

Invasive Plants Council  
Tuesday, December 13, 2011  
2 pm, Dept. of Ag Conference Room G8-A  
Hartford, CT

**Council members present:** Dave Goodwin, Bill Hyatt, Paul Larson, Lou Magnarelli, Richard McAvoy, Tom McGowan, John Silander, Katherine Winslow

**Others present:** Ellen Bender, Donna Ellis, Wendy Flynn, Matt Fritz, Bob Heffernan, Nancy Murray, Logan Senack, guest

**1. Hyatt called the meeting to order at 2:00 pm.** Bill introduced Matt Fritz, Bureau Chief for Outdoor Recreation, Department of Energy and Environmental Protection (DEEP), and Wendy Flynn of the DEEP Boating Division.

**2. Distribution of annual report**

Copies of the annual report were distributed to the Council members. Hyatt discussed the annual report and thanked the members and the member agencies and organizations for contributing material for the report. Hyatt thanked Murray and Senack for assembling and producing the report. Hyatt distributed the distribution list for the annual report. Senack will deliver the other copies of the annual report this afternoon.

A PDF of the 2011 Annual Report is available at the following link:  
[www.hort.uconn.edu/cipwg/ipc.html](http://www.hort.uconn.edu/cipwg/ipc.html)

**3. Aquatic invasive sticker proposal and Invasive Investigators Program**

*Tom McGowan arrived at 2:07 pm.*

**a. Possible legislative proposal for Invasive Plants Council (IPC)**

Hyatt introduced Matt Fritz and Wendy Flynn, who delivered a presentation on an aquatic invasive plant sticker proposal and the Invasive Investigators Program.

Flynn presented information about DEEP Boating Education Assistants (BEAs) and Invasive Investigators (IIs). Flynn's presentation is attached to these minutes. DEEP employed paid seasonal staff from mid-May to mid-October at boat launches throughout the state to educate boaters on clean and safe boating practices and to conduct Vessel Safety Checks. In 2011, the BEA program employed 21 seasonal employees, who conducted 4,145 Vessel Safety Checks and collected 5,480 clean boater pledges.

The Invasive Investigator (II) program was developed to help the BEAs reach additional boaters and cover additional boat launches. Invasive Investigators attend an initial training of 2.5 hours and are assigned to visit local boat launches. They familiarize boaters with Aquatic Invasive Species (AIS) present in the water body, distribute educational materials, and conduct voluntary inspections. In 2011, 75 people were trained as Invasive Investigators. Invasive Investigators conducted over 1,200 inspections in 2011. Flynn provided information regarding a legislative

change to CGS Section 26-55, which prohibits importing, possessing, or liberating any prohibited animals in Connecticut. Prohibited animals include zebra mussels and other aquatic invertebrates. Flynn also detailed possible proposed changes to add the list of prohibited animals to CGS Sec. 15-180.

Fritz summarized the need for a Boating Division funding source to address problems such as zebra mussels and abandoned boats and vessels throughout the state. He also detailed the current status of boating funds in the state and past funding scenarios. Fritz suggested a proposal for an addition to the current registration fee that could be used to fund AIS efforts and provide a grant program to towns to deal with abandoned boats and vessels through a Waterways Maintenance Fund. The amount of the fee would be up to five dollars per registered boat, and both marine and inland boats would be included.

Fritz proposed two main options:

1. The IPC could move forward with a proposal to increase license fees by \$5 and use the funds to support AIS and abandoned vessel work. A portion of the funds would go towards AIS prevention, remediation, and education, and another portion would be distributed to towns as a grant based program for abandoned boats.
2. A sticker program could be developed that used different fees for in-state and out-of-state vessels. This plan might be more complex but would allow the state to capture funds from out-of-state vessels in addition to in-state vessels.

Fritz and Eleanor Mariani (Boating Division Director, DEEP) will submit a one page information summary to the Council and will coordinate with Hyatt and the IPC on these issues.

Flynn announced that educational inserts will be added to the 2012 registration information from the state Department of Motor Vehicles. The inserts will include information about properly cleaning boats, zebra mussels in Connecticut, and an announcement about the Invasive Investigator program. Flynn briefly summarized the topics included in the training program for BEAs, including species identification and conducting voluntary boat inspections for AIS. A job description for BEA positions will be posted online by late February 2012 for the 2012 season. Flynn will send Senack the presentation materials so they can be shared with the group and posted online, and will supply information about a forum to be held in February regarding coordination with Massachusetts on zebra mussel control.

*12/16/11 Note: The Housatonic River Zebra Mussel Forum will be held Feb. 4, 2012 (snow date Feb. 11) at Simons Rock College, Great Barrington, MA. - LS*

Hyatt asked if the BEA/II programs held presentations to recruit members. Flynn responded that they use web materials and press releases to attract new individuals, and also coordinate through Senack to post materials through the listserv of the Connecticut Invasive Plant Working Group (CIPWG). Hyatt noted that education and outreach efforts similar to what the Boating Division is doing are extremely valuable in helping to limit the spread of AIS to new areas. Murray added that education is more cost effective than trying to control an invasion after the fact.

Silander asked about the advantages and disadvantages of a separate sticker. Fritz reported that having a separate sticker may allow for the inclusion of both in-state and out-of-state vessels in the program, which would be different from a registration fee that would only capture funds from Connecticut-registered vessels. Goodwin asked for information about how many out-of-state boats use CT inland waterways. Fritz responded that that information could be prepared and shared with the Council. Hyatt asked how many states have boating sticker programs. The group discussed the various options and McGowan emphasized the importance of making sure whatever plan was developed was practical and valuable.

In response to a question from Goodwin, Flynn reported that aquarium trade species were included in the training workshops.

#### **4. Further discussion of bamboo issue**

*McGowan left the room at 2:50 pm.*

Hyatt recapped the current status of bamboo, including the September 2010 response from the Invasive Plants Council to the Attorney General regarding the invasive status of running bamboos. Hyatt noted that the scientific inquiry regarding this species is still continuing and that no bamboos are listed at this time. Murray announced that she has submitted Connecticut bamboo specimens to Dr. Lynn Clark at Iowa State University, who will attempt to identify them. Silander added that Dr. Dick Mack at Washington State University has a post-doctoral researcher, Dr. Melissa Smith, working on an Animal and Plant Health Inspection Service (APHIS) funded project about bamboo species and distributions across the nation who may collect specimens from Connecticut.

Magnarelli reported that the Connecticut Agricultural Experiment Station (CAES) plans to conduct experiments on at least three CAES properties to determine the degree of growth of running bamboo and also how to kill it. The projects are expected to take 3 to 5 years and will test chemical control and mechanical containment. CAES will coordinate with the industry on this project.

*McGowan returned at 2:53 pm.*

Hyatt noted that listing the plant as potentially invasive could remain a possibility and that two questions remained:

1. Since the plants are difficult to identify to species, Hyatt asked if it would be more appropriate to list a genus of this group instead.
2. Even though the Council has not decided to list bamboo, Hyatt pointed out that the plants can be damaging in managed landscapes, which may be outside the purview of the Council. As DEEP and other agencies will still need to address incoming inquiries, Hyatt asked if it would be appropriate for the Council to present information to towns suggesting or simply informing them that the towns may pass ordinances to require barriers when planting bamboo.

Murray mentioned that a town in Delaware had passed an ordinance regarding bamboo. The group discussed the possibility of towns passing ordinances, enforcement of such an ordinance, and other aspects of this issue. Heffernan added that the Connecticut Nursery and Landscape Association (CNLA) has maintained a position since 2000 that 169 different town laws would make it very difficult for landscape professionals and nurserymen to work in towns with multiple laws.

The group discussed whether CT towns can currently pass such an ordinance, whether recommendations from CNLA regarding bamboo planting and control can be developed, and whether the Invasive Plants Council should actively recommend to towns that they pass town ordinances regarding this species. Goodwin noted that this action would help put in the forefront of the public's awareness that some responsible action is required when planting species that may spread. Murray will pass the ordinance information from Delaware to Senack to distribute with the minutes.

Hyatt asked Larson about the status of the position of the CNLA board with regards to informing customers about bamboo. Larson said CNLA can provide recommendations, but they would not be mandatory. Heffernan emphasized that the recommendations would not be mandatory. Hyatt asked for clarification from Larson regarding how this information is being distributed and what kinds of things are actually happening at points of sale.

The group discussed the possibility of listing difficult to identify bamboos at a broader taxonomic grouping than the species level. Silander suggested that the Council wait for a response from the taxonomic experts first, as there may be key characters that can be used to distinguish the plants, especially during spring shoot growth. Heffernan added that the industry is aware of the importance of this issue and that it would be good for the industry to develop a public document about bamboo control that could be made available online, and possibly also a tag to be attached to plants for sale regarding control of spreading species.

## **5. Old/ New business**

### **a. Bittersweet sales action taken**

Murray informed the group that DEEP had received a report that Asiatic bittersweet (*Celastrus orbiculatus*) was being sold at a farmer's market in southeastern Connecticut. DEEP sent a letter to the seller requesting that sales of the plants be stopped. Hyatt requested that anyone seeing invasive plants being sold intentionally or unintentionally in the state contact CIPWG or DEEP.

### **b. Invasive Plant Coordinator funding question**

Hyatt noted that the 2011 IPC annual report identified the need for a request of \$90,000 to continue the Invasive Plant Coordinator position and asked the group how to move forward and push that request. Hyatt also asked that this discussion be continued at the next meeting in January 2012.

The group discussed the possibility of holding a legislative briefing as discussed at previous meetings. Hyatt suggested that if a briefing was held, it would need to be held at the Legislative Office Building in late January and everyone on the Council would need to be present.

The group discussed aspects of DEEP budget requests and the invasive plant funding.

Bender suggested that the Council share the information about any upcoming legislative briefing with the listserv of the Connecticut Invasive Plant Working Group so that additional interested people could attend. Silander suggested that a short white paper could be prepared in preparation for this event.

Hyatt added that any proposal would require broad grass-roots support. Magnarelli added that it would be important to make sure that DEEP was the recipient agency for the funds. Heffernan suggested that if the CT Nursery and Landscape Association (CNLA), The Nature Conservancy (TNC), Rivers Alliance, and Audubon all support the measure, it might have more chance of success.

**c. Mugwort (*Artemisia vulgaris*) status**

Ellis requested that mugwort (*Artemisia vulgaris*) be addressed at the January meeting.

**6. Adjournment**

Larson moved (second: Goodwin) to adjourn the meeting. **The Council decided to adjourn at 3:30 pm.**

The next meeting is scheduled for 2 pm, January 10, 2012 at the Department of Agriculture in Hartford, CT.

# Invasive Investigator Program and Waterways Maintenance Fund

Eleanor Mariani/ Gwendolynn Flynn/ Matt Fritz  
Department of Energy and Environmental Protection  
Bureau of Outdoor Recreation  
Boating Division



# AIS education

- 2002- AIS information was added into Boating Education classes
- 2003- Mandated to include AIS info into classes (by State legislature)
- 2003- CGS Section 15-180 was approved
- 2003- Boating Education Assistant program began
- 2011- Invasive Investigator Program began

# Boating Education Assistants (BEA)

- Educating boaters about clean and safe boating practices at boat launches throughout the state;
- Conducting Vessel Safety Checks;
- Encouraging people to become clean boaters;
- Closing the parking lot if it becomes full; and
- Report on launch condition.

# BEA assignments

- 2011 BEA season
  - 21 trained BEAs in 2011
  - Stationary, 1 shift locations: Highland Lake, Coventry Lake, Lattins Cove & Squantz Cove on Candlewood Lake
  - Stationary, 2 shift locations: Lake Zoar, Lake Lillinonah
  - Total VSCs: 4145
  - Total Clean Boater pledges: 5480
  - All trained to inspect boats for AIS

# Invasive Investigator Program

- **General Description:** Educate people on ways to keep our waters clean and prevent the spread of aquatic hitchhikers into the lakes and rivers of Connecticut.
- **Training:** Required to attend an initial training of 2.5 hours and visit local boat launches.
- **Monitoring:** Familiarize boaters with AIS present in the waterbody, distribute educational materials, conduct a voluntary inspection.
- **Hours:** Scheduling is done according to availability.

# Invasive Investigators in 2011

- 9 training sessions were held
- Approx 75 Invasive Investigators were trained
- 1263 inspections were submitted to DEEP
- Lakes that were monitored:
  - Candlewood Lake
  - Coventry Lake
  - Beach Pond
  - Lake Lillinonah
  - Upper Moodus Reservoir
  - Lake Zoar
  - Lake Waramaug
  - East Twin Lake
  - Gardner Lake

# Approved Changes in Legislation

- Connecticut General Statute (CGS) Section 26-55, was modified:
  - It is now illegal to import, possess or liberate “prohibited” animals, in Connecticut (unless the Commissioner has issued a permit for such activity).
  - Violation of this section could result in a civil penalty of \$1000 per offense per day, while a *willful* violation of this section is considered a Class “C” misdemeanor with the possibility of a jail term of up to three months, plus a maximum fine of \$500.

# Approved Changes in Legislation cont.

- The list of “prohibited” animals is maintained in Regulations of Connecticut State Agencies (RCSA) Section 26-55-5, which at this writing (12 December 2011) includes:
  - quagga mussel, including veligers (*Dreissena bugensis*);
  - zebra mussel, including veligers (*Dreissena polymorpha*);
  - Chinese mitten crab, (*Eriocheir sinensis*);
  - New Zealand mud snail (*Potamopyrgus antipodarum*);
  - Asian clam (*Corbicula fluminea*);
  - rusty crayfish (*Orconectes rusticus*);
  - any species of aquatic invertebrate whose importation into the United States is prohibited; and
  - any species of aquatic invertebrate designated rare, threatened or endangered.

# Possible change to CGS Section 15-180

- Existing CGS 15-180: Boaters must inspect their vessel for vegetation and properly remove and dispose of any vegetation before transporting the vessel or trailer.
- Possible change to CGS 15-180: include list of “prohibited” animals as maintained in Regulations of Connecticut State Agencies (RCSA) Section 26-55-5.
- Would make it an infraction not to clean specific animals off the vessel: must be specific so not to impede use of vessels in the marine environment with barnacles.

# Waterways Maintenance Fund

- The Boating Division seeks a steady revenue source to resolve chronic issues in both the fresh water and salt water environment.
- While AIS issues are particularly problematic in fresh water environments, abandoned boats are more prevalent in the marine environment....although both issues are statewide.
- The Boating Division seeks funding that will seek to remedy both issues.

# Waterways Maintenance Fund

- It must be remembered that boat registrations are one of the highest in the country.
- In 2011, the legislature removed the section of law that provided payment in lieu of taxes (PILOT) to towns; approximately \$2.5 million dollars annually.
- Boaters are part of the problem and should not be expected to solve all problems at the increase of registrations, especially in this economic climate.

# Waterways Maintenance Fund

- Consider New Fee for AIS and abandoned boats
  - Up to \$5 per registered boat
    - Marine and inland boats will be included
  - Or \$3 per registered boat and \$3 fee for out of state boats using inland lakes or ponds.
  - Considering funding mechanism that would not increase registration fees to boaters.
- Grant based program
  - \$1.50 of that for abandoned boat grant
  - Up to \$3.50 towards AIS prevention, remediation, and education
- Task team to identify grant requirements

# Waterways Maintenance Fund: Invasive Species Grant

- Purpose: to provide immediate non-matching funding to respond to a discovery of a listed invasive species in a body of water where the species was previously not known to be present.
- Funds that are unused at the end of the fiscal year will be carried over and used for grants for non-emergency invasive species response, weed control, etc.

# Waterways Maintenance Fund: Abandoned Boat Grant

- Purpose: to provide *ex post facto* matching funding to assist with the disposal of an abandoned or derelict vessel.
- Qualifying activities include: vessel removal, storage, demolition, transportation, and/or disposal fees.
- Up to \$7,500 available per vessel
- Aggrieved landowners, municipalities, or harbormasters may apply for this grant. **Marinas and boat yards may not.**
- Managed by DEEP-Boating Division.

# Final Comments:

- DMV insert for 2012 registrations
- Housatonic River Zebra Mussel Forum
  - February 4, 2012 (Snow Date 2/11)
  - Simons Rock College, Great Barrington, Massachusetts
  - Contact Meghan Ruta if interested in attending:
    - [mruta@hvatoday.org](mailto:mruta@hvatoday.org) or 860-672-6678
- BEA job description online by late February

Text of bamboo ordinance from Smyrna, Delaware  
Town Code, Part II, Chapter 74, Article IV- Bamboo  
Secs. 74-71 to 74-76  
Provided to Nancy Murray (DEEP) by homeowner Caryn Rickel

**Sec. 74-71. - Unlawful to plant or grow bamboo without proper barrier/container and setback.**

Subject to the exemption provided in [section 74-56](#), no person(s) or other legal entity(s) shall plant or cause to grow bamboo on any lot or parcel of ground within the town unless:

- (1) The root system of such bamboo plant(s) is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread/growth of the bamboo plant'(s) root system beyond the container in which it is planted; or
- (2) The root system is contained within a barrier, constructed in accordance with the following specifications, and only after a compliance inspection performed, and a permit issued, by the town code enforcement official:
  - a. The barrier itself shall be composed of high density polypropylene or polyethylene, 40 mil or heavier;
  - b. Each portion or sheet of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed for such barriers;
  - c. The barrier shall be installed not less than 30 inches deep;
  - d. The barrier shall be circular or oblong shaped;
  - e. Not less than three inches of the barrier shall protrude above ground level around the entire perimeter of the barrier;
  - f. When installed, the barrier shall slant outward from the bottom to the top.
- (3) Whether planted or growing in a container (under subparagraph (1) above) or contained within a barrier (under subparagraph (2) above), all bamboo plants shall be located, trimmed and maintained so that no part of the plant (including stalks, branches, leaves, and/or roots) shall extend nearer than ten feet from any property line.

*(Ord. of 10-16-00(2))*

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**Sec. 74-72. - Exemptions.**

[Section 74-55](#) shall not apply to any landowner or possessor who, prior to the effective date of this article, has planted or caused to grow any bamboo on any property within the limits of the town unless the town code enforcement official determines, upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such landowner or possessor.

*(Ord. of 10-16-00(2))*

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**Sec. 74-73. - Complaint/order for removal, repair and compliance.**

Whenever a complaint is received by the town that any bamboo plant or root is encroaching on the property of an adjacent or abutting landowner, or public way, it shall, prior to taking any other action to enforce compliance with this article, give written notice (delivered in person or by certified mail, return receipt requested, properly addressed and with sufficient postage, and posted upon the subject property,) to the person(s) or legal entity(s) causing such condition to exist, which notice shall:

Text of bamboo ordinance from Smyrna, Delaware  
Town Code, Part II, Chapter 74, Article IV- Bamboo  
Secs. 74-71 to 74-76

Provided to Nancy Murray (DEEP) by homeowner Caryn Rickel

- (1) Specify the nature and location of the violation;
- (2) Provide notice of the need to remove and/or correct such condition within 30 days from the effective date of such notice;
- (3) Require that the removal and/or correction of such condition includes:
  - a. The removal and eradication of any bamboo plant or root from any adjoining or nearby lot(s) or public way to which it has spread from its original planting site, and the correction and repair of any property damage sustained to said adjoining or nearby lot(s) or public way, in removing such bamboo; and
  - b. The containment of the bamboo plant causing said encroachment, by mandatory and full compliance with [section 74-55](#)(1) and/or [section 74-55](#)(2)(a—f);
- (4) State that upon failure to comply with the notice and order for removal and/or containment, the town may:
  - a. Remove and eradicate such bamboo upon the land of any nearby or abutting property owner, public way and/or upon the property of the person(s) or entity(s) planting or causing such bamboo to grow, as provided in [section 74-58](#); and/or
  - b. Institute proceedings against such person(s) or legal entity(s) to collect a civil penalty for violation of this article.
- (5) Set forth the criminal penalties for violations.

The effective date of notice under [section 74-57](#)(2) shall be the later of: (a) the date of personal delivery, or, if mailed, the date the return receipt is signed, or if not signed, the date the notice is stamped refused, unclaimed, or otherwise undeliverable by the U.S. Postal Service; or (b) the date the property is posted. The fact that such notice was not actually received by the alleged violator shall not be a defense to the town's subsequent enforcement of this article.

*(Ord. of 10-16-00(2); Ord. of 8-5-02(1), § 34)*

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#### [Sec. 74-74.](#) - Removal of bamboo.

- (a) If the violation is not remedied within the time set forth in the notice and order as outlined above, the town is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate its re-growth from said adjacent or nearby property or public way, and to restore any such lands to its natural condition prior to such removal and eradication (including fill, grading, and seeding).
- (b) The town shall also be authorized to remove and eradicate the plant(s) causing the encroachment, upon the responsible party(s)' failure to properly contain the plant in accordance with [section 74-55](#), after complaint and notice.

The cost of corrective action taken by the town under subparagraphs (a) and (b) above, together with any civil penalties and costs, shall be recoverable from the entity responsible and shall constitute a lien against any lot or parcel of ground belonging to the entity responsible upon which such bamboo had been planted or from which the bamboo had encroached. Such costs and fines may be collected as any other fine or cost is collected. ("Costs" shall include court costs and reasonable attorneys fees, whenever permitted by law).

*(Ord. of 10-16-00(2))*

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#### [Sec. 74-75.](#) - Charges and fees for removal.

Text of bamboo ordinance from Smyrna, Delaware  
Town Code, Part II, Chapter 74, Article IV- Bamboo  
Secs. 74-71 to 74-76

Provided to Nancy Murray (DEEP) by homeowner Caryn Rickel

When the town is required under this article to remove bamboo and to correct any property damage incurred to any adjoining, nearby or public property to which it has spread from it's original planting site, the charge shall be:

- (1) The town's actual cost if contracted out; or
- (2) If performed by town personnel, \$50.00 per hour, with a minimum charge of \$50.00.

In either event, there shall also be assessed an administrative fee of \$25.00.

*(Ord. of 10-16-00(2))*

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#### Sec. 74-76. - Penalties.

Any person determined by any court of competent jurisdiction to have violated this article shall be guilty of a criminal violation and forfeit and pay to the town a criminal penalty in the amount of not less than \$25.00 per day, nor more than \$100.00 per day, plus costs. Each day of a continuing violation shall constitute a separate offense.

*(Ord. of 10-16-00(2); Ord. of 8-5-02(1), § 35)*

Accessed online 1/3/11 via

[http://library.municode.com/HTML/12853/level3/PTIITOCO\\_CH74VE\\_ARTIVBA.html](http://library.municode.com/HTML/12853/level3/PTIITOCO_CH74VE_ARTIVBA.html)