

Federal Policy Options

Addressing the Movement of Aquatic Invasive Species Onto and Off of Federal Lands and Waters

**Committee on the Movement of Aquatic Invasive Species
both onto and off of Federal Lands and Waters**

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The United States faces significant economic and environmental threats from invasive species. The prevention, management, and control of invasive species is a cross-cutting issue involving multiple federal agencies and requires a coordinated multi-agency response with tribal, state, and local jurisdictions. This paper provides guidance and policy options to increase coordination among the federal government and state and local partners to strengthen national efforts to prevent and contain the spread of aquatic invasive species (AIS). This paper summarizes a review completed by federal agencies of their current authorities and potential opportunities to prevent and control AIS on federal lands and waters. The paper focuses on AIS but more general authorities may pertain to terrestrial species as well. This summary and the underlying review may serve as an informational guide to identify existing laws, regulations, and policies that can be utilized by agencies or bureaus to address the movement of invasive species both onto and off of federally managed lands and waters; it does not represent a complete or definitive list of all federal legal authorities on invasive species nor is it intended to interpret or amend any federal legal authorities. Additional steps for consideration by participating federal agencies as well as partners within the Aquatic Nuisance Species Task Force and the National Invasive Species Council are identified at the end of this paper.

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INTRODUCTION

The United States faces significant economic and environmental threats from invasive species. Experts estimate that the United States incurs over \$100 billion in damages and losses annually dealing with the ecological impacts of invasive species. Globally, invasive species impact Gross Domestic Product by about 5 percent or \$1.4 trillion annually.¹ These impacts may be even more pronounced when combined with the uncertainties of the long-term risk of invasiveness, the ongoing globalization of travel and trade, and the effects of global stressors. For example, climate change may have direct and secondary impacts that facilitate the introduction, establishment, and/or spread of invasive species.²

Whether by boats, boots, boxes, or ballast, invasive species make their way into United States lands and waters. Once established, invasive plants, animals, or pathogens can spread aggressively, disrupt food webs, and cause significant environmental and economic damage. Not only do invasive species harm native wildlife and plants by disrupting the ecosystem, they can also devastate private and public property by damaging boats, marinas, irrigation systems, and infrastructure. These damages impact outdoor recreation activities nationwide which are responsible for creating millions of jobs, generating hundreds of millions of dollars in tax revenues, and spurring billions in total national economic activity.³

America's landscapes support jobs and the economies of local communities. For example, in FY 2013, national parks, national wildlife refuges, and other lands managed by the U.S. Department of the Interior (DOI) hosted an estimated 407 million visits, contributing \$41 billion to the economies of local communities, and supporting 355,000 jobs.⁴ The U.S. Army Corps of Engineers (USACE) recreation projects host more than 370 million visits per year and are a significant economic driver for many communities and the nation; visitors spend approximately \$16 billion a year to visit USACE managed lakes.⁵ However, the ecological, economic, and cultural integrity of these vital landscapes continues to be threatened by invasive species.

Federally managed lands, facilities, and resources are vulnerable to biological invasions and can in turn be pathways and sources for invasive species introductions to both public and private lands. These invasions can be the result of natural or man-made pathways.⁶ The federal government addresses a variety of invasive species, including plants, animals, and pathogens, across aquatic and terrestrial landscapes. Efforts include prevention, early detection and rapid response, control and management,

¹ Pimentel, et al. "Economic and environmental threats of alien plant, animal, and microbe invasions."

Agriculture, Ecosystems & Environment Volume 84, Issue 1, March 2001, Pages 1–20 Cornell University, Ithaca, NY

² Stanley W. Burgiel and Adrianna A. Muir (September 2012). "Invasive Species, Climate Change and Ecosystem-Based Adaptation: Addressing Multiple Drivers of Global Change." Global Invasive Species Programme. <http://data.iucn.org/dbtw-wpd/edocs/2010-054.pdf>.

³ Outdoor Industry Association (2012). The Outdoor Recreation Economy. http://www.outdoorindustry.org/images/researchfiles/OIA_OutdoorRecEconomyReport2012.pdf?167.

⁴ U.S. Department of the Interior (July 11, 2014). "The U.S. Department of the Interior Economic Report FY 2013." http://www.doi.gov/ppa/economic_analysis/fy-2013-economic-report.cfm.

⁵ U.S. Army Corps of Engineers (April 10, 2013). "StrongPoint: USACE Recreation-Healthy, Accessible, Outdoor Opportunities for America."

http://www.usace.army.mil/Portals/2/docs/civilworks/budget/strongpt/fy2014sp_recreation.pdf

⁶ Invasive Species Pathways Team (January 2007). Training and Implementation Guide for Pathway Definition, Risk Analysis and Risk Prioritization. <http://www.invasivespeciesinfo.gov/docs/toolkit/pathwaysguide.pdf>.

restoration, research, and education and public awareness. In FY 2014, these federal efforts to address invasive species exceeded \$2 billion in enacted funds.⁷

Background

During the November 2011 Aquatic Nuisance Species Task Force (ANSTF) meeting in Washington, DC, the Western Regional Panel on Aquatic Nuisance Species (WRP) expressed concerns about the lack of comprehensive and consistent boat inspection and decontamination programs at state and federally-managed water bodies related to quagga and zebra mussels (*Dreissena rostriformis bugensis* and *D. polymorpha*) (hereafter “*Dreissena*”).⁸ Letters from the State of Idaho, Colorado River Fish and Wildlife Council, and the Northwest Power and Conservation Council to the Secretary of the Interior and the Director of the U.S. Fish and Wildlife Service (FWS) emphasized the need to increase inspection programs at federally-managed water bodies, including those in the economically and environmentally sensitive Lower Colorado River region.

In response, Congress recognized both the severity of the threat posed by AIS and the fact that containment and prevention measures are lacking at many federally managed water bodies. Thus, beginning in FY 2012, Congress appropriated \$1 million in state AIS plan funding and about \$1 million to support priority projects within the Quagga Zebra Mussel Action Plan addressing a three-pronged approach that includes containment, prevention, and enforcement activities (including outreach).

To enhance efforts to prevent the movement of AIS and address concerns about the lack of comprehensive and consistent boat inspection programs at state and federally managed water bodies, varying federal, state, and local entities hosted a workshop in Phoenix, Arizona on August 22-23, 2012.⁹ The purpose of the workshop was to engage Assistant Attorneys General, natural resource agency attorneys, law enforcement supervisors, policy makers, and AIS Coordinators from the 19 Western states, interstate organizations, and federal partners to establish clear legal and regulatory approaches and explore opportunities to improve AIS abatement and reform. The workshop participants developed an Attorney General/Law Enforcement/Aquatic Invasive Species Workshop Action Plan (Workshop Action Plan, <http://seagrant.oregonstate.edu/invasive-species/invasive-mussels-west>) to support the goals of the *Quagga-Zebra Mussel Action Plan for Western U.S. Waters Plan*. The Workshop Action Plan also articulates actions needed at the federal/national, regional, state, and local levels to minimize the expansion of invasive mussels through watercraft movements in the western United States. It also identified actions such as improved agency communication and coordination to strengthen state AIS laws, expand decontamination programs, and implement outreach programs.

⁷ Note: these funds were used to address all aspects of preventing and controlling both aquatic and terrestrial invasive species, including for agriculture, natural areas, and international borders. See National Invasive Species Council (December 30, 2014), *Invasive Species Interagency Crosscut Budget*.

⁸ *Dreissena* are among the most economically and ecologically damaging aquatic invasive species in the United States. Trailered boats and other recreational marine equipment are a major pathway.

⁹ This meeting, hosted by the Arizona Game and Fish Department, the FWS, the National Association of Attorneys General, Oregon Sea Grant, the National Sea Grant Law Center, and the WRP, and subsequent next steps taken by the states, were funded in part by the FWS and the National Oceanic and Atmospheric Administration through grants provided by the 100th Meridian Initiative and the National Sea Grant program.

Need for Additional Federal Coordination

Action Item 1.7 of the Workshop Action Plan identified the need to broaden the scope of federal regulations to include preventing the movement of *Dreissena* mussels and other AIS both onto and off of federal lands and waters, with a target deadline of December 2014.¹⁰ Additionally, Action Item 1.4 calls for defining the roles and responsibilities of all entities and organizations associated with the management of *Dreissena* mussels.

The ANSTF requested that the National Invasive Species Council (NISC) work with its members to address the movement of boats infested with mussels and other AIS under the authority of Executive Order 13112.¹¹ During the November 2012 ANSTF meeting, the ANSTF approved the establishment of the Committee on the Movement of AIS both onto and off of Federal Lands and Waters (Committee). Several non-federal members are on the Committee to ensure coordination with the counterpart state-focused effort. The NISC agreed to work with their federal members on the Committee to address Action Items 1.4 and 1.7 from the Workshop Action Plan.

Rather than focus on *Dreissena* mussels in the West, the Committee decided to broaden the scope of Action Item 1.4 to all AIS nationwide. The Committee agreed that their efforts should focus on identifying laws, regulations, and policies that address the movement of AIS both onto and off of federal lands and waters. Many of the relevant legal authorities for the management of invasive species on federal lands apply equally to terrestrial as well as aquatic species and could be used in future work to address regulatory needs of terrestrial invasive species. While adequate funding and resources are vital in managing the movement of invasive species, the Committee was not tasked with addressing fiscal realities of this charge. Recognizing these considerations, the Committee met over the course of 2013 to 2015, to develop this federal policy options paper and the additional appendices on the roles and responsibilities of federal agencies to address invasive species (Appendix I), as well as the laws, regulations, and policies that guide federal agencies in addressing the movement of AIS both onto and off of federally managed lands and waters (Appendix III).¹²

¹⁰ Due to staff changes deadline has been delayed.

¹¹ For the ANSTF request, see September 17, 2012 ANSTF letter to NISC.

Executive Order 13112 highlights the responsibilities of federal agencies, including preventing the introduction of invasive species, detecting and rapidly responding to and controlling populations, monitoring invasive species populations, and promoting public education. Consequently, Executive Order 13112 supports implementation of the Action Items and will ensure comprehensive and consistent federal regulations are in place. See Executive Order 13112 Invasive Species. Fed. Reg. Vol. 64, No. 25 (February 8, 1999). Presidential Documents: <http://www.gpo.gov/fdsys/pkg/FR-1999-02-08/pdf/99-3184.pdf>.

¹² The Appendices are intended to serve as informational guides to the most relevant roles, responsibilities, laws, regulations, and policies for agencies to address the movement of invasive species both onto and off of federally managed lands and waters. As such, they do not represent complete or definitive lists of all federal legal authorities on invasive species nor are they intended to interpret or amend any federal legal authorities.

OVERVIEW OF CURRENT FEDERAL AUTHORITIES¹³

The prevention, management, and control of invasive species is a cross-cutting issue involving multiple agencies and requires a coordinated, multi-agency federal response with tribal, state, and local jurisdictions. Two primary organizations were created to facilitate interagency coordination. Executive Order 13112 established the NISC to ensure that federal programs and activities to prevent and control invasive species are coordinated, effective, and efficient. The Executive Order requires federal agencies to take action within their legal and budgetary authority to prevent and control invasive species and avoid actions that will cause the introduction or spread of invasive species. The ANSTF, established by Section 1201 of the Nonindigenous Aquatic Nuisance Prevention and Control Act, is an interagency committee that provides coordination on AIS issues and is charged with developing and implementing an invasive species program for waters of the United States.¹⁴

Federal agencies have differing roles and responsibilities in addressing invasive species. This can range primarily from broad policy and coordination efforts (e.g., Council on Environmental Quality, Department of Transportation, Environmental Protection Agency), to international efforts (e.g., State Department, U.S. Agency for International Development), to research (e.g., U.S. Geological Survey, National Aeronautics and Space Administration), to law enforcement and safety (e.g. Department of Homeland Security, U.S. Coast Guard), to direct land and water management efforts (e.g. U.S. Forest Service (USFS), National Oceanic and Atmospheric Administration, FWS, National Park Service (NPS), Bureau of Land Management (BLM), Bureau of Reclamation (BOR)). Many federal agencies have multiple responsibilities which are primarily defined through the authorities that established the agency or bureau, but may also include executive orders and memoranda, regulations, and policies. A more comprehensive description of the federal agencies roles and responsibilities can be found within Appendix I.

¹³ WRRDA 2014 Section 1039 also requires a review of federal authorities related to aquatic invasive species; a process informed by this paper. SEC. 1039. *INVASIVE SPECIES. (a) AQUATIC SPECIES REVIEW.— (1) REVIEW OF AUTHORITIES.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of federal agencies, shall— (A) carry out a review of existing federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and (B) based on the review under subparagraph (A), make any recommendations to Congress and applicable state agencies for improving federal and state laws to more effectively respond to the threats posed by those invasives.*

¹⁴ National Invasive Species Act of 1996 (October 26, 1996), reauthorization of Nonindigenous Aquatic Nuisance Prevention and Control Act. Public Law 104-332: <http://www.anstaskforce.gov/Documents/NISA1996.pdf>.

Land and Water Management Agencies' Authority to Address Invasive Species

DOI is the largest land manager in the United States with over 500 million acres of surface land, or about one-fifth of all land in the country. Land management agencies within DOI include the BOR, the NPS, the BLM, and the FWS. The U.S. Department of Agriculture's (USDA) USFS manages 193 million acres within the National Forest System. The Department of Defense is also a large land manager, however this paper and the Committee is restricted to the involvement of the USACE. The National Oceanic and Atmospheric Administration manages national marine sanctuaries for the U.S. Department of Commerce as well as marine national monuments in conjunction with DOI.

The Committee's review indicates these identified federal agencies operate under a wide range of authorities, regulations, and policies. Most can address the movement of AIS both onto and off of federal lands and waters (Appendix II), although this is dependent on how their specific authorities are detailed in relevant legislation, executive orders, regulations, and policies (Appendix III). A few agencies, such as the USFS, NPS and FWS, have adopted specific regulations, policies, or directives that address invasive species management. The NPS has a service-wide regulation [36 CFR § (a)(2)] that prohibits the introduction of non-native or invasive species into park ecosystems, but lacks regulations that specifically prohibit the movement of AIS into, out of, or across NPS lands. BLM has authority under the Federal Land and Management Policy Act, the Wilderness Act, the Wild and Scenic Rivers Act, and other statutes to protect the lands under its management from invasive species, as well as authority under the Fish and Wildlife Coordination Act to coordinate with states and other entities to address the movement of AIS.

The FWS has the authority to list wildlife species as injurious under Title 18 of the Lacey Act, which makes it unlawful to import or transport listed species across state lines.¹⁵ Title 16 of the Lacey Act, in part, enables federal law enforcement agencies to enforce the laws of tribal, state, and foreign governments with regard to commerce involving any fish, wildlife, or plants species taken, possessed, transported, or sold in violation of those laws.¹⁶

The USDA Animal and Plant Health Inspection Service has the authority under the Animal Damage Control Act of 2000 to mitigate for wildlife damage on federal, state, or private land.¹⁷ The USDA also has the authority to cooperate with other federal and state agencies and others in carrying out operations or measures to manage noxious weeds under the Federal Noxious Weed Act of 1974.¹⁸

Other agencies appear to have limited authority to address the movement of invasive species onto and off of federally managed lands and waters. However some agencies have policies in place to address invasive species when they impact mission critical efforts. For example, BOR has a limited amount of authority to address the movement of AIS; however, the Bureau conducts extensive monitoring efforts within their waterways as well as performs research on the control of *Dreissena* mussels. Engineering requirements are included in BOR contracts that ensure clean equipment is brought onto construction sites to prevent the introduction and spread of invasive species. The BOR also implements planning

¹⁵ 18 USC 42

¹⁶ 16 USC 3371-3378

¹⁷ 7 USC 426-426c, March 2, 1931, as amended 1987, 1991, and 2000

¹⁸ 7 USC 2801 and 7 USC 2814

regulations that prevent introduction and spread of AIS for site assessments and operations and maintenance of their facilities.¹⁹

The USACE manages over 456 projects across the nation that provide recreation opportunities on reservoirs and associated lands. The USACE relies on direct legislative authority to conduct efforts related to AIS, studies, and other domestic activities.

Additional Areas for Consideration

Although agencies generally have authority to prevent the movement of AIS both onto and off of federally managed lands and waters, this authority is not well established for all agencies (especially for the movement off of federal lands). Prevention and containment outcomes for many invasive species can be improved, including species whose spread is expected to cause significant environmental, economic, and societal impacts. In general, federal agencies strive to operate in cooperation with tribes, states, and local agencies to address the movement of invasive species. However, there is a need to improve state-federal collaboration, as the best efforts to address AIS by states will be severely compromised if federal efforts are not up to the same standard, and vice versa. This is a key driver in supporting a more consistent approach towards addressing the movement of AIS onto and off of federal lands and waters. Additionally, if tribes, states, and local agencies regulate specific AIS, like *Dreissena* mussels, this may provide additional incentives for federal managers and law enforcement officers to prevent the movement of AIS, not only onto and off of federally managed lands, waters, and facilities, but also onto or off local or private lands.

There is a considerable financial cost to addressing invasive species. Any coordinated efforts to address the movement of invasive species both onto and off of federal lands and water requires resources – whether at the federal, tribal, state, local, or private level. Some federal agencies have the ability or authorization to charge fees or penalties. Although neither the Committee nor this paper addressed the funding issue, identifying resources will be a critical step if future efforts are to be successful.

POLICY OPTIONS

Continually improved coordination between the federal government and its state and local partners is needed to address the issue of AIS. In particular, the federal government should have clear and understandable authority and resources to manage the movement of invasive species both onto and off of federal lands and waters. The NISC and ANSTF will continue to work with agencies to address gaps in authority, regulation, or policy. Federal efforts should complement and coordinate with current efforts by states to achieve common goals and objectives at the local, state, regional, and national scale.²⁰

The policy options identified below are intended to provide guidance to federal land management agencies, ANSTF, and NISC on how to further strengthen efforts to prevent and contain the spread of invasive species both onto and off of federal lands and waters as well as to improve coordination. The

¹⁹ ENV 01-01 (Directives and Standards), Pest Management; ENV PO2 (Policy), Pest Management, December 23, 1996; PEC 10-29 (Directives and Standards), Reclamation Standard Water-Related Contract Articles, Article 29

²⁰ Jody A. Peters and David M. Lodge (2009). Invasive Species Policy at the Regional Level: A Multiple Weak Links Problem. *Fisheries*, 34:8, 373-380, DOI: 10.1577/1548-8446-34.8.373. Accessed February 2014.

options are not intended to be mutually exclusive and, if taken together, could significantly enhance the ability of federal land management agencies to work with states and other partners to reduce the risk of moving invasive species onto and off of federal lands and waters. Individual agencies should:

- Clarify existing authorities for management and law enforcement activities and clearly communicate guidance from headquarters to local federal land management facilities.
- Support the ANSTF Regional Panels' and states' efforts to create and enact corresponding state-based, but regionally coordinated, regulations, and laws. Adding consistent, complementary regulations at the state level provides federal agencies more ability to manage the movement of invasive species.²¹ Regionally coordinated approaches, such as the "Model Legal Framework for Watercraft Inspection and Decontamination Programs," help to reduce the risk of species introductions by unifying and consistently applying AIS management actions across state jurisdictions and helping to resolve "weak links" within vector and pathway management approaches.²²
- Ensure that senior agency leaders are aware of land-management responsibilities and provide support, where appropriate, for regional efforts addressing AIS introduction and spread. This includes support for ongoing management efforts aimed at prevention and containment of AIS.
- Inform visitors to federal lands of the pertinent state AIS laws and regulations and cooperate closely with state law enforcement personnel to ensure compliance.
- Increase coordination between state and federal AIS and communication experts to ensure that the public receives a consistent message about what can be done to prevent the spread of AIS from federal lands and waters and across the nation.

This document and appendices provide background and information necessary for the federal land and water management agencies to assess and take steps to enhance their programs that address the movement of invasive species onto and off of federal lands and waters, as called for in Action Item 1.4 of the Phoenix action plan. ANSTF and NISC should also consider the need for future committee work on the following longer-term options:

- Explore the issuance of joint rulemaking by federal agencies to allow managers of federal lands, waters, and facilities to address the movement of invasive species both onto and off of federal lands and waters. A joint rulemaking would allow for one rule to apply to each federal agency that participated in the rulemaking process. This effort could be on behalf of the NISC but drafted by select federal agencies.
- Develop funding mechanisms to include new alternatives and expansion of existing financial tools.

²¹ National Sea Grant Law Center and the Association of Fish and Wildlife Agencies (January 2014). An Act to Prevent the Spread of Aquatic Invasive Species by Recreational Boats: A Model Law to Promote Reciprocity Among State Watercraft Inspection and Decontamination Programs.

²² 16 USC 3371-3378

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- Continue to work with Congress (e.g. the Invasive Species Caucus) to strengthen federal and state efforts to stop the spread of invasive species.

APPENDIX I: FEDERAL AGENCIES' ROLES AND RESPONSIBILITIES IN INVASIVE SPECIES MANAGEMENT

This section is intended to serve as an informational guide to identify federal agencies' roles and responsibilities in invasive species management. This document does not represent a complete or definitive list of all federal roles, responsibilities, or legal authorities on invasive species nor is it intended to interpret or amend any federal legal authorities.

Federal Interagency Coordination

Aquatic Nuisance Species Task Force

The Aquatic Nuisance Species Task Force (ANSTF) was established in 1991 with the passage of the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) in 1990 and reauthorized with the passage of the National Invasive Species Act (NISA) in 1996 (collectively, the Act).²³ The ANSTF is an interagency committee established by Section 1201 of the Act and serves to develop and implement an aquatic invasive species program for waters of the United States.

The ANSTF is chartered in accordance with the provisions of the Federal Advisory Committee Act (FACA) of 1972. The Act designated the Director of the Fish and Wildlife Service and the Undersecretary of Commerce for Oceans and Atmosphere as the ANSTF Co-chairpersons. To meet the challenges of developing and implementing a coordinated and complementary federal program for ANS activities, the ANSTF members include representatives from 13 federal agencies and 13 *ex-officio* member organizations. These members work in conjunction with Regional Panels and issue-specific committees to coordinate efforts amongst agencies as well as efforts of the private sector and other North American interests.

Federal Interagency Committee for the Management of Noxious and Exotic Weeds

The Federal Interagency Committee for the Management of Noxious and Exotic weeds (FICMNEW) was established through a Memorandum of Understanding signed by agency leadership in August 1994. FICMNEW represents a formal partnership between 16 federal agencies with direct invasive plant management and regulatory responsibilities spanning across the United States and territories.

FICMNEW's charter directs the committee to coordinate, through the respective Secretaries, Assistant Secretaries, and Agency heads, information regarding the identification and extent of invasive plants in the U.S. and to coordinate federal agency management of these species. FICMNEW accomplishes these portions of its charter by developing and sharing scientific and technical information, fostering collaborative efforts among federal agencies, providing recommendations for national and regional level

²³ Aquatic nuisance species (ANS), as defined by legislation, are nonindigenous species that threaten the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters. ANS include nonindigenous species that may occur within fresh, estuarine, or marine waters and that presently or potentially threaten ecological processes or natural resources. The term ANS is often used interchangeably with aquatic invasive species (AIS), the preferred term of federal and state managers.

management of invasive plants, and sponsoring technical/educational conferences and workshops concerning invasive plants.

National Invasive Species Council

The National Invasive Species Council (NISC) was established by Executive Order 13112 (Order). NISC is co-chaired by the Secretaries of Agriculture, Commerce, and the Interior and includes 13 member departments and their constituent agencies as well as a small staff assigned specifically to the Council. The Order directs the Secretary of the Interior to establish an Invasive Species Advisory Committee (ISAC) composed of non-federal experts and stakeholders to provide advice and recommendations to NISC on invasive species-related issues. NISC provides national leadership and oversight on both terrestrial and aquatic invasive species and ensures that federal programs and activities to prevent and control invasive species are coordinated, effective, and efficient. NISC has specific responsibilities including promoting action at local, state, tribal, and ecosystem levels; identifying recommendations for international cooperation; facilitating a coordinated network to document, evaluate, and monitor invasive species' effects; developing a web-based information network on invasive species; and, developing guidance on invasive species for federal agencies to use in implementing the National Environmental Policy Act.

Executive Office of the President

The Executive Office of the President (EOP) was created in 1939 by President Franklin D. Roosevelt. The EOP has responsibility for tasks ranging from communicating the President's message to the American people to promoting our trade interests abroad.

The White House Council on Environmental Quality

The Council on Environmental Quality (CEQ) coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. CEQ was established within the Executive Office of the President by Congress as part of the National Environmental Policy Act of 1969 (NEPA) and additional responsibilities were provided by the Environmental Quality Improvement Act of 1970. NEPA assigns CEQ the task of ensuring that federal agencies meet their obligations under the Act. The challenge of harmonizing the economic, environmental, and social aspirations has put NEPA and CEQ at the forefront of our nation's efforts to protect the environment.

Through interagency working groups and coordination with other EOP components, CEQ works to advance the President's agenda. It also balances competing positions, and encourages government-wide coordination, bringing federal agencies, state and local governments, and other stakeholders together on matters relating to the environment, natural resources, and energy.

Office of the U.S. Trade Representative

The Office of the U.S. Trade Representative (USTR) has lead responsibility for developing and coordinating U.S. international trade, commodity, and direct investment policy, and is the lead trade negotiator for the United States in bilateral, regional, and multilateral trade and investment agreements. USTR is responsible for developing and implementing trade policies which promote economic growth, support efforts to protect the environment, advance core labor standards, and create new opportunities for U.S. businesses, workers, and agricultural products. USTR also leads an

interagency process to conduct reviews of the possible environmental effects of trade negotiations and leads or directs U.S. negotiations with other countries through entities such as the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA).

U.S. Department of Agriculture

The USDA has the greatest amount of resources devoted to invasive species within the Federal government. Within the USDA, the Animal and Plant Health Inspection Service (APHIS), U.S. Forest Service (USFS), Natural Resources Conservation Service (NRCS), Agricultural Research Service (ARS), Cooperative State Research Education and Extension Service (CSREES), Farm Service Administration (FSA), and the Foreign Agricultural Service (FAS) have various roles in invasive species prevention, science, and management. APHIS is the primary USDA agency charged with preventing invasive species from entering the country.

APHIS can prohibit, inspect, treat, quarantine or require mitigation measures prior to allowing entry of plant species, plant pests, biological control organisms, animals, animal products and by-products, or their host commodities or conveyances. APHIS is involved with overseas control and eradication of some invasive pest species, and also regulates the importation/exportation of veterinary biological products intended to treat animal disease. ARS and CSREES conduct and support research concerning invasive species. USFS manages invasive species on its 192 million acre national forest and grass lands system, provides assistance to state and private sector land owners, and conducts invasive species research. NRCS with FAS aids in invasive species efforts through their cost-share and conservation technical assistance programs. FAS also provides invasive species technical assistance to foreign countries.

U.S. Forest Service

The mission of the U.S. Forest Service is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations. The Forest Service has hundreds of research scientists and thousands of management professionals in specialties such as forest entomology and forest pathology, botany, wildlife management, and ecology, invasive species management, fisheries and aquatic ecology, fire management, environmental education and outreach, rangeland management, soils and hydrology, environmental and land-use planning, recreation and cultural resources management, silviculture, vegetation ecology, engineering, and law enforcement. Each of these disciplines plays an important role in addressing the broad range of aquatic and terrestrial invasive species threats across the landscape.

As a major federal land manager in the United States, the Forest Service works extensively with public and private stakeholders and other partners to conduct management activities against a wide range of aquatic and terrestrial invasive species across the 193 million acre National Forest System. The National Forests and National Grasslands within this extensive system range from Alaska to the Caribbean and play a pivotal role in addressing a broad array of invasive plants, pathogens, fungi, vertebrates, invertebrates, and algae, including work against invasive species threats within terrestrial, marine, and freshwater ecosystems. The Forest Service is recognized as a leader in invasive species ecology, management, and research in the United States, and internationally. The Forest Service also provides technical and financial assistance to state natural resource and agricultural agencies, tribal governments, non-government organizations, and other federal land management agencies to address invasive species threats to rural and urban areas of all ownerships, spanning hundreds of millions of acres

nationwide. Internationally, the Forest Service also delivers technical and financial support to overseas partners and nations to address global conservation issues, including the prevention and control of invasive species.

The Forest Service routinely conducts research, scientific collaboration, and reviews that address priority information gaps related to invasive species management. The Forest Service Eastern Forest Environmental Threat Assessment Center (EFETAC), Western Wildland Environmental Threat Assessment Center (WWETAC), Forest Health Technology Enterprise Team (FHTET), and the National Forest System Technology & Development Centers (San Dimas T&DC, and Missoula T&DC) provide a wide array of scientific information and assessments and specialize in developing and applying new management solutions and technologies to address invasive species management problems. The Forest Service also plays an important role in each of the national federal interagency coordinating groups addressing invasive species, including the ANSTF, FICMNEW, and the Federal Interagency Committee for Invasive Terrestrial Animals and Pathogens (ITAP).

U.S. Department of Commerce/National Oceanic and Atmospheric Administration

Under the NANPCA (reauthorized in 1996 by the NISA), the National Oceanic Atmospheric Administration (NOAA) has responsibility for prevention, monitoring, control, education, and research to prevent future introductions and the spread of aquatic invasive species. Examples include:

- Support research, outreach, and education to prevent and control aquatic invasive species in response to local, state, and regional issues.
- Provide training and technical assistance to assist management efforts that respond to current invasions or prevent future invasions.
- Provide management support through Endangered Species Act (ESA) consultations, permit reviews/evaluations, and policy development
- Address invasive species threats to NOAA trust resources such as threatened and endangered species, marine mammals, fisheries, etc.
- In Papahānaumokuākea Marine National Monument, NOAA and DOI perform inspections of inbound vessels and conduct monitoring and removal efforts.
- In partnership with FWS, NOAA continues to improve upon and provide [Hazard Analysis and Critical Control Point \(HACCP\) planning](#) to state and federal partners. HACCP is a management tool that provides a structured method to identify ANS risks and focus procedures in natural resource pathway activities.
- NOAA also provides staff support for engagement and activities related to its leadership role as the co-chair of both the NISC (representing the Department of Commerce) and the ANSTF, two interagency organizations that coordinate and ensure complementary, cost-efficient, and effective federal activities regarding invasive species.

U.S. Department of Defense

DOD manages over 25 million acres of lands within military installations. DOD controls and manages invasive species in accordance with individual plans governing each installation or base. The goals of DOD's Invasive Species Management Program are prevention and control of invasive species on military installations and restoration using native plants. DOD established and maintains a safe, effective, and environmentally sound integrated pest management program to prevent or control disease vectors and pests that may adversely impact military readiness or operations. The Armed Forces Pest Management Board (AFPMB) coordinates DOD pest management programs and produces information primarily for troops overseas. Technical Guide 31, Contingency Retrograde Washdowns: Cleaning and Inspection Procedures, 1993, provides guidance for washdowns required for incoming ships, aircraft, and equipment returning from overseas.

The U.S. Army Corps of Engineers (USACE) operates and maintains over 12 million acres of water and land. The goals of the USACE invasive species programs are prevention, management, research, and education and outreach. The USACE is authorized under the River and Harbor Act of 1958, as amended in 1965, for a comprehensive program (Aquatic Plant Control (APC) Program) on the control of noxious aquatic plants. The APC program is composed of two components: a 50/50 federal/local cost sharing arrangement with state and local governments for managing nuisance aquatic plants in navigable waterways of the United States outside of USACE and other federal agency projects areas; and a continued research program (Aquatic Plant Control Research Program) that is 100 percent federal cost and the only federally authorized program to conduct research on the development of cost effective and environmentally friendly control technologies against invasive aquatic plants. In 1996, The Administration directed USACE to eliminate funding for the 50/50 cost share component of the APC program and focus on research and development program only. In 2012, an Administrative decision was made not to fund the APC research and development program as well. However, Congress continues to add funds to the budget on a yearly basis to support this component of the program. In addition to the APC cost share program, the Corps is authorized under the River and Harbor Act to control invasive aquatic plants in navigable waters associated with Gulf Coast States (Removal of Aquatic Growths (RAG) Program). The USACE is also authorized (Non-indigenous Aquatic Nuisance Prevention and Control Act as amended by the National Invasive Species Act) to conduct research for the development of control technologies against nuisance species other than aquatic plants (Aquatic Nuisance Species Research Program). The USACE also built and operates electric barriers on the Chicago Area Waterway System (CAWS) to prevent the movement of Asian carp between the Great Lakes and Mississippi River basins. The Corps also has new responsibilities under the Water Resources Reform and Development Act of 2014, Section 1039 for monitoring, reporting, and control.

U.S. Department of Health and Human Services

Certain invasive species impact human health directly. Although NISC does not address pathogens and parasites that infect humans exclusively, NISC does coordinate actions on animal and zoonotic diseases that are transmitted to not only humans, but other animal species as well. Several agencies within HHS deal with zoonotic diseases. The Centers for Disease Control and Prevention (CDC) address zoonotic diseases, emerging diseases, and those with unknown etiologies.

Specifically, CDC's National Center for Zoonotic, Vector-Borne, and Enteric Diseases (NCVED) provides leadership, expertise, and services concerning epidemiological science, bioterrorism preparedness, applied research, disease surveillance, and outbreak response for infectious diseases. The National

Institutes of Health (NIH) provide support for zoonotic and bioterrorism preparedness research. The Public Health Service (PHS) is one of seven uniformed services whose officers serve at NPS, NOAA, USDA, EPA, and DOD. Their mission includes zoonotic disease surveillance and prevention.

U.S. Department of Homeland Security

Within the U.S. Department of Homeland Security (DHS), the U.S. Coast Guard (USCG), Customs and Border Protection (CBP), Federal Emergency Management Agency (FEMA), and Homeland Security Advanced Research Projects Agency (HSARPA) have multiple responsibilities that involve invasive species. USCG works with other agencies to develop and enforce international fisheries and maritime agreements, including those concerning ballast water management. FEMA is within Emergency Support Function (ESF #11) and works with other federal agencies to control and eradicate outbreaks of animal/zoonotic diseases, exotic plant pests, or invasive plant pest infestations. FEMA also contributes to the protection of natural and cultural resources. HSARPA supports research to advance the miniaturization of biological and chemical sensors capable of detecting hazardous biological materials such as disease agents.

CBP works with APHIS and FWS to enforce laws prohibiting or limiting the entry of invasive species. In addition, CBP supports the removal of invasive plants that interfere with border area surveillance. CBP is responsible for inspections at ports of entry for agricultural products by DHS ordinance. CBP agriculture specialists follow agriculture regulations and policies provided by the USDA to conduct these inspections. Conveyances, cargo and passenger baggage are inspected to determine if they present an invasive species pathway. CBP personnel determine whether plant and animal materials can enter the U.S., thereby preventing the introduction of invasive species.

U.S. Department of the Interior

DOI is the largest land manager in the United States. Invasive species are an aspect of a large proportion of the Department's responsibilities for stewardship of public lands. The federal staff of NISC and the non-federal Invasive Species Advisory Committee (ISAC) are housed and administered (respectively) by the Immediate Office of the Secretary of the Interior. Within DOI, the Bureau of Reclamation (BOR), the Bureau of Land Management (BLM), the U.S. Geological Survey (USGS), the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), the U.S. Fish and Wildlife Service (FWS), the Bureau of Indian Affairs (BIA), the Office of Insular Affairs, the National Park Service (NPS), and the Office of Surface Mining Reclamation and Enforcement (OSMRE) all have various roles in the science and management of invasive species.

BOR, BLM, FWS, and NPS are responsible for programs that control invasive species which infest water systems and lands that they manage. They also cooperate with and support efforts to control invasive species and the restoration of impacted areas. BOEM and BSEE support research concerning invasive species introduced by or impacting off-shore oil and gas platforms. BIA supports tribal government efforts to control invasive species. The Office of Insular Affairs directs financial assistance toward invasive species programs. USGS supports the missions of DOI component bureaus and other federal agencies through its research programs.

Bureau of Land Management

- Manages the public lands to prevent their unnecessary or undue degradation and to provide for both renewable resource uses (such as timber, grazing, recreation, solar and wind energy, and fish and wildlife) and non-renewable resource uses (such as solid (e.g., copper, coal) and liquid (e.g., oil, natural gas) minerals), while minimizing the introduction and spread of invasive species.
- Manages those public lands within the National Landscape Conservation System (including National Monuments, Wilderness Areas, Wild and Scenic Rivers, and other specially designated lands) to protect the values for which they were designated.
- Since 2010, BLM has implemented aquatic (and terrestrial) invasive species activities based on guidance in the interagency fire operations Redbook.
- Member of the Executive Committee of the Aquatic Nuisance Species Task Force and its Western Regional Panel.
- Supports state-led efforts through outreach and education when budget allows.
- Works cooperatively to control and manage rapid expansion of invasive species across public lands to preserve and restore native ecosystems.

Bureau of Ocean Energy Management

- Assesses potential impacts in environmental documents and for consultation processes.
- Assesses and monitors environmental baselines and affected communities through BOEM's Environmental Studies Program. BOEM is currently funding studies in the Gulf of Mexico on the spread of a coral species, *Tubastraea spp.*, and in the Pacific region of a bryozoan species, *Watersipora sp.*

Bureau of Reclamation

- Conducts aquatic invasive zebra and quagga mussel detection and monitoring in waterbodies throughout the western U.S.
- Researches and develops methods and techniques to control and manage invasive species on Reclamation lands and in hydroelectric and water distribution facilities.
- Implements integrated pest management (IPM) for control of exotic and invasive species.
- Participates in regional stakeholder committees and task forces for the control of invasive species.
- Participates in public outreach events to increase public education and awareness.

Bureau of Safety and Environmental Enforcement

- Mitigates, as appropriate, negative environmental impacts on marine ecosystems and coastal communities, primarily through Notices to Lessees (NTLs) and lease stipulations.

U.S. Fish and Wildlife Service

- Co-chairs and provides administrative support to the ANSTF composed of 13 federal and 13 non-federal members.
- Oversees national aquatic invasive species program.
- Oversees the injurious wildlife program listing.
- Enforces the injurious species provisions of the Lacey Act.

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- Working in cooperation with the ANSTF, the State/Interstate ANS Management Plan Grant Program continues to help support states in their efforts to fight AIS. As of June 2015, FWS funded 42 ANS Management Plans (39 State and 3 Interstate Plans).
- Provides funding and/or coordination support to six ANSTF regional panels.
- In cooperation with Canadian Department of Fisheries and Oceans runs the sea lamprey control program in the Great Lakes.
- Leads a multi-agency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio Rivers.
- Coordinates and provides funding to state and regional efforts to slow the spread of quagga and zebra mussels under the Quagga/Zebra Mussel Action Plan.
- Ensures ecological function and integrity of refuges which may be harmed by invasive species.
- Addresses invasive species threats to the persistence of trust resources such as migratory birds, threatened and endangered species, marine mammals, fisheries, etc.
- Inventories and monitors species across state lines.
- Develops management plans for refuges.
- Protects and manages 563 refuges, 5 national monuments, and over 568 million acres of lands and waters.
- Serves over 46 million recreation visitors each year.
- Takes action to contain species.
- Developed a series of risk-screening tools to help manage invasive species risks from the live animal trade. The tools include: 1) the Ecological Risk Screening Summary (ERSS) process, which helps to predict the invasiveness of imported, non-native species; 2) the Bayesian Network analysis, which helps assess the risk of species determined to be uncertain through ERSS; and 3) the Risk Assessment Mapping Program (RAMP), a model that uses international databases of climate, individual species distribution, and other factors to match known species climate requirements with predicted climate regimes across North America (current year, 2050, and 2070). All three tools have recently gone through or are currently undergoing peer review per OMB policies for “influential science.”
- In partnership with NOAA, FWS continues to improve upon and provide [Hazard Analysis and Critical Control Point \(HACCP\) planning](#) to state and federal partners. HACCP is a management tool that provides a structured method to identify ANS risks and focus procedures in natural resource pathway activities.
- Works with the pet trade and recreational watercraft industries to collaborate on non-regulatory efforts to reduce spread of invasive species.
- Enforces trafficking in interstate and foreign commerce of injurious and invasive species.
- Develops model species enforcement plan for other agencies.
- Can support certain types of invasive species activities (such as waterbody inspection stations) under certain conditions via the Dingell-Johnson Sport Fish Restoration Act.

Bureau of Indian Affairs

- Responsibility for monitoring, compliance, and enforcement of grazing permits and agricultural leases with respect to invasive species on tribal range and agricultural lands held in trust for Indian Tribes.
- Receives federal allocation of funds for invasive species (vegetative treatment of noxious weeds) on federally recognized tribal lands under the trust responsibility of the Secretary of the Interior, and disburses these funds through a competitive project process

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- Supports tribal participation in twelve regions for EDRR, local, state, and regional CWMA and collaborative restoration projects, including the Great Lakes Restoration Initiative, Missouri River Water Coalition, San Juan Woody Watershed Initiative, and the Southwest Tamarisk Coalition.

National Park Service

- Preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.
- Cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.
- Protects 408 parks covering over 84 million acres.
- Manages and protects over 28,000 historic structures, over 52 million acres of designated wilderness, and a wide range of museum collections and cultural and natural landscapes.
- Serves over 275 million visitors each year.
- Provides technical assistance and administers grant programs for preservation and outdoor recreation.

Office of Insular Affairs

- Provides financial assistance for brown treesnake (BTS) control and research. The primary goals of OIA's BTS efforts are to: 1) prevent the establishment of BTS in other U.S.-affiliated insular areas and 2) develop and implement techniques to control BTS populations on Guam.
- Supports invasive species projects, which are also eligible under its Technical Assistance and Coral Reef Initiative programs.

U.S. Geological Survey

- Conducts research to determine appropriate methodology to manage invasive species.

Office of Surface Mining Reclamation and Enforcement

- Provides oversight to 24 primacy states and the federal programs in protecting the environment and society from the adverse effects of surface coal mining operations.
- Responsible for working with states and tribes to ensure that the land is restored/reclaimed to beneficial use after mining is completed.
- Works with universities and other federal/state agencies to further the science of reclaiming mine lands using native species.

U.S. Department of State

The Bureau of Oceans and International Environmental and Scientific Affairs, Office of Conservation and Water (OES/ECW) is the main point of contact in the Department of State (DOS) for invasive species issues. OES is responsible for international marine and coastal invasive species as well as terrestrial ones in a variety of contexts and advocates for policies and approaches consistent with those of the United States at international forums such as regional initiatives and multilateral environmental agreements like the Convention on Biological Diversity. DOS works closely with other federal agencies to develop U.S. policies on invasive species and collaborates with other agencies in international matters related to invasive species, e.g. issues involving international boundaries. DOS also engages in various activities related to invasive species intended to increase awareness, build regional and global capacity to address

invasive species prevention and management, share data and information, and provide a platform for international diplomacy.

U.S. Department of Transportation

The Federal Highway Administration (FHWA) has an oversight role in federally funded highway projects that include both Interstate and State highways. FHWA's Vegetation Management Program guides States' departments of transportation on invasive species issues. The Federal Railroad Administration (FRA) promotes safe and environmentally sound rail transportation and supports invasive species control efforts on rail corridors. The Maritime Administration (MARAD) promotes development and maintenance of an adequate, well-balanced U.S. Merchant Marine and supports the control of aquatic invasive species. The Saint Lawrence Seaway Development Corporation works with the U.S. Coast Guard, Transport Canada, and the Canadian St. Lawrence Seaway Management Corporation to ensure compliance with joint U.S./Canadian Seaway regulations for vessels entering the binational waterway. These regulations enforce safety and environmental requirements, including ballast water requirements.

Further information includes:

- Provides financial assistance and award management for ballast water research. The overall goal of this effort has been to assist the maritime industry in addressing invasive species in ballast water. The initiative has grown to become a multistate and multiagency cooperative effort that includes development of technical and scientific protocols for technology testing and verification; development of independent testing facilities to provide the needed data for ultimate certification of technologies to International Maritime Organization and U.S. Coast Guard standards; and technology testing.
- Ensures that environmental reviews of project proposals include discussion of project potential to introduce, promote or spread invasive species, including federal-aid and Federal Lands Highway Program actions.
- Provides guidance on airline disinfection requirements to the public. The Department's aircraft disinfection website contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for those flights when the cabin is occupied with passengers, as well as other useful information about the aircraft disinfection program.
- Produces handbooks, such as [Roadside Use of Native Plants](#), which provides state-by-state references on the use of native plants and how they can be used to benefit highway projects.

U.S. Department of Treasury

Prior to the formation of the Department of Homeland Security, Treasury housed the U.S. Customs Service, which assisted in preventing invasive species from entering the U.S. Currently Treasury advises and assists in the formulation and execution of U.S. international economic and financial policy, including the development of policies with respect to international trade, investment, bilateral aid, environment, and development programs.

U.S. Environmental Protection Agency

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA has regulatory authority over certification of such compounds and may place limits on the conditions under which they may be used. EPA's research activities include evaluation of ecological indicators (including non–native species) for surface waters, the effects of non–native species on wetland restoration, and studies on non–native, submerged aquatic vegetation. EPA leads U.S. activities under the North American Agreement for Environmental Cooperation (NAAEC).

EPA has many responsibilities under the Clean Water Act (CWA), the cornerstone of surface water quality protection in the United States. The statute employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways (eg, National Pollutant Discharge Elimination System, Vessel General Permit, Small Vessel General Permit). These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

EPA engages in international invasive species issues through its Office of International Affairs (e.g. through the Trilateral Commission for Environmental Cooperation), and various other offices on a project–by–project basis. When trans–border issues are at hand, the EPA Office of Research and Development (ORD) offers expert advice, analysis, and risk assessment of potential invasive species issues. EPA works extensively with Canada and bordering states in managing invasive species issues in the Great Lakes region. ORD primarily plays the supporting role of providing expertise and analysis. In the future, international issues arising from ballast water transfer may become a part of the scope of EPA's work.

U.S. Agency for International Development

USAID is the principal U.S. agency extending assistance to developing countries and works in four major topical areas: economic growth and agricultural development; population, health, and nutrition; environment; and democracy and governance. USAID has responsibility for ensuring that U.S. development of assistance programs do not lead to the introduction of invasive species in other nations. It is well positioned to use its programs to support projects to eradicate and control invasive species where they are already established in developing countries, especially when food, water, and health security are at risk.

National Aeronautics and Space Administration

NASA's remote Earth sensing capabilities are proving instrumental in delineating, locating, and predicting new or current invasive species infestations on both the land and in the oceans. In addition, NASA's Planetary Protection Office continues in the forefront of monitoring invasive species farther away, ensuring that the risk of accidental cross-contamination of the planets by hitchhiking life forms during interplanetary missions is kept to a minimum. Therefore, NASA's activities are critical to addressing the full range of potential invasive species issues at the federal and international level.

For example, NASA has been active in meeting the requirements of the 1967 United Nations Outer Space Treaty Article IX, which specifies that solar system exploration missions should avoid forward and backward contamination of biological material. NASA's current guidance on potential invasive species is

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derived from the International Council for Science (ICSU)/Committee on Space Research (COSPAR) international standards for planetary protection, along with recommendations from a number of U.S. National Academy of Sciences and National Research Council studies and the presence of an active Planetary Protection Advisory Subcommittee, which includes international and interagency representation.

APPENDIX II: SUMMARY OF AGENCY ACTIONS FOR ADDRESSING THE MOVEMENT OF AQUATIC INVASIVE SPECIES ONTO AND OFF OF FEDERAL LANDS

The chart below was developed as a tool for federal agencies to delineate their authorities to address the movement of invasive species onto and off of federally managed lands and waters. Answers are intended to serve as an informational guide to identify existing authorities to address the movement of invasive species onto and off of federally managed lands and waters, but do not represent a complete or definitive list of all federal legal authorities nor are they intended to interpret or amend any federal legal authorities.

Agencies responding include Army Corps of Engineers (USACE); Bureau of Land Management (BLM); Bureau of Reclamation (BOR); U.S. Forest Service (FS); U.S. Fish and Wildlife Service (FWS); National Oceanic Atmospheric Administration (NOAA); National Park Service (NPS)

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| Does the agency have the authority to: | Responses (-'=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|--|--|-----|-----|----|-----|------|-----|-------------------------------------|---|
| | US ACE | BLM | BOR | FS | FWS | NOAA | NPS | | |
| Regulate the Movement of Invasive Species | | | | | | | | | |
| 1. Identify/list invasive species of potential risk to their lands/waters? | Y | Y | Y | Y | Y | Y | Y | USACE, BLM, BOR, FS, FWS, NOAA, NPS | |
| 2. Identify/list specific lands and waters affected by invasive species? | Y | Y | Y | Y | Y | Y | Y | USACE, BLM, BOR, FS, FWS, NOAA, NPS | |
| 3. Regulate the intentional and/or unintentional introduction or movement of species | Y* | Y | N | Y | Y | Y | * | USACE*,BLM, FS, FWS, NOAA | (USACE) contracting requirements have specifications; (NPS) has regulations prohibiting introductions into park ecosystems |
| a. Onto their lands/waters? | N | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) regulations prohibit introduction, law enforcement may be able to take preventive action if introduction is imminent or anticipated |
| b. Off of their lands/waters? | N | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) authority to regulate movement off unclear |
| c. Within its lands/waters (e.g., from one waterbody to another within the same federally-managed area)? | * | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (ACOE) voluntary inspections only; (NPS) may be able to regulate movement within its boundaries when introduction is imminent or anticipated, park unit superintendent could promulgate regulations |
| 4. Take rapid response actions to manage newly detected infestations? | Y | Y | N | Y | Y | Y | Y | USACE, BLM, FS, FWS, NOAA, NPS | (NPS) authority to manage newly detected infestations |

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| Does the agency have the authority to: | Responses (‘-’=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|--|---|-----|-----|----|-----|------|-----|----------------------------|---|
| Access to Federal Lands and Waters | US ACE | BLM | BOR | FS | FWS | NOAA | NPS | | |
| 5. Regulate access to its lands/waters, including complete closures? | - | Y | N | Y | Y | Y | Y | BLM, FS, FWS, NOAA, NPS | (NPS) on emergency basis through the superintendent’s compendium; non-emergency, longer-term closures require rulemaking |
| 6. Stop a visitor | | | | | | | | | |
| a. Entering its lands/waters? | Y* | Y | N | Y | Y | Y | * | USACE*, BLM, FS, FWS, NOAA | (USACE) can ask users to stop for voluntary for inspections; (NPS) under certain conditions |
| b. Departing its lands/waters? | Y* | Y | N | Y | Y | Y | * | USACE*, BLM, FS, FWS, NOAA | (USACE) can ask users to stop for voluntary for inspections; (NPS) authority to stop a visitor leaving is unclear, would require reasonable suspicion that the visitor had violated a law |
| c. Within its lands/waters? | Y* | Y | N | Y | Y | Y | * | USACE*, BLM, FS, FWS, NOAA | (USACE) under recognized law enforcement contracts; (NPS) under certain conditions, would depend on probable cause |

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| Does the agency have the authority to: | Responses (‘-’=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|---|---|-----|-----|----|-----|------|-----|----------------------------|---|
| | US ACE | BLM | BOR | FS | FWS | NOAA | NPS | | |
| 7. Stop and inspect vehicles, boats, trailers, associated gear and/or personal equipment (externally and internally)? | Y* | Y | N | Y | Y | Y | * | USACE*, BLM, FS, FWS, NOAA | (USACE) can ask users to stop for voluntary for inspections; (NPS) inspection may occur on the expectation of potential for introductions |
| 8. Detain or quarantine vehicles, boats, trailers, associated gear and/or personal equipment? | N | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) authority unclear |
| 9. Require cleaning of a contaminated vehicle, boat, trailer, associated gear and/or personal equipment? | N | Y | N | Y | * | Y | * | BLM, FS, NOAA | (FWS) by special use permit; (NPS) may be able to require cleaning of incoming conveyances, authority to require cleaning of outgoing conveyances not clear, but could be a component of a use permit |
| 10. Establish and operate a decontamination station on its lands/waters? | N | Y | N | Y | Y | Y | Y | BLM, FS, FWS, NOAA, NPS | (BLM) if provided onsite; (NOAA) assume they would have authority, issue may be capacity |
| 11. Clean a contaminated vehicle, boat, trailer, associated gear and/or personal equipment itself? | N | Y | N | Y | * | Y | * | BLM, FS, NOAA | (BLM) if provided onsite; (FWS) by special use permit; (NOAA) assume they would have authority, issue may be capacity; (NPS) staff can clean incoming boats |

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| Does the agency have the authority to: | Responses ('-'=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|---|--|-----|-----|----|-----|------|-----|-------------------------|---|
| Fees and Penalties | US ACE | BLM | BOR | FS | FWS | NOAA | NPS | | |
| 12. Collect fees for cleaning a contaminated vehicle, boat, trailer and/or associated gear? | N | Y* | N | Y | * | N | * | BLM*, FS | (BLM) special use permit; (NPS) with special use permits; (FWS) by special use permit |
| 13. Collect fees to pay for inspections? | N | Y* | N | Y | * | N | * | BLM*, FS | (BLM) nothing in regulation; (FWS) by special use permit; (NPS) with special use permits |
| 14. Administer penalties for violations (civil/administrative, criminal)? | Y* | Y* | N | N | Y | Y | * | USACE*, BLM*, FWS, NOAA | (USACE) after being warned citation could be issues; (BLM) penalties are available for violation of special use permits or regulations; (FS) typically penalties are not "administered" by the agency, but rather through the state or federal prosecution or the respective court system; (NPS) authority to do so for violations of regulations but no invasive species regulations |

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| Does the agency have the authority to: | Responses (‘-’=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|--|---|-----|-----|----|-----|------|-----|------------------------------|--|
| | US ACE | BLM | BOR | FS | FWS | NOAA | NPS | | |
| 15. Gather and store information related to inspections? | N | Y | - | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) under guidance of Privacy Act and Special Park Use permits |
| 16. Share inspection information for law enforcement purposes (general inspection data and specific violations) with | N | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) when violation of federal law occurs |
| a. Other federal agencies? | N | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) when violation of federal law occurs |
| b. State agencies? | N | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) when violation of federal law occurs |
| c. Other entities? | N | Y | N | Y | Y | Y | * | BLM, FS, FWS, NOAA | (NPS) when violation of federal law occurs |
| 17. Share information on the presence/absence of specific invasive species in its lands/waters? | N | Y | Y | Y | Y | Y | Y | BLM, BOR, FS, FWS, NOAA, NPS | |

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| Does the agency have the authority to: | Responses (‘-’=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|--|---|-----|-----|----|-----|------|-----|--------------------------------|--|
| Coordination with Other Agencies | US ACE | BLM | BOR | FS | FWS | NOAA | NPS | | |
| 18. Enter into agreements with other federal or state agencies to | | | | | | | | | |
| a. Share information? | Y* | Y | Y | Y | Y | Y | * | ACOE*, BLM, BOR, FS, FWS, NOAA | (USACE) maintains several invasive species websites; (NPS) subject to Privacy Act |
| b. Coordinate law enforcement activities? | * | Y | N | Y | Y | Y | Y | BLM, FS, FWS, NOAA, NPS | (USACE) partnerships and Law enforcement contracts where established |
| c. Facilitate the prevention and management of invasive species? | Y | Y | N | Y | Y | Y | Y | ACOE, BLM, FS, FWS, NOAA, NPS | |
| 19. Honor inspection or decontamination processes (e.g., stickers, wire seals) from other federal or state agencies? | N | Y | Y | Y | Y | Y | Y | BLM, BOR, FS, FWS, NOAA, NPS | |

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| Does the agency have the authority to: | Responses (-'=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|--|--|-----|-----|----|-----|------|-----|--------------------------------|--|
| | US ACE | BLM | BOR | FS | FWS | NOAA | NPS | | |
| 20. Have internal guidance or standard operating procedures for | | | | | | | | | |
| a. Monitoring agency lands and waters for invasive species? | Y | Y | Y | Y | Y | Y | * | USACE, BLM, BOR, FS, FWS, NOAA | (FWS) has inventory and monitoring program; (NOAA) authority but no standard operating procedure, except at the Papahānaumokuākea National Marine Sanctuary; (NPS) issued the Quagga/Zebra Mussel Infestation Prevention and Response Planning Guide (guidance not regulation or policy), also has general inventory and monitoring program (program is not focused on invasive species) |
| b. Inspecting vehicles, boats, trailers and associated gear? | N | Y | Y | Y | * | Y | * | BLM, BOR, FS, NOAA | (FWS) follows Hazard Analysis Critical Control Point planning and guidance developed in Quagga/Zebra Mussel Action Plan, Western Regional Panel, and BOR; (NPS) Quagga/Zebra Mussel Infestation Prevention and Response Planning Guide; |
| c. Decontaminating vehicles, boats, trailers and associated gear? | N | Y | 0 | Y | * | Y | * | BLM, FS, NOAA | (FWS) follows Hazard Analysis Critical Control Point planning and guidance developed in Quagga/Zebra Mussel Action Plan, Western Regional Panel, and BOR; (NPS) Quagga/Zebra Mussel Infestation Prevention and Response Planning Guide |
| d. Quarantining or impounding vehicles, boats, trailers and associated gear? | N | Y* | N | Y | N | Y | * | BLM, FS, NOAA | (BLM) based on permitted actions etc.; (NPS/FWS) no procedures or guidance on impounding, quarantine times listed in Quagga/Zebra Mussel Infestation Prevention and Response Planning Guide |
| e. Information collection and reporting? | Y | Y | Y | Y | Y | Y | N | USACE, BLM, BOR, FS, FWS, NOAA | |

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| Does the agency have the authority to: | Responses (‘=no response; * indicates situational) | | | | | | | Yes - Summary | *Situation or example of authority being applied or reason/explanation why not applied |
|--|---|-----|-----|----|-----|-------|------|--------------------------|--|
| Delegation of Activities | US ACE | BLM | BOR | FS | FWS | NO AA | NP S | Summary | Notes |
| 21. Delegate any of these activities to third parties (e.g., state agencies or private vendors)? | Y | Y | Y | Y | * | * | Y | USACE, BLM, BOR, FS, NPS | (FWS) depends on the activity; (NOAA) marked situational |

APPENDIX III: LAWS AND POLICIES GUIDING INVASIVE SPECIES MANAGEMENT – INFORMATIONAL SUMMARY

This document is intended to serve as an informational guide to identify existing laws, regulations, and policies that can be utilized by agencies or bureaus to address the movement of invasive species both onto and off of federally managed lands and waters. This document does not represent a complete or definitive list of all federal legal authorities on invasive species nor is it intended to interpret or amend any federal legal authorities.

Introduction

As identified by this review, federal agencies operate under a wide range of statutory laws, executive orders, regulations, and policies that can address the movement of aquatic invasive species both onto and off of federal lands and waters or that help facilitate such actions. The following list of authorities begins with those that are utilized by multiple federal agencies. Afterward, those that are specifically utilized by individual federal agencies are identified. The authorities are generally arranged as follows:

- Laws: statutes enacted by Congress and signed into law by the President or enacted into law by Congress over Presidential veto;
- Executive Orders: orders issued by the President to the executive branch that has the force and effect of law; and
- Regulations and Policies: general statements issued by an agency, board, or commission that have the force and effect of law; interpretive rules, policy statements, and other guidance documents are also often published to help explain how an agency interprets or applies existing laws or regulations.

The Committee's arrangement of the authorities and the brief informational summaries are for the information of the reader and are not intended to interpret or amend any federal legal authorities. Please refer to the authority itself when considering its legal force and effect.

Multiple Federal Agencies

Laws

- *Alien Species Prevention Enforcement Act of 1992 (P.L. 102-393, 106 Stat. 1729 § 631)*. Requires the Secretary of Agriculture to work with the Department of the Interior, the Postal Service, and the State of Hawaii to operate a program to protect the State of Hawaii from the introduction of prohibited plants, plant pests, and injurious animals that may be contained in the mail.
- *Antiquities Act of 1906 (16 U.S.C. 431 et seq.)*. The Act provides the authority for the designation of national monuments by the President and allows for the promulgation of regulations to carry out the Act. Marine national monuments have been established to protect large marine areas in the Northwestern Hawaiian Islands and the Western Pacific. The control of invasive species is managed in Papahānaumokuākea Marine National Monument (Hawaii) by NOAA and the Fish and Wildlife Service.

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- *Carlson-Foley Act of 1968 (43 U.S.C. § 1241, et seq., P.L. 90-583)*. Directs agency heads to allow state officials to enter upon federal lands under the agencies' jurisdiction in order to destroy noxious plants growing on such land.
- *Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.)*. Amends the Federal Water Pollution Control Act of 1972. Section 313 is strengthened to stress federal agency compliance with federal, state, and local substantive and procedural requirements related to the control and abatement of pollution to the same extent as required of nongovernmental entities. Invasive species management to improve watershed condition supports the Act's charge to maintain the ecological integrity of our nation's waters, including the physical, chemical and biological components.
 - Special roles for the Environmental Protection Agency, Corps of Engineers, and Bureau of Reclamation.
- *Endangered Species Act (ESA) of 1973 (16 U.S.C. § 1531 et seq.)*. Provides for the conservation of threatened and endangered species of plants and animals. Section 4 provides for listing of threatened and endangered species. Section 7 of the Act requires all federal agencies to insure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of the species' critical habitat. Action agencies must consult with U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration (NOAA), whenever an agency action is likely to affect a threatened or endangered species or result in the destruction or adverse modification of its critical habitat.
 - Special roles for Interior/USFWS (for non-marine species) and the Commerce/NOAA/National Marine Fisheries Service (for marine species).
- *Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.)*. Requires all federal agencies to consult with NOAA, USFWS, and state wildlife agencies before authorizing or undertaking any water-development project. The purpose of consultation is to ensure that federal agencies consider fish and wildlife resources as part of water-development projects with a view towards the conservation and enhancement of such resources. For certain federal lands and waters, requires that federal wildlife-management regulations "shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated."
- *Healthy Forests Restoration Act of 2003 (16 U.S.C. § 6501 et seq.)*. Provides improved statutory processes for hazardous fuel reduction projects on certain types of at-risk National Forest System and Bureau of Land Management lands and also provides other authorities and direction to help reduce hazardous fuel and restore healthy forest and rangeland conditions on lands of all ownerships. Establishes a program to combat infestations by forest-damaging insects and associated diseases.
- *Title 16 of the Lacey Act (16 U.S.C. §§ 3371-3378)*. Provides that it is unlawful for any person to commit or attempt to commit any act described in § 3372(a), including to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law. It is also unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law; or to import, export,

transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant taken, possessed, transported, or sold contrary to certain state or foreign laws.

- Special roles for Interior, Commerce, and Agriculture to prescribe injurious wildlife by regulation, permit exceptions, and enforce regulations for injurious wildlife and promulgate specific regulations.
- *National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.)*. Requires federal agencies to analyze the physical, social, and economic effects associated with proposed plans and decisions, to consider reasonable alternatives to the action proposed, and to document the results of the analysis. The provisions of NEPA and the Council on Environmental Quality (CEQ) implementing regulations apply to invasive species management regarding the potential for significant impacts to the environment (FSM 1950; FSH 1909.15).
 - CEQ has special responsibilities for developing generally applicable regulations and guidance.
- *National Historic Preservation Act (54 U.S.C. § 300101 et seq.)*. Requires agency heads to assume responsibility for the preservation of historic properties owned or controlled by the agency and to develop a preservation program for the identification, evaluation, and nomination of historic properties to the National Register. Management activities to protect and preserve historic properties and cultural sites may include actions to prevent and control invasive species threatening or impacting those areas. The Act requires agency heads to evaluate the effects of an undertaking on property that is included or eligible for inclusion in the National Register and to afford the Advisory Council a reasonable opportunity to comment on the undertaking. Defines undertaking to include permitting activities or federal financial assistance under the jurisdiction of an agency.
 - National Park Service has special responsibilities for housing the National Register and developing guidance for identifying historic properties.
- *Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 (P.L. 101-646, 104 Stat. 4761) as reauthorized and amended by the National Invasive Species Act (NISA) of 1996 (P.L. 104-332)*. The U.S. Fish and Wildlife Service, the U.S. Coast Guard, the Environmental Protection Agency, the Army Corps of Engineers, and the National Oceanic and Atmospheric Administration are assigned responsibilities to develop a program of prevention, monitoring, control, and study to prevent introduction of and to control the spread of introduced aquatic nuisance species and the brown tree snake, including membership on the Aquatic Nuisance Species Task Force (ANSTF). Designated the Undersecretary of Commerce for Oceans and Atmosphere and the Director of the Fish and Wildlife Service as the ANSTF Chairpersons. Directs the U.S. Army Corps of Engineers to establish an Aquatic Nuisance Species Research Program for developing control technologies associated with aquatic invasive species (other than invasive aquatic plants). Requires the Secretary of Homeland Security to ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels. The Secretary of Homeland Security is further required to direct vessels to carry out management practices necessary to reduce the probability of unintentional discharges resulting from ship operations other than ballast water discharge (e.g., hull fouling). Jurisdiction under NISA applies to the U.S. territorial sea, or 12 nautical miles.
- *Sikes Act of September 15, 1960, as amended (16 U.S.C. §§ 670-670(f); 16 U.S.C. § 670g et seq.)*. Directs the planning, development, maintenance, coordination, and implementation of programs for

the conservation and rehabilitation of wildlife, fish, and game species, including specific habitat improvement or species management including invasive species management projects, on lands and waters under the jurisdiction of affected agencies. Provides for implementation of wildlife and fish conservation programs on federal lands and waters including authority for cooperative state-federal plans and authority to enter into agreements with states to collect fees to fund the programs identified in those plans.

- Special roles for Secretaries of the Interior, Defense, and Agriculture.
- *Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.)*. Establishes nationwide program to, among other things, protect society and the environment from the adverse effects of surface coal mining operations and promote reclamations of unmitigated and already mined areas. Directs the establishment on the mined areas, and all other lands affected, of a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation on the area; except that introduced species may be used in the re-vegetation process where desirable and necessary to achieve the approved post mining land use plan.
 - Special roles for Interior, Office of Surface Mining, Reclamation, and Enforcement, Department of Agriculture, Natural Resources Conservation Service, and state agencies.
- *Transportation of Water Hyacinths (P.L. 84-874, 70 Stat. 797, 18 U.S.C. § 46)*. Prohibits sale and advertisement of sale of water hyacinth (*Eichhornia crassipes*), alligator grass (*Alternanthera philoxeroides*), water chestnut (*Trapa natans*) plants and their seeds in interstate commerce.
- *Wilderness Act of 1964 (16 U.S.C. § 1131 et seq.)*. Establishes a National Wilderness Preservation System. Authorizes the Secretaries of the Interior and Agriculture to administer certain congressionally designated lands managed by each, respectively, as Wilderness. Directs the protection and preservation of these wilderness areas in their natural state, primarily affected by nature and not man's actions. Integrated pest management actions (including aquatic and terrestrial invasive species) in Wilderness are authorized to meet provisions of the Act and consistent with the respective Secretary's policy and guidance for Wilderness management.
 - Special roles for Agriculture, U.S. Forest Service, and Interior.
- *Wyden Amendment (P.L. 105-277, § 323 as amended by P.L. 109-54, § 434)*. Authorizes the Secretaries of the Interior and Agriculture to enter into cooperative agreements to benefit resources within watersheds on certain lands under the respective jurisdiction of each of these Secretaries. Agreements may be with willing federal, tribal, state, and local governments, private and non-government entities, and landowners to conduct activities on public or private lands. Under this authority, the Secretaries may enter into agreements to support or conduct invasive species management activities on aquatic and terrestrial areas owned by local and state governments, tribes, other federal agencies, private individuals, or organizations to benefit and protect public lands, the National Forest System, and other resources within a watershed at risk from invasive species.
 - Special roles for Agriculture, U.S. Forest Service, and Interior.

Executive Orders

- *Executive Order 13112* issued February 3, 1999. Directs federal agencies to: (1) identify actions that may affect status of an invasive species; (2)(a) prevent introduction of such species; (b) detect and control such species; (c) monitor population of such species; (d) provide for restoration of native species; (e) conduct research on invasive species and develop technologies to prevent introduction of such species; (f) promote public education of such species; and (3) not authorize, fund, or carry out actions likely to cause the introduction or spread of invasive species in the United States or elsewhere unless the benefits of the action clearly outweigh the harm and the agencies take steps to minimize the harm.
- *Executive Order 10046* issued March 24, 1949. Permanently withdrew all public domain lands within Land Utilization Projects (many in the West are now national grasslands) boundaries from all forms of appropriation under the public land laws, except the mining and mineral leasing laws, and reserved them for use, administration, and disposition by the U.S. Department of Agriculture in accordance with provisions of Title III of the Bankhead-Jones Farm Tenant Act to develop a program of land conservation and land utilization and adapt it to its most beneficial public use.
- *Executive Order 11246* issued September 24, 1965. Requires entities doing business on behalf of the Forest Service to comply with Title VI of the Civil Rights Act and applicable USDA regulations which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
- *Executive Order 13175* issued November 6, 2000. Federal agencies are directed to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications.

The Executive Office of the President

The Council on Environmental Quality

Laws

See above: National Environmental Policy Act of 1969 (16 U.S.C. § 4321).

U.S. Department of Agriculture (USDA)

Laws

See above: Alien Species Prevention Enforcement Act of 1992 (P.L. 102-393, 106 Stat. 1729 § 631); Title 16 of the Lacey Act (16 U.S.C. §§ 3371-3378); Sikes Act of September 15, 1960, as amended (16 U.S.C. §§ 670-670(f); 16 U.S.C. § 670g et seq.); Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.); Wilderness Act of 1964 (16 U.S.C. § 1131 et seq.); Wyden Amendment (P.L. 105-277, § 323 as amended by P.L. 109-54, § 434).

- *Animal Health Protection Act (P.L. 107-171, 7 U.S.C. § 8301 et. seq.)* Provides for the protection and welfare of animals by prohibiting the importation or entry of any animal that is deemed to disseminate any pest or disease of livestock within the U.S. The Act prohibits the use of any means

of conveyance in connection with the importation entry of livestock if the means of conveyance has not been maintained in a clean and sanitary condition. The Act also provides to maintain in all regions of the U.S., a sufficient number of federal and state veterinarians who are well trained in recognition and diagnosis of exotic and endemic animal diseases.

- *Federal Noxious Weed Act; Section 15 of the Federal Noxious Weed Act of 1974 (7 U.S.C. § 2801 note; 7 U.S.C. § 2814).* Federal Noxious Weed Act of 1974, as amended by Sec. 15 – Management of Undesirable Plants on Federal Lands, 1990 - Authorizes the Secretary “to cooperate with other federal and state agencies, and others in carrying out operations or measures to eradicate, suppress, control, prevent, or retard the spread of any noxious weed. Each federal agency shall 1) designate an office or person adequately trained to develop and coordinate an undesirable plants management program for control of undesirable plants on federal lands under the agency’s jurisdiction, and 2) establish and adequately fund an undesirable plants management program through the agency’s budgetary process, 3) complete and implement cooperative agreements with state agencies regarding the management of undesirable plant species on federal lands, and 4) establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements.”
- *Federal Seed Act of 1939 (7 U.S.C. § 1551 et seq.).* Allows for the regulation of interstate and foreign commerce in seeds, and addresses “noxious weed seeds” that may be present in agriculture or vegetable seed. Also, authorizes enforcement and rulemaking activities.
- *International Forestry Cooperation Act of 1990 (16 U.S.C. § 4501).* Authorizes the USDA to support international forestry and related natural resource activities and provides assistance to prevent and control insects, diseases, and other damaging agents, including invasive species.
- *Noxious Weed Control and Eradication Act of 2004 (P.L. 108-412; 118 Stat. 2320, 7 U.S.C. § 7781 et seq.).* Establishes a program to provide assistance through states to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private lands.
- *Plant Protection Act of 2000 (7 U.S.C. § 7701 et seq., P.L. 108-412)* as amended by the Noxious Weed Control and Eradication Act of 2004. Among other provisions, authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination of a plant pest or noxious weed within the United States.

Regulations and Policies

- *Policy on the Management of Wildlife, Fish, and Plant Habitat (DR 9500-4).* Provides that the Department of Agriculture will promote the concept and use of integrated pest management practices in carrying out its responsibilities for pest control, and will seek to alleviate damage by plant and animal pests to farm crops, livestock, poultry, forage, forest and urban trees, wildlife, and their habitats. Departmental agencies, through management and research programs, will develop or assist in developing new techniques and methodologies for the prevention of damage to agricultural or forestry production. The agencies also will strive to reduce potential depredation

through improved management of USDA programs. Pest control techniques and considerations will be incorporated into appropriate management and education programs.

- *Policy on Noxious Weed Management (DR 9500-10, January 18, 1990)*. Establishes USDA policy to manage and coordinate noxious weed activities among USDA agencies in order to improve the quality and ecological conditions of crop and rangeland in the United States.
 - Identifies Animal and Plant Health Inspection Service (APHIS), Agricultural Research Service (ARS), Agricultural Stabilization and Conservation Service (ASCS), Cooperative State Research Service (CSRS), Economic Research Service (ERS), Extension Service (ES), Farmers Home Administration (FmHA), Forest Service (FS), Office of International Cooperation and Development (OICD), Soil Conservation Service (SCS) and National Agricultural Statistics Service (NASS) as affected by regulation.

Animal Plant and Health Inspection Service (APHIS)

- *Animal Damage Control Act of 2000 (7 U.S.C. §§ 426-426c, March 2, 1931, as amended 1987, 1991, and 2000)*. Gives APHIS authority to control wildlife damage on federal, state, or private land. Protects field crops, vegetables, fruits, nuts, horticultural crops, commercial forests; freshwater aquaculture ponds, and marine species cultivation areas; livestock on public and private range and in feedlots; public and private buildings and facilities; civilian and military aircraft; public health. In addition, Animal Damage Control Act (7 U.S.C. §§ 426-426c). The Act of March 2, 1931, (46 Stat. 1468) provided broad authority for investigation, demonstrations, and control of mammalian predators, rodents, and birds. P.L. 99-19, approved December 19, 1985, (99 Stat. 1185) transferred administration of the Act from the Secretary of the Interior to the Secretary of Agriculture. P.L. 101-190 (Div. A, title III, Sec. 348, Dec. 5, 1991) added provisions directing the Secretaries of Defense and Agriculture, respectively, to take actions to prevent introduction of brown treesnakes into other areas of the U.S. from Guam. P.L 106-389, effective October 28, 2000, 114 Stat. 1549, amended section 426 of the Act to give broad authority to the Secretary of Agriculture in carrying a wildlife services program with respect to injurious species.
- *National Plan for Control and Management of Sudden Oak Death of 2004 (P.L. 108-488, 7 U.S.C. § 7720)*. Authorizes the Secretary of Agriculture, acting through the Animal Plant and Health Inspection Service, to develop a national plan for the control and management of Sudden Oak Death forest disease caused by the fungus-like pathogen *Phytophthora ramorum*.

Natural Resources Conservation Service (NRCS)

- *Soil Conservation and Domestic Allotment Act of 1936 (16 U.S.C. § 590(a)-590(f))*. Gives NRCS the authority to operate Plant Materials Centers for the development, testing, and distribution of plants and vegetation management technologies for voluntary use by land owners and users of private or other non-federal lands for soil erosion control, water conservation, and wildlife habitat. Aspects of this authority provide for the prevention, control and management, and restoration relating to invasive species.

U.S. Forest Service (USFS)

The authority to manage for invasive species on National Forest System lands and other lands under Forest Service control is delegated from the Secretary of Agriculture to the Under Secretary for Natural Resources and Environment at Title 7, Code of Federal Regulations (C.F.R.), section 2.20 (7 C.F.R. 2.20).

This authority has been delegated in turn from the Under Secretary for Natural Resources and Environment to the Chief of the Forest Service at Title 7, Code of Federal Regulations, section 2.60 (7 C.F.R. 2.60). Title 36, Code of Federal Regulations (including Parts 221, 222, 228, 241, 251, 261, 290, 292, 293, 296, and 297) provides additional authorities to manage and regulate invasive species across the National Forest System, including establishing requirements and prohibitions to prevent and control aquatic and terrestrial invasive species. In addition, Forest Service regulations at 36 C.F.R. 222.8 acknowledge the Agency's obligation to work cooperatively in identifying invasive species (including noxious weeds) problems and initiating control programs in aquatic and terrestrial areas of the National Forest System.

Laws

- *Anderson-Mansfield Reforestation and Revegetation Act of October 11, 1949 (16 U.S.C. §§ 581j (note), 581j, 581k)*. Requires the agency to accelerate and provide a continuing basis for the needed reforestation and re-vegetation of National Forest System lands and other lands under Forest Service administration or control.
- *Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. § 1010 et seq.)*. Authorizes the Secretary to develop a program of land conservation and land utilization in order to correct maladjustments in land use. This statute applies only to national grasslands and land utilization projects.
- *Consolidated Appropriations Resolution, 2003. (16 U.S.C. § 2104)*. Provides authority to the Forest Service to enter into stewardship contracts with public or private entities or persons to perform services to achieve land management goals for the National Forest System lands that meet local and rural community needs. Stewardship agreements may be entered into for other land management goals such as the following: removal of vegetation or other activities to promote healthy forest stands, reduction of fire hazards; watershed restoration and maintenance; restoration and maintenance of wildlife and fish habitat; prevention and control of invasive species; and reestablishing native plant species.
- *Cooperative Forestry Assistance Act of 1978 (16 U.S.C. §§ 2101-2105)*. Authorizes Secretary to assist in prevention and control of insects and diseases affecting trees and forests on non-federal forest lands (§ 2101). Details the assistance that may be given to state foresters or equivalent state officials and state extension directors, in the form of financial, technical, educational, and related assistance (§ 2102). Section 8 (16 U. S. C. § 2104) details actions that may be taken directly on the National Forest System, in cooperation with other federal departments on other federal lands, and in cooperation with state foresters, or equivalent state officials, subdivisions of states, agencies, institutions, organizations, or individuals on non-federal lands to: enhance the growth and maintenance of trees and forests; promote the stability of forest related industries and employment associated therewith through the protection of forest resources; aid in forest fire prevention and control; conserve forest cover on watersheds, shelterbelts, and windbreaks; protect outdoor recreation opportunities and other forest resources; and extend timber supplies by protecting wood products, stored wood, and wood in use.
- *Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 as amended by the National Forest Management Act (NFMA) of 1976 (16 U.S.C. §§ 1600 et seq.)*. Provides for the Secretary to promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960, specifying guidelines for land management plans developed to achieve the goals of the

Program. The guidelines should provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives. Further, within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate and to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan.

- *Granger-Thye Act of 1950 (16 U.S.C. § 580h)*. Authorizes the Secretary to use a portion of grazing fees for range improvement projects on National Forest System lands. Specific projects mentioned are artificial re-vegetation, including the collection or purchase of necessary seed and eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range. Section 11 of the Act authorizes the use of funds for rangeland improvement projects outside of National Forest System lands under certain circumstances (FSM 2204, ex. 01).
- *Knutson-Vandenberg Act of June 9, 1930 (16 U.S.C. § 576b)*. Section 3 of the Act, codified at 16 U.S.C. § 576b. Provides that the Secretary may require any purchaser of national forest timber to make deposits of money in addition to the payments for the timber, to cover the cost to the United States of planting, sowing with tree seeds, and cutting, destroying, or otherwise removing undesirable trees or other growth on the national forest land cut over by the purchaser, in order to improve the future stand of timber or protecting and improving the future productivity of the renewable resources of the forest land on such sale area the timber sale occurred.
- *Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. §§ 528 et seq.)*. Authorizes the Secretary of Agriculture to administer National Forest System lands for outdoor recreation, range, timber, watershed, and wildlife and fish purposes; to develop the surface renewable resources for multiple use and sustained yield of several products and services to be obtained from these lands, without impairment of the productivity of the land; and, to cooperate with interested state and local governmental agencies and others in the development and management of the national forests. The Act also recognizes and clarifies Forest Service authority and responsibility to manage wildlife and fish on national forests.
- *Organic Administration Act of 1897 (16 U.S.C. §§ 473 et seq.)*. Authorizes the Secretary to establish regulations governing the occupancy and use of national forests and to protect national forests from destruction.
- *The Plant Protection Act of 2000 (7 U.S.C. 7701 et seq.)*. States that except as provided in subsection (c) of this section, no person shall import, enter, export, or move in interstate commerce any plant pest, unless the importation, entry, exportation, or movement is authorized under general or specific permit and is in accordance with such regulations as the Secretary may issue to prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States.

Regulations & Policies

- *Forest Service Manual 2900*. The Forest Service finalized an internal directive to the [Forest Service Manual \(FSM\) 2900 \(Dec 5, 2011\)](#) policy for invasive species management. This invasive species management directive will provide foundational comprehensive guidance for the management of invasive species on aquatic and terrestrial areas of the National Forest

System. The purpose of this policy is to bring existing efforts together for a more coordinated management approach.

- *Gypsy Moth Policy (USDA) of 1990. Departmental Regulation 5600-001 (DR 5600-001).* This regulation establishes the Departmental Gypsy Moth Policy. The policy assigns responsibilities to USDA agencies and defines agency roles to avoid unnecessary duplication and to provide maximum coordination of USDA activities dealing with the gypsy moth. The Forest Service plays a significant role in the management of Gypsy Moths in the United States.
- *Native Plant Materials Policy (FSM 2070).* Forest Service manual directs the use of native plant materials in re-vegetation, rehabilitation, and restoration of both aquatic and terrestrial ecosystems across the National Forest System.
- *Pesticide Use Management and Coordination Policy (FSM 2150).* Provides agency policy and guidance on the use of pesticides as part of an integrated pest management approach. Additional guidance provided in the Pesticide Use Management Handbook (FSH 2109).

U.S. Department of Commerce

National Oceanic and Atmospheric Administration (NOAA)

Laws

- *See above: The Antiquities Act of 1906 (16 U.S.C. 431 et seq.); Endangered Species Act (ESA) of 1973 (16 U.S.C. §§ 1531 et seq.); Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.); Title 16 of the Lacey Act (16 U.S.C. §§ 3371-3378); Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 (P.L. 101-646, 104 Stat. 4761) as reauthorized and amended by National Invasive Species Act (NISA) of 1996 (P.L. 104-332)*
- Papahānaumokuākea Marine National Monument (Regulations promulgated jointly by NOAA and the FWS): Prohibits introducing or otherwise releasing an introduced species from within or into the monument. All vessels (including tenders and dive boats), engines, and anchor lines shall be free of introduced species prior to entry into the Monument. To ensure this, all vessels, engines, and anchor lines shall be inspected for potential introduced species prior to departing the last port before entering the Monument. No later than 24 hours prior to entry, the permittee shall provide the Monument Permit Coordinator with a report prepared by the individual conducting the inspection that: a) sets forth when and where the inspection occurred; b) identifies any introduced species observed, including where found; c) summarizes efforts to remove any species observed; and, d) certifies the vessel as free of all introduced species. The Monument Permit Coordinator shall review the report and, based on the review, may delay the entry into the Monument until all concerns identified by the Monument Permit Coordinator have been addressed. This regulation provides NOAA the authority to manage the movement of invasive species both onto and off of this National Marine Sanctuary.
- *Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.).* Establishes the National Estuarine Research Reserve System which has sponsored several invasive species activities including

monitoring and research. Invasive species issues may be incorporated into State Coastal Zone Management Plans.

- *Interjurisdictional Fisheries Act (16 U.S.C. § 4101 et seq.)*. Authorizes the Secretary of Commerce to issue grants for fisheries related activities. This authority has been applied to support projects of the Great Lakes Panel of the Aquatic Nuisance Species Task Force.
- *Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.)*. Essential fish habitat provisions of Act (16 U.S.C. § 1855) provides for review of federal and other actions that could affect essential fish habitat. The act authorizes recommendations necessary to conserve essential fish habitat. Additionally, the Community-Based Restoration Program (16 U.S.C. 1891) has been applied to fund control of invasive species and restoration activities.
- *National Marine Sanctuaries Act (16 U.S.C. § 1431 et seq.)*. Permits may be required for activities in areas designated as marine sanctuaries. Resource protection is the primary objection of the Act, which requires the Department of Commerce to take actions to promote and coordinate the use of sanctuaries for research, monitoring, and education. Each marine sanctuary has a unique management plan, which may include regulations pertaining to invasive species or authority to manage the movement of invasive species onto or off of national marine sanctuaries; sanctuaries with such regulations are specified below. Note: NOAA recently amended the terms of designation and regulations regarding the introduction of invasive species to make regulation consistent in all four of the national marine sanctuaries off of California. Link to Federal Register notice: <http://www.gpo.gov/fdsys/pkg/FR-2015-02-19/pdf/2015-03486.pdf>
 - Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary, Monterey Bay National Marine Sanctuary (Regulation): Prohibits introducing or otherwise releasing from within or into the Sanctuary an introduced species, except 1) striped bass (*Morone saxatilis*) released during catch and release fishing activity and 2) species cultivated by commercial shellfish mariculture activities in Tomales Bay pursuant to a valid lease, permit, license or other authorization issued by the state of California.
 - National Marine Sanctuary of American Samoa (Regulation): Prohibits introducing or releasing introduced species from within or into the Sanctuary. This regulation provides NOAA the authority to manage the movement of invasive species both onto and off of this National Marine Sanctuary.
 - Florida Keys National Marine Sanctuary (Regulation): Prohibits introducing or releasing an exotic species of plant, invertebrate, fish, amphibian, or mammals into the Sanctuary. This regulation provides NOAA the authority to manage the movement of invasive species both onto and off of this National Marine Sanctuary.

Regulations & Policies

- *National Ocean Policy*. Federal agencies are charged to ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources. The National Ocean Policy Implementation Plan calls upon federal agencies to take actions to improve our ability to detect and reduce invasive species in coastal and ocean habitats. The National Invasive Species Council and Aquatic Nuisance Species Task Force have been identified

as leads for actions to support partnerships and efforts to locate, monitor, control, and eradicate invasive species.

http://www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf

U.S. Department of Defense (DoD)

U.S. Army Corps of Engineers (USACE)

Laws

See above: Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.); Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 (P.L. 101-646, 104 Stat. 4761) as reauthorized and amended by National Invasive Species Act (NISA) of 1996 (P.L. 104-332), Sikes Act of September 15, 1960, as amended (16 U.S.C. §§ 670- 670(f); 16 U.S.C. § 670g et seq.)

- *River and Harbor Act of 1899 as amended (33 U.S.C. § 401 et seq.).* Directs the Corps to implement aquatic invasive plant control actions on inland navigable waterways of the United States in states that are adjacent to the Gulf of Mexico only. Work is implemented at 100 percent federal cost by the program not cost shared with others.

- *River and Harbor Act of 1958 as amended (P.L. 85-500).* Directs the Corps to establish an Aquatic Plant Control Research Program for developing cost efficient and environmental friendly control technologies for invasive aquatic plant species. The act also established a cost share control program (50/50) on navigable waterways/primary tributaries thereof in the United States for the control of invasive aquatic plant species. NOTE: In 1996, The Administration directed the Corps not to fund this component of the program and focus on research and development programs for control technologies. In 2012, an Administrative decision was made not to fund the research and development component of the program. However Congress continues to fund this program on a yearly basis since 2012:
 - As amended by Section 104 of 1962 R&H Act (P.L. 87-874), Section 302 of 1965 R&H (P.L. 89-298), Sections 103, 105, & 941 of 1986 WRDA (P.L. 99-662), and Section 225 of 1996 WRDA.
 - 1962 River and Harbor Act, Section 104 - Modified the act to provide that research cost and planning cost prior to construction shall be borne fully by the United States and shall not be included in the cost to be shared by the local interest.
 - 1965 River and Harbor Act, Section 302(a). There is hereby authorized a comprehensive program to provide of control and progressive eradication of water hyacinth, alligator weed, Eurasian water milfoil, and other obnoxious aquatic plant growths, from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes including continued research for the development of the most effective and economic control measures to be administered by the Chief of Engineers under the direction of the Secretary of the Army, in cooperation with other federal and state agencies. Local interest shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations. Cost for research and planning

undertaken pursuant to the authorities of the section shall be borne by the federal government.

- 302(b) There are authorized to be appropriated such amounts not in excess of \$5,000,000 annually.
- 1986 Water Resources Development Act Sections 103, 105, and 941.
- Section 103 (c)(6)- The non-federal share of the cost assigned to aquatic plant control is 50 percent of control operations.
- Section 105- Section (A) requires that non-federal interest shall not initiate any Feasibility study until appropriate non-federal interest agree by contract agree to contribute 50 percent of the cost of such study in support of the proposed control action.
- Section 941- Section 104 (b) of the River and Harbor Act of 1958 (33 U.S.C.610(b)0 is amended by striking out the \$10,000,000 and inserting in lieu thereof \$12,000,000 for annual program ceiling limit.
- 1999 Water Resources Development Act-Section 205.
- Section 104 of the River and Harbor Act of 1958 is amended in the first sentence of subsection (a) by striking water hyacinth, alligator weed, Eurasian water milfoil, melaleuca, and other obnoxious aquatic plant growths, and inserting instead: "...noxious aquatic plant growth form..."
- Page 113 of Stat.286 is modified in the first sentence of subsection (b) by striking \$12,000,000 and inserting \$15,000,000 for annual program ceiling.
- Water Resources Development Act of 2007 (Section 3061)
- Water Resources Reform and Development Act of 2014 (Section 1039)

Regulations & Policies

- *ER/EP 1130-2-540* Environmental Stewardship and Operations and Maintenance Policies 15 November 1996 Chapter 3, Pest Control Program for Civil Works Projects. This pamphlet establishes guidance for the management of environmental stewardship related operations and maintenance activities at USACE civil works water resource projects and supplements.
- *ER/EP 1130-2-500* November 1996, Chapter 14 Aquatic Plant Control Program. An Aquatic Plant Control (APC) Program shall be maintained to control specific types of aquatic plant infestations of major economic significance, or weed infestations that have potential for reaching such economic significance, in navigable waters, tributaries, streams, connecting channels and all allied waters.
- *ER 200-2-3* October 1996, Environmental Compliance Policy. Establishes the policy for the management of environmental compliance-related operations and maintenance activities at USACE civil works and military projects and facilities. The environmental compliance mission is to assure that all USACE facilities and associated lands (including out grants) meet environmental standards contained in relevant federal, state and local laws and regulations.
- *ER 1105-2-100 Appendix F - Continuing Authorities Program.* Provides the policy and procedural guidance for planning, design, and implementation of projects pursued under the legislative and administrative provisions of the Continuing Authorities Program.

Invasive Species Policy Memo on 2 June 2009. Establishes a consistent nationwide policy that is applied to all Civil Works programs. It complements the National Invasive Species Act and the National Invasive Species Management Plan developed by the National Invasive Species Council. Measures to either

prevent or reduce the establishment of invasive and non-native species is to be a component of all Corps, Operations and Maintenance (O&M) at project sites as well as a part of implementation of a Civil Works project.

U.S. Department of Homeland Security

U.S. Coast Guard

Laws

See above: Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 (P.L. 101-646, 104 Stat. 4761) as reauthorized and amended by National Invasive Species Act (NISA) of 1996 (P.L. 104-332)

Regulations & Policies

- *Department of Homeland Security Delegation No. 0170.1(II.)(57)*. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), as amended by the National Invasive Species Act of 1996 (NISA), requires the Secretary of Homeland Security to ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels. 16 U.S.C. 4711(c)(2)(A). The Commandant of the Coast Guard carries out these functions and authorities for the Secretary pursuant to a delegation of authority charging the Coast Guard with establishing and enforcing regulations to prevent the introduction and spread of aquatic nuisance species in the waters of the United States from vessels.
- *Ballast Water Management (BWM) Regulations*
 - 33 C.F.R. 151 Subparts C and D: The Coast Guard amended its regulations in 2012 to establish a Ballast Water Discharge Standard to reduce the risk of introduction of aquatic nuisance species.
 - 46 C.F.R. 162.060: The Coast Guard also amended its regulations for engineering equipment by establishing an approval process for ballast water management systems. Previous regulations included the first national BWM regulations under NISA in 2001, which were updated with mandatory requirements and penalties in 2004. The first ballast water regulations under NANPCA established mandatory BWM procedures for vessels entering the Great Lakes in 1993 and the Hudson River in 1994.

Navigation and Vessel Inspection Circular (NVIC) – NVIC 07-04: Ballast Water Management for the Control of Aquatic Nuisance Species in the Waters of the United States. Revises two other Circular/Policy letters to provide guidance for Coast Guard personnel, vessel owners and operators, masters, shipping agents and persons-in-charge concerning compliance with, and enforcement of, the U.S. Coast Guard's new Mandatory Ballast Water Management Program.

U.S. Department of the Interior (DOI)

Laws

See above: *Alien Species Prevention Enforcement Act of 1992* (P.L. 102-393, 106 Stat. 1729 § 631); *Endangered Species Act (ESA) of 1973* (16 U.S.C. § 1531 et seq.); *Fish and Wildlife Coordination Act* (16 U.S.C. § 661 et seq.); *Title 16 of the Lacey Act* (16 U.S.C. §§ 3371-3378); *Sikes Act of September 15, 1960, as amended* (16 U.S.C. §§ 670- 670(f); 16 U.S.C. § 670g et seq.); *Surface Mining Control and Reclamation Act of 1977* (30 U.S.C. § 1201 et seq.); *Wilderness Act of 1964* (16 U.S.C. § 1131 et seq.), *Wyden Amendment* (P.L. 105-277, § 323 as amended by P.L. 109-54, § 434)

- *Hawaii Tropical Forest Recovery Act of 1992* (16 U.S.C §§ 4502-4503, P.L. 102-574, 106 Stat. 4593). Establishes the Hawaii Tropical Forest Recovery Task Force to draft a plan for rejuvenating Hawaii's tropical forests.
- *Nutria Eradication and Control Act of 2003* (P.L. 108-016, 117 Stat. 621). Authorizes the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

Regulations & Policies

- *Departmental Manual 517: Integrated Pest Management Program* – Prescribes policy for the use of pesticides on the lands and waters under its jurisdiction, and for compliance with the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.
- *Departmental Manual 609: Weed Control Program* – Prescribes policy to control undesirable or noxious weeds on the lands, waters, or facilities under its jurisdiction to the extent economically practicable, and as needed for resource protection and accomplishment of resource management objectives.

Bureau of Indian Affairs (BIA)

Laws

- *American Indian Agricultural Resource Management Act (AIARMA)* (25 U.S.C. § 3701 et. seq.)
- *Indian Land Consolidation Act* (25 U.S.C. § 2201 et seq.)
- *Indian Reorganization Act: Rules and Regulations for Indian forestry units* (25 U.S.C. § 466)
- *Snyder Act* (25 U.S.C. § 13)

Regulations & Policies

- *Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources*
- *Secretarial Order 3206, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act*
- *Secretarial Order 3215, Principles for the Discharge of the Secretary's Trust Responsibilities*
- *Secretarial Order 3317, Department of the Interior Policy on Consultation with Indian Tribes*
- *Grazing Permits* (25 C.F.R. § 166)
- *Leases and Permits, Agricultural Leases* (25 C.F.R. §§ 162.101-162.256)

- *30 BIAM Supplement 10, Integrated Resource Management Planning*
- *National Environmental Policy Act Guidebook (59 IAM 3-H)*
- *Environmental and Cultural Resources Management (IAM Part 59)*
- *Memoranda of Understanding Relative to Planning and Implementing USDA Programs on Indian Lands—Between BIA, USDA Natural Resources Conservation Service, and USDA Farm Service Agency; and between BIA and USDA Rural Development.*

Bureau of Land Management (BLM)

Laws

See above: Alien Species Prevention Enforcement Act of 1992 (P.L. 102-393, 106 Stat. 1729 § 631); Endangered Species Act (ESA) of 1973 (16 U.S.C. § 1531 et seq.); Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.); Title 16 of the Lacey Act (16 U.S.C. §§ 3371-3378); Plant Protection Act of 2000 (7 U.S.C. § 7701; P.L. 106-224); Sikes Act of September 15, 1960, as amended (16 U.S.C. §§ 670- 670(f); 16 U.S.C. § 670g et seq.); Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.); Wilderness Act of 1964 (16 U.S.C. § 1131 et seq.), Wyden Amendment (P.L. 105-277, § 323 as amended by P.L. 109-54, § 434)

- *Federal Lands Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1701 et seq.).* Directs BLM to “take any action necessary to prevent unnecessary or undue degradation of the public lands. Directs BLM to “manage the public lands under principles of multiple use and sustained yield,” to include protection of “wildlife and fish.” Clarifies that “nothing in this Act shall be construed as authorizing the Secretary . . . to require Federal permits to hunt and fish on public lands . . . or as enlarging or diminishing the responsibility and authority of the States for management of fish and resident wildlife,” but authorizes the Secretary, in consultation with state officials, to “designate areas of public land . . . where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law.” .Authorizes criminal penalties for violations of BLM regulations, and empowers the Secretary of the Interior to “authorize Federal personnel . . . to carry out . . . law enforcement responsibilities with respect to the public lands and their resources.”
- *Public Rangelands Improvement Act (43 U.S.C. § 1901 et seq.)* Directs BLM to improve the range conditions of the public rangelands; BLM activities under the Act include reducing invasive species.
- *Taylor Grazing Act (43 U.S.C. § 315 et seq.).* Directs BLM to “make provision for the protection, administration, regulation, and improvement of [federal] grazing districts”; “make such rules and regulations . . . and do any and all things necessary . . . to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, [and] to provide for the orderly use, improvement, and development of the range”; and “to perform such work as may be necessary amply to protect and rehabilitate the areas subject to the provisions of this Act.” Provides penalties for willful violations of BLM regulations. Authorizes BLM to “cooperat[e] with . . . official State agencies engaged in conservation or propagation of wild life interested in the use of the grazing districts.”
- Additional authorities are found in the Wilderness Act (16 U.S.C. § 1131 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. § 1271 et seq.), the Omnibus Public Land Management Act of 2009 (Pub. L. No.

111-11, 123 Stat. 991), and other laws that authorize BLM to manage certain lands for specific conservation purposes.

Regulations & Policies

- *BLM Manual 1626 – Travel and Transportation Manual.* Provides policy, direction, and guidance to establish a comprehensive program for travel and transportation planning within the BLM planning process. Cites the Executive Order 13112 (Invasive Species) for its requirement not to authorize, fund, or carry out actions that BLM believes are likely to cause or promote the introduction or spread of invasive species on transportation corridors.
- *BLM Manual 1601 – Land Use Planning.* Provides supplemental guidance to BLM employees for implementing the land use planning requirements established by FLPMA §§ 201 and 202 and by 43 C.F.R. part 1600. Identifies the presence of invasive species in a planning area as one circumstance that may require “active restoration” activities.
- *BLM Manual 1740 – Renewable Resource Improvements and Treatments.* Identifies objectives, policies, and standards for planning, analyzing, constructing, maintaining, replacing, and/or modifying renewable resource improvements. Identifies Executive Order 13112 (Invasive Species) as a source of guiding authority, and invasive species control as a management objective.
- *BLM Manual 6100 – National Landscape Conservation System (NLCS) Management Manual.* Provides general policy for BLM’s management of all units of the National Landscape Conservation System. States that “[t]o the extent consistent with the designating legislation or proclamation, the BLM will manage weeds and other invasive species through an integrated pest and vegetation management approach using methods that minimize disturbance to NLCS units.”
- *BLM Manual 6340 – Management of Designated Wilderness Areas.* Provides policy for the administration and management of BLM Wilderness Areas designated by Congress. Identifies “control of non-native species” as an exception to the general rule that “[m]anipulation of vegetation through prescribed fire, chemical application, mechanical treatment, or introduced biological agents, is normally not permitted” in Wilderness Areas.
- *BLM Manual 6400 – Wild and Scenic Rivers.* Provides direction for the identification, evaluation, planning, and management of eligible and suitable wild and scenic rivers and the management of designated components of the National Wild and Scenic Rivers System. Directs BLM personnel that “[t]he spread of terrestrial and aquatic invasive species should be prevented and controlled, consistent with direction in the local land use plans, other authorities, and available funding,” and provides guidance for implementing this directive.
- *BLM Manual 9011 and Handbook H-9011-1 – Chemical Pest Control.* Provides policy for conducting chemical pest control program under an integrated pest management approach.
- *BLM Manual 9014 – Use of Biological Control Agents of Pests on Public Lands.* Provides guidance and procedures for planning and implementing biological control in integrated pest management programs.

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- *BLM Manual 9015 – Integrated Weed Management.* Provides policy relating to the management and coordination of noxious weeds activities.
- *BLM Manual 9211 – Fire Planning Manual.* Provides objectives, authorities, responsibilities, and policies for BLM fire management planning. Identifies resilience against invasive species as a goal of restoration activities undertaken in the context of the Great Basin Restoration Initiative.

Bureau of Ocean Energy Management (BOEM)

Laws

- *Energy Policy Act of 2005 (P.L. 109-58, 119 Stat. 748, § 388).* Authorizes the Secretary of the Interior to grant leases on the Outer Continental Shelf (OCS) for alternative energy projects, including offshore wind energy projects. This authority has been delegated to BOEM.
- *Outer Continental Shelf Lands Act (OCSLA, 43 U.S.C. § 1331 et seq.).* Defines the Outer Continental Shelf (OCS) as submerged lands lying beyond state coastal waters as under federal jurisdiction. Authorizes the Secretary of the Interior to grant leases for mineral exploration and development.

Bureau of Reclamation (BOR)

Laws

See above: Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.)

- *Salt Cedar and Russian Olive Control Demonstration Act (P.L. 109-320, 120 Stat. 1748).* Directs Secretary of Interior to assess extent of infestation by salt cedar and Russian olive trees in the western U.S., demonstrate strategic solutions for long term management of the two trees and reestablishment of native vegetation, and assess economic means to dispose of biomass created by the removal of the two species.
 - Identifies Secretary of the Interior, acting through the Commissioner of Reclamation and Director of United States Geological Survey, in cooperation with the Secretary of Agriculture and Secretary of Defense, to carry out this program.

Regulations & Policies

- *ENV 01-01 (Directives and Standards), Pest Management – Resource Protection (Integrated Pest Management) Program, October 17, 1996.* Provides directives and standards for Reclamation personnel involved with the implementation of Pest Management/Resource Protection plans for the operation and maintenance of Reclamation lands and facilities.
- *ENV PO2 (Policy), Pest Management, December 23, 1996.* Directs the Bureau of Reclamation to identify and manage pests on Reclamation lands and at Reclamation-owned facilities in accordance with the national policies set out in Federal Insecticide, Fungicide and Rodenticide Act and other applicable federal, state, and local laws and standards.
- *PEC 10-29 (Directives and Standards), Reclamation Standard Water-Related Contract Articles, Article 29: Pest Management, PEC 10-29, December 21, 2006.* Requires contractors to effectively control undesirable plants and animals on federal project lands, waters, and works for which they have operation and maintenance responsibilities.

Bureau of Safety and Environmental Enforcement (BSEE)

Laws

See above: *Outer Continental Shelf Lands Act (OCSLA; 43 U.S.C. § 1331, et seq.)*

U.S. Fish and Wildlife Service (USFWS)

Laws

See above: *The Antiquities Act of 1906 (16 U.S.C. 431 et seq.); Endangered Species Act (ESA) of 1973 (16 U.S.C. §§ 1531 et seq.); Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.); Title 16 of the Lacey Act (16 U.S.C. §§ 3371-3378); Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 (P.L. 101-646, 104 Stat. 4761) as reauthorized and amended by National Invasive Species Act (NISA) of 1996 (P.L. 104-332); Sikes Act of September 15, 1960, as amended (16 U.S.C. §§ 670- 670(f); 16 U.S.C. § 670g et seq.).*

- *Clean Vessel Act of 1992.* Allows the Secretary of the Interior to issue grants to coastal and inland States for pump out stations and waste reception facilities to dispose of recreational boater sewage.
- *Title 18 of the Lacey Act (18 U.S.C. § 42).* Prohibits importation and interstate transport of species listed by statute and species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, reptiles, brown treesnakes, or the offspring or eggs of any of the foregoing prescribed by regulation to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States.
- *Migratory Bird Treaty Act (16. U.S.C. § 703 et seq.).* Establishes a prohibition, unless permitted by regulations, to pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird or any part, nest, or egg of any such bird. The prohibition applies to birds included in the terms of the respective international conventions between the U.S. and Great Britain, the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Russia for the protection of migratory birds.
- *National Wildlife Refuge System Administration Act (16 U.S.C. §§ 668dd-ee, regulated through 50 C.F.R.).* Establishes the National Wildlife Refuge System and requires USFWS to administer lands to provide for the conservation of fish, wildlife, plants, and their habitats and to ensure that biological integrity and diversity is maintained. National Wildlife Refuges are closed to public uses (by statute, regulation, and authority) until opened by the Service, and in opening them to those uses, must be found Appropriate (Service Policy 603 FW 1) and Compatible (Service Policy 603 FW 2) with the purposes of the refuge and the mission of the Refuge System. This latter authority is unique to the National Wildlife Refuge System.
 - *50 C.F.R. § 27.52.* Introduction of plants and animals. Plants and animals or their parts taken elsewhere shall not be introduced, liberated, or placed on any national wildlife refuge except as authorized.

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- *50 C.F.R. § 27.21*. General provisions. No person shall take any animal or plant on any national wildlife refuge, except as authorized under 50 C.F.R. 27.51 and parts 31, 32, and 33 of this subchapter C. The Service regulates the removal of plants and animals.
- *50 C.F.R. Part 25*. The Service has authority to issue refuge Special Use Permits and routinely uses them to authorize permitted activities on a specific refuge. The Service can establish conditions to a permit for public safety and resource protection. Permit conditions are enforceable by administrative revocation and/or criminal prosecution.
- *The North American Wetland Conservation Act 1989 (16 U.S.C. § 4401 et seq., 16 U.S.C. § 669b (note))*. Directs federal agencies to cooperate with the Director of the U.S. Fish and Wildlife Service to restore, protect, and enhance the wetland ecosystems and other habitats for migratory birds, fish and wildlife within the lands and waters of each agency to the extent consistent with the mission of such agency and existing statutory authorities.

Regulations & Policies

- USFWS Management Policies
 - Refuge Manual Chapter 7 RM 8. Exotic Species Introduction and Management: The policy of the Service is to prevent further introduction of exotic species on refuges except where an exotic species would have value as a biocontrol agent and would be compatible with the objectives of the refuge.
 - Service Manual 601 FW 3. Biological Integrity, Diversity, and Environmental Health.
 - 3.14 F. We do not introduce species on refuges outside their historic range or introduce species if we determine that they were naturally extirpated, unless such introduction is essential for the survival of a species and prescribed in an endangered species recovery plan, or is essential for the control of an invasive species and prescribed in an integrated pest management plan.
 - 3.16 A. We prevent the introduction of invasive species, detect and control populations of invasive species, and provide for restoration of native species and habitat conditions in invaded ecosystems. We develop integrated pest management strategies that incorporate the most effective combination of mechanical, chemical, biological, and cultural controls while considering the effects on environmental health. B. We require no action to reduce or eradicate self-sustaining populations of non-native, noninvasive species (e.g., pheasants) unless those species interfere with accomplishing refuge purpose(s). We do not, however, manage habitats to increase populations of these species unless such habitat management supports accomplishing refuge purpose(s).
 - Service Manual 750 FW 1. Managing Invasive Species Pathways. Establishes policy to help prevent the spread of invasive and non-target species by developing and implementing a quality-control planning process in all Service operations within the Fisheries Program through Hazard Analysis and Critical Control Point (HACCP) Plans. Policy helps the Fisheries Program to better protect, secure, and maintain the ecological viability of our nation's fish and wildlife resources by reducing the movement of invasive and non-target species. Our policy is to reduce or prevent the spread of invasive and non-target species by implementing HACCP plans.

National Park Service (NPS)

Laws

See above: *National Historic Preservation Act (NHPA) (54 U.S.C. §§ 300101 et seq.)*.

- *Consolidated Natural Resources Act of 2008 (16 U.S.C. § 1j, P.L. 113-287, 128 Stat. 3094)*. Provides the NPS with authority to enter into cooperative agreements in order to use its resources and funds collaboratively on land inside and outside park boundaries for activities benefiting park natural resources.
- *General Authorities Act of 1970, as amended by the Redwood National Park Act of 1978 (16 U.S.C. 1a-1; P.L. 113-296)*. Clarifies that all of the different types of areas within the National Park System (National Recreation Areas, Seashores, Parkways etc. as well as National Parks and Monuments) are to be managed as one system under the standard set by the Organic Act and that no derogation of those areas is to be permitted unless directly and specifically authorized by Congress. This law confirms that the same authorities and standards of protection apply to all NPS-administered areas.
- *National Park Service Organic Act (16 U.S.C. § 1 et seq., P.L. 113-287, 128 Stat. 3094)*. Establishes the National Park Service and requires that it promote and regulate the areas known as national parks to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. This law generally gives the National Park Service the authority to regulate the movement of invasive species. In addition, section 3 expressly authorizes NPS to provide for the destruction of detrimental animals, which includes invasive species.

Regulations & Policies

- *36 C.F.R. § 2.1(a)(2)*. Except as otherwise provided in NPS regulations, prohibits introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem. Prohibits the act of introducing invasive species, but does not regulate transport onto, off of, or within NPS areas.
- *36 C.F.R. § 2.2(a)*. Prohibits taking of wildlife, except where hunting or trapping are authorized, and possession of unlawfully taken wildlife or portions thereof. Allows the superintendent to establish conditions and procedures for transporting lawfully taken wildlife (i.e., individuals taken by hunters/trappers) through the park area.
- *NPS Management Policies (2006)*
 - *1.6 Cooperative Conservation Beyond Park Boundaries*. Directs the NPS to work cooperatively with others to protect park resources and address mutual interests.
 - *4.4.4 Management of Exotic Species*. Exotic species will not be allowed to displace native species if displacement can be prevented.
 - *4.4.4.1 Introduction or Maintenance of Exotic Species*. Prohibits introduction of new exotic species into parks (exceptions under some circumstances for species introduced or maintained to meet specific, identified management needs when all feasible and prudent measures to minimize risk of harm have been taken).
 - *4.4.4.2 Removal of Exotic Species Already Present*. Directs NPS to manage all exotic plant and animal species that are not maintained to meet an identified park purpose if (1) control

is prudent and feasible and, and (2) if the species has impacts on park resources and/or poses a public health hazard and / or creates a hazard to public safety. Assumes the park has the authority to manage the species within the park and, as part of that, prevent further introductions.

- *4.4.5 Pest Management.* All park employees, concessioners, contractors, permittees, licensees, and visitors on all lands managed or regulated by the NPS will comply with NPS Pest Management Policies.
- *4.4.5.2 Integrated Pest Management Program.* Directs the NPS and each park unit to use an Integrated Pest Management approach to address pest issues.

Office of Insular Affairs

Laws

- *Brown Tree Snake Control and Eradication Act of 2004 (7 U.S.C. § 8501 et seq.).* Provides for the control and eradication of the brown treesnake on the island of Guam and the prevention of the introduction of the brown treesnake to other areas of the United States.

U.S. Geological Survey

Laws

See above: Salt Cedar and Russian Olive Control Demonstration Act (P.L. 109-320; 120 Stat. 1748).

Office of Surface Mining Reclamation and Enforcement

Laws

- *Surface Mining Control and Reclamation Act of 1977 (SMCRA) (P.L. 95-87).* Primary federal law that regulates the environmental effects of coal mining in the United States. SMCRA created two programs: one for regulating active coal mines and a second for reclaiming abandoned mine lands to promulgate regulations, to fund state regulatory and reclamation efforts, and to ensure consistency among state regulatory programs.

U.S. Department of Transportation

Laws

- *FAA Modernization and Reform Act of 2012 (49 U.S.C. § 42303; P.L. 112-95, 126 Stat. 11).* Requires a U.S. carrier, foreign air carrier, or ticket agent selling, in the U.S, a ticket for a flight in foreign air transportation to refer the purchaser of the ticket to the Department of Transportation's website (<http://www.dot.gov/office-policy/aviation-policy/aircraft-disinsection-requirements>) containing a list of countries that require airlines to treat the passenger cabin with insecticides.
- *Section 6006 of SAFETEA-LU (23 U.S.C. § 329).* Allows the Federal Highway Administration to control noxious weeds and aquatic noxious weeds in ways that relate to the establishment, maintenance, or safe use of a transportation system. Federal-aid can be used for activities to control and prevent against invasive species in as part of transportation projects or through mitigation activities funded by other federal programs.

Interagency Committee on the Movement of AIS onto and off of Federal Lands and Waters

- *The Federal Lands Access Program (FLAP) authorized under Section 1119 of MAP-21 (23 U.S.C. § 204(a)(1)).* Provides funding for projects on federal lands access transportation facilities that are located on or adjacent to, or that provide access to, federal lands. Eligible activities include environmental mitigation in or adjacent to federal lands to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity. Invasive species control is authorized as a form of environmental mitigation.
- *The Federal Lands Transportation Program (FLTP) authorized under Section 1119 of MAP-21 (23 U.S.C. § 203(a)(1)).* Provides funding for projects that improve access within the federal estate on transportation facilities in the national federal lands transportation inventory that are owned and maintained by the federal government. Eligible activities include environmental mitigation in or adjacent to federal land open to the public to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity. Invasive species control is authorized as a form of environmental mitigation.
- *The Transportation Alternatives Program (TAP) (authorized under Section 1122 of MAP-21 (23 U.S.C. §§ 213(b), 101(a)(29)(E)(iii)).* Provides funding for programs and projects defined as transportation alternatives. In addition to non-driver transportation projects, Transportation Alternatives can include vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control.
- *The Tribal Transportation Program (TTP) authorized under Section 1119 of MAP-21 (23 U.S.C. § 202(a)).* Provides funding to provide access to basic community services to enhance the quality of life in Indian country. Eligible activities include environmental mitigation in, or adjacent to, federal lands open to the public to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity. Invasive species control is authorized as a form of environmental mitigation.

Regulations & Policies

- *Federal Highway Administration Guidance on Invasive Species August 10, 1999.* Provides guidance on new opportunities to address roadside vegetation management issues on both construction activities and maintenance programs.
- *Policy Statement on Invasive Alien Species.* Directs the Secretarial offices and operating administrations to implement Executive Order 13112.

U.S. Environmental Protection Agency (EPA)

Laws

See above: Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.).

- *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA; 42 U.S.C. § 9601 et seq.).* Regulates how to clean up spills of hazardous materials and when to notify agencies in case of spills.

Interagency Committee on the Movement of AIS onto and off of Federal Lands and Waters

- *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)*, (7 U.S.C. § 136 et seq.). Establishes procedures for the registration, classification, and regulation of all pesticides. Describes pesticide regulations and worker protection standards for employees in the application of pesticides. Authorizes Administrator to declare a pest of any form of plant or animal life (other than man and bacteria, viru, and other micro-organisms on or in living man or other living animals) which is injurious to health or the environment.

International Agreement

- *Great Lakes Water Quality Agreement Annex 5 and 6*. Contributes to the achievement of the General and Specific Objectives of this Agreement. Through Annex 5, the United States and Canada shall prevent and control vessel discharges that are harmful to the quality of the Waters of the Great Lakes. This includes both biofouling (“the Parties shall undertake appropriate measures to prevent the release of Aquatic Invasive Species, and pathogens, as a result of biofouling”) and ballast water (“the Parties shall establish and implement programs and measures that protect the Great Lakes Basin Ecosystem from the discharge of Aquatic Invasive Species in Ballast Water”). Through Annex 6, the United States and Canada shall establish a binational strategy to prevent the introduction of Aquatic Invasive Species (AIS), to control or reduce the spread of existing AIS, and to eradicate, where feasible, existing AIS within the Great Lakes Basin Ecosystem. The United States and Canada shall develop and implement programs and other measures to eliminate new introductions of AIS through a binational prevention-based approach, informed by risk assessments. This approach takes into account that new species may pose a risk to the Great Lakes, even in the absence of scientific certainty.

Regulations & Policies

- *National Pollutant Discharge Elimination System (NPDES) Regulations*. Authorizes discharge of a pollutant without violating the section 301 prohibition by obtaining authorization to discharge under a CWA Section 402 NPDES permit (33 U.S.C. § 1342). Under section 402(a), EPA may issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 1311(a) upon certain conditions required by the Act.
- *2013 Vessel General Permit (VGP)*. EPA regulates discharges incidental to the normal operation of commercial vessels greater than 79 feet in length and operating as a means of transportation primarily through the Vessel General Permit (VGP). The current permit, the 2013 VGP, took effect December 19, 2013 and will expire on December 18, 2018. The VGP regulates discharges of ballast water, an important vector for the introduction of aquatic invasive species. EPA issued an enforcement response policy regarding the ballast water discharge requirements in the VGP. EPA is aware that the U.S. Coast Guard (USCG) has received requests for extensions of the compliance dates for USCG’s ballast water requirements. EPA worked with the USCG to develop a coordinated response.
- *Small Vessel General Permit (sVGP)*. Except for ballast water, NPDES permits are not required for discharges incidental to normal operation of commercial fishing vessels and other non-recreational vessels less than 79 feet. Because the moratorium from the requirement to obtain permit coverage for incidental discharges from these vessels was extended until December 18, 2017, beginning December 19, 2014, owners/operators of vessels less than 79 feet in length with ballast water discharges will be able to obtain NPDES coverage under EPA’s sVGP, which was published on September 10, 2014.

- Clean Boating Act. Recreational vessels are not subject to the requirement to obtain an NPDES permit for discharges incidental to their normal operation. Rather, the Clean Boating Act requires EPA to develop management practice performance standards and then for the Coast Guard to promulgate regulations that require compliance with such practices. Similarly, the NPDES program does not regulate discharges from military vessels. Both recreational vessels and military vessels are regulated under the authority of Section 312 of the Clean Water Act.

U.S. Postal Service (USPS)

Laws

See above: Alien Species Prevention Enforcement Act of 1992 (P.L. 102-393, 106 Stat. 1729 § 631).

APPENDIX IV: COMMITTEE COMPOSITION

Department of Agriculture: Hilda Diaz-Soltero

Animal and Plant Health Inspection Service: Paul Egrie, Lori Gustafson

U.S. Forest Service: Michael Ielmini

Department of Commerce

National Oceanic and Atmospheric Administration: Peg Brady, Susan Pasko

Department of Defense: Darryl Forest, Leah Chapman

U.S. Army Corps of Engineers: Alfred Cofrancesco, Linda Nelson, Timothy Toplisek

Department of Homeland Security

U.S. Coast Guard: John Morris

Department of the Interior

Bureau of Indian Affairs: Michael Benedict, LaDonna Carlisle, David Wooten

Bureau of Land Management: John Moore, Gina Ramos

Bureau of Reclamation: Ella Herrera

National Park Service: Peter Budde, Alan C. Ellsworth, Terri Hogan, John Wullschleger, Jennifer Wyse

Office of the Secretary: Paul Angelone (*formerly*), Hilary Smith

U.S. Fish and Wildlife Service: Mark Chase, Kevin Garlick, Joanne Grady, Mike Higgins, Richard Johnston, John Klavitter, Laura Norcutt (*retired*), Don MacLean, Craig Martin, Jeff Rupert, Paul Steblein, Keith Swindle

U.S. Geological Survey: Cindy Kolar, Sandra Morrison

Department of Justice

Environment and Natural Resources Division: Elinor Colbourn, David Gualtieri, Lana Pettus

Department of State

Bureau of Oceans and International Environmental and Scientific Affairs: Lisa Phelps, Matthew Steed

Department of Transportation: Michael Carter, Jacob Glass, Carolyn Junemann, Camille Mittelholtz

Environmental Protection Agency: Bill Bolen, John Darling, Caroline Ridley

Aquatic Nuisance Species Task Force: Peg Brady, Laura Norcutt (*retired*)

National Invasive Species Council: Stas Burgiel, Chris Dionigi, Brett Hubbard (legal extern), Lori Williams (*retired*)