

ODA is in the “information finding stage” of considering a possible regulation on *Arundo donax*. They have a possible rule in draft form and have invited us to comment on that. Below you will find correspondence from Tim Butler and the possible rule. Please review these carefully and submit your well-argued thoughtful comments to info@npsoregon.org. We will accumulate and edit these comments into a unified document to forward to the Weed Board. You are encouraged to submit comments by 5-12-12.

Upon Judi’s inquiry to Tim Butler (ODA) about the status of *A. donax* regulations, she received the following reply:

Ms. Sanders,

You are correct that are temporary OAR on regulations concerning *Arundo donax* have expired. However, we do have a \$1 million bond in place with Portland General Electric that would cover costs of control if *Arundo* were to escape. Morrow County still has an agreement in place with PGE that outlines the conditions for the test growing of *Aundo* to allow for collection of plant material for a test burn at the PGE Coal Fire Plant that appears to be now to be slated for sometime in 2013. Morrow Counties conditions are very similar to what ODA had in the temporary rule.

We are currently in the fact finding mode and also waiting to see if it looks like this project will be viable for PGE to move forward with. I am attaching the draft *Arundo* rule that we may be moving forward with in the future. Please feel free to review this draft rule and if you have any comments or thoughts on this draft from the Native Plant Society perspective, please pass those along.

Thank you for your interest in this important issue.

Sincerely,

Tim Butler, Manager
ODA Noxious Weed Control Program
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<http://oregon.gov/ODA/PLANT/WEEDS/>

Since we have been invited to comment on the possible regulation, here it is:

Control Area For Giant Reed (Cane) Grass *Arundo donax* in Oregon (Draft 12-11-11)

603-052-1207

Definitions

As used in OAR 603-052-1207 to 603-052-1215 unless the context requires otherwise:

- (1) “Giant reed” or “giant cane grass” means all parts of the plant species *Arundo donax* L.
- (2) “One hundred year flood plain” means an area designated as a 100-year floodplain on the 2011 map of the Federal Emergency Management Agency (FEMA).
- (3) “Noxious weed control officials” mean the Oregon Department of Agriculture Noxious Weed Program Manager and County Weed Supervisors.
- (4) “Water body” includes lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, wetlands as defined in ORS 196.800(16), inlets, canals, irrigation ditches, drainage ditches, and all other bodies of surface waters, natural or artificial, inland or coastal, fresh or salt, public or private, which are wholly or partially within or bordering the state or within its jurisdiction.

603-052-1212

Purpose

Giant reed, *Arundo donax*, is a promising bio-energy crop because of its high biomass yield. It is also grown as an ornamental and as a source of reeds for woodwind instruments. Giant reed grass is highly invasive in riparian areas in parts of the United States such as California, Texas, and Florida. It is the intent and purpose of OAR 603-052-1207 to 603-052-1215 to balance goals to develop new agricultural products and support renewable energy development from agricultural feedstocks while protecting natural resources and preventing the establishment of giant reed in riparian areas where it could cause major negative impacts to the natural resources of the State of Oregon.

603-052-1220

Control Area

- (1) As authorized by ORS 570.405, a statewide control area is established to implement mitigation measures to reduce the risk of giant reed spreading beyond production areas where Giant Reed is being produced.
- (2) Extent of Control Area: all of the State of Oregon.
- (3) Commodities Covered: All life stages of giant reed, *Arundo donax*.
- (4) Prohibited Acts:
 - a. Giant reed is prohibited from being imported, planted, propagated, or grown except as allowed in this rule in sections (5) and (6).
 - b. Giant reed is prohibited from being planted or grown near water bodies (see definition above). Where it is invasive, movement of root and stem fragments in floods is the primary way giant reed spreads. Giant reed must not be planted within the 100-year flood plains of any water body.
- (5) Conditions of Planting and Growth for Biofuel and Other Non-Ornamental Plantings:
 - a. Giant reed production requires a permit from the Oregon Department of Agriculture (ODA). Applications for a permit must be in writing and include specific locations and detailed maps of the field locations and nearby water bodies. ODA will share this information with county noxious weed control officials. Applications can be sent to: Administrator, Plant Division, Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97304 or emailed to: <dhilburn@oda.state.or.us>.
 - b. Permits may include additional conditions such as notification of when giant reed fields are taken out of production, annual updates on field locations, or extra precautions related to site-specific risk factors.
 - c. Any equipment used in giant reed production fields must be cleaned free of soil and plant debris prior to leaving production fields.
 - d. Root mass and rhizome material for establishing giant reed fields must be transported in closed containers. Planting stock from outside of Oregon must be free of soil and must be accompanied by a phytosanitary certificate indicating that the stock has been inspected and found free of soil and harmful pests, diseases and weeds. Shipping containers must be thoroughly cleaned to remove soil and plant debris or discarded in a manner that prevents pest/weed introduction. A phytosanitary certificate is not required for plants produced via tissue culture (in vitro).
 - e. Drying giant reed plant material in the field and baling of the material before transport to reduce cane viability, is strongly encouraged.

- f. ODA will charge an assessment of \$ _____/acre to pay for the cost of riparian area surveys. The purpose of these surveys will be to ensure that giant reed has not escaped outside of production areas. *[This provision may require legislative authorization.]*
- g. Giant reed in fields taken out of production must be eradicated so that unmanaged fields do not become a source of propagules that could lead to accidental spread of giant reed in the wild. Fields must be monitored for at least two years after production ceases to ensure that all giant reed root masses are killed.
- h. Any contractor (or grower if there is no contractor) for the planting and growth of giant reed over ¼ acre must post a bond or another form of acceptable collateral of \$100 (?)/acre up to a maximum of \$1,000,000 with the Department of Agriculture for the purpose of covering any and all costs associated with the eradication of giant reed outside of production fields if the Department determines it is a noxious weed and must be eradicated in order to protect the agricultural or natural resources of the State. The bond must be in place for the duration of the plantings and _____ (??) year(s) beyond removal of the fields.
- i. Oregon State University Research and Extension Centers are exempted from sections (4) to (8) of this rule for the purpose of allowing research on giant reed.

(6) Conditions for Ornamental Plantings.

- (a) Giant reed must be phased out of the nursery industry as an ornamental plant by _____ (*maybe Dec. 31, 2013?*). After that date it can not be imported, planted, propagated, or sold except under permit as required in (5) above.
- (b) Existing plantings are grandfathered and allowed to remain in place unless they are in riparian areas or show signs of becoming invasive. Spreading beyond the property boundary of the landowner on which the grandfathered giant reed was originally planted is unacceptable and such patches must be eradicated.

(7) Review: Before Dec. 31, 2021, the Department will conduct a thorough review of the effectiveness and necessity for this rule. If by that date giant reed has not been declared a noxious weed by the State Weed Board, the bond/collateral requirement (5)(h) sunsets unless specifically extended via amendment to this rule.