

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND
WILDLIFE**

OPPOSED TO L.D. 879

“An Act To Decrease the Risk of the Spread of Invasive Aquatic Plants”

SPONSORED BY: Representative TUCKER of Brunswick

CO-SPONSORED BY: Senator GRATWICK of Penobscot
Representative BABBIDGE of Kennebunk
Representative DODGE of Belfast
Representative DOORE of Augusta
Representative DOUDERA of Camden
Representative HEPLER of Woolwich
Representative MATLACK of St. George
Representative NADEAU of Winslow
Representative O’NEIL of Saco

DATE OF HEARING: March 4, 2019

Good morning Senator Dill, Representative Nadeau and members of the Inland Fisheries and Wildlife Committee. I am Francis Brautigam, Fisheries Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in opposition of **L.D. 879** that would require the Maine Departments of Inland Fisheries & Wildlife (MDIFW) and Environmental Protection (MDEP) collaborate on to development of a risk assessment tool to inform decisions regarding public access to public waters and issuance of permits for fishing derbies and bass tournaments.

The bill’s intent appears to focus on reducing risks and the potential for transporting milfoil from infested water to uninfested waters. While the Department supports the intent of the bill, we believe the identified concerns are already being addressed under existing statute and permitting programs, including a collaborative working relationship between the two agencies.

Both agencies maintain a strong commitment to preventing, and managing new infestations of all organisms (plant and animal) within the realm of aquatic invasives, and when practical pursuing eradication initiatives. Both agencies regularly discuss invasive issues and concerns, including enforcement strategies that are a primarily the responsibility of the MDIFW. Both agencies also share opportunities for input on work programs and funding.

This bill implies concern regarding the implementation of MDIFW’s water access program, at least where invasive plants are already present. The goal of MDIFW’s water access program is to provide fair, equitable, safe and permanent access to Maine’s public waters for fishing, boating, and associated

recreational activities, and to enhance the public's use and enjoyment of its water resources. The Program was created in 1986 following the passage of the 1984 Wallop-Breaux Amendment which provided new provisions to the federal Sport Fish Restoration Act that expanded funds available to states to acquire and construct water access sites.

Consistent with water access program goals, new access initiatives consider existing and potential fisheries and public access opportunities in prioritizing statewide water access needs. Considerations regarding threats posed by invasive species are addressed during site selection and during the design phase of the project, when the MDIFW would identify needs important in the management and operation of the constructed launch site, such as controlling phosphorus runoff, providing safe & efficient traffic flow, addressing ADA special access needs, human waste disposal needs, as well as site specific needs regarding management of Invasive organisms (e.g., design parking area for CBI work near rig staging areas). Site specific strategies or plans to address invasive concerns involve a collaboration between MDIFW and MDEP.

When new or expanding infestations warrant sufficient concern, Section 1864 under Title 38, provide the Commissioners of MDIFW and MDEP with joint emergency authority to regulate surface use, including restricting access and prohibition of watercraft on all or any portion of a water body that has a confirmed infestation of invasive aquatic plants when that use threatens the spread of the infestation. This authority may also extend to inspecting and cleaning watercraft upon removal at specified launch sites. This decision-making authority provides needed discretion to work through the challenges and nuances of individual situations to consider potential user group impacts and threats that vary from water to water, and has been exercised on Great Pond, Salmon Lake, and Damariscotta Lake.

LD 879 also references fishing derbies and bass tournaments, both of which are actively regulated by MDIFW. Fishing derbies are most prevalent during the winter ice fishing season and as such I suspect are not an important focus of concern given our understanding of the bills intent. Bass tournaments occur during the open water fishing season and are well regulated by the Department. Each tournament is permitted and bound by 14 special permit conditions that include a focus on reducing risks of transporting invasive plants, as well as provisions that address fish health concerns. Up to 7 club tournament events (no more than 15 boats) may be permitted on a given water in a given year. The permits require boats to be inspected for plants before launching and after loading at the end of the event. The clubs must complete and submit plant inspection forms to be eligible for future tournament permits. In addition, beginning in 2020, each bass club will be required to receive MDEP approved training in how inspections are to be conducted. This latest condition was added to create standardization and consistency in how inspections are being completed, and this requirement was embraced by The Bass Federation and the Maine Bass Nation.

Ongoing efforts by the MDIFW, working in cooperation with MDEP appears to be consistent with the intent of this bill to reduce invasive risks while also striving to balance public interests on public waters of the state. The issue of invasive risk and threat are always a consideration for both agencies while striving to find balance in providing equitable and reasonable use opportunities.

I would be glad to answer any questions at this time or during the work session.