

Document: Proposed Rule

Source: November 1, 2000, Indiana Register, Volume 24, Number 2

Disclaimer: These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #00-153

DIGEST

Amends 312 IAC 18-3-13 that governs the movement or distribution of *Lythrum* species (commonly known as purple loosestrife) to establish a license by which a person may lawfully obtain purple loosestrife plants to serve as a host for biological control organisms. Effective 30 days after filing with the secretary of state.

312 IAC 18-3-13

SECTION 1. 312 IAC 18-3-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 18-3-13 Permit to move, plant, or distribute *Rosa multiflora* or *Lythrum* species

Authority: IC 14-24-12-9

Affected: IC 14-24-5; IC 14-24-7

Sec. 13. (a) This section governs the anthropogenic movement and distribution of *Rosa multiflora* and *Lythrum* species in Indiana.

(b) Except as provided by this section, a person must not plant *Rosa multiflora* in Indiana.

(c) Except as provided in this section, a person must not sell, offer for sale, give away, or otherwise distribute seeds or plants of any species of *Lythrum* (commonly known as purple loosestrife) in Indiana.

(d) A nurseryman whose nursery has been inspected and certified under IC 14-24-5, and who holds a nursery dealer's license issued under IC 14-24-7, may plant *Rosa multiflora* for use as grafting stock in growing roses in the nursery subject to the following conditions:

(1) The nurseryman informs any division inspector who inspects the nursery of the presence of, and every site where, the grafting stock is located.

(2) Except upon written permission by the division director, *Rosa multiflora* is not sown or grown in the field as nongrafted stock. The written permission shall be noted on the nursery certificate at the time the nursery is certified.

(e) Species of *Lythrum* native to Indiana may be sold or distributed for an approved project or activity according to a prior permit issued as follows:

(1) An application must be completed by the permit applicant on a department form and delivered to the division. This application shall include the following:

(A) The scientific name of the species to be sold or distributed.

(B) The character (examples include marsh, upland, dominant shrub habitat, and mixed forest) of the site where the species is to be taken.

(C) A topographic map of the site clearly marked to indicate the specific site to which the plant material is to be taken.

(D) The source of the plants to be distributed.

(E) Certification that the plants are not hybrids of *Lythrum salicaria* or *Lythrum virgatum*. The certification may be verified by a person identified by the division of nature preserves of the department or by gene testing methodologies through qualified laboratories. The applicant is responsible for the cost of certification.

(2) Permits will be considered on an individual site or site and project basis.

(3) Unless otherwise specified, the duration of a permit is ninety (90) days.

(f) The state entomologist may issue a license to a person to obtain and possess *Lythrum* as follows:

- (1) The person may lawfully possess the Lythrum solely for one (1) or more of the following purposes:
- (A) The production of biological control organisms directed to Lythrum growing in the wild.
 - (B) Research into the biology of these biological control organisms.
 - (C) Related educational programs.
- (2) A person issued a license under this subsection must take reasonable precautions to prevent the release of seeds or other viable parts of the Lythrum plants to the wild. Disposal of plants shall, if practicable, be performed by incineration. If facilities to incinerate plants are not available, the plants must be disposed at sites already heavily infested with species of Lythrum that are not native to Indiana.
- (3) The state entomologist may place any conditions on the placement of a license that are determined necessary or appropriate under IC 14-24 or this section. Included among these conditions are the following:
- (A) A requirement the applicant act under the auspices of a regional program sponsored by a biological control laboratory.
 - (B) A requirement the applicant obtain written permission from a landowner before digging or removing plants to be possessed under the license.
 - (C) A requirement the applicant display a copy of the license at the site where the Lythrum plants are being grown.
- (4) A license issued under this subsection also authorizes a program coordinator to provide to the license holder Lythrum plants that include biological control organisms.

⊕ (g) A person is subject to a civil penalty of five hundred dollars (\$500) for each site where Rosa multiflora or Lythrum is maintained or distributed in violation of this section. Each year that the species is maintained or distributed constitutes a separate offense. In addition, a person may be required to destroy any unlawful plants and to restore and reclaim the site with native or other approved species. (*Natural Resources Commission; 312 IAC 18-3-13; filed Nov 22, 1996, 3:00 p.m.: 20 IR 952*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 27, 2000 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern the movement or distribution of Lythrum species (commonly known as purple loosestrife) to establish a license by which a person may lawfully obtain purple loosestrife plants to serve as a host for biological control organisms. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission