
February 12, 2019

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

Western Governors appreciate your attention to the significant impacts that invasive species have on the West's ecosystem, economies, and communities. In advance of the Committee's February 13, 2019, hearing on "The Invasive Species Threat: Protecting Wildlife, Public Health, and Infrastructure," I am writing to provide information regarding the policy work and priorities of Western Governors with respect to invasive species.

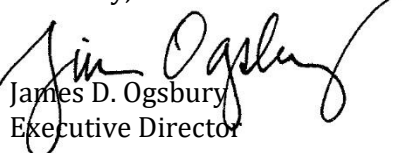
In July 2018, the Chair of the Western Governors' Association (WGA), Hawai'i Governor David Ige, launched the Western Governors' [Biosecurity and Invasive Species Initiative](#). This effort is focusing on the effects that nuisance species, pests, and pathogens have on ecosystems, forests, rangelands, watersheds, and infrastructure in the West, and is examining the role that biosecurity plays in addressing these risks. WGA has engaged stakeholders in a series of workshops and webinars throughout the West to inform the Governors' consideration of these important issues. This dialogue will contribute to the final initiative report, which will be released in June 2019 and contain findings and policy recommendations derived from the initiative.

I respectfully request that the following attachments be included in the permanent record of the hearing, as they articulate Western Governors' policy positions on this subject:

- WGA Policy Resolution [2016-05](#), *Combating Invasive Species*, in which Governors identify the rapid spread of invasive species as one of our country's greatest environmental problems; and
- A March 28, 2018 [letter](#) from Western Governors to the Committee, in which Governors encourage federal action on invasive mussel management and recommend that federal agencies be provided with the authorities necessary to effectively combat aquatic invasive species (including invasive mussels) in the West.

Please contact me if you have any questions or require further information. In the meantime, with warm regards and best wishes, I am

Sincerely,



James D. Ogsbury
Executive Director

Attachments



WESTERN
GOVERNORS'
ASSOCIATION

Western Governors' Association Policy Resolution 2016-05

Combating Invasive Species

A. BACKGROUND

1. The National Invasive Species Council defines an *invasive species* as “an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.” In the West, invasive species may also include native plants, such as those found in Pinyon-Juniper ecosystems, that have over-dominated a landscape reducing the plant diversity to the point of impacting water quality and quantity, wildlife, fire threats, and agriculture production. The rapid spread of invasive species continues to be one of our country's biggest environmental problems and is creating economic and ecologic damage across our western landscapes and Pacific Islands.
2. Western Governors recognize that the spread of invasive species results from a combination of human activities, susceptibility of invaded environments, biology of the invading species, and dispersal. These characteristics are not dictated by geopolitical boundaries, but rather by ecosystem-level factors, which often cross state borders. Scientists and land managers across the West have expressed the need to develop a strategy for more aggressive invasive species prevention, early detection, control and management. Such a strategy should include the creation of a western invasive species inventory, as well as improved data management protocols.
3. Many of these invasive species were introduced, or their distribution was expanded, due to inadequate implementation of federal and state regulations dealing with interstate transport, international trade and interstate commerce.

B. GOVERNORS' POLICY STATEMENT

1. Western Governors support coordinated prevention efforts and early detection and rapid response with multistate management and eradication actions to limit or eliminate new introductions and existing species expansion. Programs for the control and/or eradication of invasive species must result in more on-the-ground prevention, management and eradication. Western Governors also support research as an additional critical element needed to provide understanding of invasive species life

cycles, potential range distribution, and to develop geographically appropriate control measures.

2. Western Governors support efforts by Congress to properly and promptly classify invasive species to reduce barriers to participation in remediation activities by federal agencies in partnership with states.
3. Western Governors strongly encourage expansion and creation of partnerships, such as invasive species councils with representation from local pest and weed districts, conservation districts, county governments, private organizations, local stakeholders, state, island, tribal, federal and international agencies to prevent the spread of invasive species, avert new unauthorized introductions, respond rapidly to new introductions, and work together to find creative new regional approaches for protecting and restoring natural, agriculture, power and water conveyance infrastructure, and recreational resources.
4. Western Governors urge Congress and the Administration to support invasive species prevention, control/management programs on state, U.S. Flag Islands, federal and tribal lands. This should be accomplished through accountability and oversight of fund management under the National Invasive Species Act and programs administered by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), and the U.S. Forest Service and the U.S. Department of the Interior's Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration (NOAA). These programs provide valuable services in the detection and elimination of invasive species, as well as coordination, public outreach, and communication. Western Governors urge Congress and the administration to support much needed research on invasive species.
5. We call upon Congress to promote and not impede state-directed programs to combat invasive species. Regional leadership and state directed programs provide place-based solutions tailored to unique regional or local conditions in land and aquatic ecosystems. The federal role should be one of partnership and policy-making that strengthen state's on-the-ground efforts, and mitigating risks associated with the movement of invasive species between states.
6. Western Governors support the creation of a west-wide invasive species inventory that is accessible to local, state and federal agencies, as well as the development of data management standards, formats, and protocols to ensure inter-operability to support information transfer, national distribution mapping, and awareness of species occurrences and spread. To this end, Western Governors will facilitate the development of such an inventory and recommendations for data management standards, formats and protocols that might be used by federal, state, and local land and resource managers.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. Please consult www.westgov.org/policies for the most current copy of a resolution and a list of all current WGA policy resolutions.

March 28, 2018

Honorable John Barrasso
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Honorable Thomas Carper
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Dear Chairman Barrasso and Ranking Member Carper:

As the Senate Committee on Environment and Public Works considers reauthorization of the Water Resources Development Act (WRDA), Western Governors urge you to provide federal agencies with the authorities necessary to effectively combat aquatic invasive species in the West, including invasive mussels.

Every year, invasive quagga and zebra mussels cost millions of dollars in lost economic activity and cause significant environmental damage to waterbodies in the West. It is of paramount importance to prevent the spread of these species into uninfested waterways, particularly the Columbia River basin – the last major uninfested water system in the continental U.S.

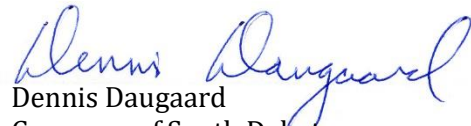
The primary means by which these aquatic mussels spread is by traveling on the hulls and in the ballast tanks of boats leaving infested waterbodies. The application of effective inspection and decontamination practices as watercraft leave infested waters is the first line of defense against their proliferation.

Federal agencies have jurisdiction over several major infested waterbodies in the West, including Lake Mead, Lake Powell and Lake Havasu. The boat inspection and decontamination policies of the agencies managing infested waterbodies – the Bureau of Land Management (BLM), the Bureau of Reclamation (BOR), and the National Park Service (NPS) – are key to regional efforts to contain these species. These agencies operate several voluntary inspection and decontamination programs at these infested waterbodies, mostly at the request of, and in collaboration with, states. These programs, however, are hampered by a lack of clear statutory authority for federal agencies to conduct mandatory inspection and decontamination of all high-risk vessels (long-term slipped and moored watercraft). An opinion from the DOI Solicitor's Office describing these agencies' current authorities is included as an attachment to this letter.

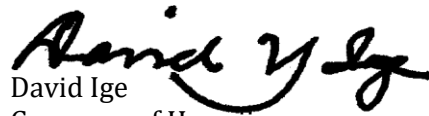
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Senator Michael Bennet recently highlighted these issues in a letter to the Committee dated February 26, 2018. In the letter, Senator Bennet requests that, as the Committee begins work on WRDA reauthorization, it considers “authorizing the BOR, NPS, and USFS to participate and cooperate with aquatic nuisance species prevention efforts, so that we keep our nation’s headwaters free of invasive mussels that can harm our infrastructure, environment, and economy.” Western Governors appreciate Senator Bennet’s attention to this important issue, and we encourage you to include these recommendations in the next version of WRDA.

Sincerely,



Dennis Daugaard
Governor of South Dakota
Chair, WGA



David Ige
Governor of Hawaii
Vice Chair, WGA

Attachment



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

February 15, 2018

To: whom it may concern

From: Office of the Solicitor, Department of the Interior

Subject: National Park Service Authority to Regulate Aquatic Invasive Species

The National Park Service (NPS) administers NPS system units under the NPS Organic Act, 54 U.S.C. §100101 *et seq.*, which directs the NPS to “conserve the scenery, natural and historic objects, and wild life in the System units” and to “leave them unimpaired for the enjoyment of future generations.” NPS also has authority to regulate boating and other activities on or relating to water located within system units. 54 U.S.C. §100751(b). These statutes give the NPS broad authority to take actions to prevent aquatic invasive species from *entering* NPS waters such as requiring inspection and decontamination of boats entering NPS units.

NPS also has authority to cooperate with state law enforcement agencies to enforce state invasive species control laws within park units, which potentially could apply to the movement of invasive species out of the park unit. 54 U.S.C. §102701(b)(2). State laws generally apply on NPS-administered lands unless a park unit is under exclusive federal jurisdiction, or where state law interferes with federal functions or conflicts with federal law; neither of these is the case here. Cooperation with state law enforcement agents may be accomplished through a Memorandum of Understanding between state agencies and NPS units, under which 1) NPS invites state agents to enforce state law within park units, and/or 2) a state government deputizes NPS officials to enforce state law.

For example, Lake Mead, Glen Canyon, and Curecanti National Recreation Areas each currently have agreements with state agencies to assist in the enforcement of state invasive species control laws. These parks work closely with states to provide inspection and decontamination sites upon both entry and exit, as well as to provide visitor education. The specifics of inspection and decontamination enforcement depend, among other things, on whether the state prefers to focus on enforcement or voluntary inspection and education initiatives. For instance, Lake Mead works with and provides some funding for the Nevada Department of Wildlife to offer free, voluntary inspection and decontamination to visitors entering and exiting park waters at key access points. Glen Canyon has an agreement with the State of Utah under which state agents are invited onto park units to make inspections and operate NPS-owned decontamination sites for vehicles exiting park waters, and NPS officials educate visitors about the requirements of state law and

direct boaters to inspection and decontamination sites. In those less common instances where parks have exclusive federal jurisdiction, and so state law does not apply, parks may nonetheless inform boaters leaving the park that state law prohibits transportation of aquatic invasive species within the state. Finally, NPS has authority under applicable concessions statutes to require marinas operating under NPS concession contracts and other businesses operating within park units to provide decontamination services in order to comply with state invasive species control laws.

However, NPS has more limited authority under federal law to regulate activity for the sole purpose of protecting resources outside of park units, even if the activity occurs within NPS units. Several federal authorities, including the National Invasive Species Act (16 U.S.C. §4701 *et seq.*), the Clean Boating Act of 2008 (P.L. 110-288), and Executive Order 13751, Safeguarding the Nation from the Impacts of Invasive Species (December 5, 2016), provide federal agencies with some authority to regulate certain invasive species in specified geographic locations, but they do not provide clear authority to regulate activities that could cause the spread of invasive species as they leave a National Park unit.

For more information, contact: Hilary Smith, Senior Advisor for Invasive Species, Department of the Interior, hilary_smith@ios.doi.gov, 202-208-4103