

7 March 2003: Invasive Species Update

If you have read my recent nine articles regarding Invasive Species, you may be interested in two current developments.

First, Senator Collins of Maine has introduced The National Aquatic Invasive Species Act of 2003. The press releases tell legitimate stories about foreign shore crabs and organisms in ballast water that have arrived on seagoing ships. Shore crabs have spread down the coast from Maine to New Jersey and caused serious damage to the seafood industry. Zebra mussels arrived here in the same way and have caused damage in the Great Lakes and then spread up rivers and even hitchhiked on trailered boats.

It is legitimate for the Federal government to prevent future organisms arriving here in this way. The proposed ballast water management parts of the Act are worthwhile but could be accomplished under amended current regulations and Federal authorities already in place. The Federal agencies do not need legislative authority to tighten current requirements for arriving vessels.

The proposed Act does several other things. It purports to establish “our first national monitoring network” by “building” “plans” to respond at “the state and regional level. This establishes the Federal government as responsible for “invasive species” wherever they occur, indeed the sponsor has put in money for water milfoil an aquatic plant that has been here for years and has been a problem in Maine. Also think for a moment about that often-heard term “state and regional levels.” According to the Constitution and 225 years of governance, states are the government level responsible for many specific things, including the management (control, harvest, distribution, etc.) of the plants and animals within their states. When we constantly equate this level of government with “regional” concerns so far as the Federal government is concerned, we reduce the state governments to invisibility. Why do they not complain? Because the proposed Act authorizes “more money (sic Federal) to the states.” The proposed Act also establishes a research program and “grants”. These would be administered, in fact dictated, by Federal bureaucrats. There is no room for state management intentions or needs. On the assumption that the states are too naïve or too dumb to consult each other or for University professors to search computerized databases regarding what other Universities are researching, the Federal government will dictate what is to be done and how it will be done. Can anyone involved spell E-n-d-a-n-g-e-r-e-d S-p-e-c-i-e-s? For all the same good intentions, the Federal government is grown and powerful interest groups are given the same tools to do the same mischief and damage they have been utilizing the Endangered Species Act to do for years.

Second, the Invasive Weeds Awareness Coalition “honored” the National Wildlife Refuge Association for its “exceptional educational efforts and cooperative support in the battle against invasive species in the United States.” The Invasive Weeds Awareness Coalition is the umbrella outfit for all the lobbyists and organizations who are intent on getting all invasive species under the Federal umbrella so that they can be manipulated like Endangered Species to build power,

obtain Federal tax money, dictate citizen activities, subvert private property landowners, and further restrict uses and access on public lands.

The National Wildlife Refuge Association is an association of retired Refuge employees bent on making National Wildlife Refuges a separate (from the US Fish and Wildlife Service) Agency and getting every dime and regulatory power available for National Wildlife Refuges. They are not unique. There is an even more powerful National Parks group and another for the National Forests. They would each quadruple the budgets of their old places of employment each year if they could do it. They would stop all uses on, most access to, and development of energy on all the National Parks, Refuges, and Forests.

This award was mainly for the Refuge Association publication called "Silent Invasion." It is full of pictures and paints invasive species as "the #1 threat to refuges." It asks Congress to provide "\$150 Million over the next five years" to "implement the strategic management plan of the "National Invasive Species Council." All this, while detailing invasive species budget needs on the 95-million acre National Wildlife Refuge system.

A couple examples of what the "threats" consist of are in order. One of the "invasives" is Russian olive, a small tree that grows throughout the west and has been here for a century. A friend told me recently that while hunting on a western refuge he witnessed the Refuge employees cutting down these trees. When he pointed out their importance to wintering pheasants and other birds and wildlife, he was told they weren't native. He, a wildlife biologist like me, believes that it will also get rid of the pheasants but no one dares say that until more vilification of all "invasives" takes place. Similarly, western refuges claim that another "invasive" shrubby tree, salt cedar, must be eliminated. Salt cedar is the number one nesting tree in the southwest and Mexico for white-winged doves. Like the pheasant, these doves are hunted so the loss of this nesting habitat is not mentioned and lower white-wing dove populations will hasten the days when hunting is no longer worthwhile.

The acreages of these species are included when the Association testifies about "invasive species budget needs" before Congress to get big Refuge budget increases each year. Unlike private property owners who spend their money available each year based on priorities, Federal land managers invent new "needs" each year. These "needs" are then presented to Congress in the budget each year and Congress always agrees to increase funding and personnel for some or all of those "needs" based on the politics of the moment. All of these and similar groups hope that this year or next will be "the year of Invasive Species" for budget increases for their agencies, newly established Federal authorities over plants and animals, new grant money availability, and Federal positions for certain members of the invasive coalitions and councils putting it all together for the Federal politicians.

No one is saying that there are not problems that must be addressed. No one is saying that there are not Federal Constitutional authorities that should be exercised IN SUPPORT OF STATES once a species arrives and begins to spread. State priorities should be what sets the agenda for all plants and animals within their state. The Federal role may include research to fulfill its role. Research should be coordinated with the states being or potentially threatened by new species. States cannot and should not abdicate their roles whether they get Federal money or not. Federal

money to states should not include new Federal authorities. Does anyone doubt that all this support for Federal authority expansion reflects personal and organizational gains, budget growth, new bureaucratic powers over citizens, and hidden agendas?

While salt cedar and Russian olive should be managed and controlled where appropriate, using their elimination for hidden agendas should be exposed. After a coalition of states conducted research and determined that several Asian insects could be “introduced” to control purple loosestrife, the Federal role should be to make the introductions possible and not to use pictures of large stands as cynical budget ploys or reasons for expanding Federal authorities.

The last Administration, tried to rewrite the purpose of the National Wildlife Refuges. While the majority were wetlands bought with specific Congressional authorization for waterfowl management (a genuine Federal responsibility), the political appointees organized policy, regulations, and manuals to state that the purpose of the Refuge System was to be “Pre-Columbian Ecosystems.” That merely meant that they could begin acquiring any piece of property for which they had money. Oh, and is also meant that waterfowl management could be steadily diminished so that waterfowl hunting could be slowly constricted and eventually, closed. The current Administration stopped that, but has done very little to prevent it from starting up again under the next “green” bunch.

It is worth remembering that Adolph Hitler was intent on building some sort of Aryan Valhalla. Along with all the things that most of us are familiar with there was his environmental agenda. From early in his rule there was an office charged with re-establishing the plant and animal environment found in “Pre-Roman” Germany. That, like this “Pre-Columbian (before Columbus) Ecosystem” stuff, is not possible or even desirable. As with the German rulers, there are an abundance of hidden agendas at work here. We all need to be aware and informed. Then we need to do the right things and stop the wrong things.

9 March 2003: Invasive Species - Two Questions

Several readers have asked me for bill numbers for introduced legislation regarding Invasive Species. The two bills that were introduced last week have not yet gotten a number so far as I can tell. As soon as I obtain those numbers I will send them out. It is much more efficient if you can tell your Congressman, your Senators, and your organizations that they should oppose H.R. # and S.B. #.

Several others have challenged me that since the Federal government can and does do a better job (because they are bigger?, because they are richer?, because they are smarter?), the states should get out of the way and let the Federal government deal with Invasive Species.

I was thinking about this as I drove through the Bull Run National Park and saw a flock of Canada geese fly overhead. The four big land managing agencies (National Park Service, US Fish and Wildlife Service, US Forest Service, and the Bureau of Land Management) each “manage” millions of acres. They and their political bosses, the Secretary’s of Interior and Agriculture are the biggest bureaucratic supporters of Federalizing Invasive Species and

coincidentally are the ones who will get the lions (pardon my use of a non-native species analogy) share of the money and power that such legislation will generate. So, let's look at their record for "managing" natural resources like plants and animals.

The National Parks here in the East have had chronic and disgraceful overpopulation of deer for decades. This has caused increased fatal car accidents and an elimination of nearly all vegetation up to 5 feet in the woodlands. This latter decimates biodiversity and eliminates habitat for songbirds, small mammals, and reptiles. Would the Park Service allow reductions of deer? Not on your life while they babble about contraception they are rabid about forbidding active wildlife management or hunting. They even lied to the New Jersey government when they wanted to purchase the Delaware Water Gap. They promised that they would allow trapping and after saying they were too busy to do "studies" for 4 years, they said it was illegal and would never be allowed. Today coyote and raccoon depredations in and around the Water Gap are serious and numerous but the Park employees look the other way and shrug their shoulders.

The US Fish and Wildlife Service also lied about permitting trapping on the Ohio Islands National Wildlife Refuge before buying it and then set about stopping it and other uses like tying a boat up to downed trees along the bank. Trapping of predators on Refuges was being eliminated under the last Administration while nest depredation on waterfowl seriously reduced nesting success. This was OK however because they wanted to shift from marsh management to "Pre-Columbian Ecosystems" and producing ducks for hunting was passé. Also, those Canada geese that are all over the East year around and in almost every city park and golf course were "introduced" by and with the consent of the US Fish and Wildlife Service. Today as the geese create health hazards, make many parks unusable, and foul water ponds; the US Fish and Wildlife Service is nowhere to be seen. The same will happen when the wolves are numerous enough that all of the unnecessarily restricted control methods will no longer be sufficient to control them. It is the US Fish and Wildlife Service that makes possible this nonsense verging on treason that the extraction of vast oil resources on the north slope of Alaska would do serious and irreparable harm to caribou. They, like their sister agencies no longer envision "managing" anything; only "saving" things from use.

The US Forest Service has been a lady of the evening to the environmental radicals who are stopping any active timber management; closing down access and roads; and eliminating logging of renewable forest resources, grazing by ranchers on renewable grasses, and recreation from hunting to mountain biking and horseback riding. The big recent fires alone and the analysis of how all this non-management "management" causes and sustains them should be ample proof of the overhaul needed in this agency. Any similarity between Forest Service policies and the management and use of the renewable and durable resources for the benefit of the nation is purely coincidental.

Last but not least, the vast lands of the Bureau of Land Management throughout the West. They too have lost any goal of "managing" the grazing lands and timberlands they administer. Where they used to work with ranchers and loggers, today they strive to close access roads and eliminate grazing and logging. Their answer is to clear the uses and people from large swaths of the West so that their new supporters in the environmental movement can insert "Wildlands" of government controlled lands where people and human uses from mining and logging to

recreation and homes are forbidden except for the few influential folks and government “managers.” Some other readers said that the states always mess things up. That is too often true. California voters forbade any management of mountain lions many years ago. Many people have been killed and maimed needlessly by lions since that time. The formerly abundant bighorn sheep in the Sierras have been listed as Endangered “because of lion predation” (per the Recovery Plan), and still the state looks the other way. The state of New Jersey politically kills any bear hunt in spite of bear depredations (called house break-ins) escalating each year. For years, Indiana forbade any deer hunting in their State Parks but when the Parks began to be biological deserts that you could see through from a mile away, enlightened citizens forced a change and since renewing deer hunting, the Parks are slowly recovering. You will see cougar hunting in California and bear hunting in New Jersey long before you see the Park Service control their deer or the Fish and Wildlife Service help to reduce goose depredations or the Forest Service or Bureau of Land Management return to active management of the natural resources within those lands. The Founding Fathers understood that State governments are more responsive than any central government, and that’s why the Constitution spells it out like it does.

Speaking of deserts, does anyone remember Desertification? This was the budget-getter “du jour” for these same agencies and Departments during the Carter Administration. Like the Invasive Species supporters, desertification supporters descended on Washington with all sorts of glossy pictures and tales of doomsday on “millions of acres.” Like Invasive Species all this was embraced and supported by the same four agencies in the same two Departments. By now, the entire US was going to look like Saudi Arabia if money wasn’t made available. Well, for over ten years desertification was a sacred cow. Anyone who wanted to cut it obviously pulled the wings off flies as a child and would destroy and orphanage to drill for oil. The Office and all the annually appropriated money for the land management agencies and all the research grants finally died of old age. Nothing ever happened on the ground. However, the program is still touted as a success. If you measure success as bureaucratic careers, more pay, more bonuses, more political influence for politicians who supported it, and larger budgets for the land management agencies – then by golly it was hugely successful.

Since the Desertification Office blew away, the bureaucrats and environmental/animal rights radicals have learned how to manipulate the Endangered Species Act to put people out of business, to buy more land, to clear areas of all humans, to reduce access on Federal lands, to eliminate everything from hunting to pet ownership, and on and on. We can hope that if Federalizing Invasive Species succeeds it will eventually blow away but only a fool would count on that.

26 March 2003: Invasive Species - Update #2

The Endangered Species Act, which has expanded beyond the wildest imaginings of all Americans, contained the fodder for all of it’s trouble-making in one loosely worded Act. The creation of new and limitless Federal authorities to flounder about under the expensive rubric of restoring something called the Pre-Columbian Ecosystem is being done differently. A scattered approach is being implemented that allows for maximum bragging by all the Senator Claghorns and Congressmen Blowhards that introduce them and vote for their high purposes.

There are currently 14 bills before Congress purporting to directly address “Invasive Species” eradication and control. There are 35 other bills addressing everything from Captive Wildlife, Farmers, Salmon, and Wilderness to Refuges, Wildfire, Indian Land Exchanges, and Coastal Zone Renewable Energy Promotion that mention Invasive Species as a problem and the Federal government as the answer. Where the repugnant abuses of the Endangered Species Act were spawned by one bullet, Federalizing a role to regain Pre-Columbian Ecosystems through declaration of a National program to eradicate whatever is not Pre-Columbian is being spawned by an Invasive Species shotgun firing an abundance of shot.

Each of these bills refer to things like the “unquestioned” need to restore an environment free of any plants or animals that did not occur in what is now the United States before 1492 AD. Each bill, in it’s own way, says that it is the role of the Federal government to “provide for restoration of native species.” Each mentions, in it’s own way, the need for more money and “authority” to accomplish this task. It is these phrases and inferences that the environmental and animal rights radical attorneys will later take into court to erase yet another state jurisdiction over either an area, a collection of human activities, or a particular group of plants or animals. It is these phrases and inferences that the Federal agency regulation writers will discuss “telephonically” with “partners” when writing implementing regulations that will be used to take property, eliminate both commercial and recreational activities, and will later be quoted by unscrupulous attorneys in lawsuits. The simple truth is that there is already sufficient Federal authority to do these things without “more authority.” The Federal government could choose to do more research and regulate the entry and exit of plants and animals under existing authority. The states can address problem species as they see fit and we will be far better off than what is being perpetrated today.

There is a parallel stampede by the Federal agencies to capitalize on and profit from these developments. Just recently, The US Geological Survey gave wide publicity to a study purporting to show that sport fish and bullfrogs “native” to the eastern US are “helping each other” to disrupt the west coast ecosystem. The implications implied are catastrophic and purport to suggest that even species transferred within the continent are dangerous. (This is absolute nonsensical drivel to say the least.) The Environmental Protection Agency is offering millions in grants to create “regional- scale stressor-response models.” The US Fish & Wildlife Service just published a newsletter touting The Invasive Plant Atlas of New England. The thing to note is the acceptance of the (silly) notion that native species are inherently good and non-native species are inherently bad. Like the Endangered Species propaganda (which established a tarbaby law that no one can get rid of) this plausible- sounding nonsense is leading us into an even bigger pit.

One of the best current examples of the hidden consequences of such thinking is the announcement by the Governor of Minnesota to close highway rest stops DUE TO LACK OF FUNDS. Unmentioned is the fact that Minnesota has been a leader in the mandatory requirement to use only “native species” for roadside plant cover. Unlike the superior plant covers that are better for erosion control, discourage weeds that harm farms, and do not need periodic burning; these “native” plants have another big difference. The seeds cost HUNDREDS OF DOLLARS PER POUND compared to the more efficient species that cost only a few dollars per pound. Oh,

and this is probably just one more reason why Minnesota lobbies for most, if not all of these proposed Federal handout bills.

Other groups that typically buy into this false reasoning of the feasibility or desirability to reestablish Pre-Columbian Ecosystems are hiking groups and horseback riders. Such groups see imaginary bucolic scenes of tall grasses and wildflowers (like in the Wizard of Oz) up to the bellies of buffalo peacefully chewing their cud. Little do they imagine areas where they must rinse their clothes and boots or where horses are prohibited for fear they may poop out a non-native seed as they move along.

Do not be deterred by these proposed bills and “experts” who mention the “need” for “ecologists” and an “ecosystem approach.” They are adept at making you feel that you must accept what they say and that if you question what they purport to say is needed, you are not “sophisticated.” The undeniable truth is that there are native and non-native species in abundance throughout the US. Most have been here for years and will always be here. Most interbreed and compete with each other as all plants and animals have done since the beginning of time. Ask yourself why it is so easy to suggest eradicating a non-native species that has been here for centuries and it is Environmental Armageddon to delay the reintroduction of a harmful native species to an area it has not inhabited for a century? A sensible and informed person should advocate that state governments manage all the plants and animals within their state for the benefit of their residents. That may involve the control or eradication of harmful species and the encouragement of others **WHETHER THEY BE NATIVE OR NON-NATIVE**. The Federal government role should not expand beyond the control of imports, exports, interstate commerce, and management of Federal landholdings in accord with state laws and regulations except where that interferes with national defense.

I must confess to being awed by the task before us. How to examine 50 proposed bills? How to explain to a significant number of people this complex matter and what hidden agendas are involved? How to work with or help to organize a credible and responsible response that protects our legitimate concerns? There are no discernible opponents at this time. Hearings and meetings here in Washington are lovefests between politicians, bureaucrats, certain business associations, and the ever-present interest groups that have fed for years on the Endangered Species carcasses spread across the landscape. Who can oppose stopping an “invasion” or eradicating things that weren’t in the same place centuries ago? Only if the “uneducated” and “uninformed” are willing to stand up to the “experts” and the bureaucrats and the politicians and the interest groups will the politicians poised to profit from all this take notice. If the politicians pass these bills, the interest group lawyers and the “right court” will do the rest.

I will be trying to review these bills and better explain what needs to be done about them. In the meantime, it behooves all of us to mention to any state and particularly Federal lawmakers that we contact that we do not want the Federal role regarding Invasive Species to change; that we do not want Pre-Columbian Ecosystems to, in any way, become a Federal goal; and that the management of all plants and animals should remain with the government of the state in which they occur.

*A NOTE ON FUTURE ARTICLES AND DISTRIBUTION

I hope to begin writing Updates on a weekly basis for at least the next couple of months. The size of the lobbying, meetings, hearings, and legislation flooding Washington at this time is astounding. Reducing it to a comprehensible subject will take concise bites and specific topics. It is a daunting task.

Regarding distribution I must appeal to your patience. I tried to set up a free website with Blogger but have found myself unable to reenter it to edit or add to it. I am trying to set up something with Earthlink but costs are prohibitive and as you can tell, the computer skills of this pre-WWII baby are not state of the art. Also, there have been numerous requests for a place where many of my past articles and current writings, in addition to this Invasive Species series, can be obtained would be appreciated. I am trying to meet this request.

Finally, there are at least three websites that have published the Invasive Species series as well as some of my earlier writings. I commend you to them and will say that their help and support is and has been greatly appreciated.

I had the honor to work with Mr. Eugene Lapointe at a UN meeting in Nairobi two years ago. His work on behalf of sustainable use of natural resources is indicated by his website at [www.iwmc.org/sustain/IWMC- Forum/JamesBeers](http://www.iwmc.org/sustain/IWMC-Forum/JamesBeers) and should allow you to access this series.

I have never met the other two people who have websites dedicated to freedom and property rights. Like Mr. Lapointe, I am indebted to these people for their support. Mr. Henry Lamb has a website at <https://secure.freedom.org> that allows you to access current Invasive Species articles. Ms. Julie Smithson, who I first met electronically when an area of central Ohio known as Upper Darby was threatened, also has published this series and has many other things of interest on her website <http://www.PropertyRightsResearch.org> that can be a valuable reference point.

29 March 2003: Invasive Species – A Means to an End

It was during the early 1900's that Federal and state governments began to hire employees and organize concerted programs to actively manage fish, wildlife, and plants. Birds and fish were managed to provide sustainable, annual harvests for recreational and commercial purposes. Large mammals were managed to provide citizens with sport and meat year after year. Small mammals were managed to provide fur or winter meals to rural families and urban residents who enjoyed hunting or trapping. Trees were managed to provide sustainable timber products, wildlife, erosion control, grazing, and a pleasant landscape. Streams were managed to provide fish, recreation, power, drinking water, irrigation, and commercial transportation while minimizing the damage caused by floods or droughts. Songbirds, amphibians, and plants were studied and categorized by Universities and groups of citizens like the Audubon Society influenced other citizens to provide for these lesser-known species as citizens went about their daily activities.

It was during the middle part of the century that the Federal government hired more employees and began to purchase, proclaim, and “protect” land units on a regular basis. Wetlands were bought and made “National Wildlife Refuges.” Battlefields and places of beauty or wonder were bought and proclaimed “National Parks.” Woodlands were bought or reserved from the Federal landholdings in the West and proclaimed “National Forests.” Western grasslands and what were fairly termed wastelands were not turned over to the states as was done in other states and eventually were proclaimed BLM (for Bureau of Land Management) grazing lands. These last were leased routinely for grazing, mining, and other uses while the others on a scale from the Forests to the Parks allowed many (multiple) to limited uses.

Up to the 1970’s, Federal employees, Federal statutes (laws), Federal regulations, and Federal and state programs all recognized that they existed to manage the natural resources on these landholding for the wise and sustainable uses of citizens. The employees were trained by Universities to do this job and governments hired and promoted based on proven performance to manage natural resources. The plants and animals are termed renewable natural resources and oil, gas, coal, and minerals are called non-renewable natural resources. All were managed and harvested or extracted using the best management practices known at the time.

When the public accepted the Endangered Species Act and the Animal Welfare Act in the early 1970’s things changed dramatically. The future for US Department of the Interior employees (where the Refuges, Parks, and Grazing Lands were managed) moved away from managing resources for people to managing plants and animals to protect them from any and all uses. The Endangered Species Act (administered by the US Department of the Interior) corrupted the sensible management of natural resources by the employees of that period by being the growth part of employment and the basis for most bonuses and promotions. New employees whispered resentments at the way old programs managed for sustainable uses and assured that new programs did not allow uses. Steadily the old programs changed. An example is the way the 20-year old, always unsuccessful attempt to get millions of dollars by taxing binoculars, camping gear, etc. to buy “non-game” lands was always intended to be lands without any sustainable uses of resources. During the last Administration persistent attempts were made to modify policies and even regulations that would eliminate management or use of all resources on the Refuges, Parks, and Grazing Lands. Some limited progress was made by the illicit use of Executive Orders around election time and Presidential Proclamations prohibiting certain uses on certain areas like the coal under Southern Utah Grazing Lands or offshore oil development to gain votes in states like California and Florida.

A parallel development took place in the US Department of Agriculture that manages the National Forests and administers the Animal Welfare Act. The future for employees left management and use programs and became focused on eliminating uses and cooperating with the socialist-oriented, no-use power-brokers like the Sierra Club, Wilderness Society, the US Humane Society, the Natural Resources Defense Council, and the Animal Protection Institute. As happened at the Department of the Interior, promotions and bonuses were given for eliminating management and uses and new employees hired from the power-brokers assured that new and old programs reflected this change. Again, Executive Orders and Proclamations imposed Roadless Areas, de facto Wilderness’, and prohibitions on natural gas extraction in the midst of power shortages and mideast terror.

The recent growth of the Federal government, the astronomical increases in the Federal budget for these Departments, and the modifications of national rights and jurisdictions from private property to states rights due to these two laws and these two Departments is a matter of record known to all. The Federal and state bureaucrats who have witnessed the effect on their employment, careers, and power know that this expansion can go on for a long time but like the changes I mentioned during the last century there is the “Mother of all Government Programs” on their horizon. They plan to enlist all the “usual suspects” from the last thirty years to help get them there. The University professors, the power-brokers, and the reelection-obsessed politicians will all help willingly to get their piece of the action.

This next and apparently unlimited guarantee of budget increases, employment increases, promotions, bonuses, and most-importantly power increase is something called the RESTORATION OF PRE-COLUMBIAN ECOSYSTEMS. Its’ greatest features are that it is both impossible and immeasurable. Never mind that it is also foolish and nonsensical. However, if the “general public” et al, can be made to believe in or accept the fallacies of the Endangered Species Act (like the “need” or desirability of wolves or the wisdom of eliminating logging and entire rural communities for imaginary effects on owls or lynx) they will believe anything. Goebbels fed the Germans ever-greater lies, just like getting a dog to eat more and more over time, and it apparently worked. The bureaucratic “success” of the past thirty years has illuminated a darker future for us all.

The American public accepts the lie that the plants and animals that were “here” in 1492 AD were somehow designated (certainly not by God, but then by who?) as the best or highest or only such plant or animal to be at any given location today. Never mind that millions of us living incredibly different lives make that impossible. Never mind that the pre-European US environment of 1492 AD is as different from today’s’ environment in the US as the Mississippi is from the Amazon. Never mind that thousands of plants and animals have arrived in hundreds of different ways and their seeds, their crossbreeding, their uses, their effects, and their superior abilities to compete (when they survive) mean they are here to stay every bit as much as the oldest living species in the middle of Nebraska. Never mind that the bureaucrats whine about eradicating a grass you have never encountered but will eventually be eradicating plants in your landscaping or garden. Always remember the Endangered Species Act was touted as “saving” bald eagles (another lie) but never mentioned putting loggers out of business for an owl or causing Southern California homes to burn up because of a rodent.

No, and you can take this to the bank per an old wildlife biologist, there is nothing sacred, good, or desirable about Pre-Columbian Ecosystems or treating any plants or animals differently based on their time here. Sure, keep out new ones as best you can based on what we know. Sure eradicate or redistribute some plants or animals based on their effects or on the needs of people. Sure let the Federal government do their job regulating import, export, and interstate commerce while states administer all the plants and animals within their state as they see fit. But don’t, whatever they tell you, accept the notion that the Federal government has any mandate for the silly, immeasurable, never-ending, unimaginably expensive, and impossible task of restoring Pre-Columbian Ecosystems.

That said, there is a big push to do just this today. All of the proposed bills before Congress that have a Title or Section that mentions INVASIVE SPECIES does just that. If the Federal

government proclaims a mandate to attack INVASIVE SPECIES it automatically tells the Courts and every bureaucrat that ONLY NATIVE (Pre-1492 AD) SPECIES are to remain everywhere in the USA. Think of the money, the people, the land, the grants, the programs, the bonuses, the permits, the land needed, the POWER “necessary” to begin and continue this bureaucratic attack on everything from brown trout to all the clovers. It can never be accomplished, it can never be measured, there will never be a lack of new “problems” needing “more”, and the power needed (like the species identified) can only increase. It literally boggles the mind. No bureaucrat since the mandarins in ancient China ever conceived of a greater self-serving program for unlimited expansion over an unlimited number of decades or even centuries. All this and what was once the best educated public in the history of man ready to swallow it like a bass eyeing a hula popper overhead.

If you can, tell your Senator, tell your Congressman, and tell your state representatives that you do not want the Federal government responsible for anything except the import, export, or interstate commerce involving new species that may harm the current natural or commercial environment of the United States. Tell them that you want the Constitutionally mandated responsibility for all plants and animals (wild and domestic) to remain with the state governments.

This is already longer than I planned, but I will be writing more about the current rush of activities here in Washington concerning INVASIVE SPECIES over the next few months. I will try to make this all more understandable as I try to sift the wheat from the chaff. Share this with a friend and thanks for taking the time to read it.

7 April 2003: - Invasive Species Update #3

A friend obtained an invitation for me to attend an Invasive Species briefing last Thursday. The briefing featured three high appointees, one each from the US Departments of Interior, Agriculture, and Commerce. They addressed about 30 representatives of Senators, private corporations, interest groups, and even two United Nations representatives. This took place in a conference room at the headquarters of a very large US corporation located in the heart of downtown Washington. Each of the three speakers spoke for 5 minutes on the topic of Invasive Species. This is a report of what they said, two questions that I asked, some observations about their statements, and my attempt to follow up with two assistants to US Senators who were in attendance. You should find this both interesting and informative. Please do not let it discourage you.

The Interior appointee (meaning he is not a career employee but one appointed by the Administration and therefore subject to removal if they are not reelected) began with the unproven hyperbole about Billions of dollars of Invasive Species damage per year and untold Billions lost annually for as far back as we can estimate. Occasionally Invasive Species were called exotics, non-natives, aliens, non-indigenous, or introduced species. All were bad and dangerous. Like the other two speakers that followed, nearly all Invasives mentioned were terrestrial plants or animals. He opined about the need for more money and people. He mentioned how the National Park Service “had” to form “swat teams” to find exotics and “raise

flags.” [NOTE: The National Parks have, for decades ignored and refused to manage the overabundant deer that have eaten every native and non-native plant beneath a height of 5 feet. Suddenly they “need” swat teams to find invasives that may “harm” plants?? Puhlease!] He mentioned how Indian Tribes were being invited to work with other Federal agencies to get new legislation and “needed” funds. Then he said they were working on a “novel” solution to a problem. Salt Cedar (tamarisk) is an Invasive Species but it is also a preferred nesting tree for the ENDANGERED WILLOW FLYCATCHER. So government “scientists” went to work and “discovered” that cowbirds parasitize (wreck) the willow flycatchers nests “less” in native bushes so therefore, IT SHOULD BE OK TO ERADICATE THIS NESTING TREE FOR AN ENDANGERED SPECIES! [When I asked him if there was any precedent for this, he mumbled about how glad he was to see me and then talked without saying anything. EVERYONE EVER HARMED BY AN ENDANGERED SPECIES OR ITS’ CRITICAL HABITAT SHOULD NOTE THIS! The arrogance of this ploy rivals 10 years of midnight dumping of toxic sludge by the DC Water Authority through a National Park onto endangered sturgeon spawning areas in the Potomac River alongside Washington, DC. under permit from the EPA, FWS, NMFS.]

The Commerce Department appointee talked about cross-cut budget needs (meaning a bunch of agencies at once), matrix management (meaning no real goal but lots of work for new employees), AND HOW THE BEST THING ABOUT INVASIVE SPECIES WAS HOW IT MADE THEM “MORE COMPETITIVE FOR DOLLARS!” What can you say to something like that?

Finally the Agriculture appointee mentioned their “leadership” role and how they are “discovering” that oaks on the west coast are being killed by Sudden Oak Death that may require USDA control of rhododendrons and more employees to monitor nurseries. He also mentioned that algae on Hawaiian beaches is smelly and may depress tourism to Hawaii also requiring USDA intervention. Either he or the Commerce fellow mentioned already getting Homeland Security money and hoping to get more.

When the two UN representatives complimented all 3 speakers and said how well it fits into UN plans, they were told there would be new jobs in the State Department to handle the “worldwide” and “holistic” issues. My impression was that the UN folks might even be encouraged to apply for the new jobs when new funding was obtained.

When I asked the three appointees where Federal authority ended and the state jurisdiction and private property rights spelled out in the Constitution began, there was no answer as they looked at each other. Finally the Agriculture fellow said that it was “necessary” to do this job in spite of what individual states might want or property owners might want. This is so important, that in order to keep things from “spreading” public or private land cannot be allowed to get in the way. All three of these guys were reminiscent of three aristocrats explaining why restoration of a monarchy would be good for the United States since it would be “beneficial” to them and the “ecosystem” as they define it.

On Friday afternoon I met with two representatives of two powerful Senators who had attended the briefing and who I would have expected to be supportive of keeping Federal growth both jurisdictionally and budget-wise in check. I was wrong. I explained to them how these Invasive

Species proposals are meant to generate new laws granting wide-ranging and expanding authorities to Federal bureaucrats who will then interfere with citizens, business, and public lands beyond their wildest imaginings. I explained how the interest groups and bureaucrats will draft key sections of the new law and how the courts will then be incorporated to interpret the wording to expand the law just like the Endangered Species Act. I explained how one powerful western Senator was being “snookered” into believing that new and more powerful laws were needed to assure that the major Federal land managers (BLM, USFS, NPS, FWS, etc.) were forced to control noxious weeds that cover currently unmanaged Federal lands. This last when current Federal authorities and jurisdictions were more than adequate to force them to clean up the lands they own (before they buy more?).

Their reaction? They only wanted to talk about the Aquatic Invasive Species Act. This ignored the fact that the briefing was 90% about terrestrial plants and animals. When I mentioned that zebra mussels do a lot of good and helped restore the Lake Erie fishery, they ignored me. I was told the Invasive Species “cat” was “out of the bag.” I was asked if I “really thought the states were doing a good job of managing their resources?” My reply that the Constitution gave them that responsibility and it was up to their residents what they did and how they did it, brought only a smile to their faces. I was asked if I would tell Senator ---, to “his face” that he had been “snookered?” My response of sure was ignored. My feeling as they left was that they thought I had a lot of nerve wasting their time over a done deal.

If someone had known what I know today back in 1970 and had approached such powerful political aides about what the Endangered Species Act was going to lead to, they probably would have received the same brush-off. They know, as do those appointees, what they are doing because they see how the ESA was twisted and perverted. They understand how it is practically untouchable today yet how much early supporters appreciated it and how much power it has given Federal politicians and bureaucrats. They know - and it is up to us to stop this Invasive Species juggernaut before it takes away more rights for no good reason. I will write more about this and what to do in the weekly updates I am planning to write. As I finish this Update I will write a piece I will title How Laws Are Conceived. By writing about the formation of these laws I hope to explain what is going on with Invasive Species at this point in the game based on my two decades of playing this game here in Washington.

Thanks for taking the time to read this and please share it with others.

15 April 2003: Update #4

Things are beginning to happen here in Washington. A Hearing on Invasive Species before US House of Representatives Subcommittees on Fisheries Conservation, Wildlife and Oceans and National Parks, Recreation and Public Lands has been scheduled for 29 April in Room 1324 Longworth House Office Building. I have been invited to testify and so far as I know, this is the first such Hearing where persons and organizations actually opposed to expanded Invasive Species authority for the Federal government have been invited to testify. After the Hearing, I will forward a copy of my testimony to all of you.

Last week when I wrote an article questioning the Noxious Weed Control Act of 2003 that just passed the Senate I was told by a representative of the National Beef Cattlemen's Association that I was mistaken, the bill contained nothing but Federal help for noxious weed control. An agriculture representative from New Mexico State likewise questioned how anyone could be opposed to such a helpful, yet innocuous bill. The following is my response to their objections:

"The bill we are talking about is S. 144.ES. There are three other similar bills pending but this is the one that passed the Senate recently and is sponsored by Senator Craig. The title is the Noxious Weed Control Act of 2003. The Summary of the bill says "it is a (sic Federal) program to provide assistance through states to eligible weed management entities to control or eradicate harmful, NONNATIVE (my emphasis) weeds on public and private lands." Why is nonnative even mentioned? Harmful or noxious is one thing, singling out nonnative is no accident. When viewed in the context of the National Aquatic Invasive Species Act of 2003, the National Invasive Species Council Act, the funding of a National Invasive Species Council, and the grandiose plans in Interior, Commerce, and Agriculture to found a formal Invasive Species Federal activity that will grow like the Endangered Species Act - the fact of the innocuous Noxious Weed Control Act only focusing on NONNATIVES is a matter of concern.

The responsible Secretary for the Noxious Weed Control Act is the Secretary of the Interior. Now I know that BLM lands may justify this but there are a lot of problems on Forest Service lands (Agriculture) and while the Secretary of Agriculture has been historically more supportive of farmers and ranchers than Interior: Interior is the mother and protector of the Endangered Species Act with all its abuses and all the interest groups that want to put lots of folks (ranchers included) out of any resource-oriented business. The Secretary of the Interior as the responsible Secretary is a matter of concern.

The Act directs the Secretary of the Interior to "consult with the National Invasive Species Council and the Invasive Species Advisory Committee." These two groups (the Council & the Committee) are bridges between the Interior, Commerce, and Agriculture agencies and the interest groups like TNC, HSUS, Sierra, Wilderness, NRDC, et al that are big supporters of a Federal Invasive Species effort that will establish Federal jurisdiction over any plant or animal that is not "native."

The fact that such efforts increase the Federal budget (i.e. spending) is not as serious a concern that Federal jurisdiction is being established for a practically infinite list of plants and animals. The looming danger is that a sharp environmental lawyer from Defenders of Wildlife or the Sierra Club will not only argue for increasing the species of "Federal concern" (like brown trout or pheasants) endangering "natives" or Russian Olive or Lombardy poplars endangering "natives" or every NONNATIVE endangering some native or natives. Before it gets there however, the lawyer will get a "sympathetic" judge to agree that since eliminating NONNATIVES is the Federal responsibility, the goal for the Federal responsibility MUST BE THE REESTABLISHMENT OF PRE-COLUMBIAN ECOSYSTEMS. Now before you fall over laughing, is that not the logical conclusion of ridding yourself of every species of plant or animals that some professor says wasn't here in 1492? Will not Invasive Species morph like endangered species into Invasive subspecies, Invasive races, Invasive Populations, Invasive distinct populations, and of course Invasive distinct population segments? Will not there be takings "necessary" to stop reinfestations? Will not there be a need to acquire biologically

"sensitive corridors? Will not it be necessary to tell private property owners what they MUST do and what they cannot do in order to control X or stop the reinfestation of X? Will not domestic species of plants and animals from tulips to clover to cattle be "controlled" to stop XXX? Will not the interest groups that want to stop hunting, fishing, trapping, logging, and even grazing and ranching have a field day with this?

Ask yourself why this Noxious Weed Control Act of 2003 mentions Invasives and Nonnatives? Is not the real issue to ranchers harmful or noxious weeds?" We should be heartened to see the debate about giving the Federal government expanded jurisdiction over Invasive Species, just as they obtained over Endangered Species, a public debate. Thirty years of the Endangered Species Act has taught us that it has led to taking of property without compensation, Federal mandates closing Federal lands and telling private property owners what they must do and what they cannot do. We have seen the difference between responsive (to residents) state management of plants and animals as defined in the Constitution and Federal oversight by remote bureaucrats immune to citizen concerns. Invasive Species authority for the Federal government will exceed these abuses. When the "5,000" claimed species plus the infinite number of subspecies, races, populations, distinct populations, and of course the distinct population segments (as happened with "Endangered Species") are finally included first by a law authorizing a "List" and then by a judge agreeing with an environmental lawyer that the natural goal of the Federal government eradicating Invasive Species is Pre-Columbian Ecosystem reestablishment the basis for Federal mandates will multiply beyond anything we can imagine. The bureaucrats know this will authorize expanding budgets forever; the Universities know it will mean billions in grants over time; the environmental and animal rights groups know it will mean ever expanding power over every imaginable human activity and private property. Finally, since it is unattainable, it will go on and expand forever.

Let me close this Update with a question. What is so sacred about 1492 AD? That date is what has driven all the wolf reintroductions that are decimating the Northern Rockies Elk Herd and causing increasing depredation problems for western ranchers. The same rationale should justify buffalo being set free everywhere to do whatever they will as well. The National Park Service and US Fish and Wildlife Service today want to eradicate wildlife and plants not only because some have only been in place for 1 or 2 hundred years but also because a fish or certain plants were "just native" to New England and not the Midwest or the West coast. Examples are salmon in the Great Lakes, lake trout in Yellowstone Park, or largemouth bass in man made western reservoirs that provide irrigation, urban water, and power. The environment is what it is and wise citizens should insist that it be managed for the benefit of all citizens. The sooner we make politicians understand that we understand what is going on, the better our chances of stopping new Federal Invasive Species authority that many politicians and bureaucrats termed a slam-dunk just a short time ago.

18 April 2003: Update #5

As I prepare my testimony for the House Oversight Hearing on Invasive Species it is like Endangered Species de ja vu (pardon the French) all over again. Where are our "friends" and the

organizations we pay to defend us? Thirty years ago they were either absent or telling us not to worry. Today they are all AWOL.

Those scheduled to testify at the Hearing in favor of Federal authority expansion over a few (to start with but all eventually) Invasive Species consist of the Dept. of the Interior, the Dept. of Agriculture, the US Army Corps of Engineers, the National Oceanographic and Aerospace Administration, the Smithsonian, the National Environmental Council, Williams College, Bishop Museum, the National Cattlemen, and the International Association of Fish and Wildlife Agencies. The first six are Federal entities who stand to gain money, staff, and an incredible chunk of growing power when Invasive Species are declared to be responsibilities of the Federal government. The next two are representing the Universities and Museums who have benefited from Endangered Species grants and prestige such that they quickly understand what a similar Federalizing of Invasive Species will mean to them. The Cattlemen see weed control on public and private land getting a big financial boost as weeds are some of the first species to be named. They, like the elk hunters who supported Endangered Species thirty years ago, have not the slightest inkling of what Invasive Species legislation has in store for them.

Finally, we come to the International Association of Fish and Wildlife Agencies. Yes, you read that correctly, the lobbying group for the state fish and wildlife agencies – the representatives of the 50 governors who are charged by the Constitution with the jurisdiction over all wild and domestic plants and animals – they support Invasive Species legislation. This lobby group that collects license money from state license funds paid by people who hunt pheasants and chukars. This lobby group also receives fishing license money from people who fish for brown trout, salmon in the Great Lakes, largemouth bass in western reservoirs and bass in Lake Erie where the water was clarified by zebra mussels. Thirty years ago they supported Endangered Species legislation and for the past decade they have used hunting and fishing license money to campaign and lead national lobbying efforts to get Federal taxes for non-game wildlife, The last three years have seen them lead repeated but failed campaigns for the infamous CARA, a \$40 Billion raid on offshore oil revenues to funds state fish and game agencies and for the Federal government to buy more land. Setting aside the legality of the states using license money or the International using Pittman Robertson or Dingell Johnson excise taxes to lobby the Federal government, their support of Federalizing the jurisdiction over Invasive Species only points up the corrupting effect of Federal money to even the state agencies who will gladly give up Constitutional authority for job security, political support, and the status of working “with” those who relieve them of their authority.

There are only four of us questioning this Invasive Species juggernaut. A former Assistant Secretary of the Interior under President Reagan, Mr. Ray Arnett is standing tall (and not for the first time in his long career.) The Farm Bureau sees where this will lead and is taking a stand both for its members and their future. A Mr. Grau of Pennsylvania, who grows and markets roadside groundcover plants, is likewise concerned both about the immediate future but also the long term and national implications of what is sure to develop. Finally, there is yours truly, a retired wildlife biologist, refuge manager, and special agent from the US Fish & Wildlife Service.

But where are you? Where are the fishing organizations that represent the folks fishing for trout, bass, and walleyes on Lake Erie or the lake trout fishermen in Yellowstone Lake, or western bass fishermen, or Great Lakes trout and salmon fishermen, or brown trout fishermen? These and many more will eventually be put out of business by Federal/anti-fishing Invasive Species jurisdiction. Where are the hunting organizations and gun organizations that represent Invasive pheasant hunters, Invasive chukar hunters, and supposedly all the native and introduced game birds and mammals that feed on and get critical and winter cover from Invasive Species? Has anyone ever mentioned to them that while we have supposedly endured “Billions of dollars of damage per year from Invasive Species” game populations have soared? Where are the hikers and trappers and public land users who have seen how Endangered Species has restricted both their activities and public land access and who ignore the Invasive Species sequel at their own risk? Where are the taxpayer groups who are busy arguing about tax cuts and capital gains when the Mother of all tax pits for the foreseeable future is looming on the horizon.

The property owners in the American Land Rights Association have asked me to represent their interests at the Hearing. They are an organization of small, generally rural property owners with members in all 50 states. When you meet a member, thank them and then ask your organization why they either support or are hiding when this very important legislation is being discussed.

1 May 2003: Update #6

The US House of Representatives Oversight Hearing on Invasive Species took place Tuesday 29 April in Washington, DC. Seventeen witnesses testified before the Congressional Committee. Fourteen of the witnesses representing a range of interests including State Fish and Wildlife Agency lobbyists, Universities, Museums, and Federal Departments essentially supported taking the authority over nonnative plants and animals from the state governments. I realize it is unfair to characterize the testimony of these groups in just a few words but I must try to do just that.

The Federal Departments all want more money, people and power to “meet the challenge.” Universities, museums, and the Smithsonian all describe Invasive Species as enormously challenging and in need of much research and data for “decision-makers” to design programs and “partnerships. The lobby group for the state fish and wildlife agencies see the need for a Federal program and look forward to working in “partnerships.” Forester lobbyists expressed a need for a Federal program but wanted to still be able to cut trees and “manage for fire.” Cattlemen lobbyists support a National Invasive Species program and mentioned the need for Federal assistance to private landowners. All presentations (5 minute limit) interspersed their claims with “tens of billions in annual damage” and “thousands of species.” It was all overstated to generate Congressional support (just like Endangered Species supporters did 30 years ago.) The claims are all overblown and the beneficial aspects of Invasive Species went unmentioned. State Constitutional authority was ignored, even by the state themselves. Everyone had an angle that they figured would profit them from grant money to private land payments to bigger budgets and Federal powers. Each clouded their testimony a bit in order to answer any objections from constituents. For instance, nearly everyone said we support a National Invasive Species Program except for this or if it includes that. Their purpose being to say something that makes no difference to getting Federal legislation passed but tells their supporters that they asked for this

or that. All such things mentioned would never matter to getting a bill passed but would sound good back in Nebraska. The object is to get a bill passed that authorizes the Federal government to assume authority. Like Endangered Species, the rest will take care of itself.

I thought at one point how funny it is that for the last decade these same Departments were appealing to Congress to give them money to “save biodiversity” and here they are today urgently appealing for money to eradicate “thousands” of species. It is a joke no one would laugh at, because no one would believe it.

The Washington lobbyists really represented themselves and not their rank and file supporters. From cattle ranchers to hunters, fishers, and trappers; their future was being jeopardized. The Cattlemen organization and the gun organization and the state lobby group and the hunting and trapping groups all “get along” and “work together” and express concern for the rank and file inflyover country less and less all the time. Just like all those harmed by Federal Endangered Species activities, the impacts of Federal Invasive Species authority will be incremental and only affect a few people at a time so opponents will never come together. Also just like Endangered Species actions, once the Federal government obtains the “right” to begin making a “List” of Invasive Species for which they are responsible, it will be too late as it is with the Endangered Species Act. That Act has gone unauthorized for decades and causes increasing and senseless harm but to citizens but yet no politician will touch it except for an occasional cosmetic proposal on it’s periphery while it gets increased budgets and expands it’s power through the Courts, regulations, and Federal funding incentives. Even more so than the Endangered Species Act, government Invasive Species programs will make no positive changes for the either people or Listed things. Even more so than the Endangered Species Act, eliminating Invasive Species is immeasurable and unattainable so the flow of “needed” money, people, and power will never be “enough.” The hidden agendas of interest groups from eliminating hunting and fishing to further restricting private property owners and closing more public lands to access and dictating the day to day activities of more and more citizens will be exponentially enhanced.

There were three of us who made our objections to proposed Invasive Species authority for the Federal government. Mr. Ray Arnett, a California entrepreneur who was President Reagan’s Assistant Secretary of Fish, Wildlife and Parks (he supervised the National Park Service and the US Fish & Wildlife Service) flew in from California to share his reasons, based on experience, for knowing what a debacle Federal Invasive Species authority is sure to become. Mr. Fred Grau, a Pennsylvania and Colorado seed producer for highway roadside cover told about all the day to day uses of plants from floral shops and putting greens to erosion control and minimal maintenance ground covers that will be jeopardized and eventually become unavailable if Federal authority is generated for Invasive Species. Then there was me. My 5-minute testimony follows this report and speaks for itself.

There is a growing opposition to Federal Invasive Species authority and I hope to begin describing it in subsequent Updates. Until then (next week) I hope you find these developments worthy of your attention.

STATEMENT OF JAMES M. BEERS
SCIENCE ADVISOR
AMERICAN LAND RIGHTS ASSOCIATION
TESTIMONY BEFORE THE
HOUSE COMMITTEE ON RESOURCES
OVERSIGHT HEARING ON INVASIVE SPECIES

Thank you Mr. Chairman for inviting me to testify at your hearing today.

I represent the American Land Rights Association, an organization of small property owners in all 50 states.

I worked for the US Fish and Wildlife Service for 30 years in four states and Washington, DC as a wildlife biologist, special agent, and refuge manager. I have enforced Injurious Wildlife regulations and investigated Endangered Species cases both here and in Europe. I have worked on Invasive Species control programs for nutria and purple loosestrife. I have attended UN Wildlife Conferences and represented state wildlife agencies fighting a threatened European fur embargo. I currently write and speak extensively about both Endangered and Invasive Species.

Mr. Chairman, it is wrong for Congress to consider passage of a law to confer Federal jurisdiction over any plant or animal occurring within the United States. Such jurisdiction was assigned to state governments by the Constitution and can only be taken from the states by a Treaty or an Amendment to the Constitution.

Invasive Species jurisdiction seizure is being attempted with 14 bills before Congress; Federal agency proposals for new programs; and United Nations plans for a proposed Treaty to either Control Invasive Species or Restore Native Ecosystems, which is the same thing.

Our Founding Fathers placed the jurisdiction over plants and animals at the state level for, among other reasons, the inherent responsiveness of the lowest level of government to citizen concerns. The Endangered Species Act verifies repeatedly the wisdom of the Fathers in this regard.

That Act has eliminated businesses, communities, and fish and wildlife management programs and their financial support. It has justified taking without compensation that was specifically prohibited in the Constitution. It has made professors and science responsive to government grants and bureaucratic regulation. It has changed the emphasis of many Federal agencies from proactive natural resource managers to public land locksmiths who reintroduce unwanted and harmful native species on private lands.

The proposed Invasive Species program will be worse. It will start, like Endangered Species, with a modest list of a few noxious plants like leafy spurge and yellow starthistle. Then bureaucrats and courts will add species, subspecies, populations, etc. to the List. Soon a Court will affirm a lawsuit that claims elimination of "Invasive

Species” is a Federal responsibility so its natural goal is the restoration of “Native” ecosystems.

Mr. Chairman that goal is neither desirable nor attainable. The only beneficiaries of such a policy will be Federal agency budgets, University Grant offices, and non-governmental organizations bent on restricting property rights and human uses of natural resources. Our ecosystem should be managed to reflect our needs and our Constitution, not the socialist intentions of environmental philosophies.

There is no difference between “native” ticks transmitting disease and “Invasive” purple loosestrife taking over wetlands. Management or eradication should be considered equally based on community needs, not the species arrival date.

Many “Invasives” are highly utilized food and cover for desirable wildlife. Others like Zebra mussels clarified Lake Erie waters which helped to recover a sport and commercial fishery. Actually, any species can be alleged by some group or scientist to “harm” something. Innumerable hidden agendas are poised to take advantage of Federal Invasive Species authority if it ever materializes.

The Federal government should stick to managing the import, export, interstate commerce, and foreign aspects of the United States plant and animal community. Federal lands should be managed to minimize harmful plants and animals. Research on harmful species could be conducted and shared through Land Grant Universities and USDA Research Centers. Excess Federal money could be appropriated on a formula basis to the states much like Pittman Robertson excise tax funds that have proven so successful in managing and restoring desirable wildlife species for 70 years.

Today, the National Park Service seeks to eliminate highly desirable species like lake trout and chukars because they weren’t where they are today in 1492 AD. Likewise the US Fish & Wildlife Service is eradicating Russian olive trees that have been here over a century despite the fact that they are an important food and winter cover for pheasants, sharptails, and migratory birds. The goal is elimination of the Invasive pheasants and trout plus the hunters and fishermen and even hunting on Refuges like Bowdoin in Montana. Ask yourself honestly what is sacred about the year 1492? Species have been coming and going forever. The ludicrous nature of this is illustrated by the NPS recently forming emergency “swat teams” to find “Invasive” plants even though they have ignored overabundant native deer herds eradicating the plant communities on National Parks and neighboring lands for decades.

The Interior Department justifies eradication of “Invasive” salt cedar trees in spite of the fact that they are prime nest sites for Endangered willow flycatchers. They propose this eradication based on spurious “science” and questionable interpretation of law unavailable to private property owners who have Critical Habitat for an Endangered Species designated on their land.

This is similar to the dumping of toxic sludge on an Endangered sturgeon spawning area in the Potomac River. This practice, presently before the Court, involves the US

Army Corps of Engineers routinely flushing toxic sludge from the DC Water Authority under EPA permit through a National Park for years.

Giving these agencies more authority over more species only invites further abuse. The Founding Fathers wisely crafted our Constitution to place that authority at the state level.

Mr. Chairman, my organization and a growing cross section of citizens plead with you to avoid giving the Federal government any more authority over plants and animals. For the sake of property owners, natural resource users, and for the sake of our American way of life, do not go down this imaginary Pre-Columbian path. Stay to the course that history and our Constitution have proven was well chosen when the United States of America was created.

Further explanation of these issues may be found on the American Land Rights Association website www.landrights.org

Thank you and I am ready to answer any questions you might have.

6 May 2003: - Invasive Species Update #7

There is a broad front of activities underway to obtain passage of Federal legislation to create Federal jurisdiction over an open-ended List of Invasive Species. Current news items confirm this campaign.

- The Maryland Invasive Species Council announces an “Invader of the Month.” This month it is giant hogweed that causes blistering and sun sensitivity. While an extensive article tells of it’s origin in SW Asia and how it is N of Maryland in Pennsylvania and S of Maryland in the District of Columbia control is not explained other than to mention that Pennsylvania sprays it “with herbicide and treats seedlings for several years.” The Federal government already prohibits interstate shipment and importation. Last months “Invader”, the hemlock wooly adelgid (an insect) is likewise being treated by state release of predatory beetles. The Federal role should be to assure supplies of effective herbicides and the importation and interstate shipment of beetles after environmental analyses have been completed. The only person quoted (4 times) in the long (Capital News Service by Elizabeth Shack) article is a Mr. Trasker, of the US Department of Agriculture.
- A USDA Workshop on Invasive Species scheduled for next week in Washington, DC purports to discuss “bioteconomic risk assessment”. This, like Feasibility Studies and Environmental Impact Statements, is the latest Federal ploy to give a patina of public participation to the planning and executing of Federal actions to manage Invasive Species. Bioteconomic Risk Assessments will be thick documents full of charts and tables and bureaucratese purporting to justify Federal action. They will be unintelligible to 99% of the population and even when questioned by all-too-rare experts like the National Wilderness Institute, bureaucrats will deny and evade until you give up or find the time and money

necessary to take them to Court and endure through the inevitable delays and motions meant to discourage all but the richest and most persistent.

- The USDA Workshop will also cover the “links between trade expansion and invasive introductions.” This claim, while perfectly plausible, exposes yet another hidden agenda that would benefit from increased Federal authority over Invasive Species. Just as Wilderness advocates and anti-logging advocates successfully manipulated the Endangered Species Act for their own ends, anti-NAFTA and anti-free-trade advocates can be expected to take advantage of Federal Invasive Species authority.
- Federal government witnesses at the recent US House of Representatives Hearing introduced a new concept. They claimed that invasive doesn’t necessarily mean nonnative. This is contradictory on its face and any judge would probably throw out such a farcical declaration immediately. Invasive means it is or has “come into” a place it wasn’t before. Invasive by definition means nonnative and in today’s climate, the reverse is also true. Native Ecosystem is assuming the religious tone of Wilderness or Roadless as an inarguable good reason to lock out citizens and eliminate the use of natural resources for any purpose. An invader as opposed a native plant or animal is always a bad thing in today’s thinking. Invaders only harm. Why would they deny such an axiomatic truth? Because they are concerned that opposition that is growing and beginning to threaten the intended Federal authority creation by offering logic and common sense. The public is becoming aware that nonnative plants and animals are everywhere; that many nonnatives have beneficial aspects; that nonnatives can never be totally eliminated; that native ecosystems are not attainable or even desirable; that the cost of declaring war on nonnatives is astronomical, that modern ecosystems are constantly evolving and biodiversity and human activities demand active management, not Federal non-management as is increasingly common; and finally that a Federal Invasive Species List bodes far more damage to national life than 30 years of the never-reauthorized Endangered Species Act. To target harmful plants and animals is one thing, to target nonnatives or invasives is an entirely different agenda. It is a positive sign when bureaucrats feel forced to misrepresent the very power they are seeking. It is only because they cannot answer the objections that they are taking this tack.

There are currently two bills being considered before Congress that intend to begin the expansion of Federal authority.

In the House there is a proposed bill, H.R. 119 titled the Harmful Invasive Weed Control Act, known as the Hefley Bill after its Colorado sponsor. When I asked a staff person for the Congressman why the bill defines a Weed as “is of foreign origin”, he talked a long time and never answered my question. When I suggested he would obtain the result he wanted of getting money to ranchers to control weeds by just referring to harmful plants, he implied I didn’t know what I was talking about.

The Senate recently passed S. 144 titled the Noxious Weed Control Act of 2003, known as the Craig Bill after its Idaho sponsor. Like the Hefley Bill it intends to get money to ranchers for weed control. A representative of the Cattlemen’s Association told me it didn’t refer to nonnatives. A staff person for the Senator said there was no way the Senator would sponsor a

bill to create Federal authority over any plants and animals or restore native ecosystems. The first sentence of S. 144 says its purpose is “to control or eradicate harmful, nonnative weeds on public and private lands.”

By now you realize that “harmful” just like “endangered” can be stretched in a court to mean many things never envisioned by the authors. Likewise “weed” which is defined in the US Code already can be expanded both by regulation and by a court. Bottom line, the groundwork for a Nonnative List under Federal auspices will be laid and just like the Endangered Species Act, the future will be defined by bureaucrats, non-government organizations and courts. The victims will be the very ranchers who support this today and all the victims of Endangered Species from property owners to hunters, horseback riders, and public land users.

We must make others aware. Politicians, neighbors, newspapers, bureaucrats, and our Washington organizations all need to know that you know what is going on. To that end I will begin writing Update # 8 as soon as I send this out. I will mention other Invasive Species bills before Congress and I will suggest who to contact. Finally, I will create a list of talking points for you to mention either verbally or in e-mails or letters. A similar push 30 years ago might have given us an Endangered Species program that worked, not one that violates people’s rights and yet goes on unauthorized by Congress for nearly 20 years. The time to protect our future and get natural resource management back on target to control harmful plants and animals is now. Tomorrow could be too late.

12 May 2003: - Invasive Species Update #8

There are currently 18 proposed bills before the House of Representatives and the US Senate that directly mention Federal authority for Invasive Species. There are 14 proposed bills that mention “nonnative” plants or animals requiring Federal intervention. Four other bills mention invasive plants or animals without using the word “species” after the word “invasive.” Late last week a last-minute (“midnight”) amendment to the Healthy Forest Restoration Act attempted to establish Federal authority over an Invasive Species List. It was defeated in part because more legislators are becoming aware that many of you are aware of what Invasive Species really means.

A few of these proposed bills address legitimate Federal responsibilities. The National Aquatic Invasive Species Act (S. 525 & H.R. 1080) aims at the regulation of ballast water discharges from international vessels; our concern is it goes too far and attempts to give Federal jurisdiction over already-present species and property owners near aquatic environments. Others like the Nutria Eradication and Control Act (H.R. 273) and Tamarisk Research and Control Act (H.R. 695) are simple Federal money giveaways by powerful Federal politicians to constituent states.

The rest of the proposed bills are parts of the Federal Invasive Species authority drive by bureaucrats, academics, environmental and animal rights activists, and politicians. All of the sponsors and supporters of these bills avoid affirming that the proposed legislation will establish new Federal authority just like the Endangered Species Act. Some of the politicians are dupes, some know exactly what they are doing; but all the bureaucrats, academics, lobby groups

(including the state fish and wildlife agencies' lobby group), and environmental/animal rights radicals know exactly what is supposed to happen. Simultaneously, the Cattlemen support one bill and a property rights defender politician sponsors another bill. Exotic game ranchers from Texas are absent, ski resort owners who stabilize slopes with nonnative plants are nowhere to be found; trappers, circus owners, beekeepers, hunters, fishermen, and a long list of others who will be harmed are all AWOL. These groups will be adversely affected incrementally (just like Endangered Species impacts have caused.) If they can't come together now to oppose Invasive Species legislation, they won't come together later to help each other when the incremental adverse impacts begin (just like Endangered Species.) Just like Endangered Species, once such Invasive Species Authority begins, no politician will reauthorize it or even touch it with a ten-foot pole while watching it grow. National Organizations are distracting members with other issues or smoothing over Invasive Species concerns with assurances of the "need to get along" while identifying opponents of Federal Invasive Species authority as the "black helicopter crowd." The old saying about these National Organizations being formed to "represent their constituents in Washington and then evolving to represent Washington to their constituents" was never more true.

Some of the worst bills before Congress that could fairly be called Invasive Species Acts because they are meant to establish Federal authority over nonnative plants and animals are the National Invasive Species Council Act (S. 536 & H.R. 266), Great Lakes Ecology Protection Act of 2003 (H.R. 989), and Noxious Weed Control Act of 2003 (S. 144 & H.R. 119). The sponsors of these bills are western politicians wanting to get Federal money to ranchers and Michigan politicians wanting to give a Federal windfall to Michigan (the longest coastline after Alaska) and Federal politicians with strong ties to environmentalists, animal rights radicals, and activist bureaucrats in search of power and money.

Additionally, the Federal bureaucrats are putting Invasive Species-oriented requests in their agency budget appropriations requests just like Endangered Species 30 years ago, biodiversity 20 years ago, environmental education 10 years ago, or Roadless Areas of recent vintage. There are always current buzzwords to get the most money at any given time (Homeland Security, Education, Housing, etc.) and Invasive Species is the current one for the environmental bureaucracies and their friends. Federal politicians are also introducing House and Senate Resolutions ("Be it resolved, blah, blah") that make great quotes in newsletters back home and are used by radicals to tell others that Congress supports Federal Invasive Species authority.

So whom do you go to and what do you say?

First, I recommend you talk or write to any Federal politician or their staff whom you know or who represents you. Aside from the Federal politicians getting money for constituents (who you probably can't influence anyway) alerting as many politicians as we can is the best way to get opposition to Federal Invasive Species authority when the votes really count.

Second, talk to or write your governor, state senator, and state delegate (and copy your fish and wildlife agency Director.) Tell them that you expect them to protect the state jurisdiction over plants and animals that were assigned in the US Constitution. Tell them you expect them to

work with and not for Federal bureaucrats and national environmental groups. Tell them they should oppose Federal Invasive Species Authority.

Third, contact your national organization such as the Cattlemen, Ducks Unlimited, National Trappers, Seed Coop, Commercial Organization and Pheasants Unlimited to name but a few. Tell them the Federal bureaucrats already have too much authority and that Federal Invasive Species Authority will, just like Endangered Species Authority lead to the abuse of natural resources, natural resource users, and a wide range of citizens from pet owners and businesses to private property owners and renters. Tell them you expect them to oppose such legislation and not be absent in this debate as they have been to date.

Third, let Federal bureaucrats know that you are aware of what they are up to. You can't influence them away from money and power anymore than you can stop a rottweiler from sniffing at some meat by waving a rose but you can put them on notice that you are watching. If there is anything that bothers a bureaucrat, it is knowing that non-bureaucrats are not intimidated about what the bureaucrat says or does. When they actually think you know about the matter and are willing to actually assert that they work for you, they are more likely to go in search of another vehicle for money and power.

Fourth, tell your friends, family, and coworkers about Invasive Species. Tell them that Invasive Species aren't necessarily bad and most of them are far more beneficial than harmful. Control, manage, or eradicate plants and animals based on whether they are harmful, not on when they arrived in the United States. Tell them how people with other agendas are trying to establish Federal Invasive Species Authority and how that will lead to more and worse abuses than the Endangered Species Act. Tell them how native ecosystems are a phony illusion meant to grow bureaucracies, grow your tax bill, and grow the power of environmental/animal rights radicals and Federal agencies for as far into the future as we can imagine. Ask them to tell these things to others and also the people mentioned above.

Here are a few "bullets" or talking points as they say in the bureaucracy. I hope you may find them helpful when writing a note or talking to others about Federal Invasive Species Authority.

- State governments were given authority over plants and animals in the US Constitution. This can only be changed by a ratified Treaty or an Amendment to the Constitution.

- The Federal government should concentrate on managing the import, export, interstate, and international aspects regarding the plants and animals occurring in the United States.

- State governments should resist Federal attempts to transfer authority over plants, animals, or lands (where state authority does not interfere with a legitimate Federal function) from the state government to the Federal government.

- Invasive Species and Native Ecosystems are illegitimate concerns of government. Plants and animals should be managed, controlled, or eradicated based on their harmful and beneficial impacts in total not based on their arrival date.

-The Federal government should manage the hundreds of millions of acres that they own in cooperation with state governments and the local communities in which they occur.

-Native Ecosystem restoration and Invasive Species eradication are unachievable and immeasurable concepts that will cost immeasurable billions while eroding private property rights and the activities and traditional rights of citizens everywhere.

-If the Federal government feels an irresistible urge to cooperate with state governments on the management and control of harmful plants and animals off Federal lands, they should consider research at Federal Research Centers and Universities on the subjects such as control methods and control agents.

I hope this Update is helpful. It is a tough issue to stand up to and a broad front of opposition is what is needed, in my opinion. The people and groups pushing this have learned a lot in the past thirty years from what worked and what didn't work with Endangered Species. That, for instance, is why many of the biggest supporters of Invasive Species like The Nature Conservancy were missing at the recent House Hearings. Well we have learned a lot too. We know what we must do. Thomas Jefferson observed over 200 years ago that an activated citizenry is vital to prevent tyranny from reoccurring. All it takes to preserve our freedoms is knowledge and commitment to reaffirm the wisdom of that great thinker.

NOTE: The following is an addendum to IS Update #8

Invasive Species, Who To Contact

I apologize for not mentioning the single most influential person to contact when I recently wrote Update # 8 recommending action.

Please consider writing the President of the United States. The President, his White house advisers and his Cabinet Secretaries are giving tacit approval to Federal Invasive Species authority at this time. Whether it is political advisors imagining it will generate votes (it won't) or Secretaries taking advice from bureaucrats seeking money and power or appointees trying to get along with environmental/animal rights activists, they are ultimately responsive to the President and to you when you make your views known. They are supposed to be the ones who supervise the bureaucrats, so for the few bureaucrats who recognize that fact, their views are important.

Write them and speak to them when they travel near your homes. For the next 18 months at least, we can rightly expect them to be responsive to voters.

19 May 2003: - Invasive Species Update #9

Three important documents regarding Federal Invasive Species authority have just crossed my desk.

The EPA website has published four lists of “aggressive” alien species. The tree list contains the Norway maple. The shrub list names species like privet, two sweet clovers, and two mulberries. The grasses and herbaceous list names Kentucky Blue grass, Lily-of-the Valley, and Periwinkle (Myrtle.) I was curious as to why EPA is joining the US Department of Agriculture, the US Department of the Interior, and the Department of Commerce in fomenting hysteria about nonnative species. I am convinced it is because they smell new money and positions forthcoming from the Congress to save all of us from the myth of Invasive Species. However I did not understand what authority would put EPA into the race for new Congressional money and authority (power) currently under consideration. My curiosity led to two other documents that while justifying each other justify almost any Federal action unless challenged in Court.

In 1999, then-President Clinton signed an Invasive Species Executive Order. This Order was justified by a Cornell University Report that was published soon thereafter but whose findings were common knowledge when the Order was signed. This Report, called the Pimental Report, is the origin of claims such as “\$138 billion per year” in damage, “42% of all endangered species” are endangered by invasive species, there are 50,000 species of invasive plants and animals, US Parks and Hawaii are on the verge of annihilation, introduced cats and dogs are deadly threats, pigeons are examples of ecological destruction, 138 species of fish must be eliminated, plus the usual horror description of Brown tree snakes in Guam. These latter could have been exterminated years ago if the will and willingness to use known control methods were simply applied. Anyway, this overstated Report, that was the sort of tracts we saw before the Endangered Species Act was passed, was meant to usher in Federal legislation. It probably would have been successful if a Presidential election had not intervened. What it did justify was a Presidential Executive Order.

The Invasive Species Executive Order directs everyone except the Congress and Courts to “control” “alien species” which are defined as “non native to that ecosystem.” “Invasive” species are “alien species.” There is no mention of any state jurisdiction over plants or animals. States are merely one of several “levels” such as in “state, tribal, local, and ecosystem-based levels” where “planning” is to be “encouraged.” The Order directs the restoration of “native ecosystems.” It establishes an Invasive Species Council to work with Federal agencies and develop an Invasive Species Management Plan. As an afterthought an Invasive Species Advisory Committee is to be formed consisting of “appointed” members to give the illusion of non-Federal participation. Finally the Order directs the “control” of Invasive Species and the restoration of “native species and habitats” in ecosystems defined as “a community of plants and animals.”

As someone who watched the Endangered Species Act grow from a simple-sounding effort to “save” a few widely appreciated animals to a Godzilla that trampled rights and grew the power of Federal bureaucrats beyond their wildest dreams, this Executive Order lays out the plan for Invasive Species to do more of the same thing. Clearly the Order seeks to establish Federal hegemony over Invasive Species just like Endangered Species. Between the Order, the Report, and the big public relations push by Federal agencies seeking power, politicians seeking votes, and a bevy of interest groups bent on radical societal changes; it was expected that Federal

legislation was a foregone conclusion. Heck, even the state's own fish and wildlife agencies testified in favor of such loss of state authorities in hopes of getting Federal money.

The Bush election and 9-11 both disrupted this expansion of Federal power. The normalization of homeland security matters and the naïve assumption by Bush appointees that Invasive Species support will convert otherwise recalcitrant environmentalists to Administration supporters are why the matter is cropping up before Congress today.

Invasive Species Federalization supporters recently tried to amend a Forest Health Bill the night before it was to be voted on but were defeated in that effort. US Senator Craig is sponsoring S. 144, the Noxious Weed Control Act of 2003 that specifically targets nonnative species. US Congressman is sponsoring H.R. 119 the Harmful Invasive Weed Control Act that likewise targets weeds "of foreign origin." The Senator and the Congressman are pledging to make Federal money available to ranchers (who vote for them) for controls on private lands. In addition to these local considerations, these proposed laws intend to establish a Federal law that will give a legal basis to what President Clinton directed in his Executive Order. Everything is aimed at a Listing mechanism where Federal Invasive Species authority, like Endangered Species authority, will expand one "listed" plant and animal after another. Regulations and lawsuits will expand the human activities and property interests will quickly expand Federal reach based on the lessons learned from similar Endangered Species authority expansion. Much to the disappointment of environmentalists however, Executive Orders don't have quite the heft of the Declarations of Kings, so a law must be passed.

In order for the Endangered Species Act to claim Federal hegemony over "listed" plants and animals, a law BASED ON A TREATY was necessary. Similarly, Invasive Species Federalization supporters must establish a legal basis to seize state authority for a Federal "List" that they can add to and use to further bureaucratic and environmental agendas at the expense of our rights and liberties. That is why UN staff attend Federal agency briefings while promising UN progress on a Treaty like CITES which is claimed to authorize the Endangered Species Act's more pernicious aspects.

Author's Note: It is my firm conviction that a UN Treaty is not a Treaty as mentioned in the US Constitution. A "real" Treaty is one where each signatory pledges to do certain things or the Treaty becomes void. UN "treaties" are agreements between signatories who are shielded from noncompliance by other signatories by a UN Administration that claims to administer the "treaty." For this reason I believe the UN CITES treaty does not justify the seizure of state authority over "listed" Endangered Species by the Federal government. However, we must recognize that this questionable seizure of state authority has survived 30 years while expanding Federal powers in spite of not being reauthorized for almost 20 years. So only a fool or radical should fail to see where the proposals for Federal Invasive Species legal authority are intended to lead us.

There is another important dimension to this drive for Federal Invasive Species authority that needs mentioning. Who defends the Constitutional authorities of the states? The Governors are silent. State legislators are silent. The state fish and wildlife agencies' national lobby group supports Federal authority transfer. One supposes they are hopeful of Federal funds or too busy

to notice as they hide out in neighboring states or work on new taxes to cover the expenses they created during recent affluent years. In fact if the state fish and wildlife or agriculture agencies don't explain what is happening or state residents don't protest, then the politicians can be forgiven their ignorance.

There is no one in Washington who looks out for state authorities. Bureaucrats lust for state powers for themselves. National environmental/animal rights radicals work to Federalize everything from raising dogs to circuses and private property rights in order to control and manipulate those things for their own purposes. Congressmen and Senators vie for votes to get reelected. Each promises more of everything. "More" of everything is what keeps politicians in place term after term. There is no way that defending state rights gets anyone reelected. It is getting more money, more help, more than the voters pay in taxes (something for nothing) that generates the votes necessary for reelection. It was not always so.

If radicals had tried to get an Endangered Species Act, or an Animal Welfare Act, or a Marine Mammal Protection Act, or an Invasive Species Act passed before 1913, they would have hit a brick wall in the US Senate. Why? Because before that date US Senators were elected by state legislatures, not a popular vote like Congressmen and state politicians. The Founding Fathers wisely meant for the US Senate to not only equalize each states' representation (2 each) but also to not be beholden to "bringing home the bacon to various constituents" like other politicians. US Senators were supposed to represent the state because the state legislature elected them, the legislature was where they usually came from and where they would probably return one day. Senators elected by state legislatures would very likely be far less regal in manner and activities than the powerful and unapproachable Senators we know today. They would have also had a very different view of Federalizing everything than today's Senator's catering to ranchers or environmentalists or animal rights activists who give money and help elect them just like any other politician. The 17th Amendment, passed in 1913 changed all that, and not for the better.

So the next time you complain about Federal mandates, unresponsive Washington bureaucracies, or the inordinate power of national radical groups look at the 17th Amendment and ask yourself why it should not be changed. The stakes are large and if all this Federalization is not checked soon, the difference between us and some socialist European nation or indeed some banana republic will be merely one of geographic location. If we cannot come up with some strong defenders of state rights, everything of any importance will soon be governed by a supreme central government that has been anathema to this country since it's Founding.

22 May 2003: - Invasive Species Update #10

There are two encouraging items to share concerning the campaigns to establish Federal Invasive Species authority.

First, I recently used the fact that Exotic Game ranchers were an example of a group who was not heard from and who was sure to be harmed by any new Federal Invasive Species authority. I was wrong and what I found out is worth repeating. Charly Seale, Executive Director of the Exotic Wildlife Association and Marida Favia del Core Borromeo, Director of EWA have

contacted me and told me of all they are doing. They have met with their Federal Representatives and Senators. They have informed their membership and spoken with friends to encourage them to oppose any Federal Invasive Species authority. They even asked me what more they could do. I was embarrassed that I had mentioned them as I did but absolutely delighted to see that even though there is little indication of such support on the surface here in Washington, there is grassroots opposition moving across this great land.

For your information, I made two suggestions. First, I suggested asking state politicians to introduce (and get passed) a resolution saying that your state is opposed to any assumption of Federal authority over any plants or animals currently under the jurisdiction of your state. Such a resolution could mention legitimate Federal responsibilities such as import, export, and interstate aspects. It could also be worded to accommodate any Federal agricultural or other subsidy or grant that does not involve any jeopardy to state authorities.

Second, I suggested calling or writing Senator Craig (R-ID), Congressman Hefley (R-CO), Congressman Pombo (R-CA) and Chairman of the House Resources Committee, and Senator Inhofe (R-OK) Chairman of the Senate Environment & Public Works Committee. They should be told that you (your organization?) oppose S. 144 the Noxious Weed Control Act of 2003, H.R. 119 the Harmful Invasive Weed Control Act, and any new legislation that jeopardizes existing state authorities over any plants or animals. I further suggested that they either do the same or send copies to the President and the Secretaries of Agriculture and the Interior as well as their state representatives, Senators, and Governor. Nothing gets politicians and bureaucrats more attentive than seeing that other decision makers are being confronted with serious citizen concerns based on real knowledge.

I offered any help I could provide to any state politicians or the EWA. I make the same offer to you. If you consider these things worth trying, let me know if I can help and I will do my best. The sooner we get things like this underway and also begin to get our organizations back to representing us to Washington instead of the other way around, the better. National Cattlemen's Beef Association, the National Rifle Association, the Wildlife Management Institute, Ducks Unlimited, National Trappers Association, and the Sport Fishing Institute are examples of organizations who are either acquiescing to Federal Invasive Species authority or silent. Others like The Nature Conservancy, Wildlife Federation, Wilderness Society, and the Natural Resources Defense Council either stand to benefit from Federal Invasive Species largesse or are fronting for more radical environmental and animal rights groups waiting to file Invasive Species lawsuits for all sorts of mischief and harm. We need to TELL our organization, just like our politicians and state employees that we oppose Federal Invasive Species authority. Then we need to ASK them to vote, lobby, and publish articles that support solutions to any plant and animal problems utilizing the state and Federal responsibilities laid out in our Constitution.

State employees are a special concern. The state fish and wildlife agencies are your front line in these matters. They implement state policies and inform state politicians of threats to state responsibilities. As long as they slant their reports to state government officials strictly in terms of getting more money, it is impossible for state government officials to understand what the threat is and what must be done to prevent it. The fact that the state agencies' Washington lobby group, the International Association of Fish and Wildlife Agencies gave a tepid endorsement of

Federal Invasive Species authority at recent Congressional Hearings is a disgrace to anyone familiar with and supportive of Constitutional responsibilities. State employees and state administrators need to know that you oppose Federal Invasive Species authority and that you are speaking with their political bosses to insure that their agency opposes any new Federal authority over plants and animals at the expense of state authority.

I have just begun reading a book that you may find worthwhile. *INVASION BIOLOGY Critique of a Pseudoscience* by David I. Theodoropoulos (2003 Avvar Books 15245 Broadway Street, Blythe, California 9225) is an excellent examination of all the fallacies and hidden agendas swirling in the Invasive Species propaganda that seems to be everywhere. Anyone looking for a more in-depth analysis of ecosystem change and management will not be disappointed.

Finally, on Wednesday 21 May 2003 I was interviewed by the Alabama Forest Owners Association about Invasive Species. I spoke for about 3.5 minutes in answer to two questions. 1.) Why am I concerned about Federal Invasive Species legislation, and 2.) What do I recommend we do about Invasive Species. I was # 7 of 8 persons interviewed on various topics of interest to Alabama Forest Landowners.

You can listen to the interview on their website, Capital Ideas Live www.alabamaforestowners.com/CILive/CI030521.htm

If you have any questions about the interview, I will be glad to answer them and if you enjoy the site, be sure and let the Alabama Forest Owners know about it.

Jim Beers

17 June 2003: - Invasive Species Update #11

I testified this morning before the Senate Environment and Public Works Committee, Subcommittee on Fisheries, Wildlife & Water. There were a dozen witnesses in favor of the National Aquatic Invasive Species Act of 2003 (S.525) and I was the lone witness opposing the bill.

This bill defines "Invasive Species" so broadly that it includes any plant or animal that "degrades" the "aesthetic" environment or is somewhere it wasn't "historically." This would include (as only a few examples) brown trout, inland and west coast striped bass, most rainbow trout, muskies and walleyes south of the Mason Dixon line, largemouth bass in the west, lake trout out west, salmon and alewives and brown trout in the Great lakes etc.

The Federal government would really take over management of the aquatic habitats of "estuaries and inland waters and wetlands." This of course would, just like the Endangered Species Act, transfer management authority from the state to the Federal government.

The definitions of “harm” are so broad that the environmental/animal rights lawyers will have a field day adding plants and animals* to the Invasive Species List. *This law states (as the Endangered Species Act did not) that any group of plants or animals from species to subspecies to races to populations, varieties, population fragments, stands, flocks, herds, whatever that is “harmful” can be fodder for bureaucrats and others to do to property owners, fishermen, etc. what the Endangered Species Act has been increasingly doing across this nation.

Under the “need” to control ballast water discharge (the technology needs at least 10 years of research according to the General Accounting Office) this bill would regulate ALL plant and animal imports since the word “aquatic” mysteriously disappears in this section. Essentially the Director of the US Fish and Wildlife Service would wield the power of the President’s Cabinet Secretaries and effectively stop all importation of plants and animals. If anyone came near reaching the impossible hurdles proposed for permission to import, an environmental or animal rights law clerk could tie it up in the courts long enough for the applicants to expire. Thus assuring no importation or export could or would be possible.

Last but not least the proposed penalties would make the Gulag Archipelago seem like child’s play. Two sections call for a Class C felony (10-25 years) for knowing violation. Think about that! It gets even better, one of those Class C felony penalties is for violating the REGULATIONS written under the Law. Now you can’t even begin writing regulations until a law is passed and signed by the President. Further, no one has the foggiest idea of what the regulations would even look like, much less how the agencies like the US Fish and Wildlife Service will tweak and stretch them over time like they have the Endangered Species Act regulations.

Everyone from the sponsor (Senator Levin of Michigan, a state that would get the lion’s share of dollars) to all the Federal agencies (5) to the Vermont Invasive Species Coordinator and The Nature Conservancy all gushed about one invasive species horror story after another and how only more Federal authority and Federal spending could save our environment. All the exaggerations and denial of any benefits for species after species was pretty disgusting. When asked what “historic range” means, no one could answer but one agency said they would try to answer later in writing. When asked about rainbow trout, the bureaucrats saw that Senators like rainbows so they were assured that there is a Federal definition (at an unspecified location) that would exclude them from any invasive list. (The bill language would clearly include them.) When asked about “escaped farm salmon” in the Pacific, the bureaucrats could tell a Senator was concerned so certainly the bill would include them as “invasive.”

Where were the fishing organizations? They must be in favor. Where were the state fish and wildlife agencies? Their only representative could have been a Federal or hopefully-Federal-one-day bureaucrat. Where were the boaters, trappers, duck hunters and other aquatic habitat users? Where were the public land aquatic habitat users from hikers to horseback riders and others? Where were the fish and aquarium hobbyists and importers? Where were the florists whose aquatic plants will be severely limited? Where were landscapers and ranchers and loggers? Just as with the Endangered Species Act and Marine Mammal Protection Act, those to be harmed the most, are oblivious and paying dues to people who represent these things as “trains” that “can’t be stopped.” Once again their organizations represent Washington to their people instead of their

people to Washington. The spouse of one of the top Federal bureaucrats pushing Invasive Species even represents one of these groups in Washington.

Mention this or give a copy of it to your friends that fish or have any connection with aquatic habitats and tell them to tell their Senator and Representative that they oppose the National Aquatic Invasive Species Act and any new Federal authority over Invasive Species. Also tell US Senator Crapo (ID) the Chairman. Tell Subcommittee members like Senators Warner (VA), Allard (CO), Murkowski (AK), Jeffords(VT), and Inhofe (OK) who is the Committee Chairman and the most powerful Senator over this matter

The price of liberty and a bountiful environment is constant vigilance and a willingness to fight for both.

30 July 2004: - Invasive Species Update #12

It has been exactly one year and two weeks since I wrote an Invasive Species Update. Those earlier Updates are available at: <http://www.allianceforamerica.org/bb/viewforum.php?f=91>

The subject of Invasive Species has been mentioned innumerable times in many of my articles since then but this Update is meant to be a general summary of the topic over the past year.

Invasive Species is a generic term that covers a “multitude of sins.” To some legislators it is birds that arrived here “after 1918.” To some professors it is plants and animals they say were in North America “before 1492.” To other professors it is plants or animals they say did not occur in a certain area (County?, State?, valley?, etc., etc.) “before 1776.” To a graduate student/raft guide in Montana it is plants and animals in Montana “before the arrival of Lewis and Clark.” Whatever your source, be reminded that it is all nonsense meant to justify an expansion of Federal power, Federal employment, University grants, Federal budgets, and government control of property that will dwarf anything you have seen to date.

Our Constitution gives State governments jurisdiction over all the plants and animals within their state. The Federal government is legitimately charged to prevent the entry into the United States of plants and animals HARMFUL to the environment or the interests of citizens. Additionally, interstate controls of HARMFUL plants or animals is also a legitimate Federal role. An unforeseen development, as far as the Constitution goes, is the recent activist role of the Federal government as the largest landowner in the United States. Increasingly the Federal landowner role is independent of and superior to State governments.

Where does the concept of “Invasive Species” come from? Hitler planned to restore “pre-Roman” plants and animals in Germany. The origins, arrival dates, and effects of new plants and animals have long been a legitimate subject of University study for effects and models. Urban residents and some political activists equate a “Native Ecosystem” with clean air and pristine conditions; this contrasts (in their minds) with “Invasive” or “Non-Native” plants and animals with “pollution” or “contamination” or unhealthful conditions. These latter political realities are responsible for Federal bureaucrats and University professors and a gaggle of Non-Government-

Organizations (NGO's) that runs the spectrum from Ducks Unlimited to Greenpeace seeing an opportunity to get government funding and grow government power that they would use for their own purposes.

Over the past decade Federal bureaucrats have inserted the phrase "Invasive Species" in every proposed legislation, land unit plan, newsletter, Annual Report, communication, and conversation possible. The same University professors that have benefited so much from Endangered Species cooperation with Federal bureaucrats wax poetic about "Invasive Species" and "Native Ecosystems" as important entities unto themselves. Established plants and animals are and should remain under the jurisdiction of state governments. One need only look to the myriad abuses by the Federal government under the Endangered Species Act to know why this is true. Setting aside the trivia about kudzu or brown trout or pheasants or poison ivy never forget **THERE IS NO JUSTIFICATION FOR THE FEDERAL GOVERNMENT TO SEIZE AUTHORITY OVER ANY PLANTS AND ANIMALS FROM STATE GOVERNMENT.** Once they establish jurisdiction over "Invasive Species" the rest of the argument is moot. Species will become subspecies will become races ad nauseam. Private property will carry all the rights and privileges of Zimbabwe farms. Federal budgets will promise Manhattan projects and deliver a Washington, DC water treatment system. Federal controls of development, home sites, pets, human movements, etc. will be the envy of 1930 Soviet Commissars or 1950's Chinese Communists.

The Federal government has NOT controlled HARMFUL species on their own lands. Already, as National Parks close heavily used Virginia highways and necessary North Carolina trails while failing to pay the equivalent of taxes and claiming billions of dollars of "backlog needs" (like National Forests, National Wildlife Refuges, and BLM lands); and as they buy ever more units each year and plan for an additional surge of land buying; they push a Federal agenda of "Invasive Species" that will cost billions more and do nothing for anyone but Federal bureaucrats and those who cooperate with them. HARMFUL species of plants and animals should be controlled by landowners (including the Federal government) under State auspices. The Federal role today is to manage their own lands and cooperate with State governments to assure a healthful and productive environment for all. None of this has prevented the Federal bureaucrats from inserting the phrase "Invasive Species" in every nook and cranny in hopes of establishing a precedent and thereby a Federal role.

Here are a few of these attempts in the past year:

Senate Bill 525 (Aquatic Invasive Species) attempted to establish the concept of "prove no harm" before any plant or animal could be imported. This is an impossible approach as was proved in Australia. It is meant to debilitate the commercial import of plants and animals. It is intended to be a model for seeds and terrestrial species.

Senate bill 144 was modified from an Invasive Species Bill to a "Noxious Weed Control Act. When confronted with the argument of what "Invasive" has to do with wanting to control "Harmful" or "Noxious" plants, there is no counter argument. Senator Craig of Idaho and Congressman Pombo of California earned a debt of thanks from all of us for their understanding and integrity here.

Senate Bill 536 (National Invasive Species Council Act) points up the difficulty we have before us. This Council is merely a central point for bureaucrats, agencies, NGO's, and Universities to coordinate legislative proposals and schemes to codify a Federal role where none exists or should exist. It should be eliminated before it further diverts the Federal government from it's lawful role and creates a Federal power we will all regret.

House Bill 4114 (Exempting Non-Native Birds from the Migratory Bird treaty Act.) This soap opera of mute swans, pelicans, cormorants, resident Canada geese, fisheries, and the Chesapeake bay will be covered in a subsequent article on Invasive Species & Migratory Birds.

Increasing reference to the Global Invasive Species Programme (GSIP) is used as justification for more Federal authority when wording is questioned. GSIP is a branch of the International Union for the Conservation of Nature (IUCN), a UN-recognized body composed of over 750 NGO's and 100 government agencies. These are the same folks we aimed to please with the Endangered Species Act. If taking without compensation, forced introduction of harmful animals, and loss of property rights mean anything to you, this connection should send chills up your spine.

There is no science behind any of this. Bureaucrats and professors see money and power. IUCN and UN bureaucrats see power over Americans whom they believe should be more like Europeans. States and some groups like Cattlemen see short term funding from the Federal government like that donkey with the carrot dangling before his nose in the old silent movies. NGO's see additional avenues to kill hunting and fishing and Federal land access. Political candidates, Secretaries of Federal Departments and Agencies see this as an opportunity to proclaim their "sensitivity" and willingness to "help" the environment as appreciated by urban residents that will be largely (except for their tax bill) unaffected. Sound familiar?

Next up will be an article on where all this is going.