Pending]

FY 2022 Appropriations: stopgap bill to fund the government good through Feb. 18.

RAWA Bill

Garamendi Bill / Manchin

Lacey Act Bill

WRDA Reauthorization

Thank You!

Questions?

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PSMFC AIS WEBSITE: WWW.WESTERNAIS.ORG

AIS Newsletter – bi-weekly