

# Invasive Species by James M Boers

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## Introduction

In the early 1970's the United States Federal government expanded it's authority over Endangered Species, inshore Marine Mammals and Animal Welfare at the direct expense of usurping state jurisdictions over these matters. This has led to conflicts with landowners and other private property owners and a broad spectrum of citizens from loggers and ranchers to pet owners, hunters, and recreationists. Public lands have been closed and businesses eliminated as a result of the expanded authorities and enforcement of these statutes. Today a similar expansion of US Federal jurisdiction is being proposed to place "invasive" (or "non-native" or "exotic" depending on interpretations) species under Federal control. As with the Endangered Species Act, the Marine Mammal Protection Act, and the Animal Welfare Act bureaucratic manipulations and influence from environmental and animal rights radicals can rightly be expected to utilize courts and regulations to create as much, if not more, problems (intended and unintended) for individuals and the nation

## Part 1 – The Threat

The similarities today between something called Invasive Species and Endangered Species back in the early 70's is eerie. In both instances a Republican President is attempting to deal with a war while Democrats attack every move he makes. Demonstrations by radicals clamor on the evening news with no reasonable alternatives offered save overthrow of the Republicans. Environmentalists both in the Federal agencies and in the powerful environmental lobby groups attack and undercut the President while offering the possibility of supporting him if only he will support a new program that will save plants and animals and surely generate the votes needed for reelection.

In the early 1970's Department of the Interior (where I worked) a Green Assistant Secretary worked with these environmentalists while overseeing a well-credentialed Director of the US Fish & Wildlife Service who walked a fine line as a salesman for Endangered Species while trying unsuccessfully to maintain a workable wildlife management regime. Today, a Green Secretary of the Interior similarly courts environmentalists while using the credentials and reputation of a US Fish & Wildlife Service Director to assure us of the "need" to Federalize Invasive Species.

This Federal power expansion will undoubtedly mushroom to cover things which, when I mention them, will cause you to snicker and ask yourself how could anyone imagine such stuff? Well, you would have said the same thing in 1972 if I had said that the Endangered Species Act would lead to:

- taking property without compensation;
- the listing of subspecies, races, populations, subpopulations, and distinct population segments:
- the elimination of logging and ranching over wide areas;
- the forced reintroduction of wolves and grizzly bears for which the “reintroducers” are not responsible unless someone disturbs them;
- the eradication of needed public works projects to “save” flies and toads;
- the death of citizens due to flooding caused by bushes growing on a dam and “needed” for an insect;
- the elimination of big game herds for wolf food or the elimination of thousands of miles of stream sport fisheries for an undesirable trout;
- the perversion of biological classification so that academic specialists can obtain grants and career enhancements;
- creation of the largest budget and power increase for Federal bureaucrats to date;
- the litmus test of environmental bona fides for politicians seeking reelection;
- the greatest power source ever devised for environmentalists to stop everything from energy development to hunting and wildlife management .... I could go on but space is limited.

Invasive Species is a Federal proposal that will expand and steadily eliminate the rights of property owners, the authorities of state governments, the legitimate activities of Americans, and a host of other abuses. It is just like the Endangered Species Act in this respect and it will be expanded and abused even quicker because of the experience of the past thirty years gained by bureaucrats, politicians, academicians, and non-governmental organizations.

Back in the early 70’s I was too dumb to see where all this was going. None of the people I knew, who did know, ever said a word. They simply clipped coupons for their own careers and pay. What I intend to do is write a series of articles on Invasive Species based on the history of the Endangered Species Act. I propose to discuss Invasive Species in a series of short, direct articles. A range of subjects will be covered from the history, biology, and politics of Invasive Species to the Interest Groups, legalities, and both the intended and unintended consequences that will result. All the usual conflicts (East v. West, urban v. rural, Feds v. states, academics v. working men & women, bureaucrats and politicians v. property owners and outdoorsmen, environmentalists & animal righters v. recreationists and businessmen) are present and need to be understood.

The Bush Administration is currently “exploring” an Invasive Species Program. Invasive Species will soon begin affecting all of us from boaters and outdoorsmen to gardeners and taxpayers. The time to learn about it is now. The time to do something about it is before it gets passed and underway. I hope to tell you what you can do and why you should do it.

I plan to send these articles to those of you who write to me and who entertain my writings. I ask that if you enjoy these articles, please send them to friends, associates, and anyone you believe will read it and forward it.

Thank you for your interest in the past and I hope these articles will prove useful to all of us.

## Part 2 – What Are They?

Invasive Species is the name currently applied to non-native plants and animals that cause problems of one sort or another. Non-native is the relevant phrase and it refers to those plants and animals that are relatively new to an area be that a state, nation, or continent. While most of us take for granted thousands of species of plants and animals that were here when our grandparents and great grandparents were alive such as Hungarian partridge, brown trout, English ivy, and day lilies as acceptable members of our environment; environmental groups, many academics, bureaucrats, and socialists bent on clearing large swaths of the United States for something called the Wildlands Project know that non-native really means not present when European explorers stepped ashore. There have even been legal arguments made that an Eastern US native fish (largemouth bass) introduced into Western US reservoirs are “non-native” and should be eliminated. Have no doubt that non-native means all of these things and that this will be a readily accepted definition in a court of law by government or environmental litigants when seeking jurisdiction, land control, or control of human activities.

While advocates for Federalizing Invasive Species matters never mention non-natives such as pheasants or day lilies as eventual targets for elimination, there is a list of often-mentioned, non-native species that can and do cause extensive and serious problems. Zebra mussels that came from Europe on ships now clog water intake pipes and displace native mussels. Hydrilla, a thick, mat-like plant infests many streams and reservoirs. Salt cedar, a small shrubby tree, displaces native shrubs along waterways in the West and uses significant amounts of scarce water. The Brown tree snakes, brought to Guam from New Guinea as stowaways on WWII planes, have decimated Guam’s bird life, caused power outages and bitten hundreds of children and adults. They could stowaway to Hawaii or California where they could wreak havoc also. Cheatgrass is a plant that displaces native plants, creates a fire hazard, and infests winter wheat over large parts of the US. Leafy spurge is poisonous to cattle and horses while yellow starthistle is poisonous to horses; both crowd out native plants and the animals that depend on them in densely infested areas. Kudzu, the infamous vine from a science fiction movie smothers southern trees and buildings. Sea lampreys invaded the Great Lakes and began killing lake trout and introduced salmon long ago when canals and sea-going ships opened the way. Nutria, a large muskrat-like marsh dweller causes extensive marsh plant damage in Louisiana and Maryland. Fire ants are also a species that has come north and threatens human safety as well as pets and domestic animals.

When advocates of Federalizing the management and control of such species speak or write, many facts are ignored and avoided. For instance, zebra mussels have cleaned up (clarified) many waterways such as Lake Erie where deeper sunlight penetration has caused an explosion of submerged plants that shelter fish and accordingly created a very productive commercial and sport fishery. Hydrilla, which elicited newspaper forecasts of environmental Armageddon when first spotted 20 years ago near Washington, DC established large beds in the Potomac River creating extensive cover for endangered fish, a now-famous bass fishery, and large flocks of wintering scaup, mallards, and geese viewed from Washington office windows. Another point not mentioned is the extreme dependence on pesticides that is necessary for control of many of the plants and insects such as fire ants. Indeed those who live with many of these pests testify to the fact that chemical tools for control have long been available but environmental prohibitions and use permission requirements are set impossibly high. Also, the current efforts of states like

Louisiana to decimate nutria populations with a bounty and create markets for the meat and fur are never mentioned. Another missing portion is the status of genetically modified grains and fruits (many of which are also non-native) under the proposed programs. Problematic native species such as poison ivy, poisonous spiders and scorpions are also never mentioned when discussing harmful species. Similarly, thousands of non-native landscaping species like tulips, day lilies, and lilacs and non-native hunting and fishing species like chukars, pheasants, brown trout and Great Lakes salmon go unmentioned.

Certain states like Florida and California are very strong backers of Federalizing Invasive Species efforts. The reason for their support is their semi-tropical to Mediterranean climate which when combined with the large influx of international contacts means a high incidence of new species constantly cropping up. Their climate makes them ideal habitats for exotic fish dumped in ditches, fruit flies hitch hiking on airplanes or steamers carrying fruit, pets or wild animals escaping from owners, and even birds miraculously blown across oceans from similar climates. Indeed, at one Invasive Species US House of Representatives Hearing that I attended, a Florida state employee was the most outspoken advocate in the room for more Federal dollars, more Federal employees, and more Federal authority (and that is saying something.)

I will remind the reader that early in the proposal stage for the Endangered Species Act (1970-72) similar “facts” were publicized and others were dismissed. -Bald eagle preservation (while I used to see 30 at a time when I was in the Aleutians) was stressed while isopods and flies as a means to stop public works projects was never mentioned.

- Saving sturgeon, a relatively innocuous and little seen fish, was touted while using the slight variations found in minnow-like darters from insular Tennessee watersheds to prevent construction of a needed major dam was never mentioned. -Romantic stories about saving evening wolf howls in Minnesota gained lots of media attention but no one mentioned the effects on stock, big game animal populations, pets, and humans that expanding wolf population would have. Intentions to force wolves back into the West where they had been purposely exterminated, were vehemently denied for years.
- The listing of subspecies much less races, populations, subpopulations, population segments, and distinct population segments was never imagined by anyone but the sponsors.
- Concerns that professors, researchers, and other specialty experts would skew their findings and eventually their scientific classifications and habitat declarations in order to get grants and other benefits resulting from publicity of their specialties went unmentioned. The fact that 30 years later advocates and politicians would offer “better science” as a solution can only be termed comical.
- Worries that Federal bureaucrats would List species and never delist unless forced seemed far-fetched. Promotions, budgets, bonuses, and wide-ranging power were to become directly proportional to the size of the program.
- Suspicions that environmental groups and politicians would lard the Federal agencies with employees with activist intentions for regulation writing and lawsuit cooperation were never mentioned.

- Taking property without compensation, closure of Federal land access, elimination of businesses and recreational activities in the name of Endangered Species were also scoffed at and denied.
- Claims of environmental “needs” and ecosystem “viability” were merely justification rhetoric and not true.
- Worries about loss of sovereignty to UN bureaucracies dedicated to worldwide control of International Endangered Lists that expand biennially, were dismissed but were eventually proven to be true.

The relevance of the history of Endangered Species program development to the Invasive Species’ effort must be understood. Hopefully the upcoming articles will allow you to develop the perspective to judge for yourself. The next article will treat the history of management and control programs and the Constitutional responsibilities applicable to these matters.

This series is not meant to disparage control activities or to discourage more cooperation between government and landowners, businessmen, and others. It is meant to avoid the inescapable quagmires that the Endangered Species Act has created. As subsequent articles treat The Biology, The Pushers, the Politics, The Real Goals, The Unintended Consequences, and Current Happenings they will hopefully prepare you to consider What Must Be Done that will conclude the series.

### **Part 3 – History & Jurisdictions**

The US Constitution (1787) established a regime of plant and animal jurisdiction and ownership unique in the world at that time. While limiting the Federal government to specific authorities and responsibilities, it divided Federal power between the ubiquitous three Branches. The Bill of Rights or first 10 Amendments (1791) concluded with Amendment X which states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” The jurisdiction over and management of all plants, insects, and animals is one of those powers. Only an Amendment to the Constitution or “Treaties made, or which shall be made, under the Authority of the United States” can legally alter this. No longer did wildlife and plants belong to royalty or the aristocracy, in America it belonged “to the people”. States held the wild species in common ownership for all and men and women owned the domestic plants and animals outright. For at least 200 years anyway.

For the first hundred years, the Federal government concerned itself with protecting high seas fishery interests of Americans, cooperation with neighbors like Canada in the Great Lakes, and interstate and foreign commerce protection for farmers, ranchers, and businessmen dealing in wildlife and plants.

In the late 1800's western states resigned themselves to the Federal government retaining large portions of the West. This gave rise to acceptance by westerners of predator control and grazing allocation by Federal land administrators. Thus was born an uneasy concept of the Federal government being "more" than a private landowner and somehow immune to state jurisdiction over plants and animals.

During the First World War, President Wilson signed and the Senate ratified a Migratory Bird Treaty with Canada for about 200 species of birds that migrated between the two nations. Certain species like hawks, owls, pelicans, and cormorants were specifically excluded because of the damage they caused. More recently these and several others were included in Treaties with Mexico, Japan, and Russia. Primary management jurisdiction thereby was transferred from the state governments to the Federal government for these named species.

In 1973 the Endangered Species Act was passed by Congress and signed by the President. The authority for the Federal government to constantly name species, subspecies, etc. as Endangered and thereby seize jurisdiction and management authority from the states is claimed to be a UN Treaty signed by many nations. Two points: First, I would assert that a UN Treaty is not a Treaty as mentioned in the Constitution. In our Treaty with Canada for instance, they do certain things and we do certain things or the Treaty can be broken. The UN Treaty is broken and ignored by others regularly and we have no recourse because of the brokerage role of the UN. In other words I think the Federal government has no authority to usurp state authority over plants and animals. They could offer money or assistance but not override the interests or authority of the states. Second, and most important, those of us alive today have seen the Federal government unilaterally usurp jurisdiction and management authority legislatively from the states over Endangered Species, Threatened Species, Marine Mammals, Wild Horses, and Animal Welfare. This has then been used to justify expanded power by the Federal government (at the expense of "the States" and "the people" over loggers, ranchers, fishermen, home-builders, hunters, trappers, medical experimenters, pet breeders, campers, etc., etc. The point being that passing a law to "do something" about Invasive Species is greeted mostly with a yawn by the public and with dollar signs by many others and dreams of increased power by others yet. No one any longer questions the legality, much less the results of these plunges into Federal power-building which the Founding Fathers so rightly feared.

This last point was confirmed and made shockingly apparent to me last week. The polling question on the History Channel website was, "who should be more powerful, the state government or the Federal government?" The Constitution names specific roles for each; not which is more "powerful". The Civil War settled the Union of the states, not who is more powerful (the northern states under a Federal government defeated the southern states under a Confederate government). President Lincoln didn't defeat South Carolina; he defeated President Davis. Like any enduring marriage, our national life has prospered over an equal relationship with specific roles for each spouse (state and Fed) and a shared sense of devotion to each other. The more we speak of who is more "powerful" the deeper our problems become.

In the early 1900's Federal, state, and University researchers studied ways to minimize or eliminate damage caused by predators (wolves, cougars, coyotes, and bears) and public employees successfully exterminated wolves while depressing the numbers and distribution of the others until control reductions 40 years ago allowed coyotes to explode back into the East and state abrogation of management responsibility allowed cougars in California to once again kill and maim humans, pets, and livestock while reducing once robust wild bighorn sheep populations in the Sierras to Endangered status. Similar elimination of bear management is allowing depredations of burgeoning bear populations to endanger humans and cause extensive economic damage once again.

The Federal government also specialized in bird research (as primary managers of migratory birds). Damage from ducks, geese, blackbirds, and others was reduced and direct control (i.e. killing) was the final and often best method.

In the 1950's increased international travel by tourists and Servicemen caused the Federal government to 1.) begin banning from importation (based on the legitimate responsibility of regulating foreign commerce) what were called Injurious Wildlife like mongoose and 2.) begin searching the world for new and desirable species to release in the US such as chukars from India and snow grouse from Afghanistan. The Federal government was also busy buying large marshes specifically for the breeding, migrating, and wintering needs of waterfowl. Many of these had and still have prized non-native species on them such as the Sika deer from Japan on Chincoteague National Wildlife Refuge and the Assateague National Seashore Park and the sambur deer from India on the Saint Vincent's Island National Wildlife Refuge.

Nearly all the "calendar picture Invasive Species" I mentioned in Part 2 were present in the 1950's and 60's. None were on the old Injurious Wildlife List that I enforced as a US Game Management Agent at the New York port-of-entry in the early 1970's. Their visibility as a potential Federal concern arose as "the usual suspects" (who I will describe in Part 5 "The Pushers") saw how the Endangered Species Act has generated funds and influence for academicians, budgets and career enhancements for bureaucrats, votes for politicians, and power for non-governmental groups bent on a string of harmful things I will discuss further in Part 5. Let it suffice to say that claims of "billions" in damage and "millions of acres" are everywhere in Washington today. Slick publications, handouts, proposals, and publicity appear in every nook and cranny. Invasive Species are like the cherry blossoms swelling in anticipation of the right conditions to burst forth.

Before I can explain more about the people and groups pushing the Invasive Species agenda today we will need to examine The Biology of Invasive Species. The next article, Part 4, will attempt to do just that. New age concepts such as Pre-Columbian Ecosystems and Native Ecosystems, while nowhere to be seen now, will burst forth when legislation is passed giving the Federal government "jurisdiction" over non-native species (i.e. Invasive Species) that cause "harm". The elastic and nebulous terminology ("ecosystem", "harm", et al) propping up this concept will serve as superhighway venues for an incredible range of mischief for which, like Endangered Species effects today, there will appear to be no remedy short of what the Founding Fathers began signing on the 4<sup>th</sup> of July 1776.

## Part 4 – The Biology

I am a wildlife biologist and what I am about to write ignores the hysteria, myths, and self-serving propaganda of the past thirty years. It is also meant to ignore the public opinions that have been formed from those myths and stories. The approaching Invasive Species program, like the Endangered Species program before it, capitalizes on these myths and misinformation. Understanding these emotional underpinnings is necessary to making an informed decision.

Native v. Non-Native. Why is it good to eradicate a highly used and appreciated non-native fishery like the introduced salmon in the Great Lakes while reintroducing native wolves that will spread across the country and wreak havoc with stock, pets, game animals, and human safety? Both the salmon and the wolf maintain themselves and interact with the habitat they find themselves inhabiting. Are the Great lakes somehow poorer? Is the rapidly expanding wolf range somehow richer? The answer is no to each. Just as Asians “invaded” North America 10,000 +/- years ago and were then displaced by Europeans 500 +/- years ago, the environment changed. The environment or ecosystem was neither better nor worse, only different. Indian living habits from Colorado cliff dwellers to high plains nomads, before and after the “invasion” of the horse, affected the environment in just as dramatic ways as grazing, logging, mining, and recreation do today. Cattle and farms while different from buffalo and wild rice beds, create an environment that the human inhabitants capitalize on for their benefit as they raise families and go about their daily affairs. Today new species arrive and some disappear immediately; some cause significant problems (usually only during an initial period); some crowd out native species; and some (in fact many) become useful additions to roadsides plant communities (minimizing erosion, etc.), bird life (think cattle egrets and house finches), and gardens (think day lilies). There is no such thing as “native”, there are only some species that have been somewhere longer than others. The biological challenge is not how to turn the clock back to an imaginary period of “balance”; the challenge is how to maintain plant and animal diversity and human uses while maintaining an environment that assures prosperity and a wholesome existence for people.

Harmful Species v. Beneficial Species. Beneficial Species (from barley and hops to brown trout and elk) should be nurtured and maintained regardless of the length of time they have been here. Likewise, harmful species and these are often new arrivals, should be controlled and even eradicated where they have significant adverse impacts. Controls or even eradication should be understood and take into account the costs, benefits, and other impacts. The resulting environments or ecosystems may be simpler or may get more diverse. Honest scientists can tell us the results of controls.

Using (i.e. Managing) v. Saving (i.e. Locking Up) the Environment. The foregoing paragraphs describe what is called the “Pre-Columbian Ecosystem” in today’s Federal no-use lingo. This myth has been used extensively to justify all sorts of Endangered Species Act abuses. These include but are not limited to taking property without compensation; eliminating logging, ranching, etc., closing access to public lands; and Federal bureaucrats dictating a wide range of business, recreational, and citizen activities unimaginable just 40 years ago. The public has come to believe that each and every flock or herd of animals or each stand of plants is so important that any cost to maintain or restore them is justified. Notice that the more recent arrivals never make the “List”. Many accept the false premise that no-use of plants or animals is superior to using and therefore managing the plants and animals. The biological truth is that sensible use of plants and animals maintains a maximum diversity of species and, because it creates “WORTH” for the plants and animals and their habitats, there are reasons for everyone who benefits to maintain a healthy and productive environment. Sensible management of plants and animals generates funding for governments to maintain public natural resources and likewise for private owners to maintain private natural resources. In a free republic such as ours this should have never been challenged as it has recently been by growing Federal power and massive land acquisition and control by Federal bureaucracies and rich non-government organizations.

If we continue to accept the notions of the recent past that Invasive Species are inherently “bad”, that there is an “ideal” or “natural” mix of plants and animals that we must restore or else, that use and management of natural resources by either government or citizens is bad, and that the answer to any environmental or animal use matter is Federally imposed restrictions and power – then Federal Invasive Species proposals will be a slam dunk. If on the other hand we understand that use and management (including active control) of natural resources is an attainable good; that the national ecosystem will always change and our challenge is to manage those changes for our benefit, and perhaps most important of all that the system of government that has served us so well for over 200 years must not be abolished for specious reasons, then we can support programs which make use of existing state authorities and private landowners.

Just as it is reasonable in an affluent society to have an area or two called Wilderness to see what non-use means in the midst of a robust and active society. Just as it is reasonable to not build a road where erosion or other significant damage will result. So too is it reasonable and biologically sound to strive for the best environmental balances and biological productivity in our surroundings while accessing and using all of the renewable plants and animals that surround us. The proliferation of Wilderness Areas, Roadless Areas, Critical Habitats, and Pre-Columbian and no-use philosophies in public agencies are the indicators of what “biological” justifications have justified in recent years and what will also result from a Federal Invasive Species program.

Just as Endangered Species habitat claims proliferate as “experts” testify before courts, similar Invasive Species experts will soon enough materialize to claim “environmental” harm from “non-native” species X complete with a rational why more land must be controlled, more land bought, more human activities proscribed, and more resource users put out of business. As with Endangered Species impacts, landowners will no longer be able to profit from their land and no one except the government will offer to buy it. As with Endangered Species a cadre of University researchers will arise to make claims of what “needs” to be done regarding cheatgrass or day lilies to not only eradicate them, but to keep them eradicated. Science will bend to assure that these professors are the ones getting the subsequent grant money. The biology will be presented in such a way that everyone else can but accept it and any questions will be either ignored or treated as the ravings of the ignorant. Pesticides will be no more available than now and the only result 30 years hence will be similar to the decline of spotted owls and loggers in a declining rural Oregon overseen by “successful” Federal bureaucrats and highly paid environmental organization employees.

The next article will be on The Pushers. That is, those who, both behind and in front of the scenes, are bringing about the Federalization of Invasive Species. As the old saying goes, you can’t follow the game without a program. Hopefully, the next article will identify the players for you so that you too can follow the action.

## **Part 5 – The Pushers**

Who in the world is pushing a major Federalization of Invasive Species? In order to answer this in a way that the reader can grasp, I will divide them into groups with a bit of background on most of them and a little more on some of the main ones out in the open. I will also avoid acronyms for the non-bureaucrats in the crowd.

The two big Federal Departments, the US Department of Agriculture and the US Department of the Interior stand to benefit money-wise, personnel-wise, and most importantly power-wise from further Federalization of Invasive Species. Each has high-paid staffs working for their Secretary in Washington to energize groups, lobby Congress, and direct the agencies beneath them. While many are relieved that the appointees of the last Administration are no longer in charge, that impression may well be a mirage. My old agency, US Fish & Wildlife Service still has nearly all of the past appointees in the same or similar positions. The Secretary of the Interior (the responsible official) has not even proposed reforms of the long-unauthorized (by Congress) Endangered Species Act. She merely proposes “improvements” such as “better science”. Actually the science (classification, habitat requirements, etc.) has been perverted over the past 30 years and is also in need of being freed from being currency for Federal grants. Additionally she has just announced \$34.8M in grants for something called “Imperiled Species”. That is in addition to “Endangered” and “Threatened” Species. To these two Departments, Invasive Species is but the latest catchword by which to obtain money and power.

The Agencies and their bureaucrats are poised and primed to jump on the Invasive Species bandwagon. The US Animal Plant Health Inspection Service (in Agriculture) currently oversees importing, exporting, and interstate shipment of domestic plants and animals. They will “lead” as Federal power is increased in this area. The US Fish and Wildlife Service (in Interior) administers import, export, and interstate shipment of wild plants and animals as well as administering the Endangered Species Act and all of the National Wildlife Refuges plus acting as the Federal “experts” on everything to do with plants and animals under UN auspices or in Federal projects as well as other such responsibilities. These two agencies will be the major power brokers of increased Federal authority. They will write regulations, enforcement policies, and be the primary “partners” for the groups mentioned below. Other agencies like the National Park Service, the US Forest Service, and the Bureau of Land Management own millions of acres that will get increased funding, increased personnel, and increased authority over state governments and private landowners near Federal holdings. One need only look at the disproportionate effect of Endangered Species proclamations on loggers, ranchers, and other rural residents near Federal lands to understand what Invasive Species authority will mean for them. Indeed the US Fish and Wildlife Service and the National Park Service have just published a slick, 75 page, color photo collection of 60 invasive exotic (exotic means non-native when you go to court) species.

State agencies such as Florida with their high incidence of new species and others like Maryland with their proximity to Washington (where Congress authorizes money) and recent outbreaks of hysteria over snakehead fish are strong and consistent advocates of more money and people to be passed through the Federal agencies TO THEM. The debilitating effect on the Constitutional authorities of these states to manage their plant and animal resources is amply documented in the Endangered Species program over the past 30 years. There is no reason to believe that Invasive Species funding and subsequent Federal control will be any different.

Quasi-governmental groups abound. The National Institute of Invasive Species Science is “a growing consortium of partnerships between government and non-government organizations”. They are an “Information Node” housed in government space with the US Geological Survey (an Interior agency) in Ft, Collins, Colorado. As I write this, the Invasive Weeds Awareness Coalition is sponsoring a National Invasive Weeds Awareness Week Conference in nearby Washington, DC. Some of the displays are on Capitol Hill across the street from the US House of Representatives at the National Botanical Gardens. The Federal Invasive Species Advisory Committee “advises” Congress and others. They encourage formation of state counterparts to similarly lobby and influence state legislators and Federal legislators via home district return addresses.

University professors and researchers know that Federalizing Invasive Species, just like the invention of Endangered Species, will be a boon for their business. Testifying, justifying, and recommending things to do with their “specialty” will result in future grants, more graduate students, increased scientific stature, more University tenure, and generally better pay.

There is an abundance of Weed Science Societies (NE, W, S, N Central,) under the national. There is an innocuous-named Aquatic Plant Management Society.

There is the Smithsonian who sees the opportunity for them to provide “systematics” that will be so “necessary”.

The American Seed Trade Association sees an enormous “need” for their products as money becomes available. The National Cattlemen’s Beef Association sees money becoming available to improve public and private grazing lands. Monsanto and other chemical and pesticide companies see a gold mine developing as more customers have money to get ever-more restricted control agents. These groups like all of the above all pop up in every hearing before Congress and on every “advisory” group. There is one other....

The Nature Conservancy is the tenth largest non-profit charity in the United States. They own 12 million acres in the United States (think Switzerland) and 80 to 90 million acres throughout the world. The most recent accounting shows them with \$2.6 BILLION plus \$97 MILLION in pledges and grants. One employee was quoted as saying they “work closely with the US Fish and Wildlife Service” and they “buy these properties when they need to be bought, so that at some point we can become willing sellers” (sic, meaning to the US Fish and Wildlife Service) to “get around the problem of local opposition.” Just recently Congress granted a 25% tax break to those who sell land to the Nature Conservancy. At a recent Congressional Hearing, the Committee Chairman mentioned that he was a member of the Nature Conservancy and then asked the Nature Conservancy lady about the biggest problem hindering Invasive Species efforts and she named private property (there were no private property advocates in the packed hearing room). Five minutes later he asked her “as a PRIVATE LANDOWNER what can Federal controls do to help?” Her answer, “ignore private lands”. They are everywhere in this Federalizing of Invasive Species and they stand to benefit directly (on their lands) big time. Then there are the ones you don’t see...

The environmental outfits like Sierra Club, Wilderness Society, the Natural Resources Defense Council, The Wildlands Project, Earth Liberation Front, The National Parks Association, Earthjustice, et al cooperate with the push and stand ready to testify at the drop of a hat regarding how wording in particular sections of a new or revised Act should read. They see this as being a companion tool to intimidate landowners, reduce access and use on public lands, stop more human recreation or business or lifestyle activities. Likewise the animal rights crowd like the Humane Society of the United States, Animal Protection Institute, Animal Welfare Institute, Defenders of Wildlife, People for the Ethical Treatments of Animals, the Animal Liberation Front, et al see this new Federal authority to go after non-natives as a Godsend. Just a few non-natives that will soon enough be targeted for control, licensing, and even elimination are non-native dogs, cats, birds, game birds, fish and even non-native plants used for wildlife management. The potential for quickening the restrictions on hunting, fishing, animal husbandry, and natural resource management is unlimited.

Also unseen and unheard from are the lawyers. Each of these groups employs one or more lawyers. Even first year law students realize what a bonanza the Endangered Species Act has proven to be for lawyers. Invasive Species can be made to be just as profitable and the lobbyists and Congressmen (most of whom are lawyers) know this too. Last but certainly not least are the US Congress and the White House. They are the ones who will be responsible if this Federalization of Invasive Species succeeds. It is the political atmosphere around these two institutions at this time that is driving all these groups to start a push now. An explanation of The Politics will be the subject of the next article

Oh, one last word. No article about The Pushers would be fair without mentioning the opponents. There aren't any. A few property rights groups would say it's nuts. Some of those who have been ruined or otherwise harmed by the Endangered Species Act understand the threat here but they are few and scattered. Once it gets up and running it will pick off landowners, recreationists, businessmen, and others one at a time. The guy in Nebraska will never understand how what the Federal government did six months before in Idaho was repeated with him. Like hunters, trappers, dog owners, and fishermen harmed by Endangered Species; none will see how they had to come together to save their freedoms until it is too late. Your understanding of this important issue is the best that I, or any of us can hope for.

## **Part 6 – The Politics**

Invasive Species, like Endangered Species, cry out for someone to do “something.” Anyone shown the photos of destructive insects, extensive weed stands, or slithering Brown Tree Snakes understands “we need to do something.” Most politicians survive by capitalizing on such things.

As I write this, White House staff members are considering an Invasive Species initiative. This morning I received a copy of a Request for (Congressional) Original Cosponsors for a National Aquatic Invasive Species Act and an Aquatic Invasive Species Research Act. These bills are being sponsored by Senator Levin (D-MI) and Congressmen Gilchrist (R-MD) and Ehlers (R-MI). The appeal mentions 39 sponsors to date. I recognize four environmental extremist politicians and an old-line conservation politician in an otherwise urban politician list. Washington is busy with an “Awareness Week” and a Conference on the matter of Invasive Species. Two days ago a 2PM Press Conference by a cross section of environmental groups at the Willard Hotel (where the term “lobbying” was coined) proclaimed that the Bush Administration was the greatest threat to public lands since the glaciers covered much of the United States. A recent Congressional hearing of the US House of Representatives Committee on Agriculture, Subcommittee on Department Operations Oversight, Nutrition and Forestry was a virtual lovefest where ten Invasive Species lobbyists vied with Congresspersons including the Chairman-Nature Conservancy member to describe billions of dollars of damage (to say this was fantastic exaggeration is understatement) and the difficulty their grandchildren have swimming near their waterfront properties due to “weed mats” (i.e. hydrilla.) Acquaintances who know they will be harmed by this approaching storm of legislation tell me it is inevitable. The word “on the street” is that major legislation is being put together for a large and all-inclusive bill or several (aquatic, weed, insect, etc.) smaller bills to do the same thing. Whatever works will be pushed through. Why? Why now?

The first question, why, is slowly being explained in these articles. The next two articles will elaborate on The Real Goals and The Unintended Consequences to further explain, why. The second question, why now, is very important to understand. Now is a time of political opportunity. Political opportunity is the vehicle to obtain legislation and legislation is the golden fleece for every interest group today be they private, bureaucratic, or academic.

If the Federal government authority is to be expanded, new legislation is required. If money is to be made available to Federal agencies, new legislation is needed. If more money is to be made available to Universities and landowners like the Nature Conservancy, new legislation is needed. If more Federal control of private property and the activities of landowners, businessmen, and other citizens is to be created, new legislation is needed.

The White House must be on board any successful new legislation. Right now the President is advised by a Secretary of the Interior who has just proudly announced \$40 Million in grants for “imperiled species” and who has been too busy for two years to address the needed reform of the Endangered Species Act. She is quietly leaving in place the tools that allowed the last Administration to grow the Federal powers and diminish state authorities regarding plants and animals. Her counterpart in the Department of Agriculture is not as green in her policies but she also is reluctant to champion reforms of things like the Animal Welfare Act. Add to this the attacks on President Bush as a reckless oilman out to pillage “the environment.” Add to this Iraq, terror, and a no-holds-barred opposition in the Senate and in the corps of Presidential hopefuls to everything the President does and you have “political opportunity.” Like Bob Barr (the failed 2<sup>nd</sup> Amendment-supporting Georgia Congressman who voted for an also failed obscene environmental pork barrel bill of \$40 Billion to curry the “soccer moms” vote); today’s White House is vulnerable to the temptation of currying those same soccer moms and other urban “environmentalist” voters for the election less than two years hence. It is a fool’s errand but between environmentally naïve political advisors and green and neutral Secretaries in his Cabinet, the White house may do it.

Congress likewise is in a novel situation. The Resource Committees of both the House and Senate are keys to legislation passage. For the first time in recent memory they are chaired by environmentally sensible fellows. They hail from Oklahoma and California and have spoken repeatedly about what reforms are needed in the environmental arena and what they should look like. They make all of the pushers extremely nervous but in this milieu is also opportunity. As these Chairmen and their allies plan to make their tenures meaningful they will be faced with one or more Invasive Species proposals which will increase Federal powers at the direct expense of state powers; that will cost lots of money that will line bureaucrat, environmentalist, University and state pockets while doing little else; and which will be perceived by “the public” as a necessary thing that only loggers and animal experimenters could oppose. The result will be lots of precious time wasted, vilification of any opponents, and (the even bigger result) less time for reforms of Acts like the Endangered Species Act which has gone unauthorized for more than a decade while getting annual budget and personnel increases and growing Federal authorities enormously.

States also pose a political opportunity at this time. Several like Florida and California have wanted more and more Federal money for reasons stated in an earlier article. Some states like Maryland (home of one of the sponsors) and Michigan (home of two other sponsors including one from the Home District of the famous University fighting for racial preferences before the Supreme Court) never pass up the chance for any new Federal money (think Boston and the “big dig”.) Many other states are now hurting financially due to the recession and the terror impacts. These latter have to cut the less important (sorry) programs like the environmental things and they are under pressure particularly from urban constituents to restore “the environment.” If they oppose something like an Invasive Species gravy train it will be politically dangerous to say the least. Lost in all discussion here is the very clear fact that state bureaucrats and politicians know that this will mean increasingly dictatorial regulations from Washington, foolish and ineffective programs meant to patronize the powerful like the Nature Conservancy and the primary Federal agencies. State politicians are not looked down on for “getting money” and state bureaucrats are lauded for “getting the state’s share from Federal programs.” Also unmentioned is that the Federal money comes from Federal taxes that when used to keep down state taxes is merely the classic “taking from Peter to pay Paul.” Ultimately, just as at the Federal level, the gauge for success is the dollars and employees as far as the public goes and the security and bonuses and available promotions as far as the bureaucrats go. The defense of and preservation of the Constitutional rights assigned to states is more and more left to the lawyers of those harmed by Federal intrusions who don’t just pack up and go silently into the night.

Behind all this are the societal fights going on all around us. Urban voters wanting to stop trapping by rural residents. Easterners wanting to put predators all over the west. Vegetarians wanting to eliminate the availability of meat whether raised domestically or taken from the wild. Federalists opposed to anti-Federalists. Soccer moms opposed to logging and ranching while wanting more trails and facilities. “Wildlands” supporters wanting to clear large rural land swaths of rural residents while closing off access entirely. All of these have “their” politicians and they will all be playing their parts behind the scenes as all this unfolds.

On the national scene there will be news conferences by the environmental groups about why we can’t cut taxes because things like Invasive Species won’t be “addressed.” Federal appointees and bureaucrats will work surreptitiously with Invasive Species advocates to undercut opponents and publicize things that help get the program through.

Everyone will deny that Federal jurisdiction over all non-native or exotic species will result in eventual jihads against a steadily growing list of non-native species. Actually it will merely take a court case “in the right court” to establish that fact the first few times and after that it will merely become automatic. Everyone (including the states) will deny that states can “handle” the job. Exaggeration will rule by claims from “experts” of billions lost here and billions lost there accompanied by laughter at any “non-expert” either questioning them or saying that they are false claims. Much of this will transpire in Congressional Hearing Rooms before hordes of reporters anxious to capitalize on environmental horror stories that are enjoyed on evening television after dinner. Opponents will gradually be as rare as hen’s teeth. Politics, “ain’t” it grand?

## Part 7 – The Real Goals

We need a Federal Invasive Species program to stop hydrilla and killer bees and fire ants and zebra mussels from ruining our environment and endangering people and businesses. Sounds reasonable. Ever ask yourself why the same reasoning doesn't apply to the effects of forced reintroductions by the Federal government of wolves and grizzly bears in the West? The answer lies in the real goals of the groups that generate and obtain passage of laws like the Endangered Species Act and the intended Invasive Species Act(s?).

Any new Act will articulate a Federal interest in “controlling” (i.e. managing) non-native species. It may propose a “Clean List” of allowed species or it may propose a “Dirty List” of targeted species. There will be money appropriated for Federal agencies to “gear up” (new offices, regulation writers, enforcers, etc.) to administer the program; money will be earmarked for Federal land managing agencies; money will be earmarked for “research” meaning Federal researchers, Universities, and contractors; and finally there will be money for certain private lands which will be skewed to folks like the Nature Conservancy and the remainder used as a carrot for unnamed other private lands that will discourage opponents by suggesting money they may get and also be a source of influence-buying for Federal administrators at key times with key groups.

So what will all this accomplish? Necessary chemicals will still be forbidden and does anyone think that will ever change unless opposed head-on? Control methods will remain the same while bureaucrats, academics, environmental groups and all the usual suspects will profit; but what difference will all that make? Ask yourself what species have been saved from extinction by the Endangered Species Act? For all the fuss over that simple goal you must ask yourself what will result from an amorphous goal of purifying the environment by selective vilification of certain plants, animals, and their “ecological impacts?”

Here are some “real goals.”

- Federal politicians hope to gain votes and other support from environmentalists and others who look to benefit from passing Invasive Species legislation.
- Federal bureaucrats will receive more employees, larger budgets and therefore more opportunities for bonuses, promotions, and expanded powers over private property to do more of the “important” things they do that they believe are so vital.
- State bureaucrats see the opportunity for more money to replace the cuts forced on them by a slow economy. Additionally, they look forward to having some money to work with mainly urban environmentalists whose agendas often conflict with the rural supporters of their Agriculture and Fish & Wildlife agencies.
- State politicians want any extra money that allows them to soften belt-tightening throughout other state programs.
- Chemical companies smell a bonanza in marketing current products on the Federal tab.
- Seed companies likewise smell a bonanza marketing “native seeds” at \$3-400 per lb. To replace the better (erosion control, less maintenance, less snow holding, etc.) roadside plants used today that sell for a comparative pittance.

- Academics know that millions will be made available annually to “develop” “biological” controls and “investigate” ecological minutiae regarding non-natives and native replacements. This will assure the need for paid testimonies, speeches, more graduate students, and status that assures tenure and increased pay and emoluments.
- The Nature Conservancy knows it’s friends in US Fish & Wildlife Service and it’s members on The Hill (i.e. The US House and Senate) will assure that Nature Conservancy lands are “improved” “the firstist with the mostist” as the old saying goes.
- Cattlemen anticipate Federal grazing lands and private pastures will benefit from increased damage control. However, they are sure to be disappointed because of the next goal.
- Environmentalist and animal rights radicals are quietly watching like a pack of wolves from the edge of the forest. Just as with the Endangered Species Act, after passage they will descend on the agencies and the courts. Their former employees and other sympathizers in the Federal agencies will immediately begin to work with them “telephonically” to write regulations that lay the groundwork for expansion. Whether it is clean lists or dirty lists, the Federal jurisdiction will be worded to allow the “right” judge to declare Federal authority over non-natives either collectively or as the Federal government names them (like Endangered Species.) Then the fun begins as they sue to add this species necessary for waterfowl management, or to stop this water control project because it spreads species XXX. The suits will be aimed at further restricting access or uses on public lands. They will aim to stop, disrupt, or make things too difficult to continue hunting, fishing, trapping, pet ownership, dog or horse use, circus movements, hiking, bike riding, rural living, logging, ranching, farming, etc. (this last because new uses of Federal jurisdiction is a continuously evolving matter.)
- Because of the foregoing point, “environmental lawyers” may also look forward to salary and career enhancements of significant magnitude.

There are some others like the Advisory Committees that will provide employment for retired politicians and their friends and relatives but space is limited.

All for what? To allow states to sell their Constitutional responsibilities for some Federal dollars? For favored “landowners” to get Federal money to make their property more valuable when they sell it? For bureaucrats and academics to obtain more security and pay? For Federal land managers to continue the fiction that state exist around Federal properties rather than that Federal properties exist within states? For environmentalists and animal rights radicals to further their agendas? Today, states should continue to meet their Constitutional responsibilities to manage damage from plants and animals in their states. Private landowners should be encouraged by state authorities to do what they can to minimize damages or to cooperate with state programs designed to do so. Research at state Universities can be developed and shared in concert with other states with similar issues. Control agents from introduced flies for purple loosestrife to effective chemicals to suppress fire ants near residences should be made available under more responsible Federal regulations that serve only as impediments today. Federalizing all of this won’t change the basics. Throwing Federal money at it won’t make things better (remember the Endangered Species Act). Federal responsibilities involve import, export, and interstate commerce – not vilification and management of whatever species serves someone’s nefarious purpose.

The worst results of these Federalizing proposals will be covered in the next part, The Unintended Consequences. The subsequent article, What Must Be Done will conclude this series. The effects of these proposals, added to previous jurisdiction assumptions by the Federal government from the Endangered Species Act and the Marine Mammal Protection Act to the Animal Welfare Act, are a steady diminishment of the system of government that made this country the greatest in the world. Part 8 will discuss this issue.

## **Part 8 – The Unintended Consequences**

There are certain groups of people to whom the consequences I am about to describe are truly intended. Communists, fascists, socialists, monarchists, and folks who just plain hate the United States will find these things to be understandable and welcome results of Invasive Species proposals.

The Federalization and reduction of state authorities for Invasive Species is exactly like the Federalization of Endangered Species, the Federalization of Marine Mammals (those not in international or Federal offshore waters), and the Federalization of Animal Welfare. In each of these areas, after the initial media blitz of propaganda tales, Federalization through new Federal laws resulted. No one was believed who said these things would lead to problems. Those laws passed quicker than Mexican chili through a Norwegian and we all know the results. Invasive Species will be no different.

Today the Federal government claims exclusive jurisdiction over any plant or animal group it names as Endangered or Threatened under the auspices of the Endangered Species Act. Today the Federal government regulates dog breeding, circus animals, farmers who raise animals, animal experimenters, “exotic” animal enclosures, research techniques and standards and many other animal uses under the Animal Welfare Act. Today the Federal government maintains a tight lid on any marine mammal management including total protection from any renewable uses under the auspices of the Marine Mammal Protection Act. These increases in Federal jurisdictions and the concomitant reduction of state jurisdictions affect each of us in our everyday lives.

The US Constitution established a government without a King or a Supreme Parliament. The Founding Fathers knew from firsthand experience and from ample lessons throughout history that any strong central power was eventually abused to the detriment of citizens. So in their real wisdom they established a central (Federal) government that was divided into three co-equal branches. They further limited the Federal government to the important and essential responsibilities of defense, foreign relations, and interstate commerce. They then placed all other governmental responsibilities at the state level. The state level is closer to the people and therefore more responsive and accountable. Day to day things like animal welfare, animal management and use, and maintaining the sort of wild environment desired by the residents of each state is not and should not be a Federal responsibility. Even Federal lands within a state should be managed in cooperation with the state except where an over-riding Federal interest or other landowner interest dictates otherwise. As all of us (citizens, states, interest groups, bureaucrats, businessmen, and politicians) acquiesce in the growth of this trend we steadily change our form of government to where the Chinese, North Koreans, and many Moslem countries are today. That is a government system where all property and all day-to-day activities

are controlled and dictated by an unaccountable Federal or central government. Not unaccountable you say? Do you think the current battle over Federal judge appointments portends anything but the appointment of Federal judges who heel to powerful politicians or certain ideologies? Do you not think that if an “urban” President or a socialist President gets elected it will be any harder to seize the reins of power than Hitler did from the German Reichstag (Parliament)? When all the power is in one place, the guy who controls that place controls the power. If this trend continues the future is too awful to contemplate. While environmental groups, animal rights groups, and many urban supporters of rural “clearances” for wildlife and wild areas (i.e. Wildlands) know that what they are doing by Federalizing everything is the only way to achieve their goals, they too will surely see the sad result come home to roost on them eventually. The loss of state authorities and the growth of an unaccountable central power only creates a habitat for a rat and when you do that you can be sure of one thing, a rat will come. We must all understand what this Federalizing of every human whim leads to, before it is too late.

Unnoticed too will be an eventual additional justification for even more annual land purchasing by the Federal government and by state governments using Federal money as the Invasive Species program matures. State land acquisitions using Federal funds may as well be Federal lands because when you use Federal funds you are answerable to all current and futures Federal whims as many states have discovered. Environmentalists will discover that they can justify stopping all grazing or logging in this valley or on these soils because exotic species X seeds are present in the soil or how certain private properties “infect” Federal properties. Stopping uses will diminish profitability and eventually make the properties ripe for The Nature Conservancy or any of a half dozen Federal agencies to buy it out “for the environment”.

Land Uses over greater and greater areas will come under Federal control as cheatgrass or purple loosestrife are alleged to be “spread” by discing or grazing.

Transportation of animals and plants will likewise be steadily constricted by Federal regulations as open transportation or swine in trucks or dog kennels are claimed as vectors for (fill in the blank).

All of these lesser-unintended consequences are of little import though eventually. Whenever that point is reached where states realize and accept an “inferior” role in our government vis-à-vis the Federal government the situation for us will be similar to when England controlled Ireland 100 years ago or like China controls Tibet today. State governments are becoming more and more like interest group clients of Federal largesse and less and less like powerful units of government with specific roles and responsibilities. An all-powerful central government that accumulates all that power for “good” reasons will behave just like George III or Kim Jong Il. That is to say in it’s own interest to the detriment of everyone else.

This is why the reform of these other statutes is so important. This is why it is very important to work to reduce the Federal government in these areas of growth. This is why squarely facing reducing budgets, reducing personnel, and reducing authorities at the Federal level is more important today than ever before.

The next Part (9) will end this series and will suggest What (I believe) Must Be Done. I thank those of you who have read these articles and I hope this final one, even though it is tougher to suggest sound ideas than to condemn past ones or explain recent history, is worthwhile and useful to you.

## **Part 9 – What Must Be Done**

There are three things that come to mind as I consider how to conclude this series with some positive recommendations. The first suggestion is to let your Federal politicians know what you feel strongly about. When they think that they may lose reelection because enough people are watching and informed they will do the right things. Federal politicians are the key right now because Federal legislation is the absolutely necessary thing if Invasive Species are to be Federalized like Endangered Species was 30 years ago. The following is an open letter to my two Senators, my Congressman, and the Chairmen of the House and the Senates Committees on Agriculture and on Resources (the four Committees who will handle Invasive Species proposals.)

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Dear Sir:

The Invasive Species proposal(s) being floated today are the result of four years of intensive organization and concerted effort by bureaucrats, environmentalists, rich lobby groups, academics, states, businesses, and others to pass legislation under this rubric. I strongly believe that it will further diminish the Constitutional authorities of the states over all plants and animals (except those specifically covered in Treaties like migratory birds) while expanding the authority of Federal bureaucrats and allied powerful environmental groups and animal rights groups over private property and the full range of citizen activities involving both wild and domestic plants and animals. It will be quickly expanded to cover every “non-native” or “exotic” plant and animal because of the Endangered Species Act experiences of the past 30 years no matter how it is worded. Preventing passage of such legislation (along with reform of the Endangered Species Act) is the most pressing legislative need of the present day, in my opinion.

I ask that you oppose these proposals because they are wrong and harmful in many ways. I suggest respectfully that you affirm the Constitutional jurisdiction of state governments over all wild and domestic plants and animals within their state while affirming the sound concept that damage by plants or animals is of no different concern or of no Federal moment merely because it is a recently arrived species as contrasted with one that has been here since the ice age. In other words non-native or exotic species are every bit as much under the primary jurisdiction of state governments as the turkeys and white oaks

descended from the ones which were here in 1778 or 1492 for that matter. I suggest that legislation is needed to do this.

You could simultaneously affirm the strong and powerful commitment of the Federal government to manage their own Constitutional responsibilities to regulate import, export, and interstate commerce of all plants and animals so as to reinforce state management and damage control priorities. You could order a report by USDA of all state damage management priorities reduced to recommendations for research and damage management operations that the states want and recommendations for Federal land management agencies to do on Federal lands WITHIN EACH STATE TO COMPLY WITH STATE PRIORITIES IN THAT STATE. Some grant money could eventually be made available to states, at their discretion, where large Federal landholdings exist or where many states want to work together on common problems. University money should go through states to meet the needs of a particular state. This protects property owners and keeps academics in a support role where research belongs. Not distinguishing exotics reduces future mischief (going after brown trout, pheasants, day lilies, etc.) to a minimum and not growing Federal power in this area reduces the desire to Federalize. So I would propose a hearing or proposed legislation to do something like the following.

#### NATIONAL ENVIRONMENTAL MANAGEMENT ACT

Purpose: To assure Federal cooperation with state government activities to minimize environmental and other damage from wild and domestic plants and animals in order to assure a healthy and productive national environment.

Background: Recognizing the complimentary legal and management roles of the state and Federal governments regarding both wild and domestic plants and animals such that the state governments have jurisdiction over all plants and animals within their borders with the exception of those specifically named in Treaties such as the various Migratory Bird Treaties with foreign powers and further recognizing the specific role of the Federal governments to regulate the import, export, and interstate commerce involving all plants and animals and further recognizing the need to both minimize current damage caused by plants and animals while further reducing the threat of increasing such damage through interstate commerce, import, or export of plants or animals: it is therefore seen to be salutary to coordinate all such governmental activities as much as possible.

Therefore be it resolved that:

1. All Federal land unit managers (right term??) will consult with the governments of the state wherein they are located and that they will manage and plan operations on those land units to compliment the plant and animal damage priorities of that state.
2. The USDA will inventory the plant and animal damage management priorities of each state and report (by XXX) to Congress on how Federal land management,

import, export, and interstate activities can be coordinated to compliment those priorities within current budgets.

3. The USDA and USDoI will cooperate and submit a report to Congress (by XXX) detailing the research needs that reflect state priorities to minimize plant and animal damage to the environment accompanied by a budget recommendation for a national research grant program to make research money available to states for the states, at their discretion, to contract with universities or private researchers to develop the information necessary to make state plant and animal damage efforts as effective as possible.

I could go on but this probably says it all. Pre-empting the Invasive Species' proposals with a positive reinforcement of state and Federal authorities plus a positive response to damage complaints that recognizes that management of all plants and animals (including elimination where appropriate) would go a long way toward minimizing environmental damages and justifying needed reforms of the Endangered Species Act. The sponsors would be on the side of the angels. Opponents would have to explain why non-natives are bad (they can't), why any Federal authority should supplant existing state Constitutional authority (amend the Constitution if that is necessary), why giving any Federal money (if any "has" to be used to save us) directly to states to manage these "Billions of dollars of damage" does anything other than eliminate Federal controls, eliminate Federal "overhead" and maximize the money spent "on the ground". It also affirms that states don't exist around Federal properties but rather that Federal properties exist within states. Opponents would have to come out in the open to plead for the "poor landowners" like The Nature Conservancy & the Federal land managing agencies. Let them do just what you and I would have to do, that is pay for damage control out of our own pockets on our own land or forego frivolous (and there will be lots of this) mandates that the Invasive Species proponents are ready to employ. Finally, this doesn't jeopardize property owners and it doesn't give bureaucrats and interest groups any more power.

Yours truly,

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This is not meant to be anything more than my best shot at focusing my experience and training into a recommendation I think might help at this time. Proposing Federal legislation is merely the best I can come up with considering that there is no organized opposition at this time. The best opposition is what happened to the \$40 Billion Conservation and Reinvestment Act when public awareness reached a critical mass and groups and organizations got together and stopped it. Unless and until that happens this is the best I can do.

It is worthwhile to keep in mind what happened recently with Campaign Finance Reform. The very Senators and Congressmen who voted for it recently attended seminars on what it means to them. Many were stunned that there were so many criminal liabilities for themselves. As one so eloquently put it, they usually pass this stuff and leave the details to the agencies to sort out. Well we don't need to continue letting the agencies "sort things out" and if politicians can't

figure out things that affect them as personally as Campaign Finance Reform, well what chance is there that they will get Invasive Species right or that they got Endangered Species right?

Second, and perhaps most important of all, each of us needs to mention these things to friends, relatives, and coworkers. Each of us needs to let our favorite organizations know how we feel and ask them why they do not support these things. Only when the Ducks Unlimiteds, National Rifle Associations, Homeowner Associations, Kennel Clubs, Trapper Associations, Loggers e-Groups, Ranchers, and all our other societies and fraternal groups mention these things in magazines, newsletters, and their stated positions will we get the attention of politicians who will otherwise pass this stuff. There is no substitute for public awareness and concerted action in a nation like ours.

Finally, each of us should be aware of what goes on at the state level. While no state, just like no form of government, is perfect' they are the best protectors of our freedoms. States are much more amenable to change than a remote Federal government. When your state abdicates its' role for Federal funds or any other reason it is up to you to call those politicians on the matter. When other states set bad precedents (since I am a wildlife biologist some examples that come to my mind are Massachusetts and New Jersey effectively banning the annual harvest of furbearers, or California abdicating management and harvest of cougars, or other states banning the use of dogs or bait to take bears, or Maryland passing a law to force hunters to hide game animals which they take) we should publicize it in newspapers, newsletters, e-mails, and to everyone we know. Our effect on state legislators in other states while minimal is eventually large when public ridicule emerges and state residents become more aware of what their own politicians are doing.

Invasive Species is the issue before us right now and this series has been an attempt to help us all arrive at the best solution to the problems facing us. It has always been a constant battle in this country to maintain freedoms while moving forward in an ever-changing world of problems and factions. This is, I believe, what Ben Franklin was referring to when he answered a question as he emerged from a meeting of the Constitutional Convention. He was asked what form of government Americans were going to get. He answered, a Republic, if you can keep it.