

MULTI-STATE EFFORTS TO ADDRESS THE THREAT OF INVASIVE SPECIES

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INTERSTATE COLLABORATION IS ESSENTIAL

- 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

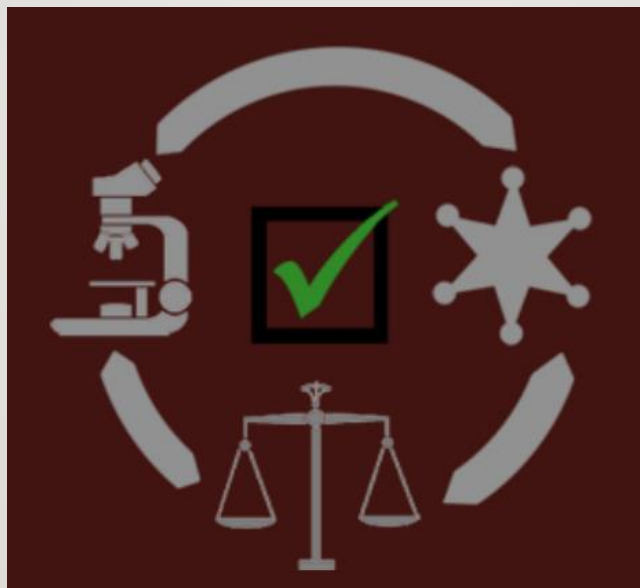
- Law Enforcement Committee coordinated state, tribal, and provincial regulatory action on Asian Carp.
- Review of legal tools and regulatory gaps undertaken by Environmental Law and Policy Center (Chicago) in 2003. Policy solutions report issued in 2004.
- State and regional action paved the way for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

EXAMPLE: GREAT LAKES AIS HARMONIZATION PROJECT

- 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

AIS
Coordinators



Law Enforcement

Assistant Attorneys
General

WHY?

- 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?

- 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

- 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

- 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

- 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

- 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

- 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

- **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

Visit the NSGLC's Project Website:

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

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