

Invasive Committee
Chair: Eric Sutton (FL)
Vice-Chair: Kim Bogenschutz (IA)

Date: March 10, 2022
Time: 2:00 pm-5:00 pm ET



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

87th North American Wildlife and Natural Resources Conference

Virtual

Agenda

2:00 pm **Call to Order/Introductions** (Kim Bogenschutz)

2:05 pm **Review of Agenda/ Committee Updates** (Kim Bogenschutz)

- *The AFWA Invasive Species Committee continues to pursue interstate and interjurisdictional partnerships to improve invasive species management. The Committee worked with AFWA Government Affairs staff to follow S.626 - Lacey Act Amendments of 2021 and expressed support for the Stop the Spread of Invasive Mussels Act (H.R. 5692).*
- *Committee members reviewed and endorsed a proposal for the National Sea Grant Law Center to conduct a Comparative Analysis of State Legal Authority to Prohibit, Seize, and Quarantine Aquatic Plant Sales and Shipments in 2022.*
- *The Committee also held an interim meeting in early February 2022 to review current legislation, provide updates on Recovering America's Wildlife Act and State Wildlife Action Plans and to have two presenters speak on invasive species issues. Dr. Matt Grabau with the US Fish and Wildlife Service presented on CCAST's Non-Native Aquatic Species Community of Practice: Coordination to Address the Threat of Introduced Aquatic Species in the West. In addition, Lisa DeBruyckere, President of Creative Resource Strategies, LLC presented on the Call Before You Haul Program.*

2:15 pm **Feral Swine Working Group Update** (Bryant White)

- Bryant White is the Program Manager of Trapping Policy and Human-Wildlife Conflicts at the Association of Fish and Wildlife Agencies.

The Feral Swine Working Group will meet on Tuesday March 15th. Currently, there is a multi-state conservation grant to survey agencies via Wildlife Management Institute on how they manage feral swine. The Working Group will hear updates from federal partners, including the Feral Swine Task Force. In addition, the Working Group will hear a report on public perceptions of feral swine that was conducted in Texas. The working group plans to pursue an outreach document for hunters on feral swine impacts as well as explore the possibility of working on an AFWA Best Management Practices (BMP) guide to feral swine management.

2:25 pm **Government Affairs Updates** (Devin DeMario)

- Devin DeMario is the Government Affairs Manager for Fisheries & Aquatic Resources Policy at the Association of Fish and Wildlife Agencies.

COMPETES Act - Lacey Provisions

On February 4, 2022, the America Competes Act of 2022 (HR4521), passed the House by a near-party line vote. If passed by the Senate and enacted in its current version, the legislation would result in 4 primary changes to the Lacey Act:

- *Repair the USARK ruling, establishing in statute that Title 18 prohibitions apply to interstate movement of injurious species.*
- *Change the current strict liability standard under Title 18 by adding “knowingly”, which would require authorities to prove violations are intentional to prosecute and enforce.*
- *Give the Secretary of the Interior authority to make emergency designations prohibiting importation of any species for a period of 3 years before establishing the designation by regulation.*
- *Establish a “presumptive prohibition” on importation of any non-native species not currently in trade.*

While title 18 of the Lacey Act was historically interpreted to prohibit interstate movement of injurious species, this was successfully challenged by the U.S. Association of Reptile Keepers (USARK), resulting in a decision by the D.C. Circuit Court in 2017. The decision held that title 18 only applies to importation of injurious species into the United States, and shipment between the continental states collectively, Hawaii, Puerto Rico, D.C., and other territories—and not shipment between each of the continental states. Since then, AFWA has supported legislative changes that would return implementation of Title 18 to prohibiting all interstate transport.

What is next? The bill’s Senate counterpart, the US Innovation and Competition Act of 2021, that passed with the support of 19 Republican Senators in June of last year is vastly different. For instance, it does not include the Lacey Act revisions – but that is but one example. A conference committee will likely need to work out the differences in the two bills.

Water Resources Development Act

On December 22, 2021, AFWA submitted a letter to the Senate EPW leadership highlighting three top priorities for WRDA 2022: the Brandon Road lock and Dam, revisions to USACE project partnership agreements, and recreational use of jetties, piers, and other appropriate structures. This is only the preliminary stage of the WRDA process, and we will continue to refine priorities as we engage with the House.

2:40 pm **GLDIATR: Preventing Internet Trade of Aquatic Invasive Species** (Erika Jensen)

Erika Jensen serves as executive director of the Great Lakes Commission. As executive director, Ms. Jensen directs operations, manages relations with the Commission’s Board of Directors and

Commissioners, oversees policy and advocacy efforts, and collaborates with the agency's numerous partners to advance strategic regional priorities, among other duties.

Erika Jensen gave a presentation on the Great Lakes Detector of Invasive Aquatics in Trade (GLDIATR) project which recently wrapped up. The project used a webscraper to identify businesses selling invasive species online in the United States and Canada and then researchers performed outreach and education to sellers.

In Phase I, a webscraper was developed to search the Internet and collect and report webpages offering invasive species for sale. GLDIATR scanned over 300,000 web-pages and identified 514 different listings of aquatic invasive species for sale in the first 30 days of operation. Only English language sites were searched.

In Phase II, the goals were to review the species watchlist and to conduct more formal outreach to partners. Outreach and communication materials were developed via an advisory committee and used positive language. Two months after contacting sellers, the Great Lakes Commission found 27 sellers made changes to their stock and/or shipping restrictions.

In 2018, issues with the webscraper prompted the group to work with 3rd party web crawling services.

Currently, they are working to finalize the report which should be available in April. Invasive aquatic plants were the most commonly found species. A report on Phase I of the project can be found here: <https://www.glc.org/wp-content/uploads/2016/10/GLDIATR-Report-Complete-Web-Aug-2016.pdf>

Moving forward, it was suggested to work with marketplaces like Amazon and Etsy to improve enforcement of some of their policies and restrictions on the sale of live plants and animals. Also, additional investments are needed to continue the work on the online trade pathway.

3:00 pm **Online Enforcement and Education on Washington's Plant Health Quarantines** (Tristan Carette-Meyers)

- Tristan Carette-Meyers is an Environmental Specialist 3 in Online Enforcement for the Washington State Department of Agriculture.

Tristan Carette-Meyers presented on his work with online sellers through Amazon, eBay, and Etsy. He reached out to sellers that were selling and shipping prohibited plants into Washington state. Since July 1st, he contacted 1,346 sellers (emails/calls/contact us forms) for 2,106 potential violations of which 1,074 violations were corrected. They opened a Washington State Etsy account specifically to contact Etsy sellers. Screenshots of messages were needed for documentation.

Both Amazon and eBay can create filters that tell buyers they cannot ship prohibited plants to their location. The restrictions aren't consistent, so it is important to reach out to the marketplace to update listings. Etsy currently requires contacting individual sellers.

Amazon's regulatory group: regulatory-inquiries@amazon.com

Etsy's reporting email: integrity@etsy.com

Robert Stroess asked if WA had done any follow-up with enforcement partners to ensure sellers are not selling items. He mentioned charges were recently filed in his state against a seller continuing to sell restricted species. He recommended reaching outside our individual programs to utilize the expertise from others. For example, those in enforcement can perform different tasks that those in regulatory agencies cannot.

3:25 pm Break

3:35 pm **Recovering America's Wildlife Update** (Sean Saville)

- Sean Saville is the Campaign Manager of the Alliance for America's Fish & Wildlife for the Association of Fish and Wildlife Agencies.

There has been a lot of good work and forward progress made recently as we identify the path to passage for the Recovering America's Wildlife Act. We are very optimistic that this is the year we get this historic bill across the finish line! We currently stand at [165 bipartisan cosponsors](#) (123D – 37R) in the House. This January the House Committee on Natural Resources (HNR) voted 29 to 15 to pass the Recovering America's Wildlife Act (H.R.2773) out of committee. The bill hasn't been officially discharged out of the House Natural Resources (HNR) committee yet, but we expect that to occur in advance of floor action this spring/summer. During the interim, the extra time allows for the opportunity to add cosponsors. Any assistance to that end is greatly appreciated. The House bill sponsors remain engaged and are discussing pay-for opportunities that may exist with leadership. The bill in the House currently does not identify a pay-for, and during the HNR markup in January, Congresswoman Dingell committed to work to find an offset prior to taking the bill to the floor.

In the Senate, we remain at [32 bipartisan cosponsors](#). On February 9, Sara Parker Pauley and Ron Regan, along with Congressional Sportsmen's Foundation and National Wildlife Federation CEOs Jeff Crane and Collin O'Mara met with the Senate Co-Sponsors Sens. Roy Blunt and Martin Heinrich. They were very optimistic, engaged and looking forward to seeing the bill passed out of the Senate Environment and Public Works Committee (EPW) via mark-up in March or April (at the latest) so that it can reach the floor by summer. In addition, Senate EPW committee staff have been actively engaged, as has the AFWA ExCom, in discussing opportunities to find a path through their committee that addresses some of the issues raised during the December 2021 hearing while maintaining strong bipartisan support for the bill. Additional cosponsors in the Senate, especially Republicans, would be helpful in advance of a markup, so again any assistance in making touches to potential Senate supporters would be valuable and demonstrations of in-state support from partners is greatly appreciated.

There will be several forums during the North American where the bill and legislative trajectory will be discussed including a special virtual appearance by the bill's congressional sponsors during the plenary and an exclusive conversation with state agency directors on Thursday the 17th in Spokane.

Campaign resources can be found in the Alliance toolkit [HERE](#) and on the Alliance page of the AFWA site [HERE](#). Don't hesitate to reach out to Sean Saville at ssaville@fishwildlife.org; (202) 441-4214 with any questions or requests for information.

3:45 pm **Federal and Partner Updates**

USFWS – Craig Martin; Chief, Branch of Aquatic Invasive Species

USFWS is regularly working with agencies on moss ball issues and follow-up communications. All moss balls need to be permitted, need a phytosanitary certificate and then be inspected at USDA inspection stations. Since November 2021, no legal imports of moss balls have been cleared, but one small shipment (of 4 moss balls) was released outside of inspection areas. Custom and Border Protection (CBP) is seizing non-commercial shipments that are manifested correctly, but they are aware some shipments may be manifested incorrectly or smuggled. Trade compliance personnel are searching online advertisements for moss balls for sale through foreign sources and are seeking to remove those. USDA has agreements with Amazon and eBay to remove any advertisements for moss balls with international IP addresses. USFWS is working with USGS on eDNA sampling techniques for zebra mussels. USFWS was working with the Ukrainian Embassy, where the moss balls were coming from, but given the situation, they are working on alternative ways to validate the eDNA sampling methods. If any moss balls clear USDA and USFWS inspection, they will notify state partners.

USFWS did secure funding for an after-action report. The grant is up to \$50,000 and will require a report on:

- A summary of the manner and timing of actions that occurred to respond to the moss ball incident, including those taken by Federal and State agencies, regional organizations, and industry;*
- Gaps in regulation, enforcement, and other authorities, commenting on changes that may be needed to prevent similar circumstances;*
- Recommendations for actions needed to: Mitigate risk from the aquarium, water garden, and pet trade prior to, at the point of entry, and after entry into U.S. commerce;*
- Improving preparedness for response to AIS introductions; and*
- Addressing other issues identified through the analysis.*

More information can be found here: <https://www.grants.gov/web/grants/view-opportunity.html?oppld=338303>

In Early Detection and Rapid Response (EDRR), a recent paper by Cuthbert (2022) found that management delays, particularly with pre-invasion management have resulted in a cost of about \$1.2 trillion. (<https://www.sciencedirect.com/science/article/pii/S004896972200496X>).

The American Rescue Plan Act, recently passed by Congress, authorized the Service to use its injurious wildlife provisions under title 18 of the Lacey Act to prohibit the importation of species that pose a risk to human health. USFWS will be looking to do a global horizon scan that will identify high risk species that will also include risk analyses.

Congress has also increased funding to create two new Invasive Species Strike Teams, bringing the total to 14 teams working throughout the refuge system.

USGS – Cindy Tam; Biological Threats & Invasive Species Research Program
Coordinator

USGS participated with in their second annual symposium as part of the National Invasive Species Awareness Week (NISAW), and over 300 people attended the session.

The USGS Inhabit tool now covers over 150 species and has gained a lot of geographic coverage across the United States, and they will be continuing to upgrade the models behind the site and the analysis. You can find more information here:

<https://data.usgs.gov/modelcatalog/model/15d3e84f-6920-4532-aba9-e5adc56463eb>

The USGS Non-native Aquatic Species (NAS) database uses sightings to create alert maps. The 500th risk alert map was recently created.

The largest portion of our invasive species work in USGS goes toward understanding invasive carp, including preventing, managing, and controlling them. USGS continues to develop and test tools for detection, containment and control. One of the major activities USGS is involved in is testing an acoustic barrier in the Mississippi River, between Iowa and Illinois. Kim has been instrumental in them being able to do that work. In addition, they are looking into the efficacy of using carbon dioxide for carp control.

USGS continues to coordinate with State, Federal, and tribal entities to try to protect eel grass habitats and Dungeness crab populations with the expansion of the invasive green crab. An emergency declaration was issued by the Washington State Governor regarding the expansion of European green crab in the Pacific northwest.

Finally, a list of USGS invasive species products from 2021 has been shared with the Committee.

USDA Wildlife Services- Jason Suckow; National Wildlife Research Center
Director

USDA Wildlife Services works on numerous invasive species projects with partners across the United States and in the Territories. Two major projects are on brown tree snakes and nutria. First is the Brown Tree Snake program in Guam and the adjacent island, Cocoa Island, where brown tree snakes were recently found. Wildlife Services removes approximately 15,000 snakes annually from critical points around Guam. There are two primary purposes: to prevent the spread to Hawaii and to the mainland, and to try to lower the snake population enough where they can recover some of the avian species. The second major project focuses on nutria eradication in the Chesapeake Bay region which has been very successful.

Dr. Dana Cole was selected as the new national feral swine damage management coordinator. Regarding feral swine damage management, Wildlife Services is currently conducting operational activities in 36 different States and three territories. Due to the threat of African Swine Fever, Wildlife Services has ramped up the operational activities in both Puerto Rico and the US Virgin Islands. In 2021, they removed over 1,100 animals there. As animals are removed, they are tested for several diseases, not just African Swine Fever. In addition, surveillance efforts have been implemented, and in 2021, over 6,000 individuals were tested for a variety of pathogens. Sodium nitrate is also under review as a potential toxicant, and studies will wrap up in 2023. Finally, a genetic archive is being established to track the illegal movement of feral swine.

ANS Task Force – Kim Bogenschutz

The last meeting was a virtual meeting that was held November 16th-18th. The meeting included updates relating to the USGS ANS database and some of the tools Cindy Tam mentioned.

Here are some of the other updates:

- The Alabama Aquatic Nuisance Species management plan was approved at the meeting.*
- A watercraft inspection best management practices document has been completed.*
- A National AIS Research priorities listed has been produced.*
- The Task Force is looking into the effectiveness of maintaining the AIS Expert database.*
- The Task Force conducted an analysis of all the approved species management plans, and some were recommended for updates. These included the European green crab, New Zealand mud snail, Ruffe, Lionfish, and snakehead. Currently, the green crab and mud snail plans are being updated but coordinators are needed for the others. If you're interested assisting with updates to the plans or would be a proponent for seeing them move forward, please let Kim or another member of the Task Force know.*
- Currently, the ANSTF charter has expired, and no meetings or subcommittees can officially meet until the charter is reinstated.*
- The updated website can be found here: <https://www.fws.gov/program/aquatic-nuisance-species-task-force>*

NISC- Stas Burgiel; Executive Director

In 2022, the priorities of the National Invasive Species Council (NISC) include climate change, wildland fire, early detection and rapid response, information management, eDNA, and crosscut budget. NISC now has an annual workplan instead of a three-year strategic plan. Under climate change, NISC is working to identify the interagency needs where NISC can aid, and they are working on disaster preparedness and rapid response in relation to extreme weather events. They have been engaged in wildland fire through the Wildland Fire Leadership Council. Through this team, they are examining the highest priorities or opportunities that they could work on between invasive species and wildland fire, particularly with the new funding from the Infrastructure bill. In the area of early detection and rapid response, NISC has been working on two products, a white paper on criteria and considerations for a rapid response fund and a paper looking at the specific Federal agency roles and rapid response which differ. Finally, they also are working on a regular assessment of Federal agency spending on invasive species. For more information, please visit the National Invasive Species Information Center (www.invasivespeciesinfo.gov).

The Invasive Species Advisory Committee (ISAC) is soliciting nominations for members. AFWA is invited to have an ex-officio seat, and the AFWA Committee Chairs are working on a nomination package for Eric Sutton. Others also interested in serving are encouraged to apply for a voting seat as well. The Federal Register notice can be found here: <https://www.federalregister.gov/documents/2022/01/25/2022-01390/invasive-species-advisory-committee-request-for-nominations> Application packages are due on 3/28/2022.

Wildlife Forever – Dane Huinker (Conservation Program Manager) and Elliott Engen (Invasive Species Program Coordinator)

Dane Huinker presented on the soon to be published 2021 Clean Drain Dry Initiative annual accomplishment report. (<http://www.wildlifeforever.org/wp-content/uploads/2017/05/WF-2021-Invasive-Species-National-Report-LR.pdf>)

2021 Highlights Include:

- *\$1.13 million invested in invasive species prevention by pooling funds and coordinating cost-saving services.*
- *Industry-leading access enhancement work to equip and empower AIS prevention at critical points of public access.*
- *Local, State, Federal, and Industry Stakeholder partnerships and engagement.*

Since 2006, the Clean Drain Dry Initiative has reached over 2.3 billion impressions and has invested over \$14 million dollars to coordinate the national campaign and educate outdoor recreational users on how to prevent the spread of invasive species. Strategic communications, marketing, outreach and educational services provide access to consistent messaging and tailored AIS prevention planning. To learn more, contact Elliott Engen: eengen@wildlifeforever.org or visit www.CleanDrainDry.org .

Draft as of April 15, 2022

4:35 pm **Federal, State, Tribal & Partner Roundtable**

Kerry Wixted provided a quick summary of Dr. Matthew Gray's work with the Pet Industry Joint Advisory Council (PIJAC) on a business and consumer survey relating to the trade in amphibians. An Executive Summary can be found here: <https://onehealth.tennessee.edu/wp-content/uploads/sites/78/2021/12/PIJAC-Exec-Summary.pdf> As excerpted from the study, "While a substantial portion of respondents showed interest in beneficial microbes, relative lack of awareness about their benefit(s) indicates that some outreach and education may be needed to create a demand for this treatment option. Finally, both consumers and businesses expressed a strong preference for amphibians that are free of harmful pathogens and indicated a willingness to pay a significant price premium to acquire certified disease-free animals."

Grant Sizemore, American Birding Conservancy (ABC), mentioned the Feral and Free-range Cat Toolkit is available: <https://www.fishwildlife.org/application/files/1616/1919/5138/Cat-Toolkit-v7-Web.pdf>

- *Partnership opportunity: To help remove domestic cats from wildlife conservation lands, ABC will provide materials such as live traps and camera traps for the purposes of removal from public lands.*

4:55 pm **Wrap Up and Next Steps**