

July 13, 2015

Val Dolcini
Administrator
USDA Farm Services Agency
1400 Independence Ave. SW
Washington, DC 20250

RE: Biomass Crop Assistance Program Notice of Intent to Prepare a Programmatic Environmental Impact Statement (Federal Register Vol. 80, No. 113, p. 33475)

Dear Administrator Dolcini:

We thank you for the opportunity to provide comments on the Farm Service Agency (FSA)'s Notice of Intent to prepare a Programmatic Environmental Impact Statement (PEIS) for the Final Rule for the Biomass Crop Assistance Program (BCAP). The undersigned organizations, representing millions of members and supporters across the country, offer the following recommendations on BCAP implementation and the BCAP final rule specifically related to our concerns with reducing the invasion risk of biomass crops.

Many of the characteristics sought in bioenergy crops also are commonly found in invasive species. As a result, plants with attractive bioenergy traits, including but not limited to rapid above-ground biomass production, high environmental tolerance, and short generation times, are also likely to pose a high risk of invasion. We greatly appreciate the steps that USDA has taken to date to ensure that the project area portion of the program does not unintentionally incentivize the cultivation of biomass crops posing a high risk of invasion. In fact, the program's exclusion of high and potentially high invasion risk feedstocks, coupled with mandatory best management practices for non-native low invasion risk feedstocks such as sterile giant miscanthus, has been a model that many of our groups have recommended that other agencies adopt.

The 2014 Farm Bill included new language clarifying that invasive and potentially invasive feedstocks are excluded from the project area portion of the program, and specifically points to weed risk assessments as tools to assess invasive potential of proposed feedstocks for the project area portion of the program. The 2014 Farm Bill excludes "any plant that is invasive or noxious or species or varieties of plants that credible risk assessment tools or other credible sources determine are potentially invasive, as determined by the Secretary in consultation with other appropriate Federal or State departments and agencies." This language was strongly supported by our groups and shows clear Congressional intent that invasive or noxious plants should not be considered under BCAP.

Therefore we are extremely concerned that the agency is even considering and reviewing feedstocks under the PEIS that weed risk assessments have found to have a high risk of becoming invasive, as this clearly goes against Congressional intent.

Additionally, approval of invasive feedstocks would conflict with Executive Order 13112 (1999),¹ which provides that USDA may not “authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere.”

Several species on the list under consideration have clearly been determined to be noxious or invasive, therefore any programmatic review of these species as potential biomass feedstock sources would be a violation of language prohibiting the use of invasive or noxious species found in the 2014 Farm Bill. For example, *Arundo donax* is highly invasive non-native species that has caused well-documented economic and ecological damage. Listed as one of the world’s 100 worst weeds,² *Arundo donax* displaces native vegetation and negatively impacts certain threatened and endangered species such as the Least Bell’s Vireo. In the United States, *Arundo donax* is listed as a noxious weed in Texas,³ California,⁴ Colorado⁵, and Nevada.⁶ Additionally, it has been noted as either invasive or a serious risk in New Mexico, Alabama, and South Carolina.⁷ At least five published weed risk assessments (WRAs) have determined that *Arundo donax* is a likely invasive species.⁸ USDA’s own weed risk assessment concluded with very low uncertainty that *Arundo donax* is a high risk species, noting that it is a “highly invasive grass” and a “serious environmental weed” that can alter the hydrology, nutrient cycling, and fire regimes in areas where it becomes established.⁹

Pennycress has also been assessed by USDA APHIS’s weed risk assessment and was determined to be high risk.¹⁰ Other species listed in the NOI that have been assessed by credible risk assessment tools as high risk of being invasive include pongamia, certain eucalyptus and jatropha species, and castor beans (*Ricinus communis*).¹¹ Additionally, it should be noted that it is difficult to ascertain which specific species will be investigated when only their vague common names are provided. More specificity is needed in order to determine the potential ramifications of incorporating these species into a BCAP project.

Recommendations:

The undersigned groups recommend that FSA take the following actions:

- (i) FSA should do an initial screen of the invasive potential of proposed feedstocks and:
 - a. deny approval to any proposed crops included on state or federal noxious weed lists or categorized as invasive or noxious on the USDA Plants Database.
 - b. deny approval to any proposed crops found to be potentially invasive by a credible risk assessment tool such as USDA-APHIS weed risk assessments, state weed risk assessments where available, or a similar risk assessment by an independent third party with credentials in invasive risk.

- (ii) For species that pass the initial screen, a more in depth assessment of invasive potential should be done through the PEIS process.
- (iii) FSA should consult with appropriate federal and state agencies and departments, including USDA-APHIS, the National Invasive Species Council, state agriculture departments, state fish and wildlife and natural resource agencies, and federal land management agencies about the invasive potential of proposed feedstocks.
- (iv) FSA should expedite the approval of low invasion-risk biomass crops through creation of “white lists” of low risk, pre-approved species and varieties.¹²
- (v) FSA should include feedstock-specific mandatory best management practices in conservation plans, such as are included in the approval of sterile giant miscanthus.

Conclusion:

The undersigned groups appreciate the opportunity to submit these comments, and we thank you for your consideration of our recommendations. We strongly urge USDA to remove species that have been determined to have a high risk of becoming invasive from consideration in this PEIS. We look forward to working with FSA to ensure that the environmental benefits of BCAP are maximized and the invasive risks minimized. Please do not hesitate to contact us if you have any questions or wish to discuss these recommendations.

Sincerely,

Center for Invasive Species Prevention

National Bobwhite Conservation Initiative

National Sustainable Agriculture Coalition

National Wildlife Federation

Natural Areas Association

National Association of Invasive Plant Councils

National Environmental Coalition on Invasive Species

Weed Science Society of America

Citations

- ¹ Invasive Species. 1999. Executive Order 13112. 64 FR 6183.
- ² Lowe S., Browne M., Boudjelas S. De Poorter M. 2000. 100 of the World's Worst Invasive Alien Species A selection from the Global Invasive Species Database. Published by The Invasive Species Specialist Group (ISSG) a specialist group of the Species Survival Commission (SSC) of the World Conservation Union (IUCN), 12pp.
- ³ USDA NRCS. "Invasive and Noxious Weeds." <http://plants.usda.gov/java/noxious?rptType=State&statefips=48> (accessed March 8, 2012).
- ⁴ California Department of Food and Agriculture. "Encyloweedia: Data Sheets." http://www.cdfa.ca.gov/plant/ipc/weedinfor/winfor_list-pestrating.htm (accessed March 8, 2012).
- ⁵ Colorado Department of Agriculture. "Noxious Weed Management Program." <http://www.colorado.gov/cs/Satellite/Agriculture-Main/CDAG/1174084048733> (accessed March 8, 2012).
- ⁶ Nevada Department of Agriculture. "Noxious Weed List." http://agri.nv.gov/nwac/PLANT_NoXWeedList.htm (Last modified February 2, 2012).
- ⁷ Florida Native Plant Society. "Florida Native Plant Society Policy Statement on *Arundo donax*." http://www.fnps.org/committees/policy/pdfs/policyarundo_policy_statement1.pdf (Last updated November 6, 2006).
- ⁸ Gordon, D.R., K.J. Tancig, D.A. Onderdonk, and C.A. Gantz. 2011. Assessing the invasive potential of biofuel species proposed for Florida and the United States using the Australian Weed Risk Assessment. *Biomass and Bioenergy* 35: 74-79; Buddenhagen, C.E., C. Chimera, and P. Clifford. 2009. Assessing biofuel crop invasiveness: A case study. *PLoS ONE* 4 : e5261; Gassó N, Basnou C & Vilà M (2010). Predicting plant invaders in the Mediterranean through a weed risk assessment system. *Biol. Invasions* 12:463-476; Barney JN & Ditomaso JM (2008). Nonnative species and bioenergy: are we cultivating the next invader? *BioScience* 58: 64-70; USDA APHIS. 2012. Weed risk assessment for *Arundo donax* L. (Poaceae) – Giant reed. Version 1.
- ⁹ USDA APHIS. 2012
- ¹⁰ USDA APHIS. 2015. Weed risk assessment for *Thlaspi arvense* L. (Brassicaceae) – Field pennycress. Version 2.
- ¹¹ PIER (2013) US Forest Service, Pacific Island Ecosystems at Risk (PIER). Online resource at <http://www.hear.org/pier/>. Accessed 16 April 2013 and 13 July 2015
- ¹² Quinn, L.D., et al. 2014. Bioenergy feedstocks at low risk for invasion in the USA: A "white list" approach. *Bioenergy Research*.