

# MULTI-STATE EFFORTS TO ADDRESS THE THREAT OF INVASIVE SPECIES

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# INTERSTATE COLLABORATION IS ESSENTIAL

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- Invasive Species move across state boundaries and jurisdictional lines.
- Inconsistencies, gaps, and overlaps between neighboring jurisdictions can hinder prevention and enforcement efforts.
- States can move more quickly than the federal government to address emerging threats.
- Stronger, more consistent state laws reduce the need for federal action to address regional problems.

# EXAMPLE: GREAT LAKES FISHERY COMMISSION

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- Law Enforcement Committee coordinated state, tribal, and provincial regulatory action on Asian Carp.
- Review of legal tools and regulatory gaps undertaken by Environmental Law and Policy Center (Chicago) in 2003. Policy solutions report issued in 2004.
- State and regional action paved the way for federal action (Lacey Act listing) on Asian Carp.

# EXAMPLE: GREAT LAKES AIS HARMONIZATION PROJECT

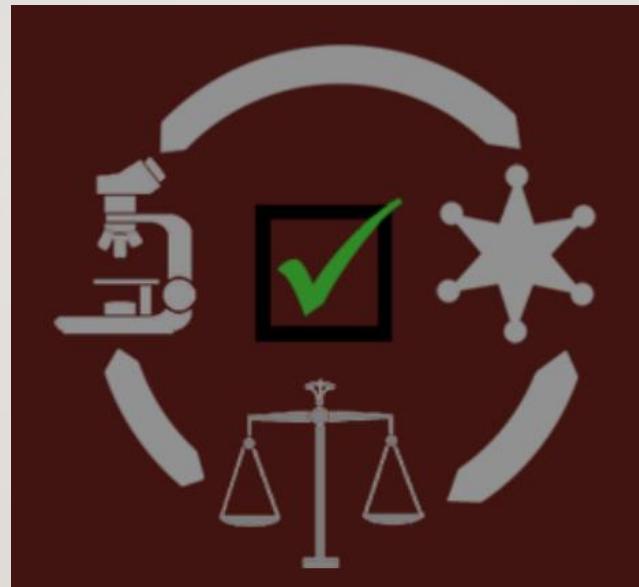
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- Conference of Great Lakes and St. Lawrence Governors and Premiers
- April 2014: Mutual Aid Agreement empowering members to work together to address AIS.
- June 2015: Resolution to launch Michigan, Ohio, and Ontario AIS Harmonization Pilot Program.

# EXAMPLE: WESTERN REGIONAL PANEL'S "BUILDING CONSENSUS" EFFORTS

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AIS  
Coordinators



Law Enforcement

Assistant Attorneys  
General

# WHY?

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- Create a foundation for interstate reciprocity with respect to watercraft inspection and decontamination.
- Common legal framework can facilitate:
  - Formal adoption of standard protocols;
  - Acceptance of other states' paperwork;
  - Increased boater compliance;
  - Improved enforcement.

# HOW?

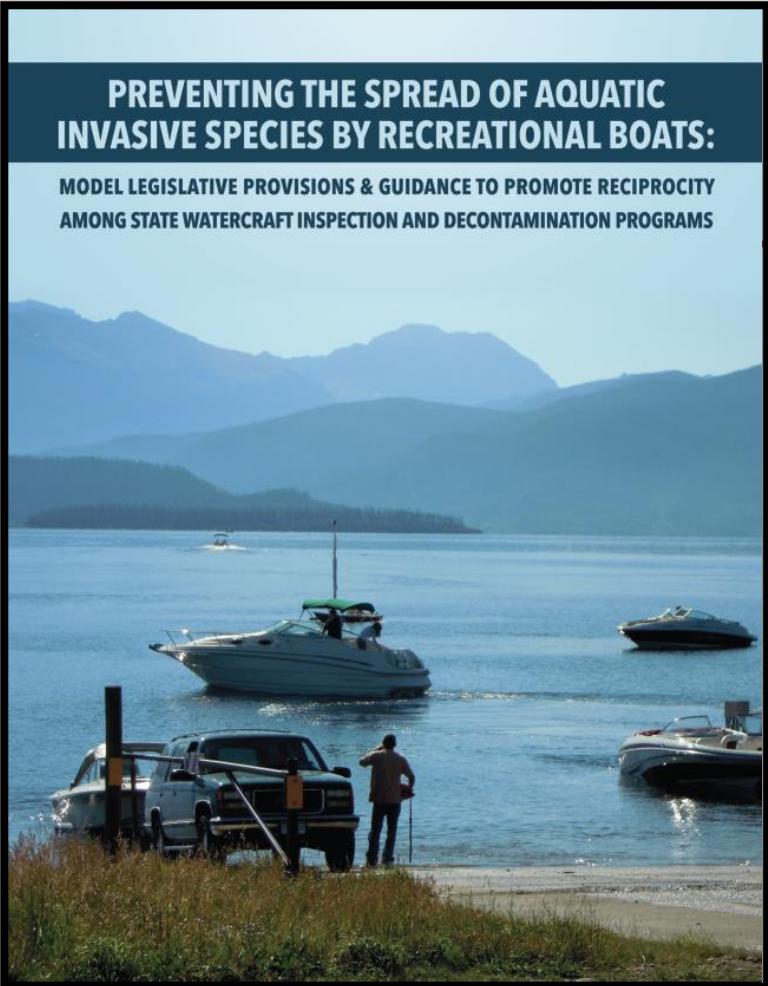
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- Legal Research
  - What is the existing legal framework for watercraft inspection and decontamination in the western states?
  - What are the legal barriers (real and perceived) to interstate cooperation?
- Facilitated Face-to-Face Meetings
  - Convene AIS Coordinators, Assistant Attorneys General, Law Enforcement Officials in the same room.
    - Phoenix, Arizona – August 22-23, 2012
    - Denver, Colorado – August 13-15, 2013, February 11-13, 2014, April 19-20, 2016

## STEP II: TRANSLATE POLICY INTO LEGISLATION

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- Multidisciplinary Working Group lead by National Sea Grant Law Center and Association of Fish and Wildlife Agencies.
- Approach:
  - Identify what statutory authorities are needed to implement consensus policies.
  - Draft model legislative provisions to provide guidance on how states might provide such authority.



## PREVENTING THE SPREAD OF AQUATIC INVASIVE SPECIES BY RECREATIONAL BOATS:

MODEL LEGISLATIVE PROVISIONS & GUIDANCE TO PROMOTE RECIPROCITY  
AMONG STATE WATERCRAFT INSPECTION AND DECONTAMINATION PROGRAMS

# MODEL LEGISLATION

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- Released April 2014
- Core Legislative Package
  - Elements needed to opt into hypothetical reciprocal program.
- Supplemental Authorities
  - Additional powers for states to consider.
- Explanatory Notes
  - Rationale
  - Application

# STEP III: GAP ANALYSIS

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- Released in October 2014
- How do states' existing laws compare to the Model? What are the commonalities, differences, and gaps among states?
  - 16 states (and Lake Tahoe, NV and Lake George, NY) have WID Programs.
    - Most state legislation already provides relevant agencies with the broad authorities identified in the Model.
    - However, many sub-categories of inspection and decontamination authority are missing.
  - 15 states have elements in place that provide a foundation for a WID program.
  - 19 states have no relevant provisions.

# STEP IV: TRANSLATE POLICY INTO REGULATIONS

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- Provides guidance to states seeking to implement all or portions of the Model State Legislative Provisions.
- Outlines a model regulatory framework to implement a package of recommended approaches for state WID programs as identified by the WRP Building Consensus Committee.
- Draft was released for 30-day national review period in September. Finalized by end of the year.

# SUCCESSES TO DATE

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- Adoption of Model Authorities
  - Almost a dozen western states have amended laws and regulations to incorporate consensus policies and model authorities.
  - Model Legislative Provisions informed development of the new WID programs in several of the western Canadian provinces.
- Western Association of Fish and Wildlife Agencies resolution in June 2016.
  - Recommended adoption of standardized regulations with respect to drain plugs and visible plant material on watercraft and trailers.

# TAKE AWAY MESSAGES

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- **It Is Possible!**
  - States can work together to harmonize legal regimes and coordinate responses to AIS threats.
- **It Takes Resources!**
  - Financial and institutional support is needed for legal research, policy analysis, and in-person meetings.
- **It Takes Time!**
  - Frequent and sustained engagement is needed among agency personnel to build trust and achieve policy reform.

# FOR MORE INFORMATION

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Visit the NSGLC's Project Website:

<http://nsglc.olemiss.edu/projects/model-legal-framework/index.html>

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