

STATEMENT OF
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BEFORE THE
HOUSE NATURAL RESOURCES SUBCOMMITTEE ON
PUBLIC LANDS AND ENVIRONMENTAL REGULATION
ON H.R. 3994,
“THE FEDERAL INVASIVE SPECIES PREVENTION, CONTROL AND MANAGEMENT ACT”

July 9, 2014

Thank you, Chairman Bishop and Ranking Member Grijalva, for the opportunity to provide the Department of the Interior’s (Department) views on H.R. 3994, The Federal Invasive Species Prevention, Control and Management Act, introduced on February 5, 2014. While the Department supports the intent of the legislation to improve the management and control of invasive species on the lands and waters that it manages, as discussed below, we have concerns with the bill as introduced.

Introduction

The Department of the Interior (Department) is actively engaged with preventing, controlling and managing invasive species to avoid and minimize the significant harm invasive species cause to our nation’s natural resources, including the federal lands managed by the Department’s bureaus. Every bureau within the Department has a responsibility for managing invasive species. Relative to this legislation, the Bureau of Indian Affairs (BIA) supports tribal government efforts to control invasive species; the Bureau of Land Management (BLM), the Bureau of Reclamation (BOR), the U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS) also have programs focused on management of aquatic and terrestrial invasive species that infest water systems and lands they manage.

These bureaus also partner with states, tribes and the private sector to support efforts to prevent and control invasive species. By addressing invasive species through coordination, partnerships, and collaborative actions, the Department works to leverage limited resources to counter the impacts of invasive species across the landscape. Given the complexity and scope of invasive species impacts, the Department supports a comprehensive approach that includes prevention, early detection and rapid response, control, coordination, research and restoration – as the most effective way to protect our lands and waters from invasive species.

H.R. 3994 would directly impact the invasive species programs of the BIA, BLM, BOR, NPS and FWS, and could indirectly affect other agencies’ invasive species activities. The President’s FY 2014 Budget for the Department included an increase of about \$23 million to support these high priority programs, which were described in more detail in a statement submitted by the Department for the Subcommittee’s oversight hearing on invasive species on May 16, 2013.

Comments on H.R. 3994

As indicated at the beginning of this statement, the Department has concerns with the legislation. As written, it appears that H.R. 3994 would reduce the flexibility of federal program and land managers to craft solutions to their site specific problems; require costly and redundant analyses, reports and administrative agreements -- while capping administrative funding; and would likely result in less funding going to prevention, education, and research, factors that are critical to successfully addressing invasive species issues.

For example, a number of provisions in the bill would reduce flexibility to address invasive species both at the programmatic level and for federal land managers. The five-percent net reduction of invasive species required under Section 3(b) may not accomplish the goal of reducing the overall harm caused by invasive species, as it may preclude agencies from prioritizing actions to address the most harmful species and new challenges. In addition, Subsection 5(a) of the bill focuses on the cost of control rather than the effectiveness of control, protection of human health and safety, and protection of native species. This may limit options available to land managers who need to have a full range of treatment options available to control invasive species, which will vary by site, conditions and climate.

Moreover, Departmental control programs and projects are often carried out in conjunction with state, tribal, and local partners. By focusing solely on cost and net reduction rather than overall effectiveness, these provisions could unintentionally reduce federal agency options to find innovative, effective, and collaborative solutions to invasive species management. Coordination across jurisdictions is critical to invasive species prevention and control.

As noted above, the bill also requires a number additional plans, analyses, reports, and agreements that are unnecessary or redundant, while at the same time capping administrative costs. These include a comparative economic assessment to be completed for each site specific control program, required by section 5(b), which we believe would be administratively burdensome; and a memorandum of understanding, required by section 6(a), to be developed with each cooperating partner. Department land management agencies currently have a number of existing cooperative agreements, contracts, or other arrangements with their partners that might have to be recreated to meet this requirement. The cost and time required to satisfy these provisions could delay or disrupt successful ongoing collaborative programs.

H.R. 3994 would reduce funding for critical invasive species prevention, outreach and education, inventory and research programs. As written, H.R. 3994 does not appear to account for costs associated with documenting the presence and abundance of invasive species (inventory), tracing the relative success of treatments, or reporting the results in a standardized way so that progress and methods can be tracked and evaluated. Section 4 of the legislation would also restrict spending for investigations, outreach, and education. Public outreach and education have proven to be an effective tool in reducing new introductions; and research is needed to develop novel

control methods or identify unknown impacts of invasive species that may need priority attention. The Department also opposes the administrative cost cap as it would diminish the effectiveness of invasive species programs. Oversight and program management are essential parts of invasive species activities and are included as administrative costs of the program.

In addition, by focusing primarily on control and management, the bill could also divert funding from addressing harmful invasive species that cannot be controlled through on the ground management, but may be addressed through pathway interdiction and other means. Research has shown that the most cost effective and efficient approach to managing invasive species is to prevent their establishment in the first place; secondly, to detect infestations early and respond with rapid response to achieve eradication; and then manage infestations through control activities. By primarily focusing on control and management, the bill may reduce efforts to address species that cannot be managed by on the ground control efforts -- but may be addressed through pathway interdiction or other means, including aquatic species such as zebra and quagga mussels and Asian carp. It will also constrain the existing ability of land management agencies to adaptively manage invasive species control efforts around prevention, research, restoration, and partnership goals.

Finally, the Department is also concerned that the environmental, cultural, and other impacts of invasive species control activities would not be adequately considered given the bill's broad categorical exclusion for many invasive species control efforts from environmental analysis under the National Environmental Policy Act (NEPA). The Department does not support such an expansive categorical exclusion, which would both eliminate an important opportunity for public involvement in land management decisions and ignore existing regulatory authority to conduct programmatic NEPA reviews. The categorical exclusion could also be detrimental to tribal interests if used without tribal consultation.

Conclusion

The Department appreciates that H.R. 3994 provides additional recognition of the importance of controlling invasive species on federal lands managed by its bureaus. However, the Department is concerned that the bill is unnecessarily restrictive and could unintentionally undermine important invasive species partnerships and programs. Mr. Chairman, thank you for the opportunity to testify on this legislation. I would be happy to answer any questions.

Statement for the Record
U.S. Department of the Interior
before the
House Committee on Natural Resources
Subcommittee on Public Lands and Environmental Regulation

Concerning H.R. 4751, a bill to make technical corrections to Public Law 110-229 to reflect the renaming of the Bainbridge Island Japanese American Memorial to Bainbridge Island Japanese American Exclusion Memorial, and for other purposes.

July 9, 2014

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H. R. 4751, to make technical corrections to Public Law 110-229 to reflect the renaming of the Bainbridge Island Japanese American Memorial to Bainbridge Island Japanese American Exclusion Memorial.

The Department supports enactment of H. R. 4751.

H.R. 4751 would update the law enacted in 2008 (Section 313 of Public Law 110-229) that included the Bainbridge Island Japanese American Memorial within the boundary of Minidoka National Historic Site. This eight-acre memorial was built on land owned jointly by the City of Bainbridge Island and the Bainbridge Island Park and Recreation District and is administered by the National Park Service in partnership with municipal and non-profit entities. The City Council and the Park and Recreation District recently renamed the memorial, adding the word "Exclusion" to its title. Passage of H.R. 4751 would ensure that there is consistency between the official name of the memorial and the memorial that the National Park Service is authorized to administer under Public Law 110-229. There will be only nominal cost associated with this legislation.

We believe it was appropriate for the local authorities to add the word "Exclusion" to the memorial's name. Less than four months after the bombing of Pearl Harbor, the Japanese Americans living on Bainbridge Island, due to the island's close proximity to U.S. Navy facilities in Puget Sound, were the first 276 people of over 100,000 to be "excluded" under Executive Order 9066. The signs that were posted on Bainbridge Island that alerted the Japanese Americans that they had six days' notice to prepare for departure for an unknown length of time clearly stated that Bainbridge Island was "Civilian Exclusion Area No. 1." Ultimately, exclusion orders would forcibly remove Japanese Americans from their homes in Alaska, the western halves of Oregon and Washington, the entire state of California, and the southern portion of Arizona. Nearly two-thirds of those incarcerated were American citizens.

The National Park Service presently manages three other sites that interpret Japanese American incarceration: Manzanar National Historic Site in California, Minidoka National Historic Site in Idaho (not including the Bainbridge Island memorial, in Washington), and the Tule Lake unit of World War II Valor in the Pacific National Monument in California. These sites were once the physical location of the Japanese American incarceration camps. The Bainbridge Island

Japanese American Exclusion Memorial tells a related, but different, story. Bainbridge Island was not an incarceration camp; it was the very first place where Japanese Americans were taken from their homes, excluded from the mainstream population, and sent to incarceration camps. The Bainbridge Island memorial commemorates this history. It is not just a memorial to the Japanese Americans who lived on Bainbridge Island, as the original name implies; it is a memorial to all Japanese Americans who were “excluded” from the general population during the war, and unjustly denied their liberty and property.

Mr. Chairman, that concludes the Department’s testimony on H.R. 4751.