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Interagency Task Force on Invasive Aquatic Plants and Nuisance Species

January 15, 2023

Report to the Joint Standing Committees on Environment and Natural
Resources, Inland Fisheries and Wildlife, and Marine Resources
131st Legislature, First Session

**Findings and Recommendations of
the Interagency Task Force on
Invasive Aquatic Plants and
Nuisance Species to Reduce the
Threat of Further Infestations**

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I. Purpose of Report and Renewed Role of the Task Force

Invasive species threaten freshwater and marine habitats and native species while burdening state agencies and local organizations with prevention, detection and control costs. In 2001, the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species was established to advise natural resource-related agencies on matters pertaining to research, control and eradication of invasive aquatic plants and nuisance species. 2021 Public Law, Chapter 522 amended existing statute regarding the role of the task force (38 MRS §1871).

The task force first convened in 2002 and worked with state agency staff and a contractor to develop Maine's [Action Plan for Managing Invasive Aquatic Species](#). In addition to presenting priorities for Maine, the plan met federal requirements making Maine eligible for annual US Fish and Wildlife Service funding to prevent, detect and control invasive aquatic species. Since development of the plan, the task force has been a forum for members and other interested parties to discuss issues regarding invasive aquatic species.

The task force is composed of twelve Governor-appointed public members and the Commissioners of Department of Environmental Protection (DEP) (Chair), Department of Inland Fish and Wildlife (IFW), Department of Health and Human Services (DHHS) and Department of Agriculture, Conservation and Forestry (DACF). Eleven public members were appointed and reappointed by Governor Mills in November 2022; DEP is seeking a candidate to fill the final seat. For information on the task force's membership, see Appendix 1.

2021 Public Law, Chapter 522 requires that, on or before January 15, 2023, and biennially thereafter, the task force submit to the Legislative committees of jurisdiction for the Departments of Environmental Protection, Inland Fisheries and Wildlife, and Marine Resources a report containing its findings and recommendations, including any suggested legislation, on matters relating to controlling the introduction of invasive aquatic plants and nuisance species in the State. Chapter 522 also requires that the task force convene a stakeholder group in developing findings and recommendations.

This report includes findings and recommendations from a stakeholder group formed in 2021 and required findings on four specific items in Chapter 522.

II. Stakeholder Group Recommendations Submitted to the Task Force

In May 2021, DEP and IFW staff formed a stakeholder group with the objective of increasing public awareness and influencing behavior change to limit spread of

invasive aquatic species. The group includes representatives from 19 organizations, including regional and statewide nonprofit organizations, business associations and state agencies. (See Appendix 2 for stakeholder group individuals and organizations.) The stakeholder list was developed by agency staff but remains open to additional members.

The stakeholder group held nine meetings between May 2021 and December 2022. Stakeholders brought broad experience and devoted significant time to often intensive discussions. Three subcommittees held additional meetings and reported back to the full stakeholder group.

The stakeholder group developed the approximately 25 action items in Appendix 3. These action items were reviewed and endorsed by the task force in December 2022.

Each action item includes the entity/entities expected to play a lead role, description, and a brief status statement. Action items fall into one of these five categories:

- New Boat Ramp Construction Best Management Practices (BMPs)
- Courtesy Boat Inspection (CBI) Program
- Funding Prevention, Early Detection and Control work
- Infested Waters
- Communication /Outreach/Enforcement

Following are examples of action items:

- Increase revenue for invasive aquatic species prevention, early detection and control work. A stakeholder group subcommittee will begin working on this in the second half of January 2023.
- New Clean, Drain, Dry (CDD) sign. The sign was designed and produced, and installation at launches has begun.
- Consistent outreach in 2022. State agencies and lake associations spread similar CDD messaging. The intent is to continue similar annual messaging from agencies which lake groups can tailor to their local/regional outreach.
- Contract for human dimension specialist. Professional help to design and implement outreach is needed. DEP will issue a RFP in 2023.

III. Specific Matters Required for Consideration

The task force is required per P.L. 2021, ch. 522 to include findings on the following matters for only the January 2023 report.

1. Methods to expedite and improve the process for treating lakes infested with invasive aquatic plants with newly developed herbicide treatments or vegetation removal processes

Findings

DEP's priority for herbicide use is in cases of rapid response to new infestations where eradication is possible. The DEP may also consider herbicides to diminish established plant populations when mechanical methods aren't sustainable.

DEP has a General Permit (GP) for discharge of herbicides to State waters. Obtaining approval under the GP is faster than applying for an individual permit. Requirements for approval under the GP include detailed project description, notification, conducting a public meeting and evaluating public comments. Planning well in advance of the treatment can expedite projects.

DEP confers with regional and national colleagues, commercial applicators and chemical manufacturers regarding herbicide use, risk, and efficacy. While new chemicals for aquatic plant management are infrequent, one was registered in 2017 and is the primary product used by the DEP.

DEP also monitors innovations in mechanical plant removal. For example, DEP was contacted in 2022 by a vendor promoting a type of dredging equipment but this was not an appropriate technique for the management of Maine lake infestations because of the associated physical disturbance.

During 2023, the task force will review the 2006 Rapid Response Plan to identify ways to further expedite processes for controlling invasive aquatic plant infestations.

2. Methods to expedite and improve restrictions limiting the use of watercraft on areas of lakes infested with invasive aquatic plants

Findings

State agencies strive to balance controlling invasive species spread with maintaining public use opportunities. Maine Revised Statutes, Title 38, Section 1864 allows the Commissioners of DEP and IFW to jointly issue an emergency order to limit watercraft on infested areas of lakes. Requests for emergency orders have come from DEP and from lake groups. Requests are discussed by DEP and IFW staff counterparts before they are brought to the Commissioners for their consideration. The Commissioners meet as soon as their schedules allow to consider an order.

Ordering such a restriction is obviously a significant decision and is not taken lightly. Commissioners consider the use of the area, the risk of spread, the extent of infestation, enforcement of the restriction and other factors in making their decision.

In some locations, in lieu of a formal restriction, Commissioners have endorsed deployment of signs stating “Do Not Enter” to deter boaters from entering an area with invasive aquatic plants. The signs were attached to buoys and anchored in the lake by DACF’s Navigational Aids Program.

The task force will consider ways to improve the surface use restriction process when reviewing the Rapid Response Plan in 2023.

3. The feasibility of requiring inspections of watercraft put into or taken out of lakes infested with invasive aquatic plants or lakes identified by the DEP to be at risk of infestation

Findings

This initiative requires statutory change, significant oversight and funding, and enforcement. Watercraft would need to be launched and removed only at specific locations where inspectors are present, which may preclude launching watercraft on private property. An order per 38 MRS §1864 (see #2 above) could require that watercraft on waters affected by the order be removed only at locations identified in the order; an order may also require inspections and cleaning of watercraft at sites identified in the order. This does not extend, however, to boats entering a water body that is subject to the order.

Significant oversight and funding for inspectors at each ramp would be needed so that each involved ramp remains open a reasonable amount of time for public use. Per 38 MRS §1864, inspections under an order must be conducted by designated state boat inspectors.

The task force will continue to discuss potential situations where requiring inspections may be appropriate.

4. The permit requirements for recreational and sporting events held on lakes infested with invasive aquatic plants or lakes identified by the DEP to be at risk of infestation.

Findings

IFW completed rule-making in 2022 to develop a permitting process for organized boating events to manage natural resource concerns, including managing the spread of invasive species on all waters of the state. IFW's Chapter 13 watercraft rules (sections 13.10 – 13.12) are available at the following link.

<https://www.maine.gov/sos/cec/rules/09/chaps09.htm>

The task force remains concerned about pre-fishing prior to sanctioned tournaments and will consider mechanisms to implement pre-fishing inspections.

IV. Summary

Maine is fortunate to have high-value water resources and organizations and individuals committed to protecting them. The task force's stakeholder group spent significant time discussing issues around invasive species spread prevention and developing the action items in Appendix 3, and the task force endorsed these recommendations. This collaborative work among agencies, water-related organizations, industry and individuals will continue with the objective of preventing, detecting and controlling invasive aquatic species.

Appendix 1

Task Force Members

Interagency Task Force on Invasive Aquatic Plants and Nuisance Species December 2022 Membership

Four ex officio voting members:

- | | |
|-----------------------------------------------------------|----------------|
| 1. Commissioner of DEP or commissioner's designee (chair) | John McPhedran |
| 2. Commissioner of DIFW or designee | Jason Seiders |
| 3. Commissioner of DHHS or designee | Susan Breau |
| 4. Commissioner of DACF or designee | Don Cameron |

Twelve members representing the public appointed by the Governor:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1. Representative of the State's Lake associations | Toni Pied |
| 2. Rep. of a statewide recreational watercraft owners association | <i>vacant</i> |
| 3. Rep. of a statewide organization of marina owners | Zach Stewart |
| 4. Rep. of a lakes education program | Laura Wilson |
| 5. Rep. of public drinking water utilities | Erica Kidd |
| 6. Rep. of commercial tree and garden nurseries | Jim Listowich |
| 7. Rep. of home gardeners | Jane Eberle |
| 8. Rep. of municipal government | Colin Holme |
| 9. Rep. of statewide sporting association | Craig Richardson |
| 10. Rep. of a statewide outdoor recreational group | Pam Heuberger |
| 11. Person with demonstrated expertise in lake ecology | Roberta Hill |
| 12. Person who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species | Bob Chapin |

Appendix 2

Stakeholder Group Members

Name	Affiliation
Lidie Robbins	30-Mile River Watershed Association
Tamara Whitmore	Friends of the Cobbossee Watershed
Toni Pied	Friends of the Cobbossee Watershed
Roberta Hill	Lake Stewards of Maine
Colin Holme	Lakes Environmental Association
Mary Jewett	Lakes Environmental Association
Steve Lewis	Lovell Invasive Plant Prevention Committee
Tim Gratto	Maine BASS Nation
Gary Fish	Maine DACF
John McPhedran	Maine DEP
Josh Noll	Maine DEP
Karen Hahnel	Maine DEP
Denise Blanchette	Maine DEP
Francis Brautigam	Maine DEP
Kathy Hoppe	Maine DEP
Jerrold Parker	Maine DIFW
Emily Maccabe	Maine DIFW
Sue Gallo	Maine Lakes Society
Jim Listowich	Maine Landscape and Nursery Association
Stacey Keefer	Maine Marine Trade Association
Nancy Olmstead	Maine Natural Areas Program
Jason Luce	Maine Warden Service
Chad Tokowicz	Marine Retailers of America
Nate Whalen	Portland Water District
Craig Richardson	Sportsman's Alliance of Maine
Tim Paul	The Nature Conservancy Maine Field Office
Mac McGinley	Trout Unlimited Maine Chapter

Appendix 3

Clean, Drain, Dry Stakeholder Committee Action Items

Areas of consensus

May 2022 updated with status December 2022

Categories of Action Items

- **New Boat Ramp Construction Best Management Practices (BMPs)**
- **Courtesy Boat Inspection (CBI) Program**
- **Funding Prevention, Early Detection and Control work**
- **Infested Waters**
- **Communication /Outreach/Enforcement**

New Boat Ramp Construction BMPs (all ownerships)- As site conditions and opportunities allow design new facilities to include:

- **(IFW/ACF)** Strategic parking for Courtesy Boat Inspectors for effective deployment of preventative risk reduction measures.
- **(IFW/ACF)** Favor selection of deeper water sites where there is a lower risk of establishing invasive benthic organisms
- **(IFW/ACF)** Designate /design an area to facilitate both CBI and unsupervised inspections, cleaning, and draining boats (*where drainage will not migrate to any water of the state and not interfere with traffic flow*)
- **(IFW/ACF)** Provide appropriate location for use of branded CCD signage / messaging / inspection / cleaning
- **(DEP/ACF)** Review MDEP/ACF-LUPC licensing process to support awareness of current information on the location of infestations and, where appropriate, agency consultation to the extent there is authorization to consider in licensing
- **(IFW/ACF)** Designate area where local communities interested in funding construction and operation of wash stations or other non-CBI preventative efforts can be accommodated
 - Installation of wash stations are not viewed as “the solution” (existing stations apparently aren’t frequently used), but there may be some microscopic risks, e.g., zebra mussel larvae, that may benefit from some type of washing instead of visual inspections and may be a useful tool if the public can be convinced to use them.

Long-term implementation as projects arise; IFW incorporated these Best management Practices on new water access projects starting summer 2022 as conditions and opportunities allow and will share with ACF for their consideration and application to new ACF water access projects

CBI Program – Heart of our frontline prevention program

- **(DEP/LEA (Lakes Environmental Association) or subcommittee)** Continue the annual review and update of the standardized CBI handbook to incorporate new requirements or procedures and encourage use, even where state funding is not provided. One new update discussed is requiring removal of plants washed up on ramps to reduce translocation risks. *DEP-LEA started Spring 2022; requires annual review and update to include improved protocols and emerging threats*
- **(DEP/LEA or Subcommittee)** Explore opportunities for CBIs to create a more professional presentation to the public that may include more training and more professional appearance. *DEP-LEA – Spring 2023 and 2024*
- **(DEP/LEA or Subcommittee)** Explore interest in requiring the public to submit to CBI checks. While relatively few boaters currently do not comply with CBI requests, a requirement to submit to an inspection when an inspector is present may better legitimize the program and reduce incidence of disrespectful communications from the public. *Stakeholder subcommittee discuss feasibility and consider bringing to task force, Fall 2023*
- **(IFW/Maine Lakes)** Explore opportunities for DIFW to assist with outreach to create awareness and help recruit CBI applicants. If one organization (Maine Lakes) could host a link that would serve as a repository for all entities seeking to hire CBIs, and also create standard expectations and pay. Coordinating statewide recruitment of CBIs would allow DIFW to reference its outreach through a single link. *IFW will consider adding Maine Lakes link to their temp jobs website Spring 2023*
- **(DEP/IFW/ACF/ Subcommittee)** Multiple points of access to state waters - One recognized challenge in allocating limited funds for preventive programs (e.g., CBI programs) is that some waters have multiple private, state, municipal, and commercial launch facilities on the same water, requiring resources to spread across multiple access sites to manage threats. The concept of limiting the number of Town, private, and commercial launches on certain high risk state waters, where there is suitable state-owned public access that is sufficient to support public access and use needs, would accommodate a more efficient statewide deployment of available resources to manage invasive risks. Encourage consolidation of launches where suitable state launches are available and/or can be made available to meet public access needs. This awareness was not identified as a call to action to reduce public access, but rather to encourage creative and voluntary opportunities for consolidation of access points for the purpose of more effectively managing preventative programs, where other existing state access can fully accommodate public access and use opportunities. Or perhaps including opportunities for expanding state access to offset lower use sites and consolidate preventive risk reduction measures at fewer access points. This finding was

identified to create awareness regarding the challenge of allocating limited funds for preventive programs on waters where there may be multiple private, state, municipal, and commercial launch facilities on the same water. *No formal timeline; explore opportunistically*

Funding Prevention, Early Detection and Control work*

**The original item was to fund prevention work, but the task force revised this action item to include funding for early detection and control*

- The Lake and River Protection Sticker fee is not adequately covering what is needed and a future increase should be considered. This finding is based on the following points:
 - DEP receives requests for funds that exceed the funds currently available. Furthermore, these requests are only for plants, not for all invasive organisms.
 - In addition to the state funding requests, there are significant funds raised by towns, and organizations via private donations, private foundations, etc.
 - The extent of the increase needs to be based on additional data and development of a more comprehensive funding and needs plan
 - **(DEP/Subcommittee)** Developing a recommended budget for an appropriately prioritized invasive prevention program is needed. A prioritized allocation of funding resources could be based on MDEP's Risk Vulnerability Index and should include side boards for consistency and accountability (e.g., agreed upon hours of CBI coverage, CBI wages, infested/most as risk focus for CBI and plant surveys, etc.) *DEP-IFW-Watershed Partners will begin developing budget as early as mid-January 2023*

Infested Waters

- **(IFW/MDEP)** Extremely simple (at a glance), uniform signage at boat launches informing boaters of invasive species in the waterbody is needed. This would provide awareness at a glance. This would likely also need some PSA type outreach to achieve general recognition and weblink reference for additional information. *IFW-DEP designed and produced signs summer 2022; installation ongoing with goal of posting most State sites on infested waters by June 2023*
- **(DEP/IFW)** Some infestations may pose a level of threat that warrants additional investments beyond CBIs (Wash stations, increased CBI coverage, Surface Use Restriction (SUR), Relocate Launch, etc.). Triggers for these investments should be memorialized as guidance and may include:
 - Elevated CBI plant transport data
 - Proximity of infestations to launch areas

- Risk and threats posed relative to ease of detection and dispersal
- Risk Vulnerability Analysis
- Specialized focus based on user group posing risk

DEP- IFW Spring 2023 starting with discussions with Lake Arrowhead dam owner

- **(DEP/IFW)** Review/refine interagency coordination protocols to support effective rapid response to new infestations, that may or may not include advocacy for a short-term temporary launch ramp closure and/or other formal or informal SUR to provide time for development of an Action Plan. *MDEP – IFW - Spring 2023*
- **(DEP/subcommittee)** Value in deploying more “signed” buoys in waters to denote areas of infestation to create awareness with in-lake boaters, using direct language like “keep out”. Currently Navigation Aids Program (ACF) deploys Standard navigational with special signage under fee MOU with DEP. Ability to leave buoys in over winter and opportunity to deploy smaller buoys that can support signage in the future reduces costs and wait times. *DEP – IFW – DACF - Spring 2022, ongoing*
- **(DEP)** PBR references the presence of invasive aquatic plants as ineligible for PBR, yet the presence of invasive aquatic plants is not specifically referenced in NRPA, creating concern that the issue may not be receiving attention by NRPA licensing staff. Licensing staff identified two potential approaches and opportunities to increase staff awareness of aquatic invasive species (AIS), specifically pertaining to new marinas or expansion of marinas and dredge projects: awareness training at licensing staff meetings and explore development of an AIS data layer to be added to DEP’s web viewer as part of staffs’ desk top review. *DEP – Summer 2023*

Communication / Outreach / Enforcement

- **(No additional work required - concurrence)** There is value in developing consistent standard language referring to invasive aquatic organisms or aquatic invasive organisms which both share the same text, and try to avoid using acronyms like AIS/IAS in messaging
- **(IFW) (Emily Maccabe) (completed)** Advance a baseline public angler survey (DIFW) to assess public awareness of AIS/IAS prior to implementing an enhanced public outreach and awareness campaign. The survey will target motorboat operators, nonmotorized paddle sports (no specific contact listing like there is for motorboats operators), anglers and eventually waterfowl hunters. *IFW – Spring 2022; completed and rolled-out summer 2022*
- **(IFW) (Emily Maccabe)** Develop a new landing web page for all DIFW outreach – to support more comprehensive public information and awareness campaign that will link with DEP. *IFW – completed Spring 2022; see <https://www.maine.gov/ifw/fish-wildlife/fisheries/aquatic-invasive-species.html>*
- **(IFW) (Emily Maccabe)** Develop outreach content for MDIFW landing page. *IFW – ongoing*

- **(MDEP)** Develop a contract for expertise in human dimension and behavioral influence to assist with developing new communication strategies that encourage the various public user groups to embrace CDD. The objectives would be to identify barriers to conducting inspections, determine how to eliminate the barriers, and enhance the messaging campaign to meet the goal of increasing the rate of boater self-inspection. The actual contract work would be undertaken after a follow up to the baseline boater/angler/hunter survey. *DEP – start Winter 2023*
- **(IFW/DEP)** Develop a new CDD awareness sign (at a glance reminder) using existing nationally recognized language, but branded for Maine. *IFW – DEP Spring 2022 completed, posting of signs in progress*
- **(No additional work required – Sub Committee input provided)** Proposed mandatory Maine boater education program - support inclusion of a Maine module that informs the public on Maine boating laws and outreach regarding invasive aquatics (input provided by subcommittee)
- **(IFW) (Jason Luce)** WS commitment and work expectations for district wardens to support CDD, including CBI. This work program expectation will be tracked in in “spillman” for accountability. There will also be a presence at organized fishing events, including bass tournaments. Wardens will be promoting the CDD campaign, creating broader awareness of AIS to include species in addition to milfoil, and encourage all boaters to drain their live wells/boats away from the water before they launch, as well as checking anchor lines etc for aquatic invasive species. Paddle sports will be included in this outreach. Enforcement/outreach will be consistent with funding from the Lakes and Rivers protection sticker fund. *IFW – Summer 2022 completed initial CDD awareness initiative; WS will continue to have role creating awareness while enforcing applicable laws*

(IFW) (Emily Maccabe) Develop some general guidance and communication focus for participating stakeholders with an expectation that all participating stakeholders will develop and convey at least one CDD outreach communication. *IFW – Spring 2023*