

Invasive Plants Council  
Tuesday Nov. 9, 2010  
2 pm, Department of Agriculture  
Hartford, CT

**Council members present:** George Krivda (for Phil Prelli), Bill Hyatt, Paul Larson, Lou Magnarelli, Mary Musgrave, David Sutherland

**Others present:** Ellen Bender, John Blasiak, Pat Bresnahan, Donna Ellis, Bob Heffernan, Nancy Murray, Logan Senack, Karen Weeks

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

**2. The minutes for the 9/14/10 meeting were reviewed**

Musgrave noted that the results of the email vote approving the letter to Atty. Gen. Blumenthal regarding bamboo should be added to the minutes. The group also decided to include the letter from Atty. Gen. Blumenthal and the response to the letter from the Invasive Plants Council. Hyatt moved (second: Magnarelli) to approve the minutes with the discussed additions. **The Council decided to approve the minutes with the additions.**

**3. Report on CIPWG Symposium**

Ellis reported that the 5<sup>th</sup> biennial invasive plant symposium had attracted 380 registered attendees for a day of presentations, updates, and discussions about invasive plants. Reviews of the event by attendees were positive and Ellis thanked Musgrave for providing an update of the Council's activities to the audience. The event was held Oct. 14, 2010 at the University of Connecticut.

**4. Report from Nominating Committee**

Larson announced that the nominating committee (David Sutherland and Paul Larson) nominated Bill Hyatt to serve as the next Council Chair as of Jan. 1, 2011. The nominating committee did not select a nominee for Vice-Chair. The group discussed how to nominate and elect a future Vice-Chair so that the selection could be included in the year's annual report. **The Council decided to hear the report from the nominating committee and vote by email ballot before the annual report was finalized.**

*Hyatt left the room at 2:22 pm.*

Sutherland moved (second: Larson) to nominate Hyatt as the next Chair for a two-year term beginning January 1, 2011. **The Council voted 5-0 to elect Hyatt as the next Chair.**

*Hyatt entered the room at 2:25 pm.*

Musgrave congratulated Hyatt on his election.

**5. Draft annual report**

Musgrave detailed the layout of the annual report and provided a draft copy of the cover letter to the group. The report will include several attachments:

- a. Names and contact information for Council members
- b. Minutes for all meetings from the past year, including this 11/9/10 meeting. Musgrave noted that the date of the next IPC meeting (12/14/10) will be during final exam week at the University and it will be difficult to get the copies of the annual report printed because of the volume of exams that will have priority. **This will necessitate that the minutes for this 11/9/10 meeting be approved by email ballot as soon as possible so the report can be printed before the next meeting.**

*11/29/10 Note: Larson submitted minor revisions to the minutes of the 11/9/10 meeting by email on 11/27/10. The revised minutes were distributed to the Council. **The Council voted 5-0-4 to approve the minutes as revised by Larson by email vote on 11/29/10. -LS***

- c. The letter from Atty. Gen. Blumenthal regarding bamboo and the response to the AG's office from the IPC.
- d. Appropriations Committee testimony
- e. Environment Committee testimony
- f. Addition to the invasive plant list (text designating USDA PLANTS database as source of scientific names used in CT Invasive Plant Lists)
- g. List of DEP invasive plant program accomplishments

#### **6. DEP Accomplishments attachment for annual report**

Murray provided copies of the DEP accomplishments document to the group. This document will be included in the annual report. The document details accomplishments of various DEP programs relating to invasive plants, including Supplemental Environmental Project (SEP) funded projects to remove invasives, establishment of a part-time ANS Coordinator, status and accomplishments of the Invasive Plant Coordinator, and other control projects undertaken by DEP.

Blasiak asked why white ash was included on the list of invasive plants controlled at Tunxis State Forest (Hartland). Murray will investigate and submit a revised copy for the annual report if needed. The plants may have been included for a habitat restoration project or for another reason.

Murray introduced Pat Bresnahan (UConn), who will be working as the part-time ANS coordinator under a one-year cooperative agreement between DEP and UConn.

#### **7. Discussion of Hyatt proposal on cultivars**

Hyatt distributed a handout from the last meeting and discussed Public Act 10-20, which came into effect Oct. 1, 2010 and allowed for enforcement of the invasive plant law by DEP Environmental Conservation Officers.

Hyatt noted a few instances this summer where some Connecticut businesses were selling plants that are prohibited by law. Hyatt also noted a difference in opinions among Council members regarding cultivars of listed banned species. In the cases where prohibited plants were being sold, Hyatt spoke with Magnarelli and contacted Heffernan to resolve the issue on a case-by-case basis without legal action. Because the status of enforcement is unclear, Hyatt noted that actual enforcement would be difficult if the grower or seller chose not to comply.

Hyatt distributed a proposal to modify Section 22a-381d of the Connecticut General Statutes to include a subsection that gives DEP the authority, in consultation with the Invasive Plants Council, to implement regulations enabling the sale of specific cultivars of prohibited species in CT. A draft of the proposed change reads:

“(NEW)(g) The Commissioner may adopt regulations in consultation with the Invasive Plant Council that authorize the legal sale in Connecticut of specific sterile cultivars of banned invasive species listed in (a) and (b). For the purposes of this section “sterile” means that a cultivar has been determined to be unable to establish and sustain a wild population based on the best available scientific evidence.”

Based on talks with Heffernan, Hyatt suggested that two wording changes could be made: change “consultation” to “concurrence” and change “sterile” to “safe”. Blasiak asked why the word used would be “safe” instead of “non-invasive” because “safe” is very subjective. Hyatt responded that “non-invasive” could be considered as an alternative wording.

Blasiak asked how the system would deal with hybrids where one parent was a listed species. Magnarelli suggested taking each scenario on a case-by-case basis. Magnarelli suggested that the industry did not want bad publicity and that self-policing would be the best way to proceed. Hyatt repeated his concerns that this method would make the new enforcement authority meaningless. Magnarelli suggested there is a difference in enforcement philosophy between agencies. Hyatt reiterated that non-legal action would still be the first approach. However, Hyatt also noted that it was the Council that advocated the need for enforcement authority and proposed the necessary statutory changes. Hyatt argued that this effort will be wasted if the Council fails to agree that prohibited species are, in fact, illegal. Hyatt also pointed out that the proposal would give DEP and the IPC the authority to “legalize” specific non-invasive cultivars of prohibited species which should benefit the industry by providing clarity on legal status.

Musgrave said that the only plant with cultivars that was currently banned was Japanese knotweed (*Fallopia japonica*). Murray added that this summer there were also instances where purple loosestrife (*Lythrum salicaria*) and other plants were being sold.

Musgrave said dealing with individual species doesn’t make much sense since the standard unit of measure is at the cultivar level. Musgrave feels the same as Magnarelli: allowing the industry to self-police is the best option. Magnarelli suggested maintaining a dialogue with people to let

them know that the plants were invasive. Sutherland asked if that meant the group wanted to leave the situation the way it currently is.

Hyatt noted that most of the plants that are currently on the banned list do not currently have any cultivars for sale.

Magnarelli said that he was ok with that proposal for the law as Hyatt just suggested, but suggested again that the law is silent on this issue. Murray said that Hyatt's proposal would be a way of resolving the issue. Larson said he understood Hyatt's scenario, but suggested that allowing the industry to self-police would still be effective. Sutherland suggested that without the banned law being modified as Hyatt suggested, the situation would be as if there was no banned list at all. Hyatt agreed that approaching things on a case-by-case basis is a correct approach, but problems will arise if someone says that they will not voluntarily comply.

Musgrave suggested it would make the enforcement position weaker if the change was included in the legislation. Hyatt stated that the enforcement position could not be made weaker because the current law is unenforceable pending resolution of the cultivar issue. Magnarelli reiterated that enforcement has always worked on a case-by-case basis. Hyatt stated that there is a difference between enforcement and voluntary compliance and that voluntary compliance will always be the first option but should not be the only option.

Blasiak interjected that a species is defined by a taxonomist. The group discussed cultivars and their place in plant taxonomy. Blasiak asked if the current legislation meant that any harmful cultivars could be banned. Magnarelli agreed that under the current law, if a cultivar was identified as a problem plant, it could be banned.

Larson looked at the banned list again and found that to his knowledge, only two plants on the banned list have cultivars that might be offered for sale in Connecticut. They are Japanese honeysuckle (*Lonicera japonica*) and the Japanese knotweed (*Fallopia japonica*). Larson reminded the group of Nancy DeBrule's testimony that the variegated knotweed she was selling was not invasive. Larson noted that Nancy is a very knowledgeable person who hasn't seen the variegated form of the plant become invasive.

Murray brought up dame's rocket (*Hesperis matronalis*), Donna asked about goutweed (*Ageopodium podgraria*) and true forget-me-not (*Myostosis scorpiodes*). Krivda suggested coming back to this discussion at the end of the meeting if there was time. Hyatt suggested tabling the discussion for a future meeting. Krivda moved (Larson: second) to bring up the discussion at a later meeting. **The Council decided to discuss this issue at a future meeting.**

Murray reiterated her previous thanks to Bob Heffernan of CNLA for being so willing to work with DEP on issues that do arise.

## **8. Legislative initiatives**

Sutherland noted that the number of bills passed in that past two years by the state legislature has been very low, and noted that any proposals with accompanying ~~with~~ fiscal issues would likely be extremely hard to get through.

## 9. Carry forward issues

Musgrave outlined issues that should be carried into next year:

- a. Musgrave suggested inviting Yi Li (UConn) to discuss his triploid *Euonymus*
- b. *Euonymus* in the woods: Musgrave suggested that it was unclear whether or not the *Euonymus* was still being sold—earlier in the fall, Mehrhoff emailed the group asking them to look for *Euonymus* as the leaves changed color
- c. partnerships with CT DOT highway department
- d. safe and low cost disposal methods of invasives
- e. Sutherland also brought up the current status of the *Euonymus alatus* ‘Compactus’ at UConn and whether it was still present or producing high numbers of seeds
- f. Hyatt’s cultivar proposal

## 10. Other old or new business

- a. The group discussed the meeting schedule for future years. Senack will coordinate with Hyatt to develop a list of dates and locations for future meetings. A request was received by Musgrave to move future meetings to a location in Hartford so that people working on legislative issues would be able to more easily attend. Senack will forward the meeting schedule to Krivda to make sure that the Dept. of Agriculture conference room will be available on the meeting dates.
- b. Council members will vote on draft minutes from today’s 11/9/10 meeting by email ballot.
- c. Murray will send Musgrave the DEP accomplishments document with the previously discussed edits to be included in the annual report.
- d. The vote for Vice-Chair will also be held by email ballot and included in the annual report.

Larson moved (second: Hyatt) to approve the draft of the annual report, with the addition of the approved minutes from today’s meeting and also the DEP accomplishments document. **The Council decided to approve the draft of the annual report.**

*11/29/10 Note: The nominating committee (Sutherland and Larson) nominated Magnarelli to serve as Vice-Chair for a two-year term beginning Jan. 1, 2011, via email on 11/27/10. On 11/29/10, **The Council voted 8-0-1 to elect Magnarelli as the next Vice-Chair.** In the event that Hyatt needs to step down as Chair, Magnarelli would not serve as Chair for the remainder of the term, but would serve as Chair only until the Council identified a new Chair. -LS*

11. The next meeting is scheduled for Tuesday, December 14, 2010, 2-4 pm, at the Dept. of Agriculture Conference Room in Hartford, CT.

## **12. Adjournment**

Sutherland moved (second: Larson) to adjourn the meeting. **The Council decided to adjourn at 3:39 pm.**