

All Taxa Invasive Species List

New York's Process & Outcomes

Intent - Reduce risk to NYS's environment, economy, and human health posed by invasive species

New York's Definition - Invasive Species are:

- Nonnative to the ecosystem under consideration
- Whose introduction causes or is likely to cause economic or environmental harm or harm to human health.
- Whose harm must significantly outweigh any benefits

FINAL REPORT
of the
NEW YORK STATE INVASIVE SPECIES TASK FORCE

Fall 2005



New York State Department of
Environmental Conservation
Acting Commissioner Denise M. Sheehan



New York State Department of
Agriculture and Markets
Commissioner Nathan L. Rudgers

First Recommendation

“Establish a permanent leadership structure to coordinate invasive species efforts.”

Outcome

NYS Invasive Species Council & Advisory Committee created through Environmental Conservation Law 9-1705

NYS Environmental Conservation Law 9-1705 (5)(h) – Roles of the Council

Submit to the legislature and the governor prior to January 1, 2010 a report, produced in consultation with the advisory committee, recommending a four-tier system for nonnative animal and plant species.

The system shall contain:

- 1. A list of prohibited species**
- 2. A list of regulated species**
- 3. A list of unregulated species**
- 4. A procedure for the review of a nonnative species before its use, distribution, or release**

FINAL REPORT

A Regulatory System for Non-Native Species

Prepared by the New York Invasive Species Council

10 June 2010

PART I - INTRODUCTION

Purpose

This report describes a proposed four-tier regulatory system for preventing the importation and/or release of non-native animal and plant species. This report fulfills the mandate set forth in New York Environmental Conservation Law (ECL) § 9-1705(5)(h), which directs the New York Invasive Species Council (Council) to submit to the Governor and Legislature “a report, produced in consultation with the [invasive species] advisory committee, recommending a four-tier system for non-native animal and plant species.” As required by ECL § 9-1705(5)(h), the four-tier system proposed in this report includes (i) a list of prohibited species, which should be unlawful to possess, import, purchase, transport, or introduce except under a permit for disposal, control, research, or education; (ii) a list of regulated species, which should be legal to possess, sell, buy, and transport but not be introduced into a free-living state; (iii) a list of unregulated species which are non-native species that should not be subject to regulation; and (iv) a procedure for the review of a non-native species that is not on the prohibited, regulated, or unregulated lists before the use, distribution or release of such non-native species.

Background

ECL § 9-1705 establishes the New York Invasive Species Council. The Council is co-chaired by the Departments of Environmental Conservation and Agriculture and Markets and includes seven other State agencies: Transportation (DOT); Parks, Recreation and Historic Preservation (OPRHP); Education (SED); State (DOS); Thruway Authority (Thruway); Canal Corporation (Canals); and the Adirondack Park Agency (APA). Among other things, the Council is charged with:

“submitting to the legislature and the governor prior to January first, two thousand ten a report, produced in consultation with the advisory committee, recommending a four-tier system for nonnative animal and plant species. The system shall contain:

- Review Committee
- Assessment Tools
- Review Procedure
- Effects of Listing
- Rulemaking Process

Review Committee Representation

State Agencies -



Department of Environmental Conservation

Department of Transportation

Agriculture & Markets

Federal Agencies -



Environmental Groups/Colleges -



The Nature Conservancy



Industry Groups -



NEW YORK STATE NURSERY AND LANDSCAPE ASSOCIATION, INC.

Invasiveness Assessment Tool

New York State Ranking System for Evaluating Non-Native Plant Species for Invasiveness

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February 7, 2012

INTRODUCTION

A ranking system designed to assess the invasive nature of non-native plant species was developed by The Nature Conservancy (TNC) in New York and the Brooklyn Botanic Garden (BBG) in 2008. Consequences to the native species and natural ecosystems of New York State are the focus of the ranking system. The system can be used to assess the invasive nature of non-native plant species that are established in natural/minimally managed areas in NYS, and also to assess the potential invasiveness of species that are new arrivals or are not yet present. The system is designed to be repeatable, based on the best available science, clearly explained and fully documented. Use of this system has made more analytic and transparent the process of creating lists of invasive species that may be prohibited from sale. Assessment results and documentation should also be useful in prioritizing control efforts, and developing early detection/rapid response species lists.

The NYS Office of Invasive Species Coordination (OISC) and Invasive Species Council (ISC) incorporated the New York State Invasive Plant Ranking System into their 2010 report, A Regulatory System for Non-native Species (NY ISC 2010). The NYS Department of Environmental Conservation is now developing statewide regulations in coordination with the NYS Department of Agriculture and Markets. In addition, results of this work have informed invasive species legislation in Nassau and Suffolk Counties.

DEFINITIONS

For the purpose of the New York Invasive Plant Ranking System, an invasive plant species is a species that is: "1) nonnative to the ecosystem under consideration, and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health." (Federal Executive Order 13112, signed in 1999 and adopted by the New York State Invasive Species Task Force in 2005). Further, for purposes of this Invasive Plant Ranking System, invasive plants are non-native species that have spread into native or minimally managed plant systems in New York. These plants cause economic or environmental harm by developing self-sustaining populations and becoming dominant and/or disruptive to those systems.

As defined here, "species" includes all synonyms, subspecies, varieties, forms, and cultivars of that species unless proven otherwise by a process of scientific evaluation. Non-native genotypes of a species (e.g. *Phragmites australis* ssp. *australis*) may be considered separate from the parent species on a case-by-case basis.

	Section categories	Points
1	Ecological impact (4 Questions)	40
2	Biological characteristic and dispersal ability (7 Questions)	25
3	Ecological amplitude and distribution (6 Questions)	25
4	Difficulty of control (3 Questions)	10
Total		100

Relative Maximum Score	Invasiveness	Regulatory Effect
>80.00	Very High	Prohibited
70.00 – 80.00	High	Prohibited
50.00 – 69.99	Moderate	Regulated
40.00 – 49.99	Low	Unregulated
<40.00	Insignificant	Unregulated

Socio-economic Assessment Tool

NEW YORK INVASIVE SPECIES SOCIO-ECONOMIC ASSESSMENT FORM

Scientific name: *Berberis thunbergii*² USDA Code: BETH
 Common names: Japanese barberry
 Native distribution: Japan (to Arnold Arboretum, 1875)
 Date assessed: March 8, 2010
 Assessors: G. Robinson, UAlbany
 Reviewers: _____
 Date Approved: _____ Form version date: 04 February 2010

Purpose

The purpose of this document is to serve as a “tool” for assessing the societal values of potentially invasive species as part of a New York State regulatory system. Title 17 of New York State Environmental Conservation Law Article 9, New York Invasive Species Council, defines: “Invasive species” means a species that is:

- (a) nonnative to the ecosystem under consideration; and
- (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. For the purposes of this paragraph, the harm must significantly outweigh any benefits.

Title 17 further requires the development of a system to regulate the “use, distribution or release” of non-native species. The system must balance potential harm against potential benefits.

The “invasivity” value of any non-native species is based on biological traits. Socio-economic values, on the other hand, are based on based on economic, human health, cultural and other social traits. This *Socio-economic Assessment* was developed as part of a sequential process that would require its use only for those species whose biological invasivity assessments rate Moderate (50+) to Very High.

Using this Form

This *Assessment* should be completed by a multi-disciplinary team that includes both a species-expert and an economist or someone very familiar with the relevant industry or other uses.

When answering the questions below, please identify:

- 1) each of the various stakeholders, using the Reference Worksheet, for which the species has value.
- 2) the economic, human health and cultural uses, and “non-uses, of the species by each stakeholder; Consider whether non-invasive alternatives are available and whether restricting the use of the subject species would create a market for another, non-invasive species?
- 3) the value² assigned to the species, or otherwise realized, by each stakeholder for each use, if available.

² *Elaeagnus umbellata* NEW YORK NON-NATIVE PLANT INVASIVENESS RANKING FORM

http://nyis.info/Resources/IS_Risk_Assessment.aspx

³ SEE: footnote 2, value

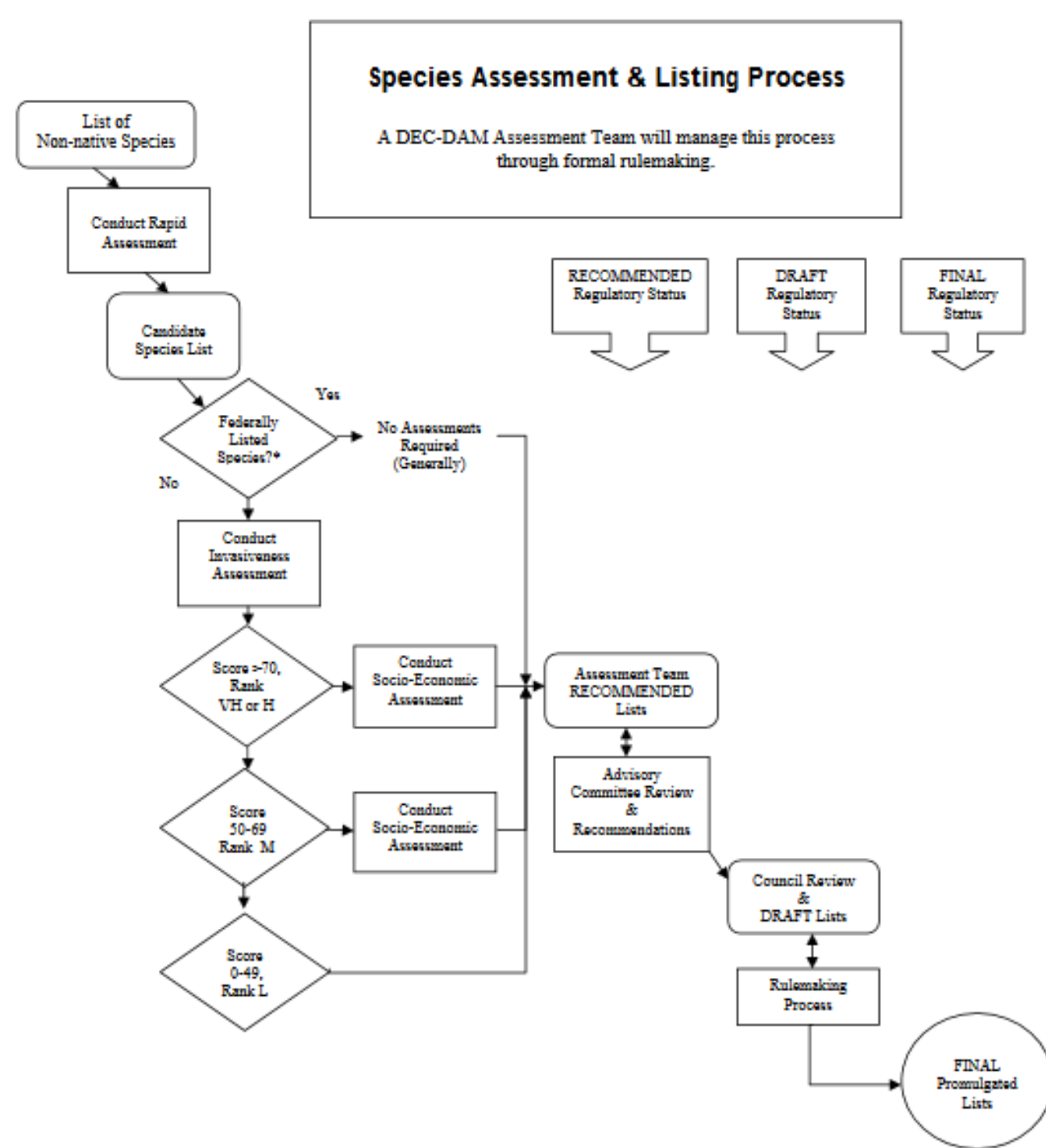
Socio-Economic Ranking Summary

	Positive Values	Negative Values	Net Score
Economic (Y / N)	50 / 70	- 70 /-70	-20
Human Health (Y / N)	0 / 15	- 10 /-15	- 10
Cultural (Y / N)	10 /15	- 5 /-15	5
Outcome Score	60 / 100	- 85 / -100	-25
Relative Maximum Score †			
Socio-Economic Rank			Insig. Neg.

Relative Maximum Score	Value
>80.00	Very High
70.00 – 80.00	High
50.00 – 69.99	Moderate
40.00 – 49.99	Low
<40.00	Insignificant/Negative

Review Procedure

- 1 – Species List Compilation
- 2 – Federal Review
- 3 – Invasiveness Assessment
- 4 – Socio-economic Assessment
- 5 – Submit Recommended Lists
- 6 – Regulatory Determination
- 7 – Rulemaking



Rulemaking

Council promulgates lists through normal State Administrative Procedures Act rulemaking process. Comments received during formal public review period are considered by the Council prior to completion of rulemaking.

Prohibited List - Species, as set forth in ECL § 9-1705 (5) (h) (i), would be “unlawful to possess, sell, propagate, import, purchase, transport, or introduce except under a permit for disposal, control, research, or education.”

The Regulated List - Species would be “legal to possess, sell, buy, propagate, and transport but not be introduced into a free-living state.”

The Unregulated List - Species would not be subject to regulation as an invasive species.

Outcomes

183 plant assessments conducted by The Nature Conservancy

83 animal assessments conducted under contract with Adirondack Research Inc.

Prohibited Species

- Algae & Cyanobacteria (3)
- Plants (69)
- Fish (14)
- Aquatic Invertebrates (16)
- Terrestrial Invertebrates (13)
- Vertebrates (6)
- Fungi (4)

Regulated Species

- Algae & Cyanobacteria (2)
- Plants (6)
- Fish (12)
- Aquatic Invertebrates (4)
- Vertebrates (5)

Exceptions & Conditions

Grace Periods

- Rule effective 6 months after finalization
- One year phase out period for Japanese barberry
- 6 month phase out period for Eurasian Boar

Permits

- DEC will issue permits for research, education or other approved activities involving prohibited species
- Regulated species may be released into a free-living state with permit

Cultivars exempt if upon assessment:

- Primary means of reproduction is not vegetative
- The cultivar is completely sterile
- Cultivar is unable to establish populations

Regulated Species Exceptions & Conditions

Free-living State Exceptions

- Artificial ponds and water gardens with no outlet to public waters
- Waters entirely within private land not connected to public waters
- Water-use facilities with outflows not providing access to public waters

Labeling/Public Notice

- Labels are required when selling to inform consumers that regulated invasive species are harmful. Must include:
 - “NYS DEC has deemed this plant is an Invasive Species – Harmful to the Environment”
 - Information on alternative species
 - Instructions for care and tending to prevent spread or introduction
- Written notice must be given to landscaping clients

Resources

New York State Prohibited and Regulated Invasive Plants

September 10, 2014



NYS DEPARTMENT OF
ENVIRONMENTAL CONSERVATION



NYS DEPARTMENT OF
AGRICULTURE AND MARKETS

New York State Prohibited and Regulated Invasive Animals

September 10, 2014



NYS DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

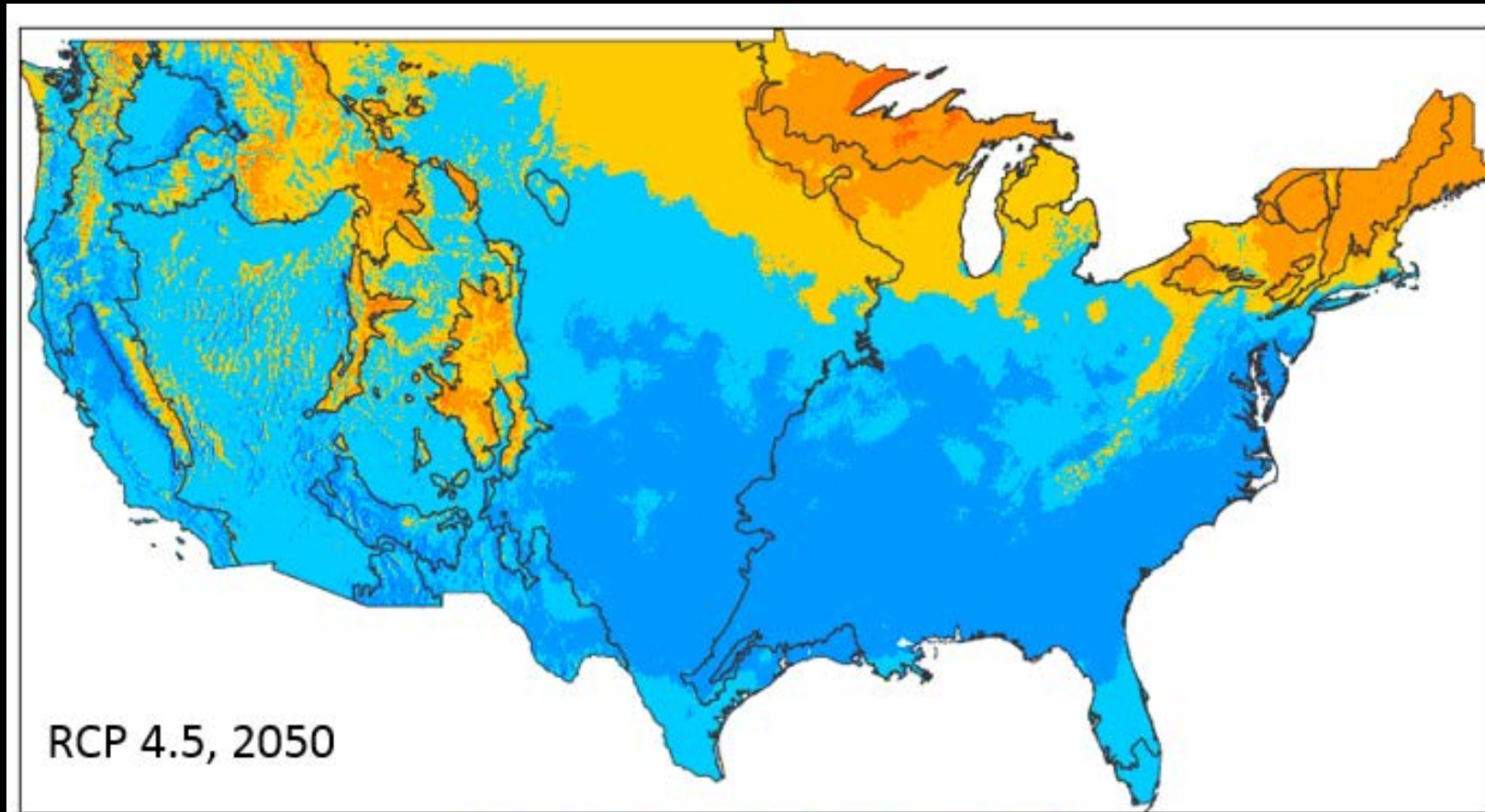


NYS DEPARTMENT OF
AGRICULTURE AND MARKETS

www.nyis.info

www.dec.ny.gov

Still To Come – Preemptive Regulation in the Face of Climate Change



-250 0 250
Change in Species Richness (# species)

Thank You

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Department of
Environmental
Conservation



Agriculture
& Markets