

## Noxious Weed Advisory Committee – Meeting – April 22, 2021 – 9:00am-12:00pm (EST)

### AGENDA

- **WELCOME & HOUSEKEEPING**

David Gianino welcomed everyone to the meeting. David stated that the meeting was being recorded and mentioned that Larry Nichols would be leading a portion of the meeting. David stated that any vote would be called as a voice vote. Joel Maddux provided guidance and housekeeping for attendees and the Committee Members during the meeting.

- **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 – Yes**
2. An agribusiness representative or organization: **Beck Stanley – Virginia Agribusiness Council – Yes**
3. A local government representative or organization: **Chris McDonald – Virginia Association of Counties – Yes**
4. Virginia Cooperative Extension: **Michael Flessner – Yes**
5. Virginia Department of Conservation and Recreation: **Kevin Heffernan – Yes**
6. Virginia Department of Forestry: **Lori Chamberlain – Yes**
7. Virginia Department of Game and Inland Fisheries: **Raymond Fernald – Department of Wildlife Resources – Absent, was present later in the meeting.**
8. Virginia Department of Transportation: **Stacey Moulds – Yes**
9. A farming representative or organization: **Ben Rowe – Virginia Farm Bureau – Yes**
10. A forage-based agriculture representative or organization: **John Repair – Yes**
11. A native plant conservation representative or organization: **Jim Hurley – The Native Plant Society – Yes**
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 – Yes**
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) – Yes**
16. Virginia soil and water conservation districts: **Lonnie Murray – Thomas Jefferson Soil and Water Conservation District – Yes**

Other meeting attendees (non-voting):

Kaitlin Dewitt – Virginia Department of Forestry

Ruth Douglas – Native Plant Society

Beth Mizell – Blue Ridge PRISM

William Hamersky – Master Naturalist, Northern Virginia

VDACS Staff in attendance:

David Gianino  
Tina MacIntyre  
Joel Maddux  
Larry Nichols

- **MEETING MINUTES (OCTOBER 2020, NWAC MEETING)**

David presented the meeting minutes to the Committee and identified edits that were suggested around December 2020. No other comments or questions were raised regarding the minutes.

**APPROVAL OF MINUTES**

Chris McDonald motioned that the draft minutes from the October 2020 Noxious Weed committee Meeting be approved.

Rod Walker seconded the motion. The motion was approved by a unanimous roll call vote.

**APPROVE:** Laura Greenleaf, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Stacey Moulds, Ben Rowe, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** None

**ABSTAIN:** John Repair

- **DISCUSSION OF PRESENTERS FOR ASSESSMENT SUBMISSIONS**

David provided some background information regarding members of the public or other submitters of plant species assessments and asked if any members of the committee had any objections to allowing those who wrote the assessment present the background information for those species. There were no objections.

- **HOUSE JOINT RESOLUTION 527**

David presented information on House Joint Resolution 527.

The Committee asked who the VDACS staff representative will be for the committee, asked about a timeline, and there was discussion that some of the outcomes of this study may lead to changes in the Noxious Weed Law and the Regulations for the Enforcement of the Noxious Weed Law. The Committee did not take any action, as this was just an update.

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

- **PERMITTING**

David provided background information to the Committee regarding a general use permit for farmers so that some weeds which are being excluded from addition to the list could then be added and not make it a burden to farmers who move hay or other farm commodities. Currently,

the Noxious Weeds Law requires a permit to move any listed noxious weed.

The Committee discussed that if more weed species were added to the list and they are commonly found in hay fields and pastures, that this would be a burden for farmers moving those commodities. VDACS provided information about a general permit that individual may qualify for, but they first must meet certain criteria or requirements, in order to move the regulated item. The Committee also discussed the difference between a standard permit and a general permit and brought up scenarios of implementation, monitoring of movement activities, and other topics around the concept of a general permit.

The Committee requested that VDACS follow up with the Attorney General for their insight into what the Noxious Weed Law and Regulations allow.

Jim Hurley stated he would like to table this discussion for the rest of this meeting until Work Group for HJ 527 can have a chance to look at the permitting.

There were no objections and so further discussion was tabled.

- **FOLLOW-UP ON ALTERNATIVE SEED MIXTURES (*LESPEDEZA CUNEATA*)**

- Stacey Moulds stated that VDOT has just started the long-term study of alternative mixtures. VDOT is now considering removal of *Lespedeza cuneata*.

The Committee discussed other alternative plant species, updating state lists of plants that can be used, and there are still plant species for use that are considered invasive to be on other state's lists for projects. Stacy Moulds said she would keep the group updated as the review of the lists continues. The Committee did not take any action, as this was just an update.

- **REVIEW OF NOXIOUS WEED ASSESSMENTS:**

- ***Elaeagnus umbellata* – Autumn olive**

- Rod Walker provided the following background information: the species is highly invasive, easily invades open field and understories in forests, and it was previously found in the trade and it is no longer in the trade.

The Committee discussed that as long as it was confirmed to not be in the trade anymore, it would be a good candidate for the list. VDACS confirmed that it visited the last known nursery where this species was sold and they do not have it listed for sale anymore. There was discussion about the assessment and how there were some grammatical

errors and inconsistencies. DCR discussed looking into the assessment tool to fix any issues.

After the discussion, Rod Walker motioned to recommend *Elaeagnus umbellata* – Autumn olive as a Tier 3 Noxious Weed.

Lonnie Murray seconded the motion. The Committee voted unanimously and the motion was approved.

**APPROVE:** Laura Greenleaf, Beck Stanley, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Stacey Moulds, Ben Rowe, John Repair, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** None.

○ ***Lonicera maackii* – Amur honeysuckle**

- Beth Mizell provided the following background information: the plant is highly invasive, it's competitive in nature, it is dispersed by birds, and it can displace native plants and other organisms. It also negatively impacts understory light levels and can survive in low-light conditions.

The Committee discussed potential confusion over native honeysuckles, outreach and communication challenges, and that potential confusion with native species shouldn't hold up the recommendation.

After the discussion, Jim Hurley motioned to recommend *Lonicera maackii* – Amur honeysuckle as a Tier 3 noxious weed.

Laura Greenleaf seconded the motion. The Committee voted unanimously and the motion was approved.

**APPROVE:** Laura Greenleaf, Beck Stanley, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Stacey Moulds, Ben Rowe, John Repair, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** None.

○ ***Paulownia tomentosa* – Empress tree / princess tree**

- Beth Mizell provided the following background information: the plant has a high seed dispersal, takes hold of disturbed land easily, seeds can be dispersed long-distance, and it is very fast growing and can out-compete a lot of other species.

The Committee discussed whether or not this species is actually still for sale in Virginia, the limited market for the wood products, and that it is not currently listed on VNLA's 2021 Grower Guide by any nursery,

however a VNLA representative was not in attendance and could not confirm.

After the discussion, Rod Walker motioned to recommend *Paulownia tomentosa* – Empress tree/princess tree as a Tier 3 noxious weed. Lonnie Murray seconded the motion. The Committee voted 11 approve, 1 oppose, and 1 abstain and the motion was approved.

**APPROVE:** Laura Greenleaf, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Stacey Moulds, Ben Rowe, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** John Repair

**ABSTAIN:** Beck Stanley

○ ***Alliaria petiolata* – Garlic mustard**

- **Discussion:** Jim Hurley provided the following background information: this plant is a high risk species on DCR's list, is a very aggressive invasive plant, can change soil chemistry due to its allelopathic nature, it is difficult to control, and has a very long-lasting seed bank.

After the discussion, Beck Stanley motioned to recommend *Alliaria petiolate* – Garlic mustard as a Tier 3 noxious weed. Rod Walker seconded the motion. The Committee voted 10 approve, 2 oppose, and 1 abstain and the motion was approved.

**APPROVE:** Laura Greenleaf, Beck Stanley, Chris McDonald, Kevin Heffernan, Lori Chamberlain, Stacey Moulds, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** Michael Flessner, John Repair

**ABSTAIN:** Ben Rowe

○ ***Commelina communis* – Asiatic dayflower**

- **Discussion:** Jim Hurley provided the following background information: it is a low risk on the DCR invasive species list, it is a relatively low impact on urban areas, but a larger impact on agriculture lands, the species can be resistant to glyphosate, and can produce seeds that survive in a variety of environments. Difficult to control in agricultural fields and pine stands as herbicides are not overly effective at control.

The Committee discussed its impact or lack-of impact on the farming community at large, where is the species prevalent in fields, whether or

not it can be found in hay, its lack of major impact on Virginia farmers, and the concept of watering down the Tier 3 list with low impact species. The Committee also discussed how difficult it can be to manage, but also mentioned that this species is a low-level threat and not as impactful as other weed species.

After the discussion, Rod Walker motioned to recommend *Commelina communis* – Asiatic dayflower as a Tier 3 noxious weed. Jim Hurley seconded the motion. The Committee voted 4 approve, 10 oppose and the motion failed.

**APPROVE:** Laura Greenleaf, Beck Stanley, Jim Hurley, Rod Walker

**OPPOSE:** Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Raymond Fernald, Stacey Moulds, Ben Rowe, John Repair, Jacob Barney, Lonnie Murray

○ ***Lespedeza bicolor* – Bicolor lespedeza**

- **Discussion:** Rod Walker provided the following background information: this species is difficult to manage, it produces an incredible amount of seeds, can easily overwhelm areas established with other plants, prevents grass growth and tree establishment, and has a lasting, long-lived seed bank of up to 20 years.

The Committee discussed whether or not the plant was listed for sale anywhere else in Virginia. DOF stated it was being grown and sold as recently as 2019, but unsure of its use now. Committee members mentioned its use as wildlife habitat, this plant species should be phased out, and also that land managers shouldn't be using this species.

After the discussion, Rod Walker motioned to recommend *Lespedeza bicolor* – Bicolor lespedeza as a Tier 3 noxious weed. Lonnie Murray seconded the motion. The Committee voted 10 approve, 1 oppose, and 3 abstain and the motion was approved.

**APPROVE:** Laura Greenleaf, Chris McDonald, Michael Flessner, Kevin Heffernan, Raymond Fernald, Stacey Moulds, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** John Repair

**ABSTAIN:** Beck Stanley, Lori Chamberlain, Ben Rowe

○ ***Lonicera japonica* – Japanese honeysuckle**

- **Discussion:** Jim Hurley provided the following background information: the plant species spreads in mats and prevents growth of native plants, it

can climb trees and smothers trees and inhibits regrowth in forestry settings, and there is no evidence it is being sold in Virginia.

The Committee discussed its use in erosion control and land management. VDOT stated it is not aware of it being used for erosion control. The Committee further discussed its implications, its spread throughout Virginia, and that people are aware of its impact and invasiveness.

After the discussion, Rod Walker motioned to recommend *Lonicera japonica* – Japanese honeysuckle as a Tier 3 noxious weed.

Lonnie Murray seconded the motion. The Committee voted 12 approve, 1 oppose, and 1 abstain and the motion was approved.

**APPROVE:** Laura Greenleaf, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Raymond Fernald, Stacey Moulds, John Repair, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** Beck Stanley

**ABSTAIN:** Ben Rowe

○ ***Reynoutria japonica* – Japanese knotweed**

- Jim Hurley provided the following background information: this species is rated on the top 100 most impactful and invasive weeds worldwide, invades floodplains and low-lying areas and can totally restructure floodplains, leads to erosion on streambanks, spreads through vegetative means and spreads along streams and rivers quickly, and is banned in Great Britain.

The committee discussed that there are multiple synonyms for this species and that it should be addressed how these plant species will be listed to accommodate scientific nomenclature of these species. VDACS staff committed to working with DCR and VT staff on a solution to accommodate synonyms.

After the discussion, Rod Walker motioned to recommend *Reynoutria japonica* – Japanese knotweed as a Tier 3 noxious weed.

Kevin Heffernan seconded the motion. The Committee voted unanimously and the motion was approved.

**APPROVE:** Laura Greenleaf, Beck Stanley, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Raymond Fernald, Stacey Moulds, Ben Rowe, John Repair, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray.

**OPPOSE:** None.

○ ***Securigera varia* – Crown vetch**

- Jim Hurley provided the following background information: the plant species is used for roadside vegetation management practices, it has escaped and invaded natural areas, including fields, flood plains, and glades, it is difficult to control, and it can suppress the growth of other plants in the area where it is present and established.

The Committee discussed the fact that this plant is currently on VDOT's and VDEQ's management handbooks as a plant species that is available/recommended for use. Concern was discussed about adding a plant to the noxious weed list, while it is still present on official state documents. There was discussion about the regulatory timeline and using this species as an opportunity to push state departments to remove it from those lists. Additionally, the Committee discussed its presence in hay and use in forage and grazing systems. More discussion led to the discovery that this plant species is being sold as seed at a local seed store and co-op in Virginia.

Since this plant species is currently being sold as seed in Virginia, it is not eligible to be added to the noxious weed list. VDACS committed to confirming its sale in the Commonwealth.

After further discussion, John Repair motioned to table the discussion on crown vetch until more information is made available regarding sale of the species in Virginia.

Ben Rowe seconded the motion. The Committee voted 11 approve and 3 oppose and the motion to table was approved.

**APPROVE:** Laura Greenleaf, Beck Stanley, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Stacey Moulds, Ben Rowe, John Repair, Jacob Barney, Lonnie Murray

**OPPOSE:** Raymond Fernald, Jim Hurley, Rod Walker

● **PUBLIC PARTICIPATION PERIOD (INFORMATION ON LAST PAGE)**

- Due to time constraints, the public comment period was held at this time. The microphones for all participants were unmuted and anyone who wished to provide any comments could do so at this time. There were no comments or questions.
  
- ***Microstegium vimineum* – Japanese stiltgrass**

- Rod Walker mentioned that it's an obvious candidate to be a noxious weed and provided information on the species' impact. Rod introduced William Hamersky to share any additional background information about Japanese stiltgrass. Committee members discussed the possibility that this plant species may impact hay farmers and the movement of hay. The Committee's discussion focused around the permitting concerns and the concept of a general permit was brought up again.

Following the discussion, Michael Flessner motioned to table the vote on this species until the Attorney General can provide comment and additional information on the possibility and implementation of a general permit.

Lonnie Murray seconded the motion. The Committee voted unanimously to approve the motion.

**APPROVE:** Laura Greenleaf, Beck Stanley, Chris McDonald, Michael Flessner, Kevin Heffernan, Lori Chamberlain, Raymond Fernald, Stacey Moulds, Ben Rowe, John Repair, Jim Hurley, Jacob Barney, Rod Walker, Lonnie Murray

**OPPOSE:** None.

- **ADDITIONAL ACTION ITEMS**

- David Gianino will send out a Doodle poll for the next committee meeting to happen in June.
- Lonnie stated that there are two species that he would like to have assessments for this committee to review and would like assistance completing those assessments. The species are: *Kalopanax septemlobus* (castor aralia) and mulberry weed (*Fatoua villosa*) and requested assistance in completing the assessments.
- Discuss the general permit concept with the AG's office...Does the Noxious Weed Law/Regulation give VDACS the authority to implement a general permit for tier 3 noxious weeds? What are the differences in legality between movement WITHIN Virginia and moving INTO Virginia? Can the requirement for a permit to move Tier 3 weeds be removed?
- VDOT will keep the group updated on the developments regarding crown vetch and lespedeza in seed mixes.
- Larry suggested that VDACS will take the lead on the best way to list species regarding many synonyms for the same species.
- VDACS will move the regulatory process forward at the next Board of Agriculture meeting in May to add the approved plants from this meeting and any others that are approved after issues identified during the meeting are resolved.
- VDACS will investigate whether the following plants are being sold in Virginia: *Lespedeza bicolor*, *Paulownia tomentosa*, and *Securigera varia*.

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