

## Minnesota Trout Unlimited's Statement Accompanying Federal Court Filing:

### **The Minnesota Council of Trout Unlimited, Wisconsin TU and other Lake Superior advocacy groups sue Feds to stop the spread of deadly fish virus (4/29/08):**

#### **Contacts:**

Minnesota TU: John Lenczewski (612) 670-1629;  
Gary Meier (218) 525-9488;

Wisconsin TU: Bill Heart (715) 682-4703;

IWLA: Curt Leitz (218) 464-1335;  
Dave Zentner (218) 724-3926, or cell (218) 391-6918;

**Named in the legal complaint:** Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture; and the U.S. Coast Guard.

**Summary:** Minnesota Trout Unlimited and Wisconsin Trout Unlimited have joined the Duluth Chapter of the Izaak Walton League of America and Save Lake Superior Association in filing suit in U.S. District Court to compel two federal agencies to fulfill their responsibilities to protect public waters from the spread of Viral Hemorrhagic Septicemia (VHS). Since its discovery in Lake St. Clair in 2003, VHS has spread unchecked through the Lower Great Lakes and has been carried into inland waters in Wisconsin, Michigan, and New York. The legal action urges immediate action to stop the spread of this epidemic.

One of the primary means by which VHS is spread is in live, infected fish, which are moved about in the untreated ballast water of ships. Under the National Invasive Species Act of 1996 (NISA) and the Animal Health Protection Act (AHPA), the Coast Guard and APHIS have the authority and the responsibility to stop the spread of invasive species, including VHS. Several states are responding to the emergency with their own regulations. However, only federal agencies have authority over all the waters in the Great Lakes and thus only they can adequately address this problem. Effective implementation of NISA and AHPA will greatly reduce the threat of VHS being spread from the Lower Great Lakes into Lake Superior and the inland watersheds of the United States. The biological and economic impacts of continued inaction are anticipated to be massive and long lasting.

NISA required the Coast Guard to promulgate regulations for all vessels equipped with ballast water tanks that operate in the waters of the United States. While these regulations prohibit vessels from taking on ballast water in areas known to have infestations or populations of harmful organism and pathogens, the Coast Guard has taken no steps to enforce them. The lawsuit requests the court compel enforcement.

**Background:** For over five decades, aquatic nuisance species or “aquatic invasive species” have been transported from overseas environments to the Great Lakes via the ballast water of the international shipping industry. Once invasive species are established in one location within the Great Lakes they are further spread through ballast water of intra-Great Lakes ships. The ecological and economic costs of the continued introduction of invasive species have been incalculable to Great Lakes’ fisheries and ecosystems. Impacts not only threaten the ecological stability of the Great Lakes but also a wide array of other economic uses of the resource. The physical and regulatory impacts of invasive species introductions are now threatening the system to the point of collapse. Passage of the NISA in 1996 brought a means of curbing future impacts of invasive species introductions. However, the inaction of the federal agencies (APHIS and the Coast Guard) charged with implementing and enforcing the law has resulted in no identifiable reduction in the rate of introductions.

VHS is just the latest invasive species to be introduced and spread in the Lower Great Lakes. VHS, known as the “Ebola of the fish world”, has caused high rates of mortality to many of the most important fish species in the Great Lakes. The virus kills fish by causing massive internal bleeding. Outbreaks have resulted in large wind-rows of dead fish being deposited on the beaches of affected areas. So far, VHS has not been identified in Lake Superior. However, it is the belief of the plaintiff organizations that without immediate regulation of ballast water uptake and release the virus will ultimately infect the vital fisheries of Lake Superior. All trout and salmon species are susceptible to VHS, including native coaster brook trout and numerous strains of native lake trout. Immediate implementation and enforcement of NISA, AHPA, and regulations promulgated under them is critical to preventing the spread of VHS to Lake Superior.

While the plaintiff organizations support legislative activities currently being enacted or proposed in states around the Great Lakes including Minnesota, Michigan and Wisconsin, the lawsuit is consistent with their belief that federal agencies with basin-wide authority should be responsible for immediately implementing and enforcing a protective international and domestic ballast water regulation.