

**Noxious Weed Advisory Committee  
Meeting  
November 17, 2022  
10:00am-12:00pm (EST)**

**LOCATION:** First Floor Training Room  
900 Natural Resources Dr. #800,  
Charlottesville, VA 22903

**AGENDA**

**WELCOME & HOUSEKEEPING**

David Gianino welcomed Committee members to the meeting and gave an overview of the meetings contents. Additionally, David provided a review of meeting procedures for attendees and newly appointed Committee members.

**ROLL CALL**

David called the roll and established who was present to represent their organization, required to comprise the Noxious Weed Advisory Committee.

1. A conservation representative or organization: **Emily Robertson - James River Park System Invasive Plant Task Force – Present**
2. An agribusiness representative or organization: **Heidi Hertz – Virginia Agribusiness Council – Present**
3. A local government representative or organization: **James Hutzler – Virginia Association of Counties, Environment and Agriculture – Present**
4. Virginia Cooperative Extension: **Michael Flessner – Present**
5. Virginia Department of Conservation and Recreation: **Kevin Heffernan – Present**
6. Virginia Department of Forestry: **Lori Chamberlin – Present**
7. Virginia Department of Game and Inland Fisheries: **Amy Martin – Present**
8. Virginia Department of Transportation: **Bill Lewis – Present**
9. A farming representative or organization: **Mark Campbell – Farm Bureau – Present**
10. A forage-based agriculture representative or organization: **Jonn Repair – Present**
11. A native plant conservation representative or organization: **Jim Hurley – Native Plant Society – Present**
12. A nursery and landscaping representative or organization: **Seana Ankers – Virginia Nursery and Landscape Association – Absent**
13. Virginia Polytechnic Institute and State University: **Jacob Barney – Present**
14. Virginia State University: **Maru Kering – Absent / Dr. McKinnie – Absent**
15. A cooperative weed management area representative or organization: **Rod Walker – Blue Ridge Partnership for Invasive Species Management (PRISM) – Present**
16. Virginia soil and water conservation districts: **Anne Coates – Absent / Steven Meeks – Absent / Brent Huntsinger – Absent (Resigned)**

Other Meeting Attendees (Non-Voting):

Joe Lerch, Virginia Association of Counties

A.G. Sweaney – DCR, Natural Heritage

VDACS Staff in attendance:

David Gianino  
Amanda Bly

**REVIEW OF MEETING MINUTES (June 29, 2021, NWAC MEETING)**

David presented the meeting minutes to the Committee and no further comments or questions were raised regarding the minutes.

**APPROVAL OF MINUTES**

Jacob Barney made a motion that the draft minutes from the June 2021 Noxious Weed Committee Meeting be approved.

Rod Walker seconded the motion.

The motion was approved by a unanimous vote.

**APPROVE:** Emily Robertson, Heidi Hertz, James Hutzler, Michael Flessner, Kevin Heffernan, Lori Chamberlin, Amy Martin, Bill Lewis, Mark Campbell, Jon Repair, Jim Hurley, Jacob Barney, Rod Walker

**OPPOSE:** None

**ABSTAIN:** None

**INTRODUCTION OF NEW MEMBERS**

David provided an opportunity for all members to introduce themselves to the Committee and provide a brief overview of their role within their respective organization. David also reviewed the purpose of this Committee, which is to review assessments and to make recommendations for the VDACS Noxious Weeds List based on a defined series of steps as outlined by the standard regulatory process. David also provided a review of roles and responsibilities of Committee members.

**UPDATE ON CURRENT REGULATORY ACTION – PROPOSED STAGE**

David provided an update on the current regulatory action for adding twelve (12) additional plants to the Noxious Weeds List.

**REVIEW OF NOXIOUS WEED ASSESSMENTS:**

- ***Ludwigia peploides* – creeping water primrose**

Kevin Heffernan and A. G. Sweaney with DCR, Natural Heritage provided the background information on *Ludwigia peploides*. *Ludwigia peploides* is capable of invading terrestrial, wetland, and aquatic environments. Its range is creeping northward. The number of infested sites on record in Virginia have more than doubled from 50 to 120 since the assessment was submitted. *Ludwigia peploides* growth on the water's surface creates shade underneath, altering aquatic

ecosystems. It is easily dispersed through propagules especially via boats and waterfowl. It is allelopathic, suppressing other aquatic plant species. David read an email submission from a landowner who's 11-acre property was invaded by creeping water primrose.

The Committee discussed potential confusion regarding the native range of this species but did not think this reason created cause to exclude from the nomination list. The Committee also noted that this species is already listed on the *Aquatic Invaders of the Northeast* list.

David provided clarification to the Committee that if this species was nominated, it would be added to the list of candidate species and then presented to the board for their approval. David also provided a review of the Noxious Weed Tiers in Virginia.

After the discussion, Rod Walker motioned to recommend that *Ludwigia peploides* be added to the Noxious Weed List as a Tier 2 Noxious Weed. The motion was seconded by Bill Lewis. The motion was approved by a vote of 12 - 0, with one abstention.

**APPROVE:** Emily Robertson, Heidi Hertz, Michael Flessner, Kevin Heffernan, Lori Chamberlin, Amy Martin, Bill Lewis, Mark Campbell, Jon Repair, Jim Hurley, Jacob Barney, and Rod Walker.

**OPPOSE:** None.

**ABSTAIN:** James Hutzler.

- ***Ludwigia grandiflora ssp. hexapetala* – large-flowered primrose**

Kevin Heffernan and A.G. Sweany with DCR, Natural Heritage provided the background information on *Ludwigia grandiflora ssp. hexapetala* including its known to impact irrigation, capability of moving from aquatic environments into drier, terrestrial environments, and range in Virginia, listed as confirmed in 10 localities according to the Digital Atlas of Virginia.

The Committee discussed the challenges with naming, as this species has multiple common and scientific names.

Rod walker motioned to recommend that *Ludwigia grandiflora ssp. hexapetala* be added to the Noxious Weed List as a Tier 2 Noxious Weed. The motion was seconded by Jim Hurley. The motion was approved by a vote of 12 – 0, with one abstention.

**APPROVE:** Emily Robertson, Heidi Hertz, Michael Flessner, Kevin Heffernan, Lori Chamberlin, Amy Martin, Bill Lewis, Mark Campbell, Jon Repair, Jim Hurley, Jacob Barney, and Rod Walker.

**OPPOSE:** None.

**ABSTAIN:** James Hutzler.

- ***Alternanthera philoxeroides* – alligator weed**

Kevin Heffernan and A.G. Sweany with DCR, Natural Heritage provided background information on *Alternanthera philoxeroides* including its damage to aquatic environments, ability to cover tributaries and invade wetland habitats, where treatment is more difficult, its ability to occupy both freshwater and brackish habitats and its potential for clogging waterways and irrigation due to rapid growth and high reproduction rate via propagules.

The Committee discussed the current distribution of alligator weed in southeast Virginia and Jacob Barney noted that it is listed as an aggressive invasive in North Carolina. Jim Hurley commented that a great deal of money is spent on managing this invasive in the private sector.

James Hutzler inquired whether categorizing a species as a Noxious Weed Tier 3 had any regulatory impact. David Gianino provided clarification that a Tier 3 listing would prevent the sale and movement of the species into and within the state of Virginia.

Rod Walker motioned to recommend that *Alternanthera philoxeroides* be added to the Noxious Weed List as a Tier 2 Noxious Weed. The motion was seconded by Amy Martin. The motion was approved by a vote of 12 – 0, with one abstention.

**APPROVE:** Emily Robertson, Heidi Hertz, Michael Flessner, Kevin Heffernan, Lori Chamberlin, Amy Martin, Bill Lewis, Mark Campbell, Jon Repair, Jim Hurley, Jacob Barney, and Rod Walker.

**OPPOSE:** None.

**ABSTAIN:** James Hutzler.

#### **FOLLOW-UP ON PREVIOUS MEETINGS' ACTION ITEMS:**

- **VDACS' Follow-up on Investigating Whether Two Plant Species Are Sold in Virginia**

- *Lespedeza cuneata* – *Sericea lespedeza*

Bill Lewis stated that VDOT uses the seed when no other species are available for acidic soils, but that VDOT is not opposed to adding it to the Noxious Weed List.

Jon Repair stated that *Lespedeza cuneata* has been used historically for grazing and that this species is commercially harvested and pelletized as a protein source for livestock. Jon also stated that pelletizing makes the plant more palatable, and the pelletizing process combined with the ruminant gut would destroy any viable seed, anecdotally. Jon Repair commented on the potential for *L. cuneata* to support goat production which is gaining interest in Virginia. Michael Flessner had also heard that the plant is beneficial for goat production.

There was discussion on ‘devitalization’ and under what circumstances a plant part no longer qualifies to meet the definition of a noxious weed. David clarified that if a plant part has been ‘devitalized’ it no longer meets the definition of a noxious weed and, as a result, the pelletized product comprised of *Lespedeza cuneata* would not be considered a noxious weed.

Committee members added that, although they were aware of seed that had been ordered from outside Virginia, no one was aware of any *Lespedeza cuneata* plant material or seed that is currently being produced in Virginia.

Michael Flessner introduced the issues of *L. cuneata* in hay and subsequent issues with the movement of hay. David clarified that, at this time, general permitting still was not an option.

The Committee had a broad discussion on attempts to change the language in the law and allow for the movement of Tier 3 Noxious Weeds in specific circumstances.

The Committee has further discussion of the function of a permitting system. Heidi Hertz provided information on a bill which had already been introduced to address movement of Tier 3 Noxious Weeds. David noted that the progress of this legislation would continue into 2023 and that he would distribute the information on the bill to the Committee.

Rod Walker motion to suspend further discussion of *Lespedeza cuneata* until incidental movement of noxious weeds can be incorporated or addressed via Noxious Weeds Law or Regulations. Mark Campbell seconded the motion. The motion was approved by a vote of 12 – 0 and one abstention.

**APPROVE:** Emily Robertson, Heidi Hertz, Michael Flessner, Kevin Heffernan, Lori Chamberlin, Amy Martin, Bill Lewis, Mark Campbell, Jon Repair, Jim Hurley, Jacob Barney, and Rod Walker.

**OPPOSE:** None.

**ABSTAIN:** James Hutzler.

○ *Paulownia tomentosa* – Empress tree/Princess tree

David Gianino reported that VDACS Plant Protection inspectors did not find any sale of the species in Virginia and that it is not currently listed for sale in the Virginia Nursery and Landscape Association Guide.

Rod Walker, who originally submitted the nomination, stated that *P. tomentosa* continues to spread in the landscape and is a good candidate for the noxious weeds list since it was not found in the nursery trade.

Lori Chamberlin mentioned that *P. tomentosa* had a lower rank among noxious weed species and mentioned the importance of prioritizing efforts to focus on higher risk species. The Committee had a further discussion on the distribution of the tree and its overall invasive potential. Lori again voiced reservations about adding a species which ranked as a low risk to the Noxious Weeds List. Lori posed the question of whether the Committee decides on recommendations based on the Noxious Weed Assessment or through knowledge and discussion of the Committee. David provided clarification that the assessments are a portion of the decision-making material and that it would be reviewed and considered along with knowledge base of, and discussion offered by, the Committee.

Jon Repair referenced the export of *Paulownia* to China. The Committee had a discussion on this historic practice and that the demand and market for *Paulownia* lumber had dissolved. David pointed out that a log would no longer represent a viable plant part, and that the movement of logs was allowed.

Rod Walker motioned to table the discussion of *Paulownia tomentosa* until additional information can be submitted for the Committee's consideration. Jim Hurley seconded the motion. The motion passed with a vote 9 – 2 with 2 abstentions.

**APPROVE:** Emily Robertson, Heidi Hertz, Kevin Heffernan, Lori Chamberlin, Amy Martin, Bill Lewis, Jim Hurley, Jacob Barney, and Rod Walker.

**OPPOSE:** Michael Flessner and Jon Repair.

**ABSTAIN:** James Hutzler and Mark Campbell.

- **NWAC Review of Previously Submitted Assessments**

- *Mimosa albizia* – Mimosa

David Gianino reported that VDACS Plant Protection inspectors did not find any sale of the species in Virginia at nursery grower operations or at dealer locations.

The Committee had a broad discussion on the invasive potential of the tree, specifically since this tree species has been present in Virginia for a long time. Jim Hurley provided an account of his own struggles with removing the tree from his property due to the established seedbank.

Rod Walker motioned to recommend that *Mimosa albizia* be added to the Noxious Weed List as a Tier 3 Noxious Weed. The motion was seconded by Kevin Heffernan. The motion passed with a vote of 11 – 0 with 2 abstentions.

**APPROVE:** Emily Robertson, Michael Flessner, Kevin Heffernan, Lori Chamberlin, Amy Martin, Bill Lewis, Mark Campbell, Jon Repair, Jim Hurley, Jacob Barney, and Rod Walker.

**OPPOSE:** None.

**ABSTAIN:** James Hutzler and Heidi Hertz.

### **DISCUSSION OF “COMMERCIALLY VIABLE” AND “IN-STATE PRODUCTION”**

David explained that if the two terms “commercially viable” and “in-state production” were adjusted, depending on the wording, it would allow commercially viable plants to be considered by this Committee and potentially added to the noxious weeds list.

Emily Roberston asked about the potential to review previous species which have already been denied addition to the noxious weeds list due to current sale in Virginia. David stated that he believes these could be revisited.

### **INVASIVE SPECIES FUNDING**

David provided an overview of Invasive Species Funding which was appropriated by the Virginia General Assembly in the amount of \$300,000 for FY 2023. David described that VDACS would be developing a process and protocol of how the agency would spend the funds

and prioritize specific invasive species each year.

Jim Hurley asked if there are any provisions for natural heritage impacts. David explained the current criteria to qualify for the funding and referenced the internal decision-making matrix that VDACS would use to prioritize the funding.

#### **ADDITIONAL ACTION ITEMS**

Committee members requested an update on the HJ527 study and results of the study. David provided a brief update on the results of the HJ527 study to the Committee members and stated he would send out the link to the report for the Committee to review the results of the study.

Jacob Barney requested that, in the future, the Committee be provided with the citations and references along with the submitted Noxious Weed Assessments. He also requested that the assessments be modified to include the questions so that those reviewing can view the questions and answers simultaneously.

#### **PUBLIC COMMENT PERIOD**

No public comments were received during the public comment period.

David adjourned the Noxious Weed Advisory Committee meeting.