

# ANS Task Force

Aquatic Nuisance Species Task Force  
4401 North Fairfax Drive, Suite 840  
Arlington, Virginia 22203-1622  
703-358-2025 FAX: 703-558-8773  
E-Mail: robert\_peoples@fws.gov

JUN 18 1998

MEMORANDUM FOR: Federal Members of the Aquatic Nuisance Species Task Force

FROM: Sally J. Yozell, Co-Chair  
Gary B. Edwards, Co-Chair

SUBJECT: Interagency Agreement of Aquatic Nuisance Species

Seven Federal agencies constitute the Aquatic Nuisance Species Task Force set up under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701-4741). While portions of the Act assign responsibilities to specific member agencies, it also specifies a number of responsibilities for the Task Force generally.

The Task Force itself does not receive appropriations. Therefore, any Task Force activities must be funded by the member agencies. That has created some difficulties in coordination because individual agencies have had to assume the total cost of a Task Force activity in addition to any agency specific responsibilities. The issue has become even more pressing because the Task Force has decided to set up a small staff comprised of professionals detailed by member agencies to handle an increasing workload. The U.S. Fish and Wildlife Service has offered to house the permanent staff, but is unable to provide all of the funding needed to support the staff.

The attached interagency agreement would allow Task Force agencies to transfer funds and/or personnel to another Task Force agency to address responsibilities assigned to the Task Force, subject to the requirements detailed in the attached agreement. It does not obligate any of the Task Force agencies to transfer funds or staff, but it sets up the mechanism by which such transfers can be made when an agency wants to support an activity assigned to the Task Force.

The agreement is being circulated for signature by each of the Federal agencies, and we emphasize the importance of having the agreement in place as soon as possible.

INTERAGENCY AGREEMENT  
AMONG THE FEDERAL AGENCIES OF THE  
AQUATIC NUISANCE SPECIES TASK FORCE

I. Purpose

This Interagency Agreement among the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), the U.S. Coast Guard (USCG), the Department of the Army, the Department of Agriculture (USDA), and the Department of State provides a basis for the collaboration among these agencies in carrying out responsibilities of the Aquatic Nuisance Species Task Force (Task Force) under Subtitles B and C of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.).

II. References and Authorities

- a. Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 as amended (16 U.S.C. 4701 et seq.);
- b. The Economy Act of 1932, as amended (31 U.S.C. 1535);
- c. Charter of April 11, 1997 - Aquatic Nuisance Species Task Force;
- d. Memorandum of Understanding of April 17, 1992, among the Federal Agencies of the Aquatic Nuisance Species Task Force; and
- e. Department of Commerce Joint Project Authority (15 U.S.C. 1525).

III. Background

The increasing problem of the introduction of nonindigenous species into aquatic ecosystems was recognized by Congress with passage of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Act). The Act established the Aquatic Nuisance Species Task Force (Task Force) to provide an intergovernmental mechanism for the development and coordination of a comprehensive Federal program to prevent and control nonindigenous aquatic nuisance species introductions. The Task Force is comprised of representatives of the agencies which are the parties to this Agreement and non-Federal Government *ex officio members*. The Task Force is co-chaired by the Under Secretary for Oceans and Atmosphere of the Department of Commerce and the Director of the United States Fish and Wildlife Service of the Department of the Interior. Subsequent amendments to the Act have required further studies and related activities concerning invasion and control of aquatic nuisance species. The Task Force is responsible for coordinating many of the activities conducted under the Act. The Act includes provisions which assign specific responsibilities to individual members of the Task Force or to the Task Force.

#### IV. Responsibilities of the Task Force

The responsibilities of each party in this interagency agreement will be described in this document and follow-on supplements to this agreement. Additional supplements will be prepared as necessary and will be approved by each party with responsibility cited in the supplement.

Responsibilities of the Task Force include:

1. Developing and coordinating a program for waters of the United States to prevent the introduction and dispersal of aquatic nuisance species and the brown tree snake, to monitor, control and study such species, and to disseminate related information.
2. Developing criteria to determine the adequacy and effectiveness of voluntary ballast water guidelines and requesting the Secretary of Transportation to review and revise, as necessary, guidelines and regulations applicable to coastal and inland waterways.
3. Establishing and following a protocol to ensure that research carried out under authority of Subtitles B and C of the Act does not result in the introduction of aquatic nuisance species to waters of the United States.
4. Conducting a biological study and a ballast exchange study and ecological surveys.
5. Recommending allocation of funds authorized under the Act for competitive research grants to study all aspects of aquatic nuisance species.
6. Developing voluntary guidelines to control the spread of zebra mussels and other aquatic nuisance species through recreational activities, including boating and fishing.
7. Requesting the Great Lakes Commission to convene, in accordance with 16 U.S.C. 4723(a), a panel of Great Lakes representatives from Federal, State and local agencies, environmental organizations, and commercial interests, with Canadian participation, to provide advice about, and coordinate efforts devoted to, aquatic nuisance species in the Great Lakes.
8. Establishing and using the Western Regional Panel, in accordance with 16 U.S.C. 4723(b), and encouraging the development and use of other regional panels as directed by 16 U.S.C. 4723(c).
9. Providing, as appropriate, technical assistance in the development and implementation of State aquatic nuisance species management plans, reviewing and approving such plans, and making recommendations for grants for implementing approved plans.

10. Advising the Department of State regarding aquatic nuisance species infesting waters shared by the United States and other nations as well as on coordination with those nations related to the planning and implementation of programs to prevent, monitor, study provide education about, and control those infestations.

V. Agency Activities to Assist Task Force

In order to effectively coordinate and implement statutory responsibilities assigned to the Task Force, the parties to this Agreement may transfer funds or assign agency employees, subject to the availability of appropriations and requirements concerning transfer of such funds and personnel, to a Task Force member which is the lead agency for a specific Task Force responsibility. Prior to the transfer of any funds or assignment of employees, the co-chairs of the Task Force must approve a statement prepared by the receiving agency which specifies how the funds or personnel will be used and the amount of such funds to be transferred or number of employees to be temporarily reassigned. The statement must also contain any determinations required by statute or administrative issuance for such transfers or assignments. Copies of the approved statement will be provided to the transferring agency, the receiving agency and the co-chairs of the Task Force.

VI. Task Force Internet Web Site

The USFWS will be the system owner of the internet web site to be established by the Task Force.

VII. Implementation

NOAA, USFWS, EPA, USCG, the Department of the Army, the Department of State, and the Department of Agriculture agree that activities performed pursuant to this Agreement will be necessary to implement the statutory responsibilities assigned to the Task Force, and will be in the best interest of the Government. In addition, each agency has appropriated funds available or expects them to be available for activities which such agency agrees to fund under this Agreement.

VIII. Other Provisions

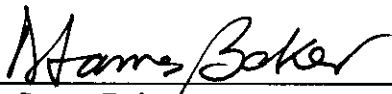
Any activities under this Agreement by the parties are subject to the availability of appropriated funds and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341). This Agreement is not a funding document and does not represent the obligation or transfer of funds. Nothing in this agreement is intended to conflict with current directives of any participating agency. If the terms of this Agreement are inconsistent with existing directives of any of the parties entering into this Agreement, those portions of the Agreement which are determined to be inconsistent shall be

invalid; but the remaining terms and conditions not affected by the inconsistency shall remain in full force and effect. At the first opportunity for review of this Agreement, such changes as are deemed necessary will be accomplished by either an amendment to this agreement or by entering into a new agreement, whichever is deemed expedient to the interest of the parties.

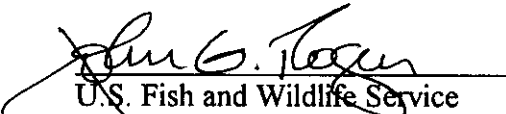
IX. Effective Date and Termination

This Agreement shall become effective on the latest date affixed below and shall remain in effect until terminated by mutual agreement of the parties.


APPROVED:

  
\_\_\_\_\_  
D. James Baker  
Under Secretary for Oceans  
and Atmosphere


JUN 23

  
\_\_\_\_\_  
U.S. Fish and Wildlife Service

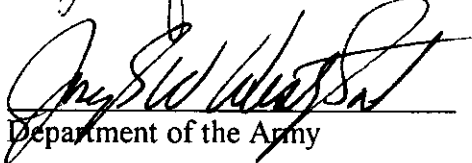
7/2/98

  
\_\_\_\_\_  
Environmental Protection Agency

7/20/98

  
\_\_\_\_\_  
U.S. Coast Guard

7/15/98

  
\_\_\_\_\_  
Department of the Army

24 AUG 1998

  
\_\_\_\_\_  
Department of Agriculture

28 Spt 98

  
\_\_\_\_\_  
Department of State

Oct 19, 1998