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THE NUTRIA ERADICATION AND CONTROL ACT OF 2011

NOVEMBER 15, 2011.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 899]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 899) to provide for the eradication and control of nutria, having considered the same, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

Nutria are large (average 12 pounds), semi-aquatic rodents with a strong appetite and high reproductive potential. Nutria can consume up to 25 percent of their body weight in plants per day. Nutria feeding habits can be extremely destructive to marsh vegetation, as the animal forages directly on plant roots. This process can turn productive wetlands into barren mud flats. Since their introduction in the 1930's to bolster the fur trade, nutria have damaged millions of acres of wetlands and countless miles of shoreline and have earned a spot among the International Union for Conservation of Nature's (IUCN) list of the world's 100 worst invasive alien species.

The damage caused by nutria threaten wetlands, native wildlife and crops. Nutria impacts have both ecological and economic costs. For example, in Maryland, economic costs are estimated to be \$4 million per year. Other impacts include:

- Wetlands—At high densities, nutria are able to convert marshland to open water by feeding on native plants in coastal marshes.

- **Wildlife**—Habitat destruction associated with nutria threatens waterfowl, muskrats, and rare marshland species of bird, fish and invertebrates. In marsh areas, nutria also compete with native and migrating wildlife for food resources.

- **Crops**—Extensive damage from nutria has been reported in rice, soybean, and sugar cane fields both from direct predation and indirect means. For example, extensive damage can be done to the levees surrounding rice plantation ponds as a result of the nutria's burrow digging.

- **Parasites and diseases**—Louisiana nutria have been found to carry several diseases, viruses, and parasites. Most notably, they carry the nematode *Strongyloides myopotami*, which can cause a severe itching rash in humans.

A 2000 USGS report indicated nutria have established viable populations in 15 states. Significant wetland destruction has been documented in Maryland, Virginia, Louisiana, and Oregon. Some research suggests that the highest densities of nutria in the world are in the Pacific Northwest in Oregon's freshwater marshes.

Nutria Eradication and Control Act

The Nutria Eradication and Control Act of 2003 was passed in 2003 and signed by then-President George W. Bush, becoming Public Law 108-16. It authorized an annual appropriation of \$4 million for Maryland and \$2 million for Louisiana for each of the fiscal years 2004 through 2008. The Act encourages habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of coastal wetlands from destruction caused by nutria.

Since 2000, funding has been provided through the Fish and Wildlife Service (FWS) to the Maryland Nutria Project. This effort has eradicated nutria from over 150,000 acres of the approximately 400,000 acres of infested wetland habitat in the state. The success in Maryland's program has also informed efforts in Louisiana. Entitled the Coastwide Nutria Control Program, Louisiana's nutria eradication program provides incentives for the trapping of nutria. The program is funded by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) through the USDA Natural Resources Conservation Service and the Louisiana Department of Natural Resources.

The Nutria Eradication and Control Act builds on the successful efforts of Maryland and Louisiana. In addition to Maryland and Louisiana, the Act would enable the FWS to provide assistance to Delaware, Oregon, North Carolina, Virginia, and Washington.

OBJECTIVES OF THE LEGISLATION

This bill would reauthorize the Nutria Eradication and Control Act of 2003 and extend the program to the states of Delaware, Oregon, North Carolina, Washington, and the Commonwealth of Virginia. The program would provide assistance to eradicate and control nutria populations and restore nutria-damaged wetland.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this bill may be cited as the “Nutria Eradication and Control Act of 2011.”

Section 2. Findings and purpose

Section 2 provides the general purpose of the bill, along with several findings which: recognize the economic and environmental importance of wetland and tidal marshes in the Chesapeake Bay, State of Louisiana, and other coastal states; recognize that the South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh losses on land in the States of Maryland and Louisiana, and other coastal states; acknowledges that the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) has eradicated and reduced nutria-impacted wetlands acres in the States of Maryland and Louisiana; acknowledges that proven techniques developed under the Nutria Eradication and Control Act of 2003 are eradicating and reducing the acres of nutria-impacted wetlands in Maryland and Louisiana and should be applied to nutria eradication or control programs in other nutria-infested coastal States.

Section 3. Definitions

Section 3 provides definitions for several terms used throughout the bill.

Section 4. Nutria Eradication Program

Section 4 authorizes the Secretary of the Interior (Secretary), subject to the availability of appropriations, to provide financial assistance to the States of Maryland, Louisiana, and the coastal States to eradicate or control nutria and requires that costs shall be matched by non-federal and in-kind contributions. As amended, Section 4 authorizes \$6 million annually, which includes \$2 million for the State of Maryland, \$2 million for the State of Louisiana, and \$2 million for other coastal states.

Section 5. Report

Section 5 requires the Secretary and the National Invasive Species Council to issue a report that continues the long-term nutria control or eradication program in coordination with the State of Louisiana Department of Wildlife and Fisheries, the State of Maryland Department of Natural Resources, the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, and the State of Washington Department of Fish and Wildlife.

LEGISLATIVE HISTORY

Similar legislation was introduced in the 111th Congress. In the 112th Congress, on May 5, 2011, Senator Cardin introduced S. 899, which was cosponsored by Senators Hagan, Landrieu, Mikulski and Merkley. The bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The full committee met on July 13, 2011 to consider the bill. At the meeting,

Senator Cardin offered an amendment that modified the bill to authorize \$6 million in appropriations for each of fiscal years 2012 through 2017. The amendment also provided that \$2,000,000 shall be used to provide financial assistance to Maryland, \$2,000,000 shall be used to provide financial assistance to Louisiana, and the remaining \$2,000,000 shall be used to provide financial assistance to other states on a competitive basis. The committee ordered S. 899 to be reported with an amendment.

HEARINGS

In the 111th Congress, the Senate Committee on Environment and Public Works, Subcommittee on Water and Wildlife, held a legislative hearing on December 3, 2009 to consider a number of bills including S. 1519, the Nutria Eradication and Control Act.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 899 on July 13, 2011. The bill was ordered reported favorably, as amended, by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 899 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee notes that the CBO cost estimate found that, "S. 899 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments."

CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

Section	Provision	Member
4	Authorization of appropriations	Sen. Cardin

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 2, 2011.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 899, the Nutria Eradication and Control Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 899—Nutria Eradication and Control Act of 2011

Summary: S. 899 would authorize the Secretary of the Interior to provide financial assistance to Maryland, Louisiana, and certain other coastal states for the control or eradication of South American nutria (a foreign invasive species) and for the restoration of marshlands damaged by the mammal. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 899 would cost \$30 million over the 2012–2016 period. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 899 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 899 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2012	2013	2014	2015	2016	2012–2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	6	6	6	6	6	30
Estimated Outlays	6	6	6	6	6	30

Basis of estimate: For this estimate, CBO assumes that S. 899 will be enacted by the end of 2011, that the authorized amounts will be appropriated for each fiscal year, and that funds will be provided to the states in annual lump sums. Over the 2012–2016 period, the bill would authorize the appropriation of \$6 million annually, including \$2 million for Maryland, \$2 million for Louisiana, and a total of \$2 million for the states of Delaware, North Carolina, Oregon, Virginia, and Washington.

Intergovernmental and private-sector impact: S. 899 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Several states would benefit from the program authorized in the bill. Any costs to those states would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is en-

closed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

NUTRIA ERADICATION AND CONTROL ACT OF 2003

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nutria Eradication and Control Act of 2003”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Wetlands and tidal marshes of the Chesapeake Bay [and in Louisiana], *the State of Louisiana, and other coastal States* provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh loss [in Maryland and Louisiana on Federal, State, and private land] *on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States.*

[(3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

[(4) The nutria eradication and control pilot program authorized by Public Law 105–322 is to develop new and effective methods for eradication of nutria.]

(3) *This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.*

(4) *This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.*

(5) *The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States.*

[(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.]

(b) PURPOSE.—*The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—*

- (1) *to eradicate or control nutria; and*
- (2) *to restore nutria damaged wetlands.*

SEC. 3. DEFINITIONS.

In this Act:

(1) *COASTAL STATE*.—The term “coastal State” means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

(2) *PROGRAM*.—The term “program” means the nutria eradication program established by section 4(a).

(3) *PUBLIC-PRIVATE PARTNERSHIP*.—The term ‘public-private partnership’ means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

(4) *SECRETARY*.—The term “Secretary” means the Secretary of the Interior.

SEC. [3]4. NUTRIA ERADICATION PROGRAM.

[(a) *GRANT AUTHORITY*.—The Secretary of the Interior (in this Act referred to as the “Secretary”), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.]

(a) *IN GENERAL*.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

(1) to eradicate or control nutria; and

(2) to restore wetlands damaged by nutria.

(b) *GOALS*.—The goals of the program shall be to—

(1) eradicate nutria in the State of Maryland;

(2) eradicate or control nutria in Louisiana and [other States]the coastal States; and

(3) restore [marshland]wetlands damaged by nutria.

[(c) *ACTIVITIES*](c) *ACTIVITIES IN THE STATE OF MARYLAND*.—In the State of Maryland, the Secretary shall require that the program consist of management, research, and *622 public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”, dated March 2002, and updated in March 2009.

(d) *COST SHARING*.—

(1) *FEDERAL SHARE*.—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.

(2) *IN-KIND CONTRIBUTIONS*.—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.

(e) *LIMITATION ON ADMINISTRATIVE EXPENSES*.—Not more than 5 percent of [financial assistance provided by the Secretary under this section]the amounts made available under subsection (f) to carry out the program may be used for administrative expenses.

[(f) *AUTHORIZATION OF APPROPRIATIONS*.—For financial assistance under this section, there is authorized to be appropriated to the Secretary \$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.]

(f) *AUTHORIZATION OF APPROPRIATIONS*.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry

out the program \$6,000,000 for each of fiscal years 2012 through 2016, of which—

- (1) \$2,000,000 shall be used to provide financial assistance to the State of Maryland;
- (2) \$2,000,000 shall be used to provide financial assistance to the State of Louisiana; and
- (3) \$2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.

SEC. [4]5. REPORT.

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall—

- (1) give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled “Nutria in Louisiana”, and the [2002 document entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”] *March 2009 update of the document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’ and originally dated March 2002; and*
- (2) [develop] *continue*, in cooperation with the State of Louisiana Department of Wildlife and Fisheries and the State of Maryland Department of Natural Resources, a long-term nutria control or eradication program, as appropriate, with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the States of Louisiana and Maryland[.]; and
- (3) *develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—*
 - (A) *significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and*
 - (B) *promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.*

* * * * *