The Honorable Edward Meyer  
State of Connecticut Senate  
Legislative Office Building, Room 3200  
Hartford, CT  06106

The Honorable Richard Roy  
State of Connecticut  
House of Representatives  
Legislative Office Building, Room 3201  
Hartford, CT  06106

Dear Senator Meyer, Representative Roy, and other members of the Environment Committee:

As Chairman of the Invasive Plants Council, I respectfully submit this letter and attachments for the eighth annual report on activities conducted during 2010. This Council was established and operates pursuant to Connecticut General Statutes 22a-381 through 22a-381d, and has the following responsibilities: developing and conducting initiatives to educate the public about the problems created by invasive plants in lakes, forests and other natural habitats; recommending ways of controlling their spread; making information available; annually publishing and updating a list of invasive or potentially invasive plants; and supporting state agencies in conducting research into invasive plant control, including the development of new non-invasive plant varieties and methods for controlling existing species.

The Council

The Council consists of 9 members representing government, the nursery industry, scientists, and environmental groups (see attachment #1). This group has shown a willingness to find solutions to problems and to work constructively. The Council has met 8 times since the seventh annual report dated December 8, 2009. See attachment #2 for the approved minutes for 8 meetings, including those for the December 8, 2009 meeting. The minutes for the December 14, 2010 meeting are not yet approved, and so will appear in next year’s report.

I am Professor and Head of the Department of Plant Science and Landscape Architecture, representing the Dean of the College of Agriculture and Natural Resources at the University of Connecticut, and serve as Chairman. Commissioner F. Philip Prelli (Department of Agriculture) (DOA) serves as Vice Chairman. No changes in membership have occurred since our last annual report. At its November 9, 2010 meeting, the Council voted to elect William Hyatt as the incoming Chairman for a two-year term. Louis Magnarelli agreed to serve as vice-chairman, and his appointment was unanimously endorsed by the Council members by subsequent email ballot.

The Council acknowledges the cooperation of the Connecticut Agricultural Experiment Station (CAES), specifically the Valley Lab in Windsor, for providing conference room space for this year’s meetings, and the CT Department of Agriculture for the conference room space needed for the meetings during the legislative session. Mr. Logan Senack, the state’s Invasive Plant Coordinator, is thanked for taking minutes for the Council. As will be discussed in more detail later, the state funds provided to Department of Environmental Protection (DEP) allowed for the hiring of Mr. Senack through a cooperative agreement with the University of Connecticut. These
funds also supported the cost of production and publication of this annual report. This support has been invaluable to the Council, which for many years had to provide these clerical services through the good will of its members and the charity of their home organizations.

Council Activities

We are very pleased that Connecticut’s first Invasive Plant Coordinator, Logan Senack, who was hired in December 2008 through a DEP contract with the University of Connecticut, continued in that role this year. The Coordinator position is absolutely critical to the success of Connecticut’s response to invasive plants. The Coordinator oversees these programs, further developing early detection and rapid response procedures for emerging problems and coordinating the implementation of a comprehensive State invasive plant control and prevention program. With the Coordinator in place, the Council played a productive role as an advisory body to be consulted by DEP as it moved these programs forward. The major push for the Council this year was to ensure that effective mechanisms for enforcing the invasive plants legislation would be in place.

The Council responded to requests for assistance from the Attorney General (attachment 3), a legislator, and several members of the general public. Members of the Council gave expert testimony at several public hearings (see attachments 4 and 5):

They spoke in support of legislation (Raised Bill 5320) to add Sec22a-381d to the list of regulations enforceable by conservation officers in Sec.26-6. This would allow the state Environmental Conservation (EnCon) police to enforce the law regarding the sale of banned invasive plants in nurseries and pet shops as well. Similarly, by changing from misdemeanor to infraction the violation of CT General Statute Sec. 15-180, which prohibits transport of aquatic plants on boats and boat trailers, enforcement of the law by state police, EnCon police and municipal police will be more effective.

As a result, a bill allowing EnCon 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 into law by the Governor effective October 1, 2010.

The state Judiciary made the requested change in enforcement of CGS Sec. 1-180 (transportation of vegetation on boats and boat trailers) as of June 4, 2010. Instead of requiring court appearances, violations of CGS Sec. 1-180 can now be enforced as mail in violations (tickets) with a fee of $95.

Appropriations committee See attachment #4 for the Council’s Feb. 17, 2010 testimony. This testimony was made to urge mitigation of the Governor’s cut of funding for the program from $500K to $0. The Council urged restoration of a “keep-alive” budget of about $100K per year that would fund the Invasive Plant Coordinator position, thus allowing educational efforts to continue.

Suggested Plant Regulation Changes

As requested by members of the public, legislators, and the Attorney General, the Council has considered changes proposed to the list of invasive and potentially invasive plants in Connecticut. In keeping with past requests, the Council will announce a period for public comment prior to concluding its discussions and voting on the proposed changes. Requestors seem to not
understand the nuances of the “LISTS” that the Council is charged with maintaining, and the list in the legislation that has banned certain plants listed as invasive by the Council.

With regard to the nomenclatural standard in use on the invasive plants lists, the Council is settled on including a footnote on its plant list that designates the online resource USDA Plants database as the standard authority for nomenclature. (www.plants.usda.gov). DEP will maintain a list of taxonomic synonyms in case confusion arises. The wording of this change is given in attachment #5.

With regard to how invasive plants are regulated within the state, inspection roles for DOA (for aquatic plants being sold in pet shops) and CAES (for plants in nurseries) are now clearly described by the legislation, and a civil enforcement mechanism is being handled by DEP. This has been one of the Council’s major accomplishments.

Another major step this year was the initiative by members of the Council to approach their colleagues in the nursery industry regarding phasing out from production barberry cultivars that have been identified as high seed producers. The Council supported the proposal by its CNLA members to explore a voluntary ban on production and sales of 25 high seed producing cultivars of barberry. This strategy of voluntary self-regulation by the Industry was successful for the Council in the past with other commercially important plants that were classified as invasive but were not banned in the state legislation. This approach paves the way for future sterile or very low seed producing introductions of barberry to be propagated and marketed by growers in the State. Experimental lines of sterile barberry and winged euonymus are currently in evaluation at UConn as part of the research being carried out by scientists in the New England Invasive Plant Center. The voluntary ban on the 25 high seed producing barberries is effective July 1, 2010.

Overview of Current Activities and Needs in Connecticut

Invasive plants continue to cause obvious environmental problems, and public concern about them continues to grow. During 2010 the Council continued to receive requests from land holders who want relief from the problem of invasive plants. Removal of invasives from minimally managed areas is a costly proposition, and the State would be well-served by a program that both prevents future invasions and provides educational and financial resources to implement eradication campaigns. The level of response by municipalities to a quick-turnaround Request for Proposals shows both the awareness of the problem in the state and need for corrective mechanisms. A total of 41 applications from 37 municipalities were received, each offering a match, and a total of $936,403 was requested in funding for an opportunity that had $175K available. Thus Connecticut citizens are eager for a means to address the invasive plants on their public use lands.

The Council is exploring ways to expedite the efforts of volunteers in the state who will organize work parties to pull invasive plants from sensitive habitats on public use lands. One of the challenges faced by these groups is the disposal fee for the plants once they are removed from the site. Further, if the material enters the compost stream of municipal waste management systems it could inadvertently result in further dispersal of the invasive. Incineration seems to be the best option for dealing with material that is in the municipal waste stream.

Council members are grateful that the changes it recommended in enforcement issues came into law this year. However the loss of funding to support the comprehensive state invasive plant program is devastating. We realize that budgetary times are difficult, but support (~$100K per
year) for key “keep-alive” functions, such as the coordinator’s salary and operating expenses, is absolutely essential if the state is going to be able to address the invasive plants problem.

In its eight years of operation, the Council has worked to refine the initial invasive plants legislation so that mechanisms for inspection and enforcement are now in place for both terrestrial and aquatic problem plants. We have envisioned what a comprehensive invasive plants program would look like in Connecticut, and with the initial funding for the program, DEP was able to move forward to create a Coordinator position and begin to implement this vision (attachment 7). Staff in DEP have taken up the charge of responding to the invasive plants problem, and have utilized the resources and network that the Council provides. When state finances improve and funding for invasive plants is restored to DEP, this infrastructure is ready to fulfill the goals initially enunciated by the legislation that formed the Council in 2002. That said, the near term funding for the State Coordinator’s position remains our top concern.

I and other Council members are available to answer questions and provide advice as needed. Feel free to contact me at (860) 486-2925 if questions arise.

Sincerely,

Mary E. Musgrave
Chairman

Attachment 1. Council members
Attachment 2. Minutes of meetings
Attachment 3. Request from Attorney General Blumenthal and the Council’s response
Attachment 4. Appropriations committee testimony
Attachment 5. Environment committee testimony
Attachment 6. Addition to the invasive plant list. [text of nomenclature standard.]
Attachment 7. DEP invasive plant program 2010 accomplishments