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SENATE

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111-182

### THE NUTRIA ERADICATION AND CONTROL ACT OF 2009

MAY 5, 2010.—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. 1519]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1519) to provide for the eradication and control of nutria in Maryland, Louisiana and other coastal States, having considered the same, reports favorably thereon without amendment and recommends that the bill 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, 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, 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 2009.”

### *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. Requires that costs shall be matched by non-federal and in kind contributions.

### *Section 5. Report*

Section 5 requires the Secretary and the National Invasive Species Council to issue a report that develops a 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 Commonwealth 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.

### *Section 6. Authorization of appropriations*

Section 6 authorizes \$4,000,000 in Maryland and Louisiana, for each of the fiscal years 2010 through 2014, and \$1,000,000 for each of the other named coastal States.

### LEGISLATIVE HISTORY

Similar legislation was introduced in the 110th Congress. In the 111th Congress, on July 23, 2009, Senator Cardin introduced S. 1519, which was cosponsored by Senators Vitter, 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 December 10, 2009 to consider the bill, and ordered S. 1519 to be reported favorably without amendment.

## HEARINGS

The Senate Committee Environment and Public Works, Subcommittee on Water and Wildlife, held a legislative hearing on December 3, 2009 to consider a number of wildlife bills including S. 1519, the Nutria Eradication and Control Act. At the hearing, U.S. Fish and Wildlife Service Deputy Director Dan Ashe testified that the Administration supports the legislation. Other witnesses, including Edmond Mouton, the biologist program manager for coastal and nongame resources at the Louisiana Department of Wildlife & Fisheries, Eric Schwaab, Deputy Secretary of Maryland's Department of Natural Resources, and Robert L. Bendick, Director of Government Relations for the Nature Conservancy, testified in support of the legislation.

## ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1519 on December 10, 2009. The bill was ordered favorably reported by voice vote.

## REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1519 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. 1519 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments."

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

DECEMBER 24, 2009.

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. 1519, the Nutria Eradication and Control Act of 2009.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*S. 1519, Nutria Eradication and Control Act of 2009*

Summary: S. 1519 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. For those purposes, the bill

would authorize the appropriation of \$12 million annually for each of fiscal years 2010 through 2014.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1519 would cost \$60 million over the 2010–2014 period. The legislation would not affect direct spending or revenues.

S. 1519 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. 1519 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— |      |      |      |      |           |
|----------------------------------------------|-----------------------------------------|------|------|------|------|-----------|
|                                              | 2010                                    | 2011 | 2012 | 2013 | 2014 | 2010–2014 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION |                                         |      |      |      |      |           |
| Authorization Level .....                    | 12                                      | 12   | 12   | 12   | 12   | 60        |
| Estimated Outlays .....                      | 12                                      | 12   | 12   | 12   | 12   | 60        |

Basis for the estimate: For this estimate, CBO assumes that S. 1519 will be enacted by the middle of fiscal year 2010, that the amounts authorized will be appropriated for each fiscal year, and that funds will be provided to the states in annual lump sums. The authorization level consists of \$4 million annually for Maryland, \$4 million annually for Louisiana, as well as \$1 million annually for each of the states of Delaware, Oregon, Virginia, and Washington.

Intergovernmental and private-sector impact: S. 1519 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: Matthew Pickford, 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

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.