

February 17, 2016

RE: RAISED Bill No. 79 - AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES REGARDING THE USE OF PROPERLY INSTALLED AND CONSTRUCTED BARRIER SYSTEMS FOR CERTAIN PLANTINGS.

Dear Environment Committee:

As the Open Space Agent for the City of Milford, I have observed the unwelcomed encroachment of running bamboo onto Open Space conservation areas and private lands. I am aware of approximately 70 locations in Milford where the bamboo has grown. This includes at least three open space conservation areas that I am aware of. When the bamboo spreads to unwanted conservation areas or onto unwanted private lands it creates a hardship of time, expense, and degraded conservation value. In some instances it threatens damage to structures. For many homeowners, the effort to keep the bamboo out of their property is more than they can do or afford. For municipalities, it creates yet another financial burden. A number of residents have contacted me who very frustrated with their inability to seek a solution to their problems without a great deal of personal time and expense.

I personally believe that the following four recommendations be considered to strengthen S.B. 79 by providing the remedies needed to manage bamboo growing beyond the boundaries.

1. Section 1. Subsection (c), No Person shall plant running bamboo or allow running bamboo to be planted [**or to grow**] on his or her property ... [add the words "or to grow" as shown.]
2. add Subsection (g) - "**A private right of action may be maintained by an adjoining property owner to enforce the provisions of [subsection (c)] of this statute. The plaintiff is entitled to attorneys' fees, and costs and disbursements if he/she is the prevailing party.**" This is critical to allow private parties to be reimbursed for costs associated with any civil litigation.
3. The enabling process to enforce the bamboo statute needs to be defined that authorizes how the bamboo statute may be enforced at the municipal level. The municipality should receive the majority of any fines levied.
4. Disposal of any portions of the underground bamboo rhizomes should be dried and incinerated to prevent further spread of this material. The Guidelines for Disposal of Terrestrial Invasive Plants published by the Connecticut Department of Energy and Environmental Protection and the University of Connecticut, 2014 could serve as a template even though running bamboo is considered regulated and not invasive. http://cipwg.uconn.edu/wp-content/uploads/sites/244/2014/01/InvasivePlantDisposal_2014-01-23.pdf

Regards,

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