



## **Mid-Atlantic Regional Aquatic Nuisances Species Panel ~Organizational Proposal~ 10/20/03**

### **Introduction**

As the largest estuary in the United States and one of the most productive in the world, the Chesapeake Bay was this nation's first estuary targeted for restoration and protection. Since its inception in 1983, the Chesapeake Bay Program's (CBP) highest priority has been the restoration of the Bay's living resources. CBP is a regional partnership that includes the states of Maryland, Pennsylvania and Virginia; the District of Columbia; the Chesapeake Bay Commission, a tri-state legislative body; the Environmental Protection Agency, representing the federal government; and participating citizen advisory groups. In addition to the signatories, CBP has worked effectively with and continued to include the states of Delaware and West Virginia in developing and implementing CBP initiatives.

In 2000, CBP's Executive Council developed the Chesapeake 2000 Agreement that set goals for the Bay partners. In Spring 2001, CBP's Invasive Species Workgroup (ISW) began to address the following two goals of the Chesapeake 2000 Agreement: "By 2001, identify and rank non-native aquatic and terrestrial species which are causing or have the potential to cause significant negative impacts to the Bay's aquatic ecosystem. By 2003, develop and implement management plans for those species deemed problematic to the restoration and integrity of the Bay's ecosystem." In September 2001, ISW developed and distributed a questionnaire to CBP jurisdictions and federal partners to identify the top six aquatic nuisance species currently adversely affecting or having the potential to adversely affect the Bay ecosystem. In May 2002, CBP in partnership with Maryland Sea Grant College sponsored a workshop to develop draft regional management plans for each of the six priority species. CBP appointed Regional Working Groups in 2002 for each priority species - to develop a regional management plan. The Working Groups were comprised of CBP signatory jurisdictional representatives and federal partners, as well as resource managers, species experts, and interested parties. The six management plans are scheduled for completion by the end of 2003.

With still much work to do on nuisance species in the Chesapeake Bay watershed and the Mid-Atlantic region, CBP decided to broaden its reach and propose the formation of a Mid-Atlantic Regional Aquatic Nuisance Species Panel (MARP). The following document presents a proposal to establish a MARP. It includes (1) a background on nuisance species in the Chesapeake Bay; (2) a proposed framework for developing and implementing a MARP work plan; (3) an initial membership list; (4) an outline of the MARP structure and work plan; and (4) a list of funding needs and suggestions for securing MARP funding.

### **Background on Nuisance Species in the Chesapeake Bay**

In the Chesapeake Bay region, there are 202 species that are known or possible invaders and are thought to cause serious problems. Forty-six of these 202 species were identified as nuisance species through a survey of the Bay's jurisdictions in 2001, of which six were recognized as posing the greatest threat to cause, or have the potential to cause, significant degradation to the Chesapeake Bay's aquatic ecosystem. These six species are: mute swan (*Cygnus olor*); nutria

(*Myocastor coypus*); phragmites (*Phragmites australis*); purple loosestrife (*Lythrum salicaria*); water chestnut (*Trapa natans*); and zebra mussel (*Dreissena polymorpha*).

There are many pathways for the invasion of non-native species into a geographic region. A few of these pathways include: man-made and natural channels between waterways and watersheds, escapes from aquaculture facilities, horticulture sale and usage, attachment to commercial and recreational boats and water equipment, and cargo and discharge from ship's ballast water. For example, the Northern region of the Chesapeake Bay watershed is of great concern. Two zebra mussel populations were recently discovered near the Upper Susquehanna in the Chesapeake Bay watershed. One population was found at Eaton Brook reservoir in Madison County, New York, on the upper Chenango River of the Susquehanna basin and another established and reproducing population of zebra mussels was found in Canadarago Lake that is connected to the upper Susquehanna by Oak Creek. The Susquehanna River acts as an unrestricted pathway through which zebra mussels may travel and invade other areas in the Chesapeake Bay watershed.

Another worrisome species prevalent in the Chesapeake Bay watershed is purple loosestrife. Purple loosestrife was first introduced to North America in the early 1800s as an ornamental/medicinal import and/or a contaminant of ship ballast water. Purple loosestrife has been well established along the New England coastline since the 1830s and has since spread to all states in the United States, with the exception of Florida, Hawaii, and Alaska. Spread of purple loosestrife into the interior of North America was due to waterborne commerce into recently disturbed or stressed habitats. Effective control and management methods are needed to diminish the rate at which invasive species like purple loosestrife and zebra mussels spread. Furthermore, regional cooperation and enforcement has the potential to increase overall management efforts.

It is crucial to emphasize the important role prevention plays in avoiding the introduction of non-native species as well as halting the further spread of already present non-natives. Once a population becomes established, complete eradication is an unlikely option. Control methods are also often expensive, time intensive, and require widespread cooperation and commitment. With this in mind, CBP formed the Invasive Species Workgroup (ISW), consisting of a diverse assemblage of federal and state agencies, NGOs, academic experts, and special interest groups. The ISW has worked diligently to implement nuisance species policy based on sound science, collective cooperation, and consensus decision-making since its conception. This work would continue under a MARP.

Nuisance species are not just unique to the Chesapeake Bay but also pose a challenge to resource managers and industry groups across the Mid-Atlantic region. CBP would like to expand its efforts and widen its geographic scope of influence by forming a Regional ANS Panel to continue working on control, eradication, and prevention of non-native species. CBP's experience and commitment to nuisance species management makes it a creditable candidate for hosting a MARP.

### **Formation of Regional Aquatic Nuisance Species Panels**

The Non-Indigenous Aquatic Nuisance Species Prevention and Control Act of 1990 (NANPCA) was enacted to prevent and control infestations of the coastal and inland waters of the United States by non-indigenous aquatic nuisance species. National Aquatic Species Act then amended NANPCA in 1996. NANPCA's has several objectives including: the prevention of unintentional introduction; coordination of research, prevention control, information dissemination and other activities; development and implementation of environmentally sound control methods to prevent, monitor and control unintentional introductions; the identification of and reduction of

economic and ecological impacts of non-indigenous species; and the establishment of research and technology programs to assist States in the management and removal of non-indigenous species.

- Section 1203 of NANPCA gives direction for ANS Task Force to establish regional panels (see Appendix A).
- Section 1204 of NANPCA allows states to develop comprehensive state and interstate management plans for aquatic nuisance species.
- Section 1301 outlines funding for the development of regional panels and creation of nuisance species management plans (see Appendix B).

## **Framework for MARP Development and Implementation**

The objectives listed below will focus and direct MARP initiatives:

- There will be involvement of diverse interests in the Mid-Atlantic region to ensure MARP regional nuisance species issues are fully addressed.
- A consensus-based approach will be adopted for all decision making activities. In the case of a division, there will be a vote and the majority and minority opinions will be expressed appropriately.
- CBP will act as a host organization to help coordinate, motivate and guide MARP activities.
- MARP will serve as the main channel to the National ANS Task Force, federal and state agencies, the public, and Congress with regard to ANS legislation, policy, and programs.

## **Membership**

In the interest of maintaining manageable size, MARP membership will be limited, where possible, to a single individual who will represent the individual's organization, agency, or interest.

Membership will include the following:

### Federal

Designated representatives from the U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration; U.S. Coast Guard; U.S. Army Corps of Engineers; U.S. Department of Agriculture- APHIS; U.S. Geological Survey; U.S. Forest Service; U.S. Park Service.

### State

Designated representatives from state agencies in Maryland; Virginia; Pennsylvania; Delaware; West Virginia; New Jersey; New York; North Carolina; District of Columbia.

### Regional

Designated representatives from Chesapeake Bay Commission; the Waterfront Commission of New York Harbors; Atlantic Marine Fisheries Commission.

### Local

Designated representatives from city and county government.

### Private Environmental Groups

Designated representatives from the Chesapeake Bay Foundation; Sierra Club; Audubon Society; the Nature Conservancy.

### Private Industry Groups

Designated representatives from the Oyster Recovery Partnership, watermen and fishermen's associations, fisheries commissions, nurseries, garden clubs

### Academia

Designated representatives from Sea Grant; University of Maryland; Virginia Institute of Marine Science; Virginia Commonwealth University; George Mason University; Pennsylvania State University; Smithsonian Environmental Research Center.

### Stakeholders

MARP members may include anyone possessing special expertise, interest, or significant capabilities.

Guidelines for membership:

- Membership may require approval from the ANS Task Force.
- All members will be appointed by the organization, agency, or interest they represent.
- CBP Staff for the Invasive Species Workgroup will be responsible for extending MARP membership invitations.
- The MARP Chairperson will be elected by state and federal representatives and the Vice Chairperson will be elected by all MARP members.

## **MARP Structure**

- MARP will convene two to four times each year. Meetings will be scheduled during the first meeting of the year.
- The MARP Project Coordinator will coordinate MARP activities, provide administrative support for the MARP, and attend pertinent aquatic nuisance species meetings and conferences as time and funding will allow (see below).
- The MARP Chairperson and Vice Chairperson will serve a minimum of one year terms (see Membership for elective process).
- The MARP Chairperson will represent MARP at all ANS Task Force meetings.
- The MARP Chairperson and Vice-Chairperson will facilitate meetings and serve as spokespersons for the MARP.
- The MARP will establish workgroups, committees, and panels to accomplish its activities.
- The extent of MARP activities is dependent upon available funding and member commitment.

## **MARP Staff Support**

CBP will hire one full time staff position as a Project Coordinator who would be dedicated exclusively to MARP support. This position is based on available funds from National ANS

Task Force. Requested funds are \$75,000. The Project Coordinator would be responsible for the coordination and administrative support of MARP activities.

### **MARP Work Plan Outline**

Development of a final work plan will be the first MARP activity. The following Work Plan Outline is derived from the six elements stated in the Non-Indigenous Aquatic Nuisance Species Prevention and Control Act of 1990 (see Appendix A).

MARP will be responsible for the following duties:

- Identifying priorities;
- Making recommendations to the National ANS Task Force;
- Assisting the National ANS Task Force in coordinating federal programs;
- Coordinating non-federal programs within the region;
- Advising public and private individuals;
- Submitting an Annual Report to the National ANS Task Force describing the various activities underway;
- Developing a Rapid Response Panel; and
- Implementing regional management plans.

### **MARP Funding**

Under the Non-Indigenous Aquatic Nuisance Species Prevention and Control Act (NANPCA) (see Appendix B, Section 1301 (b)(6)), limited funding will be authorized to support regional panels. With the support of MARP members, CBP will continue to locate creative funding sources for MARP and its activities. Possible funding sources include and are not limited to: federal grants and general operating funds; sportsman and fisherman associations; and various regional and national foundations and programs. Funding for state management plans will also be allocated to MARP as defined in NANPCA (see Appendix B, Section 1301 (c)).

**Appendix A. Sec. 1203. Regional coordination – The Non-Indigenous Aquatic Nuisance Species Prevention and Control Act of 1990 as amended by National Invasive Species Act of 1996.**

Source: ANS Task Force NANPCA Webpage - <http://www.anstaskforce.gov/toc.htm>

- (a) GREAT LAKES PANEL.--
- (1) IN GENERAL.--Not later than 30 days following the date of enactment of this Act, the Task Force shall request that the Great Lakes Commission (established under Article IV of the Great Lakes Compact to which the Congress granted consent in the Act of July 24, 1968, P.L. 90-419) convene a panel of Great Lakes region representatives from Federal, State and local agencies and from private environmental and commercial interests to--
    - (A) identify priorities for the Great Lakes region with respect to aquatic nuisance species;
    - (B) make recommendations to the Task Force regarding programs to carry out section 1202(i) of this Act;
    - (C) assist the Task Force in coordinating Federal aquatic nuisance species program activities in the Great Lakes region;
    - (D) coordinate, where possible, aquatic nuisance species program activities in the Great Lakes region that are not conducted pursuant to this Act;
    - (E) provide advice to public and private individuals and entities concerning methods of controlling aquatic nuisance species; and
    - (F) submit annually a report to the Task Force describing activities within the Great Lakes region related to aquatic nuisance species prevention, research, control.
  - (2) CONSULTATION.--The Task Force shall request that the Great Lakes Fishery Commission provide information to the panel convened under this subsection on technical and policy matters related to the international fishery resources of the Great Lakes.
  - (3) CANADIAN PARTICIPATION.--The panel convened under this subsection is encourage to invite representatives from the Federal, provincial or territorial governments of Canada to participate as observers.
- (b) WESTERN REGIONAL PANEL.--Not later than 30 days after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall request a Western regional panel, comprised of Western region representatives from Federal, State, and local agencies and from private environmental and commercial interests, to--
- (1) identify priorities for the Western region with respect to aquatic nuisance species;
  - (2) make recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program

to prevent the spread of the zebra mussel west of the 100th Meridian pursuant to section 1202(i) of this Act;

- (3) coordinate, where possible, other aquatic nuisance species program activities in the Western region that are not conducted pursuant to this Act;
  - (4) develop an emergency response strategy for Federal, State, and local entities for stemming new invasions of aquatic nuisance species in the region;
  - (5) provide advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species infestations; and
  - (6) submit annually a report to the Task Force describing activities within the Western region related to aquatic nuisance species prevention, research, and control.
- (c) **ADDITIONAL REGIONAL PANELS.--**The Task Force shall--
- (1) encourage the development and use of regional panels and other similar entities in regions other than the Great Lakes and western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsection (a) and (b); and
  - (2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1).

**Appendix B. Sec. 1301. Authorization of appropriations – Non-Indigenous Aquatic Nuisance Species Prevention and Control Act of 1990 as amended by National Invasive Species Act of 1996.**

Source: ANS Task Force NANPCA Webpage - <http://www.anstaskforce.gov/toc.htm>

- (a) PREVENTION OF UNINTENTIONAL INTRODUCTIONS.--There are authorized to be appropriated to develop and implement the provisions of subtitle B--
- (1) \$500,000 until the end of fiscal year 1992 to the Secretary to carry out sections 1101 and 1102(a)(3);
  - (2) \$2,000,000 until the end of fiscal year 1992 to the Director and Under Secretary to carry out the studies under sections 1102(a)(1) and 1102(a)(2);
  - (3) To the Secretary to carry out section 1101--
    - (A) \$2,000,000 for each of fiscal years 1997 and 1998; and
    - (B) \$3,000,000 for each of fiscal years 1999 through 2002;
  - (4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 1102(b)-
    - (A) \$1,000,000 to the Department of the Interior, to be used by the Director; and
    - (B) \$1,000,000 to the Secretary; and
  - (5) for each of fiscal years 1997 through 2002--
    - (A) \$3,000,000, which shall be made available from funds otherwise to be appropriated if such funds are so authorized, to the Under Secretary to carry out section 1102(e); and
    - (B) \$500,000 to the Secretary to carry out section 1102(f).
- (b) TASK FORCE AND AQUATIC NUISANCE SPECIES PROGRAM.-- There are authorized to be appropriated for each of fiscal years 1997 through 2002 to develop and implement the provisions of subtitle C--
- (1) \$6,000,000 to the Department of the Interior, to be used by the Director to carry out sections 1202 and 1209;
  - (2) \$1,000,000 to the Department of Commerce, to be used by the Under Secretary to carry out section 1202;
  - (3) \$1,625,000, which shall be made available from funds otherwise to be appropriated if such funds are so authorized, to fund aquatic nuisance species prevention and control research under section 1202(i) at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration, of which \$500,000 shall be made available for grants, to be competitively awarded and subject to peer review, for research related to Lake Champlain;
  - (4) \$5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:
    - (A) \$2,800,000, which shall be made available from funds

otherwise to be appropriated if such funds are so authorized, to fund grants under section 205 of the National Sea Grant College Program Act (33 U.S.C. 1124);

- (B) \$1,200,000 to fund grants to colleges for the benefit of agriculture and the mechanics arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, Chapter 841; 7 U.S.C. 322); and
  - (C) \$1,000,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;
- (5) \$3,000,000 to the Department of the Army, to be used by the Assistant Secretary to carry out section 1202(i)(1)(B); and
  - (6) \$300,000 to the Department of the Interior, to be used by the Director to fund regional panels and other similar entities under section 1203, of which \$100,000 shall be used to fund activities of the Great Lakes Commission;
- (c) GRANTS FOR STATE MANAGEMENT PROGRAMS.--There are authorized to be appropriated for each of fiscal years 1997 through 2002, \$4,000,000 to the Department of the Interior, to be used by the Director for making grants under section 1204, of which \$1,500,000 shall be used by the Director, in consultation with the Assistant Secretary, for management of aquatic nuisance vegetation species.
- (d) INTENTIONAL INTRODUCTIONS POLICY REVIEW.--There are authorized to be appropriated for fiscal year 1991, \$500,000 to the Director and the Under Secretary to conduct the intentional introduction policy review under section 1207.
- (e) BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.--There are authorized to be appropriated \$2,500,000 to carry out section 1104.
- (f) RESEARCH.--There are authorized to be appropriated to the Director \$1,000,000 to carry out research on the prevention, monitoring, and control of aquatic nuisance species in Narragansett Bay, Rhode Island. The funds shall be made available for use by the Department of Environmental Management of the State of Rhode Island