

September 29, 2006

Senator James M. Inhofe
Chairman
Committee on Environment and Public Works
453 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe:

The U.S. Supreme Court's devastating decision in *Kelo v. City of New London* sparked a national outcry for eminent domain reform and stronger private property rights protections. Yet there is a threat looming in the form of so-called "invasive species" regulations that could potentially bring even more devastation to property owners.

President Bill Clinton signed Executive Order 13112 in February 1999. The Order created the National Invasive Species Council "to prevent the introduction of invasive species and provide for their control." The Council is an inter-agency task force that involves 13 Federal Departments and Agencies.

Invasive or "alien species" are defined in Clinton's Order as "any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem."

Determining whether a species is native or non-native is an exercise in subjectivity. Most definitions cite non-native species as any plant or animal that enters an ecosystem outside of its natural historic range. Some environmentalist ideologues consider any plant or animal that did not exist in North America prior to European settlement to be alien.

Under Clinton's Order, even species that are native to North America can be considered "alien" or "invasive" if they can be found in areas where they didn't exist several hundred years ago. For example, plant seeds can be carried on an animal's hide or in its digestive tract and later deposited miles outside its normal range. Small spiders can travel many miles through the air using a process called "ballooning," in which they spin a line of silk that acts as a parachute to catch the wind.

The Order also seeks to "control" non-native species by "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.”

Such a sweeping mandate means that nearly every backyard, golf course, farm, lake and stream in America could be considered teeming with so-called invasive species, and thus subject to federal scrutiny and regulation.

Establishing an arbitrary baseline date and classifying any species that enters an ecosystem after that date as “invasive” (and therefore in need of regulation) is of dubious environmental value. In fact, many non-native species are beneficial to ecosystems, the environment, human health and the economy.

For example, many of our food crops are “alien” species. Wheat is non-native to the United States, as are potatoes and oranges. Alien animals introduced to the U.S. include ring-necked pheasants, brown trout and all breeds of cattle. Fescue, a major turf grass that is used on many golf courses and can also be found growing on the White House lawn, is non-native. Crown-vetch, a useful plant that is grown on roadsides to prevent erosion and cultivated between rows of corn to prevent weeds and reduce the need for herbicides, is non-native as well.

On the other hand, some species native to the U.S. are extremely harmful. The U.S. Department of Agriculture (USDA) considers the southern pine beetle, which is native to America, to be “the most destructive insect for pines in the Southeastern U.S.” Between 2000 and 2002, this native pest killed over 3.7 billion board feet of sawtimber in the southern U.S., causing over \$1.1 billion in damages. Poison ivy and poison oak are two native U.S. nuisances as well.

It is far more productive and scientifically sound to evaluate species on the basis of their known harm or benefit, as opposed to their historical origin. In fact, the USDA’s Animal and Plant Health Inspection Service (APHIS) is already tasked with identifying and controlling the spread of harmful plant and animal species. APHIS lists on its website 30 “public laws and acts” already on the books that regulate noxious species and their movement.

Nevertheless, green ideologues and some members of Congress are actively pursuing measures that would codify Clinton’s Executive Order on “invasive species” and the National Invasive Species Council. Such actions would no doubt be a boon to advocates of stringent controls on both public and private property, but would spell disaster for sound scientific practices as well as American landowners and businesses.

Some are even promoting regulation of the virtually infinite pathways that certain non-indigenous species travel. This could open the door to virtually endless regulation of human behavior, including that pertaining to private land use, public land access, and how and where Americans travel.

Secure private property rights are essential to a free society. Any initiative that seeks to classify and regulate plant and animal species on the exceedingly arbitrary basis of when they originated in a certain environment is a serious threat to these rights.

We have seen how endangered species and wetlands regulations can wreak havoc on Americans' constitutional right to private property. Invasive species regulations have the potential to be even more damaging to this fundamental right.

We hope you will bear this in mind throughout the course of your important work.

Sincerely,

David Ridenour
Vice President
Nat'l Center. for Public Policy Research

Hon. Edwin Meese, III
Former U.S. Attorney General
Reagan Administration

Honorable Jay Dickey
Former Member
U.S. House of Representatives

Honorable Bob Barr
Former Member
U.S. House of Representatives

Paul M. Weyrich
National Chairman
Coalitions for America

J. William Lauderback
Executive Vice President
American Conservative Union

John Berthoud
President
National Taxpayers Union

Mark Nichols
President
Oklahoma Council of Public Affairs

Terrence Scanlon
President
Capital Research Center

H. Sterling Burnett, Ph.D.
Senior Fellow
National Center for Policy Analysis

Susan A. Carleson
Chairman & CEO
The American Civil Rights Union

Nancie G. Marzulla
President
Defenders of Property Rights

Carol W. LaGrasse
President
Property Rights Foundation of America

Lewis K. Uhler
President
The National Tax Limitation Committee

Chris Derry
President
Bluegrass Institute

Bill Moshofsky
Vice President
Oregonians in Action

Stephen Stone
President
Renew America

Forest Thigpen
President
Mississippi Center for Public Policy

Paul Driessen
Senior Policy Advisor
Congress of Racial Equality

Fred Grau
Executive Director
Take Back Pennsylvania

Amy M. Ridenour
Director
Americans for the Preservation of Liberty

Nina Pellegrini
Director
Californians for Property Rights

Paul Gessing
President
Rio Grande Foundation

Donald E. Wildmon
Founder and Chairman
American Family Association

Gregory Cohen
President and CEO
American Highway Users Alliance

Drew Johnson
President
Tennessee Center for Policy Research

Steve Buri
Executive Director
Discovery Institute

Ron Arnold
Executive Vice President
Center for the Defense of Free Enterprise

Gerald Hobbs
President
Public Lands for the People

Craig Rucker
Executive Director
Cmte. for a Constructive Tomorrow

Richard Rowland
President
Grassroot Institute of Hawaii

Mike Dail
Chairman
American Land Foundation

Greg Blankenship
Director
Illinois Policy Institute

F. Patricia Callahan
President and General Counsel
Amer. Assoc. of Small Property Owners

Lisa Coles
Co-Chairperson
Citizens for Protection of Property Rights

Tom Borelli, Ph.D.
Portfolio Manager
Free Enterprise Action Fund

L. M. Schwartz
Chairman
The Virginia Land Rights Coalition

Tom DeWeese
President
American Policy Center

Holt and Jane Hogan
Members, Grass Roots Alliance for
Sensible Species Policy

Dale E. Anderson
President
Pennsylvania Forest Industry Assoc.

Steven Mosher
President
Population Research Institute

Patricia Bradburn
President
Virginians for Property Rights

Dr. Don Racheter
Founder and Moderator
Iowa Wednesday Group

Gary Palmer
President
Alabama Policy Institute

Scott LaGanga
Executive Director
Property Rights Alliance

William Greene
President
RightMarch.com

C. Preston Noell, III
President
Tradition, Family, Property, Inc.

Candace Oathout
Chair, Citizens Against
Recreational Eviction-USA

Michael Hardiman
Legislative Director
American Land Rights Association

Walt Harvey
Director
Hawaii Property Rights Coalition

Carolyn Powers
Chair, Citizens Against
Recreational Eviction-USA

Trudy K. Thomas
District Representative
CA State Senator Bill Morrow

Richard J. McNamara
Co-Chairman
CA State Grange Enviro. Affairs Cte.

Howard Hutchinson
Executive Director
Coalition of AZ/NM Counties

James J. Slinsky
Host and Producer
Outdoor Talk Network

Teresa Platt
Executive Director
Fur Commission USA

Michael S. Coffman
President
Environmental Perspectives, Inc.

Sheila Powers
President
Albany County Farm Bureau

Sharon Votaw
Chairman
Homestead Land and Water Alliance

Marilyn Hayman
Chairman, Citizens for Responsible
Zoning and Landowner Rights, Inc.

Christian J. Schoenwald
Vice Chairman for Political Affairs
Albemarle Cty, VA Republican Cte.

Lewis M. Andrews
Executive Director
Yankee Institute

Lee Riddle
Research Station Manager
Easter Lily Research Foundation

Bruce Colbert
Executive Director
Property Owners Assoc. of Riverside Cty.

Geoff Allen
Vice Chair
Pescadero Mun. Advisory Committee

Don Prescott
General Manager
Chipco of Virginia, Inc.

K. Scott Critzer
President
BDJAK

Barbara G. Morehead
Scottsmoor, Florida

Emily Walbroehl
Mims, Florida

Russell Klegstad
Commissioner
Itasca County, MN