

HOUSE No. 705

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act creating the non-indigenous species management plan..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 132 of the General Laws is hereby amended by adding after section 132B the
2 following sections:

3 Section 132C. Definitions. For the purposes of this chapter, the following terms have the
4 following definitions.

5 (a) “Biological control organism” means any species used to control a harmful non-
6 indigenous species.

7 (b) “Control” means eradicating, suppressing, reducing, or managing harmful non-
8 indigenous species populations, preventing the spread of harmful non-indigenous species from
9 areas where they are present and taking steps such as protection and restoration of native species
10 populations and habitats to reduce the impacts of harmful non-indigenous species and to prevent
11 further invasions of harmful non-indigenous species.

12 (c) “Dispersal” refers to the natural or human-related spread of non-indigenous species
13 from one water, wetland, or land area to other waters, wetlands, or land areas.

14 (d) “Established” means, when used in reference to a species, occurring as a reproducing,
15 self-sustaining population in an open ecosystem.

16 (e) “Introduction” means the intentional or unintentional release, escape, dissemination,
17 or placement of a species into an ecosystem as a result of human activity.

18 (f) “Invasive Plant Atlas of New England” refers to a multi-faceted project designed to
19 provide comprehensive and up-to-date information about invasive plants in New England. The
20 goals of the project are to facilitate education and research leading to a greater understanding of
21 the dynamics of plant invasions, and to support the early detection of new invasions, which will
22 enable rapid management responses.

23 (g) “Manage” means to prevent new harmful non-indigenous species introductions into
24 the state; to limit the dispersal of established harmful non-indigenous species populations into
25 uninfested land areas, wetlands, and waters of the state; and to abate harmful ecological,
26 economic and public health impacts resulting from the introduction, dispersal, or presence of
27 harmful non-indigenous species in the state.

28 (h) “Native species” refer to any species originally living, growing, or produced in an
29 ecosystem within its historic range.

30 (i) “Non-indigenous species” means any non-native plant, animal, or other viable
31 biological material that enters and disperses in an ecosystem beyond its native range.

32 (j) “Office” means the executive office of environmental affairs.

33 (k) “Prevent” means to identify and interrupt pathways by which harmful non-
34 indigenous species can be imported, introduced, and dispersed.

35 (l) “Secretary” means the secretary of the executive office of environmental affairs.

36 (m) “Species” means a group of organisms all of which have a high degree of physical
37 and genetic similarity, generally interbreed only among themselves, and show persistent
38 differences from members of allied groups of organisms. The term “species” includes any
39 subspecies of animal, plant, or biological material, and any distinct population segment of any
40 species or animal, plant, or biological material which interbreeds when mature.

41 (n) “Stakeholders” include, but are not limited to, state and local government agencies,
42 academic institutions, the scientific community, regional entities, tribal governments, non-
43 governmental entities including environmental, agricultural and conservation organizations, trade
44 groups, commercial interests, and private landowners.

45 Section 2. Management Authority. The Secretary shall have the authority to facilitate the
46 prevention of introduction and dispersal of harmful non-indigenous species in the
47 Commonwealth. Key responsibilities associated with this management authority are as follows:

48 (a) Interjurisdictional agreements: The Secretary shall seek cooperation, as appropriate,
49 with federal, state and tribal authorities; regional entities; political jurisdictions of the state; and
50 with other state agencies and organizations for the administration of any program established
51 herein. (b) The Secretary shall establish a statewide program to prevent and curb the spread of
52 harmful non-indigenous species. In addition, the Secretary shall develop and implement
53 programs that are compatible with existing federal and state legislation which include but are not
54 limited to, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C.
55 4701-4741), the National Invasive Species Act of 1990 (18 U.S.C. 42), the Plant Protection Act
56 (7 U.S.C. 7701-7772).

57 (c) Program Implementation:

58 (1) The following mechanisms shall be authorized and utilized to facilitate program
59 implementation: classification and designation of non-indigenous species; regulatory and rule-
60 making provisions; monitoring mechanisms; research projects; permit and inspection procedures;
61 enforcement and penalty stipulations; information and education activities; funding mechanisms;
62 restoration of native species and habitat; regulation of biological control agents; incentives for
63 private landowners; and emergency action protocols.

64 (2) The Secretary is authorized to routinely and systematically survey private and public
65 lands, with prior approval from the owner of the land, for the presence of non-indigenous species
66 and to map non-indigenous species locations and those areas particularly at risk for non-
67 indigenous species.

68 (d) State Agency Duties.

69 (1) To the extent practicable and permitted by law, each state agency whose actions may
70 affect the status of harmful non-indigenous species shall:

71 (A) identify such actions;

72 (B) subject to the availability of appropriations, and within Administration budgetary
73 limits, use relevant programs and authorities to:

74 (i) prevent the introduction of harmful non-indigenous species;(ii) detect and respond
75 rapidly to and control populations of such species in a cost-effective and environmentally sound
76 manner;(iii) monitor non-indigenous species populations accurately and reliably;(iv) provide for
77 restoration of native species and habitat conditions in ecosystems that have been invaded;(v)

78 conduct research on non-indigenous species and develop technologies to prevent introduction
79 and provide for environmentally sound control of harmful non-indigenous species; and(vi)
80 promote public education on harmful non-indigenous species and the means to address them; and

81 (2) No State Agency shall buy, plant, or acquire any plants designated by the Invasive
82 Plant Atlas of New England as non-native invasives.

83 (e) Annual report. By January 15 each year, the Secretary shall submit a report on
84 harmful non-indigenous species to the committee on environment, natural resources and
85 agriculture. The report must include:

86 (1) Detailed information on expenditures for administration, education, management,
87 inspections, and research;

88 (2) Detailed information on the loss of state resources due to harmful non-indigenous
89 species;

90 (3) An analysis of the effectiveness of management activities conducted in the state,
91 including but not limited to chemical and biological control, harvesting, takings, educational
92 efforts, inspections, and enforcement actions;

93 (4) Information on the participation of stakeholders in control efforts;

94 (5) Information on management efforts in other states;

95 (6) Information on the progress made in the control of each listed species; and

96 (7) An assessment of future management needs.

97 Section 3. Classification and designation of non-indigenous species.

- 98 The Secretary shall designate as harmful non-indigenous, any plants designated by the
- 99 Invasive Plant Atlas of New England as non-native invasive.