

# Developing and Revising State and Interstate Aquatic Nuisance Species (ANS) Management Plans

## A Process for the ANS Task Force

### General Guidance

This document details the process for developing a new State/Interstate Aquatic Nuisance Species Management Plan (SMP) and the revision process for revising an already approved plan. This information is based on the following two sources and should be considered a clarification and expansion of that information:

- Information on ANS Management Plans found in Section 1204 of the Nonindigenous Aquatic Nuisance Prevention and Control Act (Act, as amended):  
<http://www.anstaskforce.gov/sec1204.htm>
- Guidance for State and Interstate Aquatic Nuisance Species Management Plans (Guidance for ANS Plans) which can be found under Plan Development Resources at:  
<http://www.anstaskforce.gov/stateplans.php>

### New Plans

A new plan is a SMP that has *not* been previously approved by the ANS Task Force (ANSTF). If a planned revision will so radically change a plan that it no longer resembles the original approved plan, the revised plan may require treatment as if it were a new plan.

### Revised Plans

A revised plan is a plan that has been previously approved by the ANSTF, but for which enough time has passed to warrant major technical changes (see below), thus requiring approval by the ANSTF. The Guidance for ANS Plans states that a plan is approved for 5 years; after that time, the state or interstate organization should determine whether their plan needs to be revised.

As the funding entity for SMPs, the U.S. Fish and Wildlife Service (USFWS) has a responsibility to review changes to approved plans to ensure that the changes meet the requirements of the Act and the Guidance for ANS Plans. However, the USFWS recognizes that *minor technical changes* may be required from time to time that do not change the content or direction of a plan. These changes should be able to be made without formal approval from the ANSTF. Conversely, there may also be cases in which a plan is so heavily revised that it no longer resembles the original approved plan and may require treatment as if it were a new plan.

To help clarify whether formal approval for plan revisions is necessary, the following three categories are established:

1. **Minor Technical Revisions** – These revisions are *updates* of existing information in an approved plan and do *not* require approval. Examples of minor technical revisions include:

- a. Typographical, grammatical, and formatting/layout corrections.
  - b. Updating or correcting:
    - i. Scientific names.
    - ii. Contact information (not adding new partners).
    - iii. Information on the distribution and abundance of aquatic nuisance species addressed in the original plan (not additions of new species).
    - iv. Information on amendments to state regulations or statutes within the geographic area covered by the plan (not the addition of new laws).
    - v. Terms in the glossary and document references.
  - c. Minor changes to the existing implementation table (including new actions, but not the addition of new objectives or strategies).
2. **Major Technical Revisions** – These revisions add *new* information to an approved plan and *need to be approved* in accordance with the process outlined below. Examples include the addition of:
- a. New information (i.e. added content) on species, impacts, laws, management techniques, integrated pest management strategies, new stakeholder/partners, etc.
  - b. Previously identified problems and concerns that were not addressed in the original plan.
  - c. New or revised objectives and strategies (not actions).
3. **Complete Plan Overhaul** – In those cases where a plan is so thoroughly revised that it bears little resemblance to the original approved plan, the plan may require treatment as if it were a new plan. The Executive Secretary will be responsible for determining if a revised plan must be treated as a new plan and follow the new plan development process.

Although making minor technical revisions does not require approval, the Executive Secretary of the ANSTF must be made aware of such changes and provided an electronic copy of the revised SMP for posting on the ANSTF web page and public availability.

## The Process

### Phase One – Plan Development or Revision

#### 1) Notification and Consultation

- a) **New Plan** - When a state or interstate organization decides to develop an ANS management plan, it should notify the Executive Secretary of the ANSTF, their Regional USFWS ANS Coordinator listed in Enclosure (1), and the Chair/Coordinator of the appropriate Regional Panel(s) of the ANSTF.
  - i) The Executive Secretary will ensure that those developing a plan understand the development process and have access to the ANSTF Guidance for ANS Plans.
  - ii) The Regional USFWS ANS Coordinators and the Regional Panels of the Task Force will provide technical assistance to those developing the plan and help guide their submittal of the draft plan to the ANSTF.
  
- b) **Revised Plan** - When a state or interstate organization determines that major technical changes to an ANS management plan are necessary, they will consult with the Executive Secretary of the ANSTF.
  - i) The state or interstate organization will:
    - (1) Conduct a scoping exercise (initial discussions) to review what changes are needed for the plan. It is up to each implementing entity to determine the exact nature of the exercise. It can be an internal review by the agency or interstate organization that implements the plan and does not need to include the original group of partners. Partners that may be affected by revisions, however, should be included in the scoping exercise.
    - (2) Consult with the Executive Secretary to discuss the revision process and the proposed changes to the plan. Two items that are required at this time are:
      - (a) Revision Summary and Justification – This should be a brief summary and justification of the revisions. An example summary/justification is provided as Enclosure (2)
      - (b) Outline of Proposed Revisions – Following the table of contents from the current approved plan, this outline should highlight, without detail, the proposed revisions. An example outline is provided as Enclosure (3).
  - ii) The Executive Secretary will determine if the proposed revisions to the state’s plan qualify as Major Technical Revisions and provide advice on how to proceed.

## 2) Involvement of Others

- a) **New Plan** – Section 1204 of the Act states that “in developing and implementing a management plan, the state/interstate organization should, to the maximum extent practicable, involve local government and regional entities, Indian Tribes, and public and private organizations that have expertise in the control of aquatic nuisance species.”
- b) **Revised Plan** – The state/interstate organization will determine the extent to which groups listed in the paragraph (2)(a) above are involved in the plan revision process.. This could range from an internal agency review to a full meeting of all the original plan developers. However, if the proposed revisions could affect a party that was part of the original plan, that entity should be involved in the revision process.

## 3) Public Comment

- a) **New Plan** – In accordance with Section 1204 of the Act, the state/interstate organization must provide public notice and opportunity for public comment of the draft ANS plan. Each state/interstate organization must follow its own administrative procedures for providing public notice and comment.
- b) **Revised Plan** – Unless required by its own administrative procedures, a state/interstate organization does not need to provide public notice and opportunity for public comment.

## 4) Plan Contents – Whether new or revised, a plan is expected, to the extent possible, to contain all required information detailed in the General Guidance references on page 1.

- a) **Inclusion of Rapid Response Component** – When revising an approved SMP, if the approved plan did not include a rapid response component, a state/interstate organization should consider adding either a rapid response component to the revised plan, or adding an action to the implementation table calling for the development of such a component.
- b) Several ANSTF Regional Panels are involved in or have developed rapid response models that could serve as guidance for development of a state-level rapid response plan. Three examples can be found at the following Regional Panel web sites:
  - i) Great Lakes Regional Panel’s Rapid Response Plan:  
[http://www.glc.org/ans/pdf/ModelRRPlan-II\\_04-04.pdf](http://www.glc.org/ans/pdf/ModelRRPlan-II_04-04.pdf)
  - ii) Western Regional Panel’s Rapid Response Plan:  
<http://answest.fws.gov/RapidResponse.pdf>
  - iii) Gulf and South Atlantic Regional Panel’s Rapid Response Plan:  
<http://nis.gsmfc.org>

- 5) **Technical Assistance/Preliminary Plan Review** – The Task Force is available to provide technical assistance to entities developing or revising a management plan. Once a draft plan is prepared, the state/interstate organization is encouraged to discuss the plan with and submit it to the ANSTF Executive Secretary for a preliminary review.
- a) **Time Periods** - The Executive Secretary will make every effort to complete a review within the following time periods.
    - i) **New Plan** – 45 days from receipt of the plan. Along with performing a personal review of the plan, the Executive Secretary will solicit comments from the Task Force, then compile and forward them to the State/interstate organization.
    - ii) **Revised Plan** – 30 days from receipt of the draft plan.
  - b) The preferred time for completing a preliminary review is prior to or during the public comment period (if one occurs), but can be performed at any time. For new plans, it is strongly recommended that a review occur before the plan is signed.
  - c) It is important to note that even though comments have been provided by the Executive Secretary during a preliminary review, the plan will not be automatically approved during the subsequent approval process.
- 6) **Plan Submission** –
- a) **New Plan** - The Governor of each state (or the appropriate leaders for an interstate plan) prepares and submits a SMP to the ANSTF for approval.
    - i) The Plan must be submitted to the Task Force via letter on official letterhead and signed by the governor or, in the case of an interstate plan, the Governors and heads of other involved jurisdictions and organizations (including Indian Tribes).
    - ii) The Guidance for State ANS Plans includes details on what should be in the transmittal letter (Page 18, 2<sup>nd</sup> paragraph).
  - b) **Revised Plan** – A revised SMP does not require the signatures of the governor(s) or, in the case of interstate plans, the heads of other involved jurisdictions, organizations, or Tribes, unless the state/interstate organization deems it necessary for their own internal requirements. To facilitate and expedite review of a revised plan, a document must be submitted to the Executive Secretary that details the major technical revisions (defined previously) to the plan. It is preferred that this document be submitted in an electronic format with changes highlighted (i.e. as a PDF or Microsoft Word file). An example of this document is provided as Enclosure (4).
- 7) **Plan Review** – Once a plan has been submitted for approval, it will be reviewed for consistency with the Act and the Guidance for ANS Plans. Plans will be reviewed in response to specific review questions (in the Guidance for ANS Plans under the section titled “VII. ANS Task Force Review Decisions & Process”). The ANSTF will approve the plan, accept it subject to specified conditions, or request changes and require another submittal. If

the plan is not approved, it will be returned to the state or interstate organization with recommended modifications.

- a) **New Plan** – Once a formal submission for approval has been received, the Act allows the Task Force 90 days to complete its review. It is anticipated that engaging the Executive Secretary in a preliminary review of a plan will significantly reduce the time required to obtain Task Force approval. The Task Force encourages and will attempt to accommodate presentations about draft ANS management plans at Task Force meetings. Plans that are in the late stages of development, as well as those formally submitted, can be presented.
  - b) **Revised Plan** – The Executive Secretary, in consultation with the Task Force, will review a revised plan and make decisions on its approval or denial within 45 days. It is likely this time frame can be reduced by discussing the plan revisions with the Executive Secretary before submittal.
- 8) Once approved, the co-chairs of the Task Force will send a letter to the state or interstate organization announcing the Task Force’s approval of the plan. The plan will be placed on the ANSTF web page. It is recommended that it also be made available through the appropriate state web pages.

## **Phase II – Requesting Funding**

In addition to establishing the ANSTF and the framework for a comprehensive ANS Program, NANPCA, as amended, provides the Director of the U.S. Fish and Wildlife Service with the authorization to make grants available to states, tribes or interstate organizations for the implementation of approved ANS Management Plans. Section 1204 of NANPCA, “State Aquatic Nuisance Species Management Plans,” outlines the requirements for an approved entity to receive a federal cost-share grant.

The following outlines the general process and timeframes that the USFWS will strive to follow in evaluating requests submitted for ANS Management Plan funding. Any modifications to these dates will be widely disseminated.

- 1) **Funding Request** - States and interstate organizations with approved plans submit a request for funding to USFWS by December 15 of the year prior to that for which funding is requested.
- 2) **Grant Determination** - USFWS reviews and acts on requests within 30 days of receiving fiscal year appropriations.
- 3) **Notification Letters** - USFWS sends action notification letters to states within 45 days of receiving fiscal year appropriations.
- 4) **Funding Allocation** - Funding allocations made within 60 days of receiving fiscal year appropriations.

## Planning Contact Information

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## Summary and Justification

### Summary of Revision

The framework of the Illinois Comprehensive Management Plan for Aquatic Nuisance Species (ANS) remains the same. The following content changes will be incorporated.

#### Nonindigenous ANS Background:

Updates on invasive species distribution; the addition of bighead and silver carp descriptors; greater emphasis on the Asian carp situation and a rapid response plan; an updated dispersal barrier overview. Tables will contain the species distribution updates and a few classification changes. Bighead and silver carp will be moved from the medium to the high risk category.

#### Policy Background:

Current developments in policy addressed as well as the formation of new advisory committees. New policies include Injurious Species administrative rule; passage of HB 1181 establishing a statewide clean list and higher penalties for ANS violations; and ordinance restricting the sale of live Asian carp. The ANS advisory groups to add will be the Mississippi River Basin ANS Panel and the DNR Aquatic and Terrestrial Nuisance Species Task Force.

#### Management Actions:

The tasks under each action will be altered according to what already has been done and what still needs to be done with the addition of new initiatives that have evolved since the plan's inception. The introduction section for each goal also will be modified to reflect an increased focus on Asian carp and on rapid response. The task implementation table will be redesigned; it will closely resemble Michigan's table for their ANS plan with columns for action (task), lead, and cooperators.

All other changes will extend from the modifications made to the body of the document. The glossary, literature citations, and appendices will be updated accordingly. The Executive Summary will synthesize the overall plan.

### Justification

As the framework and content core remain the same, this update should be considered a minor technical revision. While it includes new information and tasks as the result of developments since the original plan was written (i.e., new studies, the Asian carp emergence, new policies), the goals and strategic objectives remain consistent with the original plan.

## **Outline of Proposed Changes**

### **Illinois State Comprehensive Management Plan for Aquatic Nuisance Species**

#### **Overall document:**

*Update information with new studies, dates, projects, etc.*

#### **TABLE OF CONTENTS**

##### **1) Executive Summary**

*Alter to reflect changes in revision*

##### **2) Introduction**

##### **3) Nonindigenous ANS background**

###### **A. The Great Lakes Basin**

*Update species distribution, add Asian carp and combine section with Mississippi River Basin*

###### **B. The Upper Mississippi River Basin**

###### **C. The Illinois Situation**

*Add emphasis on Asian carp situation and a rapid response plan*

*Update barrier section*

###### **D. Native Species**

###### **E. Table 1**

*Update table*

###### **F. Table 2**

*Reclassify risk category for certain species (e.g., bighead and silver carp)*

##### **4) Policy Background**

###### **A. The Federal Role**

###### **B. The Regional Role**

*Add new Mississippi River ANS Panel*

###### **C. The State Role**

###### **(1) Illinois Authorities and Programs**

*Update with new ad rule, revised law and new DNR Aquatic and Terrestrial Nuisance Species Task Force*

###### **(2) Illinois Exotic Weed Act**

###### **D. Local Role**

*City of Chicago ordinances*

**5) Management Actions**

**A. Goal I**

*Update tasks*

**B. Goal II**

*Update tasks*

*Add more in introduction paragraph on research and rapid response*

**C. Goal III**

*Update tasks, include aquatic plant management/control and Asian carp management*

**6) Table 3. Illinois Invasive Species Management Plan & Timetable for Years 1-5**

*Redesign table with revised tasks and leads*

**7) Program Monitoring and Evaluation**

**8) Glossary**

*Alter to reflect changes in revision*

**9) Literature Cited**

*Alter to reflect changes in revision*

**10) Appendices**

**A. Plates 1 and 3**

**B. Members of the IL ANS State Management Plan Steering Committee**

*Update*

**C. Job Description - ANS Coordinator**

*Remove*

**D. Nonindigenous Aquatic Nuisance Prevention and Control Act (P.L. 101-646)**

**E. Public Input Summary**

## **Summary of Revisions Document Submitted for Revision Approval**

### **Summary of Key Changes to the Lake Champlain Basin Aquatic Nuisance Species Management Plan - 2005**

The revision of the Lake Champlain Basin Aquatic Nuisance Species Management Plan was led by a revision team consisting of two staff writers, Michael Hauser, Vermont Department of Environmental Conservation, and Lisa Windhausen, Lake Champlain Basin Program, and a review team of representatives from 17 organizations throughout the Basin. The Plan was also reviewed by the Lake Champlain Basin Program's (LCBP) Technical Advisory Committee and endorsed by the LCBP Steering Committee, which is co-chaired by the States of Vermont and New York. Public comments were also received from citizens in New York and Vermont.

All sections of the Plan were reviewed and revised. The following describes only the major changes of primary interest to addressing priority ANS problems and concerns in the Basin.

#### **Chapter III: ANS Problems/Concerns in the Lake Champlain Basin**

Changes to the priority species list were based on several criteria, such as the severity of existing impacts, the presence of an established control program, and the potential for a species to expand within or into the Basin, causing greater impacts. The resulting changes include:

- A new category was added, "Priority Species Outside of the Basin". This reflects a growing awareness that attention and prevention efforts focusing on species that are not currently in the Basin need to be strengthened. The designated priority species outside the Basin include: hydrilla, round goby, Eurasian ruffe, quagga mussel, spiny waterflea, and fishhook waterflea;
- One new priority species currently in the Basin was added, Japanese knotweed. The original six priority species (purple loosestrife, water chestnut, Eurasian watermilfoil, zebra mussel, sea lamprey, and alewife) remain priorities in the 2005 revised Plan;
- All descriptions and distributional information on priority species of concern currently in the Basin were revised. New descriptions for priority species outside the Basin were added. Of particular note, new text and references were included in the sea lamprey description to reflect the current and ongoing research that suggests sea lamprey may be native to Lake Champlain. The current research and designation of this species will be further reviewed during the next Plan revision process; and
- Lastly, a new comprehensive list of non-native species currently in the Basin was added in an effort to highlight the current extent of non-native species introductions to the Basin and to call attention to species that may become priority ANS in the future.

## **Chapter VI. Implementation Table**

### **32 New Actions**

- A1c. ANS Advisory Committee
- A1d. Coordination with NYS Plan
- B1g. Encourage Development of Hazard Analysis and Critical Control Point Plans
- C1b. Monitor and Map Eurasian Watermilfoil in Lake George
- C1d. Adirondack Park Invasive Plant Program – Monitoring
- C1f. Alewife Monitoring in Lake St. Catherine
- C1g. Alewife Monitoring in Lake Champlain
- C1h. General Fish Surveys
- C1i. Lake Champlain Forage Fish Surveys
- C1m. Lake George "Drop-a-Brick" Zebra Mussel Monitoring Program
- C1n. Identify Locations and Optimal Habitats for Mollusks in Lake George
- C1o. VTDEC Biological Monitoring Program
- C1p. LC Long-term Monitoring Program - Zooplankton
- C1q. VT Lay Monitoring Program
- C1r. NY CSLAP Monitoring Program
- C2a. Research Impacts of Eurasian Watermilfoil in Lake George
- C2b. Evaluate Ecological Role of Zebra Mussels
- C2c. Evaluate Effects of Zebra Mussels on Benthic Community
- C2d. Research Zebra Mussel Adaptability
- C2e. Research the Ecological Role of Alewives
- C2f. Determine Background Thiaminase Levels in Lake Champlain Salmonids
- D1d. Evaluate White Crappie and White Perch Impacts and Management Options
- D1e. Develop New Zebra Mussel Controls
- D1g. Study Exclusion Program Options for Chambly Canal
- D1h. Research Secondary Benefits of ANS Control Activities
- D1j. Conduct Literature Searches on Controls
- D1k. Develop BMP's
- E1d. New York Purple Loosestrife Biocontrol Program
- E1e. APIPP's Control Program
- E1g. Alewife Control in Lake St. Catherine
- E1h. Zebra Mussel Control in Lake George
- E1i. Additional ANS Management

### **Three Actions with Major Revisions**

- D1a. Evaluate Existing ANS Controls for Aquatic Plants
- E2a. Develop Rapid Response Protocol
- E2b. Employ Rapid Response Team

### **Three Deleted Actions**

- F2a. Coordinate the Lake Champlain Basin ANS Zebra Mussel & ANSTF
- D4a. Demonstrate and Evaluate Efficacy of Zebra Mussel Anti-fouling technologies and other Controls
- D4b. Study the Effectiveness of Techniques for Cleaning ANS from Boats and other Aquatic Equipment