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SENATE

{ REPORT  
107-281

### NOXIOUS WEED CONTROL ACT OF 2002

SEPTEMBER 17, 2002.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 198]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 198) to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Noxious Weed Control Act of 2002.”

#### SEC. 2. DEFINITIONS.

In this Act:

(1) NOXIOUS WEED.—The term “noxious weed” has the same meaning as in the Plant Protection Act (7 U.S.C. 7702(10)).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) WEED MANAGEMENT ENTITY.—The term “weed management entity” means an entity that—

(A) is recognized by the State in which it is established;

(B) is established by and includes local stakeholders, including Indian tribes;

- (C) is established for the purpose of controlling or eradicating harmful, invasive weeds and increasing public knowledge and education concerning the need to control or eradicate harmful, invasive weeds; and
- (D) is multijurisdictional and multidisciplinary in nature.

#### SEC. 3. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish a program to provide financial assistance through States to eligible weed management entities to control or eradicate weeds. In developing the program, the Secretary shall consult with the National Invasive Species Council, the Invasive Species Advisory Committee, representatives from States and Indian tribes with weed management entities or that have particular problems with noxious weeds, and public and private entities with experience in noxious weed management.

#### SEC. 4. ALLOCATION OF FUNDS TO STATES AND INDIAN TRIBES.

The Secretary shall allocate funds to States to provide funding to weed management entities to carry out projects approved by States to control or eradicate noxious weeds on the basis of the severity or potential severity of the noxious weed problem, the extent to which the Federal funds will be used to leverage non-Federal funds, the extent to which the State has made progress in addressing noxious weed problems, and such other factors as the Secretary deems relevant. The Secretary shall provide special consideration for States with approved weed management entities established by Indian Tribes, and may provide an additional allocation to a state to meet the particular needs and projects that such a weed management entity will address.

#### SEC. 5. ELIGIBILITY AND USE OF FUNDS.

(a) **REQUIREMENTS.**—The Secretary shall prescribe requirements for applications by States for funding, including provisions for auditing of and reporting on the use of funds and criteria to ensure that weed management entities recognized by the States are capable of carrying out projects, monitoring and reporting on the use of funds, and are knowledgeable about and experienced in noxious weed management and represent private and public interests adversely affected by noxious weeds. Eligible activities for funding shall include—

- (1) applied research to solve locally significant weed management problems and solutions, except that such research may not exceed 8 percent of the available funds in any year;
- (2) incentive payments to encourage the formation of new weed management entities, except that such payments may not exceed 25 percent of the available funds in any year; and
- (3) projects relating to the control or eradication of noxious weeds, including education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment that promote such control or eradication, and other activities to promote such control or eradication, if the results of the activities are disseminated to the public.

(b) **PROJECT SELECTION.**—A State shall select projects for funding to a weed management entity on a competitive basis considering—

- (1) the seriousness of the noxious weed problem or potential problem addressed by the project;
- (2) the likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems in the future;
- (3) the extent to which the payment will leverage non-Federal funds to address the noxious weed problem addressed by the project;
- (4) the extent to which the weed management entity has made progress in addressing noxious weed problems;
- (5) the extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds;
- (6) the extent to which the project will reduce the total population of a noxious weed;
- (7) the extent to which the project uses the principles of integrated vegetation management and sound science; and
- (8) such other factors that the State determines to be relevant.

(c) **INFORMATION AND REPORT.**—As a condition of the receipt of funding. States shall require such information from grant recipients as necessary and shall submit to the Secretary a report that describes the purposes and results of each project for which the payment or award was used, by not later than 6 months after completion of the projects.

(d) **FEDERAL SHARE.**—The federal share of any project or activity approved by a State or Indian tribe under this Act may not exceed 50 percent unless the State meets criteria established by the Secretary that accommodates situations where a

higher percentage is necessary to meet the needs of an underserved area or addresses a critical need that can not be met otherwise.

#### **SEC. 6. LIMITATIONS.**

(a) **LANDOWNER CONSENT; LAND UNDER CULTIVATION.**—Any activity involving real property, either private or public, may be carried out under this Act only with the consent of the landowner and no project may be undertaken on property that is devoted to the cultivation of row crops, fruits, or vegetables.

(b) **COMPLIANCE WITH STATE LAW.**—A weed management entity may carry out a project to address the noxious weed problem in more than 1 State only if the entity meets the requirements of the State laws in all States in which the entity will undertake the project.

(c) **USE OF FUNDS.**—Funding under this Act may not be used to carry out a project—

(1) to control or eradicate animals, pests, or submerged or floating noxious aquatic weeds; or

(2) to protect an agricultural commodity (as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602)) other than—

(A) livestock (as defined in section 602 of the Agricultural Trade Act of 1949 (7 U.S.C. 1471); or

(B) an animal- or insect-based product.

#### **SEC. 7. RELATIONSHIP TO OTHER PROGRAMS.**

Assistance authorized under this Act is amended to supplement, and not replace, assistance available to weed management entities, areas, and districts for control or eradication of harmful, invasive weeds on public lands and private lands, including funding available under the Pulling Together Initiative of the National Fish and Wildlife Foundation; and the provision of funds to any entity under this Act shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code (commonly known as the Payments in Lieu of Taxes Act).

#### **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

To carry out this Act there is authorized to be appropriated to the Secretary \$100,000,000 for each of fiscal years 2002 through 2006, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.

### **PURPOSE**

The purpose of S. 198 is to authorize the Secretary of the Interior to establish a program to provide financial assistance to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land.

### **BACKGROUND AND NEED**

The control of harmful non-native weeds has become a major management concern on public and private lands. Currently, at least 94 types of non-native weeds are recognized as “Federal Noxious Weeds” and many more are designated on State noxious weed lists. According to information provided in the National Strategy for Invasive Plant Management, it is estimated that invasive plants already infest over 100 million acres in the United States and the affected area continues to increase by 8 to 20 percent annually.

The cost of invasive weeds are significant, both in terms of control and eradication costs and loss of agricultural production. Annual direct control costs are estimated to be as high as \$5.4 billion, with an additional \$1 billion in indirect costs. Losses in agricultural productivity are estimated to be even higher. In addition to agricultural losses, invasive weeds threaten important habitat for over two-thirds of the endangered species in the United States.

Previous studies have identified that public and private partnerships are essential to combat weed infestation. S. 198 would enable

such partnership by authorizing a State grant program to assist local weed management entities control and eradicate harmful non-native weeds on public and private lands.

#### LEGISLATIVE HISTORY

S. 198 was introduced by Senator Craig and others on January 29, 2001. The bill is currently sponsored by 16 Senators. The Subcommittee on Public Lands and Forests held a hearing on S. 198 on June 18, 2002. At its business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered S. 198, as amended, favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of quorum present, recommends that the Senate pass S. 198, if amended as described herein.

#### COMMITTEE AMENDMENT

During the consideration of S. 198, the Committee adopted an amendment in the nature of a substitute. The amendment authorizes the Secretary of the Interior to establish a program to provide financial assistance through State to eligible weed management entities to control or eradicate noxious weeds and incorporates several recommendations offered by the administration and others at the subcommittee hearing on S. 198.

The subcommittee amendment provides the Secretary with increased flexibility in administering the program and eliminates a provision in S. 198, as introduced, that would have established an advisory committee within the Department of the Interior to advise the Secretary on administration on the program. The amendment makes clear that amounts authorized under this Act are intended to supplement current assistance available to weed management entities.

Finally, the amendment authorizes the appropriation of \$100 million for each of fiscal years 2002 through 2006. The amendment is described in detail in the section-by-section analysis, below.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Noxious Weed Control Act of 2002.”

Section 2 defines key terms used in the bill.

Section 3 directs the Secretary of the Interior to establish a program to provide financial assistance through States to eligible weed management entities to control or eradicate weeds. In developing the program, the Secretary shall consult with certain public and private entities.

Section 4 directs the Secretary of the Interior to allocate funds to States to provide funding to weed management entities for projects to control or eradicate noxious weed. The Secretary shall allocate funding to each State based on the severity or potential severity of the weed problem; the extent to which Federal funds will be used to leverage non-Federal funds; the extent to which the State has made progress in addressing noxious weed problems, and

such other factors as the Secretary deems relevant. The Secretary shall provide special consideration for States with approved weed management entities established by Indian tribes.

Section 5(a) directs the Secretary to prescribe requirements for applications by States for funding, including auditing, monitoring and other provisions. Eligible activities for funding shall include applied research (up to 8 percent of the available funds in any year); incentive payments to encourage the formation of new weed management entities (up to 25 percent of the available funds in any year); and projects relating to the control or eradication of noxious weeds.

Subsection (b) requires at State to select projects for funding to a weed management entity on a competitive basis and sets forth a series of considerations.

Subsection (c) states that as a condition of the receipt of funding, States shall require such information from grant recipients as necessary and shall submit to the Secretary a report that describes the purposes and results of each project for which the payment or award was used, by not later than 6 months after completion of the projects.

Subsection (d) provides that the Federal share of any project or activity approved by a State or Indian tribe under this Act may not exceed 50 percent unless the State meets criteria established by the Secretary that accommodates situations where a higher percentage is necessary to meet the needs of an underserved area or addresses a critical need that can not be met otherwise.

Section 6 provides that any activity involving real property, either private or public, may be carried out under this Act only with the consent of the landowner and no project may be undertaken on property that is devoted to the cultivation of row crops, fruits, or vegetables. In addition, a weed management entity may carry out a multi-state project only if the entity meets the requirements of the State laws in all applicable States. Funding under this Act may not be used to carry out a project to control or eradicate animals, pests, or submerged or floating noxious aquatic weeds; or to protect an agricultural commodity other than livestock or an animal- or insect-based product.

Section 7 states that assistance authorized under this Act is intended to supplement, and not replace, assistance available to weed management entities, areas, and districts; and the provision of funds to any entity under this Act shall have no effect on the amount of any payment received by a county from the Federal Government under the Payments in Lieu of Taxes Act.

Section 8 authorizes \$100,000,000 to be appropriated to the Secretary to carry out this Act for each of fiscal years 2002 through 2006, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, August 7, 2002.

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 198, the Noxious Weed Control Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*S. 198—Noxious Weed Control Act of 2002*

Summary: S. 198 would direct the Secretary of the Interior to establish a program to provide grants to states and Indian tribes to support projects to control or eradicate noxious weeds on public and private lands. CBO estimates that the proposed program would cost \$5 million in 2003 and \$190 million over the 2003–2007 period, assuming appropriation of the authorized amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 198 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Any costs incurred by these governments to comply with the conditions of this assistance would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 198 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level .....	100	100	100	100	0
Estimated outlays .....	5	20	35	60	70

Basis of estimate: S. 198 would authorize the appropriation of \$100 million a year over the 2002–2006 period for the Secretary of the Interior to make grants to states and Indian tribes to fund projects to study, control, or eradicate noxious weeds on public and private lands. Based on information from the Department of the Interior, CBO estimates that implementing this bill would cost \$5 million in 2003 and \$190 million over the 2003–2007 period, with additional spending occurring in later years. For this estimate, we assume S. 198 will be enacted near the start of fiscal year 2003. We also assume that no funds would be provided for 2002, but that other amounts would be provided as specified by the bill. Estimates of outlays are based on historical spending patterns for similar activities.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 198 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The assistance authorized by this bill would benefit state, local, and tribal governments. Any costs incurred by these governments to comply with the conditions of this assistance would be voluntary.

Previous CBO estimate: On May 7, 2002, CBO transmitted a cost estimate for H.R. 1462, the Harmful Invasive Weed Control Act, as ordered reported by the House Committee on Resources on April 24, 2002. H.R. 1462 would authorize the same amount of funding as S. 198 for a substantively similar program to control invasive weeds. Differences between our estimates of spending under each bill reflect a change in our assumption regarding when they would be enacted. Specifically, we estimated that implementing H.R. 1462 would cost \$45 million more than S. 198 over the 2003–2007 period because we assumed that H.R. 1462 would be enacted during fiscal year 2002 and that funding authorized for that year would be provided.

Estimate prepared by: Federal costs: Megan Carroll; Impact on state, local, and tribal governments: Marjorie Miller; Impact on the private sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 198. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 198, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to S. 198 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 30, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for the opportunity to present the Department of the Interior's views on S. 198, the Harmful Non-native Weed Control Act of 2000.

The Department commends Congress for bringing attention to this important issue that has significant impacts on both public and private landowners and managers across the country. Invasive plant species are estimated to cause more than \$20 billion per year

in economic damage and affect millions of acres of private and public lands. In total, invasive plants, animals, and microorganisms are estimated to cost the US over \$100 billion each year. We concur with the basic principles embodied in the legislation, specifically the recognition that a concerted and coordinated effort by the public and private sectors with requisite accountability is critical to the successful prevention, control, and management of invasive species. However, we need to identify more clearly the possible costs of this proposal and how it would be funded within the context of a balanced budget. We view this legislation as an important step toward greater engagement between federal and non-federal partners to manage the harmful impacts of invasive plants species and reduce their spread.

The Department has identified several areas of concern with S. 198 where textual changes could clarify the intent of the bill. The areas of concern are addressed in this letter. It will also address certain concerns that are specific to the three bureaus affected by S. 198: the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), and the Bureau of Land Management (BLM). Depending on the range of species that are included in the bill, however, the Department's Bureau of Reclamation (BOR) may also have a stake in this legislation. We hope to work with the Committee to ensure that the bill includes federal agencies as partners in developing coordinated efforts to manage invasive species.

Mentioned also is the National Invasive Species Council (Council), which is co-chaired by the Departments of the Interior, Commerce and Agriculture. The Council provides coordination on invasive species issues, including invasive plants, and encourage partnership efforts to prevent and control invasive species. The Council can provide assistance with efforts to ensure a coordinated federal/state approach, and this letter provides encouragement to recognize the Council's important role in S. 198. Finally, this letter will also touch upon the bureaus' programs in the areas of invasive species prevention, management, and eradication.

The Department's first area of concern is the scope of the bill, i.e., what is covered by and excluded from the bill, both in terms of geography and the types of activities that are eligible for funding. Although the bill technically applies to the entire nation, and invasive plants are a problem in every state, we think it would currently be difficult for most of the eastern and southeastern states to develop "weed management entities" and compete with western states that have existing infrastructures that are likely to qualify.

The bill also does not provide for participation by Native Americans. The Department recommends that S. 198 include Tribal governments in all sections of the bill, including those relating to coordinated actions and distribution of financial assistance. Tribes should also be able to participate in projects in areas outside their lands when they chose to participate in a larger weed management entity, without their funding being restricted.

In addition to our concerns about the bill's scope, its prohibition on funding for control of submerged or floating aquatic noxious weeds and animal pests operates against efforts to initiate a comprehensive approach to these growing threats, which through our work on the National Invasive Species Council we have found to be the most effective approach to dealing with the scourge of invasive



species. This prohibition could have a dampening effect on key coastal states with substantial aquatic invasive species and states with extensive surface distribution networks that can become infested with invasive aquatic weeds, discouraging them from participating in the program. Feral pigs, which disturb large areas of natural vegetation in Hawaii and elsewhere, provide an example of an excluded animal pest. The NPS wanted to remove invasive plant species in national parks in Hawaii, but feral pigs were serving as a mechanism for distributing the seeds of some of the invasive plants and disturbing the soil. Without removal of the pigs, any program to remove invasive plant species would fail. We recommend that the bill for funding that maximizes flexibility to the states, Tribes, and local entities to take a comprehensive approach to controlling all invasive species.

Highlighted is the many ongoing, highly successful partnership efforts between the public and private sectors to control invasive species. One example is the “Pulling Together Initiative,” a partnership between federal agencies and the National Fish and Wildlife Foundation. Since 1997, through cost-sharing efforts, the partners have supported more than 219 weed management projects in 33 states and one territory.

The purpose of the “Pulling Together Initiative” is similar to the intent of this legislation—to encourage the development of weed management areas. These projects bring together many stakeholders, including federal, state, Tribal, private, and non-governmental organizations, to coordinate management of weeds based on an integrated pest management approach. Each project funded through “Pulling Together” must have a minimum 1:1 match of non-federal funds or in-kind contributions for every dollar of federal funds requested. As a result, more than \$6.9 million in federal dollars have leveraged more than \$13.7 million in non-federal contributions. We recommend that language be included in this bill that would clarify how this legislation would relate to existing federal initiatives to ensure that significant, well-established, federal-private partnership efforts will continue and flourish.

The second area of concern relates to the process established by the legislation and whether it provides for sufficient accountability, consultation, and coordination with federal efforts and quality assurances. The bill creates a new advisory committee within the Department to oversee the allocation of funds. Currently, the Invasive Species Advisory Committee (Advisory Committee) already exists to provide advice to the National Invasive Species Council in accordance with Executive Order 13112, and is administered by the Department of the Interior. The Advisory Committee consists of 32 members with critical expertise in many of the same interests in invasive species that are called for in S. 198. We recommend that the existing Advisory Committee be used to make recommendations to the Secretary for the allocation of funds, rather than establishing a new advisory committee.

S. 198 lacks a reporting requirement for local weed management entities that would enable the federal-state partners to make judgments on success. A concise and clear reporting requirement is necessary and should include how the results relate to the selection and renewal process. Moreover, there is little specific guidance in the bill on how funds would be allocated to states, or how they, in

turn, are to allocate the funds to weed management entities. In addition, it is unclear whether these funds can be allocated to federal agencies for coordination activities at the state and local levels. We recommend that language be added to the bill that establishes requirements for a standard reporting and review system that would ensure accountability and improve coordination and information exchange among federal agencies, states, and other participating entities. We also recommend the bill be amended to specify which state agencies have the responsibility for allocating funds to weed management entities to assure consistency from state to state.

Moreover, except for the allocation of funds by the Secretary to states S. 198 contains no requirement for consultation or coordination with federal agencies. Given that invasive species cover federal, as well as state, Tribal, and private lands, and may even cross international borders, we recommend that language be included that would require weed management entities to coordinate and consult with federal agencies to promote comprehensive invasive species programs across all affected lands. This coordinated targeting, based upon existing capacity and resources, will help concentrate efforts to make a significant improvement in overall land health.

The Department also has concerns about the budgetary implications of the legislation, and whether the funding for this program would come at the expense of federal control efforts and existing programs that provide matching funds for weed control. This program could involve significant new funding obligations that are not now assumed in the President's Budget. At this point, it is unclear how much funding is needed, and we are concerned that this program could impact existing agency and multi-agency programs (such as the "Pulling Together Initiative") that support local and regional weed prevention and control projects.

Finally, our experiences have shown that inclusion of a matching funds requirement is critical to the success of such projects because it ensures that available federal funds are used only for projects that have strong support and financial backing at the regional, state, or local levels. Because of this, we do not believe that states should utilize other federal dollars as a weed management entity's non-federal match. S. 198 currently includes in-kind matching. In order to maximize the impact of federal monies available for invasive species control programs, we believe it is important that federal funds be used to leverage only non-federal funds.

#### *National Park Service*

The principles of coordination, targeted funding, and accountability are fundamental aspects of the nonnative invasive species management strategy pursued under the NPS's five-year Natural Resource Challenge program. In FY 2000, the NPS identified nonnative invasive species as a significant component of the threat to the natural and cultural heritage preserved in National Park units covering over 83 million acres of land across the country.

As part of the Natural Resource Challenge, a new management strategy for controlling harmful nonnative invasive plants, called the Exotic Plant Management Team (EPMT), has been implemented. Nine teams have been fielded to identify, treat, control, restore, and monitor areas of parks found to be infested with harmful

exotic plants. These nine teams serve 95 parks, comprising 25% of national park units, in the Chihuahuan Desert-Shortgrass Prairie, Florida, Hawaii, National Capital Region, Northern Great Plains, California, Gulf Coast, Lake Mead, and Northern Cascades.

The success of each EPMT derives from its ability to adapt to local conditions and needs. Each team sets work priorities based on a number of factors including: severity of threat to high-quality natural areas and rare species; extent of targeted infestation; probability of successful control and potential for restoration; and opportunities for public involvement. In addition, the President's budget for fiscal year 2003 includes a funding request for seven additional EPMTs. Funding of these teams will raise our capacity to control invasive plants at 186 parks, or approximately 48% of the parks in the National Park System. The NPS hopes that S. 198 will improve the teams' work in our park units by increasing collaborative efforts between public and private adjacent landowners.

The EPMT of Florida provides an excellent illustration of the effectiveness of local partnerships. The Florida EPMT formed a partnership with the Upland Invasive Plant Management Program of the Florida Department of Environmental Protection and approximately 136 other groups in the program to control invasive plants. Together they fund removal of exotic species in 11 units of the National Park System in Florida with the State of Florida matching the NPS contribution dollar for dollar.

The NPS has many successful public and private partners in its efforts to control and manage invasive species, including Tribal governments. The NPS recognizes that effective management of invasive plants must be conducted on a coordinated basis involving all stakeholders. However, the authority for Departmental agencies, including NPS, to work with cooperating land managers outside the Department's boundaries is not clear. We recommend that language be included in S. 198 that would provide the federal agencies greater flexibility in managing invasive plants in concert with willing adjoining landowners where federal lands are threatened by invasions from adjoining lands.

We are also concerned about the lack of definitions for many of the terms used in the bill. Without terms being clearly defined, their use in the legislation may lead to confusion or disagreements over terminology. We note also that the bill as currently drafted permits the establishment of a weed management entity solely for the purpose of education. We believe that education, while an important part of any weed management entity's role, should not be its only objective. Moreover, the NPS believes that substantial gains can be made through an education campaign at the national level so that individuals can learn about what efforts they can undertake to address this problem. We look forward to working with the Committee to address these and other issues.

#### *U.S. Fish and Wildlife Service*

Invasive species are one of the leading threats to fish and wildlife, with the potential to degrade entire ecosystems. The FWS is working to develop and implement aggressive programs to enhance its capability and leadership to respond effectively to present and future invasive species problems. The FWS works in cooperation with private groups, state agencies, other federal agencies, and

other countries to combat invasive plant and animal species. National Wildlife Refuges (NWR) from Alaska to the Caribbean are affected by this problem. Based on national interagency estimates, over 6 million acres of the National Wildlife Refuge System are infested with exotic plants alone, interfering with crucial wildlife management objectives on over 50% of all refuges. Refuge field managers have identified invasive species problems as one of the most serious threats affecting the Refuge System. Nationwide, the rate of spread of invasive plants is estimated to be 5,400 acres per year. The Refuge System has identified over 300 projects with an estimated cost of \$120 million to combat invasive species.

Among the most insidious plant invaders to fish and wildlife resources are salt cedar, leafy spurge, whitetop, exotic thistles, Brazilian pepper, purple loosestrife, Australian pine, Chinese tallow trees, old world climbing fern, and melaleuca. At Loxahatchee Refuge in Florida's Everglades, for example, the exotic melaleuca tree and the Old World climbing fern have infested thousands of acres of the refuge, out-competing native vegetation and effectively eliminating wildlife-dependent habitat. Sevilleta and Bosque del Apache NWRs in New Mexico continually invest large amounts of time and operational funds in eradication efforts on the salt cedar. Salt cedar disrupts the structure and stability of native plant communities, crowding out native plant species, altering existing water regimes, and increasing soil salinity.

In addition, the Refuge System works with private landowners to help them restore degraded fish and wildlife habitats on their property, which includes the control of invasive plants. Through the Partners for Fish and Wildlife Program, which provides financial and technical assistance, FWS helps landowners benefit from improved productivity of their lands by minimizing the spread of invasive species and improving habitat for a variety of fish and wildlife species. Activities included prescribed burning, integrated pest management techniques, physical removal, fence construction, and restoration of native plant communities.

Unfortunately, the invasive species negatively affecting fish and wildlife resources are not solely contained within terrestrial plant taxa. Many refuges have significant wetland components, making aquatic invasive species, such as phragmites, a serious threat to these ecosystems. FWS programs support activities to prevent and control highly invasive plants and animal species such as zebra mussels, giant salvinia, *Caulerpa taxifolia*, Chinese mitten crabs, round gobies, Norway rats, Asian carp, nutria, Asian swamp eels, goats and pigs.

Nutria are an exotic invasive rodent, native to South America that have been introduced in 22 states nationwide, and affect over 1,000,000 acres of the Refuge System. Among areas with high nutria populations is the lower Eastern Shore of Maryland, including Blackwater National Wildlife Refuge. Blackwater has lost over 7,000 acres of marsh since 1933, and the rate of marsh loss has accelerated in recent years to approximately 200 acres per year. Although there are many contributing factors (e.g., sea level rise, land subsidence), nutria are a catalyst of marsh loss due to their habitat of foraging on the below-ground portions of marsh plants. This activity compromise the integrity of the marsh root mat, facilitating erosion and leading to permanent marsh loss. In light of the

damage caused by nutria, FWS and twenty-two other federal, state, and private partners joined forces in 1997 to identify appropriate methods of controlling nutria and restoring degraded marsh habitat. The Partnership prepared a 3-year pilot program proposal, which was subsequently approved by Congress, including authorization for the Secretary of the Interior to spend up to \$2.9 million over 3 years beginning in Fiscal Year 2000 (Public Law 105-322).

The number of invasive species threats of fish and wildlife resources continues to increase dramatically. As noted earlier, we recommend that S. 198 be amended to increase its scope of coverage to include not only invasive terrestrial plant species, but aquatic plants as well. We would also recommend that invasive animal species be included.

#### *Bureau of Land Management*

The BLM recognizes the need for expanding on-the-ground efforts at controlling noxious weeds. Since the completion of the BLM's "Partners Against Weeds Strategy Plan," the BLM has followed the plan's recommendation of expanding cooperative partnerships. We can attribute much of the BLM's success in managing invasive species through cooperative partnerships with federal, state, and local government agencies, private landowners, and industries, especially those regional efforts that work across state lines.

The BLM considers public education the key to winning the war on weeds. Accordingly, our Partners Against Weeds Strategy focuses on education and outreach. BLM personnel have given over 200 weed slide presentations, prepared videos, produced flyers and classroom projects, and conducted numerous public weed field trips. The BLM has also developed a Weed Awareness Course that is given to each BLM employee. In Grand Junction, Colorado, for example, the Field Office Week Coordinator has held classes for public land users at which all of the major grazing permittees in that field office have attended. Ranchers are not reporting new weed infestations and cooperating to help control them on private and BLM lands. As the awareness of invasive plants and their impacts accelerates, our efforts with the public also increase.

Recently, the creation of new Cooperative Weed Management Areas has risen significantly. Because the BLM manages over 262 million acres of public lands, cooperative weed management efforts are essential, primarily in those areas where public land are intermingled with state, private, and other federally-managed lands. Today more than ninety percent of the federal, State and private lands in Idaho and California are part of Cooperative Weed Management Areas. For example, in fiscal year 2001 the BLM treated over 300,000 acres and is involved in over 300 weed management areas. That figure has risen annually.

In FY 2002, the BLM received \$7.7 million for weed management, a majority of which went to the BLM offices for on-the-ground weed efforts including inventory, weed treatments, and monitoring. In states with smaller amounts of infested acreage, the BLM focuses funding on efforts to provide states with the capability to detect small weed infestations in high-risk areas and to treat small infestations before they spread. The BLM is also dedicating funding to states with larger infestations, focusing efforts on

areas to previously inventories, but at risk. In addition, in FY 2002 the BLM provided nearly \$457,000 for the National Fish and Wildlife Foundation's Pulling Together Initiative for comprehensive, on-the-ground weed management, treatment, prevention, and control efforts. We are concerned that, as currently drafted, S. 198 could impact BLM's future efforts to fund this successful, ongoing program.

#### *Conclusion*

We welcome this legislation as a symbol of future commitment to early detection and rapid response to mitigate the rampant spread of invasive plants. We, too, have recognized the need to work directly with private landowners and state and local governments. As such, we applaud the bill's recognition of partnership as key to success across multiple jurisdictions of natural resource management.

Our goal is to ensure that the main provisions of S. 198 allow for the coordination of existing federal efforts and local control programs so that the bill serves to strengthen ongoing invasive species programs and support new partnerships and initiatives. We look forward to working with the Committee in formulating legislation that best reflects our mutual goal of assisting states, Tribes, and local entities to prevent, control, and manage nonnative invasive species while recognizing and strengthening existing partnership efforts among all stakeholders.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

LYNN SCARLETT,  
*Assistant Secretary for Policy,  
Management and Budget.*

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 198, as ordered reported.

