



Great Lakes Fishery Commission

ESTABLISHED BY CONVENTION BETWEEN CANADA AND THE UNITED STATES TO IMPROVE AND PERPETUATE FISHERY RESOURCES

On behalf of the Great Lakes Fishery Commission, I thank you for holding this meeting today to discuss APHIS' emergency order about the spread of VHS virus in the Great Lakes region.

My name is John Dettmers. I am the fishery commission's senior fisheries biologist. Among other things, I am responsible for providing support to the Great Lakes Fish Health Committee—a group of fish health professionals from around the Great Lakes basin.

The Great Lakes Fishery Commission is a Canadian and U.S. institution established in 1956 by the *Great Lakes Fisheries Act*, pursuant to the *Convention on Great Lakes Fisheries*, a treaty between the two nations. Under the convention, the commission is responsible for coordinating fisheries research, controlling the invasive sea lamprey, and making recommendations to governments about measures to preserve and improve fish stocks of common concern.

Also under the treaty, the commission was encouraged to help the jurisdictions coordinate their fishery management activities. Pursuant to that vision, the jurisdictions of the Great Lakes basin—the eight states and the Province of Ontario, in consultation with the federal governments—requested that the commission help draft and facilitate the implementation of a *Joint Strategic Plan for Management of Great Lakes Fisheries* of 1981. U.S. tribes signed on to the plan in 1989.

The *Joint Strategic Plan* is a non-binding agreement designed to help all of the fishery agencies on the Great Lakes, particularly the non-federal agencies with management authority, develop and implement their shared objectives. The *Joint Strategic Plan* also provides a way for the non-federal agencies—agencies that retain primary fishery management authority on the Great Lakes—to work with federal agencies. The U.S. Fish and Wildlife Service, the U.S. Geological Survey, Fisheries and Oceans Canada, and the National Oceanic and Atmospheric Administration are formal signatories to the Joint Strategic Plan. Other federal agencies—including the U.S. Army Corps of Engineers, the Environmental Protection Agency, the U.S. Department of State, Environment Canada, the Canadian and U.S. Coast Guards, and other federal agencies including, in the past, APHIS—work with others through the plan's process.

The *Joint Strategic Plan* is implemented through lake committees, which comprise senior fishery managers from the state, provincial, and tribal agencies. Scientific understanding is generated, shared, and digested in technical subcommittees consisting of biologists from the federal and non-federal governments. A Council of Lake Committees—comprising all lake committee members—allows fishery managers to discuss basinwide issues and a Council of Great Lakes Fishery Agencies—made up of chiefs of fisheries departments and federal agencies—ensures that the cooperative process is maintained.

The Council of Lake Committees oversees two major subcommittees—the Law Enforcement Committee and the Great Lakes Fish Health Committee. Both subcommittees are designed to help officials who are involved in those matters work together on a basinwide level. Both subcommittees also involve the federal agencies.

For more than 25 years, the *Joint Strategic Plan* process has worked extremely well. Through the plan, the independent jurisdictions have committed themselves to working together to share information, reach consensus on their information needs, reach consensus on the meaning of data, and develop shared fisheries objectives and management plans. The process is collegial, synergistic, ecosystem-based, and effective. It allows the agencies to communicate and coordinate efficiently, to seek ways to leverage resources, and to take unified action when necessary. The regular meetings that have occurred during the past 25 years have developed a remarkable culture of cooperation on the Great Lakes that is voluntary and non-binding, yet is an extremely effective process that allows the jurisdictions to collaboratively solve their shared concerns.

Given the extremely effective and much respected process that exists in the Great Lakes basin, the Great Lakes Fishery Commission is very disappointed that APHIS, with little experience in the basin, chose to act unilaterally and with minimal consultation with the management agencies to address the VHS issue. This unilateral approach is not only inconsistent with the process by which authority is exercised in the basin, but completely disregarded the fact that the non-federal agencies will be responsible for implementation of any order APHIS issues. While we agree that VHS is a serious problem, APHIS ignored several key facts:

- The non-federal fishery agencies on the Great Lakes closely coordinate their work;
- The non-federal fishery agencies will be instrumental in implementing any response to VHS; and
- The federal and non-federal fishery agencies on the Great Lakes—on both sides of the border—have been working on developing and implementing a response to VHS, as evident in the comprehensive suite of recommendations of the Great Lakes Fish Health Committee.

Indeed, given the highly organized structure that exists to help agencies cooperate in the basin, it is extremely disappointing that APHIS did not take advantage of these mechanisms when addressing VHS. I cannot stress enough the importance that APHIS adopt a genuinely collaborative approach by which it and other federal agencies work very closely with all of the management agencies and affected parties to develop the interim rule that will replace the emergency order.

Several federal agencies, including APHIS, have responsibilities to prevent invasions by non-native species. More than 180 non-native species are present in the Great Lakes basin, many of which cause considerable harm to the Great Lakes environment and economy. Some estimates put the annual damage in the billions of dollars, though irreparable harm to the environment and the food web cannot be quantified. However, despite widespread consensus that something needs to be done immediately, and given that the vectors for these species—ballast water, canals, importation of live organisms, recreational activities—are reasonably well known, it is

incomprehensible to us that the federal government has taken little action to halt the influx of invasive species. In fact, a new species emerges in the Great Lakes region every 9 months or so; the newest invader—a species of *Mysis* that was discovered just last month by NOAA—likely came into the system via ballast water and threatens to be yet another nail in the Great Lakes food web’s coffin.

Indeed, with this tremendous need for federal leadership

- we find it difficult to comprehend why APHIS failed to consider the ballast water vector when it issued its emergency order for VHS;
- we find it incredible that ballast water continues to be the primary vector for invasive species in the Great Lakes and that meaningful measures still do not exist to prevent new introductions via ballast from ocean-going vessels entering the Great Lakes;
- we are disappointed that the federal government has failed to lead invasive species prevention, leaving it up to the states to fend for themselves.

If the federal government - and specifically APHIS - really wants to make a difference in addressing invasive species—including harmful pathogens like VHS—the commission recommends that APHIS and other relevant federal agencies consider and implement the recommendations of the Aquatic Invasive Species Strategy Team, developed through the Great Lakes Regional Collaboration. These recommendations reflect the consensus of the region and are designed to address invasive species from a variety of vectors. A copy of the strategy team’s report is attached to my statement.

First and foremost, the federal government should endorse the immediate passage of comprehensive invasive species legislation that closes all of the invasive species doorways. I am certain APHIS would agree that it is far better to prevent an introduction like VHS than to try to mitigate its spread and damage once a species enters the system.

I encourage APHIS to address the root of the problem by taking a leadership role, at the federal level, to make sure that invasive species prevention becomes the highest priority for the federal government.

The Great Lakes Fishery Commission agrees with our state and tribal partners that many aspects of the original order were inappropriate responses to VHS and, subsequently, APHIS amended the order to take into account the perspectives of its non-federal partners. We commend your actions in that regard, as the commission believes the amendments to the order are a good start.

For the development of a suitable interim rule, we recommend

- the immediate inclusion of non-federal agencies in the process to develop the interim rule;
- that APHIS regulate ballast water movement to prevent introduction of invasive species at all organismic levels;
- that APHIS be prepared to accept more flexible rules issued by state agencies to most effectively protect against the spread of VHS; and

- that APHIS adopt the recommendations of the Great Lakes Fish Health Committee as the most appropriate response to VHS.

The commission sincerely wishes that APHIS will leave this meeting today with a better understanding of, and appreciation for, how cooperative fishery management occurs in the Great Lakes region. APHIS needs to be aware that the non-federal agencies closely coordinate their policies. They work collegially and effectively with each other and with their federal counterparts.

To date, APHIS' actions while handling the VHS issue have not been in the spirit of Great Lakes fishery management. APHIS' behavior has forced too many people and agencies in the Great Lakes region to focus solely on their response to the Emergency Order rather than on implementing the recommendations of the Great Lakes Fish Health Committee and truly addressing the spread of VHS in the most meaningful way.

We look forward to a closer interaction and collaboration with APHIS as we, together, develop the interim rule.