Committee Minutes

Date: April 4,2000
Time: 11:10am
Room: LOB104

The Senate Committee on Environment held a hearing on the following:

HB1258-FN relative to invasive plant, insect, and fungal species.

Members of Committee present: Senator Russman
Senator Below
Senator Krueger
Senator Pignatelli
Senator Wheeler

The Chair, Senator Richard Russman, opened the hearing.

Senator Richard L. Russman, D. 19: We'll open the hearing on HB1258.

Representative Pratt {tape malfunctioned gap in testimony}...we didn't really have any laws in New Hampshire concerning the invasive species. Any of them along the way and in the past we've had a few little problems. I have to talk history and my history is going to be very short. We did have the Chestnut plague.. we've had the Dutch Elm Disease... we've had many, many invasive things and I would like to cease because we have a lot better speakers in this situation than I am and thank you very much.

Senator Richard L. Russman, D. 19: Thank you, and I would note for the record that Charlie Niebling of the Forest Society is in favor of the bill does not wish to speak Marjorie Swope from the Association Conservation Commission is in favor of the bill does not wish to speak. Chris Rugerberg New Hampshire Sierra club is in favor of the bill does not wish to speak.. and the next speaker would be Steve Taylor from the Department of Agriculture.

Steve Taylor: Thank you Mr. Chairman. I am Steve Taylor Commissioner of Agriculture, and I've worked with Representative Pratt and several others and several of his colleagues and appreciate their support as well as that of the youth center and Senator Disnard. We have an acute problem with

invasive plant species and other organisms in the insect and fungal world moving into New Hampshire and there is concern throughout new England and indeed all over the country about the growing problem of the invasive species. Many of them coming from the far east and other exotic climates as a result of the globalization of trade and we need to establish some sort of a defense here to deal with the problems that we are encountering. As you well know in August, much of the state of New Hampshire now is engulfed in a purple plant in blossom called purple lostrife that is invading our wetlands and is well on the way to exacting a serious environmental toll.

We in the Department, in cooperation with the Department of Transportation have been doing a lot of research on finding a beneficial insect that will feed upon this species and the research is very promising, but we have a number of other species around the state that pose similar threats and we are not really on the road yet to any kind of research based response.

The legislation is very simple. It establishes an invasive plant species committee. It draws in the relevant agencies and also affords public membership. There's nothing in this bill that in any way attempts to invade other agencies prerogatives and statutory authorities. It is really to focus all the agencies in one place to draw up a plan, a battle plan and to pursue opportunities for research dollars and cooperation with other states. The legislation also establishes a mechanism by which invasive species that pose a threat to our environment can be listed. 85% of the invasive species that are on the terrestrial side are coming through garden centers and the landscape industry.

Those people say just show us a list so we know where we stand and that would be one of the first tasks of this committee if its approved and put into work and it also provides a mechanism to enforce a prohibited planned species list so it's very simple, very straightforward and I'm happy to say that New Hampshire is ahead of the ret of the country in pursuing this approach and other states are already calling for copies of the legislation and they want to copy us. That's the long and the short.

Senator Richard L. Russman, D. 19: Questions? Thank you very much for your testimony., and we recognize Phil Bryce of the Forest and Lands, welcome.

Phil Bryce: Thank you Mr. Chairman, Members of the Committee. My name is Philip Bryce, I'm director of the division of forests and lands in the Department of Resources and Economic Development and I wish to offer my support for HB 1258. This bill is needed, greatly needed, in it's response to the increasing threat of invasive species to our forests and native rare plant population's in the State of New Hampshire. The Division of Forests and Lands has two key areas of interest.

One is our insect and disease program and the second is the National Heritage inventory program. These invasive pose a threat to both. I won't go into further detail. What I'll do is submit, I have a copy of written testimony which I'd like to submit the Committee [Attachment A] and I'd be glad to answer any questions.

Senator Richard L. Russman, D. 19: Thank you very much for your testimony. The Chair would recognize Jody Connor.

Jody Connor: [Written Testimony Attachment B].

Senator Patricia Krueger, D. 16: I'm just trying to figure out about this misdemeanor, felony offense. Who are we charging with what here...

Jody Connor: you may want to ask that of Commissioner Taylor.

Commissioner Taylor: That's a standard... to enforce anything in New Hampshire now. If someone should bring in an exotic plant that is going to pose a threat to the lakes that Jody supervises, that would give us the authority to say hey we can't do it and if they persist then we can take them to court.

Senator Patricia Krueger, D. 16: Thank you very much.

Senator Richard L. Russman, D. 19: Alright, thank you. Further questions? Thanks very much for your testimony. Anybody else wishes to speak on House Bill 1258? If not we'll close the hearing on 1258.

Hearing Closed,

Respectfully Submitted,

Anna-Maria Tsorvas
Committee Secretary

Attach A

STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of FORESTS and LANDS
172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

GEORGE M. BALD
Commissioner

PHILIP A. BRYCE
Director

603-271-2214
FAX: 603-271-2629

March 21, 2000

The Honorable Richard L. Russman, Chairman
Senate Environment Committee
Room 104, LOB
Concord, NH 03301

RE: HB 1258-FN, An Act Relative to Invasive Plant, Insect, and Fungal Species

Dear Senator Russman:

On behalf of the Division of Forests & Lands, Department of Resources & Economic Development, I wish to offer my support for House Bill 1258-FN. This bill is needed in response to the increasing threat of invasive species to our forests and native rare plant populations in the State of New Hampshire.

The Division of Forests & Lands has a strong interest in the control of invasive species. The Division has statutory responsibility (RSA 227-K, see attached) for the protection of forests from forest pests. This includes publicizing information and designating control areas. The Division also implements, through the Natural Heritage Inventory Program, the New Hampshire Native Plant Protection Act of 1987 (RSA 217-A). This law recognizes the importance of the state's native species, particularly those that are rare and imperiled. The State Nursery, located in Boscawen, has been working with NH Heritage botanists for several years to find native species that can be planted by residents and businesses instead of invasive, non-native species. The State Nursery has stopped selling several species because they have been determined to be invasive.

House Bill 1258-FN is a positive step towards identifying and controlling the harmful effects of invasive species on New Hampshire's environment and economy. It provides a positive process for identifying those species which are particularly problematic and can only be controlled through restrictions, and those species that can be controlled using biological and cultural methods. Further, the proposed Invasive Species Committee represents a good cross-section of interests in the state.

We support and commend this effort and look forward to working further to address the adverse environmental and economic effects of invasive species.

Sincerely,

Philip A. Bryce
Director

Cc: George Bald, Commissioner, DRED
Steve Taylor, Commissioner, Department of Agriculture

Attach B

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982

March 23, 2000

The Honorable Richard Russman, Chairman
Senate Environment Committee
Room 104, Legislative Office Building
Concord, NH 03301

SUBJECT: HB 1258, Relative to Invasive Plant, Insect, and Fungal Species

Dear Chairman Russman:

Thank you for the opportunity to comment in support of House Bill 1258 which amends RSA 430 to create new authority for the commissioner of agriculture, markets, and food to regulate commerce in invasive plant, insect, and fungal species. The bill establishes a number of requirements relative to invasive species, including research and educational activities, control actions, the creation of an invasive species committee, the listing of invasive species that are a threat to New Hampshire, the prohibition of certain activities associated with listed species, funding for the program, rulemaking authority, enforcement authority, and penalties. The Department of Environmental Services (the Department) supports this bill.

Invasive species can have devastating effects upon our natural environment. Aquatic plants such as variable milfoil, Eurasian milfoil, water chestnut, and fanwort infest over 40 of the state's waterbodies. Other invasive plants, like purple loosestrife and reed grass (Phragmites), are dominant species in hundreds of acres of wetlands in New Hampshire. In addition, many invasive species of terrestrial plants, fungi, and insects are a threat to native flora throughout the state.

The Department already addresses the sale, importation, transport, introduction, and propagation of exotic aquatic plants under the authority of RSA 487. We have worked cooperatively with the Department of Agriculture throughout the last two years to investigate and eliminate the sale of prohibited invasive aquatic plants at retail and wholesale establishments in New Hampshire. This legislation will not only enhance our established program, but also serve to develop a unified process for management of all invasive species.

Invasive species managers often must determine which species pose a threat to native flora and fauna. HB 1258 will eliminate the ambiguity which now exists about which species are "dangerous species" or "species of concern" in New Hampshire. The proposed research program will help discern differences between species that should be prohibited from collection, possession, transportation, sale, propagation, transplantation, or cultivation in New Hampshire (prohibited invasive species), and species that may be brought in under strict circumstances (restricted invasive species). The establishment of rules, enforcement abilities,

and penalties will augment the control of these species. Preventing activities associated with prohibited species, and limiting activities with restricted species will lessen their potential for establishment in the natural environment. Having the ability to enforce regulations and fine those in violation of the laws will lend strength to the legislation.

In addition, the establishment of an invasive species committee will allow for the dissemination and sharing of information between state agencies, the public, and academia. Committee members will be able to provide expertise in each area that this bill proposes (invasive plants, insects, and fungi), as exotic species issues transcend a number of major biological groups, and affect all environmental habitats.

Please contact me at 271-3503 or Jody Connor at 271-2457 if you have any questions.

Sincerely,

Robert W. Varney
Commissioner

cc: Rep. L. Pratt
Rep. Babson
Rep. Melcher
Rep. Owen
Rep. Philbrick
Sen. Disnard
Commissioner Taylor, Dept. of Ag.

Speakers

SENATE ENVIRONMENT. COMMITTEE

Date April 4 2000 Time 11:10 am Public Hearing On HB 1258-FN

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☐	Chris Rueggeberg	NH Sierra Club 3 Bicentennial Sq.	
☑	Steve Taylor	Dept of Ag Mkts + Food	
☑	Phillip Bryce	Dred Forests & Lands	
☐	Charles Niebling	SPNHF	
☐	Marjory Swope	Concord	NHACC
☑	Jody Connor	6 Hazen Dr	NHDES
☐			
☐			
☐			
☐			

Appearing in OPPOSITION (Please Print) **Please check box at left to speak.**

☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Testimony

STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of FORESTS and LANDS
172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

GEORGE M. BALD
Commissioner

PHILIP A. BRYCE
Director

603-271-2214
FAX: 603-271-2629

March 21, 2000

The Honorable Richard L. Russman, Chairman
Senate Environment Committee
Room 104, LOB
Concord, NH 03301

RE: HB 1258-FN, An Act Relative to Invasive Plant, Insect, and Fungal Species

Dear Senator Russman:

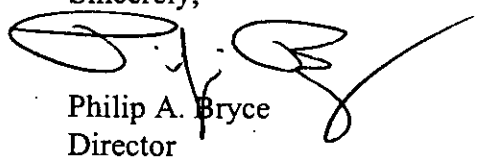
On behalf of the Division of Forests & Lands, Department of Resources & Economic Development, I wish to offer my support for House Bill 1258-FN. This bill is needed in response to the increasing threat of invasive species to our forests and native rare plant populations in the State of New Hampshire.

The Division of Forests & Lands has a strong interest in the control of invasive species. The Division has statutory responsibility (RSA 227-K, see attached) for the protection of forests from forest pests. This includes publicizing information and designating control areas. The Division also implements, through the Natural Heritage Inventory Program, the New Hampshire Native Plant Protection Act of 1987 (RSA 217-A). This law recognizes the importance of the state's native species, particularly those that are rare and imperiled. The State Nursery, located in Boscawen, has been working with NH Heritage botanists for several years to find native species that can be planted by residents and businesses instead of invasive, non-native species. The State Nursery has stopped selling several species because they have been determined to be invasive.

House Bill 1258-FN is a positive step towards identifying and controlling the harmful effects of invasive species on New Hampshire's environment and economy. It provides a positive process for identifying those species which are particularly problematic and can only be controlled through restrictions, and those species that can be controlled using biological and cultural methods. Further, the proposed Invasive Species Committee represents a good cross-section of interests in the state.

We support and commend this effort and look forward to working further to address the adverse environmental and economic effects of invasive species.

Sincerely,



Philip A. Bryce
Director

Cc: George Bald, Commissioner, DRED
Steve Taylor, Commissioner, Department of Agriculture

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982

March 23, 2000

The Honorable Richard Russman, Chairman
Senate Environment Committee
Room 104, Legislative Office Building
Concord, NH 03301

SUBJECT: HB 1258, Relative to Invasive Plant, Insect, and Fungal Species

Dear Chairman Russman:

Thank you for the opportunity to comment in support of House Bill 1258 which amends RSA 430 to create new authority for the commissioner of agriculture, markets, and food to regulate commerce in invasive plant, insect, and fungal species. The bill establishes a number of requirements relative to invasive species, including research and educational activities, control actions, the creation of an invasive species committee, the listing of invasive species that are a threat to New Hampshire, the prohibition of certain activities associated with listed species, funding for the program, rulemaking authority, enforcement authority, and penalties. The Department of Environmental Services (the Department) supports this bill.

Invasive species can have devastating effects upon our natural environment. Aquatic plants such as variable milfoil, Eurasian milfoil, water chestnut, and fanwort infest over 40 of the state's waterbodies. Other invasive plants, like purple loosestrife and reed grass (Phragmites), are dominant species in hundreds of acres of wetlands in New Hampshire. In addition, many invasive species of terrestrial plants, fungi, and insects are a threat to native flora throughout the state.

The Department already addresses the sale, importation, transport, introduction, and propagation of exotic aquatic plants under the authority of RSA 487. We have worked cooperatively with the Department of Agriculture throughout the last two years to investigate and eliminate the sale of prohibited invasive aquatic plants at retail and wholesale establishments in New Hampshire. This legislation will not only enhance our established program, but also serve to develop a unified process for management of all invasive species.

Invasive species managers often must determine which species pose a threat to native flora and fauna. HB 1258 will eliminate the ambiguity which now exists about which species are "dangerous species" or "species of concern" in New Hampshire. The proposed research program will help discern differences between species that should be prohibited from collection, possession, transportation, sale, propagation, transplantation, or cultivation in New Hampshire (prohibited invasive species), and species that may be brought in under strict circumstances (restricted invasive species). The establishment of rules, enforcement abilities,

and penalties will augment the control of these species. Preventing activities associated with prohibited species, and limiting activities with restricted species will lessen their potential for establishment in the natural environment. Having the ability to enforce regulations and fine those in violation of the laws will lend strength to the legislation.

In addition, the establishment of an invasive species committee will allow for the dissemination and sharing of information between state agencies, the public, and academia. Committee members will be able to provide expertise in each area that this bill proposes (invasive plants, insects, and fungi), as exotic species issues transcend a number of major biological groups, and affect all environmental habitats.

Please contact me at 271-3503 or Jody Connor at 271-2457 if you have any questions.

Sincerely,

Robert W. Varney
Commissioner

cc: Rep. L. Pratt
Rep. Babson
Rep. Melcher
Rep. Owen
Rep. Philbrick
Sen. Disnard
Commissioner Taylor, Dept. of Ag.

Committee Report

Date: April 4,2000 Time: 11:10am

The Senate Committee on Environment held its hearing in Room LOB104, Concord, New Hampshire.

BILL NO.: HB1258-FN TITLE: relative to invasive plant, insect, and fungal species.

Members of the Committee present: Senator Russman
Senator Below
Senator Krueger
Senator Pignatelli
Senator Wheeler

Those appearing in favor:

Name and Address Representing

See Attached.

Those appearing in opposition:

Name and Address Representing

See Attached.

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: April 4,2000

THE COMMITTEE ON Environment

to which was referred House Bill 1258-FN

AN ACT relative to invasive plant, insect, and fungal species.

VOTE: 5-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Richard Russman
For the Committee