

**Fisheries and WATER RESOURCES POLICY COMMITTEE**

**Chair: Jim Fredericks (ID)**

**Vice-Chair: Craig Bonds (TX)**

**Date: Wednesday, September 27, 2023**

**Time: 9:00AM-12:00PM MDT**

**Macleod A4, TELUS Centre**

**113th Association of Fish & Wildlife Agencies Annual Meeting**

**Calgary, Canada**

**Agenda**

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

9:05 am Introductions - *All*

9:10 am Subcommittee and Working Group Reports

* Subcommittee on Water – *Julie Carter, AZ*
	+ No action items
	+ Monday held meeting (21 attendees from 12 states/territories) and held earlier virtual meeting
	+ Stream gauge gap analysis
	+ Instream flow updates and conservation center update
	+ NFHP update (focused on water elements; upcoming habitat assessment; NFHP partnerships can apply for water rights)
	+ Gov Affairs update and state roundtable updates
	+ Thank all state fish chiefs and state directors for allowing technical staff to attend Instream Flow Council meetings
	+ IFC and AFS seeking endorsement of conservation center; business plan in development
		- Interest in virtual options to continue so that subcommittee members can remain engaged virtually
* Drug Approval Working Group – *Alan Johnson, IA*
	+ Convened virtually on September 7
	+ Memorandum of Agreement between AFWA and partners was finalized in July 2023.
	+ Federal Budget: AADAP funding may be reduced from $1.2 million down to $800,000 depending on which version of the spending bill moves forward
	+ AADAP is developing a Guide to Indexing to package information about Indexing for easy access to public.
	+ planning to conduct an Unmet Drug Needs Survey in 2024 as a follow up to the 2018 survey-- this data will be utilized to coordinate and prioritize aquaculture and fisheries drug approval efforts
	+ The need for a fourth approved antibiotic was mentioned and the DAWG and partners will reinitiate efforts to find a willing drug sponsor and candidate antibiotic.
	+ Drug status highlights available
* Fish & Wildlife Coordination Act Working Group – *Jen Sheehan, AR*
	+ Researching existing training materials
	+ Desirous of collecting case studies
	+ Desirous of bringing in federal partners to discussions
		- Discussed changes to WOTUS definition, BIL/IRA implementation
		- Compiling information to be shared on AFWA web page dedicated to WG
		- Seeking clarity on definition of public lands and resources that trigger consultation with highway department projects
* BFRCWG – Justine Hasz, co-chair
	+ Haven’t met this year; churn in committee membership
	+ Scott Anderson (NC) represents BCC (appointed as Co Chair)
	+ Follow up needed on depredation permit processes and fish chief survey (seeking feedback on utility of new permit system and state of conflicts)
		- Ask for input from FWRPC to re-populate WG with new contributing members
	+ Progress on DCCs and need to focus some attention on next-level priority birds (e.g., American white pelican, Neo Tropical Cormorants, etc.)
	+ Draft circulating on intra-/inter-agency white paper on BMPs for collaboration and communication on these issues

9:25 am BIL/IRA Federal Implementation Updates

* USFWS – *David Miko*
	+ 2nd annual partner workshop happening this December in South Carolina
	+ Federal inter-agency task force on fish passage formed; effort to identify draft projects (GIS layers and priority landscapes); desirous of focusing federal funds on priority needs
	+ Inter-agency fish passage access portal to provide information and link strategies among and across broader watersheds
	+ USFWS has invested over $70 M for over 200 fish passage projects so far
	+ Oct 12th, next NOFO will be published; identifying prairie species, regional watershed needs, funding min/max will be increased (FY24/25); looking for awarding larger funding projects
	+ $400M over 4 years for rapid response to AIS
	+ Developing national laboratory development for eDNA work; global horizon scan to develop markers for high-risk invading species
	+ Question about how to integrate conversations about Canadian coordination on multi-jurisdictional waters
* NOAA – *Heidi Lovett*
	+ Provided PP slides at Ocean Policy Committee (see slides for details)
	+ NOAA fisheries will receive $890M for BIL
	+ $484M IRA
	+ Round 1 funding opportunity closed; awarded $400+M; 109 projects; the ask was 10X higher than what was awarded
	+ Round 2 – 4 competitions; have larger project caps, greater Tribal inclusion, staggered processes
	+ Fish.passage.grants@noaa.gov is contact (tried to capture updates below, but may want to cross-walk with info from slides)
		- $85M available for Tribes
		- $240M for habitat and coastal resilience projects
		- Habitat restoration for Tribes and under-served communities
		- Capacity-building grants (broad eligibility)
* FHWA Culvert AOP Program – *Daniel Buford*
	+ States have ability to comment on transportation projects
	+ Funds passed through to states
		- Compliance requirements with federal laws
		- NEPA umbrella
	+ HQ level engaged in issues related to stormwater impacts on fish (residue from tires and runoff)
	+ $5M to conduct research on salmon and highway barriers; reaching out to NMFS; hoping to identify projects through solicitation process
	+ Provided update on culvert program (building resilient infrastructure); facilitate aquatic passage
		- Congress authorized $800M/year, but appropriated $200M/year
		- Tribes, states, units of local governments are eligible

9:50 am Canadian Fish Habitat Protection and Connectivity – *Dr. David Browne, Canadian Wildlife Federation*

* Provided PP slide presentation; overview of program
* In Canada, cannot kill fish with any means other than fishing, this prohibits harmful alteration, disruption
* Authorization would be required from Minister and harm would need to be offset
* Created Aquatic Habitat Canada; trying to duplicate NFHP equivalent in Canada
* Canadian Aquatic Barriers database (aquaticbarriers.ca)
* Prioritizing barriers for removal, but also identifying those that need to stay to prevent hybridization or spread of aquatic invasive species

10:10 am National Fish Habitat Partnership Update – *Robert Boyles, SC / Ryan Roberts, AFWA*

* Ryan provided PP presentation overview, including history of action plan
* 20 FHPs
* FY24 proposed projects
	+ 130 priority projects approved by Board; Board sent letter to Sec of Interior for approval; DOI approved all projects; waiting on FY24 funding to determine how many can advance with funding
* Jason Olive – new coordinator, NFHP (USFWS)
* NFH Assessment
	+ By 2025
	+ Board considered options; will decide assessment option at December meeting
* December Board and FHP meetings (workshop Dec 4-5 in Charleston, SC; Board meets on Dec 6; this is held in conjunction with BIL workshop)
* Provided highlights of a few projects (e.g., Aquatic Barrier Inventory from SARP)
* 2023 Waters to Watch list; press release coming soon with maps/photos
* Spending time on bylaws and governance considerations with future reauthorization in mind

10:30 am Break

10:45 am Developing Standard AIS Inspection Guidelines for Hatcheries – *Josh Leonard, WY*

* Josh provided PP slide presentation overview
* WISCE – Western Invasive Species Coordination Effort (informal group of western AIS coordinators)
* Following Blue Book Standards (AFS)
* Initiated development of BMPs in 2019 and revisited in 2022
* NAA provided review
* Finalized in April 2023; some states have already adopted
	+ Standards to ensure fish are transported free of AIS, outline minimum standards for AIS sampling and survey, can be applied to hatcheries, etc.
	+ Promote biosecurity plans unique for each facility
	+ WY adopted statute and regulation changes requiring private hatchery inspections
	+ Developing standardized training for AIS hatchery inspections
	+ Identifying funding mechanisms to assist hatcheries that take action to treat internal infestations
* Jim encouraged Josh to initially socialize this more fully within WAFWA Fisheries Committee for acceptance and potential endorsement

11:00 am Government Affairs Update – *Ali Schwaab, AFWA*

* FY24 Appropriations
	+ As of Friday, September 22, 2023, a path forward to avoid a Federal Government shutdown was still unknown after a series of setbacks in the House as they worked to pass a short-term Continuing Resolution or CR.
* Hydropower Reform
	+ to improve the licensing process for non-federal hydropower projects
	+ working with our partners to communicate states’ concerns about the legislation in its current form and will continue to monitor its progress
* Lacey Act Amendments Act’
	+ the title 18 fix following the D.C. District court’s ruling in the case brought by US Association of Reptile Keepers
	+ would extend prohibition on transport of injurious species to interstate movement
	+ also provide the USFWS with emergency listing authority and establish a presumptive prohibition on importation of species (with some exceptions).
* SHARKED Act
	+ would establish a task force responsible for making recommendations and improving coordination and communication across the fisheries management community on the increasing prevalence of shark depredation, as well as identifying research priorities and funding opportunities
* Youth Coastal Fishing Act
	+ to direct NOAA to establish grant program for funding youth fishing projects
	+ $2M authorization
	+ AFWA endorsed
* FISHES Act
	+ to expedite the federal fishery disaster relief funding process by enacting a 30-day decision requirement for OMB to deny/approve a State’s spend plan.
	+ Endorsed by AFWA
* USACE Project Partnership Agreements (PPA) Reform
	+ Current PPA structure preventing some states from working with USACE, deterring projects
	+ AFWA working with partners to advocate for reform via WRDA 2024
	+ two PPA provisions which are most problematic are: the requirement to indemnify the federal government and the obligation to cover operations and maintenance costs in perpetuity.
* Rotenone
	+ Sole registrant CLS met with EPA August 16 to discuss need for 21-d inhalation study
	+ CLS granted another 90-day extension
	+ CLS may begin developing protocol to do additional applicator monitoring studies
* USDA National Aquaculture Health Plan & Standards
	+ Draft available for comment
	+ establishes USDA as the Federal lead agency for the protection and health of aquatic livestock
	+ will work with fish health experts to collate feedback

11:15 am Federal Partner Updates

* USFWS Update – *Dave Miko, USFWS*
	+ Staffing and budget updates provided
	+ Working on INAD process improvements
	+ Injurious wildlife listings; FAC oversees listing authority – several rules in process
	+ SFBPC – was sunset; reporting structure change; trying to get meeting in before end of year, but still populating council
		- Oversees 5-year review of RBFF; final report expected in next month for review and approval with council
* USGS Update – *Mark Gaikowski, USGS*
	+ Provided PP slide presentation
	+ Provided handout for new science vision for native mussel research
* NOAA Update – *Heidi Lovett, NOAA*
	+ Provided copies of updates and mentioned a few highlights
	+ See handout
* BLM Update – *Sharmila Premdas Jepsen, BLM*
	+ $6M in BIL funding for freshwater restoration
	+ IRA investments – TU and TNC partnerships
		- Identifying priority landscapes
		- Many opportunities to collaborate with states
	+ States with good neighbor authorities best positioned to take advantage of BIL funding
		- Originally designed for USFS and expanded to BLM
	+ Public lands rule that received AFWA’s comments
	+ BLM asking which stream gauges they fund through USGS are also state priorities to maintain

11:40 am Wrap-up Discussion – *Jim Fredericks (ID)/All*

12:00 pm Adjourn