



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific Northwest Region
Fourth and Pike Building
Seattle, Washington 98101

IN REPLY REFER TO:

Y46
(PNR)MS

October 9, 1975

Memorandum

To: All Areas and Offices, Pacific Northwest Region

From: Acting Associate Regional Director, Park System Management,
Pacific Northwest Region

Subject: Cooperation with states in controlling noxious weeds

Enclosed in entirety is Acting Associate Director Phillips' memorandum of October 1 relative to the subject.

Please provide this information to all persons concerned with herbicide programs.


Charles P. Woodbury

Enclosure





United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

OCT 1 1970

Information copy routed to
Regional Director and Deputy
Regional Director only.

Memorandum

To: All Regional Directors and Director, National Capital Region

From: Acting Associate
Director

Subject: Cooperation with States in controlling noxious weeds

The following information regarding the National Park Service's obligation to local and State noxious weed laws has been provided by the Solicitor:

"In park areas where the United States exercises exclusive jurisdiction, the laws of a state or municipality are, of course, not applicable. In areas where the United States exercises less than exclusive jurisdiction, the criminal and civil laws of a state may extend to those areas. But it has been held that, even though a state exercises civil and criminal jurisdiction over lands belonging to the United States, this jurisdiction will not extend to any matter that is not consistent with the full power of the United States to control and protect its lands. Utah Power and Light Company v. U.S., 243 U.S. 389 (1917). The control and protection of the environment of these areas has been placed by Congress in the hands of the Park Service. See 16 U.S.C. I. In fact, it has been held that the Secretary may authorize activities in park areas of less than exclusive jurisdiction which are inconsistent with state laws, when these activities are consistent with the general management responsibilities of the Secretary. New Mexico State Game Commission v. Udall, 410 F. 2d 1197 (5th Cir. 1969), cert. den., 396 U.S. 961 (1969).

In addition, Congress has expressly addressed the issue on the manner by which federal agencies will cooperate with the several states in the control of noxious plants and provided authority for the National Park Service to cooperate with state governments in the control of noxious plants. This authority is found in P.L. 90-583, Oct. 17, 1968, 82 Stat. 1146, 43 U.S.C. §§ 1241-1243, and section 1 of this legislation reads as follows:



§ 1241. Control of noxious plants on government lands;
State programs; terms of entry

The heads of Federal departments or agencies are authorized and directed to permit the commissioner of agriculture or other proper agency head of any State in which there is in effect a program for the control of noxious plants to enter upon any lands under their control or jurisdiction and destroy noxious plants growing on such land if --

- (1) such entry is in accordance with a program submitted to and approved by such department or agency: Provided, That no entry shall occur when the head of such Federal department or agency, or his designee, shall have certified that entry is inconsistent with national security;
- (2) the means by which noxious plants are destroyed are acceptable to the head of such department or agency; and
- (3) the same procedure required by the State program with respect to privately owned land has been followed.

Of course, approval and use of the State control plan must be consistent with all park management requirements.

In summary, the mandatory nature of a state or local noxious plant control law should have no effect on the proper management of park system areas. And if a state program is consistent with the proper management of a park area, legislation exists directing cooperation with the state in accordance with the above statutory standard."

Please provide this information to all persons concerned. Should you have additional questions, do not hesitate to contact the Division of Natural Resources.

A handwritten signature in cursive script, appearing to read "W. R. ...", is written in black ink at the bottom of the page.