

**INVASIVE PLANTS COUNCIL MEETING**  
**Minutes of 5-9-06**

**As Approved by the Council**

A regular meeting of the Invasive Plants Council (IPC) was held on Tuesday, May 9, 2006. Dr. Louis Magnarelli, Acting Chairman, called the meeting to order at 2:05 p.m. in the Ensign Room at DEP Headquarters, 79 Elm Street, Hartford, Connecticut.

**Attendees:** Acting Chairman Dr. Louis Magnarelli, Paul Larson, Tom McGowan, Les Mehrhoff, Dr. Mary Musgrave, David Sutherland and Ed Parker.

Dr. Magnarelli recognized DEP's Bureau Chief Ed Parker as a new member of the Council. Ed Parker was appointed by Commissioner Gina McCarthy to represent the Department of Environmental Protection.

**Other Attendees included:** Sandy Breslin of Audubon CT, Betty McLaughlin, CT Audubon, Ken Metzler and Nancy Murray of the Dept. of Environmental Protection, Donna Ellis of the University of Connecticut; Karen Weeks of the Kowalski Group; and Bob Heffernan of the CT Nurseryman's Association.

**Absent:** David Goodwin.

**Minutes:** Dr. Magnarelli distributed the minutes for January 11, February 14 and March 14, 2006 for Council approval.

**January 11, 2006 minutes:** approved by Dr. Magnarelli and **Motion to accept:** Dr. Mary Musgrave and **Seconded** by Commissioner Prelli, hence unanimous approval by the Council.

**February 14, 2006 minutes:** Per Dr. Magnarelli approved with two minor corrections. **Motion to accept:** Commissioner Prelli and **Seconded** by David Sutherland, hence unanimous approval by the Council.

**March 14, 2006 minutes:** Inquiry by David Sutherland regarding the meeting reference with Senator Andrea Stillman. Mr. Sutherland did not know why he would have said this. Council Prelli suggested we approve the minutes as long as Jill Carr will recheck the tape for the reference to Senator Stillman. **Motion to accept:** David Sutherland and **Seconded** by Paul Larson, hence unanimous approval by the Council.

**Status of  
HB 5808:**

Dr. Magnarelli tracked this bill through the process. He saw that the Environment Committee was very favorable on this bill. It went through committee activities and quite a few other steps and then the Amendment was passed, which stripped away the money from the bill. Also, the five year pre-emption was knocked down to one year and the wording that was in there was kept pretty much left as is to allow for the movement of the plants for

research and educational purposes, and the wording that the Dept. of Agriculture to inspect pet shops and the CT Agricultural Experiment Station to inspect the nurseries (all things the Council pretty much agreed on.) He did not know what happened to this bill and opened it up to the Council for discussion. David Sutherland spoke in full detail on the bill process. This bill was finally killed in the Senate. Commissioner Prelli feels that nothing can happen until next year's session. Les Mehrhoff feels that next year the Council needs to separate the dollar request from the other items that need to be accomplished by the Council, e.g., education, research effort and eradication, in order to receive approval by the legislature. Commissioner Prelli stated that it was not the intent of the Council to stop either education or eradication of the plants; he thought maybe minor or technical revisions can be made to the statutes; maybe put with a larger bill. He suggested that the Council speak with DEP's legislative liaison. Les Mehrhoff appreciated the suggestion and thought it was a good idea. Nancy Murray questioned what about dollars for next year – she addressed the question to David Sutherland. David Sutherland said it tough's and the Council will have to work hard at this. Commissioner Prelli said that the Council needs a "Champion" to step up and make this a higher priority. He said that money would always be an issue. If the Council really wants approval by the Appropriations Committee for next year – the three state agencies have to come forward and say this is important to each agency and approach the Governor's Office and try to get its support. These steps will be a beginning.

**Future  
Direction of  
The Council:**

Dr. Magnarelli said there are still a lot of issues that need to be addressed and asked members – "where are we going to go – we need a plan and some direction"- opening this up to the members for comments – where do you see the Council going and what do you want to achieve in the next year? He also said there are conservation issues that need to be addressed and money is going to be hard to get, so we are going to have to work without it and, fortunately, the University and CT Agricultural Experiment Station both have programs going on and each have some federal money they can use for aquatic invasive species work. He asked the members "where do you think we need to go?" David Sutherland spoke about how the Council came about. He said "early on" it made sense to expand the Council's scope, e.g., what should we be doing to educate people about invasives and what other strategies are there in addressing invasives. At this point, he is torn about what the Council should be doing – the Council has not progressed in two years on banning, although we did have discussions on the possible approach on cultivars. Les Mehrhoff reiterated to the Council that it has already agreed on the way it was going to approach some of the cultivars and its responsibility to the public. Some species are not banned on the first list because they are not cultivars or do not have research being done at this time and the Council does have the responsibility to take these on and talk about them. Then Les Mehrhoff mentioned that there is the whole issue of "what's happening on our landscape" with some of the species from which there are cultivars– most notably Burning Bush and Japanese Barberry that if we walk away from this issue then we are not doing justice to the people of the State of Connecticut. Les Mehrhoff is not ready to pack it in – he feels the Council

has a responsibility to come up with a strategic plan. Nancy Murray stated that the CT Aquatic Nuisance Species Plan would be distributed for department comment very soon. This Plan will establish the framework for what we need to do to establish rapid response and early detection. Once this Plan is approved by the Governor's Office, we hope to receive \$50,000 - \$70,000 for the hiring of an Invasive Species Coordinator. The dollars may be available in October 2007. Nancy Murray went on to say that part of the original funding attached to this year's legislation was to hire someone to work directly on terrestrial matters as well and to have a person in the Department of Environmental Protection to work on handling this issue. This is a very critical threat and one the greatest threats to endangered species in the state and in the nation. Nancy Murray is still working on a Rapid Response Plan for the Silvermine River and Hydrilla Infestation and feels once the Council starts seeing the costs for control – (she has received an estimate from the contractor for this project to be \$200,000 over a couple of years for eradication in the Silvermine River) people will start going to their legislators requesting monetary assistance. Up until now, we have not worked on a major project because volunteers have been very helpful in the invasive issue. Dr. Magnarelli requested Nancy Murray to continue to keep the Council up to date on the progress of the Plan and project(s).

Bob Heffernan attends meetings on behalf of the Green Industry. He explained that his mentor in public service was The Honorable Abe Ribicoff; he worked for Mr. Ribicoff for seven years before he retired. Mr. Ribicoff educated his staff that there are two rules for dealing with persons on the other side of the issue: 1) always respect your adversaries and be gracious because you may be working with them some day; 2) always keep your adversaries informed about your strategies – you may lose a few battles, but in the end you will win more. The Green Industries Board of Directors that I work for asked that I make some serious comments at today's meeting. The Green Industry feels that the "invasive plants movement" does not have a "green industry problem" but a public relations problem. The Council has spent six years working on the number two largest environmental problem and not a dime has been appropriated for it. When the legislature met on this bill – especially in the Appropriations Committee – Mr. Heffernan counted six lobbyists working the Appropriations Committee. He thought that the Green Industry, Dept. of Agriculture – maybe the rest of them were there – but he did not see them. The DEP Legislative Liaison and members of the Invasive Working Group – everyone should have been there to lobby for this money. Reality is that the 3 million people that make up the general public and their legislators do not see the urgency behind the invasive plants issue. The invasive plants movement has some work to do perhaps in cooperation with the green industry to convince the people of this state that this is the second largest environmental problem. Looking at the big picture history will show that the invasive plant movement in Connecticut made a strategic error in targeting and focusing most of its energies for the past six years on regulating, criminalizing and penalizing the economic green industry – these 48,000 people that did not cause the problem and should have been looked at as allies from the start – they felt they were a false target from the start. The invasive plant movement would have gone so much further by working to convince the public of the threat of invasive plants. The public is the real

target. The inability of convincing the legislature is a symptom of the bigger problem. To the question: “where do we go from here” – The Green Industry feels that two legislative defeats had weakened this Council in its recommendations. The Council appears to the legislature as stalemated and directionless. When you look at the big picture and the whole invasive plant problem, the municipal pre-emption seems to be a tiny piece that is holding up the big picture and the Council’s efforts. The pre-emption should not be used against the Green Industry again. If the invasive plant movement wants real progress in this effort, then it needs to let go of pre-emption as a weapon. From here on, the Green Industry will support legislation banning more plants if the bill permanently pre-empts plant banning at the local level. Conversely, if the Green Industry sees that the towns start to ban plants at the local level, we will oppose any bill that proposes plant bans at the state level. In the mind of the Green Industry, its either the state has the power to ban plants at the state level – but not both. For certain, we will all be losers if towns ban plants. All of us will lose any control. Think about the public relations problem, if plant bans at the local level begin to happen, it will force 48,000 people in the Green Industry to come out publicly with their doubts about the usefulness of plant bans. The local news media will have the steamed-local plant experts facing off with the steamed-off local environmental experts. Sadly, neither side will be the winner. It will probably take years for the invasive plant movement to recover and get back on track. It makes you wonder, if we cannot convince the state legislators, can we really succeed in convincing the local town councils. The bottom line is that the invasive plant movement has so much more to gain by working with the Green Industry at the state level. The Green Industry does expect that Dr. Brands’ research will probably show that some of our beloved cultivars are more invasive than its species. Then the Green Industry will come under intense scientific pressure to stop production. Mind you, not politics, but science that will force change that the invasive plant movement wants so badly. Looking ahead, the Green Industry urges our friends in the invasive plant movement to take a short period for deep assessment and reflection and they see two things: 1) continuing blindsiding that the Green Industry is the enemy and risking damage to the cause by piecemeal chaos of town plant bans or 2) focusing on strategies that will work to produce results, cooperating rather than criminalizing the Green Industry and focusing more on education and science. The Green Industry would much rather work with the Invasive Plants Council on #2.

Dr. Magnarelli requested any comments from Council members on Mr. Heffernan’s above remarks. Commissioner Prelli is not sure as a Council – what is our role? The Council lost two legislative battles and if we go back and lose for a third time, then we show that we do not have any strength at all. We need to make sure we have people on board ahead of time. Will it be worth our while to produce another piece of legislation to make it work or are we just spinning our wheels? The state agencies as members need to request dollars in each of its budgets for next year – will we get the money – probably not. Also, we need to emphasize to the Environment Committee that the members of the Invasive Plants Council are very frustrated right now. It appears that the legislators are happy with status quo – since we have lost two battles to date.

Dr. Magnarelli asked Commissioner Prelli: “what is the longevity of formed councils? Do they continue forever?” Commissioner Prelli said as long as legislators have an interest in what the council is about, then they are there. As soon as their interest dies off and they are not asking questions – you might as well not meet. Commissioner Prelli said some council’s are just on the books but not meeting. The Invasive Plants Council members spent a lot of time putting together last year’s report and a great piece of legislation and it did not generate any interest. Ed Parker used the example of the deer problem in the state – DEP tried for approximately ten years to do something in the state on deer management to no avail. Finally, the public in Fairfield County became fed up with the deer problem and local deer committees were formed, which was the spark to enable the DEP to get legislative changes that were needed. Prior to people in Fairfield County complaining about the deer problem, the general public and local elected officials were not weighing in that this was a problem. It was not because of the lack of science, energy to get something done or interest by the Department of Environmental Protection. It’s a pretty simple formula: Get the general public interested. Until we come up with some thoughts to get the public interested in the invasive issues, it will be extremely difficult for us to make any headway.

Betty McLaughlin said that as long as the public can purchase an invasive species at a nursery they never would understand the problems with invasive plants. She said nursery industry needs to educate the public. Ed Parker does agree that education and information to the public that has an environmental conscious. Some people just do not care as long as the invasive species is sold in the store. There really needs to be something to grab the public’s attention. Education needs to come from the government or the members sitting around this table to get the word out. Commissioner Prelli said that we need “science” to say which ones are invasives. Ed Parker agreed but also added that we need for “science” to say which ones are most invasive and damaging to our natural ecosystems. Donna Ellis, on behalf of Uconn and the CT Invasive Plants Working Group are really trying to educate the public (there will be a large symposium to be held in October.) The symposium will be geared to the “Green Industry.”

Tom McGowan spoke about the Environmental Committee legislative process. He was appalled at the process. The Committee scheduled the hearing in such a way that you could not put together a comprehensive presentation and make an impression. It appears that the real work goes on behind the scenes with the lobbyists. David Sutherland said that public hearings are really hard to predict. Tom McGowan thinks sooner or later a citizen group will be interested. He is very frustrated – not only because of the time and attention – he ought to be spending his time going to lake associations to tell them to contact their legislators regarding the aquatic problem.

Les Mehrhoff noted a lot of frustration around this table. He suggested that the Invasive Plants Council reconvenes to put together (not necessarily from a dollar point of view) a comprehensive education plan. Focus on what kind

of education needs to be done and educate the right people – include the general public and municipalities, not necessarily just the legislators. Maybe this will help bring the momentum back to the Council. Dr. Magnarelli said that he feels there is enough interest out there – but as a Council we need to come up with some clear-cut program objectives. The legislative side is very complicated and tough. Let’s think about this – he could see the Council wandering in the future and not making any forward progress. You really need to have forward movement.

**Future Meetings:**

**The Invasive Plants Council will not meet in June, July and August.**

The Invasive Plants Council will reconvene in September. Commissioner Prelli suggested that the Council invite the Chairmen of the Environment Committee at this meeting to see if they could move legislation next year. Let’s ask the Chairmen if it’s worth our while to work on legislation next year or should we just be working on education. We may need to change our direction. Dr. Magnarelli will send a letter of invitation to the Environment Committee Chairmen, Ranking Members and Senator Roraback. Dr. Magnarelli asked members to e-mail him about any request to invite legislators to September’s meeting. He will personally invite additional legislators to the meeting.

**Invasive Plants Council meeting dates for the remainder of 2006 through May 2007:** October 10<sup>th</sup>; November 14<sup>th</sup>; December 12<sup>th</sup>; January 9<sup>th</sup>; February 13<sup>th</sup>; March 13<sup>th</sup>; April 10<sup>th</sup>; and May 8<sup>th</sup>. All dates are scheduled to be held in the DEP, Ensign Room at 2:00 p.m.

**Old Business:**

Dr. Magnarelli again reminded members he will continue to serve as Acting Chair for the Council. By statute, he is the official plant regulator for the State of Connecticut and it is very difficult to keep them separate. Dr. Magnarelli will not be able to interact with legislators on issues because of a possible conflict of interest with his position as the Director of the CT Agricultural Experiment Station. The Invasive Plants Council will have to find a new Chair. Now that Deputy Commissioner David Leff retired, his Secretary, Jill Carr will be transitioning into another division. The Council will need to look for a new Secretary too. Dr. Magnarelli and Council members thanked Jill Carr for her hard work.

**New Business:**

Dr. Magnarelli noted there would be a retirement picnic to be held on June 17<sup>th</sup> at Rocky Neck State Park to honor David Leff.

Les Mehrhoff made a motion to adjourn. All in favor by the Council.

Respectfully submitted,  
Jill Carr  
Department of Environmental Protection