

Invasive Plants Council Meeting
Tuesday, January 18, 2005
Minutes

A regular meeting of the Invasive Plants Council was held on Tuesday, January 18, 2005. David Leff, Chairman, called the meeting to order at 1:30 p.m. in the Holcombe Conference Room of the Department of Environmental Protection on 79 Elm Street, Hartford, Connecticut.

Present: Six members of the Council were present: Dr. Leslie Mehrhoff, Mr. Paul Larson, Mr. David Sutherland, Mr. David Goodwin, Dr. Mary Musgrave and Chairman David Leff. These members constitute a quorum.

Absent: Three members were absent: Mr. Louis Magnarelli, Commissioner Bruce Gresczyk and Mr. Tom McGowan

Minutes

Approved The minutes of the November 8, 2004, regular meeting were read and approved.

Report of

The Chairman: Chairman Leff reported that Mr. Michael Bloom, Clerk of the Environment Committee, would no longer be providing assistance to the Council. However, Senator Andrea Stillman offered the service of the newly appointed clerk for the Council's meeting needs. The Senator will speak with the clerk and report back to Chairman Leff.

Review of the

Annual Report Chairman Leff opened up discussion on the Annual Report –Legislation last year changed the due date for this year's annual report to February 1, 2005. Although all subsequent due dates will be due on January 1.

Chairman Leff welcomed any comments or edits to the Annual Report.

Dr. Mehrhoff commented that on the second page some blanks need to be filled in. Mark Sellev is Prides Corner Farms. Second, part way down the page where it says, "Several field sites in Mansfield and surrounding towns include" it is Mansfield and Tolland.

Mr. Goodwin pointed out the two nurseries on the fieldtrip were Robert Bakers Companies and Imperial Nurseries.

Mr. Sutherland pointed out under Council Activities on the first page PA 03-136, to include PA 04-203.

Chairman Leff concurred and asked for additional recommendations.

Dr. Mehrhoff discussed the plant *Pistia stratiotes* as not one that was recommended to be proposed for banning but had been banned by the legislation. Dr. Mehrhoff recommended that be taken off the list. Dr. Mehrhoff explained to the council *Pistia stratiotes*, which is commonly known as Water Lettuce. Number 16 on the list.

Chairman Leff stated that would be the first of our new set of recommendations.

Mr. Goodwin asked how the Council should emphasize funding and remarked how Pennsylvania put out a pamphlet for public education. Mr. Goodwin emphasized the need to push that along driving the public education because that will change the market.

Chairman Leff stated that getting general fund money is impossible we need to look for other sources. The plant tax had been discussed but it was felt that the cost is greater than what it would be worth. Chairman Leff mentioned charging some kind of flat registration fee to anyone who sells plants, whether it is Stop and Shop or a nursery, anyone who sells plants at retail. It was felt that if you broaden the base, you would not have to charge a great deal to raise some significant money.

Mr. Goodwin mentioned a registration form for nurseries to sell plants.

Chairman Leff suggested something that would be somewhat modest in terms of dollar amount per individual outlet to raise a substantial amount of money. Administratively easier than a tax.

Dr. Musgrave remarked that conceptually it's essentially saying that the industry is the bad guy and if you look at it, it is the people who continue to buy the plants. If there is any bad guy that is the behavior we want to discourage by these pamphlets.

Chairman Leff disagreed. He felt there was a nexus between selling plants and the matters that have to be dealt with.

Discussion went on in some length explaining boater's fees and how that compares to invasives and who takes responsibility.

Dr. Mehrhoff felt it was making the nursery industry pay twice. He stated that it was unfair to just ask the nursery industry to pay.

Mr. Sutherland explained that in terms of the banning, the vast majority of plants that have been banned are not important economically. His interest in this was making progress on banning some of the further plants as were

agreed by the Council that it was only one strategy and he felt it was not going to take care of the need for rapid response and new invasives. He remarked about using a sliding scale based on sales volume and plants. Also depending on the number of outlets making the fee small enough you wouldn't need a sliding scale. Mr. Sutherland felt Comr. Leff was right in the sense that there is a connection. He commented on industry expressing openness to the whole taxing idea simply because they wanted to do something positive instead of fighting these battles every year. Mr. Sutherland also commented that Comr. Leff's idea was significantly easier administratively. Mr. Sutherland expressed doubt about getting a special tax passed.

DEP's revolving fund was discussed.

Chairman Leff stated that there is not enough money in that fund due to other projects.

Mr. Larson asked if the Council was set up to receive grants.

Chairman Leff stated as a Council, no. The Council is not a corporate entity. It would have to go through UConn or DEP or the Agricultural Experiment Station something as an independent corporate existence.

Mr. Larson asked about co-sponsorship for something like that.

Chairman Leff agreed it could be done by working with an association or a nonprofit entity, something that has a regular existence.

Council discussed the co-sponsorship piece at some length as well as the boating fee and the emergency response element.

Dr. Mehrhoff suggested having someone from DEP give the Council a generic estimate on a pamphlet like Pennsylvania's. Dr Mehrhoff suggested that any money that can be set aside for rapid response is probably the most crucial thing the Council can do.

Mr. Larson stated that it is such an unknown and you can't quantify it.

Chairman Leff asked the group to get back on point and work on the report and come up with recommendations for the legislature. This year's recommendations are to get funding other than general fund money.

Mr. Goodwin suggested Council look at next steps enforcement, use of fines. Who has the authorization if there is a violation for plants that are banned being sold? Is it municipal police or state police? Should we look for clarification from the legislature?

Chairman Leff felt that the Council should look to its own resources. It was stated that the use of fines was complicated and will be very few, if any, under this legislation. A little more careful reading of that statute was recommended and perhaps advice from legal council. Chairman Leff suggested item 3, which talks about the boating fee and suggested if Council wanted to make that recommendation.

Mr. Sutherland asked to continue with Dr. Musgrave's and Dr. Mehrhoff's point that this looks like we are hitting the industry twice or punishing them specifically. He used the analogy of the hunting industry. For decades they imposed taxes and fees on themselves that are used to accomplish good conservation, benefiting lots of other people. The program was created in order to accomplish good conservation and it was their A number 1 funding source for a variety of conservation initiatives. It was implemented through government agencies to administer and to distribute the money. Mr. Sutherland suggested that this could be something that could be agreed to by industry.

Chairman Leff explains the Pitman Robertson excise tax and use of the funds.

Mr. Sutherland: At least from an administrative aspect it seems practical.

Council discussed the deadline for introducing bills and changes to existing legislation to the General Assembly. The estimated deadline was determined by using the date for the last long session, which was around February 14, 2003 for the Environment Committee. (Committee Bills).

Chairman Leff stated that as far as funding, it is really up to the Council what they want to do or not do. If we don't propose some kind of independent source of funding, it is simply not going to happen.

Chairman Leff addressed the Council asking if there were other recommendations.

Dr. Les Mehrhoff was asked to speak on the methodology for proposing new additions to the list (Guidelines for Submitting a Candidate Species for Council Review).

Dr. Mehrhoff stated that he asked people who would be submitting the guideline form to be familiar with the legislation and asked them for enough information so we can then take an attempt at looking at plants to include. The website will be included for easy access to the legislation.

Chairman Leff asked Council if they wanted to add this to the accomplishments. A motion was entertained to accept the Guidelines for Submitting a Candidate Species for Council review. All those in favor, David

Goodwin accepted the motion and Paul Larson seconded the motion. The motion was carried.

Chairman Leff added the accomplishment and will attach it to the report to the legislature.

Chairman Leff asked if anyone wanted to propose any additional recommendations. No other recommendations were proposed.

Mr. Goodwin asked if Council should include their authorization of the Department of Agriculture to inspect for invasive plants at pet shops and to also include the Agricultural Experiment Station with the nursery inspection.

Chairman Leff agreed.

Mr. Goodwin suggested that it be worded for cultivation and sales.

Chairman Leff asked for other recommendation. Hearing no reply he asked if Council wanted to take the financial equation off the table as far as this report and making recommendations as a source for specific funding.

Mr. Sutherland asked that they discuss and fine tune taxes vs. registration at a later date.

Dr. Musgrave asked if there was a time bomb waiting within municipal exemptions that we need to discuss?

Mr. Larson commented that the deadline was October 5, 2005 and recommended that they be extended for an additional year so at least it is not until October 5 or 6 of 2006.

Chairman Leff asked for a consensus?

Mr. Sutherland remarked that he would vote against that particular one in the sense that again the banning that has been done so far. He felt that the Council wouldn't get at the plants that are most problematic. Talked about not hearing banning on a statewide basis. He was opposed to that recommendation.

Dr. Mehrhoff agreed with Mr. Sutherland

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David Goodwin and Les Mehroff discussed the cultivar issue. Dr. Mehrhoff felt the council needed data to make a scientific based decision on the cultivar issue.

Chairman Leff suggested that the council discuss this issue at another meeting by scheduling it as a specific agenda item and to return to the issue before them, recommendations to the General Assembly.

Discussions continued on municipal rights to ban plant species.

Chairman Leff recommended an extension to the date in order to help the Council in achieving compromise on some other issues.

Mr. Sutherland felt it could be brought up at some other point if some of these other things are brought up. However, he didn't see very much prospect of these items being brought up in a progressive way in the future or a way that is actually going to get implemented.

Dr. Mehrhoff state that he didn't feel the nursery industry has done much in the way of compromise with the species that we have identified as the problematic species and agreed with Chairman Leff.

Dr. Mehrhoff expressed concern about a compromise coming to fruition because of the past year's progress.

Council discussed their workload over the past year.

Mr. Sutherland stated that he had to leave for another meeting but wondered if it is possible to say that the following two items were recommended by a 4 to 2 vote by the Council. He wanted the record to show that Dr. Mehrhoff and he did not agree with the municipal plant ban recommendation.

Chairman Leff entertained a motion to extend the preemption of municipal regulations of plants bans to October 2006. The motion was accepted by Mr. Larson and second by Mr. Goodwin. 3 in favor 2 opposed and Chairman Leff abstained. Motion carried.

Mr. Sutherland commented that he is in favor of the report as it stands.

Chairman Leff entertained a motion to accept the report.

Dr. Mehrhoff moved to accept the report as written with the corrections and changes that were discussed at this meeting and sending it to the legislature.

Mr. Larson, second the motion. The motion carried.

Future Meeting Agendas

Commissioner Leff moved on to the next agenda item - setting the Council's agenda for the coming months.

February 15 at 1:30 p.m. location to be determined.

Agenda

- Fees/boating fees
- Plant Parts

Dr.. Musgrave stated that she would like to see some people from the florist industry come in as advisers. It was decided by the Council to invite a wholesale florist supplier to act as a resource expert. Mr. Goodwin is going to invite someone from the industry to attend the February 15 meeting.

Dr. Mehrhoff would like the discussion to be dealt with on a species by species approach.

Chairman Leff and Dr. Mehrhoff discussed viable vs. nonviable plant parts.

Dr Mehrhoff wanted a list developed of those species that are not a problem or a list of species that are a problem and to be done on a species by species basis.

Chairman Leff moved to the March meeting agenda. Meeting to be held on March 15 at 1:30 p.m. location to be determined.

Agenda

- Cultivars
- Developing invasive control calendar and a list of consultants and contractors.

Chairman Leff and Council members discussed at length the issue of developing a control calendar and recommended experts as well as the legal aspect of developing such a list. It was suggested to possibly have outside groups come up with an actual list with the Council's endorsement. Agriculture Experiment Station may have an existing list.

Chairman Leff moved to the April meeting agenda Meeting to be held on April 12 at 1:30 p.m. location to be determined.

Agenda

- Enforcement
- Education issue

Mr. Larson suggested a discussion on the cost of developing a pamphlet for Connecticut. A pamphlet similar to what was used in Pennsylvania or Massachusetts' brochures.

Council discussed inviting educators in this field to discuss outreach and someone from the Extension Service who often deals with agricultural based business like nurseries and municipal officials. These individual would attend as a resource.

**Old or New
Business**

Discussion of the Forum

Council discussed the low turnout of invasive species advocates and how the groups were not well represented. It was largely felt that the forum was well advertised.

Dr. Mehrhoff distributed information for an exhibit at Yale University by the Guild of Natural History Illustrators on invasive species and a lecture series scheduled on Mondays. Mike Donohue, the director of the Peabody Museum, has offered to host one of the council meetings at the museum. Dr. Mehrhoff, specifically noted Pimentel's lecture series on "Who Pays". The exhibit is scheduled for one year.

Chairman Leff distributed a few news articles to the council with regard to the Union of Concerned Scientist about invasives from the Student Conservation Association and a couple articles from the *Hartford Courant* about the Farmington River Watershed Association. A volunteer effort to remove invasives in a park in Avon. Chairman Leff would like to invite some of these folks to a Council meeting to hear from them as to what it is that they will be doing.

Chairman Leff asked if there was any other business. Chairman Leff motioned to adjourn the meeting. Motion accepted by Dr. Mehrhoff and second by Mr. Goodwin. Motion carried.

Meeting adjourned at 2:50 p.m.

Respectfully Submitted,

Lynn M. Tobin
DEP