

Committee on Resources

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STATEMENT OF JAMES M. BEERS
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TESTIMONY BEFORE THE

HOUSE COMMITTEE ON RESOURCES

OVERSIGHT HEARING ON INVASIVE SPECIES

Thank you Mr. Chairman for inviting me to testify at your hearing today.

I represent the American Land Rights Association, an organization of small property owners in all 50 states.

I worked for the US Fish and Wildlife Service for 30 years in four states and Washington, DC as a wildlife biologist, special agent, and refuge manager. I have enforced Injurious Wildlife regulations and investigated Endangered Species cases both here and in Europe. I have worked on Invasive Species control programs for nutria and purple loosestrife. I have attended UN Wildlife Conferences and represented state wildlife agencies fighting a threatened European fur embargo. I currently write and speak extensively about both Endangered and Invasive Species.

Mr. Chairman, it is wrong for Congress to consider passage of a law to confer Federal jurisdiction over any plant or animal occurring within the United States. Such jurisdiction was assigned to state governments by the Constitution and can only be taken from the states by a Treaty or an Amendment to the Constitution.

Invasive Species jurisdiction seizure is being attempted with 14 bills before Congress; Federal agency proposals for new programs; and United Nations plans for a proposed Treaty to either Control Invasive Species or Restore Native Ecosystems, which is the same thing.

Our Founding Fathers placed the jurisdiction over plants and animals at the state level for, among other reasons, the inherent responsiveness of the lowest level of government to citizen concerns. The Endangered Species Act verifies repeatedly the wisdom of the Fathers in this regard.

That Act has eliminated businesses, communities, and fish and wildlife management programs and their financial support. It has justified taking without compensation that was specifically prohibited in the Constitution. It has made professors and science responsive to government grants and bureaucratic regulation. It has changed the emphasis of many Federal agencies from proactive natural resource managers to public land locksmiths who reintroduce unwanted and harmful native species on private lands.

The proposed Invasive Species program will be worse. It will start, like Endangered Species, with a modest list of a few noxious plants like leafy spurge and yellow starthistle. Then bureaucrats and courts will add species, subspecies, populations, etc. to the List. Soon a Court will affirm a lawsuit that claims elimination of "Invasive Species" is a Federal responsibility so its natural goal is the restoration of "Native" ecosystems.

Mr. Chairman that goal is neither desirable nor attainable. The only beneficiaries of such a policy will be Federal agency budgets, University Grant offices, and non-governmental organizations bent on restricting property rights and human uses of natural resources. Our ecosystem should be managed to reflect our needs and our Constitution, not the socialist intentions of environmental philosophies.

There is no difference between "native" ticks transmitting disease and "Invasive" purple loosestrife taking over wetlands. Management or eradication should be considered equally based on community needs, not the species arrival date.

Many "Invasives" are highly utilized food and cover for desirable wildlife. Others like Zebra mussels clarified

Lake Erie waters which helped to recover a sport and commercial fishery. Actually, any species can be alleged by some group or scientist to "harm" something. Innumerable hidden agendas are poised to take advantage of Federal Invasive Species authority if it ever materializes.

The Federal government should stick to managing the import, export, interstate commerce, and foreign aspects of the United States plant and animal community. Federal lands should be managed to minimize harmful plants and animals. Research on harmful species could be conducted and shared through Land Grant Universities and USDA Research Centers. Excess Federal money could be appropriated on a formula basis to the states much like Pittman Robertson excise tax funds that have proven so successful in managing and restoring desirable wildlife species for 70 years.

Today, the National Park Service seeks to eliminate highly desirable species like lake trout and chukars because they weren't where they are today in 1492 AD. Likewise the US Fish & Wildlife Service is eradicating Russianolive trees that have been here over a century despite the fact that they are an important food and winter cover for pheasants, sharp-tails, and migratory birds. The goal is elimination of the Invasive pheasants and trout plus the hunters and fishermen and even hunting on Refuges like Bowdoin in Montana. Ask yourself honestly what is sacred about the year 1492? Species have been coming and going forever. The ludicrous nature of this is illustrated by the NPS recently forming emergency "swat teams" to find "Invasive" plants even though they have ignored overabundant native deer herds eradicating the plant communities on National Parks and neighboring lands for decades.

The Interior Department justifies eradication of "Invasive" salt cedar trees in spite of the fact that they are prime nest sites for Endangered willow flycatchers. They propose this eradication based on spurious "science" and questionable interpretation of law unavailable to private property owners who have Critical Habitat for an Endangered Species designated on their land.

This is similar to the dumping of toxic sludge on an Endangered sturgeon spawning area in the Potomac River. This practice, presently before the Court, involves the US Army Corps of Engineers routinely flushing toxic sludge from the DC Water Authority under EPA permit through a National Park for years.

Giving these agencies more authority over more species only invites further abuse. The Founding Fathers wisely crafted our Constitution to place that authority at the state level.

Mr. Chairman, my organization and a growing cross section of citizens plead with you to avoid giving the Federal government any more authority over plants and animals. For the sake of property owners, natural resource users, and for the sake of our American way of life, do not go down this imaginary Pre-Columbian path. Stay to the course that history and our Constitution have proven was well chosen when the United States of America was created.

Further explanation of these issues may be found on the American Land Rights Association website www.landrights.org

Thank you and I am ready to answer any questions you might have.

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