

“GETTING IN THE GAME”: THE STORY OF USACE’S NON-FEDERAL REIMBURSEMENT PROGRAM FOR AIS PREVENTION AND RESPONSE.

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For the USACE’s Invasive Species Leadership Team (ISLT)
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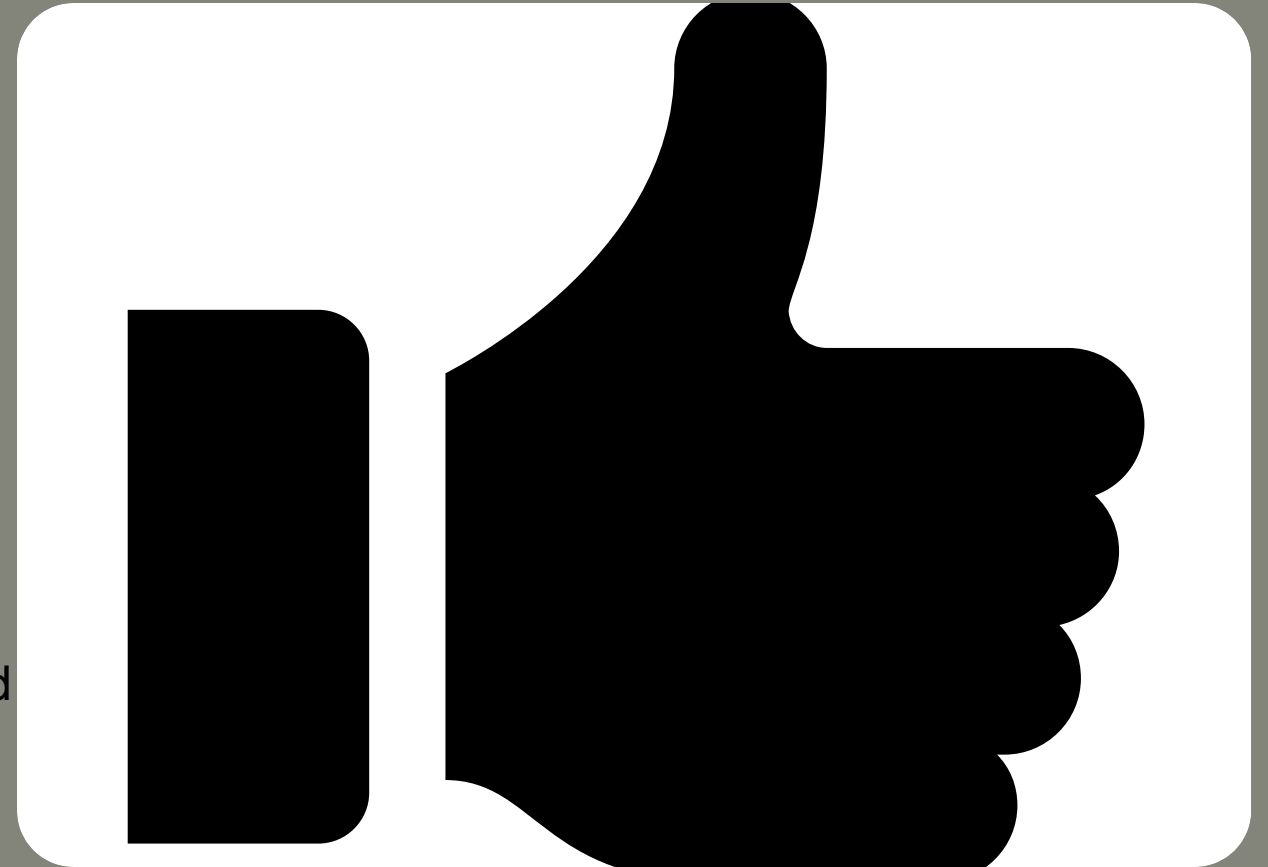
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Everyone on the USACE's Invasive Species
Leadership Team

All our Lead District team members

All the State AIS Coordinators within each Authorized
Basin

And everyone I may have missed or overlooked!



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PRESENTATION OVERVIEW

- **The Basics...**
- **A Brief Legislative History of the Aquatic Plant Control Program...**
- **Current Status of the Program...**
- **Miscellanea & FAQs...**
- **Questions & (maybe) Answers!...**



BOTTOM LINE(S) UPFRONT

- AIS create significant issues for water resource infrastructure, ecosystems, and public recreation (all USACE missions).
- Zebra/Quagga Mussels spread via recreational boat traffic
- Prevention is Best = Watercraft Inspections Stations
- Prior to 2014: USACE lacked authority to support regional prevention efforts off USACE property
- Needed to 'Get in the Game'

Big Picture: Nationally important effort. Rapidly expanding program. Lots of opportunity for success but also growing pains. ~18 States within ~10 Districts (3 MSCs). Need consistency, communication, and coordination to be successful.



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THE BASICS: WHAT THE PROGRAM IS & WHAT IT ISN'T

Rivers and Harbors Act of 1958, as amended



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RIVERS AND HARBORS ACT...

Section 104 of the Rivers and Harbors Act, as amended WRDA 2020

33 United States Code §610 – Control of aquatic plant control growths



(a) In general

(1) In general

There is hereby authorized a comprehensive program to provide for prevention, control, and progressive eradication of noxious aquatic plant growths and aquatic invasive species from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies.

RIVERS AND HARBORS ACT...

- **(d) (1) (A) Watercraft Inspection and Decontamination Stations**

In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing watercraft inspection and decontamination stations—

- (i) To protect the Columbia River Basin;
- (ii) To protect the Upper Missouri River Basin;
- (iii) To protect the Upper Colorado River Basin and the South Platte and Arkansas River Basins;
- (iv) To protect the Russian River Basin, California; and
- (v) To protect basins and watersheds that adjoin an international border between the United States and Canada.”



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RIVERS AND HARBORS ACT...

- (d) (1) (C)

- **(C) Rapid response**

- The Secretary shall assist States within the areas described in subparagraph (A) with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation.

- (d) (2) Cost Share

- The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection and decontamination stations described in paragraph (1) (including personnel costs) shall be—

- (A) 50 percent; and

- (B) Provided by the State or local governmental entity in which such inspection station is located.



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WHAT IS A WATERCRAFT INSPECTION STATION?

- Any location where watercraft are officially inspected for the presence of AIS to prevent their introduction into new waters.
 - Along major transportation routes or near high use boat launch
 - Could be a permanent, temporary, or roving
 - Might include the ability to decontaminate watercraft or direct infected boats to an appropriate location for cleaning
- Typically run by State Gov't Agencies or Local Gov't Entities
 - Someone w/ jurisdictional authority to enforce AIS regulations
 - May be supported by law enforcement
 - May be staffed by contractors or volunteers
- Most are Mandatory



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WHAT HAPPENS IF A WATERCRAFT IS CONTAMINATED?

- **Decontamination**
 - Some stations have the ability to decontaminate watercraft on site
 - Owners may be directed to location where their watercraft will be cleaned
- **Dry**
 - Requested or directed to keep the watercraft out of the water until it has dried
 - Time is dependent on State or Local regulations
- **Held or Impounded**
 - In some situations, a watercraft could potentially be held by a State or Local gov't law enforcement entity until the watercraft is decontaminated and shown to be clear of AIS.
 - Rare!
- **Caveat – State/Local Regulations may Differ!**
 - Many states are trying to align their regulations regionally



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MONITORING

- Through the reimbursable cost-share, USACE may assist States with Monitoring for AIS
- Early Detection of Aquatic Invasive Species
 - Water column samples for veligers of Zebra/Quagga Mussels
 - Substrate sampling adult Zebra/Quagga Mussels
 - DNA/RNA sampling*
- Water Quality – including Sediment Cores
 - Testing water quality to determine risk conditions of invasion



RAPID RESPONSE PLANNING AND ACTION

- Within authorized basins, USACE may assist states with Rapid Response to any Aquatic Invasive Species
- Preparation and Planning
 - Reimburse for equipment purchases, training, response exercises and drills
 - Worth with States on response planning efforts
- Rapid Response Actions
 - Reimburse for on the ground response actions to newly discovered AIS infestation.



SOME CLARIFICATIONS...

What it is...

- Cost-share Program w/ Non-federal Sponsors (NFS)
 - NFS can place inspection stations on USACE (and other Fed) property.
 - Can be operated by the NFS or their contractors
- Reimbursable
 - NFS develops an annual work plan, approved by the USACE
 - NFS Invoices for up to 50% of costs incurred under the approved work plan
 - USACE pays for completed work

What it isn't...

- NOT a funding mechanism for USACE operating projects
 - Stations on USACE lands MAY require a RE Instrument
 - USACE shall not operate the station or provide volunteers
- NOT a grant program
 - NFS does not receive funds prior to completing work



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LEGISLATIVE HISTORY: 1958 – TODAY

Rivers and Harbors Act of 1958 – key amendments through WRDA 2020



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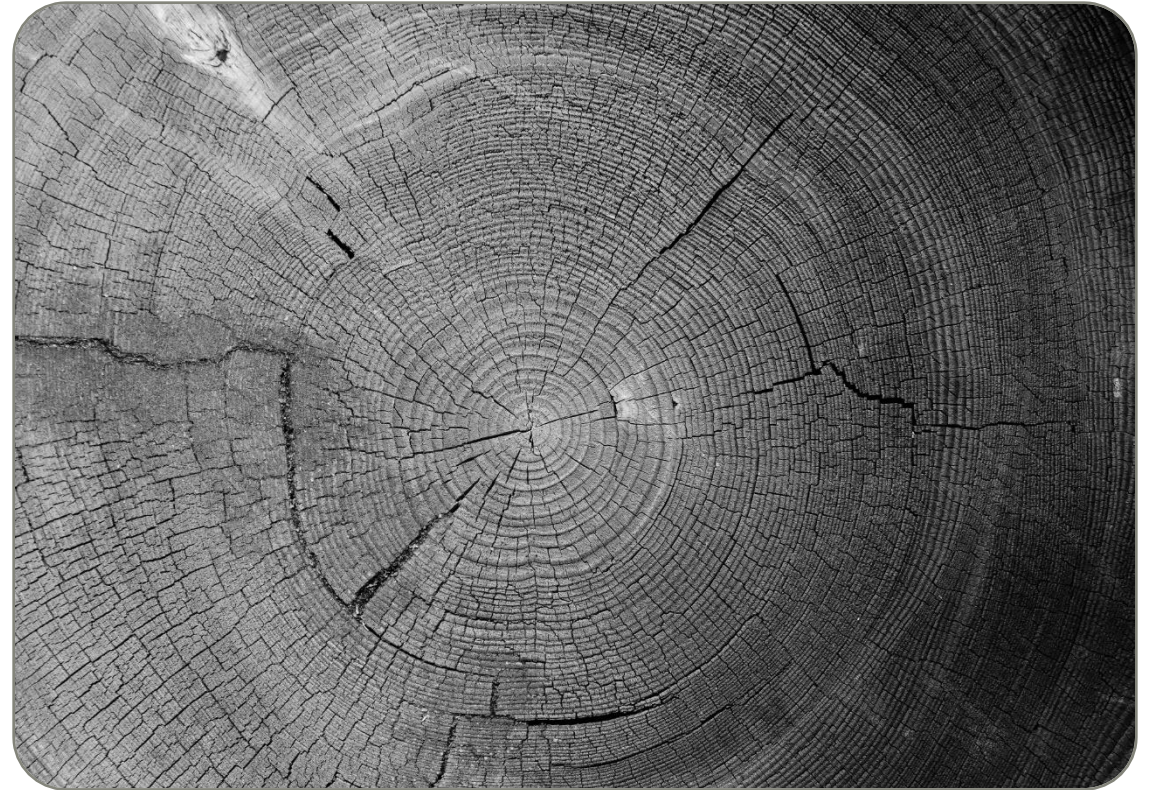
LEGISLATIVE HISTORY (AUTHORIZATION): 1958 – TODAY

Rivers and Harbors Act of 1958

- Specific aquatic plant species
- 8 southern U.S. states
- 70:30 Cost-share

Amendments through 1999

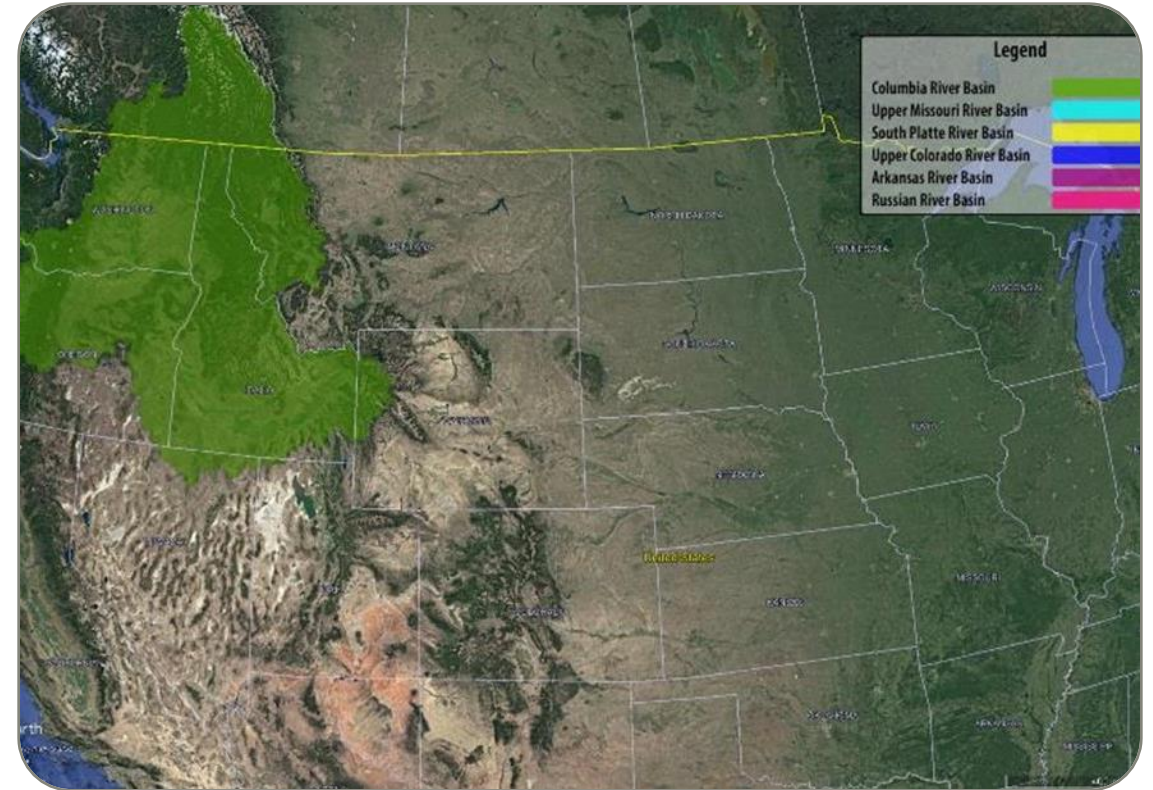
- Research and planning at full federal expense
- Authorization increase from 1.3M to 15M
- Geographic scope added all U.S.
- Species updated to include all aquatic plants



LEGISLATIVE HISTORY: 1958 – TODAY

WRDA 2014 (PL 113-121)

- Created Watercraft Inspection Station Program (WISP) within Columbia River Basin (CRB)*
- 50:50 Cost-share with Non-Fed Sponsors
- Authority focused on protecting USACE CW projects
- Amend. covered species to include all Aquatic Invasive Species (AIS), e.g. Zebra & Quagga Mussels
- USACE authority for Risk Assessments, AIS Monitoring, RR Planning, and WQ Monitoring
- Authorization of 40M (20M WISP, 20M APC)



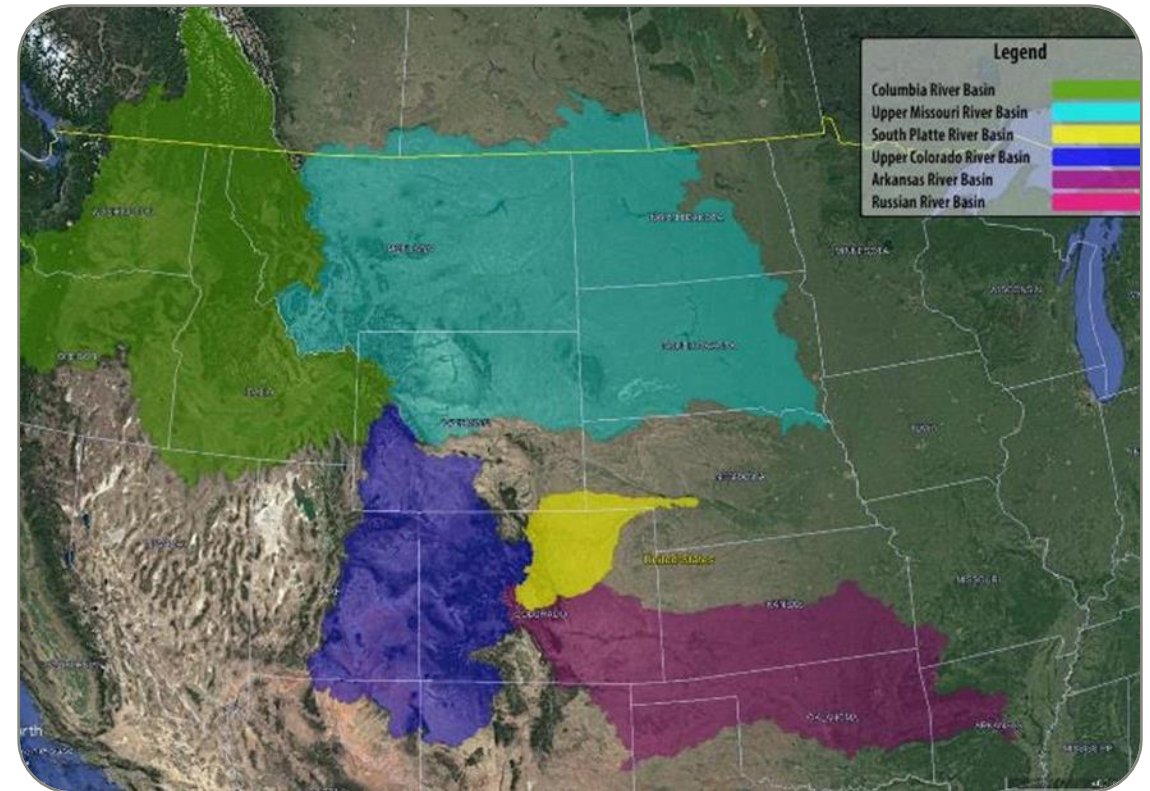
LEGISLATIVE HISTORY: 1958 – TODAY

WRDA 2016 (PL 114-322)

- Amended CRB WISP to include entire political boundary of CRB states* vs. CRB drainage area
- Authority to assist States w/ Rapid Response Actions
- Authorization of 40M (20M WISP, 20M APC)

WRDA 2018 (PL 115-270)

- Significant geographic and \$\$ expansion;
 - (i) Columbia River Basin (30M)
 - (ii) Upper Missouri River Basin (30M)
 - (iii) Upper Colorado, South Platte, and Arkansas Basins (30M)



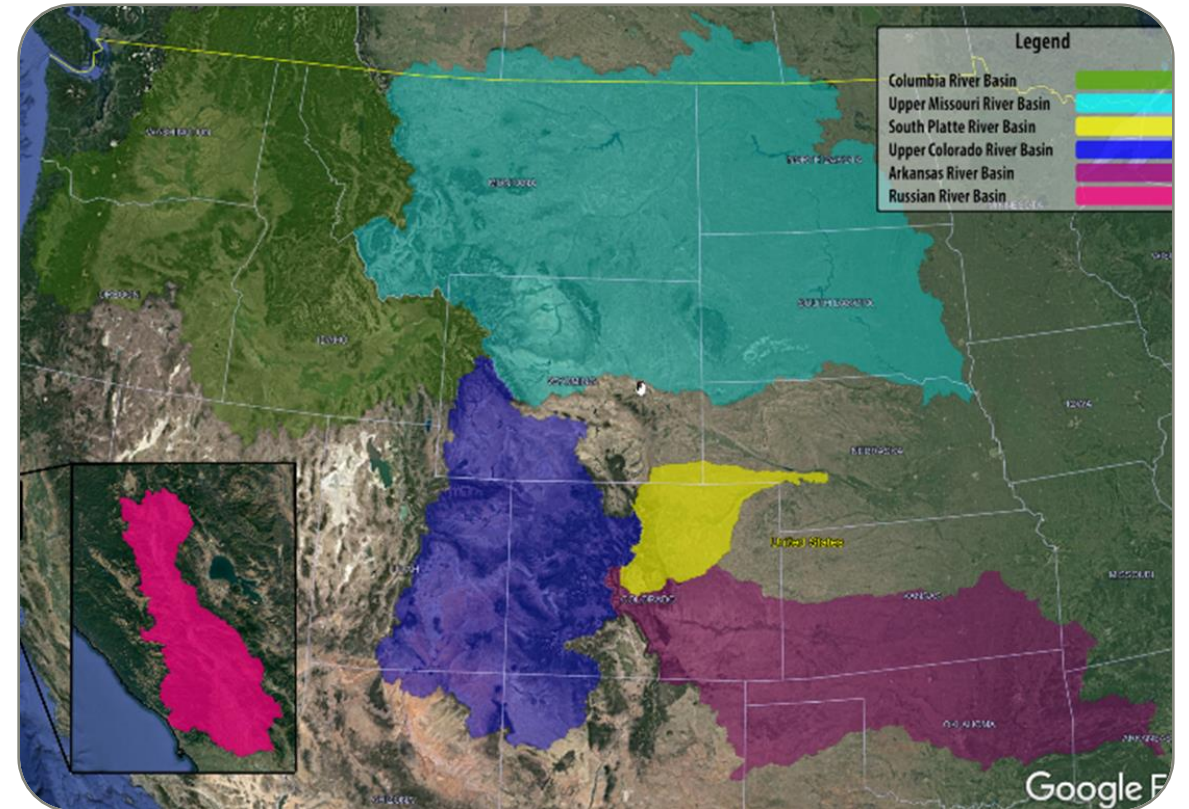
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LEGISLATIVE HISTORY: 1958 – TODAY

WRDA 2020 (PL 116-260)

- Expanded geographic area;
 - (iv) Russian River Basin (30M)
 - (v) US – Canada Border Region (10M)*
- Modified ‘Location’ criteria for inspection stations
 - WRDA 2014: justification based on protect USACE projects.
 - WRDA 2020: Amends to those with the “highest likelihood of preventing the spread of AIS into and out of waters of the United States”.
 - Potential impacts to how each basin is justified within the letter report.



LEGISLATIVE HISTORY (FUNDING): 2014 – TODAY

Congressional Authorizations by Basin (WISP)

WRDA YEAR	PROGRAM AUTHORIZATION	
2014	Total – \$20M	CRB - \$20M
2016	Total - \$20M	CRB - \$20M
2018	Total - \$90M	CRB - \$30M UMRB - \$30M UCRB, SPRB, ARP - \$30M
2020	Total - \$130M	CRB - \$30M UMRB - \$30M UCRB, SPRB, ARP - \$30M RRB - \$30M US-CA Border – \$10M



LEGISLATIVE HISTORY (FUNDING): 2014 – TODAY

Congressional Appropriation (WISP)

FISCAL YEAR	TOTAL APC (WRDA COST-SHARE)	SUBPROGRAM APPROPRIATIONS
FY16	\$4.0M	4M - R&D of Aquatic Invasive Plants
FY17	\$9.0M (5M CS)	4M - R&D of Aquatic Invasive Plants 4M - Watercraft Inspection Stations 1M - Monitoring and Contingency Planning
FY18	\$11.0M (6M CS)	5M - R&D of Aquatic Invasive Plants 6M - Watercraft Inspection Stations <i>- Also control of Flowering Rush</i>
FY19	\$12.0M (6M CS)	5M - R&D of Aquatic Invasive Plants 5M - Watercraft Inspection Stations 1M - Monitoring related to WISP 1M - Control of Flowering Rush
FY20	\$24.0M (18M CS)	5M - R&D of Aquatic Invasive Plants 15M - Watercraft Inspection Station 3M - Monitoring related to WISP 1M - Control of Flowering Rush 1M - Flowering Rush & Hydrilla
FY21	\$25.0M (18M CS)	15M - Watercraft Inspection Stations <i>- equal split between subsections i, ii, and iii</i> 3M - Monitoring related to WISP 6M - Nationwide R&D of Aquatic Invasive Plants
FY22	TBD (estimate \$26.0M)	TBD (estimate similar to FY21, +1M for R&D)



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CURRENT STATUS AND EFFORTS

Rivers and Harbors Act of 1958, as amended – Watercraft Inspection and Decontamination Station Cost-share Program.



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CURRENT STATUS OF AUTHORIZED BASINS

Columbia River Basin

- Active program for WA, OR, MT, and ID
- Working to incorporate WY & NV – finalizing LR

Upper Missouri, South Platte, Upper Colorado Bains

- Letter Reports & NEPA w/ MSC(s) for Policy Review – PDT is addressing comments
- Finalization is expected Q4 FY22

Arkansas River Basin

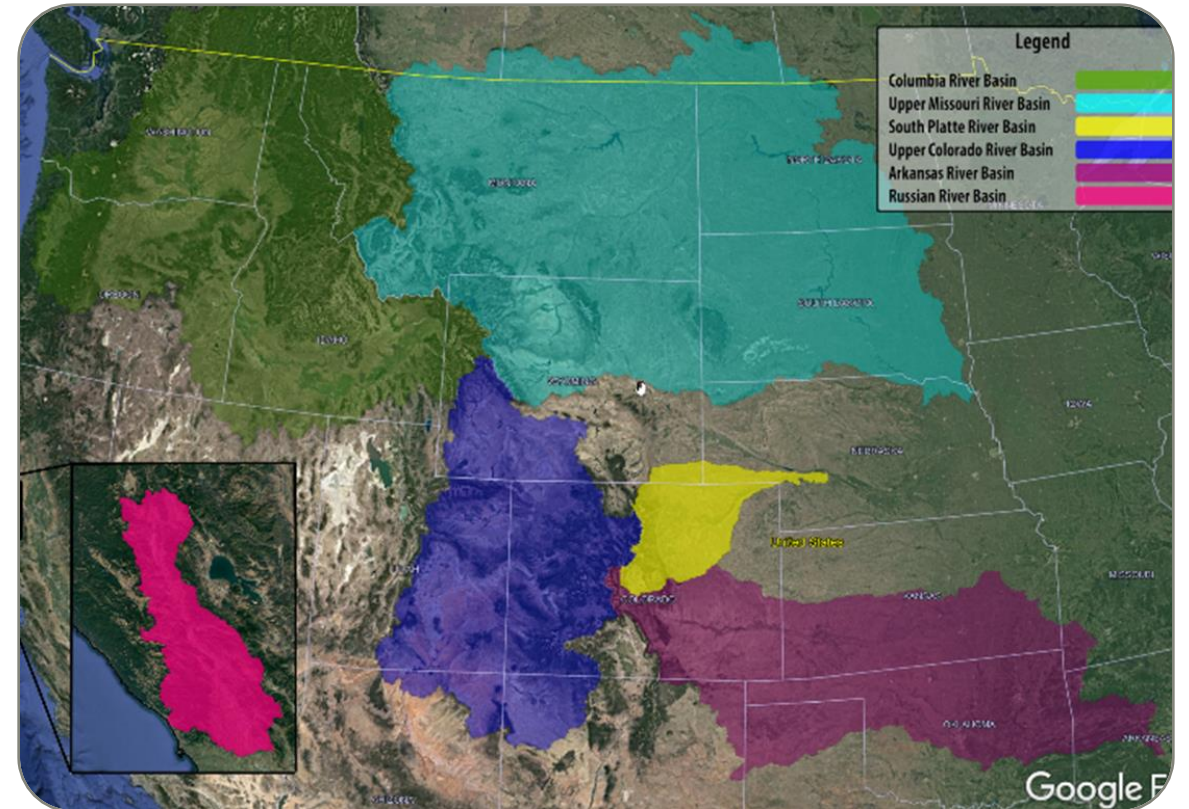
- Working to kickoff Letter report w/ Lead District

Russian River Basin

- Letter Report in DQC w/ NWW & SPN (Lead District)

U.S. – Canada Border Region

- Initiating 1st steps for international cost-share (MOU)



MISCELLANEA & FAQs...

Rivers and Harbors Act of 1958, as amended – Watercraft Inspection and Decontamination Station Cost-share Program.



FAQS... PLACEMENT ON FEDERAL PROPERTY

Can inspection stations be placed on federal property?

Yes, there are several ways in which an inspection station may be placed on USACE property – however they are not all eligible for reimbursement under the cost-share program.

What are the limitations to placement on federal property?

To be eligible the station must be part of a non-federal sponsor's overall AIS prevention program and be covered by a current Project Partnership Agreement. The station must be run by the non-federal sponsor and not be supported by the federal agency's resources, staff, or volunteers. Most stations would require a real estate instrument detailing the use of the federal property.



FAQS... PLACEMENT ON FEDERAL PROPERTY

Can USACE operate an inspection station on project lands?

Yes, USACE is permitted to construct and operate watercraft inspection stations as part of their Civil Works missions on project lands. However, it would not be eligible for reimbursement through the cost-share program. It must be supported through routine O&M funding streams or other partnerships.

Is there funding available to support USACE run inspection stations outside of normal O&M resources?

No, at this time if a USACE operating project wanted to place and run their own inspection station it would need to be funded from that projects' operating budget or through a separate partnership program authority.



FAQS... PLACEMENT ON FEDERAL PROPERTY

Why are you telling me all this? I'm with USACE and this program either 1) doesn't provide funds for my organization and/or 2) isn't authorized in my region.

Educate. Within USACE our field and district staff plays a critical role educating the public and other partner agencies in our authorities and capabilities. They (you) are often our agency's most direct contact with State and Local entities who are looking for ways to prevent the spread of AIS.

Celebrate. USACE does great work on invasive species that is sometimes overshadowed by limitations in our authorities. This program, and others like it (ERDC Research), are great examples where we can showcase how we're involved in these efforts at a National scale.



CLOSING REMARKS...

Expanding program authorized within 16 states (and counting!) to protect the nation from the impacts of Aquatic Invasive Species.

Cost-share Partnership between USACE and a Non-Federal Interest to prevent the spread of AIS into and out of waters of the United States.

Bolsters non-federal AIS prevention programs by providing reimbursements to NFS for work completed under the agreement – and therefor protect USACE projects and missions.

