

Notice of Public Hearing

LSA Document #12-50

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on May 17, 2012, at 10:00 a.m., at the Indiana Government Center North, 100 North Senate Avenue, Room N501, Indianapolis, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to add [312 IAC 18-3-23](#) to designate, as pests or pathogens, certain invasive aquatic plants to prohibit the sale, distribution, and transport of these invasive aquatic plants.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: Seventeen of the 28 aquatic plants listed in proposed [312 IAC 18-3-23\(a\)](#) are recognized by the federal government as federal noxious aquatic plants.

(http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/weedlist.pdf)

The remaining 11 species are all known to be invasive species in Indiana or in this region. Lakes, reservoirs, ponds, rivers, streams, and wetlands are all at risk of being invaded if these species are not prohibited from trade in Indiana. The types of entities subject to this rule include aquatic plant growers, nursery stores that sell aquatic plants, aquarium stores that sell aquatic plants, and aquatic services entities (boat repair, delivery, storage). There are approximately 380 licensed nursery growers registered in the state. It is estimated that 12 of these nurseries produce aquatic plants, and only a portion of these would produce any of the species being considered for regulation. There are nearly 4,000 retailers in the state that sell plants including retail landscape, aquarium, and other retail outlets. Of these retail outlets, it is estimated that one-third sell aquatic plants, and an estimated 200 of these may actually sell species being considered for regulation. Marinas and other entities that specialize in watercraft repair, removal, and storage are subject to this rule since they must inspect the equipment as they remove it to be certain there are no regulated plants present. It is estimated that 400 entities in Indiana specialize in these types of services and would be impacted by the rule. It is expected that the economic impact to production nurseries, wholesalers, and retailers will be in disposal of existing stock. After an entity is in compliance, there would be no annual economic impact. Entities that produce or sell regulated species will need to eliminate all existing inventories of the regulated species. Currently only seven of the 28 species proposed in these rules have a presence in trade. A typical inventory for the estimated 200 retail outlets that may offer these plants for sale would range from 10 to 50 plants of each of the seven species that have some presence in trade. Economic loss in inventory for these entities is expected to be minimal. The species proposed for regulation are relatively inexpensive plants that range in price from \$3 to \$7 per plant. If an entity has to eliminate an inventory of 100 plants of any of the species, at an average of \$5 per plant, total retail cost for these plants would average approximately \$500 per retail outlet. It would be unusual that an entity would have all seven species with this level of inventory however, so economic impact per entity could be much lower. Other than the possible destruction of regulated species inventory, there should be no other economic loss to these entities. There are numerous other aquatic plants currently in trade that can be used to replace the species proposed for regulation. Wholesale and retail outlets will simply replace the invasive species that are proposed for regulation with a noninvasive species that will have similar customer appeal. The annual cost for marinas and boat repair, removal, and storage entities will be minimal. Inspection and hand removal of all plant material takes very little time. For a 30-foot recreational boat, it is expected that the visual inspection and hand removal of all plant material from the boat and trailer may take 15 minutes. At \$10 per hour, inspection and removal would cost \$2.50. On average an entity may remove 30 boats a month during the 5-month boating season costing an entity a total of \$75 in labor per month. No special equipment is necessary to clean plant material from aquatic equipment.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman
Natural Resources Commission

Posted: 04/11/2012 by Legislative Services Agency
An [html](#) version of this document.