

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF LEGAL COUNSEL  
WASHINGTON, D.C. 20530**

**FACSIMILE TRANSMISSION SHEET**

DATE: 9/17/98

TO: MAC REED

OFFICE PHONE: (202) 395-3563

FROM: JAMIE ORENSTEIN

OFFICE PHONE: (202) 514-3658

NUMBER OF PAGES: 12 (NOT INCLUDING COVER SHEET)

FACSIMILE NUMBER: (202) 395-7294

**REMARKS:**

MAC -

ROSEMARY HAD TO GO BEFORE REVIEWING THIS. I'LL LET  
YOU KNOW TOMORROW (1) IF SHE HAS ANY CHANGES +  
(2) IF DOJ WANTS W ON THE COUNCIL

- Jamie

DRAFT  
9-8-98  
4:30 PM

Executive Order

INVASIVE SPECIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.), <sup>as amended</sup> Lacey Act (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa et seq.), <sup>of 1974 as amended</sup> Federal Noxious Weed Act (7 U.S.C. 2801 et seq.), Endangered Species Act of <sup>as amended</sup> 1973 (16 U.S.C. 1531 et seq.), and to prevent the introduction of invasive species and provide for their control, and to minimize the economic, ecological, and human health impacts which invasive species cause, it is ordered as follows:

Section I. Definitions.

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

(b) "Control" means, as appropriate, eradicating, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(c) "Ecosystem" means the complex of a community of organisms and its environment.

(d) "Introduction" means the intentional or unintentional escape, release, dissemination or placement of an alien species into an ecosystem as a result of human activity.

(e) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(I) "Native species" means, with respect to a particular ecosystem, a species that is native to that ecosystem, or a species that has been introduced to that ecosystem, but which has become established in that ecosystem.

003

than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(g) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(h) "Stakeholders" means, but is not limited to, state, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental and conservation organizations, and commercial interests.

(i) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, all possessions and territories, the waters of the United States and the Exclusive Economic Zone.

Sec. 2. Federal Agency Duties. (a) Each Federal agency whose actions may affect the status of invasive species shall:

(1) identify such actions;

(2) subject to the availability of appropriations, use relevant programs and authorities to:

(i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) to the extent permitted by law, not authorize, fund or carry out any action which it believes is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines which it has prescribed, the agency has determined and made public its determination that the benefits of such action clearly outweigh the potential harm caused by invasive species; that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the action; and, in cases of export for the purpose of introducing invasive species into ecosystems outside the United States where they are not native, that the importing country has, in addition, given prior informed consent.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with

UCR  
ANALYST  
P. 10/10

the Invasive Species Council established by section 3 of this order and in cooperation with stakeholders as defined in section 1 of this order, as appropriate, and, as approved by the Department of State, with international organizations and foreign nations.

Sec. 3. Invasive Species Council. (a) An Invasive Species Council ("Council") is

hereby established whose members shall include the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of State, the Secretary of Transportation, the Secretary of Treasury, and the Administrator of the Environmental Protection Agency. The Council shall be co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the co-chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

\* Re-ORDER LIST

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders as defined in section 1 of this order. Among other things, the advisory committee would recommend plans and actions at local, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The Advisory committee would act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

Sec. 4. Duties of the Invasive Species Council. The Invasive Species Council

established by section 3 of this order shall provide national leadership regarding invasive species, and shall:

- (a) oversee the implementation of this order and that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient and

[WORD(S) MISSING HERE: PLEASE PERFORM YOUR REASONABLE EFFORTS TO ENSURE?]

effective, relying to the extent feasible and appropriate on existing organizations  
addressing invasive species, such as the Aquatic Nuisance Species Task Force, the  
Federal Interagency Committee for the Management of Noxious and Exotic  
Weeds, and the Committee on Environment and Natural Resources;

- (b) encourage planning and action at local, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;
- (c) develop a comprehensive approach for international cooperation in addressing invasive species;
- (d) develop, in consultation with the Council on Environmental Quality, guidance to federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use and maintenance of ~~Native~~ species;
- (e) develop a process to document, evaluate, and monitor impacts from invasive species on economics, the environment, and human health;
- (f) establish and maintain a coordinated, up-to-date, Internet-based network facilitating access to and exchange of information concerning invasive species, including but not limited to information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental and human health impacts; management techniques, and laws and programs for management, research and public education; and
- (g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

**Sec. 5. Invasive Species Management Plan.** (a) Within eighteen months after issuance of this order, the Council shall prepare and issue the first edition of a national Invasive Species Management Plan ("Management Plan") which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for

carrying out each of the federal agency duties set forth in section 2 (a) (1), (2) and (3) of this order and shall set forth steps being taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders as defined in section 1 of this order.

(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing <sup>the</sup> introduction of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall include a science-based process to evaluate risks associated with introductions of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the agencies legislative proposals for necessary changes in authority.

(c) The Council shall update the Management Plan annually and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each five years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

Management Plan

of the Executive Branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its

agencies, its officers, or any other person. Executive Order 11987 on Exotic Species (May 24,  
<sup>21</sup>1977) is hereby revoked.

THE WHITE HOUSE,

## Fax Transmission

### United States Department of the Interior Science Advisor to the Secretary

FROM: William Y. Brown <sup>Bill</sup> Tel: 202-208-4177 Fax: 202-219-0229  
DATE: September 18, 1998 Pages: 2

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TO: Mac Reed, OMB Fax: 202-395-7294  
Dinah Bear, CEQ Fax: 202-456-0753

SUBJECT: Comments on the Draft Invasive  
Species Executive Order

The Department of the Interior strongly supports issuance of the revised draft order circulated to us by Robert G. Damus by memorandum dated September 14, 1998. We suggest that the following revisions be made to strengthen what is already an excellent text:

1. Section 1(e). We suggest replacing "is likely to" with "has the potential to" in the definition of invasive species. The Fish and Wildlife Service is concerned that proving harm is "likely" may be difficult, and our suggestion would create a somewhat more flexible standard.
2. Section 1(g). We suggest adding "private landowners" to the definition of stakeholders. Invasive species are a critical issue to many private landowners; and we believe that it would be appropriate to recognize this in the order.
3. Section 2(a)(2). We suggest replacing "appropriations" with "funds" in the first line of this subsection. Our bureaus have noted that they often undertake projects on invasive species using donated funds, and this revision would recognize that funds may be available for use even though not appropriated.
4. Section 2(a)(3). We understand that the Department of State and Department of Agriculture may object to the requirement of "prior informed consent" in the draft order, which was recommended by EPA. We have no objection to deletion of this requirement.

However you should appreciate that we consider the phrase "or elsewhere" in line 3 of section 2(a)(3) to be critically important to international environmental leadership by the Administration on this issue, and that our opinion of any revisions to the export restriction in lines 6 to 8 of section 2(a)(3) is predicated on adoption of the more general policy concerning international environmental impacts that is contained in the term "or elsewhere." You should also note that whereas the requirement of prior informed consent would be new, the export restriction which it refers to is a continuation of the policy in Executive Order 11987.<sup>1</sup>

5. Section 4(a). We suggest inserting the word "assure" between "and" and "that" in the first line of this subsection. Without such a term the sentence would be ungrammatical.
6. Section 5(b). We suggest inserting the word "any" between "with" and "introductions" on line 7. The intent in formulating this text has been to have a system applicable to all introductions, but without this insertion the text could be read to refer to more generic measures.

Please call if I can be of additional assistance.

cc Hazel Wilson .

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Executive agencies shall, to the extent permitted by law, restrict the use of Federal funds, programs, or authorities used to export native species for the purpose of introducing such species into ecosystems outside the United States where they do not naturally occur. Section 2(c), E.O. 11987 (1977).

September 18, 1998

FAX to: Mac Reed, OMB, Office of General Counsel  
Fax Number 395-7294

From: Jim Nelson, EPA, Office of General Counsel  
Telephone 260-5340

4 pages including cover



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 18 1998

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: EPA Comments on September 8, 1998, Draft of Executive Order on "Invasive Species"

FROM: James C. Nelson *JCN*  
Associate General Counsel  
Cross-Cutting Issues Law Office (2322)

TO: Robert G. Damus  
General Counsel  
Office of Management and Budget

On behalf of the Environmental Protection Agency, I am providing comments on the September 8, 1998, draft of an Executive Order on "Invasive Species" which came from your office for review on September 14. We appreciate that many of our comments on the previous version of this Order sent around in May were addressed in this redraft. We also appreciate the opportunity to provide further comments on this new draft.

We have no significant issues on the Order as redrafted. We do have some smaller comments and editorial suggestions which are reflected in the attached document which shows our recommended changes by highlighting new language in bold and language to be removed in *strikeout* and by providing explanations in *italics*.

Thank you for considering these comments. If you have any questions or would like to discuss our comments, please call Michael Winer at (202) 260-7614 or me at (202) 260-5340.

Attachment

cc: Mac Reed

COMMENTS ON 9/8/98 DRAFT EXECUTIVE ORDER  
"INVASIVE SPECIES"

1. In introductory text:

ok ... "Federal Noxious Weed Act (7 U.S.C. 2801 et seq.), and Endangered Species Act..."

2. In definition of "Introduction:"

"(d) "Introduction" means the intentional or unintentional escape, release, dissemination or placement of an alien species into an ecosystem as a result of human activity."

*[whenever "introduction" is used in the order, it is followed by words identifying what is being introduced (for example, definition of "Invasive species"); in addition, in at least one usage "introduction" is used in the context of native species (see definition of "Native species"); therefore use of "an alien" in the definition is either redundant or contradictory]*

3. In Sec. 2. Federal Agency Duties.

ok "(a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent permitted by law:"

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"(3) to the extent permitted by law, not authorize, fund or carry out..."

*["to the extent permitted by law" should modify all the subparagraphs in (a) rather than just (3); for example, (2) refers to "use relevant programs and authorities"]*

4. In Sec. 3. Invasive Species Council.

ok "(a) ....the Secretary of the Treasury..."

"(b) ...the advisory committee would recommend plans and actions at local, tribal, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The Advisory Committee would act ..."

*[it is important to give recognition to tribes separate from local and state in the order, as in the definition of "Stakeholders"]*

5. In Sec. 4. Duties of Invasive Species Council.

"(b) encourage planning and action at local, tribal, state, regional, and ecosystem..."

*[see comment above]*

"(d) ...the procurement, use and maintenance of nNative species,"

*[terms are generally not uppercase]*

"(e) ... monitor impacts from invasive species on the economy, economics, the environment..."

*["the economy" seems a better term]*

6. In Sec. 5. Invasive Species Management Plan.

o/c -  
OMB

"(b) ...If recommended measures are not authorized by current law, the Council shall develop and recommend to the President to the agencies legislative proposals for necessary changes in authority."

*[The Council is made up of the Secretaries of the various agencies; it doesn't make sense to have them recommend legislative changes to themselves. If the President is not the right one, how about OMB?]*

7. In Sec. 6. Judicial Review.

"...Executive Order 11987 on Exotic Species (May 24, 1977) is hereby revoked."

*[need to close parentheses]*



Christine L. Nolin  
09/17/98 12:56:23 PM  
.....

Record Type: Record

To: McGavock D. Reed/OMB/EOP@EOP  
cc: Janet E. Irwin/OMB/EOP@EOP  
Subject: Invasive Species EO

OK

Mac, I don't see the language I thought we agreed to at the last meeting that would tie the actions of federal agencies back to the plan. It has part of the process, where in Sec. 5 agencies are required to implement the plan's recommendations or report why. But we also need to tie the plan to the federal agency duties section, Sec. 2. I suggest amending 2(b) to read "Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council established by section 3 of this order, and, upon its completion, consistent with the Invasive Species Management Plan required by section 5 of this order, ...

SEP 22 '98 01:48PM

P.1/3

### Office of General Counsel

U.S. Department of Transportation

400 Seventh Street, S.W.

C-40, Room 10100

Washington, D.C. 20590

Telephone: (202)366-4687

Telefax: (202)366-7153

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TO: MAC REED

FROM: TRISHA BLUMENTHAL

FAX #:

Number of pages (including this page)	3
DATE AND TIME	9/22/98 1350
DATE COMMENTS / RESPONSE (IF ANY) ARE DUE	

Remarks:

*E.O. on invasive alien species  
Original is being sent by messenger*

SEP 22 '98 01:48PM

P.2/3



U.S. Department of  
Transportation

General Counsel

400 Seventh St., S.W.  
Washington, D.C. 20590

September 22, 1998

The Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Lew:

This is in response to your request for the views of the Department of Transportation (DOT) on the proposed Executive Order on invasive alien species. The Department supports the proposed Order's objectives of reducing the risk of introduction and spread of invasive alien species through a coordinated program of Federal, state and local activities, and has undertaken a number of efforts related to reducing invasive species risks. However, DOT identified several serious concerns with the Order's broad imposition of duties on Federal agencies, identified in my letter of July 1, 1998. Although we note the revisions to the proposal since the earlier draft, we have several continuing concerns.

Section 2 lists Federal agency duties to prevent the introduction and spread of alien invasive species. These duties appear to take effect immediately upon issuance of the Order. DOT believes that a more effective approach would be to impose the agency duties in executing their responsibilities under the management plan required in paragraph 5. Most Federal responsibilities would then come into effect after the plan is developed and adopted and species of concern are identified, and agencies have developed guidance. Agency efforts can be coordinated and therefore more effective.

Section 2(a)(3), would impose a duty on Federal agencies to prevent the introduction and spread of invasive alien species by restricting the use of funds, programs and authorities. While the draft section now addresses some of our earlier concerns, it would be particularly burdensome if it would require agencies to restrict Federal funds, programs, and authorities before a management plan is in place. DOT would continue to have serious concerns about section 2(a)(3) if our recommendation to carry out its requirement as part of implementing the management plan is not adopted.

In Section 5(b), we suggest that identification of a common list be specifically cited as a responsibility of the Management Plan. We believe that it is important that agencies use a common list of species of concern, identified in a science-based process.

Recommended changes are enclosed. We appreciate the opportunity to review the proposed Executive Order.

Sincerely,

*Rosalee A. King*  
Nancy E. McFadden

Enclosure

Director  
Reviewed

att  
N. (encl.)

SEP 22 '99 81:45PM

P. 3/3

Department of Transportation  
Comments on Invasive Species Executive Order

Section 2:

01/20/01  
See edit

After "(a)" insert: "In executing their responsibilities under the Management Plan developed pursuant to section 5 of this order,".

NA N110,  
But could  
live with  
(need)

In the chapeau of subsection (a), after "status of invasive species shall" insert: ", to the extent feasible and permitted by law".

In ¶ (2), after "availability of appropriations," insert: "and to the extent consistent with program responsibilities,".

Section 4:

2/1/01

In subsection (a) insert "see" before "that the Federal agency activities".

Section 5:

ck

In the second sentence of subsection (b), insert "(1)" before "a science-based process"; insert "identify and list invasive species" before "evaluate risks"; and insert "(2)" before "a coordinated and risk-based".

Not in the  
From

In subsection (c), revise the beginning of the first sentence to read: "The Council shall periodically update the Management Plan and evaluate and report ...".



United States Department of State

Washington, D.C. 20520

OFFICE OF LEGISLATIVE AFFAIRS (H)

LEGISLATIVE REFERENCE UNIT

Telephone # (202) 647-4463

FAX # (202) 647-4462

DATE 9/18

Please Deliver the Following Pages TO:

Name: Mac Beed

Office: \_\_\_\_\_

Telephone # \_\_\_\_\_ Fax # \_\_\_\_\_

Number of Pages Including Cover: 3

This Fax is From:

Name: Vanessa

Office: \_\_\_\_\_

Telephone # \_\_\_\_\_ Fax # \_\_\_\_\_

ACTION REQUESTED:

CLEARANCE: \_\_\_\_\_

INFO ONLY: \_\_\_\_\_

URGENT: \_\_\_\_\_

PER YOUR REQUEST: \_\_\_\_\_

COMMENTS: Invasive Species

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SUBJECT: Department of State Comments on Invasive Species Executive Order.

This version of the E.O. has been significantly changed from the May 22 draft, for which we submitted comments on June 23.

The Department of State cannot support Section 2 as drafted. The Section mandates a series of Federal Agency Duties which suggest that concerns about invasive species take precedent over all other government concerns, including, for example, drug trafficking, shipping, aviation agreements, international assistance, including disaster assistance, and military activities. This Section goes well beyond a reasonable scope for the immediate duties of federal agencies and mandates the immediate implementation of concepts and mechanisms which we cannot support related to determination of costs and benefits of action, development and implementation of guidelines, and control of exports through prior informed consent regimes. State's initial reaction was that the drafters should revert to the May 22 draft and it's overall approach (with agency comments) and language, but on reflection we are questioning, given the scope of activities proposed in this draft, whether a detailed section on federal duties is workable or appropriate, prior to undertaking the work of the Invasive Species Council. In fact, it appears the Section pre-empt's much of the work proposed for that Council.

The State Department supports the creation of an Invasive Species Council, which should identify specific areas of concern, such as known invasive species and pathways for their introduction, as well as potential remedies. In this connection, the Council should identify current federal efforts to address invasive species as well as areas where more work needs to be done in the immediate and long term. Section 4(c), which deals with international cooperation, should be re-worded to read: "Develop recommendations for international cooperation in addressing invasive species." With respect to Section 4 (d), we note that, while we support efforts to encourage the use of native species, the "procurement, use, and maintenance" element seems out of place.

With respect to the Management Plan we believe the more flexible language of the May 22 draft, which included "where feasible" in the Chaparral should used. There is

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confusion between the concepts of measures to be taken and "measures of success for federal efforts;" we think the former is appropriate and the latter unhelpful. We also note that we cannot endorse 5(a) and its reference to Section 2 until concerns over Section 2 are resolved. With respect to Section 5 (c) we do not think the E.O. should mandate an annual update of the plan. This may not be necessary or cost effective. In addition, we do not support the second to last sentence of that sub-paragraph.

WNT

OK

with file



# FAX TRANSMITTAL

DATE: 9/23/98  
TIME: 12:40

TO: Mac Paed  
OMB - General Counsel's Office  
FROM: Michael Pa  
USDA, OBPA RM 118-E

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET : 8/1

RECIPIENT'S FAX NO.: (202) 395-7294

RECIPIENT'S TELEPHONE NO.: (202) 395-3563

COMMENTS: Official USDA comments on the proposed Executive Order "Invasive Species"

**NOTE: IF YOU DONT RECEIVE ALL OF THE PAGES PLEASE CALL AS SOON AS POSSIBLE**

OUR TELEPHONE NO.: (202) 720-1272

OUR FAX NO.: (202) 690-3673

SEP 23 '98 12:39PM USDA-OBPA/LRAS 2026903673

P.2

Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Jack:

This is in response to the September 14, 1998, request from your office concerning the views of the Department of Agriculture (USDA) on the proposed Executive Order entitled "Invasive Species". USDA supports an Executive Order that establishes a Council to identify issues not already being addressed within the existing programs and authorities of each agency, and USDA appreciates the opportunity to participate in efforts to address those issues.

The Council also will be instrumental in ensuring better coordination and more efficient use of resources directed toward activities that are occurring simultaneously in more than one agency. USDA also believes the establishment of a subcommittee to include States, scientists, agricultural interests, fish and wildlife groups, and other interested parties will provide a positive framework for the exchange of information and expertise, and the development of recommendations for the Council.

However, USDA is concerned that significant changes have been introduced in the Executive Order draft of September 8, 1998, and includes changes to sections that were carefully negotiated and agreed to in the draft of May 22, 1998, in particular the collaborative nature of the proposed Council. USDA wants to ensure to the extent possible that the charter of the proposed National Council is focused and achievable.

Specific Comments on Text:

Invasive Species - title of the Executive Order

USDA is pleased the title of the Executive Order has been changed to "Invasive Species".

Introduction-

There are other statutory authorities which can deal with invasive species issues, a general inclusion statement would be all encompassing.

Recommendation: Additional wording after Endangered Species Act of 1973.... *"and other pertinent statutes."*

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the..... Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) *and other pertinent statutes*, and to prevent the introduction of invasive species.....

Section 1. Definitions

(a) "Alien Species" Since "alien species" has been removed from the title, and does not appear in the text of the Executive Order, there is no need for the term "alien species" in the definitions. The definition of "invasive species" should be amended to add the concept of being *"nonnative to the United States"*. Therefore, we recommend deleting the definition of "alien species" from the Executive Order and revising the definition of "invasive species" to read as follows:

means a species which is *nonnative to the United States, including its seeds, eggs, spores or other biological material capable of propagating that species*, whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(b) "Control." We recommend adding the term "suppressing" after "eradicating" in the first line of the definition of "control", because the word "suppressing" is the more commonly used term for activities with insects and diseases. This change would make the list of activities under the definition of control all inclusive of the taxa involved. As amended, the definition of "control" would read as follows:

"Control" means, as appropriate, *eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.*

OK ..

Need for

1(d)

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see Bill

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(c) "Ecosystem." We believe the definition of "ecosystem" is too broad. As defined in the Executive Order it could encompass a woodlot or the entire tropical rainforest equatorial region. We recommend the definition be clarified by inserting "defined" before "complex". By restricting the term, agencies can set the limits or scale of the ecosystems they are working with.

No. 1000  
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to 1000

(d) "Introduction." In the definition of "introduction" the phrase "as a result of human activity" appears to be unduly narrow and restrictive and could lead to futile and burdensome inquiries into "how" a particular nonnative species came to be present in an ecosystem. Therefore, we recommend replacing "alien" with "nonnative" and deleting "as a result of human activity". As amended, the definition would read as follows:

No

"Introduction" means the intentional or unintentional escape, release, dissemination or placement of an ~~nonnative~~ species into an ecosystem-as-a-result-of human-activity.

(h) "Stakeholder." In the definition of "stakeholder" the term "other commercial interests" does not adequately describe or give recognition to the agricultural or other industry groups, whereas conservation and environmental organizations are specifically mentioned. Therefore, we recommend inserting the terms "agricultural", and "trade groups" in to the definition. As amended, the definition would read as follows:

"Stakeholders" means but is not limited to, state, tribal and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, *agricultural* and conservation organizations, *trade groups* and other commercial interests.

OK

Section 2. Federal Agency Duties.

To Amend

(a)(1) This provision is redundant and unclear. It is unclear to whom the agencies are supposed to identify their action, and it is redundant in that the management plan calls for the specific detailed recommendations of performance-oriented goals and objectives and specific measures of success for Federal efforts concerning invasive species. Therefore, we recommend that section 2(a)(1) be deleted.

(a)(2) We strongly recommend the original agreed-upon wording in the May 22 draft be restored. The May 22 draft of this provision was the result of a great deal of

discussion and negotiation. While it was agreed that prevention of introductions is our ultimate goal, it is an unattainable one and, as currently drafted, implies zero tolerance. Therefore, we recommend the substitution of the phrase "to reduce the risk of introduction of invasive species" for "prevent the introduction of invasive species".

?  
earlier draft says prevent

(a)(2) We believe this paragraph should be amended by adding a clause to provided a specific authorization for the beneficial use of nonnative germplasm. Without such language it would be difficult to import materials and organisms involved in research on biological control mechanisms. This clause should be inserted after clause (v) and should read as follows:

*"(vi) facilitate development of biological control agents and other biologically based management strategies."*

covered by current (vi), but could add.

(a)(3) Other countries already have import/export rules and regulations which are honored by United States trade organizations. Prohibiting actions that allow for exports that other countries are permitting as provided in subsection (a)(3) would overturn all concepts of international standard-setting. USDA is uncertain what this provision would mean in application, but it appears to add a new burden on the export certification process that is unnecessary. USDA emphasizes that existing international agreements that require "prior informed consent" for export of certain products have been carefully developed over many years of negotiation, not only on the process but on the appropriate standards as well. Such development would be necessary before USDA could endorse binding the United States to implementing a new "prior informed consent" protocol for invasive species. Therefore, we recommend revising the paragraph as follows:

(3) to the extent permitted by law, not authorize, fund or carry out any actions which it believes is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines which it has prescribed, the agency has determined and made public its determination and that the benefits of such action clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize the risk of harm will be taken in conjunction with the action. and, in cases of exports of invasive species for the purpose of introducing invasive species into ecosystems outside the United States where they are not native, that the importing country has, in addition, given prior informed consent.

(a)(4) We would recommend the addition of a subsection (a)(4) which would prohibit, to the extent permitted by law, actions to intentionally export invasive species for the purpose of introducing invasive species into ecosystems outside the

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United States where they are not native. This would ensure that the United States is not a "bad actor" in international trade while at the same time should give foreign countries the opportunity to acquire biocontrol agents from the United States.

(b) We believe the use of the term "consulting" in subsection (b) is too restrictive for agencies to be able to continue carrying out their congressionally mandated responsibilities in a timely manner. Therefore, we recommend that "cooperation" be substituted for "consultation".

OK

(b) To require approval by the described groups as provided in subsection (b) is beyond the current process and would impede and preempt current agency authorities. It is unclear what form this consultation and cooperation will take, but if decisions on the issuance of phytosanitary certificates and other actions routinely carried out under existing statutes are subjected to this level of review and consultation, it could have serious consequences for regulatory activities and for international trade. Therefore, we recommend substituting "in coordination with" for "as approved by".

OK by me

Section 3. National Invasive Species Council

We believe there should be cooperation and coordination among the agencies affected by the activities of the Council.

(a) Other departments may feel their inclusion is optional. "Shall" is a stronger term which ensures additional participation. Therefore, we recommend that in the third sentence of subsection (a), the striking of "may" and the inserting of "shall".

NO

(a) We recommend that the last sentence of subsection (a) be revised as follows:

The Secretary of Interior, in consultation with and with the concurrence of the co-chairs, shall appoint an Executive Director and provide the administrative support for the Council and its staff. Each co-chair will appoint up to 2 agency members to act as staff to the Council.

could be done to support by not co-sponsor

(b) We recommend the revision of subsection (b) as follows:

The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act to provide information and advice for consideration by the Council, and shall through a nomination process and approval by members of

in coordination with  
on  
with approval of Council on co-chairs

~~the Council, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders as defined in section 1 of this order.....~~

Section 4. Duties of the Invasive Species Council

(a) The Federal agencies should not be "relying" on interagency organizations, but rather using them in an advisory and coordinating capacity to improve programs and authorities where appropriate or identify problems not already being addressed. Therefore, we recommend amending subsection (a) as follows:

oversee the implementation of this order and that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient and effective, and ~~relying to the extent feasible and appropriate on~~ *coordinate with* existing organizations addressing invasive species,.....

OK  
modified

(c) We believe subsection (c) should allow for a recognition of prior international agreements. Therefore, we recommend adding "consistent with obligations under existing international agreements" at the end of the subsection.

NO

(e) This subsection was originally in the Federal duties section. The Council will not be capable of developing such a process, but should facilitate the agencies in doing so. Therefore, we recommend substituting "*facilitate development of a coordinated network among agencies*" for "develop a process" in the subsection.

OK

(f) An internet-based network needs to provide links to current information systems as well as be expandable for new systems. It is not anticipated that the Council will have the staff expertise nor equipment to maintain such a system and will need to work with agencies to maintain such a network. Therefore, we recommend substituting the phrase "*facilitate establishment of*" for "establish and maintain" in the subsection.

OK

Section 5. National Invasive Species Management Plan.

(a) It is advisable to set a long term timeline to enhance credibility of the National Invasive Species Management Plan with the general public. Therefore, we recommend amending subsection (a) to add a 15 year planning timelines as follows:

Within eighteen months after issuance of this order, the Council shall prepare and issue the first edition of a 15 year national Invasive Species Management Plan.....

Better  
text

The language in the second sentence of subsection (a) would encroach on the responsibilities and authorities of all Departments which are already mandated in existing legislation. It is very close to setting Government Performance and Results Act standards and is better managed at the agency level. Therefore, we recommend substituting "the enhancement of" for "carrying out" in the second sentence of subsection (a).

Not TIL,  
But  
edit OK

(b) The intent of this subsection is not to create a totally new system, but to improve the ones we have to be more efficient and effective. Therefore, we recommend adding "shall continue to"....." to subsection (b) as follows:

See edit

Such recommended measures shall continue to include a science-based process to evaluate risks associated with introductions of invasive species and a coordinated and systematic risk-based process to .....

(c) Since many programs take time to be funded, implemented and produce measurable results, a two year timeframe is sufficient to review the management plan. Therefore, we recommend subsection (c) be amended by striking "annually" and inserting "biennially".

Thank you for the opportunity to comment on this proposed executive order.

Sincerely,

DAN GLICKMAN  
Secretary

Annual  
but  
not bad  
idea

Annual  
Budget  
Biennial  
update



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

GENERAL COUNSEL'S OFFICE  
FAX TRANSMITTAL SHEET

TO: Bill Brown

AGENCY: Interv

TELEPHONE: 202-4177

FAX NUMBER: 219-0229

FROM: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

- | | ROZ RETTMAN 202-395-4778
- | | STEVE AITKEN 202-395-4728
- | ✓ MAC REED 202-395-3563
- | | BESS WEAVER 202-395-3556
- | | CARLA STONE 202-395-9177

FAX NUMBER: (202) 395-7294

DATE: 9-28-98 NO. OF PAGES (INCLUDING COVER): \_\_\_\_\_

COMMENTS:

*Bill,*

*Attached <sup>as</sup> is the revised draft, Department of Defense comments, and a draft memo to the President. I have not yet incorporated any of the Defense comments into the order. You may want to call Dinah and let her know of your views on the Defense comments. I will talk to her tomorrow about the comments and then try to get OMB responses and the order into the White House tomorrow.*

*Please review the order and memo. are they accurate?  
Thank you Max*



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

FROM: Jacob J. Lew  
Director

SUBJECT: Proposed Executive Order Entitled "Invasive Species"

**SUMMARY:** This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of the Interior. The proposed order would direct executive agencies to take certain actions to halt the spread of invasive plant, insect and animal species.

**BACKGROUND:** Invasive foreign animal and plant species are replacing native wild and plant life and causing enormous financial and ecological damage. Estimates of economic harm from the plant, insect, and animal invaders run as high as \$123 billion annually. Among other things, invasive species crowd out nutritious native forage, clog lakes and waterways, undermine fisheries, limit recreation, and corrupt waterpipes. Diverse stakeholders such as the Cattleman's Association and the Wilderness Society are united in the need to address this problem.

The proposed order, therefore, would direct executive agencies to take certain actions to combat invasive species. It would direct those agencies, whose actions may affect the status of invasive species, to: (a) prevent the introduction of invasive species; (b) detect, respond rapidly to, and control invasive species and (c) promote public education on invasive species. It would direct executive agencies not to authorize, fund, or carry out any action which would promote the spread of invasive species.

The proposed order would also establish an interagency Invasive Species Council ("Council"), co-chaired by the Secretary's of the Interior, Commerce, and Agriculture, to provide national leadership regarding Invasive Species. It would direct the Secretary of the Interior to establish a Federal advisory committee to provide information and advice to the Council.

None of the affected agencies objects to the proposed Executive order.

**RECOMMENDATION:** I recommend that you sign the proposed Executive order.

Attachments



DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600



September 28, 1998

MEMORANDUM FOR MAC REED, ASSISTANT GENERAL COUNSEL, OFFICE OF  
MANAGEMENT AND BUDGET

FROM: S.T. BRICK, DIRECTOR, LEGISLATIVE REFERENCE SERVICE,  
DEPARTMENT OF DEFENSE

SUBJECT: Proposed Executive Order Entitled "Invasive Species."

In response to your request for views, the Department of Defense concurs in the draft Executive order subject to the following comments. A copy of our recommended changes is enclosed.

**Sec. 1. Definitions:** Several of the definitions have been significantly modified and expanded from the original draft Executive order circulated for comment in May 1998. At a minimum, the following changes must be made before the Department of Defense can agree to the Executive order.

Sec. 1(e) "Invasive Species" - As originally drafted, the focus of the Executive order was on harm to the United States. The Department of Defense submits the Executive order should remain focused on the United States and would reinsert the words "of the United States" at the end of the sentence, as provided in the May 1998 draft, to be consistent with the legal authorities cited.

Sec. 1(h) "Stakeholders" - This definition was not included in the original draft. As currently worded, the Department of Defense views the definition as overly broad and it would result in an unworkable situation when consultation with "stakeholders" is required by the Executive order. The Department of Defense would therefore delete everything in the definition after the word "agencies" in line two of page 2.

Sec. 1(i) "United States" - The Department of Defense cannot accept an expansive definition of the United States, as currently proposed in the Executive order. The Department of Defense would delete the words "and the Exclusive Economic Zone" at the end of the sentence. A corresponding change is required in line two of the definition, deleting the words "the waters" and inserting the words "and territorial sea".

**Sec. 2. Federal Agency Duties:** The Department of Defense agrees with the Department of State that a detailed section on federal duties is inappropriate and is probably not workable. The Department of Defense would therefore prefer that section 2 be deleted from the Executive order. If section 2 is retained, however, the following changes must be made before the Department of Defense can support the Executive order.



Insert a new preambular phrase before subsection (a), as follows: "Except as provided in subsection (c)."

Sec. 2(a)(3) - Section 2(a)(3), in its use of the phrase "or elsewhere," provides an unworkable situation, particularly for ships at sea. As currently drafted, inclusion of the words "or elsewhere" means that a ship could not dump ballast water on the high seas, which is precisely where ships are expected to exchange ballast water before they come into port. To correct this inconsistency with international standards, the Department of Defense would delete "or elsewhere" in third line of section 2(a)(3).

Not accurate

As currently drafted, section 2 would interfere unreasonably with the movement of military vessels, aircraft, vehicles and personnel. The National Invasive Species Act of 1996 recognizes the unique nature of defense activities by providing that the Department of Defense will implement its own invasive species management program for its vessels. Consistent with the spirit of the 1996 law, the Department of Defense would insert a new subsection (c) at the end of section 2, as follows:

"(c) Department of Defense Activities. Subject to operational conditions, the Secretary of Defense, in consultation with the Invasive Species Council, shall implement a management program to control the spread of invasive species that could result from activities of the Department of Defense."

Not a goal

**Sec. 3. Invasive Species Council:** On page 3, line nine, last sentence of the paragraph, it states that "The Secretary of the Interior shall, with concurrence of the co-chairs, appoint an Executive Director of the Council and shall provide the staff . . ." It would appear more appropriate to have the concurrence of the Invasive Species Council.

Do.T

**Sec. 4. Dupes of the Invasive Species Council:** As currently drafted, section 4 would provide the Invasive Species Council with an unwarranted degree of control over the Department of Defense and other federal agency actions. The following changes are required to correct this overreaching:

Sec. 4(a) - amend the first sentence to read as follows: "monitor the implementation of this order and assist Federal Agencies in ensuring that their activities . . ."

Sec. 4(c) - delete "a comprehensive approach" and insert in lieu thereof "recommendations".

Sec. 4(d) - reword subsection (d) as follows: "develop, in consultation with the Council on Environmental Quality, recommendations to assist federal agencies in addressing invasive species concerns in environmental planning."

Seedit OK

No

Enclosure:  
As stated

DRAFT

9-8-78

4:30 p.m.

Executive Order

INVASIVE SPECIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.), Lacey Act (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 1502a et seq.), Federal Noxious Weed Act (7 U.S.C. 2801 et seq.), Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and to prevent the introduction of invasive species and provide for their control, and to minimize the economic, ecological, and human health impacts which invasive species cause, it is ordered as follows:

Section I. Definitions.

- (a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.
- (b) "Control" means, as appropriate, eradicating, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.
- (c) "Ecosystem" means the complex of a community of organisms and its environment.
- (d) "Introduction" means the intentional or unintentional escape, release, dissemination or placement of an alien species into an ecosystem as a result of human activity.
- (e) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health *of the United States.*
- (f) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.
- (g) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbred only among themselves, and show persistent differences from members of allied groups of organisms.

(2) "Stakeholders" means, but is not limited to, state, tribal, and local government

~~agencies, academic institutions, the scientific community, and governmental entities including environmental and conservation organizations, and commercial interests.~~

(1) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, all possessions and territories, ~~the country of the United States and the Exclusive Economic Zone~~ and territorial sea

~~Except as provided in subsection (c),~~  
Sec. 2 Federal Agency Duties (a) Each Federal agency whose actions may affect the

status of invasive species shall:

(1) identify such actions;

(2) subject to the availability of appropriations, use relevant programs and authorities to:

- (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) to the extent permitted by law, not authorize, fund or carry out any action which it believes is likely to cause or promote the introduction or spread of invasive species in the United States ~~as a whole~~ unless, pursuant to guidelines which it has prescribed, the agency has determined and made public its determination that the benefits of such action clearly outweigh the potential harm caused by invasive species; that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the action; and, in cases of export for the purpose of introducing invasive species into ecosystems outside the United States where they are not native, that the importing country has, in addition, given prior informed consent.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council established by section 3 of this order and in cooperation with stakeholders as defined in section 1 of this order, as appropriate, and, as approved by the Department of State, with international organizations and foreign nations.

(c) Department of Defense Activities. Subject to operational conditions, the Secretary of Defense, in consultation with the Invasive Species Council, shall implement a management program to control the spread of invasive species that could result from activities of the Department of Defense.

[Prefer deletion of section 2 or modify as indicated]

**Sec. 3. Invasive Species Council.** (a) An Invasive Species Council ("Council") is hereby established whose members shall include the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of State, the Secretary of Transportation, the Secretary of Treasury, and the Administrator of the Environmental Protection Agency. The Council shall be co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the <sup>Council</sup> ~~Secretary~~, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders as defined in section 1 of this order. Among other things, the advisory committee would recommend plans and actions at local, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The Advisory committee would act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

**Sec. 4. Duties of the Invasive Species Council.** The Invasive Species Council established by section 3 of this order shall provide national leadership regarding invasive species and shall:

- monitor the implementation of this order and assist*
- (a) ~~A~~ *Federal Agency* oversee the implementation of this order and that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient and *in ensuring that their* effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Woods, and the Committee on Environment and Natural Resources.

SEP-14-1998 16:09

WH/OMB GENERAL COUNSEL

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- (b) encourage planning and action at local, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;
- (c) develop ~~a comprehensive approach~~ <sup>recommendations</sup> for international cooperation in addressing invasive species;
- (d) develop, in consultation with the Council on Environmental Quality, ~~guidance~~ <sup>recommendations to</sup> assist federal agencies in addressing invasive species concerns in environmental planning; ~~and conduct a survey of species, including the prevention, use and maintenance of~~
- ~~invasive species~~
- (e) develop a process to document, evaluate, and monitor impacts from invasive species on economics, the environment, and human health;
- (f) establish and maintain a coordinated, up-to-date, Internet-based network facilitating access to and exchange of information concerning invasive species, including but not limited to information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental and human health impacts; management techniques, and laws and programs for management, research and public education; and
- (g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

**Sec. 5. Invasive Species Management Plan.** (a) Within eighteen months after issuance of this order, the Council shall prepare and issue the first edition of a national Invasive Species Management Plan ("Management Plan") which shall detail and accommodate performance-oriented goals and objectives and specific measures of success for Federal efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the federal agency duties set forth in section 2 (a) (1), (2) and (3) of this order and shall set forth steps being taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders as defined in section 1 of this order.

9-28-99  
16:30

## Executive Order

\*\*\*\*\*  
INVASIVE SPECIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa et seq.), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 et seq.), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and other pertinent statutes, and to prevent the introduction of invasive species and provide for their control, and to minimize the economic, ecological, and human health impacts which invasive species cause, it is ordered as follows:

Section 1. Definitions.

- (a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.
- (b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.
- (c) "Ecosystem" means the complex of a community of organisms and its environment.
- (d) "Introduction" means the intentional or unintentional escape, release, dissemination or placement of an alien species into an ecosystem as a result of human activity.
- (e) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.
- (f) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.
- (g) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(h) "Stakeholders" means, but is not limited to, state, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural and conservation organizations, trade groups, commercial interests and private landowners.

(i) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, all possessions and territories, the waters of the United States and the Exclusive Economic Zone.

Sec. 2. Federal Agency Duties. (a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund or carry out actions which it believes is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines which it has prescribed, the agency has determined and made public its determination that the benefits of such action clearly outweigh the potential harm caused by invasive species; that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the action.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council established by section 3 of this order and consistent with the Invasive Species Management Plan required by section 5 of this order, and in cooperation with stakeholders as defined in section 1 of this order, as appropriate, and, as approved by the Department of State, with international organizations and foreign nations.

Sec. 3. Invasive Species Council. (a) An Invasive Species Council ("Council") is hereby established whose members shall include the Secretary of State, the Secretary of Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency. The Council shall be co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the co-chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders as defined in section 1 of this order. Among other things, the advisory committee would recommend plans and actions at local, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The Advisory Committee would act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

Sec. 4. Duties of the Invasive Species Council. The Invasive Species Council established by section 3 of this order shall provide national leadership regarding invasive species, and shall:

- (a) oversee the implementation of this order and see that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

- (b) encourage planning and action at local, tribal, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;
- (c) develop recommendations for international cooperation in addressing invasive species;
- (d) develop, in consultation with the Council on Environmental Quality, guidance to federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use and maintenance of native species;
- (e) facilitate development of a coordinated network among agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;
- (f) facilitate establishment of a coordinated, up-to-date, Internet-based network facilitating access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental and human health impacts; management techniques, and laws and programs for management, research and public education; and
- (g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

**Sec. 5. Invasive Species Management Plan.** (a) Within eighteen months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan ("Management Plan") which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the federal agency duties set forth in section 2 (a) (1), (2) and (3) of this order and shall set forth steps being taken by the Council to carry out the duties assigned to it

under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders as defined in section 1 of this order.

- (b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introductions of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the agencies legislative proposals for necessary changes in authority.
- (c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each five years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the Executive Branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person. Executive Order 11987 on Exotic Species (May 24, 1977), is hereby revoked.

THE WHITE HOUSE,

## Fax Transmission

### United States Department of the Interior Science Advisor to the Secretary

FROM: William Y. Brown *wyb*      Tel: 202-208-4177      Fax: 202-219-0229  
DATE: September 28, 1998      Pages: 2

---

TO: Dinah Bear, CEQ      Fax:  
202-456-0753

SUBJECT: Suggestions for response to  
DOD's comment on the draft  
invasive species order

1. The definition of "Invasive species" should not be revised to insert "of the United States" at the end of the sentence. The concerns of Defense and State should be dealt with separately. Export of species native to the United States creates a problem in other countries which is the reverse of what is caused by them in the United States and is addressed in the current executive order on exotic species. We should not do less in the new order than currently in place. Furthermore, the draft order would require the new Council to "develop recommendations for international cooperation in addressing invasive species." Both State and Defense support that provision, and making the change requested by Defense would be inconsistent with the usage of "invasive species" in it.
2. The definition of "Stakeholders" should not be revised as recommended. The revision would strike "academic institutions, the scientific community, non-governmental entities including environmental, agricultural and conservation organizations, trade groups, commercial interests and private landowners." These are the key players with whom federal agencies must work, and all expect to be consulted on matters concerning the order. Furthermore, the text of the order qualifies its general mandate to cooperate with stakeholders by use of "as appropriate." Section 2(b).
3. The Defense Department provides no reason why use of the term "Exclusive Economic Zone" is unacceptable in the definition of United States. They should do so before the recommendation is considered.
4. This warrants thought. As we have discussed, the federal agency duties are the heart of the executive order and should not be deleted. The concerns raised by Defense and State should be considered in the context of their special role in respect to national security and

international affairs rather than lessening commitments that domestic agencies are prepared to undertake. The section 2 (c) proposed by Defense does not include State and is not sensible in that it would disassociate the Defense Department from what is otherwise an integrated program of the Executive Branch. Most activities by Defense concerning invasive species are, and will remain, domestic -- focused on military lands in the United States. Sherri Goodman's office at Defense has been involved in development of the order and very supportive of it and their role, which focuses on military land resource management. The comments filed by Defense appear to come from Navy, which was less involved, and whose role is more limited. The example of a problem given by Defense in its comment -- that ships could not dump ballast water on the high seas -- is inaccurate and converse. Ballast water is dumped on the high seas *to prevent* introduction of invasive species from foreign freshwater ports into freshwater ports of the United States.

The order could wisely provide nothing special in respect to Defense and State, and they could simply rely on the term in Section 2 which qualifies all of its mandates by "to the extent practicable and permitted by law." However a national security exemption to section 2(a)(3) might provide additional assurance of discretion and clarity that the procedures of that section would not apply if an exemption were invoked. In this vein, the text "Except as provided in subsection 2 (c)," could be inserted at the beginning of subsection 2 (a) as recommended by Defense and a new subsection 2 (c) could be added to read as follows:

"(c) The requirements of section 2 (a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for reasons of national security."

5. The first line of section 4 (a) should not be revised as suggested. The changes suggested would have minimal or no effect and would simply give concerned stakeholders reason to worry about whether the Council will accomplish anything.
6. The recommended change in section 4 (c) has been made.
7. The change recommended for section 4 (d) should not be made. The subsection has an important history directed at fostering use of native species. All the agencies involved in discussion concerning it have been supportive.



**DRAFT**

1-15-99

## EXECUTIVE ORDER

## INVASIVE SPECIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa et seq.), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 et seq.), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and other pertinent statutes, and to prevent the introduction of invasive species and provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause, it is ordered as follows:

**Section 1. Definitions.**

- (a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.
- (b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.
- (c) "Ecosystem" means the complex of a community of organisms and its environment.
- (d) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.
- (e) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

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(f) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(g) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(h) "Stakeholders" means, but is not limited to, state, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(i) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, all possessions and territories, the waters of the United States, and the Exclusive Economic Zone.

Sec. 2. Federal Agency Duties. (a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

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(3) not authorize, fund, or carry out actions that it believes is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such action clearly outweigh the potential harm caused by invasive species; that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the action.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council established by section 3 of this order, consistent with the Invasive Species Management Plan required by section 5 of this order; and in cooperation with stakeholders as defined in section 1 of this order, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations.

Sec. 2. Invasive Species Council. (a) An Invasive Species Council ("Council") is hereby established whose members shall include the Secretary of State, the Secretary of Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency. The Council shall be co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the co-chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

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(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders as defined in section 1 of this order. Among other things, the advisory committee shall recommend plans and actions at local, tribal, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

Sec. 4. Duties of the Invasive Species Council. The Invasive Species Council established by section 3 of this order shall provide national leadership regarding invasive species, and shall:

(a) oversee the implementation of this order and see that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

(b) encourage planning and action at local, tribal, state, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

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(d) develop, in consultation with the Council on Environmental Quality, guidance to federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate development of a coordinated network among agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(f) facilitate establishment of a coordinated, up-to-date, Internet-based network facilitating access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

Sec. 5. Invasive Species Management Plan. (a) Within eighteen months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan ("Management Plan"), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the Federal agency duties set forth in section 2 (a) (1), (2), and (3) of this order and shall set forth steps being taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders as defined in section 1 of this order.

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(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the President legislative proposals for necessary changes in authority.

(c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each five years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

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Sec. 5. Judicial Review and Administration. (a) This order is intended only to improve the internal management of the Executive Branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

(b) Executive Order 11987 of May 24, 1977, is hereby revoked.

(c) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for foreign policy or national security reasons.

THE WHITE HOUSE.

## Presidential Documents

Executive Order 13112 of February 3, 1999

### Invasive Species

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 *et seq.*), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 *et seq.*), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and other pertinent statutes, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause, it is ordered as follows:

#### Section 1. Definitions.

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

(b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(c) "Ecosystem" means the complex of a community of organisms and its environment.

(d) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(e) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

(f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(g) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(h) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(i) "Stakeholders" means, but is not limited to, State, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(j) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, and all possessions, territories, and the territorial sea of the United States.

**Sec. 2. Federal Agency Duties.** (a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations.

**Sec. 3. Invasive Species Council.** (a) An Invasive Species Council (Council) is hereby established whose members shall include the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency. The Council shall be Co-Chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional Federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the Co-Chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App., to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders. Among other things, the advisory committee shall recommend plans and actions at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

**Sec. 4. Duties of the Invasive Species Council.** The Invasive Species Council shall provide national leadership regarding invasive species, and shall:

(a) oversee the implementation of this order and see that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

(b) encourage planning and action at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

(d) develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate development of a coordinated network among Federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(f) facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet; this system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

**Sec. 5. *Invasive Species Management Plan.*** (a) Within 18 months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan (Management Plan), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the Federal agency duties established in section 2(a) of this order and shall set forth steps to be taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders.

(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the President through its Co-Chairs legislative proposals for necessary changes in authority.

(c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no

less than once each 5 years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

**Sec. 6. *Judicial Review and Administration.*** (a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

(b) Executive Order 11987 of May 24, 1977, is hereby revoked.

(c) The requirements of this order do not affect the obligations of Federal agencies under 16 U.S.C. 4713 with respect to ballast water programs.

(d) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for foreign policy or national security reasons.

*William Clinton*

THE WHITE HOUSE,

February 3, 1999.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

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INT JG-P DATE 8/6/04

## MEMORANDUM

JUN 29 1995

To: Assistant Secretaries  
Directors and Bureau Heads

From: Deputy Chief of Staff *BJT/lss/LWT*

Subject: National Initiative on Invasive Plant Species

I am pleased to report the official completion of both the Secretarial Order on weed control responsibilities and associated revisions to the Departmental Manual. (See attachments A and B.)

Under the Secretarial Order, bureaus are expected to develop coordinated weed prevention and management strategies by June 1996. The Departmental Manual directs the Assistant Secretary - Policy, Management and Budget (PMB) to take a lead role to develop funding initiatives for invasive plant management programs. The National Biological Service will provide guidance on integrated pest management systems, as well as track and report on our progress. Each bureau is expected to develop an effective weed management/control policy and program.

The changes direct the reconstitution of the Interior Weed Control Committee (IWCC), composed of official representatives of the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, National Biological Service, National Park Service, Office of Surface Mining Reclamation and Enforcement, and Office of Environmental Policy and Compliance.

Recently, I have been working with a number of ad hoc representatives to lay the groundwork for a national initiative. (See attachment C for this listing.) I expect the IWCC will work closely with the Federal Interagency Committee for the Management of Noxious and Exotic Weeds (FICMNEW) to help develop the national initiative. FICMNEW consists of seventeen Federal agencies committed to cooperatively accomplishing ecological/integrated management strategies for weed prevention and control.

On May 9, 1995 I had the opportunity to address the Western and Eastern States Land Commissioners on the growing problem of invasive alien plant species. The commissioners and their representatives responded very positively to the idea of forging expanded partnerships and intergovernmental approaches. (See Attachment D.)

Invitation to a Key Meeting:

A national "kick off" meeting for the initiative is tentatively scheduled for September 7-8, 1995 to meet with an array of field experts. Our objective is to outline the basic elements of a national strategy to address the problem. We need to focus Federal agencies' efforts to build partnerships with numerous state, local, and private groups which are actively working on the problem. A successful national strategy can only be built on such partnerships.

Enclosed is a brief summary of the meeting and its objectives (Attachment E). Although this "kick off" meeting will be held in a western location, the Western and Eastern States Land Commissioners agree that we face a national problem. Accordingly, I expect that we will help organize an eastern meeting on the problem at a later date. I hope that you will give serious consideration to participating with me in this meeting.

Executive Coordinator:

To support the initiative, I have proposed the Department hire an executive coordinator through an IPA, funded collectively by the bureaus through an acceptable allocation formula.

FY 1997 Budget Guidance:

I am requesting that FY 1997 budget guidance be drafted by the Assistant Secretary - Policy, Management and Budget to elicit bureaus' weed management strategies and development of demonstration weed management areas, and to outline funding options for designing "challenge grants" through existing authorities in order to leverage multiple partnerships and non-Federal funding sources.

Attachments

- A - Secretarial Order
- B - Departmental Manual revisions
- C - List of Ad Hoc representatives (DOI)
- D - Address of May 9, 1995
- E - one pager on "Kick Off" meeting

A



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

ORDER NO: 3190

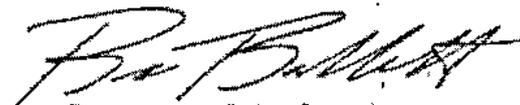
Subject: Departmental Responsibilities for Weed Control

Sec. 1 Purpose. Exotic plant species (weeds) adversely impact 16 million acres of Federal land and are spreading at an accelerating rate each year, irrespective of land boundaries. Exotic weeds adversely affect native plant biodiversity, wildlife habitat, forage, sensitive plant species and recreational uses on public, state and private lands. This Order clarifies the responsibility of the component bureaus and offices of the Department of the Interior to ensure that a coordinated effort occurs throughout the Department to identify, prevent the spread of, and treat exotic weed infestations wherever they occur on lands, in waters or within facilities under the bureaus' jurisdictions, and to work cooperatively with the states, other agencies and groups in this effort.

Sec. 2 Authority. This Order is issued under the authority of the Act of October 17, 1968, (P.L. 98-583) and Section 15 of the Federal Noxious Weed Act of 1974, as amended by Section 1453 of the Food, Agriculture, Conservation, and Trade Act, P.L. 101-624 (November 28, 1990).

Sec. 3 Responsibility. The heads of bureaus and offices are responsible for development of a coordinated weed prevention and management strategy for each bureau within one year of enactment of this Order. These strategies will include the following components: a weed prevention and early detection program; an education and awareness plan; inventories to provide baseline data on weed distribution; provision for exotic weed prevention on public lands if such activities are funded or authorized by the Department of the Interior; an integrated approach to weed detection, prevention and management coordinated across jurisdictional boundaries; and participation in a comprehensive, Department-wide research, monitoring and evaluation program to assist prevention and management efforts.

Sec. 4 Effective Date. This Order is effective immediately. Its provisions shall remain in effect until they are converted to the Departmental Manual or until it is amended, superseded or revoked, whichever occurs first. In the absence of the foregoing actions, however, this Order will terminate and be considered obsolete on October 1, 1996.

  
Secretary of the Interior

Date: JUN 22 1995

# DEPARTMENTAL MANUAL



# TRANSMITTAL SHEET

PART 609 DM 1	SUBJECT PUBLIC LANDS Weed Control Program Policy and Responsibilities	RELEASE NUMBER 3042
FOR FURTHER INFORMATION, CONTACT U.S. Fish and Wildlife Service		DATE JUN 26 1955

### EXPLANATION OF MATERIAL TRANSMITTED:

This Departmental Manual release, 609 DM 1, revises the Weed Control Program as follows:

1. Redefines weeds;
2. Adds emphasis to integrated pest management;
3. Revises the roles of the bureaus and Assistant Secretaries;
4. Redefines the Department's Weed Control Committee; and
5. Revises the Committee's responsibilities.

The provisions of Secretary's Order No. 3190 have been incorporated.

A handwritten signature in cursive script, likely belonging to the Assistant Secretary of the Interior.

Assistant Secretary of the Interior

### FILING INSTRUCTIONS:

Remove:

609 DM 1  
(2 sheets)

Insert:

609 DM 1  
(3 sheets)

DEPARTMENT OF THE INTERIOR  
DEPARTMENTAL MANUAL

Public Lands

Part 609 Weed Control Program

Chapter 1 Policy and Responsibilities

609 DM 1.5B(1)

submit appropriate recommendations or analyses when Departmental action or concerted actions by Departmental bureaus are considered to be needed.

(2) Provide overall guidance for Departmental policies and programs related to IPM for undesirable plants;

(3) Provide guidance for the development and application of integrated pest management technologies;

(4) Provide guidance for the establishment of Interdisciplinary Teams to evaluate and develop IPM alternatives and mitigation measures for bureau programs to control undesirable plants.

(5) Coordinate applicable reports through their program Assistant Secretary.

(6) Keep informed on the programs and activities of similar committees or work groups in the U.S. Department of Agriculture (USDA), the U.S. Department of Defense, and other Federal government agencies, and collaborate with the USDA Weed Committee in activities of mutual interest and benefit to the DOI and the USDA;

(7) Provide a forum to promote information exchanges, coordination and uniformity in the interpretation and execution of DOI's IPM program to control undesirable plants consistent with national goals for environmental protection and enhancement as well as accomplishment of DOI's missions, goals, and objectives; and

(8) Assist the bureaus in the development and coordination of cooperative agreements between the Department of the Interior and the States having noxious weed control programs. These agreements will emphasize the application of Integrated Pest Management in the control of undesirable plants on lands and waters under the Department's jurisdiction.

C. Reporting. Formal reports and recommendations of the Department of the Interior Weed Control Committee will be submitted through the Assistant Secretary for Fish and Wildlife and Parks for information and/or appropriate action by bureau heads or the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR  
DEPARTMENTAL MANUAL

Public Lands

Part 609 Weed Control Program

Chapter 1 Policy and Responsibilities

609 DM 1.4A

Service will provide Interior offices and bureaus with scientific information to establish integrated management systems to control or contain undesirable plant species. The National Biological Service will develop reporting procedures to track the status, trends and control of undesirable plants on lands and waters under the Department's jurisdiction.

B. Program Assistant Secretaries. The Assistant Secretaries - Land and Minerals Management, Fish and Wildlife and Parks, Indian Affairs, and Water and Science are responsible for implementation of this policy and exercising Secretarial direction in relation to all programs for the control of undesirable plants and activities affecting the Interior bureaus and resources under their respective jurisdictions.

C. Bureaus. The head of each DOI bureau will ensure uniform bureauwide compliance to all Federal laws, regulations, and Executive orders and provide responsible, ecologically sound management to all lands, waters, and facilities held in trust by that bureau for the United States of America. This includes strict compliance with the policy and regulation established in the previously mentioned laws, regulations, instructions, and Executive orders.

The head of each DOI bureau is responsible for the planning, funding, implementation, and oversight of such programs and activities as may be required to accomplish the goals and objectives of the IPM program for the control of undesirable plants and carry out the policies prescribed in 1.2 (above) with respect to the Interior lands, waters, and other resources under his or her jurisdiction. These programs and activities may include, but are limited to, the following:

- (1) Establishment of Interdisciplinary Teams and the development of an IPM policy and program;
- (2) Program oversight;
- (3) Development of IPM plans for the control of undesirable plants and the incorporation of IPM technology into all appropriate programs, including road maintenance, facilities, contracts, etc.;
- (4) Training of personnel in IPM techniques;
- (5) Environmental monitoring, e.g., inventory and assessments of undesirable plants, monitoring of impacts of biological and chemical pesticides, etc.;

DEPARTMENT OF THE INTERIOR  
DEPARTMENTAL MANUAL

Public Lands

Part 609 Weed Control Program

Chapter 1 Policy and Responsibilities

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D. Interior offices and bureaus will coordinate their IPM activities concerning weed control operations, research, and technology transfer with related programs and goals of private, local, State, and other Federal agencies where such cooperation is feasible and mutually advantageous.

E. All IPM programs and activities relating to the control of undesirable plants on DOI lands will be carried out pursuant to applicable statutes, directives, and Departmental policies pertaining to protection of the environment and human health.

1.3 Authority. Authorities include but are not limited to the following Public Laws, Executive orders, and Federal Regulations.

A. Statutory authority for DOI's undesirable plant management policy and programs includes the following:

(1) Federal Land Policy and Management Act of 1976, as amended, Public Law 94-579 (43 U.S.C. 1701 et seq.);

(2) Public Rangelands Improvement Act of 1978, Public Law 95-514 (43 U.S.C. 1901 et seq.);

(3) Reclamation Act of 1902, 32 Stat. 388 (43 U.S.C. 391);

(4) The "Carlson-Foley Act," Public Law 90-583 (43 U.S.C. 1241 et seq.), providing for the control of noxious plants on lands under the control or jurisdiction of the Federal Government;

(5) Federal Noxious Weed Act of 1974, Public Law 93-629, as amended (7 U.S.C. 2801 et seq.);

(6) Halogeton Glamoratus Control Act, 66 Stat. 597 (7 U.S.C. 1651 et seq.), providing for the control of halogeton on lands under the Department's jurisdiction;

(7) Endangered Species Act, Public Law 93-205, as amended by Public Law 100-478 (16 U.S.C. 1531, et seq.);

(8) National Park Service Organic Act, 39 Stat. 535, as amended (16 U.S.C. 1 et seq.); and

(9) Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.).

B. In addition to the aforementioned authorities, the following Public Laws, Executive orders, Federal regulations, and

## NATIONAL WEEDS INITIATIVE CONTACTS

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Department of the Interior, Deputy Chief of Staff B. J. Thornberry  
Presentation Before the Western and Eastern States Land Commissioners  
Meeting, May 9, 1995, Washington, D.C.

Good afternoon. It's a pleasure to be with you today to discuss good stewardship and the health of the land. Something that threatens both is the insidious and growing invasion of noxious weeds on public, State, and private lands.

As land managers, we share a common enemy and I come today with the hope that we can create a united front to combat this huge problem. Working together, we can build win-win coalitions with ranchers, environmentalists, and others who share our concern for the health of the land. If we underestimate this adversary, spend time debating the theology of weed control, or wait for others to act, we will all lose and the health of the land will suffer.

At one time, this was an exclusively western issue. No more. At one time, noxious weed invasions only occurred on degraded land. Today, we're losing ground in some of the most valued and prized areas across the country. For example:

- Areas along the Lower Salmon River in Idaho are being threatened by a massive invasion of Yellow Starthistle;
- The Devils Tower National Monument in Wyoming is being threatened by Leafy Spurge;
- The Ouray National Wildlife Refuge in Utah is under attack from Perennial Pepperweed; and
- The Sellway/Bitterroot Wilderness in Idaho is being threatened by Spotted Knapweed.

How bad is the problem nationally? In 1985, we estimated that about 2.3 million BLM acres were infested. Ten years later, that figure has risen to about 9 million acres, almost quadruple the amount in 1985.

By the year 2000, we expect that figure to nearly double, to about 17 million BLM acres. Weeds respect no administrative boundaries, and some estimate that the total affected acreage nationwide will reach 34 million acres by 2000.

We estimate that, on average, about 2,300 new BLM acres are being infested every day.

That figure jumps to an average of about 4,600 acres of new infestations per day when other Federal agencies are factored in. That amounts to about 1.7 million acres of new infestations each year just on Federal lands, not to speak of the invasions underway on huge tracts of trust and private lands throughout the country.

Some of our most troublesome weeds include:

- Leafy Spurge, which is now estimated to infest about 5 million acres in about 23 States. Economic impacts of Spurge nationally are estimated to be about \$140 million. About one million acres are infested in North Dakota alone.
- Knapweed, which is now found in about 8 States with Montana believed to have the largest infestations, with about 500,000 acres.
- Yellow Starthistle, which is now found in about 8 States. California alone has about 12 million acres infested. Interestingly enough, California's weed problem is so bad that they have removed Yellow Starthistle from their list of noxious weeds because all plants identified as noxious, invasive weeds must, by law, be treated.

These are compelling and alarming numbers. But the numbers, in and of themselves, are only half the story. The other half is the impact weeds have on the land.

- Weeds reduce and destroy wildlife habitat, including important winter ranges and spring birthing areas, as well as reduce forage for livestock and wildlife.
- Weeds reduce recreational opportunities on the land, including hunting, boating, camping, hiking, and family outings.
- Weeds increase soil erosion which degrades the land, nearby streams, and watering ponds.
- Weeds kill native vegetation, creating monotypic stands of noxious weeds.
- Weeds can poison children, pets, and livestock.
- And weeds greatly reduce the value of the land, negatively impacting local economies. For example, Leafy Spurge costs North Dakota about \$75 million a year in impacts.

Weeds are increasingly limiting the ability of the land to sustain healthy and natural functions and are steadily reducing the value and productivity of land in our local communities. The bottom line is that weeds are both an environmental and economic threat.

Even more troubling is the fact that the affected acreage is virtually doubling every 5 years, and healthy, pristine lands are being invaded. Weeds are a problem from coast to coast with invasions in the Florida Everglades, to Kudzu in the East, to Knapweed in the State of Washington.

There has been a modest effort by DOI so far with regard to weeds, but more needs to be done.

Last year, Interior led an effort to create the Federal Interagency Committee for the Management of Noxious and Exotic Weeds. It was created to coordinate Federal weed management efforts.

The Federal Committee has divided its resources into four teams with specific goals. They are:

- An information team which will focus on data base management concerning weed inventorying and monitoring;
- An education team which will provide for an education and awareness program;
- A research team which will encourage cooperation among researchers, and ensure that research products are utilized; and
- A coordination team whose goal is to increase the sharing of expertise, information, resources, and experiences among the weed management community.

Mike Dombeck is here and I applaud his efforts in this area. Under his leadership BLM has already developed an excellent weed management plan that is now undergoing review. This plan would provide for several major initiatives, including:

- Mounting an aggressive prevention and detection campaign.
- Designing an interagency education and awareness program.
- Ensuring that adequate baseline data are available on the distribution of weeds.
- Requiring that NEPA related actions on BLM lands address impacts of the spreading of weeds and their establishment.
- Using Integrated Weed Management strategies to assist in choosing the best methods for weed prevention and management including, biological and chemical controls.
- Ensuring that noxious weed management is coordinated across jurisdictional and political boundaries.
- Increasing monitoring, evaluation, research, and technology transfer efforts.

We will be taking other administrative actions to help Interior agencies move out more aggressively on weeds:

- We have drafted a Secretarial Order. The Secretary is prepared to sign it. We have also rewritten our Departmental Manual to provide greater clarity in terms of management direction. It is in the Department's summarizing process today.
- We will soon be funding demonstration projects for weed control in Oregon, Montana, and Utah.

• We are checking the feasibility of offering challenge grants for cooperative weed management projects in order to help stretch limited Federal dollars. In this tough budget environment, we are committed to marshaling all the resources we can to get at this problem.

Now, I'd like to summarize what's going on at the Interior agencies with regard to weeds:-

NBS is currently conducting research on riparian habitat restoration and effects of noxious plants on riparian areas. Target weeds are Salt Cedar and Russian Olive. They will be looking at the vulnerability of native plants to invasive non-native plants. Also, they will be trying to determine baseline data for the current distribution of native plants and noxious weeds.

At BOR, their main focus has been on developing alternatives to and more efficient use of herbicides and studying weed physiology to exploit vulnerable points in their lifecycles. One of their programs is aimed at developing biocontrol insects to combat Purple Loosestrife. To date, they have released 9,000 such insects at three sites.

At BLM, their major activities are centered on implementation of their plan which I have already described.

At the NPS, their immediate focus is on preparing an action plan to address exotic, non-native weeds.

FWS has been cooperatively working on weed control measures on adjacent lands and utilizing the North American Wetlands Conservation Fund for grants to do weed control as habitat improvement.

I saw many of you last fall when I was out West. There were many questions regarding DOI not being good neighbors on weeds. I hope to show improvement in doing our part. I have laid out numerous weed-related actions that are in the works. I chair bi-weekly progress meetings in the Department where the key weed staff update me on the status of these initiatives.

As part of our invitation to join hands in a common effort, I'd like to lay out an idea: To invite you to designate someone from WSLC to work with us to hold a western weed summit. We would like to convene this meeting later this summer or in the early fall and hold it out West.

I would like to invite representatives of ESLC to let us know if you are interested in working with us to host a similar meeting for the Eastern States.

We would like to have a strong group to help chart a collaborative course that has symmetry, to support local efforts, and to pool our resources so that we can maximize effectiveness and efficiency.

I don't think we have a FACA problem. I think the amendment clears this up and provides for intergovernmental exemptions -- for State and local and tribal officials to work and meet with Federal officials. However you want to do it, East/West or together in one national summit, we want to work together. We think that we can have the most cost-effective impact on weed control by embarking on a comprehensive national education and prevention campaign. We can deal with the issue of stopping weed spread right now, as well as dealing with new, small infestations.

I think a well-thought-out, well-supported weed education and prevention plan will provide the solid foundation from which we can begin to seriously and realistically address the weed threat we face. I recognize that the States have been out in front in this regard. We want to work with Federal agencies, interest groups, the private sector, states and localities to develop concept proposals for this national campaign to stop the establishment and spread of weeds. Your willingness to participate in this effort is crucial to its success. The question of what to do about the large blocks of infested lands is a far more complex task. We hope that biological controls and a number of other tools that are in our tool chest can be employed in combination to address that aspect of the problem.

We do have reason for hope in regard to biocontrols. For example, Mike Dombek recently recognized students from Columbus High School in Montana.

These students, as part of a vocational agriculture project, have become the first group in the State and perhaps in the country, to have successfully reproduced on a large scale, horned beetles. These insects destroy Leafy Spurge.

Weeds know no boundaries. They spread on Federal lands, Trust lands, State lands, county lands and private lands. To be effective, a weed education, prevention, and eradication campaign must get support and involvement from everyone affected.

I hope you'll join with me and DOI to give us your suggestions about holding a national weed summit.

The Secretary and the Interior Department are committed to making a difference on weeds and with your help and with help from others who care about the health of the land, I believe we can stop the biological wildfire.

# DRAFT

## NATIONAL INVASIVE PLANTS "KICK-OFF" MEETING

**PURPOSE:** To develop the basic elements of a national strategy to bring about collaborative intergovernmental and public/private efforts focussing on weed control and prevention, including public education and weed management demonstration areas. An array of experts will present the implications on biodiversity, ecological conditions, and natural resource management of failing to establish a coordinated approach to halt the spreading infestation of noxious weeds throughout the West. Meeting will include presentations, facilitated discussions, a 2-4 hour field visit, and consensus formulation of next steps.

**TIME & DATE:** A 24-hour period beginning noon, Thursday, September 7 to noon, Friday, September 8, 1995.

**WHO:** Total number, approx 40 people, plus presenters.

Executive Branch (approx. 10): Secretary of the Interior (invited); Deputy Chief of Staff - Interior; Directors NPS, FWS, BLM; USDA Assistant Secretary - Natural Resources & Environment; USFS-Chief; Directors-NRCS and APHIS; and top representatives from DOD, DOT, and DOE.

Congressional (5-6): Sen. Campbell, Rep. Allard, others as interested.

External Groups (10-15 people): Suggested cross-section from among the following, e.g.: Public Lands Council, National Cattlemen's Association, AFB, TNC, EPPC, Rocky Mtn. Elk Foundation, Trout/Ducks Unltd., SRM, Sierra Club, soil and water conservation districts, environmental education groups, universities.

State/Local (6 people): Govs. Romer (host state), Leavitt (introduced WGA weed resolution), Racicot (active state program to control weeds); WGA; WSLC; NACO; state departments of agriculture.

Tribal (2-3): Representatives of tribes from the northern plains, coordinated through National Tribal Council.

**WHERE:** Denver, CO and nearby field site [selected by planning Group]

**CONTEXT:** To build partnership and commitment of intergovernmental resources for national weeds initiative. Support the March 1996 annual meeting of Western Society of Weed Scientists and Western Weed Coordinating Committee (BJ to keynote). Subsequent meetings would help address and develop the basic elements of the national strategy.

**NEXT STEPS:** Fix date, place, and participants ASAP. Arrange for barbecue and bus to field site, reserve meeting room. Have agenda emphasize approaches/solutions. Hire skilled facilitator; check FACA.