

MEMORANDUM OF AGREEMENT
ON
BROWN TREE SNAKE CONTROL
Among

U.S. DEPARTMENT OF THE INTERIOR
U.S. DEPARTMENT OF DEFENSE
U.S. DEPARTMENT OF AGRICULTURE
U.S. DEPARTMENT OF COMMERCE
U.S. DEPARTMENT OF TRANSPORTATION
GOVERNMENT OF GUAM
STATE OF HAWAII
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

I. BACKGROUND:

The brown tree snake (*Boiga irregularis*), presumably introduced to Guam by post-World War II cargo movements, has produced a variety of ecological, technical, and socioeconomic problems on Guam. Dispersal of the snake to other Pacific Islands or the mainland as a result of military and civilian traffic from Guam would greatly magnify the problems caused by this snake.

Two complementary actions have been taken in recognition of this threat. The first was to seek annual Department of the Interior funding, beginning with the 1990 budget, for brown tree snake eradication and control. This led to discussions on an agreement among affected Federal agencies, the State of Hawaii and the Government of Guam to create a mechanism for policy-level coordination of brown tree snake research activities and an expected control program. Those efforts culminated in a five-year Memorandum of Agreement (MOA) in late 1992 that took effect upon signature of the final party in August 1993. The Government of the Commonwealth of the Northern Mariana Islands joined in the MOA in 1996.

The second action was a decision by Congress to include a section in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 that requires the Aquatic Nuisance Species (ANS) Task Force to develop and implement a cooperative program to control brown tree snakes outside their native range. To fulfill its responsibilities, the ANS Task Force convened a Brown Tree Snake Control Committee (BTS Control Committee) consisting primarily of technical representatives from appropriate organizations in the U.S. Departments of Agriculture, Defense and the Interior, and the State of Hawaii, the Governments of Guam and the Commonwealth of the Northern Mariana Islands, and university scientists.

The BTS Control Committee was asked to develop a comprehensive plan to control brown tree snakes on Guam and prevent their spread to other Pacific Islands and the mainland United States. Based on extensive discussions and opportunities for public comment, the BTS Control Committee submitted the Brown Tree Snake Control Plan (BTS Control Plan) to the ANS Task Force, which approved it in June 1996. The strategies and actions identified in the approved BTS Control Plan are key to developing and coordinating an effective, multi-agency response to the brown tree snake problem.

II. PARTICIPANTS:

This AGREEMENT is made and entered into by: the Department of the Interior, the Department of Defense, the Department of Agriculture, the Department of Commerce, the Department of Transportation, the Government of Guam, the State of Hawaii, and the Commonwealth of the Northern Mariana Islands.

III. FEDERAL AUTHORITY:

This AGREEMENT is entered into under the authority of Public Law 86-797, the Sikes Act (16 U.S.C. 670a-c); Public Law 97-304, the Endangered Species Act of 1973 as amended (16 U.S.C. 1531, et seq.); Public Law 85-624, the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661); the Animal Damage Control Act of 1931 as amended (7 U.S.C. 426-426c) and Public Law 102-237; the laws concerning territorial and insular possessions (48 U.S.C. 1469d); the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701-4741); Public Law 102-190, National Defense Authorization Act for Fiscal Years 1992 and 1993, Section 348 (Prevention of the Transportation of Brown Tree Snakes on Aircraft and Vessels of the Department of Defense); and Public Law 104-201, National Defense Authorization Act for Fiscal Year 1997, Section 2694 (Conservation and Cultural Activities).

IV. PURPOSE OF AGREEMENT:

This AGREEMENT replaces a previous agreement signed by cooperating parties between December 31, 1992 and May 24, 1996.

By joining in this AGREEMENT all parties are acknowledging the importance of brown tree snake control in the Pacific region and the need for cooperative efforts to solve the problems caused by the presence of brown tree snakes. This AGREEMENT is also made for the purpose of establishing a policy framework and working relationship to facilitate implementation of the BTS Control Plan and to amend or modify the plan as necessary. Nothing in this Agreement commits any signatory to present or future funding amounts.

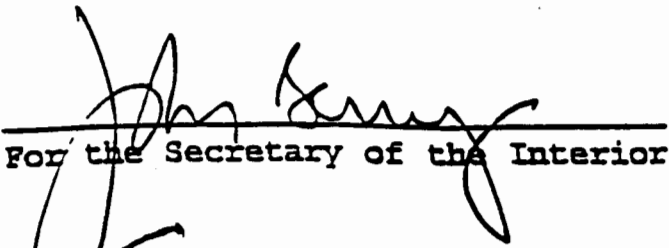
V. TERMS OF AGREEMENT:

1. This AGREEMENT shall become effective upon signature by all parties and shall remain in force for five (5) years.
2. Subject to available legal authorities, signatory parties may provide and transfer funding among themselves to cover the costs of brown tree snake-related research, control, inspection and eradication efforts without being subject to overhead or other indirect costs, except where required by law.
3. Principals or designated representatives of the signatory parties will meet annually, or as necessary, to determine objectives for the coming year. The annual meeting shall be coordinated by the Department of the Interior.
4. Each of the signatory parties shall be represented on the BTS Control Committee to ensure the approved BTS Control Plan remains current, relevant and effective and to facilitate its implementation. The Chair of the BTS Control Committee shall be a Department of the Interior employee and shall convene meetings, as necessary. Consistent with priorities articulated in the approved BTS Control Plan, necessary control, research or other efforts may be funded or directly initiated by any of the parties if funds or qualified personnel are available.
5. Research results shall be disseminated as they become available. Each party reserves the right to publish or disseminate research results developed by its personnel or with its funds in any manner deemed appropriate.
6. Each party agrees, to the extent possible, to facilitate access for responsible personnel from other cooperating parties to enter lands and facilities under its jurisdiction to conduct control and research projects or other activities related to this Agreement.
7. The obligation of the parties for performance of this AGREEMENT is contingent upon the availability of staff and funds.

VI. AMENDMENTS OR TERMINATION:

1. Amendments to the AGREEMENT may be proposed by any signatory party and shall become effective upon execution by all parties of the written amendment.
2. Participation in this AGREEMENT may be terminated by any party upon a 60-day written notice to the other cooperating parties.

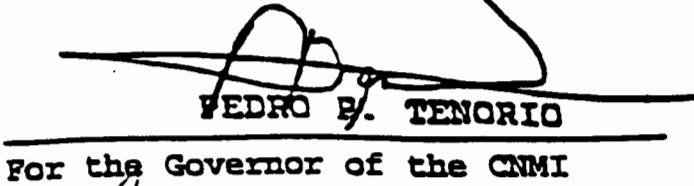
IN WITNESS WHEREOF, each party hereto has caused this AGREEMENT to be executed by an authorized official on the day and year set forth opposite their signature.


For the Secretary of the Interior

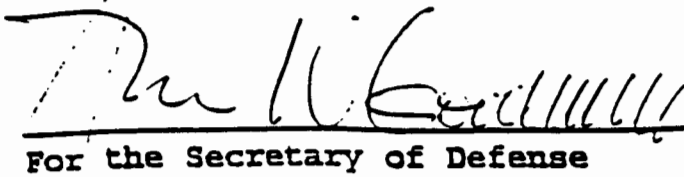
Title: Asst. Sec. Policy, Mgt. and Budget
Date: JAN. 15, 1999


For the Governor of Guam

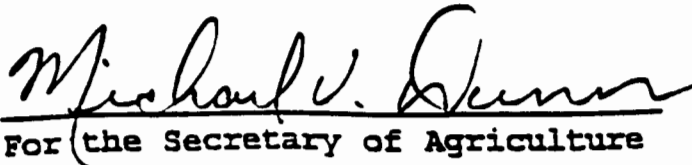
Title: Governor
Date: March 3, 1999


PEDRO B. TENORIO
For the Governor of the CNMI

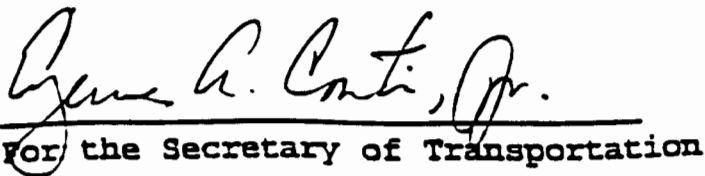
Title: Governor
Date: JAN. 28, 1999


For the Secretary of Defense

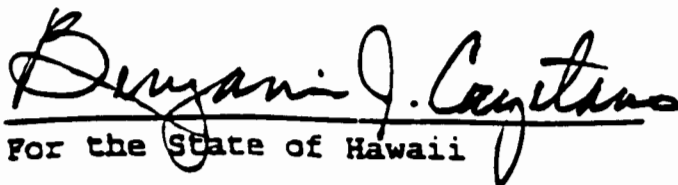
Deputy Under Secretary of Defense
Title: (Environmental Security)
Date: FEB. 18, 1999


For the Secretary of Agriculture

Under Secretary
Title: Marketing & Regulatory Programs
Date: FEB. 11, 1999


For the Secretary of Transportation

Assistant Secretary for
Title: Transportation Policy
Date: FEB. 22, 1999


For the State of Hawaii

Title: Governor
Date: FEB. 5, 1999