

**Fisheries and Water Resources Policy**

Chair: Jim Fredericks (ID)

Vice-Chair: Craig Bonds (TX)

Wednesday, September 25, 2024

9:00 AM – 11:45 AM

114th Association of Fish & Wildlife Agencies Annual Meeting

Madison, Wisconsin

**Agenda**

9:00 am Call to Order/Review Agenda/Approval of Minutes – *Jim Fredericks, ID*

* Minutes approved.

9:05 am Introductions - *All*

9:10 am Subcommittee and Working Group Reports

* Subcommittee on Water – *Julie Carter, AZ*
  + - * Received a presentation on smallmouth bass flows recently implemented at Glen Canyon dam.
      * Held roundtable discussion on state and partner water quality and water quantity issues. Some highlights from the discussion include:
      * Fair amount of discussion around PFAS and consumption advisories, plus a lack of clear patterns in terms of where PFAS levels are high, and which species contain highest levels. Lack of evidence of bioaccumulation we see with PCBs, mercury. There is interest in getting the Legal Committee’s input on multi-jurisdiction litigation on PFAS.
      * AFS is looking into developing new methodologies for fish kill investigations (rather than weight).
      * Both Texas and Idaho have raised concerns around issues concerning FERC’s hydropower licensing. Of particular concern is the lack of enforcement of license conditions at hydropower facilities.
      * Values for different species – some states have in statute, others reference AFS book.
      * FWS mentioned they are starting a process to conduct a climate risk assessment of their hatchery system.
      * Action item: Subcommittee recommends FWRPC endorsement of the IFWLC training center resolution.
* Drug Approval Working Group – *Alan Johnson, IA*
  + - * Alan extended a thank you to the states which responded to the Unmet Drug Needs Survey. The FWS Aquatic Animal Drug Approval Partnership Program is summarizing and a more in-depth analysis will be available in March 2025. There may be need to reach out to a few states to ask some follow up questions.
      * The DAWG is continuing to track EPA’s risk assessment and review of formaldehyde, which could have unintended consequences to the use of an important drug (formalin) for fish culture. We will be waiting to see if any rule making will take place in the coming year.
      * AQUI-S 20E Zero withdrawal approval update: The drug sponsor has reached out to the DAWG and AADAP for assistance in answering a couple questions posed by the FDA Environmental Review Team. One question related to fishing tournaments potential use of Aqui-S as a light sedation during tournament weigh-ins. This would be considered a field use and zero withdrawal use pattern. There is a need to identify the potential volume of water, dosage, and disposal of the water. The Environmental review team will want to consider the potential environmental impacts of this use. We will gather more information and may be contacting select agencies and experts to assist in answering these questions.
* Fish & Wildlife Coordination Act (FWCA) Working Group – *Jen Sheehan, AR*
  + - * With the recent WOTUS decision, FWCA engagement is becoming increasingly important.
      * Develop guidance for USACE and other federal agencies on how to engage with state fish and wildlife agencies.
      * Continued interest in FWCA trainings with NCTC
* Update on establishment of Aquatic Animal Health and Aquaculture Working Group- *Jim Fredericks, ID*
  + - * Thank you to the Executive Directors of the regional associations for designating regional representatives for the Aquatic Animal Health and Aquaculture Working Group.
      * This group will be meeting for the first time, virtually, next week. This will be an introductory meeting and will discuss potential items for the group’s work plan.

9:30 am Introduction from the New Director of the American Fisheries Society – *Jeff Kopaska, AFS*

* Jeff Kopaska introduced himself and shared his priorities for AFS, which include increasing uptake of publications, increased attendance at AFS meetings, more engagement in fisheries policy, and professional development. Fisheries management will become a bigger priority.
* Desire to get more state fisheries professionals involved with AFS.
* Currently, 30% of AFS membership is state agency employees, and this number has been slipping.

9:35 am Recommendations to AFS Regarding Names of Fishes Process – *Julie Carter, AZ*

* Julie provided an update on the letter submitted by 24 states to the American Fisheries Society in response to issues arising from taxonomic changes made in the AFS’s *Names of Fishes from the United States, Canada, and Mexico, 8th edition.* States were not forewarned of the changes, and these changes affect some state regulations and records. The letter expressed concerns about the changes and the process by which they were made.
* AFS organized a call among the committee and fish chiefs, during which fish chiefs gave examples of how their work was affected by the changes (including regulations, tournament recommendations, TES listings).
* A number of recommendations were discussed, including: providing greater transparency, having representation from the Fish Admin Section of Fish Management Section on the Names of Fishes Committee, giving fish chiefs an opportunity for pre-review of suggested changes, incorporating more grey literature, developing a process to document disagreements, and providing opportunities to appeal decisions.
* The conversation is ongoing.

9:45 am Consider Resolution to Support the Instream Flow and Water Level Conservation Training Center Concept – *Jim Fredericks, ID*

* Need to know how much water to leave in lakes, rivers, streams, etc. for fish and wildlife.
* American Fisheries Society and Instream Flow Council awarded a multistate conservation grant to assess the feasibility of establishing a new center to provide training.
* Discussion around potential funding sources for the center- some organizations have already expressed interest. Student tuition will fund part. The plan is to request Letters of Interest from those organizations interested in hosting the center.
* Question regarding whether this could be done through an existing research coop unit?
  + The steering committee has explored this and is still discussing it as part of a business plan. But we need a firewall from the government to ensure the integrity of the center is not compromised by politics.
* Motion made to adopt the resolution as presented by Lance Hebdon (ID), seconded by Tim Birdsong (TX). All in favor. The resolution will be presented to AFWA membership at the business meeting.

9: 50 am National Fish Habitat Partnership Update – *Ryan Roberts, AFWA*

* Ryan demonstrated the new NFHP project and accomplishments database, which allows the public to explore NFHP projects in their area of interest.

10:05 am Break

10:20 am Forward-facing Sonar Update and Discussion – *Ali Schwaab/All*

* Ali gave an update on a forward-facing sonar webinar AFWA held in June at the request of the FWRPC.
  + Ben Neely, Fisheries Biologist at the Kansas Department of Wildlife Parks and Tourism, shared the results of two research projects he has conducted on forward facing sonar.
  + Impacts of forward-facing sonar are different depending on type of user- for casual anglers, research so far does not indicate significant difference on catch rates or size of fish caught, but it is a different story for professional guides that use ff sonar.
  + There also appears to be regional differences in the effects of forward-facing sonar, depending on the species targeted and regional differences in growth rates.
  + Angler perception is one of the big challenges for resource managers. Anglers believe those who use forward facing sonar catch more fish—in one study, those who did not use forward facing sonar believed they would have caught more fish if they had. And this brings up the issues of equity and fairness.
  + How forward-facing sonar might exacerbate cryptic mortality of discards/released fish remains a question--FF sonar does make it easier for anglers to target fish in deeper waters and around structures; this could pose a potential problem for catch and release fisheries in times of temperature stress and for species susceptible to barotrauma
  + Regulation—difficult to regulate the technology now that it is out there and being adopted. Point was raised that it might be more impactful for resource managers to regulate their guide industry. Also, might be worth exploring developing best/ethical practices for using forward facing sonar…taking a comms/education approach rather than regulating.
  + Divided opinions on how much focus should be placed on getting fish finders to pay excise tax.
  + Interest in continuing to share research among the states.
* Committee discussion on forward-facing sonar
  + No action needed by the committee at this time, but continue to pay attention to the issue and keep it on our radar,
  + There are parallels with technology on the terrestrial side- thermal imaging sights, etc.
  + Brings up questions of fair chase and ethics.
  + Live imaging also being used in combination with AI for fish sampling and surveying, bycatch avoidance, etc.
  + Texas has revamped its angler creel to bifurcate data between those using forward facing sonar and those that are not. Seeing some differences in catch but not enough to make any changes to regulations at this time.
  + In some states, anglers are requesting fisheries managers restrict or ban forward facing sonar. Big perception issue.

10:35 am Rotenone Update and Discussion – *Julie Carter/All*

* A briefing summarizing the rotenone registration issue and possible scenarios was circulated to committee members ahead of the meeting.
* The updated cost estimate is $714k plus 30% contingency.
* EU registrant of rotenone is being required to conduct an endocrine disruptor screening study and has expressed interest in sharing the cost with the US registrant if the US registrant is also required to conduct an endocrine disruption study. No timeframe given.
* We have been told by the US registrant, Central Life Sciences, that liquid rotenone is available for emergency use. CLS has offered to help states write and submit a request for emergency use special exemption to allow them to use liquid rotenone,

The chair entertained a motion to make the following recommendation at the Business Meeting:

*The Fisheries and Water Resources Policy Committee seeks Directors’ approval to engage with the governmental members of the Association of Fish and Wildlife Agencies to ascertain 1) the current extent of rotenone use and 2) members’ interest in contributing funding for the sub-chronic inhalation neurotoxicity study to maintain rotenone registration.*

*Using the results of this engagement, committee leadership will work with federal partners and the registrant, Central Life Sciences, to devise scenarios for contracting the study. These scenarios shall be presented to the AFWA Executive Committee at its December meeting for further consideration.*

Motion made by Craig and seconded by Mike Harrington. Motion carried.

10:55 am Federal Partner Updates

* USFWS Update – *Dave Miko, USFWS*
  + - * Conducting broader risk assessment of hatchery system- looking at risks posed by climate, temperature, water, water availability, aging infrastructure, etc.
      * Investigating the possibility of an aquaculture summit
      * Strategic plan update
      * Fish passage- interagency task force, priorities
* USGS Update – *Dave Hu, USGS*
  + - * Native freshwater mussels- vision and publication
      * Working on community engagement and building a community of practice.
      * USGS working with the interstate fisheries commissions, building a new relationship.
      * Interest in assessing the state of the science regarding sturgeon and paddlefish, document in development.
* USGS Cooperative Research Units– *Kevin Pope, USGS*
  + - * Kevin is the deputy chief of the CRUs.
      * 43 formal partnerships (units) in 41 states
      * Currently filling vacancies and putting together a strategic plan, which they’d like feedback on. The plan will be circulated for feedback.
* NOAA Update – *Heidi Lovett, NOAA*
  + - * BIL/IRA Funding
        + $890M total, $400M for fish passage
        + Third round of funding to begin this fall/winter
        + 4 NOFO’s
      * NOAA has updated its ecosystem-based fisheries management (EBFM) Roadmap and will release it soon.
      * NOAA FY 25 budget- $1.11B requested for NMFS in the president’s budget. This included $10M for Mitchell Act hatcheries, an increase for offshore wind. The House mark is $0.87B, and included zeroing out Mitchell Act funds, while the Senate mark is $1.16B.
      * EEJ strategy developed last year, 10 implementation plans have been developed with communities in the regions. These are now available to the public and can be accessed on NOAA’s website.
      * See NOAA’s written update for more details.
* BLM- *Pamela Mathis, BLM*
  + - * Participating in task force good neighbor authority as funding mechanism
      * Received funding under IRA for aquatic habitat restoration.
      * Aquatic resource management consolidated into one manual.
      * Bill to reauthorize America’s Conservation Enhancement Act would give BLM a seat on the National Fish Habitat Board

11:20 am Government Affairs Update– *Ali Schwaab, AFWA*

* State Boating Act (S4113, H.R. 9636)
  + to allow States to require payment of State fees related to boating as a condition for issuance of a vessel number and to collect such fees in conjunction with other fees related to vessel numbering.
  + Senate version introduced by Sen. Shaheen (D-NH), Sens. Crapo (R-ID) and Risch (R-ID) in April.
  + In September, Reps. Pappas (D-NH), Kiggins (R-VA), Moore (R- UT), and Molinaro (R-NY) introduced a House companion to S4113.
  + allow states to collect fees to fund activities directly related to improving recreational boating programs, boater safety, boating access, use of waterways by recreational boaters, and aquatic invasive species prevention and management program
  + This will strengthen the bill’s prospects for being incorporated into a larger package such as this year’s U.S. Coast Guard reauthorization. Backup will be SFR reauthorization.
* ACE Act Reauthorization (S. 3791, HR 8811)
  + The America’s Conservation Enhancement Act authorized a number of successful conservation programs including the National Fish Habitat Partnership (NFHP).
  + The Senate passed its bill to reauthorize ACE back in May.
  + House Natural Resources Committee just passed its version, HR 8811, as amended, on September 19. The House bill is similar to the Senate version, but it maintains current authorizations rather than incorporating the plus-ups from the Senate bill to adhere to House rules on spending (the Senate bill increased authorization from $7.2M to $10M). The House bill also makes a technical change to clarify the congressional designation process for FHPs.
  + Work now turns to House leadership to ensure it is put on the suspension calendar as soon as possible in November.
  + With the Senate having passed their version in May, we will also be working with both chambers to reconcile the bills and we are optimistic to secure the technical changes in the House with the funding levels from the Senate.
* Sportfish Restoration and Boating Trust Fund Reauthorization and Angling and Boating Alliance Discussions
  + - Discussions among members of the Angling & Boating Alliance (ABA) on the reauthorization of the Sport Fish Restoration and Boating Trust Fund continue to progress. The current authorization for the fund expires at the end of FY26, and the ABA is aiming to have draft legislation ready for introduction by November of this year to lay the groundwork for reauthorization in the next Congress.
    - At this point, we are not anticipating many big changes in this reauthorization round.
* WRDA S. 4367, HR 8812
  + This biennial legislation authorizes the U.S. Army Corps of Engineers feasibility studies, programs, and projects.
  + While The House and Senate have both passed their WRDA bills, which now head to a conference committee to reconcile the differences between their respective bills. Both are largely project focused and do not contain many overarching policy changes.
  + House Bill includes:
    - A provision that makes water supply a primary mission of the US Army Corps of Engineers and requires the corps to give equal consideration to water supply missions when dealing with such projects. (Sec.121).
    - A provision that grants the US Army Corps of Engineers the authority to remove abandoned vessels from navigable waters if determined that it would be in the public interest. $10M per year between fiscal years 2025 and 2029 is provided (Sec. 141).
    - Reauthorization of several AIS programs
    - It authorizes 160 new feasibility studies for locally proposed projects, and another 12 that have been reviewed by the corps and approved by an official.
  + Senate Bill
    - the bill directs the GAO to initiate a study within one year to evaluate the Corps’ project partnership agreements.
    - Specifically, the bill directs the Corps to analyze the indemnification clause and the assumption of Operations, Maintenance, Repair, Rehabilitation & Replacement (OMRR&R) responsibilities by the non-federal sponsor in perpetuity (see Sec 233(b) on page 108 of the bill).
    - ICWP led a sign-on letter to both chambers in support of the Senate's PPA study provisions and submitted it to Senate EPW and House T&I two weeks ago. AFWA has signed on.

11:45 pm Adjourn