

Federal Regulatory Framework Workshop

May 16, 2013



Photo credit: Lori Oberhofer

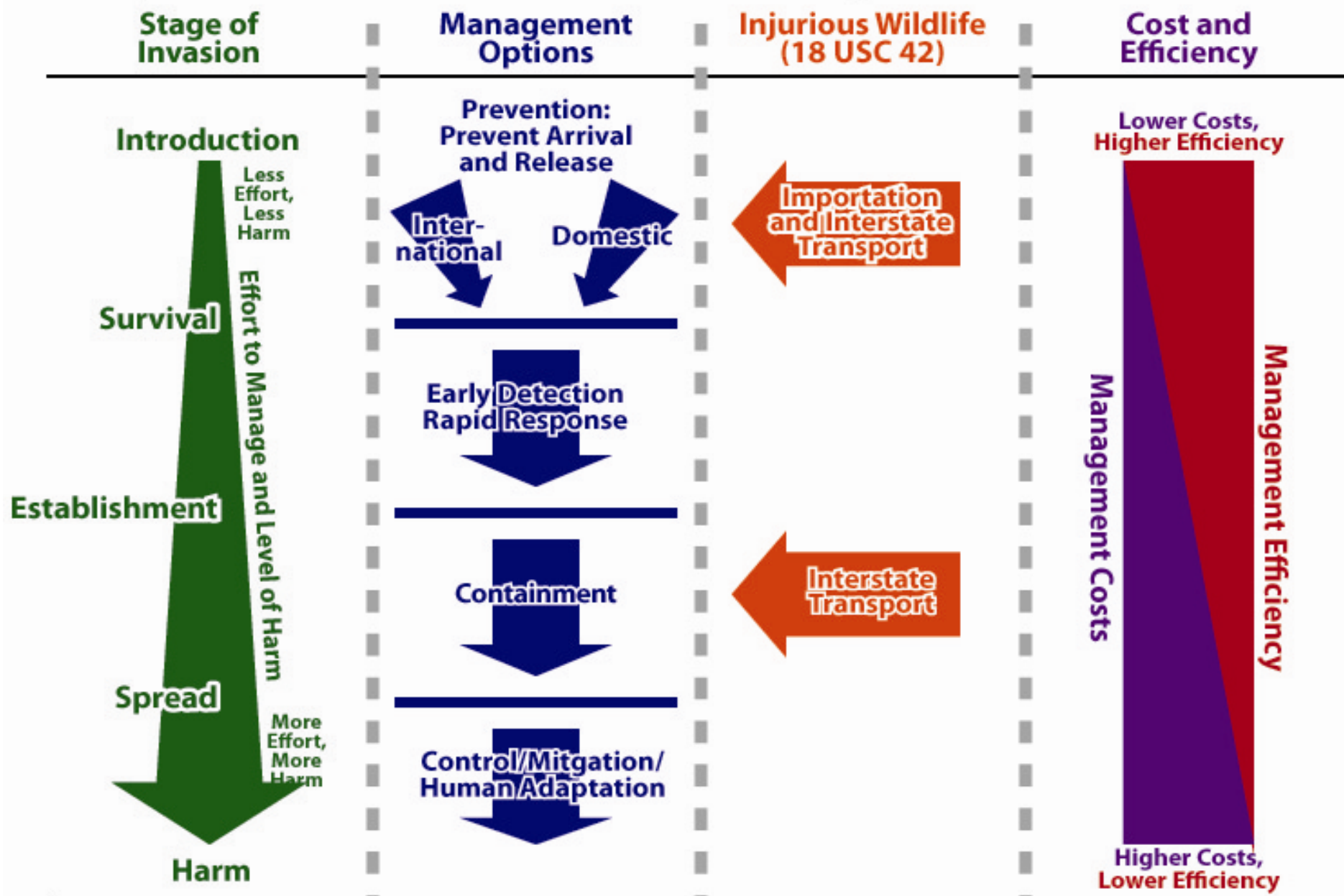
**U.S. Fish and Wildlife Service
Branch of Aquatic Invasive Species
Craig Martin, Branch Chief
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Today's talk

- **Overview of Injurious Wildlife (18 USC 42)**
- **Biosecurity: globally to locally**
- **Perspectives: Where I believe we are headed under Title 18 and other risk management approaches**



Aspects of the Invasion Management Process



Injurious Wildlife: Federal Regulatory Framework

- “Give me you tired, your poor, your...” [invasive species]...”yearning to breathe free”
- We can do better: Nationally coordinated regulatory and voluntary approaches are key to invasive species and pathway risk management

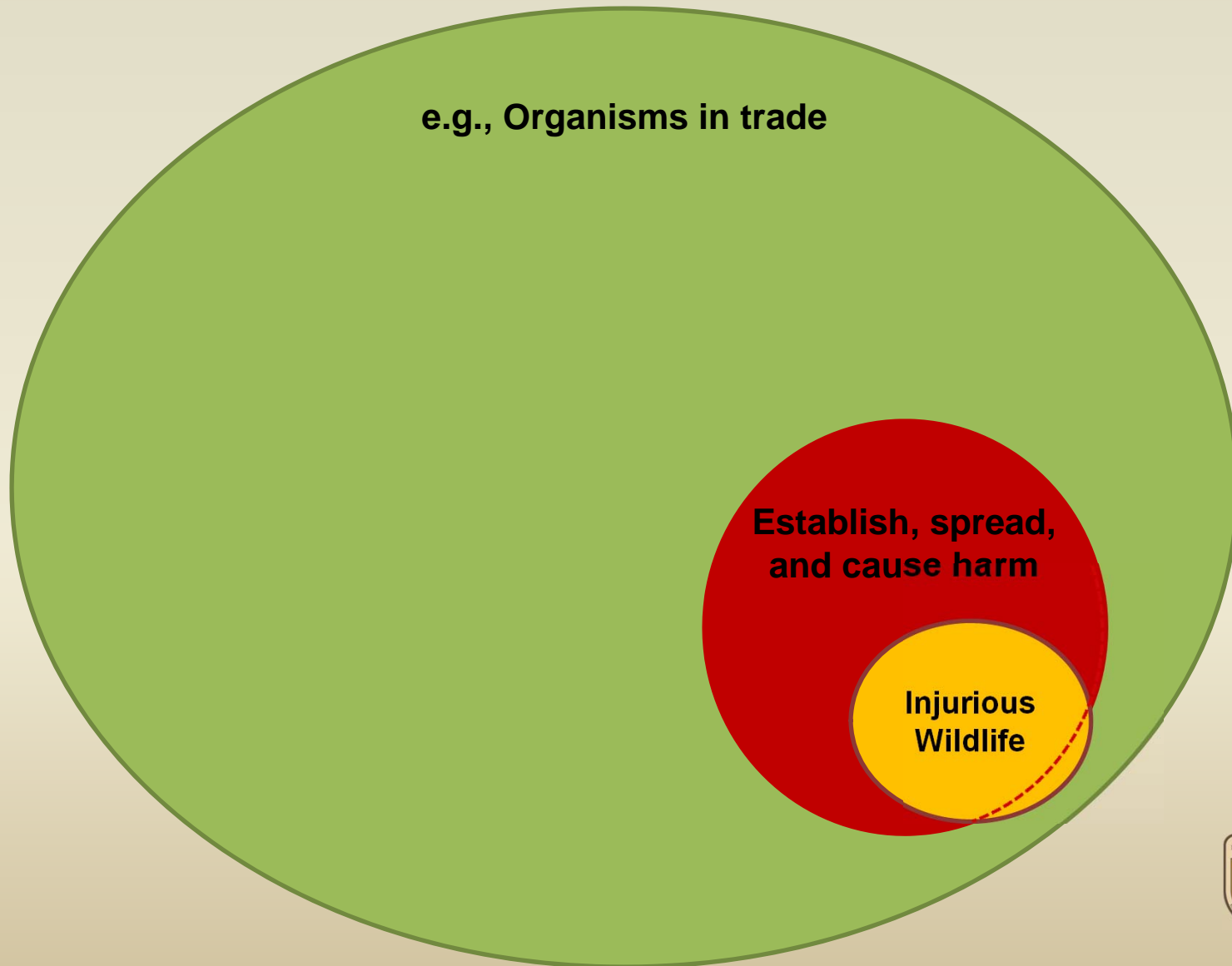


Authorities

- **Nonindigenous Aquatic Nuisance Prevention and Control Act 1990
(as amended by National Invasive Species Act of 1996)**
 - Aquatic Nuisance Species Program
 - Interagency Task Force
 - Regional Coordination
 - State/Interstate ANS Management Plans
- **Lacey Act**
 - Title 16: Anti wildlife and plant trafficking
 - Title 18: Injurious Wildlife (importation/interstate transport)



Injurious Wildlife - “Wildlife” found through regulation or Congressional action to be injurious to the interests of human beings, agriculture, horticulture, forestry, wildlife or wildlife resources of the United States. *Lacey Act 18 USC §42*.



Injurious Wildlife: Title 18 Lacey Act

Invasive Species Pathways

Transportation Related Pathways

Pathways related to the transportation of people and goods.

Living Industry Pathways (incl. Commerce in Living Organisms)

Pathways associated with living organisms and/or their by-products.

Miscellaneous Pathways



1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “North Texas Zebra
3 Mussel Barrier Act of 2012”.

4 SEC. 2. COMPLIANCE WITH LACEY ACT.

Title 18 Lacey Act Injurious Listing Facts

- 1900
- Interior (FWS)
- Can list only:
 - wild mammals
 - wild birds
 - fishes
 - reptiles
 - amphibians
 - mollusks
 - crustaceans

NO OTHER ANIMALS OR PLANTS
- Operates under APA
- No statutory deadlines
- Economic Analyses, NEPA



Bighead Carp



When/what did we list?

- 1900 Fruit bats, mongooses; European starling, house sparrow **by Congress**
- 1952 European rabbit; mynahs, starling genus
- 1965 Red dog (dhole), multimammate rat or mouse; pink starling
- 1967 Dioch, Java sparrow, red-whiskered bul-bul
- 1968 Salmonids (without health certificate)
- 1969 Walking catfish family
- 1982 Raccoon dog
- 1989 Mitten crab genus
- 1990 Brown treesnake
- 1991 Zebra mussel **by Congress**
- 2002 Brushtail possum; snakehead family
- 2007 Silver, black, and largescale silver carp (=Asian carps)
- 2010 Bighead carp (=Asian carp) **by Congress**
- 2012 Burmese python, N. & S. African pythons, yellow anaconda



Title 18 Lacey Act Reform

Global to local view

“[M]ake the Lacey Act a tool for 21st Century Conservation: One that is effective in controlling import and interstate commerce in injurious species, preventing exotic invasive species from establishing naturally reproducing populations.”



Globally: International Prevention Prevention, Prevention, Prevention



Greenwire

THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

An E&E Publishing Service

INVASIVE SPECIES: FWS reaches out to old adversary in bid to build trade barriers *(Wednesday, March 28, 2012)*

Allison Winter, E&E reporter

The Fish and Wildlife Service is embarking on an effort to try to keep new invasive animals out of the United States.



FUTURE ACTIONS:

- Timely regulatory decisions
 - Proposed rule streamlining our listing process (summer or fall 2013)
 - NEPA Cat Ex (summer 2013)
- Stream-lined risk screening



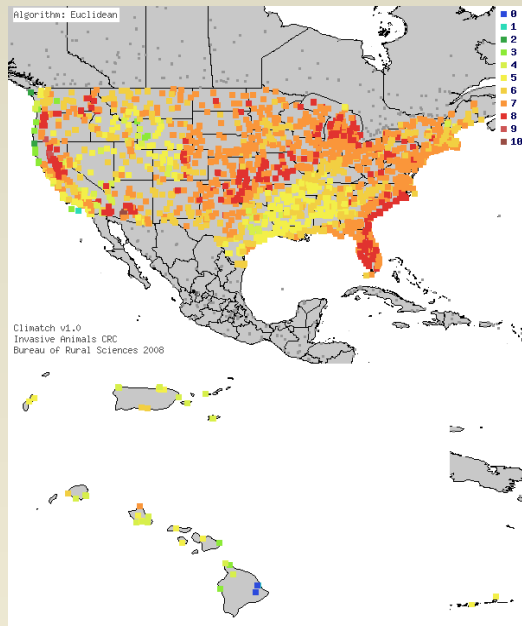
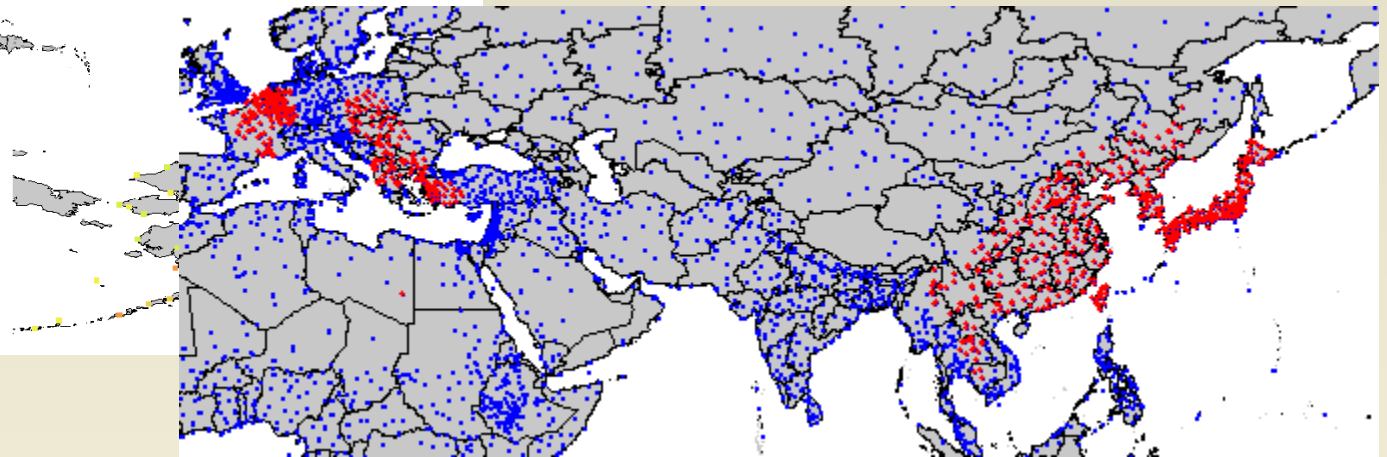


Table 1. CLIMATCH climate match scores

CLIMATCH Score	0	1	2	3	4	5	6	7	8	9	10
Count	5	5	8	24	94	305	510	868	279	5	3
Climate 6 Proportion =	0.791 (High)										



Invasion history:

- Altered trophic level
- Damaged ecosystem services
- Ecosystem change / habitat alteration
- Negatively impacts fisheries
- Reduced native biodiversity
- Threat to/ loss of native species
- Host to known non-native diseases or parasites (rosette agent)



Nationally: Injurious Wildlife Domestic Prevention & Containment



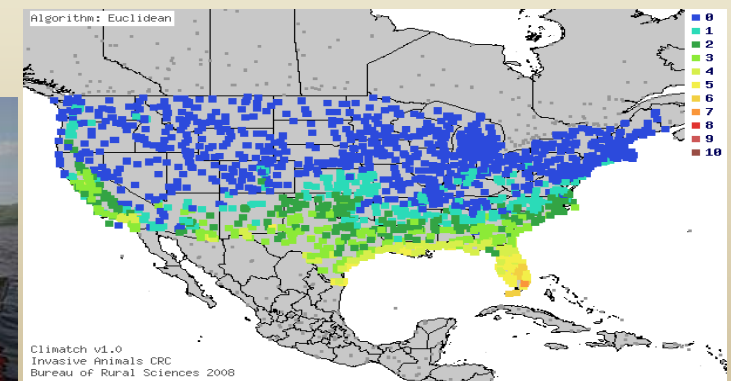
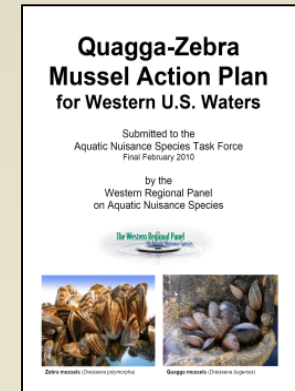
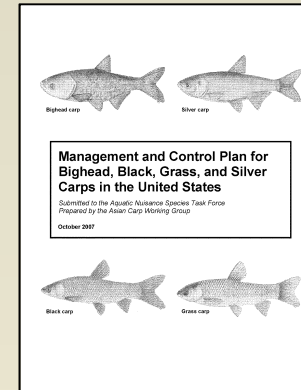
Association of Fish and Wildlife Agencies commenting on large constrictor snake proposed rule (2010): **“As it is the states’ responsibility to manage species that occur within their borders, including minimizing impacts to native species, ... Federal regulations that create undue burdens on state fish and wildlife agencies should be avoided.”**



Nationally Injurious Wildlife: FUTURE ACTIONS

Domestic prevention and containment

- Nationally and regionally coordinated priorities
 - Interstate prohibitions (Title 18)
- Federally managed lands and waterbodies: movement on and off
 - Prevention & containment responsibilities
- Interjurisdictionally coordinated regulations
 - Decision-support tools



Locally: FUTURE ACTIONS

Promoting sustainable business and hobbyist decisions



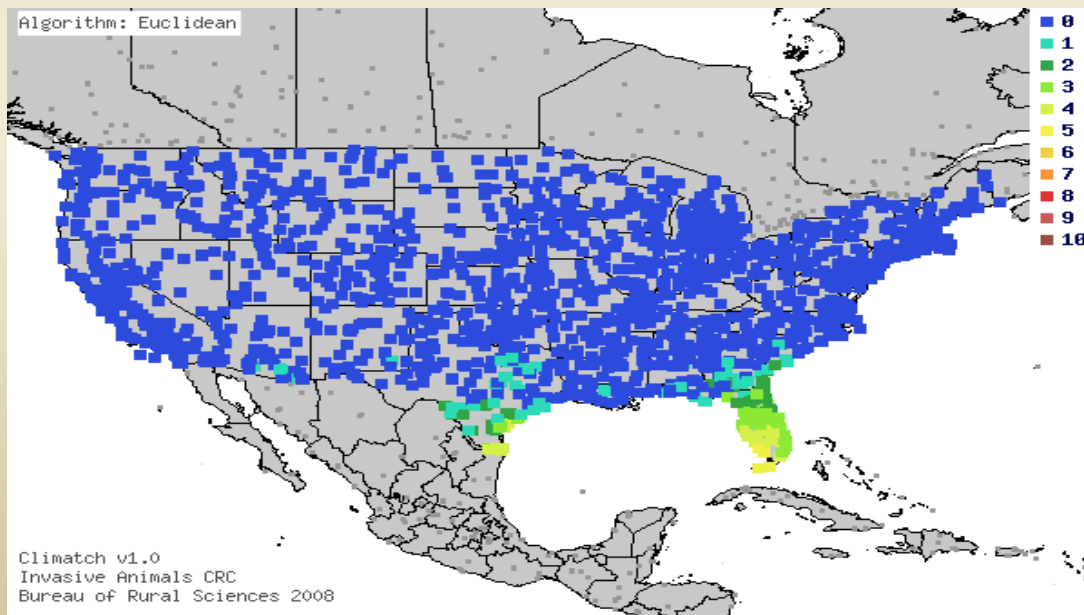
- **Habits**
 - ✓ Ensure that pets are thoughtfully chosen and well-cared for
- **Habitat**
 - ✓ Protect the environment from the effects of unwanted pets
- **Attitude**
 - ✓ Help pet owners find alternatives to the release of their pets

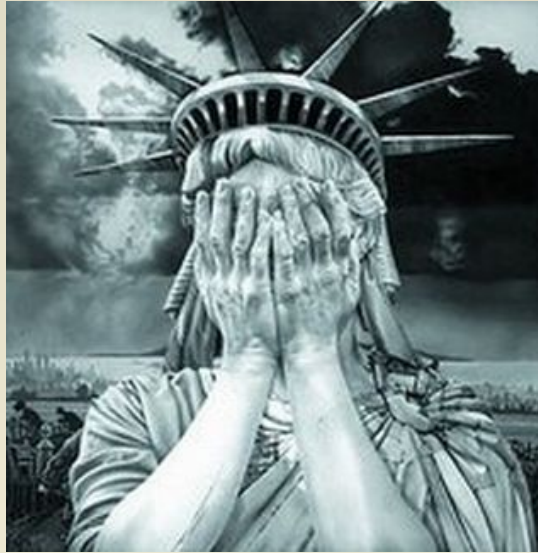
Habits: Ensure pets are thoughtfully chosen and well-cared for

Betta (*Betta splendens*)

Ecological Risk Screening

- History of Invasiveness: **Low**
 - No impacts documented.
- Climate Match: **Low**
- Overall Risk Assessment Category: **Low**
 - Certainty of Assessment: High





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'The lake left me. It's gone.'

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Tom Lynn
Dan Anderson shares a laugh with friends at the dock in Homer, Alaska. Anderson, 52, is planning to move with his family to The Last Frontier state. He says it's his only option because he can catch more fish in one day in Alaska than he can all winter from his base in Milwaukee.

As mussel numbers explode and fish vanish from Lake Michigan, the last in a long line of Milwaukee commercial fishermen sets course for Alaska

By Dan Egan of the Journal Sentinel

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