

**Noxious Weed Advisory Committee Meeting  
October 23, 2020 – 1:00-3:00 pm (EST)  
WebEx Virtual Conference**

**AGENDA**

- **Welcome & Housekeeping**

David Gianino welcomed all attendees to the Noxious Weed Advisory Committee meeting. He introduced himself and Joel Maddux who will be hosting the meeting. Joel provided housekeeping information about WebEx best practices. David provided details about how the committee will be voting (voice vote) and that Tina MacIntyre will be taking notes.

- **Roll Call**

David provided some background information regarding the Noxious Weed Regulations and what the membership is comprised of and how many members constitute a quorum.

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 – VA Agribusiness Council – Present**
3. A local government representative or organization: **Chris McDonald – Absent**
4. Virginia Cooperative Extension: **Michael Flessner – Present**
5. Virginia Department of Conservation and Recreation: **Kevin Heffernan – Present**
6. Virginia Department of Forestry: **Katlin Dewitt – Present**
7. Virginia Department of Game and Inland Fisheries: **Raymond Fernald – Department of Wildlife Resources – Present**
8. Virginia Department of Transportation: **Stacey Moulds – Present**
9. A farming representative or organization: **Ben Rowe – VA Farm Bureau – Present**
10. A forage-based agriculture representative or organization: **John Repair – Absent**
11. A native plant conservation representative or organization: **Ruth Douglas – The Native Plant Society – Present**
12. A nursery and landscaping representative or organization: **Marshall Saunders – Virginia Nursery and Landscape Association – Present**
13. Virginia Polytechnic Institute and State University: **Jacob Barney – Present**
14. Virginia State University: **Maru Kering – 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 – Present**

David asked if any additional members were present.

Additional members in attendance (non-voting for this meeting):

**Seana Ankers** – Virginia Nursery and Landscape Association

**Jim Hurley** – Native Plant Society

**David Gianino – VDACS**  
**Tina MacIntyre – VDACS**  
**Joel Maddux – VDACS**

David indicated that there were 13 voting members in attendance, so the meeting had a quorum.

- **Committee Member Roles**

David provided the committee and any attendees with background information about the Noxious Weed Committee and the roles of the members. David described how each of the 13 member entities were entitled to only one vote and again that it would be a voice vote. David also provided the definition of a Noxious Weed, the established procedure for nominating a plant species to the Noxious Weed List, and the regulatory process that is required.

- **Meeting Minutes (September, 2019 NWAC Meeting)**

David offered the committee a few moments to review the meeting minutes from the previous Noxious Weed Advisory Committee Meeting in September 2019. David asked the committee if there were any suggestions or if any of the members had a motion.

Motion: Rod Walker motioned to accept the minutes as they were presented.

Seconded by: Kevin Heffernan.

David called for a voice vote.

**VOICE VOTE:**

**Laura Greenleaf - yea**  
**Beck Stanley - yea**  
**Michael Flessner - yea**  
**Kevin Heffernan - yea**  
**Katlin Dewitt - yea**  
**Raymond Fernald - absent**  
**Stacey Moulds - yea**  
**Ben Rowe - abstain**  
**Ruth Douglas - yea**  
**Marshall Saunders - yea**  
**Jacob Barney - yea**  
**Rod Walker - yea**  
**Lonnie Murray - yea**

David stated there were 11 yeas, 1 absent, 1 abstain. Motion passes and the 2019 meeting minutes are accepted.

- **VDACS Updates**

- **Noxious Weed Regulation**

David provided the committee members and attendees with an update on the previous regulatory action.

The most recent process was initiated in September of 2018 with the Notice of Intended Regulatory Action (NOIRA). The final stage became effective at the end of July, 2020. This particular action added the following plants to the noxious weed list:

Incised fumewort: Tier 2

Tree of Heaven: Tier 3

Porcelain berry: Tier 3

Oriental bittersweet: Tier 3

Hydrilla: Tier 3

Mile-a-Minute weed: Tier 3

- **Giant Hogweed treatments**

Tina MacIntyre provided an update on Giant Hogweed (GHW) populations and treatments in VA.

- **Review of Noxious Weed Assessments:**

- Phragmites australis subsp. australis* – Common reed**

Discussion: Kevin Heffernan provided background information on *Phragmites*. The plant is invading brackish wetlands and is found throughout the tidewater region. Currently, *Phragmites* is mapped on about 12,000 acres. The rate of spread is dramatic in Back Bay National Wildlife Area. In 1977, 85 acres had *Phragmites* and in 2010, it was recorded on 6,000 acres. *P. australis subsp. australis* would be the plant that goes on the list not *P. australis subsp. americanus*, the native *Phragmites*. Our native species can hybridize with the invasive species, but through studies of samples this has not been found to be occurring.

Lonnie Murray recommended adding *Phragmites australis subsp. australis* to the Noxious Weed List as a Tier 3 Noxious Weed.

Motion action: Rod Walker motioned to nominate *Phragmites australis subsp. australis* as a Tier 3 Noxious Weed.

Seconded by: Ruth Douglas.

David called for a voice vote.

**VOICE VOTE:**

**Laura Greenleaf - yea**

**Beck Stanley - abstain**  
**Michael Flessner - yea**  
**Kevin Heffernan - yea**  
**Katlin Dewitt - yea**  
**Raymond Fernald – yea**  
**Stacey Moulds - yea**  
**Ben Rowe – yea**  
**Ruth Douglas - yea**  
**Marshall Saunders - yea**  
**Jacob Barney – yea**  
**Rod Walker – yea**  
**Lonnie Murray – yea**

The Motion result: David stated that there were 12 yeas and 1 abstain.  
Motion passes.

David stated that the committee would now work on the next assessment for *Ficaria verna*.

**Ficaria verna – Lesser celandine**

Discussion: Jim Hurley described that Lesser celandine crowds out spring ephemerals and travels long distances via bodies of water like streams, rivers, and lakes. The plant species is found in several areas in the state. Jim stated that hundreds of thousands of dollars have already been spent on the control of this plant.

Jacob Barney discussed that there may be another scientific name that would be more appropriate to use for this species. *Ficaria verna* can also be found as *Ranunculus ficaria L.* in the integrated taxonomic information system. Jim Hurley and Kevin Heffernan said the digital atlas of Virginia and the Flora of Virginia classifies this species as *Ficaria verna*. Kevin Heffernan stated he refers people to these sources.

Ruth Douglas stated that the plant species can now be found along the Rivanna River and it is very invasive. Laura Greenleaf reported significant spreading populations in Richmond's James River Park System and along drainages and tributaries outside the park system boundaries. The James River Park System Invasive Plant Task Force conducted a treatment project in late winter 2020 in The Wetlands area of the park system with grant-funded contractors, and will be treating again in late winter 2021. There was general discussion about the increased distribution of *Ficaria verna* in the Commonwealth.

Rod Walker recommended that *Ficaria verna* (syn. *Ranunculus ficaria L.*) – Lesser celandine be added to the Noxious Weed List as a Tier 3 Noxious Weed.

Motion action: Rod Walker motioned to nominate *Ficaria verna* (syn. *Ranunculus ficaria L.*) – Lesser celandine as a Tier 3 Noxious Weed.  
Seconded by: Kevin Heffernan.

David called for a voice vote.

**VOICE VOTE:**

**Laura Greenleaf – yea**  
**Beck Stanley – yea**  
**Michael Flessner – yea**  
**Kevin Heffernan – yea**  
**Katlin Dewitt – yea**  
**Raymond Fernald – yea**  
**Stacey Moulds – yea**  
**Ben Rowe – yea**  
**Ruth Douglas – yea**  
**Marshall Saunders – yea**  
**Jacob Barney – yea**  
**Rod Walker – yea**  
**Lonnie Murray – yea**

The Motion result: David stated that there were 13 yeas. Motion passes.

David stated that the committee would now move on to discuss the third assessment, *Elaeagnus umbellata*.

***Elaeagnus umbellata* – Autumn olive**

At the 2019 Noxious Weed Advisory Committee Meeting, the assessment was tabled because a committee member discovered that a Virginia nursery was indeed selling this plant and it was listed for sale on their website. David mentioned that the plant is still for sale at a Virginia nursery, even though it was removed from the online catalog. A VDACS inspector verified this during a recent inspection.

Jim Hurley inquired if there would be another meeting before the next list of plant species being recommended to be a noxious weed to the Board for their approval. David answered yes there will be another meeting where more assessments could be reviewed and recommended to the board, prior to taking the list to the Board.

Discussion came up regarding education, outreach, and speaking with growers about invasive plants. David cautioned members of the committee to

not directly contact growers regarding plant species that they should or shouldn't grow.

David tabled the *Elaeagnus umbellata* assessment until the next meeting where the committee could again review the plant if it was not for sale at that time.

David stated that the committee would now move on to discuss the final assessment, *Ulmus pumila*.

**Ulmus pumila – Siberian elm**

Discussion: Jim Hurley provided background information about the presence of this species in Virginia and its impact on the environment. This assessment was discussed at the 2019 meeting and discussions never led to a recommendation, so it was tabled until Jim could provide more information. Jim Hurley provided updated information about the cost of controlling it, Virginia populations and location information, and impact to Virginia if left uncontrolled.

Katlin Dewitt recognized this was not a native but from the Virginia Department of Forestry's standpoint, they are still trying to work out an opinion on this. The Virginia Department of Forestry is still not ready to vote on this. Jim Hurley responded, it is invasive in settings where they are found. Lonnie Murray stated that this is the Committee's chance to do something about this species now before it becomes a bigger issue. Laura Greenleaf agrees with trying to stop it before it becomes as invasive.

When asked about a recommendation, Jim Hurley recommended Tier 2. Lonnie Murray agreed with the recommendation of Tier 2. Lonnie and Laura mentioned the importance of being precautionary and trying to get ahead of this.

Rod Walker recommend adding *Ulmus pumila* – Siberian elm to the Noxious Weed List as a Tier 2 Noxious Weed.

Motion action: Rod Walker motioned to add *Ulmus pumila* – Siberian elm to the Noxious Weed List as a Tier 2 Noxious Weed.

Seconded by: Laura Greenleaf.

David called for a voice vote.

**VOICE VOTE:**

**Laura Greenleaf – yea**

**Beck Stanley – nay**

**Michael Flessner – abstain**

**Kevin Heffernan – yea**

**Katlin Dewitt – abstain**  
**Raymond Fernald – yea**  
**Stacey Moulds – yea**  
**Ben Rowe – abstain**  
**Ruth Douglas – yea**  
**Marshall Saunders – yea**  
**Jacob Barney – yea**  
**Rod Walker – yea**  
**Lonnie Murray – yea**

The Motion result: David stated that there were 9 yeas, 1 nay, 3 abstains.  
Motion passes.

- **Public Participation Period (information on Page 2 of the Agenda)**

Joel Maddux called out to any attendees at the meeting who may wish to provide public comment, ask questions, or make statements. There was no response and no members of the public in attendance who wished to speak.

- **Follow-up on previous meetings' action items**

- Regulatory status update:

David stated that he provided this information earlier in the meeting.

- General permit for Tier 3 plants and discussion about permitting:

- Rod Walker asked a question about baled hay and weeds which were declined due to asking farmers to fill out a permit. Rod asked if this group feels that other weeds can be added to the list at this time. Michael Flessner stated that this would be a burden to farmers and should not be done.
- Raymond Fernald stated we discussed having a general permit available so that farmers could move noxious weeds, but nurseries could not sell them. A general permit that allows for conditions that are outlined could be a possibility. Kevin Heffernan was wondering if the noxious weed law stopped the sale or movement of plants. Ruth stated she used the permitting system but felt since she was a member of the committee, it may be easier for her than someone unfamiliar with the process. Seana provided a link to noxious seed list. This only applies to the sale of seeds.

David mentioned that the Noxious Weed Law and the Regulations for the Noxious Weed Law mention only one permit and the Code would need to be changed to allow for different types of permits.

- Alternative seed mixes, not containing *Lespedeza cuneata*.

Stacey Moulds stated the status of alternative, viable mixes for VDOT's use is not known. She shared that there is a study starting next year that will look at alternative seed mixes that do not contain *Lespedeza*. She mentioned she would share the study with David who would distribute to the Noxious Weed Advisory Committee.

Seana Ankers with the Virginia Nursery and Landscape Association motioned to table the discussion on this until farmers are better represented or until the law has changed.

Motion action: David Gianino initiated the motion (on behalf of Seana Ankers, whose microphone was not working) to table the conversation, until farmers are better represented or until the law has changed.  
Seconded by: Michael Flessner.

David called for a voice vote.

**VOICE VOTE:**

**Laura Greenleaf – abstain**  
**Michael Flessner – yea**  
**Kevin Heffernan – yea**  
**Katlin Dewitt – yea**  
**Raymond Fernald – nay**  
**Stacey Moulds – yea**  
**Ben Rowe – yea**  
**Jim Hurley – yea**  
**Rod Walker – yea**

The Motion results: David stated that there were 7 yeas, 1 nay, 1 abstain.  
Motion passes.

• **Additional Action Items**

- Kevin Heffernan: Suggested a discussion regarding taxonomy / synonyms scientific naming discussion.
- Rod Walker: Review *Mimosa albizia* at the next meeting (resubmit the assessment)
- *Lespedeza cuneata*: discussion.
- Continued discussion regarding general permits or changes needed in the Law to allow for incidental movement of Tier 3, but prevent production of or sale of listed Noxious Weeds.

Motion action: Michael Flessner motioned to close the meeting.  
Seconded by: Ben Rowe.

David called for a voice vote.

**VOICE VOTE:**



**Laura Greenleaf – yea  
Michael Flessner – yea  
Kevin Heffernan – yea  
Katlin Dewitt – yea  
Raymond Fernald – yea  
Stacey Moulds – yea  
Ben Rowe – yea  
Jim Hurley – yea  
Rod Walker – yea**

Motion Passed unanimously.

Meeting brought to conclusion. David will send out a doodle poll to the Committee for the next meeting.

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