

INDIAN AFFAIRS MANUAL

1.1 Purpose. The chapter documents Indian Affairs (IA) policy regarding the management of noxious weeds on Indian lands.

1.2 Scope. This policy applies to all Tribally and individually held trust and restricted Indian lands as well as government lands under Bureau of Indian Affairs (BIA) jurisdiction, and to all IA programs, offices, and staff charged with the management of said lands. Although the Bureau has no authority to manage Indian lands held in fee status, this policy should serve as guidance for the management of noxious weeds on Tribal fee lands, especially where conversion to trust status is planned.

1.3 Policy. It is IA's policy to prevent the introduction and spread of noxious weeds; to monitor for and rapidly respond to the presence of noxious weeds; and to promote the restoration of native species and habitat conditions in ecosystems that have been impaired by noxious weed infestation.

1.4 Authority.

A. Statutes and Regulations.

- 1) 7 U.S.C. § 2814, Management of undesirable plants on Federal lands
- 2) 7 U.S.C. § 7701 et seq., The Plant Protection Act of 2000
- 3) 7 U.S.C. §§ 7781-7786, Noxious Weed Control and Eradication Act of 2004
- 4) 25 U.S.C. §§ 3701 et seq., American Indian Agricultural Resource Management Act, as amended

B. Guidance.

- 1) Executive Order (EO) 13112, Invasive Species, February 3, 1999
- 2) 517 Departmental Manual (DM) 1, Integrated Pest Management Policy

1.5 Responsibilities.

A. Director, BIA is responsible for:

- 1) planning, funding, implementation, and oversight of such programs and activities as may be required to accomplish the goals and objectives of the Department's Integrated Pest Management Policy (517 DM 1), and the other Authorities noted in Section 1.4 of this policy;

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- 2) advancing cooperative weed management efforts across all Bureau programs, addressing conflicts and areas of concern, maintaining working relationships, approving agreements with other federal agencies, and negotiating with Tribes and Tribal organizations;
- 3) naming a BIA member/representative to the Federal Interagency Committee for the Management of Noxious and Exotic Weeds (FICMNEW) and to the Technical Advisory Group for Biological Control Agents of Weeds (TAG); and
- 4) recommending candidates to serve as Native American representatives on the Invasive Species Advisory Committee (ISAC) of the National Invasive Species Council (NISC).

B. Deputy Bureau Director (DBD), Office of Trust Services (OTS), BIA is responsible for supporting weed management budget and staffing needs, and coordinating weed management activities across all OTS programs.

C. Regional Director (RD) is responsible for:

- 1) providing regional guidance, addressing appeals from decisions issued by BIA Agency Superintendents, and meeting the responsibilities listed under section 1.5 D. of this policy for programs administered at the regional rather than BIA agency level;
- 2) making official regional and/or individual reservation weed designations, as appropriate, after consultation with state, Tribal, local officials, and weed specialists;
- 3) designating a regional staff member to act as the noxious weed management and control contact/coordinator and Interdisciplinary Team member for this activity;
- 4) ensuring that noxious weeds are managed on rights-on-way (ROW) through Indian lands, including utility, pipeline, and state and local transportation corridors through agreements with ROW holders;
- 5) ensuring that all individuals and entities authorized to occupy and/or take possession of trust and/or government lands comply with all weed management stipulations and requirements contained in authorizing documents; and
- 6) ensuring regional compliance with all statutory, regulatory, and policy requirements applicable to noxious weed management on all trust Indian lands.

D. BIA Agency Superintendent is responsible for:

- 1) ensuring all BIA agency programs are in compliance with all statutory, regulatory, and policy requirements applicable to noxious weed management on Indian lands;

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- 2) ensuring that noxious weed management activities advance goals expressed in Tribal planning documents;
- 3) instructing all BIA agency program managers to address noxious weed management and control in both the planning and implementation of program activities;
- 4) organizing and assigning BIA agency staff and resources to coordinate weed program activities with other BIA agency responsibilities;
- 5) designating a staff member (or officially recognizing a Tribally appointed staff member) to act as the noxious weed management and control contact/coordinator and Interdisciplinary Team member for the reservation or program activity;
- 6) ensuring that leases and permits authorizing use or occupancy of trust and/or government land under agency jurisdiction address the weed management concerns associated with subject lands; and
- 7) ensuring that all individuals and entities authorized to occupy or take possession of trust and/or government lands comply with all weed management stipulations and requirements contained in authorizing documents.

E. BIA Agency Program Managers (Agricultural) are responsible for:

- 1) educating themselves on the various ways that program activities affect the introduction, spread, and/or control of noxious weeds; and
- 2) ensuring that program planning and implementation, particularly where soil disturbance is expected, incorporates specific measures that prevent the introduction and/or spread of noxious weeds.

1.6 Definitions.

- A. Noxious weed** refers to a plant species that has been officially declared by a federal, state, Tribal, or county government entity to be injurious to native ecosystems and wildlife habitats, cropland and rangeland agriculture, and/or to humans, livestock, and wildlife, and is the target of recommended or mandatory management efforts.
- B. Noxious weed management** is an integrated effort to inventory vegetation for the presence of noxious weeds, to prevent the introduction and spread of noxious weeds, and to contain or reduce the extent of current infestations and their detrimental effects.

Approval

Darryl LaCounte Digitally signed by Darryl LaCounte
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Director, Bureau of Indian Affairs

Date