

ATTACHMENT:

RESPONSE TO THE BUREAU OF LAND MANAGEMENT'S CLAIMS REGARDING EXISTING AUTHORITIES AND POLICIES FOR INVASIVE SPECIES MANAGEMENT

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26 August 2002

In its comments on the Restore Native Ecosystem Coalition's alternative for the Bureau of Land Management (BLM) sixteen-state vegetation management plan draft environmental impact statement, specifically Chapter 3, Goal-PCR 1, Objective-PCR 1, the BLM disputed our interpretation of Section 2, paragraph 3 of Executive Order 13112.¹

Dr. Faith Campbell was a close observer of the process by which the Executive Order was developed, and has consulted with government officials who participated in this process. We conclude that the BLM has itself misrepresented several aspects of paragraph 3. First, paragraph 3 does not apply only to species being introduced for the first time into a country; in the context of the Executive Order, it applies to introduction and spread into any ecosystem to which the species is not native. The phrase "in the United States or elsewhere" was included to ensure that agencies applied this paragraph to their actions affecting the United States and other countries as well.

Second, paragraph 3 applies to any affirmative action by an agency — e.g., expenditure of funds, issuance of permits or other forms of approval — that the agency "believes are likely to cause or promote the introduction or spread of invasive species" For example, when deciding whether to dismantle dams blocking rivers and streams in the eastern United States, the Department of Commerce evaluated in its NEPA document the potential for exotic carp to spread to new reaches of waterways once the dams had been removed. We concede that the BLM is somewhat hampered here by the failure to date of the National Invasive Species Council and Council on Environmental Quality to issue NEPA guidance, as mandated by the Executive Order. Nevertheless, the BLM has an obligation under Section 2, paragraph 3 to review actions that it authorizes, funds, or carries out to determine whether they are likely to promote introduction or spread of invasive species and, if the risk appears to be sufficient, to evaluate whether the benefits from continuing such actions "clearly outweigh the potential harm ..." Such an evaluation could be done through NEPA documents. We contend that the present BLM NEPA process pertaining to vegetation management is an appropriate venue for at least some

¹ Comments on the Restore Native Ecosystem Alternative (version 1) by Brian Amme, Project Manager, Bureau of Land Management-Nevada State Office, transmitted to Mark Salvo, Restore Native Ecosystems Coalition, on June 14, 2002.

evaluation of these actions. Performing such an evaluation through the NEPA process also avoids claims that the BLM is “illegally” attempting to suspend legitimate uses of public land.

In its comments on our draft alternative, the BLM further claims that the duties specified in Section 2, paragraph 2 of the Executive Order are carried out through two existing invasive species plans: the BLM’s own Partners Against Weeds (PAW) and the national invasive species management plan developed by the National Invasive Species Council (NISC) under the auspices of the Executive Order. American Lands Alliance staff is intimately familiar with both of these plans, having participated in their development. Our assessment of the situation, based on this familiarity, is significantly different than the BLM’s assertions.

The NISC plan contains a total of 57 recommendations that apply to prevention, early detection/rapid response, monitoring, restoration, research, and education. It is recognized that detailed strategies must be developed to implement all of these recommendations. These strategies are to be laid out by “task teams” made up of representatives of the Invasive Species Advisory Committee and affected agencies. Simultaneously, each agency must develop its own detailed outlines of how it will implement these recommendations. The current NEPA process addressing vegetation management is an appropriate place to evaluate the variety of approaches that the BLM might follow.

The BLM’s Partners Against Weeds Action Plan (1996) appears to fit well with our proposed alternative since it gives priority to prevention and non-chemical control methods and provides a fairly complete list of common pathways of invasive species introduction. However, instead of merely referring to this plan, we believe it would be appropriate for the current Environmental Impact Statement to evaluate the effectiveness of the strategy outlined therein. To what extent have the actions outlined in the PAW Plan been carried out? What have been the results? To what extent has strategy not been followed? What were the results of this inaction or diverging action? What were the reasons for failure to carry out parts of the PAW Plan? What lessons have been learned?

More specifically, regarding the PAW Plan:

- * has each BLM field office prepared and implemented a weed prevention schedule incorporating the prevention activities contained in Appendices 3 and 4?
- * has each BLM field office defined the highest priority areas for prevention (specified in the Plan as usually lands that are relatively free of weeds with high to moderate ecological risk)?
- * has each BLM field office reviewed all activities authorized or conducted on BLM land for their potential to spread weeds or create conditions that are conducive to weed establishment—and modified those actions where necessary? [We note the similarity between this task and the disputed obligation under Section 2, paragraph 3 of Executive Order 13112, discussed above.]

Also, in light of current knowledge, are the potential pathways of spread adequately described in the appendices and the table on page 12 of the PAW Plan? We would suggest these pathways—need to be re-evaluated in the current vegetation management EIS. (See below.)

The instruction that each field office develop cooperative education and awareness programs makes no mention of addressing deliberately planted non-native species, which we called for in our alternative.

Are the weed-free programs for seed, hay, grain, straws, seed mixes, sand, gravel, and topsoil effective? (In June, the Invasive Species Advisory Committee visited sites in and around Yellowstone National Park. At that time, Rita Beard, USDA-Forest Service told us that one third of the “certified” materials tested fail the contaminants test.) Are a sufficiently broad range of species included on the prohibited lists? (Not all invasive weeds are listed as “noxious.”)

The potential pathways of spread are inadequately described in the PAW Plan. To illustrate this, we discuss the potential for livestock grazing to promote invasion and spread by exotic weeds in our alternative; however, similar weaknesses are found in discussions of other activities.

* In Appendix 3, the only reference to grazing management instructs BLM officials to “Control timing of grazing animal movement from infested to noninfested areas to minimize weed seed transport in moderate or high-ecological risk areas.”

* In Appendix 4, the discussion is more complete. We quote as follows:

15) Minimize the creation of bare soil and other factors that support weeds.

15.1) Manage allotments to prevent excessive soil disturbance at salt licks, watering sites, and sensitive soil conditions.

15.2) All salt must be kept in containers and moved periodically.

15.3) Revise special use permits and allotment management plans to require weed treatment consistent with the Forest Plan Amendment for Noxious Weed Management. Require all base [sic] soil to be reseeded as described in Weed Prevention Measure #4.1

16) Minimize weed seed transport to relatively weed-free areas at moderate or high-ecological risk.

16.1) In range allotments that have both weed-infested and relatively weed-free areas at moderate or high-ecological risk, control timing of animal movement from infested to noninfested areas. Prevent movement from infested to noninfested areas after weed seed set.

17) Ensure success of revegetation efforts to minimize weed spread.

17.1) Avoid grazing any reseed sites until vegetation is well established.

18) Retain desirable roadside vegetation to discourage weeds.

18.1) Roadside vegetation should not be included when calculating allotment grazing capacity.

The vegetation management EIS should evaluate the effectiveness of these and related BMPs in the PAW Plan in preventing the introduction and spread of invasive exotic plants.

Under Chapter 6, Goal-INV 1, Objective-INV-1, the BLM claims that it already operates under long-term plans for preventing and minimizing plant invasions, citing the — NISC Plan, PAW, and Pulling Together. We have already evaluated the effectiveness and completeness of the NISC Plan and PAW.

American Lands is also intimately familiar with Pulling Together. Goal 1 in the Pulling Together Plan is “Effective Prevention,” that includes Objective 1.1, “Preventing New Invasions: Stop invasive plant entry and spread” which contains suggested “Opportunities for partnerships.” One such opportunity calls on “Land managers [to] review activities authorized or conducted for their potential to spread invasive plants.” Pulling Together also mentions developing “risk assessment tools and commodity screening technologies to minimize the spread of problem species”; educational programs for recreational land users; pre-import screening of imported plants; expanding and improving systems for detecting, reporting, and monitoring new infestations of invasive plants; and expanding use of native species for ornamental and conservation purposes. While we strongly support these goals and recommendations, we do not believe that they substitute for the types of specific stipulations and measures that we suggest in our Restore Native Ecosystems Alternative.

To reiterate, our focus in preparing our alternative is how the BLM will carry out the goals, objectives and recommendations contained in these plans. How well are current BLM activities realizing these goals, objectives and recommendations? In other words, evaluate alternative approaches the BLM might use to integrate the Executive Order and the various plans concretely into BLM actions—not just state that they are integrated.

Furthermore, if the BLM chooses to assert that it already has “science-based protocols” for invasive species prevention associated with BLM activities — e.g., grazing permits, ORV route designations—it must provide either copies or references to easily obtained sources. If the BLM is referring to the recommendations contained in PAW, we consider those to be insufficient (as described above).

Finally, the BLM contends that both the PAW and NISC plans address efforts to reduce sale and planting of exotic invasive species. The NISC Plan calls for working with the nursery and seed trades to develop agreed protocols for curtailing sales of invasive plant species. Nevertheless, the BLM could utilize its own educational programs and collaborative efforts to promote greater understanding of the problem and more rapid solutions.

The BLM claims that the PAW and NISC plans both include all invasive plant species in weed education programs, as well as information on how they are introduced to public lands. Our review of the educational material prepared jointly by the BLM and Forest Service shows it to still focus largely on a limited number of “noxious weeds” with inclusion of some other species (we welcome particularly the increasing attention to cheatgrass). We have seen little attention to many of the horticultural invaders other than purple loosestrife.

The current EIS should discuss how BLM will contribute to this broader education agenda.