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

L. M. Schwartz  
Chairman  
The Virginia Land Rights Coalition

Dale E. Anderson  
President  
Pennsylvania Forest Industry Assoc.

William Greene  
President  
RightMarch.com

Michael Hardiman  
Legislative Director  
American Land Rights Association

Trudy K. Thomas  
District Representative  
CA State Senator Bill Morrow

James J. Slinsky  
Host and Producer  
Outdoor Talk Network

Sheila Powers  
President  
Albany County Farm Bureau

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

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

K. Scott Critzer  
President  
BDJAK

Russell Klegstad  
Commissioner  
Itasca County, MN

Lisa Coles  
Co-Chairperson  
Citizens for Protection of Property Rights

Tom DeWeese  
President  
American Policy Center

Steven Mosher  
President  
Population Research Institute

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

Walt Harvey  
Director  
Hawaii Property Rights Coalition

Teresa Platt  
Executive Director  
Fur Commission USA

Sharon Votaw  
Chairman  
Homestead Land and Water Alliance

Lewis M. Andrews  
Executive Director  
Yankee Institute

Geoff Allen  
Vice Chair  
Pescadero Mun. Advisory Committee

Barbara G. Morehead  
Scottsmoor, Florida

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

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

Patricia Bradburn  
President  
Virginiains for Property Rights

Scott LaGanga  
Executive Director  
Property Rights Alliance

Carolyn Powers  
Chair, Citizens Against Recreational Eviction-USA

Howard Hutchinson  
Executive Director  
Coalition of AZ/NM Counties

Michael S. Coffman  
President  
Environmental Perspectives, Inc.

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

Lee Riddle  
Research Station Manager  
Easter Lily Research Foundation

Don Prescott  
General Manager  
Chipco of Virginia, Inc.

Emily Walbroehl  
Mims, Florida