

Invasive Species: Lacey Act – Limiting Liability on Interstate Water Transfers

Water transfers are fundamental to the delivery of surface water by public water suppliers to their customers. Water transfers in the form of releases from reservoirs also play a crucial role in flood control operations. At times, these transfers can contain invasive aquatic species and cause the transfer of such species to other water supplies, potentially violating federal law.

Impeded delivery of critical water supplies and flood control operations. The Federal Lacey Act prohibits an interstate transfer of water that contains a listed species even when water is transferred to another water body within which the listed species is already present. An exception to the Lacey Act should be enacted to allow critical interstate water transfers into and out of Texas and for interstate water transfers throughout the Western states for water supply and flood control purposes. This exception would ensure that the application of the Lacey Act does not impact the delivery of critical water supplies to customers now and in the future and does not impede flood control operations.

Insufficient funding for invasive species control. Every effort should also be made to dedicate sufficient funding for the management and control of aquatic invasive species. Texas water suppliers desperately need additional federal assistance to control zebra mussels in Lake Texoma, Lake Lewisville, Lake Travis, and other waters in the Red, Trinity, Brazos, and Colorado River Basins; as well as the invasive aquatic species *Giant Salvinia* in east Texas and salt cedar in north and west Texas.

Requests of Congress:

- **Amend the Lacey Act to allow interstate water transfers for water supply and flood control purposes.** Support reasonable amendments to the Lacey Act, like H.R. 931 (Gohmert) and S. 277 (Cruz) introduced during the 117th Congress, that would ensure the continued ability for Texas and western state water managers to make interstate water transfers.
- **Support additional federal funding for research, development, and implementation of invasive species control programs.**