

Federal Noxious Weed Act

Sec. 2814. Management of undesirable plants on Federal lands

(a) Duties of agencies

Each Federal agency shall -

- (1) designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate an undesirable plants management program for control of undesirable plants on Federal lands under the agency's jurisdiction;
- (2) establish and adequately fund an undesirable plants management program through the agency's budgetary process;
- (3) complete and implement cooperative agreements with State agencies regarding the management of undesirable plant species on Federal lands under the agency's jurisdiction; and
- (4) establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements.

(b) Environmental impact statements

In the event an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to implement plant control agreements, Federal agencies shall complete such assessments or statements within 1 year after the requirement for such assessment or statement is ascertained.

(c) Cooperative agreements with State agencies

(1) In general

Federal agencies, as appropriate, shall enter into cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal lands.

(2) Contents of plan

A cooperative agreement entered into pursuant to paragraph (1) shall -

- (A) prioritize and target undesirable plant species or group of species to be controlled or contained within a specific geographic area;
- (B) describe the integrated management system to be used to control or contain the targeted undesirable plant species or group of species; and
- (C) detail the means of implementing the integrated management system, define the duties of the Federal agency and the State agency in prosecuting that method, and establish a time frame for the initiation and completion of the tasks specified in the integrated management system.

(d) Exception

A Federal agency is not required under this section to carry out programs on Federal lands unless similar programs are being implemented generally on State or private lands in the same area.

(e) Definitions

As used in this section:

(1) Cooperative agreement

The term "cooperative agreement" means a written agreement between a Federal agency and a State agency entered into pursuant to this section.

(2) Federal agency

The term "Federal agency" means a department, agency, or bureau of the Federal Government responsible for administering or managing Federal lands under its jurisdiction.

(3) Federal lands

The term "Federal lands" means lands managed by or under the jurisdiction of the Federal Government.

(4) Integrated management system

The term "integrated management systems" means a system for the planning and implementation of a program, using an interdisciplinary approach, to select a method for containing or controlling an undesirable plant species or group of species using all available methods, including -

- (A) education;
- (B) preventive measures;
- (C) physical or mechanical methods;
- (D) biological agents;
- (E) herbicide methods;
- (F) cultural methods; and
- (G) general land management practices such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

(5) Interdisciplinary approach

The term "interdisciplinary approach" means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, which -

- (A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and

forestry; and

(B) includes consideration of -

- (i) the most efficient and effective method of containing or controlling the undesirable plant species;
- (ii) scientific evidence and current technology;
- (iii) the physiology and habitat of a plant species; and
- (iv) the economic, social, and ecological consequences of implementing the program.

(6) State agencies

The term "State agency" means a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

(7) Undesirable plant species

The term "undesirable plants" means plant species that are classified as undesirable, noxious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law. Species listed as endangered by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be designated as undesirable plants under this section and shall not include plants indigenous to an area where control measures are to be taken under this section.

(f) Coordination

(1) In general

The Secretary of Agriculture and the Secretary of the Interior shall take such actions as may be necessary to coordinate Federal agency programs for control, research, and educational efforts associated with Federal, State, and locally designated noxious weeds.

(2) Duties

The Secretary, in consultation with the Secretary of the Interior, shall -

- (A) identify regional priorities for noxious weed control;
- (B) incorporate into existing technical guides regionally appropriate technical information; and
- (C) disseminate such technical information to interested State, local, and private entities.

(3) Cost share assistance

The Secretary may provide cost share assistance to State and local agencies to manage noxious weeds in an area if a majority of landowners in that area agree to participate in a noxious weed management program.

(g) Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary in each of fiscal years 1991 through 1995 to carry out this section.

(Pub. L. 93-629, Sec. 15, as added Pub. L. 101-624, title XIV, Sec. 1453, Nov. 28, 1990, 104 Stat. 3611.)