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Invasive Plants Council
Tuesday, Sept. 17, 2013
2 pm, Dept. of Agriculture G8-A
Hartford, CT

Council members present: Dave Goodwin, Bill Hyatt, Rich McAvoy, John Silander, David Sutherland, Jeff Ward, Katherine Winslow

Others present: Donna Ellis, Chris Martin, Penni Sharp, Logan Senack, 1 guest

1. Hyatt called the meeting to order at 2:06 pm.

2. The minutes for the 6/11/13 meeting were reviewed.

Ward moved (second: Silander) to approve the minutes. The Council decided to approve the minutes as submitted.

3. Incentivizing invasive plant control on private lands

Hyatt introduced Chris Martin, DEEP Forestry Division Director. Martin presented a summary of the results of the National Woodland Owner Survey, which was conducted with Yale University using supplemental funds from the US Forest Service. The goal of the survey was to provide information to increase the effectiveness of forestry management in the state.

Katherine Winslow arrived at 2:17 pm.

After the presentation and discussion of the survey results, Martin distributed a draft concept proposal that would provide for a change in CGS Sec. 12-704 to allow a tax deduction for residents who work on invasive plant control on private land. The tax credit would be for 50% of the expenses incurred controlling invasive plants. The CT Forest and Park Association is also involved with this proposal. The group discussed the proposal and thanked Martin for presenting.

Dave Sutherland arrived at 2:42 pm.

4. Copy of Invasive Plants Council (IPC) responsibilities and listing procedure

Senack distributed a document summarizing the activities the IPC is responsible for, based on the language in CGS Sec. 22a-381. The IPC has the ability to use any funds it obtains to enter into contracts to carry out the responsibilities described in CGS Sec. 22a-381a. The document also explains the differences between the invasive and potentially invasive plants list and the prohibited plant list. The two lists have different criteria. Adding a plant to the invasive and potentially invasive list requires a majority vote, while recommending to the legislature to prohibit a certain plant requires a 2/3 vote from the IPC and needs to subsequently be passed by the legislature. Senack also reminded the group that plants do not necessarily have to be present in Connecticut to be listed. For example, both *Salvinia molesta* (giant salvinia) and *Eichhornia crassipes* (water hyacinth) are both listed species. *Salvinia* is not known to be present in the state and water hyacinth is sometimes reported, but it is not known to overwinter in the state and populations do not become established. Both species could cause widespread problems in Connecticut if they became established.

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5. Update on Coordinator activities

Senack distributed a brief summary document about his activities and provided additional updates to the group:

a. Bamboo

- **Workshop:** Senack worked with DEEP to host a workshop on August 20 about the new bamboo law, focusing on information for parties responsible for enforcing the law. The workshop was a success, and approximately 85 people attended the event. Most of the attendees were town staff.
- **Frequently asked questions:** To help answer some of the most frequently asked questions about the new bamboo law, Senack is working with DEEP to develop a Frequently Asked Questions document that will be posted on Connecticut Invasive Plant Working Group (CIPWG) website.
- **Website:** Senack has set up a webpage on the CIPWG site to provide information about bamboo to the public, enforcement officers, and anyone who has questions (www.cipwg.uconn.edu/bamboo). The page is also linked to from multiple locations on the DEEP website, and includes information on bamboo identification, control, containment, and disposal, as well as a reminder that bamboo is not listed as invasive by the Invasive Plants Council.
- **Call-in number:** Hyatt reported that DEEP has developed a call-in number tree to address incoming bamboo calls internally.

b. Reported invasive plant violations

Senack reported that there have been three reports of listed, prohibited invasive plants being sold at nurseries and garden centers this year. DEEP is working on follow-up at these locations. Senack and others also received a report about a contractor potentially spreading fill contaminated with Japanese knotweed while doing roadwork. Since transporting and moving of knotweed, including “reproductive portions” of the plants, is prohibited under Sec. 22a-381d, this could potentially be a violation of the invasive plant laws. Ellis added that concerns over the spread of invasive in this manner had come up in previous years. The group discussed the concerns associated with inadvertent spread and the potential role of contractors and state agencies in spreading or preventing the spread of invasive species along roadsides or from mulch, soil, and fill sold by landscapers. Hyatt noted that increased awareness among all parties of the problems associated with the inadvertent spread of invasive plants could help address this issue, and that he does not foresee any enforcement action taking place in this instance. See item #7 for further discussion of this topic.

c. Other projects

Senack coordinated a project to develop best management practices (BMPs) for *Arundo donax* (giant reed), a plant considered invasive in western states that is being examined as a potential biofuel crop in North Carolina. The results of the project will be discussed with EPA. In addition to BMPs relating to reducing the risk of spread of this plant from cultivated areas, the document included financial requirements for the project, funds for environmental response, and information about subsequent treatments and monitoring of escaped stands.

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Senack highlighted that this project could be broadly applicable to other species in the future, as *Arundo donax* is a fast-growing, rhizomatous plant and there are several other similar rhizomatous plants on the invasive plant list, including Japanese knotweed and phragmites.

6. Coordinator deliverables review

Senack distributed copies of the proposed Coordinator projects for the upcoming year. Council members should send any comments on the document to Hyatt or Senack.

7. Containerized plants and inadvertent spread (see #5 for related discussion of this item)

Ward asked that the Council discuss issues relating to the spread of invasive plants by equipment, containerized plants, fill, and inadvertent means. Ward asked if more outreach on this issue could help to prevent the movement of seeds or viable fragments on tires and treads of equipment, especially equipment used along roadsides for maintenance, and the value of acting proactively before this became a legal issue. The group discussed and noted that spread by these methods could be contributing to new patches of plants spread by seed and fragments along roadsides, such as Japanese knotweed and Japanese stiltgrass. Spread by these methods could be difficult to prove, and education and outreach to groups such as DOT could be helpful. Senack will be working on the development of Best Management Practices for controlling invasive plant spread along roadsides in the coming year. Ward will talk with Bruce Villwock (DOT) regarding this issue.

8. Legal review of cultivar status

Hyatt summarized the history of the cultivar issue and distributed a memo from DEEP's legal office relating to the sales of cultivars of invasive plants that were prohibited from sale. Hyatt reminded the group that the lack of clarity relating to cultivars could hinder enforcement. In the past, DEEP has contacted the Connecticut Nursery and Landscape Association (CNLA) when a report of a plant sale came in asking that the plants be removed from sale, and CNLA would work with the grower to remove the plants. Hyatt indicated that DEEP would continue this process. However, given that the agency now has enforcement authority, it needs to know how to proceed with an uncooperative seller. Hyatt took the question of cultivar sales to DEEP legal staff. Unlike previous examinations of the issue, the legal staff examination of the issue included a review of the legislative record and looked at transcripts from the discussion of the law as it was developed. They concluded that cultivars were discussed by the legislature and that prohibiting the species meant prohibiting the cultivars.

Hyatt noted that this provides clarity regarding how DEEP would proceed if a business refused to voluntarily remove plants from sale. However, Hyatt re-emphasized that this would not change DEEP's general approach to enforcement of the invasive plant laws: the agency still plans to approach with education and outreach first, seeking voluntary compliance while in contact with CNLA, in order to remove the plants from sale. Hyatt added that, while this memo clarifies how DEEP would respond to violations, the IPC could ask the Attorney General's office for further comment. The group discussed the memo.

Ward asked if the decision would cover hybrid plants. Hyatt responded that hybrid plants would likely not be affected by this decision. Goodwin added that there were concerns about the development of sterile cultivars and the potential erosion of the market that occurs once a plant is

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no longer sold. Hyatt added that sterile cultivars of plants that were prohibited could be made legal for sale through a legislative change. Sutherland asked which of the plants that were prohibited had sterile cultivars under development that would be impacted. The group discussed the fact that the plants that are prohibited from sale are not the plants for which sterile cultivars are being developed. Burning bush (*Euonymus alatus*) and Japanese barberry (*Berberis thunbergii*) in particular are not prohibited from sale and these are the plants for which sterile cultivars are under development. Sutherland noted that there seemed to be agreement among the Council members that the cultivars are banned if they are cultivars of banned plants. Goodwin added that the memo seemed well-researched. Hyatt will contact Bob Heffernan (CNLA) to discuss this topic further and it will be discussed at a future IPC meeting.

9. Inspection plan for 2013-2014

After the last IPC meeting, Hyatt and Senack met with staff from the Department of Agriculture (DoAg) and the CT Agricultural Experiment Station (CAES) to discuss coordinating inspections of pet shops and nurseries. Senack will develop a brochure for pet stores about the sale of invasive plants and will collaborate with DEEP to incorporate information about the sale of invasive animals as well. DoAg also requested that an invasive plant refresher course training be set up for the inspectors. Senack will contact Greg Bugbee (CAES) about collaborating on the training since CAES has live aquatic plant specimens. DoAg plans to work on a form for reporting invasives at pet stores.

10. Meeting schedule for remainder of year

The Council will need to meet to work on the yearly update to the Invasive Plant List and develop the annual report. The Council decided to cancel the tentative Oct. 8 and Nov. 12 meetings previously scheduled, and to instead meet on Tuesday, Oct. 29, 2-4 pm, at the DoAg G8-A meeting room in Hartford, CT. Senack will communicate the new dates to the Secretary of the State's Office and post the dates on the website.

11. Adjournment

Sutherland moved to adjourn the meeting. The Council decided to adjourn at 4:03 pm.

The next meeting is scheduled for Oct. 29, 2-4 pm, in room G8-A at the Department of Agriculture building in Hartford, CT.