Mr. Chairmen, thank you for the invitation to testify before you today. Your invitation is greatly appreciated.

My name is G. Ray Arnett, and I hasten to add, other than sharing the same surname, former MS/NBC TV news commentator, Peter Arnett, is not, and I repeat not, related to me.

I reside in Stockton, CA, and am a happy constituent of the House Committee on Resources Chairman, Richard Pombo, who has earned great respect during his years in Congress, and enjoys an enormous following of supporters among residents of California's 11th Congressional District.

My almost six-decade career in wildlife and natural resources issues, include serving President Ronald Reagan as Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, where the two major agencies under my jurisdiction were the National Park Service and the U.S. Fish and Wildlife Service.

Prior to that, former Governor Ronald Reagan appointed me as the Director, California's Department of Fish and Game. I served in that capacity during both of the governor's administrations -- 1968 to 1975.

I am especially pleased with the environmental agenda we were able to implement during those years, and the successes we had with programs that encourage ranchers, farmers, and other private landowners to develop, maintain, and enhance wildlife habitat on privately owned land. Those benefits continue to this day, and they serve as excellent examples of public benefits that flow from private land ownership without government intervention or funding.

Before coming to Washington, D.C. in 1980 to serve President Reagan again, I had given 18 years of volunteer service to the National Wildlife Federation (NWF) (1962-1980) as a member of the board of directors, including two terms as the Federation's president-elect (1976-78). I was a founder of the Congressional Sportsmen's Caucus, and the Congressional Sportsmen's Caucus Foundation, and a founder and CEO of The U. S. Sportsmen Alliance, (formerly the Wildlife Legislative Fund of America, and the Wildlife Conservation Fund of America ) (1978-1980).

Prior to my professional career and commitment to wildlife resources and the environment it was my privileged to help defend America's freedoms, including the right to own private property, when serving as an enlisted man and an officer for 4½ years with the U.S. Marine Corps during WWII, and another three years when recalled to active duty during for the Korean Conflict.

As Assistant Secretary for Fish & Wildlife & Parks during the Reagan Administration, long after the ESA was enacted in 1973, I watched helplessly as that laudable, well-intentioned law became the victim of "mission-creep" by zealots, not only in the federal bureaucracy, but also The Humane Society of the U. S., The Sierra Club, The Nature Conservancy, The Wilderness Society, and a number other NGO's.

The Endangered Species Act, as the name implies, was enacted to protect species of flora and fauna that were thought to be in danger of extinction. Okay, but soon "mission-creep" became involved to the point that not only was the species listed, but then their subspecies, then their races, then their populations, then distinct populations, and even population segments.

Let us not repeat the mistakes of the Endangered Species Act – an act that history painfully shows is bad for wildlife, bad for ranchers, bad for farmers, bad for private property landowners, and bad for our nation's economic health.

Generated by extreme environmentalists, "mission-driven creep" set in, and under mandates of the Endangered Species Act, private landowner abuses became the rule rather than the exception. It is beyond common sense to entertain a notion to provide federal agencies and mission-oriented NGOs, additional authority to go after flora and fauna species that were not known to exist in North America to welcome the Pilgrims arriving at Plymouth Rock.

Legislation or regulations concerning invasive species must be devoid of the "native/non-native" designation. Non-indigenous species should be evaluated on whether they are likely to cause economic or environmental harm or be harmful to human health.

For example, the Noxious Weed Control Act of 2003 (S. 144 ES), introduced by Senator Craig, a man who I admire greatly, and a number of other bills pending, include in their language the ill-defined term “non-native” to an ecosystem. In other words, pre-Christopher Columbus, and this troubles me.

Many flora and fauna species are non-native and they are beneficial. Surely, invasive species legislation must not be intended to eradicate beneficial non-native species. Therefore, invasive, or non-native, species must be weighed against known beneficial utility and desirability

Federal agencies need no additional authority to control invasive species. Such authority already is available. There is no need to create another costly, wasteful, dictatorial layer of federal bureaucracy by enacting invasive species legislation, only with the hope that it might, someday, prevent or eradicate plant and animal invasive species detrimental to our environment.

Let us not set into motion another system that creates another bureaucratic Frankenstein to run roughshod over the Constitutional rights of American citizens, while knowing there is strong doubt that it could even marginally improve the problems that already exist with unwanted harmful species.

In the eye of the beholder, the term “invasive species” is mischievously subjective. As mentioned above, not all invasive species are unwelcome, nor do all invasive species cause harm. America's sportsmen pump billions of dollars into the American economy, harvesting and managing desirable non-native (invasive) species such as ringneck pheasants that flourish in my state of California and throughout the Great Plains; chukar partridges in the Rockies and all of our Western states; brown trout virtually anywhere in U. S. inland waters; striped bass along the shores of the Pacific Ocean and in the rivers and streams of the Sacramento-San Joaquin Delta, and salmon in the Great Lakes.

In California alone, there are many other beneficial species, of wildlife that historically are not native to the state, such as the wild turkey, whitetail ptarmigan, eastern gray squirrel, rock dove, and mute swan, to mention a few. Indeed, carrying the invasive species logic to extreme, the horse and beef cattle are invasive species, regardless of their benefit to man. The list is extensive, and it concerns me that there are no safeguards to prevent an overzealous invasive species czar from eradicating these desirable species, because they might, someday, be thought to "endanger" native, pre-Columbus, flora and fauna.

In closing, the recommendations I have to offer are as follows:

1) If my first recommendation is accepted then there is no need for the others. My recommendation is that no legislation be enacted that will establish a federal agency to focus on invasive species of wild animals and plants. Federal and state administrators responsible for taking care of problems caused by harmful and noxious species already have adequate authority provided in the National Environmental Policy Act of 1970, the National Forest and Management Act of 1976, the Department of Agriculture Organic Act of 1982, the Clean Water Act Amendments of 1987, and The Agricultural Risk Protection Act of 2000 (Title IV), to name but a few. Additional legislation creating a costly and larger federal bureaucracy, especially one with interagency status, to handle harmful, species, is not only wasteful it is unneeded. No new law is needed. There are laws and then there is action. What is needed is action.

2) In the event my first recommendation is unaccepted, my next recommendation is that enabling legislation must include language requiring federal agencies, private organizations, and/or NGO's, to receive written permission from the landowner, not just a renter or lessee, before entering the landowner's property to conduct a survey, and the landowner is to receive all data obtained in a survey on his or her property
Some who oppose this requirement are sure to claim that it is unconstitutional to require landowner written permission. Nevertheless, many well-informed scholars, distinguished constitutional lawyers, and I disagree. The United States Constitution unmistakably affirms, leaving no doubt, that the individual rights of United States citizens must be safeguarded.
Without landowner consent, the rights of private property owners have been trampled with impunity. The ESA has given the bureaucracy extraordinary power and authority to trespass and impose terms and conditions, dictating how an owner may or may not manage his or her land. American citizens, hard working, taxpaying individuals, your constituents, have been severely restricted in the use of, and denied access to, many thousand acres of public land managed and controlled by the federal government but

belonging to the people.
Private property has been taken without fair and equitable compensation. Property owners have been threatened with fines and/or imprisonment for not adhering to ESA mandates. To get a fair trial requires lengthy lawsuits and attorney expenses the average citizen cannot afford, therefore, no contest. Government attorneys are paid by the taxpayers; government has time to wait and wear down landowners to the point that landowners finally give up or their property is condemned. Government wins by default. I feel certain that these abuses can be and will be compounded further by invasive species legislation creating another federal agency to enforce actions against private property owners.

3) My third recommendation is based on my belief that the terms "non-indigenous" and "non-native" should not to occur in the listing of invasive species targeted for special attention. "Noxious" and/or "harmful" are the appropriate words. Even the term “invasive,” for that matter, should not be used due to its “non-native,” nebulous definition in Executive Order No. 13112. Further, to ensure the intent of invasive species legislation is not misunderstood or abused, intentionally or unintentionally, I recommend that the enabling language include the phrase "whether native or non-native to any ecosystem." With those changes and the additional phrase, there will be fewer objections to and less doubt about the intent of new invasive species legislation.

Before listing any animal or plant, however, a full Risk Assessment for any species proposed for any category of regulatory, advisory, or “educational” listing must include an economic and environmental assessment of what the negative impact might be when listing species currently available commercially and as game animals utilized by sport hunters, trappers, and anglers.

In reference to the Executive Order mentioned above the problem I see with the term "invasive" is due to its unclear, circular definitions in Executive Order No. 13112, Section 1, Definitions, (f). "Invasive species" itself is defined as "alien" in that document, which in turn refers to "native" and "a particular ecosystem." The definition in the Executive Order precludes precise meaning.

My fourth and final recommendation is:

4) Because a wildlife species is not indigenous, not native, nor pre-Christopher Columbus, if you like, that is no criterion for listing it for extermination. So, rather than using the term "invasive species," I am suggesting it is far better to use the terms "noxious species" and/or "harmful species.” Those two words, "noxious" and "harmful," are the appropriate and preferred terms. They are precise in their meaning, leaving no question about what invasive species legislation intends Only species that are noxious and harmful, regardless of origin, will be listed for control or eradication.

The problems created by not identifying precisely the intent of legislation and the goals to be accomplished became obvious to me as I watched the intentional misuse of the Endangered Species Act. For example, when ESA was enacted, the term "species," was not sufficiently defined to limit flora and fauna for listing. Because of that, the Act's intent has become tarnished and abused.

The ESA, as I am sure you know, was intended to be an effort to save species of flora and fauna from extinction. I suspect most legislators supporting endangered species legislation had in mind saving the Bald Eagle and whales. I emphasize the word "species" for a purpose. In retrospect, there is doubt that Congressional Members suspected the Act would include the listing of subspecies, much less races, populations, subpopulations, population segments, and even distinct population segments? Nevertheless, that is where the Act has taken us today.

What guarantee do we have that an Invasive Species Act will not be abused to such a ridiculous degree, too, unless the intent and language of the Act is precise and clearly defined, leaving no room for misunderstanding or abuse, unintended or otherwise? At this time, there are no guarantees.

This concludes my remarks, Mr. Chairman. I thank each Member for their attention and for providing me the opportunity to express my opposition to invasive species legislation and/or additional, unneeded regulations to control harmful plant and wildlife species.

I will be happy to answer your questions if I can.

G. Ray Arnett

3139 Harpers Ferry Dr.

Stockton CA 95219-3728