

Invasive Plants Council  
Tuesday, June 8, 2010  
2 pm, Department of Agriculture  
Hartford, CT

**Council members present:** Mary Musgrave, Bill Hyatt, Paul Larson, Lou Magnarelli, Tom McGowan, Les Mehrhoff, David Sutherland

**Others Present:** State Representative Mary Mushinsky, John Blasiak, Donna Ellis, Bob Heffernan, Peter House, George Krivda, Nancy Murray, Logan Senack, Kevin Sullivan, Karen Weeks

**1. Musgrave called the meeting to order at 2:03 pm.**

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

Larson moved (second: Magnarelli) to approve the minutes as submitted. **The Council decided to approve the 2/9/10 minutes as submitted.**

*David Sutherland arrived at 2:08 pm.*

**The Council also decided to attach the unofficial summary of the 3/10/10 meeting to the minutes from this June meeting.**

**3. Chair and UConn Rep contingency plans for remainder of 2010**

In the event that Musgrave is unable to attend future meetings, Dean Greg Weidemann will represent the UConn College of Agriculture and Natural Resources at the Invasive Plant Council. Musgrave's responsibilities as Chair will be assumed by IPC Vice-Chairman Phil Prelli.

**4. Nominating Committee**

Musgrave asked the group to find a Chair for future years, and stated that she would not be able to accept another 1-year extension of her term as Chair. Murray and the group thanked Musgrave for continuing to serve as Chair and for accepting the first 1-year extension of her term.

**5. Update from DEP**

*Bill Hyatt arrived at 2:10 pm.*

Hyatt reported to the group that a bill to allow Environmental Conservation Police Officers to enforce the invasive plant law (CGS Sec. 22a-381d, "Prohibited actions concerning certain invasive plants") passed in the legislature and was signed by the Governor. The change will take effect October 1, 2010.

*Rep. Mushinsky arrived at 2:11 pm.*

Additionally, Hyatt reported that the state Judiciary made the requested change of enforcement of CGS Sec. 15-180 (transportation of vegetation on boats and boat trailers) as of June 4. Instead of requiring court appearances, violations of CGS Sec. 15-180 can now be enforced as mail-in violations (tickets) with a fee of \$95.00.

Sutherland and Weeks reported that the state budget situation in the legislature is still discouraging. Weeks noted that CNLA did push for funding of the Invasive Plant Coordinator position, and many Senators and Representatives did try to find funds, but the state's dire economic forecast for coming years meant that finding funding was not possible.

Hyatt reported that UConn and DEP have signed an amendment to the current Cooperative Agreement extending the Agreement for one additional year. DEP was able to find additional funding, which will be used to continue the Coordinator position for one additional year, to June 30, 2011.

McGowan informed the group that he was elated to hear that the CGS Sec. 15-180 enforcement issue had been resolved, and thanked the group for its efforts.

#### **6. Concerns from State Representative Mushinsky**

Mushinsky asked the group to consider a ban on fertile cultivars of Japanese barberry and winged euonymus. She noted that both species were a recognized nuisance and in some cases taxpayer money was being spent to both buy and also remove the plants from the landscape. She cited an example of a grant from state funds being used to remove Japanese barberry from a New Haven high school. She beseeched the Council to ban fertile cultivars of the two species or to set a date for future action if a ban could not be done right away. Musgrave responded that both species are already on the state list of invasive plants and therefore were not allowed to be purchased by state agencies or with state funds. Musgrave also noted that Dr. Yi Li at UConn had recently developed a triploid euonymus that was sterile.

#### **7. Update from Connecticut Nursery and Landscape Association (CNLA) on barberry phaseout**

Heffernan provided an update to the group about the CNLA barberry phaseout proposal. The proposal involves a state-wide industry voluntary ban on 25 cultivars of *Berberis thunbergii*. The ban would go into effect July 1, 2010, ending all new production of the cultivars in question and setting a 3 year phase-out period for the industry to sell off remaining stock. The group discussed the proposed phaseout. Heffernan distributed a document with a list of the 25 cultivars and additional details about the ban, and preliminary results from Dr. Brand's research at UConn about the seed production of various cultivars.

Heffernan noted that he received an email from Mehrhoff, asking for more detail on certain aspects of the sale of specific cultivars. Heffernan reported that it will take some time to collect the requested information but estimated that the loss from the ban would be \$2.5 million retail and \$5 million wholesale. Heffernan suggested that sales of other cultivars of barberry might also drop off when the ban goes into effect as more consumers look for other plant species to purchase, and noted that CNLA will make major efforts to involve the big box growers (Walmart, Lowes, etc.) in honoring the voluntary ban.

Larson and Heffernan reported that as more data become available from Dr. Brand and Dr. Li, including research on euonymus, the nursery industry will reevaluate.

Hyatt referenced the document listing other cultivar names not included in the proposed ban, and asked why the line was drawn after the cultivar ‘Antares’. Hyatt wanted to know if there was a reason “Antares” was included in the ban but another cultivar like “Green Pygmy” was not. The group discussed the meanings of the numbers in the various columns in the document from Dr. Brand. Heffernan explained that the column highlighted in pink was the seed production of the plants, and Larson explained that the first 3 columns represent seed production over time (1 year, 2 years, 3 years), and the 4<sup>th</sup> column is either seed production or another calculation getting at seed/invasiveness, seedling vigor, germination rate, seed production, and/or viability. Mehrhoff clarified that all the columns corresponded with seed production in various years in Dr. Brand’s research (Column 3 is 2005, and Column 4 is 2006). Larson explained that Dr. Brand made the recommendation about where to draw the line between the proposed banned species and the species not in the ban, and added that the chart is incomplete data. Sullivan explained that as the gradient comes down, it is the tall and medium barberry cultivars that are getting eliminated, and that the dwarf cultivars may be less invasive because of lower seed production and dispersal abilities. Dr. Brand made the recommendation about where to place the cutoff.

Mehrhoft noted that it will be important to take into account the number of plants sold when calculating how many seeds are being produced, for example multiplying the 10,600 seeds produced by Royal Cloak by the number of plants sold.

Sullivan pointed out that the industry was willing to accept that the test plots, which were planted as a mix of cultivars, would represent ideal conditions for cross-pollination and seed production.

Mehrhoft stated that he still felt the legislation stated that plants must be dealt with at a species level and not at a cultivar level.

Magnarelli noted that the seed germination rate is very important as a factor, and asked if the cultivars at the bottom of the list were likely to be market viable. Heffernan responded that the plants at the bottom of the list could become more viable in the market if the other cultivars could not be sold, or the market could leave the species altogether.

Larson noted that other factors that aren’t included on this worksheet led to Dr. Brand’s recommendations.

Hyatt asked if the invasiveness index, which was used as a basis for Dr. Brand’s recommendations, was published somewhere. Larson responded that the index was not published yet because it was not ready, but should be published in December, and stated that the industry wanted to move ahead as soon as possible.

Hyatt asked if the other cultivars remaining in the trade will be reexamined if additional data about them is published in December. House commented that Dr. Brand’s data is preliminary but so obvious that the industry was interested in making a unified move forward as soon as possible.

Mushinsky asked how anyone could be sure that the cultivars will not hybridize with the wild green types. Larson responded that the plants would hybridize and can cross pollinate each other. Musgrave responded that the experiment was set up as a cross-pollination experiment, and so would be the worst case scenario. Mushinsky noted that she wanted to be sure, as she has seen firsthand cultivar issues with species such as *Euonymus alatus* “Compactus” producing seedlings in high numbers. Larson stated that that particular cultivar issue has been previously discussed as a possible mix-up and that unfortunately the world is not perfect, but added that he feels the voluntary ban is a big positive step forward.

Blasiak noted that as a homeowner, he sympathizes with Mushinsky because he’s been working on controlling invasives on his property, but he feels that “the horse has left the barn” on this issue and others like Japanese knotweed. He says “thumbs up” to the nursery industry for any progress made on reducing the sale invasive species, and noted that the ecology of the plants needs to be understood.

Sutherland asked what type of advice Heffernan was giving the nursery growers about how to give up plants that are worth so much in sales. Heffernan referenced grower Mark Sellew’s comment “we’re done with ‘Rose Glow’” and the industry’s generally positive response, and said that the industry trusts CNLA and scientists to guide them. Heffernan noted that if, in three years, they find that out-of-state nurseries are not cooperating with the voluntary ban, the nursery industry may end up being the ones to ask the legislature to codify the ban to protect Connecticut growers.

McGowan asked if it could be inferred from this proposal that if these 25 cultivars are removed from sale, interest in other cultivars will increased, and also asked if all new cultivars would be subject to a scrutiny process. Heffernan responded that nursery growers already undertake a lot of risk because production schedules have to be made 3-7 years in advance, and added that the nursery growers aren’t likely to undertake the additional risk of planting a new cultivar that is a high seed producer.

Heffernan and Larson repeated concerns that federal agencies were not interested in funding sterile development if the whole species was already banned.

Mehrhoff stated that he was appreciative of all the work done on barberry, but wants to make sure the Council addresses euonymus, which has been increasing on the landscape in recent years. Larson responded that the industry will do something about euonymus, and reminded the group that the industry was acting a year ahead of the research results on barberry, but the results of the euonymus research were not available as the research was still ongoing.

**Krivda moved (second: Hyatt) moved to thank the nursery industry and indicate that the Council is appreciative of their efforts on this issue. The motion passed.**

## **8. Update from Invasive Plant Coordinator**

Senack provided an update for the group on the work he has been doing over the past few months:

- A new terrestrial invasive plant display has been created for outreach and public events. Multiple copies of the display are being shown at various state events, including the Hartford Flower and Garden Show (estimated 30,000 guests), the UConn Perennial Plant Conference (~400 guests), the UConn Conference for the Home Gardener (~400 guests), and other events, including a Earth Day Celebration in Bethany, CT. Volunteers from the Connecticut Invasive Plant Working Group have also helped to staff the display at events around the state.
- A new aquatic invasive plant display is almost finished. The display will be used at boat shows, trade shows and other events for outreach and education about aquatic invasive plants.
- A new population of mile-a-minute vine has been found in Redding, CT. While this is the first confirmed record of mile-a-minute in Redding, other towns near Redding have been known to have mile-a-minute vine populations for a number of years.
- The Invasive Plants Council has a new website ([www.hort.uconn.edu/cipwg/ipc.html](http://www.hort.uconn.edu/cipwg/ipc.html)). Senack has also worked with DEP and UConn to add and update invasive plant material on web sites for those organizations.

Heffernan suggested that additional outreach relating to the fact that CGS 15-180 and CGS 22a-381d are now enforceable might be useful. Heffernan mentioned that the Associated Press publishes a review of all the new laws going into effect each October which reaches a wide audience. He can send contact information for the press release to Senack.

## **9. DEP update**

Hyatt reported that the new DEP/UConn Cooperative Agreement will include some work on Aquatic Nuisance Species. The work will be funded by a small federal grant for ANS issues. Additionally, DEP is in the exploratory stages of considering methods to reduce the spread of aquatic vegetation between water bodies and is currently examining the feasibility of localized herbicide applications near boat launches.

Hyatt distributed a document detailing a Request for Proposals for the Ecosystem Management and Habitat Restoration and Long Island Sound License Plate Program Habitat Restoration Grants. The program has up to \$4 million dollars available to non-profits, municipal and other organizations for projects.

Murray updated the group on some of the invasive species removal projects being funded by DEP Supplemental Environmental Project (SEP) funds:

- SEP funds have been used to fund a grant to Bantam Lake to control Fanwort in the Bantam River. The project is underway.
- A grant to the Town of New Milford to fund mile-a-minute vine control. The grant has been returned to DEP with signatures and is working its way through the DEP approval process.

- A grant to the Town of Newtown to fund other mile-a-minute vine removal work there is progressing, but has not yet been returned to DEP. Due to these delays, funds for that project will likely not be disbursed until the end of July.

- The state and federal project for water chestnut surveys in the Connecticut River is also seeing great progress. The paperwork is being processed and DEP hopes that the paper work finished by the end of the fiscal year.

### **10. Hardy kiwi concerns**

Donna Ellis provided the group with news about a recent discovery of hardy kiwi (*Actinidia arguta*) in Avon, CT. Connecticut DOT first reported the plants at one of their worksites and is planning to remove them. Hardy kiwi is a non-native vine with edible fruits. Mehrhoff noted that the plants have been found in other locations, including Roxbury, CT, and added that there is apparently a large population of the plants in the Berkshires area of Massachusetts. Massachusetts is considering re-evaluating the species to determine whether or not to include the species on an invasive or potentially invasive plant list.

Ellis suggested that no action need to be taken at this time. Mehrhoff asked that gardening groups, volunteer groups and others (such as CIPWG) be made aware of this species and asked to let state staff know if they see the plants growing in other locations.

### **11. Nomenclatural standards**

The group discussed the need to determine a single source of the scientific names of plants appearing in Connecticut's legislation. Scientific names sometimes change over time and it was suggested that a list of synonymy be created to clarify the species of plants included on the invasive and banned plants lists. **The Council asked Senack to draft language explaining that the USDA PLANTS database will be the source of the taxonomic names and their synonyms.** The text could be included as a note on the bottom of the invasive/banned plants lists.

Heffernan requested that Senack email the group the link to the USDA PLANTS Database.

6/10/10 Note: Senack reported that the link for the USDA PLANTS Database is [www.plants.usda.gov](http://www.plants.usda.gov) -LS

### **12. Disposal of invasives**

The group discussed the need to develop disposal practices for invasive plants that could be implemented by homeowners. Weeks summarized previous ideas, including the idea of having special invasive plant stickers for bags of yard waste that could help ensure bags were sent to an incinerator instead of a local landfill or brush disposal area.

Magnarelli reported that when CAES has to order the destruction of nursery plants for disease control or other reasons, the best way to deal with the material is to have it incinerated. If a certain threshold of material is reached or exceeded, a permit is needed from DEP, but small scale operations can go in municipal waste streams to be incinerated.

Larson asked if there would be a way to facilitate the process so that a group pulling up a number of bags of material doesn't have to pay to have all that material removed and burned. Mehrhoff asked if there were many incinerators around. Magnarelli stated that there are a number of incinerators, including one in Bridgeport and others elsewhere in the state. Mushinsky also added that there is an incinerator in Wallingford. Ellis noted that it would be important to make the guidelines accessible to homeowners and small groups working on pulling up invasive plants. Blasiak commented that moving invasive material off-site may require homeowners to pack bags or bundle plant material in specific or difficult ways and asked if on-site disposal practices or guidelines could also be developed. **The Council asked Senack to collect information about other states' recommendations for the on-site disposal of invasive plants and report back at the next meeting.**

**13. Donna informed the group that the Connecticut Invasive Plant Working Group (CIPWG) Symposium will be held on October 14, 2010 at the University of Connecticut.**

A number of speakers have been invited and the planning process is continuing. The conference usually draws about 400 attendees. Members of the public, state agencies and anyone with an interest in invasive plants are invited to attend.

**14. Musgrave thanked the Council and guests for all the progress that has been made.**

**15. Old and new business**

Murray reported to the group about a call she had received from a citizen in Greenwich. The caller was reporting problems with an invasive bamboo. Mehrhoff reminded the group that there are a very large number of species of bamboo with varying traits, and Senack added that he receives a number of questions about bamboo from concerned homeowners. Senack will gather information and provide an update at the next meeting.

Sutherland thanked UConn and DEP for working to manage Senack and the projects so effectively.

Senack will link the announcement for the Long Island Sound program detailed by Hyatt in the minutes.

*6/10/10 Note: the link to the DEP page is:*

[www.ct.gov/dep/lib/dep/long\\_island\\_sound/license\\_plate/funding\\_available.pdf](http://www.ct.gov/dep/lib/dep/long_island_sound/license_plate/funding_available.pdf) -LS

**16. Adjournment**

McGowan moved (second: Sutherland) to adjourn the meeting. **The Council decided to adjourn at 4:12 pm.**

17. The next meeting is scheduled for September 14, 2010, from 2-4 pm at the CAES Valley Lab in Windsor, CT.

## Unofficial Summary

Invasive Plants Council  
Tuesday March 9, 2010  
2 pm, Department of Agriculture, Room G8  
Hartford, CT

**Council members present:** Dave Goodwin, Bill Hyatt, Lou Magnarelli, Phil Prelli  
*A quorum was not present.*

**Others present:** Donna Ellis, Nancy Murray, Logan Senack, Dick Shaffer

Due to a lack of a quorum, the meeting was not called to order. The group informally discussed the topics below:

### CNLA reaction to the barberry cultivar proposal

Goodwin reported that the major growers have been invited to a meeting on March 17 to further discuss certain barberry cultivar phase-outs. Dr. Mark Brand (UConn) will be present to provide information regarding benchmark numbers for the number of seeds and fruits produced by various cultivars. Goodwin will provide an update at the June Council meeting.

Goodwin also noted concerns about the sale of invasive plants on the internet and by mail order. The group discussed the issue and the difficulties with regulating interstate commerce.

### Disposal of invasives

Karen Weeks could not attend today's meeting, and so requested that the disposal of invasives discussion be moved to the June meeting.

### Status of legislative efforts

The Department of Environmental Protection and The Nature Conservancy submitted testimony in support of adding Sec. 22a-381d to the list of regulations enforceable by conservation officers. Prelli also presented testimony prepared by Musgrave on behalf of the Invasive Plants Council.

Hyatt reported that the Judges of the Superior Court have not yet responded regarding DEP's request to change Sec. 15-180 from a misdemeanor to a mail-in violation, but DEP is expecting to hear back later in the week.

### Nomenclatural standard

The group will discuss nomenclatural standards at the next meeting.

The discussion concluded at approximately 2:20 pm.

The next meeting will take place on Tuesday June 8, 2010 at 2 pm at the CAES Valley Lab in Windsor.

Unofficial Summary