

MISSISSIPPI RIVER BASIN FISHERY COMMISSION

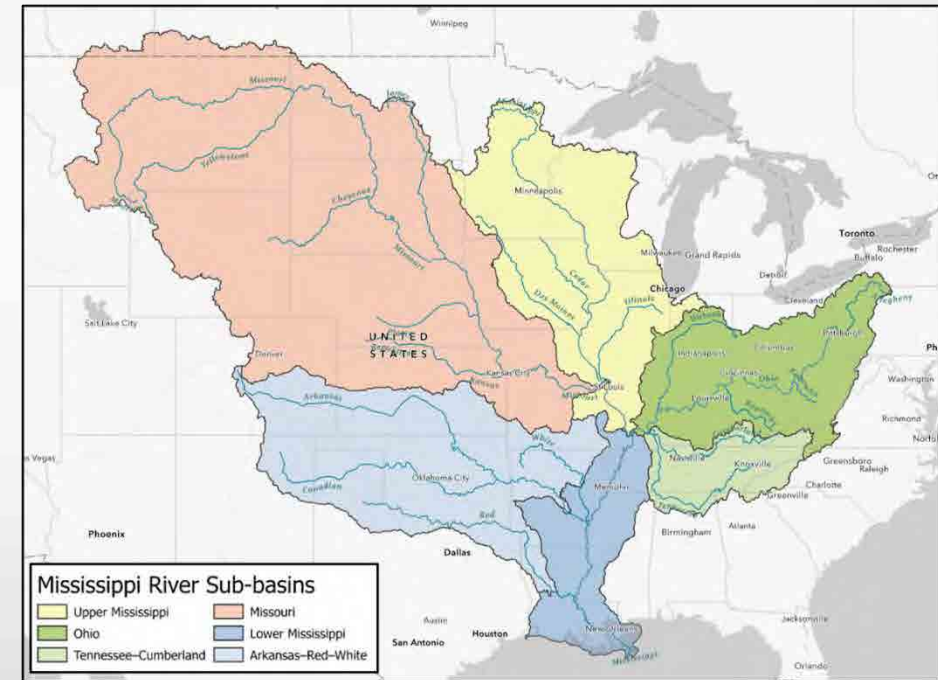


Brad Parsons

MICRA Chair

MICRA

- Partnership of 28 states and federal agencies
- Formed in 1990 by agreement of agency Director's
- Representation is by state agency fish chiefs
- Original goal of forming the partnership
 - To become an inland fishery commission
 - Secure a stable funding source
 - To support cooperative projects and provide for cooperative resource management



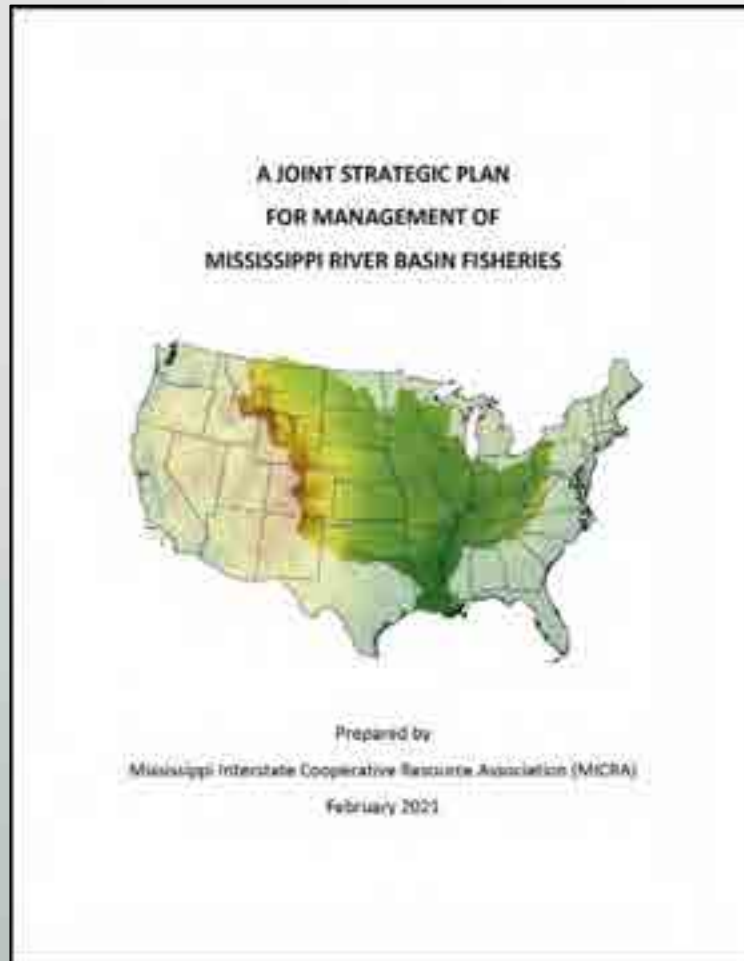
MICRA's mission is to improve the conservation, management, development, and utilization of interjurisdictional fishery resources in the Basin through improved communication and coordination among the responsible management entities.

Why A Fishery Commission?

- MICRA ► interagency communication and coordination
- Fishery Commission ► cooperative interagency IJ fishery management
 - Collaboratively establish management objectives
 - Interagency planning, implementation and evaluation of management actions
- High-level commitment and support from state and federal governments
- Long-term, stable funding for increased capacity and investments

The economic, ecologic, and social value of the Basin's fishery resources, the multiplicity of management entities, the vital need for interstate collaboration, and the federal nexus with the management of IJ fishery resources and their aquatic habitats, warrant federal legislation to authorize and provide appropriations to support a Mississippi River Basin Fishery Commission.

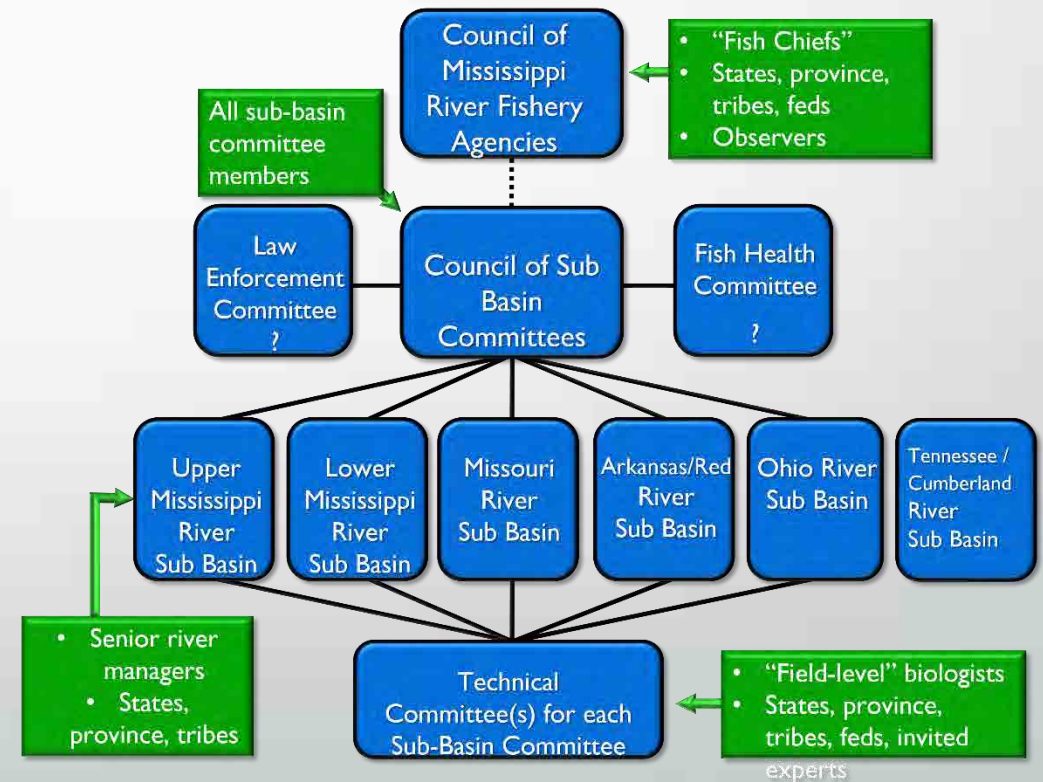
A Joint Strategic Plan



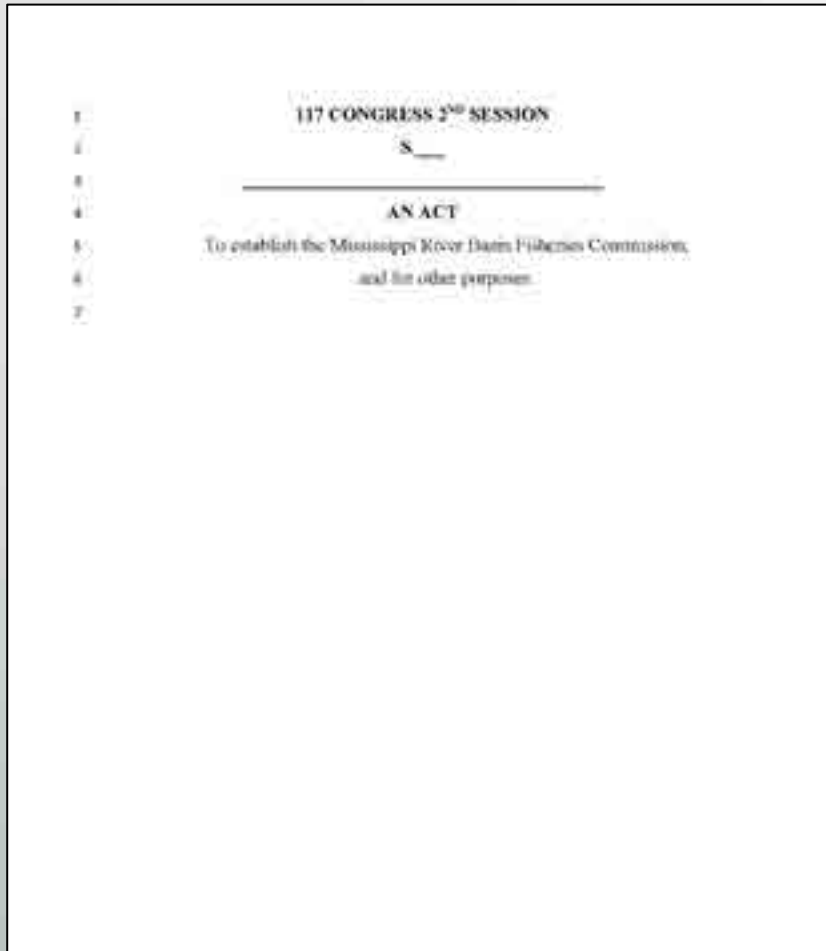
- To provide a more coordinated and structured approach for joint IJ fisheries management
- A formal commitment to an interagency approach for IJ fisheries management
 - 26 Directors signed a Memorandum of Acceptance
- Foundational document that provides mutual benefits and protection of fishery resources
 - Common goal statement
 - Key problem areas
 - Broad strategies
 - Strategic process

Mississippi River Basin Fishery Commission

- A commitment to cooperative implementation of the Joint Strategic Plan
 - A non-binding authority
 - Voluntary participation by State and tribes
 - Key Federal agencies
- Governance body similar to MICRA
 - Six sub-basin committees / management plans
 - Coordinating body
- Consensus based decision making
- Broad purpose
 - Cooperative IJ fisheries management
 - AIS control
 - Research to support management



Draft Legislation to Authorize and Fund



- Supported and socialized with Congressional staff by coalition of NGOs
- Shared with Congressional staff
 - Seeking sponsors and co-sponsors
- Authorize formation of Commission hosted by Department of Interior
- Authorize 10-year appropriations
 - Administration and operation
 - Non-competitive grants to states to increase capacity
 - Competitive grants for research and projects to support management

Year 1: \$1,000,000

Year 2-6: \$30,000,000

Year 7-10: \$50,000,000



Thank You!

Brad Parsons

MICRA Chair

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NOTES:

A copy of the draft legislation follows if wanted for your notes/reference during the discussion.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE. – This Act may be cited as the “Mississippi River Basin Fisheries Commission Act”.

(b) TABLE OF CONTENTS. – The Table of Contents for this Act is as follows:

- Sec. 1. Short title; table of contents
- Sec. 2. Findings
- Sec. 3. Purpose
- Sec. 4. Definitions
- Sec. 5. Effective Date.
- Sec. 6. Commission Governance.
- Sec. 7. Commission Duties.
- Sec. 8. Department of the Interior.
- Sec. 9. Federal Partners.
- Sec. 10. Nonbinding Authority.
- Sec. 11. Renunciation.
- Sec. 12. Report to Congress
- Sec. 13. Appropriations

SECTION 2. FINDINGS AND PURPOSE

(a) FINDINGS. – Congress finds the following:

- (1) Management of the inland fishery resources of the Mississippi River Basin are shared by 31 States, multiple Federal agencies, and two Canadian provinces.
- (2) The Mississippi River Basin is the fourth largest watershed in the world, and the largest watershed in the nation, draining all or part of 31 states and 2 Canadian provinces. The watershed measures approximately 1.2 million square miles and covers 41% of the continental United States.
- (3) The Mississippi River and its tributaries comprise one of the largest and most valuable ecosystems in the world.
- (4) The Basin supports economically and culturally significant subsistence, commercial, and recreational fisheries.

(5) States within the Mississippi River Basin have formed multiple regional interstate partnerships, and one basin-wide partnership, to promote cooperation and communication among the conservation agencies to manage the interjurisdictional fishery resources of the basin. Twenty-eight Mississippi River Basin state fishery agencies, the U.S. Fish and Wildlife Service (USFWS), the U.S. Bureau of Reclamation, the U.S. Geological Survey agency, the Tennessee Valley Authority, the Chippewa-Grace Tribe and the Chickasaw Nation ratified the Mississippi Interstate Cooperative Resource Agreement in 1990 and formed the Mississippi Interstate Cooperative Resource Association (MICRA) in 1991 to improve the management of interjurisdictional fishery resources in the basin.

(6) Recognizing the economic, ecologic, and cultural value of the diverse interjurisdictional fishery resources in the Mississippi River Basin and the complexity and severity of issues facing resource management agencies, Congress acknowledges the need for the establishment of a Mississippi River Basin Fishery Commission for Basin-wide, inter-agency collaboration in the establishment of shared management objectives, and the collaborative planning, implementation, and evaluation of management actions to provide for the long-term biologic and economic sustainability of interjurisdictional fishery resources in the basin.

(7) As long-term sustainability of interjurisdictional fishery resources is dependent on the control of aquatic invasive species within the Basin, it is the further purpose of this Commission to provide for coordinated, inter-agency, basin-wide management, control, and removal of invasive carps and other prioritized aquatic invasive species within the Mississippi River Basin.

(8) By consent of Congress, and as directed by national law (i.e., Magnuson-Stevens Fishery Conservation and Management Act and the Interjurisdictional Fisheries Act of 1986), sustainable marine fisheries within the U.S. coastal waters of the Pacific, Atlantic, and Caribbean Oceans, and the Gulf

of Mexico, have been managed by multi-state commissions and fishery councils for many decades.

(9) The interjurisdictional and international fishery resources of the Great Lakes are cooperatively managed by the Great Lakes Fishery Commission (GLFC), operating through the 1954 Convention on Great Lake Fisheries.

(10) The Mississippi River Basin Fishery Commission will improve the management and utilization of sustainable interjurisdictional fisheries resources in the Mississippi River Basin through the development of a multi-agency program for the joint management and protection of such fisheries.

SECTION 3. PURPOSE

(a) PURPOSE.- The purpose of the Mississippi River Basin Fisheries Commission is to effectuate the improved management and utilization of the interjurisdictional fisheries resources of the Mississippi River Basin through the creation of the Mississippi River Basin Fisheries Commission responsible for cooperative fisheries management, aquatic invasive species management and control, and associated research.

SECTION 4. DEFINITIONS

In this Act:

(1) AQUATIC INVASIVE SPECIES. – means a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters.

(2) DIRECTOR OF FISHERIES. – The term “director of fisheries” is used here generally to describe the highest designated officer in charge of fisheries management employed by each state wildlife agency in each member state in the commission. Each state wildlife agency has a different title for their primary fisheries manager, and in this act, the term “director of fisheries”

is used to describe that position regardless of actual formal title of the officer in each state.

(3) FISHERY RESOURCE. – The term “fishery resource” means finfish, mollusks, crustaceans, and any other form of marine animal or plant life, other than marine mammals or birds.

(4) INTERJURISDICTIONAL FISHERY RESOURCE. – The term “interjurisdictional fishery resource” means –

(a) A fishery resource for which a fishery occurs in waters under the jurisdiction of one of more States;

(b) A fishery resource for which there exists an interstate fishery management plan; or

(c) A fishery resource which migrates between the waters under the jurisdiction of two or more States within the Mississippi River Basin.

(5) INVASIVE CARP. – Invasive carp are aquatic invasive finfish that originated from Europe and Asia. The bighead carp, black carp, grass carp and silver carp spread quickly once they are established in a body of water or waterway, and cause serious damage to the native fish populations, as well as economic and physical harm to humans.

(6) MISSISSIPPI RIVER BASIN STATE. – a State whose borders include waters that drain into the Mississippi River Basin, including Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin and Wyoming.

(7) COMMISSION. – The term “Commission” means the Mississippi River Basin Fisheries Commission established under Section 4 of this Act.

(8) ELIGIBLE ENTITY. — The term “eligible entity” means entities eligible for Commission membership, and includes —

(a) any political subdivision, agency or department of a Mississippi River Basin State that regulates Mississippi River Basin fisheries;

(b) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or an entity controlled by an Indian tribe that manages Mississippi River Basin fisheries;

(c) Federal entities including, but not limited to: the United States Geological Survey, the United States Fish and Wildlife Service, the United States Army Corps of Engineers and the Tennessee Valley Authority.

(9) MEMBER ENTITY. — The term “member entity” means entities eligible for Commission membership as defined in definition (8) above of this Act, that maintain active membership.

(10) SECRETARY. — The term “secretary” means the Secretary of the Department of Interior.

SECTION 5. EFFECTIVE DATE

(a) The Mississippi River Basin Fishery Commission shall become effective within 100 days of the passage of this Act.

(b) Subsequent to the formation of the Commission, any state or tribal authority with fisheries management jurisdiction within the interjurisdictional waters of the Mississippi River Basin, or Federal agency or federally chartered entity that manages and regulates Mississippi River Basin may join.

SECTION 6. COMMISSION GOVERNANCE

(a) Each member state’s director of fisheries or equivalent will serve as a voting delegate to represent that member’s interests to the Commission hereby constituted and designated as the Mississippi River Basin Fishery Commission. Each federal entity, and tribe joining herein as defined above shall appoint one voting delegate to the Commission hereby constituted and designated as the Mississippi River Basin Fishery Commission.

(b) The Commission shall be a body corporate with the powers and duties set forth herein. The member entities will establish a governance structure following formation of the Commission.

(c) The Commission shall have the power to appoint a full-time Executive Director and staff as needed to carry out the administrative duties of the Commission. These positions will be advisory and operational in nature only with no voting rights.

(d) The Commission shall elect from its number a Chair and a Vice Chair and shall, at its pleasure, appoint, remove, or discharge such officers and employees as may be required to carry the provisions of this agreement into effect, and shall fix and determine their duties, qualifications, and compensation.

(e) Said Commission shall adopt rules and regulations for the conduct of its business.

(f) It may establish and maintain one or more offices for the transaction of its business, which must be located within the Mississippi River Basin, and the Commission may meet at any time or place but must meet at least once a year.

(g) No recommendation or action shall be taken by the Commission regarding its general affairs except by the affirmative vote of a majority of the whole number of member entities.

(h) The Commission shall strive for unanimity in its decisions but will operate by consensus in its decision making.

(i) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SECTION 7. COMMISSION DUTIES

(A) INTERJURISDICTIONAL FISHERY MANAGEMENT.-

(1) The Commission shall oversee the six Mississippi River sub-basin's management plans, implementation, and evaluation of the effectiveness of management actions to provide for the long-term biologic and economic sustainability of interjurisdictional fisheries in the Basin. The six sub-basins of the Mississippi River Basin are the Arkansas-Red-White, the Lower Mississippi, the Missouri, the Ohio, the Tennessee-Cumberland and the Upper Mississippi.

(2) The Commission shall work to research and implement the best scientific methods, best practices, and conditions to bring about the conservation and sustainable management of interjurisdictional fisheries throughout the Basin.

(3) JOINT STRATEGIC PLAN. – The Commission shall use the Joint Strategic Plan for Management of Mississippi River Fisheries, which was adopted and approved by 28 states in the Mississippi River Basin, and which establishes a formal commitment to a set of strategic procedures for a coordinated, inter-agency approach to cooperatively managing self-sustaining interjurisdictional fishery resources in the basin, as the framework for the Commission's management plan.

(4) The Commission shall develop and coordinate inter-agency and inter-basin strategies to prevent the introduction of and control the abundance and spread of invasive carps and other prioritized aquatic invasive species of the Mississippi River Basin.

(5) The Commission shall draft and recommend to the appropriate management agencies strategies and approaches for dealing with the conservation of interjurisdictional fisheries and the management and control of aquatic invasive species within the Mississippi River Basin.

(6) The Commission shall consult with and advise the pertinent administrative agencies party to the Commission regarding problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

(7) Not later than thirty years following the date of enactment of this Act, the Commission, in consultation with the Secretary, shall reexamine and evaluate the Joint Strategic Plan to determine which portions of the Plan have been completed, which need updating, and add new objectives, if any, to the plan, and shall issue a report to Congress on the status of interjurisdictional fishery populations and the state of the ongoing work to eradicate, manage and control aquatic invasive species in the Mississippi River Basin in accordance with the Joint Strategic Plan.

B) COMMISSION GRANT PROGRAM.-

(1) Not later than 2 years after the date of enactment of this Act, the Commission, in consultation with the Secretary of Interior, shall establish both a competitive grant program to award grants to entities for eligible projects and a non-competitive grant program to award grants to member states.

(2) The Commission may provide grants to state fish and wildlife agencies, private entities, federal agencies, nongovernmental organizations, public and private universities, and partnerships between said eligible entities.

(3) Grant funding is limited to projects, research, personnel, work, and programs located wholly or partially located in a Mississippi River Basin State.

(4) An entity desiring a competitive grant under the program shall submit to the Commission an application at such time, in such manner and containing such information as the Commission may require.

(5) The Commission shall determine the amount that each member state shall be awarded annually under the non-competitive grant portion of the Commission's funding.

(6) An entity eligible for grant funding that receives a grant award under this section shall use the amount of the award for projects and work in accordance with the goals and objectives of the Joint Strategic Plan and each sub-basin's interjurisdictional fisheries management plan.

(7) Federal Cost Share. – Subject to paragraph (2) the non-Federal share of the cost of carrying out an eligible project using funds from a grant awarded under the program shall be 10 percent, including in-kind contributions.

(a) Waiver. – The Commission shall establish waiver criteria under which the Secretary may waive the cost-share requirement under paragraph (1), in whole or in part, for grants awarded to eligible entities.

(8) Administrative Costs. – An eligible entity awarded a grant under this section may use the grant funds for administrative costs relating to that grant, not to exceed 5 percent.

C) REPORT REQUIREMENTS

1. Not later than 1 year after the disbursement of grant funding, the Commission Chair shall submit to Congress a report on:

- a. the entities awarded grants under this section;
- b. the amount each such entity received;
- c. how those entities used the grant award; and
- d. how such awards enhanced the management and sustainability of the interjurisdictional fisheries of the Mississippi River Basin.

SECTION 8. DEPARTMENT OF THE INTERIOR

(a) The Commission shall be hosted and funded by the Department of Interior, in accordance with annual appropriations from Congress.

SECTION 10. NONBINDING AUTHORITY

(a) Nothing in this Act shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

SECTION 11. RENUNCIATION

(a) This agreement shall continue in force upon each member entity unless renounced by it.

(b) Renunciation of this agreement must be preceded by sending six months' notice in writing of intention to withdraw from the Commission to the other member entities hereto.

SECTION 12. REPORT TO CONGRESS

(a) The Mississippi River Basin Fishery Commission constituted by the agreement shall make a report to Congress by September 1st of each calendar year following passage of this Act. Such report shall set forth the

1 activities of the Commission during the calendar year ending immediately
2 prior to the beginning of the last Congressional session.

3 **SECTION 13. APPROPRIATIONS**

4 (a) IN GENERAL. —There are authorized to be appropriated—

5 (1) \$1,000,000 in 2024 to the Executive Director for the initial administrative
6 steps necessary to set up operations, house and administer the Commission;

7 (2) to the Commission, \$30,000,000 for each of fiscal years 2025 through
8 2029, to carry out Section 7, to remain available until expended;

9 (3) to the Commission, \$50,000,000 for each of the fiscal years 2030 through
10 2034, to carry out Section 7, to remain available until expended,

11 (4) to the Secretary of the Interior to carry out section 8, \$500,000 for each of
12 fiscal years 2023 through 2033, to remain available until expended.

Mississippi River Basin Fishery Commission

Introduction

- The Mississippi Interstate Cooperative Resource Association (MICRA) is a partnership of 28 state fish and game agencies with fishery management jurisdiction in the Mississippi River Basin (Basin) whose mission is to improve the conservation, management, development, and utilization of interjurisdictional (IJ) fishery resources (both recreational and commercial) in the Basin through improved communication and coordination among the responsible management entities.
- State agency Fish Chiefs, with the assistance of the American Fisheries Society and U.S. Fish and Wildlife Service, originally formed the MICRA partnership with the goal that it would become an inland fishery commission and secure a stable funding source to support research and management of interjurisdictional large river fishery resources.
- Twenty-eight state agency fish and wildlife Directors signed the *Mississippi Interstate Cooperative Resource Agreement* in 1990 forming the interstate partnership.
- Despite an initial absence of political support for commission status, MICRA has been a valuable forum for interagency communication and coordination on IJ fisheries management issues.

Need

- Move beyond coordination and communication, to a cooperative and structured approach for interagency planning, implementation, and evaluation of management actions to achieve collaboratively established management objectives for shared IJ fishery resources in the Basin.
- Addressing research priorities to inform management and interagency data sharing to support collaborative evaluation of management actions are critically needed.
- Support and commitment of relevant management agencies and higher levels of state and federal government for an increased level of cooperative, interagency management of IJ fishery resources in the Basin.
- Long-term, stable funding sources to support coordination, implementation, and evaluation of management actions and associated research will be paramount for success.
- The economic, ecologic, and social value of the Basin's fishery resources, the multiplicity of management entities, the vital need for interstate collaboration, and the federal nexus with the management of IJ fishery resources and their aquatic habitats, warrant federal legislation to authorize and provide appropriations to support a Mississippi River Basin Fishery Commission.

Joint Strategic Plan (2021)

- To provide a more coordinated and structured approach for joint management of IJ fishery resources in the basin than is currently realized through the MICRA partnership.
- Represents a formal commitment by the fishery management agencies within the Basin to a set of strategic procedures for a coordinated, interagency approach to comprehensively manage self-sustaining IJ fishery resources in the Basin.
- Serves as a foundational document for interagency fishery management in the Mississippi River Basin that provides mutual benefits and protection of fishery and aquatic resources.
- Developed a common goal statement, identified the key problem areas that must be addressed to comprehensively manage IJ fishery resources now and in the future, and identified broad strategies and strategic processes necessary to collaboratively resolve these complex issues.
- 26 MICRA member state agency Directors have signed a Memorandum of Acceptance of the Joint Strategic Plan.

Mississippi River Basin Fishery Commission

- Will establish a non-binding authority through which fishery agencies commit to cooperation, consensus, strategic planning, and ecosystem-based management through the implementation of the Joint Strategic Plan.
- Member entities to include interested state agencies and tribal entities in the Mississippi River Basin, as well as relevant Federal agencies, e.g., USFWS, USGS, USACE, TVA, NPS, BOR.
- Participation of member entities will be voluntary; acceptance of the Joint Strategic Plan is not a commitment to participation in the Mississippi River Basin Fishery Commission.
- Governance and decision making will be the responsibility of a governance body represented by each member agency's fishery administrator, similar to the current MICRA structure.
- Decision making will be consensus based; a formal process for conflict resolution will be needed.
- The Joint Strategic Plan will be operationalized through the formation of sub-basin committees responsible for the development and implementation of sub-basin specific management plans.
- Member agencies will use their representation on the individual sub-basin committees as a means of representing their own interests and negotiating consensus decisions regarding joint concerns.
- A coordinating body will be established to provide for basin-wide coordination among the sub-basin committees.
- Invasive carps and Dreissenid mussels are providing the impetus and Congressional support for formation of a Mississippi River Basin Fishery Commission, similar to how the need to control Sea Lamprey provided the impetus for the formation of the Great Lakes Fishery Commission.
- Propose authorization of the Mississippi River Basin Fishery Commission to include a broad purpose with three focus areas similar to the Great Lakes Fishery Commission:
 - Cooperative IJ fisheries management
 - AIS control
 - Research to inform and evaluate IJ fisheries management and AIS control actions

Draft Legislation

- A coalition of non-government organizations is advocating the need for the formation of the Mississippi River Basin Fishery Commission.
- Draft legislation authorizing the formation of the Mississippi River Basin Fishery Commission hosted by the Department of Interior has been shared with Congressional office staff.
- Draft legislation includes a 10-year authorization for increasing appropriations to support commission operations, collaborative management actions, and research priorities.
 - Year 1: \$1,000,000
 - Years 2-6: \$30,000,000
 - Years 7-10: \$50,000,000
- How will appropriated funding be used?
 - Administration and operations of the Mississippi River Basin Fishery Commission.
 - Non-competitive grants to member state agencies to support increased resources and staff for inter-agency planning, implementation, and evaluation of management actions in support of sub-basin management plans and the Joint Strategic Plan.
 - Competitive grants to support priority management and research needs available to member entities and non-government organizations.

Contact Info

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