

Consideration for preliminary adoption of a new rule, 312 IAC 18-3-25, governing prohibited invasive terrestrial plants; Administrative Cause No. 17-114E

The proposal to add rule “312-18-3-25 Prohibited invasive terrestrial plants” will assist the DNR and private and public land managers in controlling invasive species. The DNR, through the Natural Resources Commission, is requesting approval to adopt the attached rule to remove particular invasive plants from trade.

Instituting this rule will prohibit the sale, transport, introduction or distribution of 44 invasive terrestrial plants inside Indiana. The DNR has determined that 22 of those plants can be found in trade, however only 4 are sold with any regularity. The majority of small businesses that sell these species will have plenty of time to reduce and/ or eliminate existing stock prior to implementation of the rule. This will decrease any potential fiscal impact to small business in Indiana. In addition allowance has been made for an additional year from the effective date of the rule for small business to sell stock that may currently exist prior to any violations being issued by the DNR. The rule also allows for members of the public to report evidence of terrestrial invasive species to the proper personnel within the DNR. Exempt from the requirements of the rule are the permittees working on behalf of or with permission from the State Entomologist to conduct research or eradication.

Indiana land managers (private and public) spend an estimated \$8.6 million dollars in managing invasive plants on an annual basis. Invasive species in Indiana regularly move into the forest. This restricts the ability of trees to regenerate as essential nutrients and sunlight are blocked and being utilized by invasive species that are able to regenerate earlier in the successional process. The 2010 Indiana Statewide Forest Assessment conducted a survey of forest landowners and others interested in forests and found invasive species as the 3rd most important issue facing forests and natural resources management. Removing these species from trade will reduce the number of plants able to escape into the wilderness thereby reducing the amount of state and federal funding required to control invasive plants in our natural resources. The proposed rule will also assist in promoting the health and safety of our forests and the timber industry within Indiana. An industry that constitutes \$7 billion dollars of Indiana’s Gross Domestic Product. Attached is the proposed new rule, 312 IAC 18-3-25, at Exhibit A.

Exhibit A

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #

Adds 312 IAC 18-3-25 to designate as pests or pathogens, certain invasive terrestrial plants and to prohibit and restrict the sale, distribution, and transport of these invasive terrestrial plants. Effective 30 days after filing with the Publisher.

312 IAC 18-3-25

SECTION 1. 312 IAC 18-3-25 IS ADDED TO READ AS FOLLOWS:

312 IAC 18-3-25 Prohibited invasive terrestrial plants

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 25. (a) The following are prohibited invasive terrestrial plants and are declared pests or pathogens regulated under this section:

- (1) *Achyranthes japonica* (Japanese chaff flower).**
- (2) *Ailanthus altissima* (tree of heaven).**
- (3) *Alliaria petiolata* (garlic mustard).**
- (4) *Alnus glutinosa* (black alder).**
- (5) *Artemisia vulgaris* (mugwort).**
- (6) *Arthraxon hispidus* (small carpgrass).**
- (7) *Berberis thunbergii* (Japanese barberry).**
- (8) *Carduus acanthoides* (spiny plumeless thistle).**
- (9) *Carduus nutans* (musk thistle).**
- (10) *Celastrus orbiculatus* (Asian bittersweet).**
- (11) *Centaurea stoebe* (spotted knapweed).**
- (12) *Cirsium vulgare* (bull thistle).**
- (13) *Conium maculatum* (poison hemlock).**
- (14) *Convolvulus arvensis* (field bindweed).**
- (15) *Coronilla varia* (crown vetch).**
- (16) *Dioscorea polystachya* (*oppositifolia*) (Chinese yam).**
- (17) *Dipsacus fullonum* (common teasel).**
- (18) *Dipsacus laciniatus* (cut-leaved teasel).**
- (19) *Elaeagnus umbellata* (autumn olive).**
- (20) *Euonymus fortunei* (wintercreeper).**
- (21) *Euphorbia esula* (leafy spurge).**

- (22) *Frangula alnus* (glossy buckthorn).
- (23) *Hesperis matronalis* (dame's rocket).
- (24) *Humulus japonicus* (Japanese hops).
- (25) *Lepidium latifolium* (pepperweed).
- (26) *Lespedeza cuneata* (sericea lespedeza).
- (27) *Ligustrum obtusifolium* (blunt leaved privet).
- (28) *Lonicera japonica* (Japanese honeysuckle).
- (29) *Lonicera maackii* (Amur honeysuckle).
- (30) *Lonicera morrowii* (Morrow's honeysuckle).
- (31) *Lonicera tatarica* (Tatarian honeysuckle).
- (32) *Lonicera x bella* (Bell's honeysuckle).
- (33) *Microstegium vimineum* (Japanese stiltgrass).
- (34) *Morus alba* (white mulberry).
- (35) *Phalaris arundinacea* (reed canarygrass).
- (36) *Phellodendron amurense* (Amur cork tree).
- (37) *Phragmites australis* subspecies *australis* (common reed).
- (38) *Polygonum perfoliatum* (mile-a-minute vine).
- (39) *Reynoutria japonica* (Japanese knotweed).
- (40) *Reynoutria sachalinensis* (giant knotweed).
- (41) *Reynoutria x bohemica* (Bohemian knotweed).
- (42) *Rhamnus cathartica* (common buckthorn).
- (43) *Vincetoxicum nigrum* (black swallow-wort).
- (44) *Vincetoxicum rossicum* (pale swallow-wort).

(b) This section applies to any part or life stage of the species identified in subsections (a).

(c) Except as provided in subsection (d), with respect to any species identified in subsection (a) a person must not:

- (1) Sell, offer or grow for sale, gift, barter, exchange, or distribute a species;
- (2) Transport or transfer a species; or
- (3) Introduce a species.

(4) Subdivisions (1) and (2) of this subsection are effective one year after the effective date of this rule.

(d) Exempted from this section are the following:

- (1) A person who possesses a species identified in subsection (a) under a permit issued by the state entomologist.
- (2) A person engaged in a project approved by the state entomologist for the destruction of a species.

(e) A person who discovers a species identified in subsection (a) may do the following:

(1) Report the discovery to the state entomologist or to the following address:

**Department of Natural Resources
Division of Entomology and Plant Pathology
402 West Washington Street, Room W290
Indianapolis, IN 46204**

(2) Include in the report provided under subdivision (1):

- (A) The location of the discovery, including the name of the county.**
- (B) The date of the discovery.**
- (C) Contact information for the person making the report, including telephone number and address.**