

## National Aquatic Nuisance Species Policy and the 106th Congress

By: Allegra Cangelosi, Senior Policy Analyst, Northeast-Midwest Institute

The National Invasive Species Act of 1996 (NISA) was an essential check in the aquatic nuisance species policy "process box" requiring a national program to prevent and manage aquatic nuisance species introductions. But, while necessary, NISA enactment is far from sufficient to protect U.S. waters from the impacts of harmful aquatic organisms and pathogens. Statutes are only as good as their implementation. Several factors influence implementation success, especially the priority agencies give to them, funding levels, the accountability that is built into statutes, and the degree to which statutes set up workable requirements in the first place.

Moreover, policy is a process, with every statute but a snapshot reflecting a moment in the development of political will, technological ability, and policy thought. Accordingly, the 1990 Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) must be regarded as a baby photo, and NISA '96 is but a toddler shot. With the help of the policy community in state and federal government, industry, resource users and environmental groups, the next authorization could reflect an exponential growth and maturing in policy, political will and technology. Greater program capability and effectiveness will result.

As a mid-point between NISA '96 and its next authorization, the 106<sup>th</sup> Congress could be a productive one for ANS policy. In addition to annual efforts to support funding for NISA programs, there should be active congressional oversight on NISA implementation—particularly the ballast management program—to help protect successes and rectify deficiencies. It would also provide an opportunity for Congress to reiterate its intent that NISA programs be implemented aggressively. The tools of congressional oversight include informal

briefings by agency representatives (for staff and members), correspondence between Congress and agencies emphasizing program needs, and formal hearings.

During the 106<sup>th</sup> Congress, the ANS policy community could help "grow" a strong and efficient national program by urging Congress to support more funding for addressing the problem of invasive species. Funding emphasis should reside with prevention.

In 1999, the ANS community should advocate the following:

- ◆ A Congressional letter from NISA supporters in the House and Senate to the Commandant of the U.S. Coast Guard demanding issuance of past-due national guidelines and effective and active follow-through to promote compliance with the guidelines. The letter should include a request that the Coast Guard begin developing guidelines applicable to fully loaded vessels (reporting no ballast on board or NOBOB) aimed at reducing the impacts of re-suspended sediments in the "empty" ballast tanks. Though they are not required, guidelines governing vessels reporting NOBOB are already authorized under NISA; no change to the law is required for the Coast Guard to act on this matter of national concern.
- ◆ A Congressional letter to ANS Task Force agencies urging development of criteria required by NISA for the Coast Guard to use in determining whether the rate of compliance is adequate to protect the nation's waters from invasions.
- ◆ Dialogue between the Coast Guard and the states regarding ways that states can most constructively reinforce and intensify Coast Guard prevention and monitoring efforts in state waters.

In 2000, the following should be advocated:

- ◆ Congressional hearings on program implementation, with a focus on deliverables under the law that still need to be met,

funding needs, and gaps in the NISA program which should be rectified in the next authorization.

- ◆ ANS Task Force regional and national dialogue on provisions for the next authorization of NISA, including ways to incorporate other carefully selected vectors into the federal prevention effort, such as transport of live bait.

The 106th Congress also coincides with the prospective release and implementation of the President's Executive Order on national invasive species policy. This Executive Order will help build support for NISA program funding, and integration of NISA programs into a broader national strategy addressing all invasive species. Broad participation by the ANS policy community in this administrative process will be essential to its success.

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*Ideas expressed in ANS Update guest editorials are those of the author and not necessarily those of the Great Lakes Panel.*

### Great Lakes Panel Update

The Panel will convene for its winter meeting Jan. 28-29, 1999, in Ann Arbor, Mich. The meeting will focus on the development of the *Great Lakes Action Plan for the Prevention and Control of Aquatic Nuisance Species*. A workshop, *Ballast Water Management and Aquatic Nuisance Species: Setting the Research Agenda*, originally scheduled to be held in conjunction with the January Panel meeting, will now be conducted April 28-29 in Duluth, Minn. in conjunction with the *Ninth International Zebra Mussel and Aquatic Nuisance Species Conference*.

The *Model State Guidance for Nonindigenous Aquatic Nuisance Species Prevention and Control: Legislative, Regulatory*

and Policy Approaches for the Great Lakes Region will be released in January. Contact: Kathe Glassner-Shwayder, Great Lakes Commission, 734-665-9135, shwayder@glc.org.

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## Washington Watch

**W**ith the closing of the appropriations cycle in late October, three appropriations bills containing items of importance to ANS prevention and control were rolled into the Omnibus Appropriations bill (P.L. 105-277): Commerce, Justice, State and the Judiciary; Interior; and Transportation.

The Omnibus bill included compromise positions between the House and Senate Commerce, Justice, State and Judiciary Appropriations bills for most National Oceanic and Atmospheric Administration (NOAA) programs. The National Sea Grant College Program was funded at \$57.5 million with report language indicating that Sea Grant should continue its zebra mussel research program, and advocating a study of the human health risks from pathogens in ballast. Congress provided \$1.65 million for NOAA activities to implement the National Invasive Species Act (NISA). Report language directs that \$850,000 of this amount be used for ballast water technology demonstrations. Sea lamprey control by the Great Lakes Fishery Commission was funded at the Administration budget request level of \$8.35 million.

Programs in the Department of Interior were generally level funded. With a few exceptions, U.S. Geological Survey (Biological Resources Division) programs were funded at the House allocation level in the Omnibus bill. Additional funding for ANS programs of the U.S. Fish and Wildlife Service sought by Sen. John Glenn and others from around the country was not included in the Omnibus package. The Omnibus bill included \$3 million in funding for U.S. Coast Guard activities to implement NISA, including funds for the Ballast Water Guidelines and Prevention Program.

The Energy and Water Appropriations bill was passed separately and signed by the President in early October (P.L. 105-245). A floor amendment by Sen. Carl Levin for sea lamprey barrier construction, which was included in the Senate-passed bill, was not included in the final House-Senate conference. The conference report provided \$300,000 for continuation of the dispersal barrier demonstration at the Chicago Shipping and Sanitary Canal and \$3 million for aquatic nuisance plant control research. In a surprise move, the conferees cut the zebra mussel research program in half (both House and Senate passed bills had recommended the Administration re-

quest of \$1.5 million be provided). Contact: Rochelle Sturtevant, Senate Great Lakes Task Force, 202-224-4229, rochelle\_sturtevant@glenn.senate.gov.

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## News From Around the Basin

**ILLINOIS:** The draft state comprehensive ANS management plan will be submitted for review by constituencies upon approval by the state steering committee. IL-IN Sea Grant has distributed copies of the program's new zebra mussel videos to nature centers in Illinois state parks. Researchers at Loyola and Illinois Natural History Survey have completed a survey of round goby distribution in Illinois and Indiana waters of southern Lake Michigan and its tributaries. **Contact:** Mike Conlin, IL DNR, 217-782-6424, mconlin@dnrmail.state.il.us.

**INDIANA:** A survey (conducted by IDNR, Division of Soil Conservation) indicated that 31 northern Indiana counties reported Eurasian water milfoil from 28 percent of the lakes (56 percent of the total lake surface area) in this region. A conservative estimate to control nuisance plants in this region was over \$1,128,000. **Contact:** Randy Lang, IN DNR, 317-232-4094, lang@dnr.state.in.us.

**MINNESOTA:** The DNR has been looking into future problem species and their pathways of introduction. Under contract with DNR, the Army Corps of Engineers' Aquatic Plant Control Research Program completed the report, *Evaluation of the Potential of Selected Nonindigenous Aquatic Plants to Colonize Minnesota Water Resources*. The risk of retail and catalog sales of aquatic plants leading to ANS introductions is under evaluation by the DNR Exotic Species Program. **Contact:** Jay Rendall, MN DNR, 612-297-1464, jay.rendall@dnr.state.mn.us.

**NEW YORK:** New York is working with Vermont to develop an inter-basin ANS management plan for Lake Champlain, which is experiencing significant problems from zebra mussels and water chestnut. **Contact:** Bill Culligan, NYS DEC, 716-366-0228, nysdecck@netsync.net.

**OHIO:** Increased state agency participation is a primary objective for second year implementation of the Ohio State ANS Plan. ANS projects include monitoring and assessing new educational materials; developing new identification materials and an ANS database; studying pathways of ANS transport and spread; conducting plant workshops; and developing coastal plant control and management strategies. **Contact:** Randy Sanders, OH DNR, 614-265-6344, randy.sanders@dnr.state.oh.us.

**WISCONSIN:** Initial work is being conducted on the state comprehensive

ANS management plan, which will be distributed for public review upon completion of the associated workplan. Federal funding has been received for the St. Croix interstate ANS management plan. Authority will be enacted April 1, 1999 to close bait harvest on inland waters where harmful invasive species are present. **Contact:** Ron Martin, WI DNR, 608-266-9270, martir@dnr.state.wi.us.

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## National ANS Task Force

**T**he Task Force met Nov. 17-18 in Vicksburg, Miss. at the U.S. Army Engineers' Waterways Experiment Station. The Task Force appointed a committee to make recommendations regarding a control program for the New Zealand mud snail; agreed to develop a green crab control program under NOAA's leadership; invited proposals for control programs for the Asian swamp eel, *Caulerpa taxifolia*, and mitten crabs; considered the use of Clean Water Act authorities to address ballast water discharges; agreed to make two annual awards for ANS accomplishments; and requested input about possible ANS-related events at which to sign the Executive Order on invasive species. **Contact:** Bob Peoples, USFWS, 703-358-2025, robert\_peoples@fws.gov.

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## Upcoming Events

- ◆ *Great Lakes Panel on Aquatic Nuisance Species*. Jan. 28-29, 1999; Ann Arbor, MI. **Contact:** Kathe Glassner-Shwayder, Great Lakes Commission, 734-665-9135, shwayder@glc.org
- ◆ *Ninth International Zebra Mussel and Aquatic Nuisance Species Conference*. April 26-30, 1999; Duluth, MN. **Contact:** Doug Jensen, MN Sea Grant, 218-726-8712, djensen@mes.umn.edu.
- ◆ *Ballast Water Management Research Workshop*. April 28-29, 1999; Duluth, MN. **Contact:** Matt Doss, Great Lakes Commission, 734-665-9135, mdoss@glc.org.
- ◆ *National ANS Task Force Meeting*. April 29-30, 1999; Duluth, MN. **Contact:** Bob Peoples, USFWS, 703-358-2025, robert\_peoples@fws.gov.

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## On the Bookshelf

- ◆ Compact Disc of Sea Grant Nonindigenous Species Web Site (signis). Available at cost. **Contact:** Marie Zhuikov, MN Sea Grant, 218-726-6191; mzhuikov@d.umn.edu.
- ◆ Zebra mussel videos: biology, spread and impact, control, and outreach tools. **Contact:** Robin Goettel, IL-IN Sea Grant, 217-333-9448, goettel@uiuc.edu.