

INVASIVE PLANT COUNCIL MEETING
Minutes of November 1, 2005

Subject to Council Approval

Regular Meeting

A regular meeting of the Invasive Plants Council was held on Tuesday, November 1, 2005. David Leff, Chairman, called the meeting to order at 10:40 a.m. in the Ensign Conference Room of the Department of Environmental Protection on 79 Elm Street, Hartford, Connecticut.

Attendees: Members present: Mr. David K. Leff, Dr. Louis Magnarelli, Mr. David Goodwin, Commissioner F. Philip Prelli, Mr. Paul Larson, Dr. Les Mehrhoff.

The following attended the meeting: Donna Ellis on behalf of member, Dr. Mary Musgrave; Ms. Nancy Murray of the DEP; Bob Heffernan for Ct Nurseryman Association and Sandy Breslin for Audubon Society.

Absent: Dr. Mary Musgrave; Mr. David Sutherland.

Minutes

Approved: Minutes of the October 11, 2005, meeting were read and approved with minor editorial changes. Chairman Leff motioned to accept the Minutes. Dr. Magnarelli seconded with minor changes. Council unanimously voted in favor by voice vote with no opposing votes. Motion carried.

Other

**Legislative
Matters and
Pre-emption:**

Chairman Leff summarized last year's legislation that did not get passed by the General Assembly: to allow inspections by the Dept. of Agriculture; to allow inspections by the Ct Agricultural Experiment Station; to delete the word "move" from the banned practices; to remove water lettuce from the banned list; Council had voted back in May to ban the sale or use of commerce of any flowering or fruiting plant parts of the plant on the banned list; to allow the enforcement of the law by the DEP Environment Conservation Police. All these listed items are a consensus by members of the Council regarding non-fiscal legislation.

Chairman Leff, Commissioner Prelli and David Goodwin discussed about the municipal pre-emption. Chairman Leff brought up other subjects to discuss as potential for legislation: cultivars and town plant bans. David Goodwin said there should be a statewide plant ban list vs. town plant ban list. Les Mehrhoff said that it would be more important to first discuss what we are going to do with cultivars. Chairman Leff feels that the Council can't discuss one without discussing the other issue. Maybe a compromise can be found. Bob Heffernan said that the Green Industry believes if you let the towns ban plants then it could make the Invasive Plants Council less authoritative. Commissioner Prelli said it's important to say, "where the IPC group is coming from" and not let the outside say where the IPC Council is going. We know down the road we'll have to make compromises.

David Goodwin stated that IPC originally banned 87 plants; the majority of the Council said “yes” – let’s talk about the pre-emption ban on its merit and talk about cultivars on its merit. Chairman Leff said again that’s reason for forging a compromise as a group.

Les Mehrhoff – did not vote on the original ban list because he feels species’ votes should not be grouped as one. He feels each species should be voted on individually. Example: last year he did not think Star of Bethlehem should not be banned. The way it is now, if not agreeing with one species then must vote against all species. He thinks one statewide ban list is better than 169 different town lists. Again, separate, single issues would be better.

Commissioner Prelli sees the cultivars and pre-emption list as two diverse points. Chairman Leff thinks the issue of further bans and municipal pre-emption are less important than getting the five of six (last year’s legislation) listed above passed and coming up with some dollars to do educational and rapid response work to deal with invasive plants. David Goodwin said where plants have been here for many years – let’s look at later.

Funding

Chairman Leff introduced again the previously discussed funding strategy. There are 112,000 vessels in CT: example: add \$1.00 to each registration = \$112,000 additional dollars. It could work in a gradual way by length of vessel. For perspective in Maine: resident sticker \$10.00; non-resident sticker: \$20.00. In New Hampshire: \$5.00 per registered vessel (for in-land waters). Bob Heffernan came up with 3,700 companies and retail outlets (500 represent non profits, i.e., schools, boy and girl scouts, etc.) selling plants. Previous discussions suggested using maybe a \$50 fee for outlets and maybe a \$25 fee for non-profits.

David Goodwin asked if there were ever any matching funds for the proposed fee. He said there does not appear to be any commitment from the legislature to help with funding. Chairman Leff said he was correct. Chairman Leff said it would be reasonable for dollars to come from boaters because of the need to deal with aquatic species and from plant sellers for terrestrial plants. It would then be reasonable to look to the General Assembly to come up with some funds since user groups are providing dollars. A flat fee assessment or registration fee would be easier to administer than a graduated one. Paul Larson reiterated the \$50 fee for wholesalers and \$25 to non-profits – based on the amount sold throughout the year. Another example of sellers: hardware stores that sell a few plants. Dr. Magnarelli said there will be some people who will not want to pay the \$50 fee – what kind of enforcement will there be? Who will do the chasing of violators? Will need to fine people who do not pay. Paul Larson stated the need to decide which department will be in charge or where fees will be deposited. It will be necessary to be able to move dollars to other state agencies, i.e., Department of Agriculture and CT Agriculture Experiment Station. Commissioner Prelli said IPC should be careful in writing the legislation/fees. Reminder, there are many small farm stands in Connecticut. Donna Ellis: Does the list include all of the Green Industry – either registered through the State or in on other lists, i.e., such as supermarkets, listed with the Department of Agriculture? Les Mehrhoff brought up pet stores. Commissioner Prelli said there are approximately 1,100 pet stores in CT –

but not all sell plants. There are a lot of aquarium stores that sell plants. There are also grain outlets too. Some pet stores only sell dogs and cats. Chairman Leff said not to make this too complex. Keep as simple as possible. Commissioner Prelli said to pass the legislation fee bill it may need go to many different committees and because of this it maybe better to put together as several bills. Chairman Leff wants to put together the principles or synopsis of the proposed bill. **Let's try to put together a bill and invite the Environment Co-Chairs and ranking members to attend the next IPC meeting on 12/13/05 IPC.**

Chairman Leff asked if there was a consensus on the boating fee. Discussion took place between Commissioner Prelli, Nancy Murray, Les Mehrhoff and David Goodwin. Les M. thinks extra funding beyond the administration monies, can help with educational funding. David Goodwin asked the question: average length of boats in salt water vs. fresh water? Chairman Leff said he didn't think that data was available. He has information on the length of boats. Dr. Magnarelli lost an inspector in last lay off – his staff is stretched thin. Commissioner Prelli suggested that provided we could come up with approximately \$285,000 – maybe ask Appropriations Committee for \$100,000 – then we can raise near \$300,000. Les Mehrhoff said better to go for high number of dollars and we will probably get something less. Chairman Leff does not want to risk losing any amount because right now we have zero dollars. Les M. stated we use a lot of volunteers – so not really zero dollars. Commissioner Prelli said better chance to justify your baseline – plus niceties and necessities – that should be the approach we should use. We know we need \$300,000 – looking for commitment from legislature - \$100,00 will be more probable to receive.

Chairman Leff said that we need to make our case; this is going to be a hard sell – may take 2, 3 or 4 years to get request through. Even will be a hard sell to the boaters. Commissioner Prelli stated that legislators in the urban areas would not think this would be important.

Chairman Leff requested Nancy Murray to put together a revised budget and submit to him for distribution. Paul Larson stated the need to take a comprehensive approach that would include: boating fees and plant sales – then it may be approved.

Chairman Leff: we have consensus on the six before mentioned list of items: \$2.00 average surcharge from boating fees; \$50 surcharge for outlets to sell plants; \$25 surcharge for non-profits to sell plants. Asked if there was anything else for proposed legislation.

Chairman Leff noted a document sent in by Bob Heffernan had eight items and four of the items were part of the six items brought up today: pre-emption; added plants to the ban list; and budgetary authority. Only remaining item: standard for measurement of invasiveness.

Cultivars:

Les Mehrhoff proposed there be three lists as follows: 1) those species that IPC Council will not recommend as banned; 2) present on-going research of a particular species: if told it will take 3 years for completion of research, then Council Members should agree to put that particular species' aside until said time research is completed; and 3) species where there is no research

going on: then the IPC Council may discuss and decide how to proceed with that species. This will be a good checks and balances.

Dr. Magnarelli said it will take a long time for the cultivars issue to be completed because of lack of research data and time involved on it. He said the issue of pre-emption is immediate. He thinks in about another year, it will be too late to go back and correct the problems if these towns start passing individual plans. This should be under state control. The Federal government addressed the invasive plants issue in the USDA and decided they could not do it and it should fall under the states. Dr. Magnarelli went on record that it is a "terrible mistake where we are on the pre-emption issue and it should be under state control." Once towns pass their ordinances it will be hard to take it back.

Les Mehrhoff is hopeful that the group that put together the St. Louis Code of Conduct will take on the responsibility of putting together the criteria for evaluation of cultivars. Chairman Leff appointed Les Mehrhoff and David Goodwin to be a subcommittee and put together recommendation in about two weeks and e-mail to the committee.

Commissioner Prelli's thoughts regarding pre-emption: unless we make this statewide, why do we need this Committee. A lot of great work done here, but we could lose a lot by next year. Chairman Leff cannot agree that it makes the Council less meaningful because there are a lot of other things involved. Chairman Leff would like to see the pre-emption issue settled once and for all.

Any Other

Business: None.

Next Meeting: December 13, 2005 at 10:30 in the Ensign Room at 79 Elm Street, Hartford, CT.

Adjournment: Meeting adjourned at 12:25 p.m.

Respectfully Submitted,

Jill Carr
Office of Deputy Commissioner Leff
Department of Environmental Protection