

Noxious Weed Advisory Committee – Meeting – June 29, 2021 – 1:00pm - 3:00pm (EST)

AGENDA

- **WELCOME & HOUSEKEEPING**

David Gianino welcomed everyone to the meeting. David stated that there were several items that the Committee would address. Joel Maddux provided housekeeping items regarding the WebEx. David stated that COVID-19 restrictions will be lifted and going forward meetings will be in person.

- **ROLL CALL**

David called the roll and established who was present and representing the organizations required to comprise the Noxious Weed Advisory Committee.

1. A conservation representative or organization: **Laura Greenleaf – James River State Park System Invasive Plant Task Force – Present**
2. An agribusiness representative or organization: **Beck Stanley – Virginia Agribusiness Council – Present**
3. A local government representative or organization: **Chris McDonald – Virginia Association of Counties – Absent**
4. Virginia Cooperative Extension: **Michael Flessner – Present**
5. Virginia Department of Conservation and Recreation: **Kevin Heffernan – Present**
6. Virginia Department of Forestry: **Kaitlin Dewitt – Present**
7. Virginia Department of Game and Inland Fisheries: **Ernie Aschenbach - Department of Wildlife Resources -- Present**
8. Virginia Department of Transportation: **Stacey Moulds – Present**
9. A farming representative or organization: **Ben Rowe – Virginia Farm Bureau – Present**
10. A forage-based agriculture representative or organization: **John Repair – Absent**
11. A native plant conservation representative or organization: **Jim Hurley – The Native Plant Society – Present**
12. A nursery and landscaping representative or organization: **Seana Ankers – Virginia Nursery and Landscape Association – Present**
13. Virginia Polytechnic Institute and State University: **Jacob Barney – Present**
14. Virginia State University: **Maru Kering – Virginia State University – Absent**
15. A cooperative weed management area representative or organization: **Rod Walker – Blue Ridge Partnership for Regional Invasive Species Management (PRISM) – Present**
16. Virginia soil and water conservation districts: **Lonnie Murray – Thomas Jefferson Soil and Water Conservation District – Absent**

VDACS Staff in attendance:

David Gianino
Tina MacIntyre
Joel Maddux
Larry Nichols

- **MEETING MINUTES (APRIL 22, 2021, NWAC MEETING)**

David Gianino presented the meeting minutes to the Committee. Rod Walker requested that in the future, the minutes include a status report of risk assessments. David Gianino and Kevin Heffernan will work to compile an updated report that summarizes the risk assessments of noxious weed species that the Committee has discussed.

APPROVAL OF MINUTES

Rod Walker made a motion that the draft minutes from the April 2021 Noxious Weed Committee Meeting be approved. Michael Flessner seconded the motion. The motion was approved by unanimous vote.

APPROVE: Laura Greenleaf, Chris McDonald, Michael Flessner, Kevin Heffernan, Kaitlin Dewitt, Ernie Aschenbach, Stacey Moulds, Ben Rowe, Jim Hurley, Jacob Barney, Rod Walker

OPPOSE: None

ABSTAIN: Seana Ankers

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

- **General permitting (report findings from AG's Office);**

Larry Nichols provided an update to the Committee on general permits for the movement of noxious weeds. The Administrative Process Act (APA) has exemptions which allow for general permits, however the permitting requirement listed in the Noxious Weeds Law does not appear to meet any of the exemptions in the APA, therefore general permitting is not an option. There was discussion regarding whether exemptions or different permitting requirements could be added to the Noxious Weeds Law. Jim Hurley requested that VDACS provide additional language or recommendations regarding permitting to the HJ527 workgroup for their review and consideration.

- **VDACS investigate whether the following species are being sold in Virginia**

- ***Lespedeza bicolor* – Bicolor lespedeza**

David Gianino reported that VDACS staff had no definitive information that this plant was being sold in Virginia. Seana Ankers also stated she could not find any additional information on its sale in Virginia. Stacey Moulds stated that VDOT does not use *Lespedeza bicolor*. As this plant is not commercially available in Virginia, the previous recommendation for *Lespedeza bicolor* can be moved forward.

- ***Lespedeza cuneata* – Sericea lespedeza**

David Gianino reported that this seed was still for sale in multiple packages and products in several stores in Virginia. Stacey Moulds stated that *Lespedeza cuneata* is no longer on VDOT's roadside development sheet, which is a list of seeds to be used on construction projects. No recommendation is on the record for this plant species.

There was discussion regarding the definition of a noxious weed and what "in-state production is commercially viable" or "commercially propagated" means.

Rod Walker requested that information regarding where this plant species has been found for sale in Virginia be sent to the Committee.

▪ ***Paulownia tomentosa* – Empress tree/Princess tree**

Seana Ankers provided information that there is a small nursery in northern Virginia that is growing this plant species. Jim Hurley requested that information regarding the sale of *Paulownia tomentosa* be shared with the Committee.

Larry Nichols reminded the Committee members that their role is to make recommendations regarding the listing of noxious weeds and not to influence or approach growers, as a representative of the committee, in an effort to get growers to stop producing the plants.

ADJUSTMENT OF RECOMMENDATION

Rod Walker made a motion to remove the recommendation of *Paulownia tomentosa* from moving forward to the Board, but for the plant species to remain on the table for future discussion. Jim Hurley seconded the motion. The motion passed unanimously.

APPROVE: Laura Greenleaf, Beck Stanley, Michael Flessner, Kevin Heffernan, Kaitlin Dewitt, Ernie Aschenbach, Stacey Moulds, Ben Rowe, Jim Hurley, Seana Ankers, Jacob Barney, Rod Walker.

OPPOSE: None.

▪ ***Elaeagnus umbellata* – Autumn olive**

There were no reports of this plant being sold by the nursery industry in Virginia. However, it was reported that this plant is being used as a feed on a cattle farm and also that berries are being harvested from autumn olive and sold out of state as berries, jams, and/or jellies. The Committee discussed the movement of the berries being sold out of state and the sale of finished products.

ADJUSTMENT OF RECOMMENDATION

Rod Walker made a motion to forward the prior recommendation of listing *Elaeagnus umbellata* as a Tier 3 noxious weed and to move forward in the process. Kevin Heffernan seconded the motion. The motion was approved by a vote of 8 – 0, with four abstentions.

APPROVE: Laura Greenleaf, Kevin Heffernan, Kaitlin Dewitt, Stacey Moulds, Ben Rowe, Jim Hurley, Jacob Barney, Rod Walker

OPPOSE: None.

ABSTAIN: Beck Stanley, Michael Flessner, Ernie Aschenbach, Seana Ankers

- ***Securigera varia* – Crown vetch**

David Gianino stated that crown vetch seed is available for sale as a bagged product in multiple stores, at multiple locations in Virginia. The Committee requested information as to where the product was produced.

ADJUSTMENT OF RECOMMENDATION

Jim Hurley made a motion that the weed risk assessment for *Securigera varia* be tabled indefinitely, while VDACS continues to monitor the production and sale of crown vetch in Virginia. Rod Walker seconded the motion. The motion was approved by a vote of 8 - 4.

APPROVE: Laura Greenleaf, Kevin Heffernan, Katilin Dewitt, Ernie Aschenbach, Stacey Moulds, Jim Hurley, Jacob Barney, Rod Walker

OPPOSE: Beck Stanley, Michael Flessner, Ben Rowe, Seana Ankers

- **Regulatory Process (NOIRA); and**

David Gianino provided an update to the Committee on the regulatory process for the current amendments to the *Regulations for the Enforcement of the Noxious Weeds Law*.

- **VDACS and DCR discussion on nomenclature and species synonyms.**

David Gianino provided an update on the VDACS, DCR, and Virginia Tech discussion regarding consistency and accurate representation for nomenclature of weed species that are submitted when completing weed risk assessments. David Gianino presented the following recommendation to the Committee:

When creating weed risk assessments and providing recommendations to the Board of Agriculture and Consumer Services, plant species nomenclature shall be derived from The Digital Atlas for Virginia Flora (<http://vaplantatlas.org/>); Synonyms or other common names will be derived from the Integrated Taxonomic Information System (<https://www.itis.gov/>); and synonyms or other common names will only be displayed on outreach or educational material, not to be reflected on the Noxious Weeds List.

Jim Hurley made a motion to approve the recommendation as presented. Jacob Barney seconded the motion. The motion was approved by unanimous vote.

APPROVE: Laura Greenleaf, Beck Stanley, Michael Flessner, Kevin Heffernan, Katilin Dewitt, Ernie Aschenbach, Stacey Moulds, Ben Rowe, Jim Hurley, Seana Ankers, Jacob Barney, Rod Walker

OPPOSE: None.

• **ADDITIONAL ACTION ITEMS**

- Rod Walker requested that the Committee discuss the definition of “commercially viable.” Discussion focused on what is meant by “production” and “commercially viable” and how to address this situation. Ben Rowe suggested that this issue be brought up with the HJ527 Work Group to address through their review of the Noxious Weeds Law and the *Regulations for the Enforcement of the Noxious Weeds Law*. David Gianino suggested the Committee discuss this issue in further detail at the next meeting.

Rod Walker suggested that VDACS can look into the definition of “in-state production” and “commercially viable.”

• **PUBLIC PARTICIPATION PERIOD (INFORMATION ON PAGE 2 OF THE AGENDA)**

- No public comments were received during the public comment period.

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