

# FINAL BILL REPORT

## E2SSB 5633

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Synopsis as Enacted

**Brief Description:** Attempting to limit the growth and spread of the noxious weed spartina.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Swecker, Hargrove, Haugen, Morton, Hochstatter, Owen and Rasmussen).

**Senate Committee on Natural Resources**

**Senate Committee on Ways & Means**

**House Committee on Agriculture & Ecology**

**House Committee on Appropriations**

**Background:** Spartina is an aquatic plant native to the Atlantic coast. It was inadvertently introduced to the West Coast by unknown means, possibly arriving in packing material surrounding East Coast seed oysters. It is currently growing in Willapa Bay, a conservancy shoreline environment within a shoreline of statewide significance.

Spartina naturalizes in both salt and fresh water. It spreads through rhizomes and seeds. The rhizomes grow laterally underground, growing into dense "meadows" that displace intertidal plants, animals, fish, and birds. The meadows also block drainage and alter water flows. Tidal movement breaks Spartina clumps from meadows and carries them to other areas where they establish and spread. Spartina seeds spread through both water and air and can establish miles from the seed source.

Numerous interested parties and several state agencies have worked together to produce an integrated Spartina management plan for Willapa Bay. The plan calls for manual and mechanical methods to remove Spartina, as well as for application of glyphosate. Glyphosate, the active ingredient in the herbicide Rodeo, is the only herbicide labeled for use on Spartina, and the only herbicide approved by the Environmental Protection Agency for application in estuarine waters.

The Departments of Agriculture, Ecology, Natural Resources, and Fish and Wildlife adopted a final Environmental Impact Statement (EIS) in November 1993. The EIS selected the integrated Spartina management plan as the preferred method of Spartina control. The Pacific County Department of Community Development reviewed the EIS and, pursuant to the requirements of the State Environmental Protection Act (SEPA), issued a Determination of No Significance (DNS) in February 1994. After the statutorily required notification and hearings had occurred, the Pacific County Planning Commission granted a shoreline substantial development permit to the Pacific County Weed Board. The commission's decision was affirmed by the Pacific County Board of Commissioners.

Opponents of the integrated Spartina management plan appealed the commission's decision to the Shorelines Hearings Board and the Pollution Control Hearings Board. Before the appeal was heard, the parties reached a settlement that includes the conditions under which

Rodeo may be used on Spartina. The settlement also requires each landowner or applicator to obtain a water quality modification permit from the Department of Ecology before undertaking any Spartina control that includes the use of Rodeo.

**Summary:** The Legislature finds that Spartina and purple loosestrife present a significant hydrological threat to Washington. Current laws and regulations designed to protect the environment from detrimental human alteration are not designed to respond to emergency situations.

The Department of Agriculture, in cooperation with the state Noxious Weed Control Board, is responsible for a unified effort to control Spartina and purple loosestrife. The Department of Agriculture reports quarterly to the Legislature on the progress of the program and on the funds spent.

Aquatic noxious weeds are defined to include all species designated by the state Noxious Weed Control Board.

The Department of Ecology is directed to issue a short-term water quality modification to applicants who intend to use federally-approved herbicides and surfactants for invasive noxious aquatic weed control. The process of removal and control of Spartina or purple loosestrife using hand held or carried tools is not considered a hydraulic project requiring a hydraulic permit from the Department of Fish and Wildlife. The Department of Fish and Wildlife develops a brochure that may be used in lieu of a permit for noxious weeds other than Spartina and purple loosestrife. The process of removal or control of aquatic noxious weeds through the use of an approved herbicide or other treatment methods in an EIS or brochure are not considered a substantial development requiring a substantial development permit.

An EIS addressing an integrated noxious weed management control program is sufficient to meet the requirements of SEPA. Spartina removal includes restoration of the intertidal land, and agencies of state government and affected land owners develop a restoration plan.

State agencies and local governments are prohibited from using permitting requirements, regulatory authority, or legal mechanisms to override the intent and provisions of this act.

State agencies are responsible for control on their lands.

There is a standard severability clause.

**Votes on Final Passage:**

Senate	45	1	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** July 23, 1995