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**SUBSTITUTE SENATE BILL 5633**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Natural Resources (originally sponsored by Senators Snyder, Swecker, Hargrove, Haugen, Morton, Hochstatter, Owen and Rasmussen)

Read first time 02/27/95.

1 AN ACT Relating to weed control; amending RCW 75.20.100, 90.58.030,  
2 17.10.010, and 90.48.020; adding a new section to chapter 90.48 RCW;  
3 adding a new chapter to Title 17 RCW; making an appropriation; and  
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) *Spartina alterniflora*, *Spartina anglica*, and *Spartina patens*  
8 which are collectively called spartina are not native to the state of  
9 Washington nor to the west coast of North America. This noxious weed  
10 was inadvertently introduced into the wetlands of the state and is now  
11 aggressively invading new areas to the detriment of native ecosystems  
12 and aquatic habitat.

13 (2) The spread of spartina threatens to permanently convert and  
14 displace native freshwater and saltwater wetlands and intertidal zones,  
15 including critical habitat for migratory birds, many fish species,  
16 bivalves, invertebrates, marine mammals, and other animals. The  
17 continued spread of spartina will permanently reduce the diversity and  
18 the quantity of these species and will have a significant negative  
19 environmental impact.

1 (3) Spartina poses a significant hydrological threat. Clumps and  
2 meadows of spartina are dense environments that bind sediments and lift  
3 the intertidal gradient up out of the intertidal zone through time.  
4 This process reduces flows during flood conditions, raises flood  
5 levels, and significantly alters the hydrological regime of estuarine  
6 areas.

7 (4) Spartina spreads by rhizomes and seed production. Through  
8 lateral growth by rhizomes, spartina establishes a dense monotypic  
9 meadow. Through seed production and the spread of seed through the air  
10 and by water, spartina is currently being spread to other states and to  
11 Canadian provinces.

12 (5) Current laws and rules designed to protect the environment and  
13 preserve the wetland habitats, fish, and wildlife of the state are not  
14 designed to respond to an ecosystem-wide threat of this kind. State  
15 and federal agencies, local governments, weed boards, concerned  
16 individuals, and property owners attempting to deal with this emergency  
17 have been frustrated by interagency disagreements, demands for an undue  
18 amount of procedural and scientific process and information, dilatory  
19 appeals, and the improper application of laws and regulations by  
20 agencies that have in fact undermined the legislative purposes of those  
21 same laws while ignoring the long-term implications of delay and  
22 inaction. There is a compelling need for strong leadership,  
23 coordination, and reporting by a single state agency to respond  
24 appropriately to this urgent environmental challenge.

25 (6) Any further delay of control efforts will significantly  
26 increase the cost of spartina control and reduce the likelihood of  
27 long-term success. Control efforts must be coordinated across  
28 political and ownership boundaries in order to be effective.

29 (7) In destroying the biodiversity of tidelands and elevating  
30 tidelands, spartina places an undue financial burden upon private  
31 citizens, local governments, and taxing districts and has had a  
32 negative impact upon local economies dependent on a healthy estuarine  
33 ecosystem.

34 (8) The presence of noxious weeds on public lands constitutes a  
35 public nuisance and negatively impacts public and private lands. The  
36 legislature finds that control and eradication of noxious weeds on  
37 private lands is in the public interest.

1        NEW SECTION.    **Sec. 2.**    This state is facing an environmental  
2 disaster that will affect other states as well as other nations.    The  
3 legislature finds that six years is sufficient time for state agencies  
4 to debate solutions to the spartina problem that is occurring in state  
5 waters.    The purpose of this act is to focus agency action on control  
6 and future eradication of spartina.    It is the mandate of the  
7 legislature that one state agency be responsible for a unified effort  
8 to eliminate spartina, with the advice of the state noxious weed  
9 control board, and that state agency shall be directly accountable to  
10 the legislature on the progress of the spartina eradication program.

11        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 90.48 RCW  
12 to read as follows:

13        The director shall approve water quality permits to federal, state,  
14 and local agencies, and licensed applicators for the purpose of  
15 utilizing surfactants and federally approved herbicides for aquatic  
16 noxious weed control subject only to compliance with federal labeling  
17 requirements, the federal insecticide, fungicide, and rodenticide act,  
18 the noxious weed control board act, the Washington pesticide control  
19 act, the Washington pesticide application act, the state environmental  
20 policy act, and applicable environmental impact statements.    The  
21 director shall not utilize this permit authority to otherwise condition  
22 or burden weed control efforts.    The director's authority to issue  
23 water quality permits for activities other than the application of  
24 surfactants and approved herbicides, to control aquatic noxious weeds,  
25 is unaffected by this section.

26        **Sec. 4.**    RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to  
27 read as follows:

28        In the event that any person or government agency desires to  
29 construct any form of hydraulic project or perform other work that will  
30 use, divert, obstruct, or change the natural flow or bed of any of the  
31 salt or fresh waters of the state, such person or government agency  
32 shall, before commencing construction or work thereon and to ensure the  
33 proper protection of fish life, secure the written approval of the  
34 department as to the adequacy of the means proposed for the protection  
35 of fish life.    This approval shall not be unreasonably withheld.  
36 Except as provided in RCW 75.20.1001 ((and 75.20.1002)), the department  
37 shall grant or deny approval within forty-five calendar days of the

1 receipt of a complete application and notice of compliance with any  
2 applicable requirements of the state environmental policy act, made in  
3 the manner prescribed in this section. The applicant may document  
4 receipt of application by filing in person or by registered mail. A  
5 complete application for approval shall contain general plans for the  
6 overall project, complete plans and specifications of the proposed  
7 construction or work within the mean higher high water line in salt  
8 water or within the ordinary high water line in fresh water, and  
9 complete plans and specifications for the proper protection of fish  
10 life. The forty-five day requirement shall be suspended if (1) after  
11 ten working days of receipt of the application, the applicant remains  
12 unavailable or unable to arrange for a timely field evaluation of the  
13 proposed project; (2) the site is physically inaccessible for  
14 inspection; or (3) the applicant requests delay. Immediately upon  
15 determination that the forty-five day period is suspended, the  
16 department shall notify the applicant in writing of the reasons for the  
17 delay. Approval is valid for a period of up to five years from date of  
18 issuance. The permittee must demonstrate substantial progress on  
19 construction of that portion of the project relating to the approval  
20 within two years of the date of issuance. If the department denies  
21 approval, the department shall provide the applicant, in writing, a  
22 statement of the specific reasons why and how the proposed project  
23 would adversely affect fish life. Protection of fish life shall be the  
24 only ground upon which approval may be denied or conditioned. Chapter  
25 34.05 RCW applies to any denial of project approval, conditional  
26 approval, or requirements for project modification upon which approval  
27 may be contingent. If any person or government agency commences  
28 construction on any hydraulic works or projects subject to this section  
29 without first having obtained written approval of the department as to  
30 the adequacy of the means proposed for the protection of fish life, or  
31 if any person or government agency fails to follow or carry out any of  
32 the requirements or conditions as are made a part of such approval, the  
33 person or director of the agency is guilty of a gross misdemeanor. If  
34 any such person or government agency is convicted of violating any of  
35 the provisions of this section and continues construction on any such  
36 works or projects without fully complying with the provisions hereof,  
37 such works or projects are hereby declared a public nuisance and shall  
38 be subject to abatement as such.

1 For the purposes of this section and RCW 75.20.103, "bed" shall  
2 mean the land below the ordinary high water lines of state waters.  
3 This definition shall not include irrigation ditches, canals, storm  
4 water run-off devices, or other artificial watercourses except where  
5 they exist in a natural watercourse that has been altered by man.

6 The phrase "to construct any form of hydraulic project or perform  
7 other work" shall not include the act of driving across an established  
8 ford. Driving across streams or on wetted stream beds at areas other  
9 than established fords requires approval. Work within the ordinary  
10 high water line of state waters to construct or repair a ford or  
11 crossing requires approval.

12 The phrase "to construct any form of hydraulic project or perform  
13 other work" shall not include the process of removal or control of  
14 aquatic noxious weeds.

15 In case of an emergency arising from weather or stream flow  
16 conditions or other natural conditions, the department, through its  
17 authorized representatives, shall issue immediately upon request oral  
18 approval for removing any obstructions, repairing existing structures,  
19 restoring stream banks, or to protect property threatened by the stream  
20 or a change in the stream flow without the necessity of obtaining a  
21 written approval prior to commencing work. Conditions of an oral  
22 approval shall be reduced to writing within thirty days and complied  
23 with as provided for in this section. Oral approval shall be granted  
24 immediately upon request, for a stream crossing during an emergency  
25 situation.

26 This section shall not apply to the construction of any form of  
27 hydraulic project or other work which diverts water for agricultural  
28 irrigation or stock watering purposes authorized under or recognized as  
29 being valid by the state's water codes, or when such hydraulic project  
30 or other work is associated with streambank stabilization to protect  
31 farm and agricultural land as defined in RCW 84.34.020. These  
32 irrigation or stock watering diversion and streambank stabilization  
33 projects shall be governed by RCW 75.20.103.

34 **Sec. 5.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read  
35 as follows:

36 As used in this chapter, unless the context otherwise requires, the  
37 following definitions and concepts apply:

38 (1) Administration:

1 (a) "Department" means the department of ecology;

2 (b) "Director" means the director of the department of ecology;

3 (c) "Local government" means any county, incorporated city, or town  
4 which contains within its boundaries any lands or waters subject to  
5 this chapter;

6 (d) "Person" means an individual, partnership, corporation,  
7 association, organization, cooperative, public or municipal  
8 corporation, or agency of the state or local governmental unit however  
9 designated;

10 (e) "Hearing board" means the shoreline hearings board established  
11 by this chapter.

12 (2) Geographical:

13 (a) "Extreme low tide" means the lowest line on the land reached by  
14 a receding tide;

15 (b) "Ordinary high water mark" on all lakes, streams, and tidal  
16 water is that mark that will be found by examining the bed and banks  
17 and ascertaining where the presence and action of waters are so common  
18 and usual, and so long continued in all ordinary years, as to mark upon  
19 the soil a character distinct from that of the abutting upland, in  
20 respect to vegetation as that condition exists on June 1, 1971, as it  
21 may naturally change thereafter, or as it may change thereafter in  
22 accordance with permits issued by a local government or the department:  
23 PROVIDED, That in any area where the ordinary high water mark cannot be  
24 found, the ordinary high water mark adjoining salt water shall be the  
25 line of mean higher high tide and the ordinary high water mark  
26 adjoining fresh water shall be the line of mean high water;

27 (c) "Shorelines of the state" are the total of all "shorelines" and  
28 "shorelines of state-wide significance" within the state;

29 (d) "Shorelines" means all of the water areas of the state,  
30 including reservoirs, and their associated wetlands, together with the  
31 lands underlying them; except (i) shorelines of state-wide  
32 significance; (ii) shorelines on segments of streams upstream of a  
33 point where the mean annual flow is twenty cubic feet per second or  
34 less and the wetlands associated with such upstream segments; and (iii)  
35 shorelines on lakes less than twenty acres in size and wetlands  
36 associated with such small lakes;

37 (e) "Shorelines of state-wide significance" means the following  
38 shorelines of the state:

1 (i) The area between the ordinary high water mark and the western  
2 boundary of the state from Cape Disappointment on the south to Cape  
3 Flattery on the north, including harbors, bays, estuaries, and inlets;  
4 (ii) Those areas of Puget Sound and adjacent salt waters and the  
5 Strait of Juan de Fuca between the ordinary high water mark and the  
6 line of extreme low tide as follows:  
7 (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,  
8 (B) Birch Bay--from Point Whitehorn to Birch Point,  
9 (C) Hood Canal--from Tala Point to Foulweather Bluff,  
10 (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point,  
11 and  
12 (E) Padilla Bay--from March Point to William Point;  
13 (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and  
14 adjacent salt waters north to the Canadian line and lying seaward from  
15 the line of extreme low tide;  
16 (iv) Those lakes, whether natural, artificial, or a combination  
17 thereof, with a surface acreage of one thousand acres or more measured  
18 at the ordinary high water mark;  
19 (v) Those natural rivers or segments thereof as follows:  
20 (A) Any west of the crest of the Cascade range downstream of a  
21 point where the mean annual flow is measured at one thousand cubic feet  
22 per second or more,  
23 (B) Any east of the crest of the Cascade range downstream of a  
24 point where the annual flow is measured at two hundred cubic feet per  
25 second or more, or those portions of rivers east of the crest of the  
26 Cascade range downstream from the first three hundred square miles of  
27 drainage area, whichever is longer;  
28 (vi) Those wetlands associated with (i), (ii), (iv), and (v) of  
29 this subsection (2)(e);  
30 (f) "Wetlands" or "wetland areas" means those lands extending  
31 landward for two hundred feet in all directions as measured on a  
32 horizontal plane from the ordinary high water mark; floodways and  
33 contiguous floodplain areas landward two hundred feet from such  
34 floodways; and all marshes, bogs, swamps, and river deltas associated  
35 with the streams, lakes, and tidal waters which are subject to the  
36 provisions of this chapter; the same to be designated as to location by  
37 the department of ecology: PROVIDED, That any county or city may  
38 determine that portion of a one-hundred-year-flood plain to be included  
39 in its master program as long as such portion includes, as a minimum,

1 the floodway and the adjacent land extending landward two hundred feet  
2 therefrom;

3 (g) "Floodway" means those portions of the area of a river valley  
4 lying streamward from the outer limits of a watercourse upon which  
5 flood waters are carried during periods of flooding that occur with  
6 reasonable regularity, although not necessarily annually, said floodway  
7 being identified, under normal condition, by changes in surface soil  
8 conditions or changes in types or quality of vegetative ground cover  
9 condition. The floodway shall not include those lands that can  
10 reasonably be expected to be protected from flood waters by flood  
11 control devices maintained by or maintained under license from the  
12 federal government, the state, or a political subdivision of the state.

13 (3) Procedural terms:

14 (a) "Guidelines" means those standards adopted to implement the  
15 policy of this chapter for regulation of use of the shorelines of the  
16 state prior to adoption of master programs. Such standards shall also  
17 provide criteria to local governments and the department in developing  
18 master programs;

19 (b) "Master program" shall mean the comprehensive use plan for a  
20 described area, and the use regulations together with maps, diagrams,  
21 charts, or other descriptive material and text, a statement of desired  
22 goals, and standards developed in accordance with the policies  
23 enunciated in RCW 90.58.020;

24 (c) "State master program" is the cumulative total of all master  
25 programs approved or adopted by the department of ecology;

26 (d) "Development" means a use consisting of the construction or  
27 exterior alteration of structures; dredging; drilling; dumping;  
28 filling; removal of any sand, gravel, or minerals; bulkheading; driving  
29 of piling; placing of obstructions; or any project of a permanent or  
30 temporary nature which interferes with the normal public use of the  
31 surface of the waters overlying lands subject to this chapter at any  
32 state of water level;

33 (e) "Substantial development" shall mean any development of which  
34 the total cost or fair market value exceeds two thousand five hundred  
35 dollars, or any development which materially interferes with the normal  
36 public use of the water or shorelines of the state; except that the  
37 following shall not be considered substantial developments for the  
38 purpose of this chapter:

1 (i) Normal maintenance or repair of existing structures or  
2 developments, including damage by accident, fire, or elements;

3 (ii) Construction of the normal protective bulkhead common to  
4 single family residences;

5 (iii) Emergency construction necessary to protect property from  
6 damage by the elements;

7 (iv) Construction and practices normal or necessary for farming,  
8 irrigation, and ranching activities, including agricultural service  
9 roads and utilities on wetlands, and the construction and maintenance  
10 of irrigation structures including but not limited to head gates,  
11 pumping facilities, and irrigation channels: PROVIDED, That a feedlot  
12 of any size, all processing plants, other activities of a commercial  
13 nature, alteration of the contour of the wetlands by leveling or  
14 filling other than that which results from normal cultivation, shall  
15 not be considered normal or necessary farming or ranching activities.  
16 A feedlot shall be an enclosure or facility used or capable of being  
17 used for feeding livestock hay, grain, silage, or other livestock feed,  
18 but shall not include land for growing crops or vegetation for  
19 livestock feeding and/or grazing, nor shall it include normal livestock  
20 wintering operations;

21 (v) Construction or modification of navigational aids such as  
22 channel markers and anchor buoys;

23 (vi) Construction on wetlands by an owner, lessee, or contract  
24 purchaser of a single family residence for his own use or for the use  
25 of his family, which residence does not exceed a height of thirty-five  
26 feet above average grade level and which meets all requirements of the  
27 state agency or local government having jurisdiction thereof, other  
28 than requirements imposed pursuant to this chapter;

29 (vii) Construction of a dock, including a community dock, designed  
30 for pleasure craft only, for the private noncommercial use of the  
31 owner, lessee, or contract purchaser of single and multiple family  
32 residences, the cost of which does not exceed two thousand five hundred  
33 dollars;

34 (viii) Operation, maintenance, or construction of canals,  
35 waterways, drains, reservoirs, or other facilities that now exist or  
36 are hereafter created or developed as a part of an irrigation system  
37 for the primary purpose of making use of system waters, including  
38 return flow and artificially stored ground water for the irrigation of  
39 lands;

1 (ix) The marking of property lines or corners on state owned lands,  
2 when such marking does not significantly interfere with normal public  
3 use of the surface of the water;

4 (x) Operation and maintenance of any system of dikes, ditches,  
5 drains, or other facilities existing on September 8, 1975, which were  
6 created, developed, or utilized primarily as a part of an agricultural  
7 drainage or diking system;

8 (xi) Any action commenced prior to December 31, 1982, pertaining to  
9 (A) the restoration of interim transportation services as may be  
10 necessary as a consequence of the destruction of the Hood Canal bridge,  
11 including, but not limited to, improvements to highways, development of  
12 park and ride facilities, and development of ferry terminal facilities  
13 until a new or reconstructed Hood Canal bridge is open to traffic; and  
14 (B) the reconstruction of a permanent bridge at the site of the  
15 original Hood Canal bridge;

16 (xii) The process of removal or control of aquatic noxious weeds,  
17 listed as such under RCW 17.10.080 or 17.10.090, such as spartina,  
18 through the use of an herbicide or other treatment methods that are  
19 consistent with an applicable environmental impact statement.

20 **Sec. 6.** RCW 17.10.010 and 1987 c 438 s 1 are each amended to read  
21 as follows:

22 Unless a different meaning is plainly required by the context, the  
23 following words and phrases as hereinafter used in this chapter shall  
24 have the following meanings:

25 (1) "Noxious weed" means any plant which when established is highly  
26 destructive, competitive, or difficult to control by cultural or  
27 chemical practices.

28 (2) "State noxious weed list" means a list of noxious weeds adopted  
29 by the state noxious weed control board which list is divided into  
30 three classes:

31 (a) Class A shall consist of those noxious weeds not native to the  
32 state that are of limited distribution or are unrecorded in the state  
33 and that pose a serious threat to the state;

34 (b) Class B shall consist of those noxious weeds not native to the  
35 state that are of limited distribution or are unrecorded in a region of  
36 the state and that pose a serious threat to that region;

37 (c) Class C shall consist of any other noxious weeds.

1 (3) "Person" means any individual, partnership, corporation, firm,  
2 the state or any department, agency, or subdivision thereof, or any  
3 other entity.

4 (4) "Owner" means the person in actual control of property, or his  
5 agent, whether such control is based on legal or equitable title or on  
6 any other interest entitling the holder to possession and, for purposes  
7 of liability, pursuant to RCW 17.10.170 or 17.10.210, means the  
8 possessor of legal or equitable title or the possessor of an easement:  
9 PROVIDED, That when the possessor of an easement has the right to  
10 control or limit the growth of vegetation within the boundaries of an  
11 easement, only the possessor of such easement shall be deemed, for the  
12 purpose of this chapter, an "owner" of the property within the  
13 boundaries of such easement.

14 (5) As pertains to the duty of an owner, the words "control",  
15 "contain", "eradicate", and the term "prevent the spread of noxious  
16 weeds" shall mean conforming to the standards of noxious weed control  
17 or prevention adopted by rule or regulation by the state noxious weed  
18 control board and an activated county noxious weed control board.

19 (6) "Agent" means any occupant or any other person acting for the  
20 owner and working or in charge of the land.

21 (7) "Agricultural purposes" are those which are intended to provide  
22 for the growth and harvest of food and fiber.

23 (8) "Director" means the director of the department of agriculture  
24 or the director's appointed representative.

25 (9) "Weed district" means a weed district as defined in chapters  
26 17.04 and 17.06 RCW.

27 (10) "Aquatic noxious weed" means an aquatic plant species  
28 including floating, submersed, and emersed species that are listed on  
29 the state weed list under RCW 17.10.080.

30 **Sec. 7.** RCW 90.48.020 and 1987 c 109 s 122 are each amended to  
31 read as follows:

32 Whenever the word "person" is used in this chapter, it shall be  
33 construed to include any political subdivision, government agency,  
34 municipality, industry, public or private corporation, copartnership,  
35 association, firm, individual or any other entity whatsoever.

36 Wherever the words "waters of the state" shall be used in this  
37 chapter, they shall be construed to include lakes, rivers, ponds,  
38 streams, inland waters, underground waters, salt waters and all other

1 surface waters and watercourses within the jurisdiction of the state of  
2 Washington.

3 Whenever the word "pollution" is used in this chapter, it shall be  
4 construed to mean such contamination, or other alteration of the  
5 physical, chemical or biological properties, of any waters of the  
6 state, including change in temperature, taste, color, turbidity, or  
7 odor of the waters, or such discharge of any liquid, gaseous, solid,  
8 radioactive, or other substance into any waters of the state as will or  
9 is likely to create a nuisance or render such waters harmful,  
10 detrimental or injurious to the public health, safety or welfare, or to  
11 domestic, commercial, industrial, agricultural, recreational, or other  
12 legitimate beneficial uses, or to livestock, wild animals, birds, fish  
13 or other aquatic life.

14 Wherever the word "department" is used in this chapter it shall  
15 mean the department of ecology.

16 Whenever the word "director" is used in this chapter it shall mean  
17 the director of ecology.

18 Whenever the words "aquatic noxious weed" are used in this chapter,  
19 they mean aquatic plant species including floating, submersed, and  
20 emersed species that are listed on the state weed list under RCW  
21 17.10.080.

22 NEW SECTION. Sec. 8. State agencies and local governments may not  
23 use any other local, state, or federal permitting requirement,  
24 regulatory authority, or legal mechanism to override the legislative  
25 intent and statutory mandates of this act.

26 NEW SECTION. Sec. 9. The sum of one million five hundred thousand  
27 dollars, or as much thereof as may be necessary, is appropriated for  
28 the biennium ending June 30, 1997, from the aquatic lands enhancement  
29 account to the department of natural resources for the purposes of this  
30 act.

31 NEW SECTION. Sec. 10. The department of natural resources shall  
32 work in close consultation with the state weed board. The department  
33 of natural resources may grant funds to other state agencies, to local  
34 governments, and to nonprofit corporations for eradication purposes and  
35 may use those moneys itself. The department of natural resources may  
36 match private funds for eradication programs on private property on a

1 fifty-fifty matching basis. The accounting and supervision of the  
2 funds at the local level shall be conducted by the department.

3 NEW SECTION. **Sec. 11.** (1) The state department of agriculture is  
4 the lead agency for the control of spartina with the advice of the  
5 state noxious weed control board.

6 (2) Responsibilities of the lead agency include:

7 (a) Coordination of the control program including memorandums of  
8 understanding, contracts, and agreements with local, state, federal,  
9 and tribal governmental entities and private parties;

10 (b) Preparation of a state-wide spartina management plan utilizing  
11 integrated vegetation management strategies that encompass all of  
12 Washington's tidelands. The plan shall be developed in cooperation  
13 with local, state, federal, and tribal governments, private landowners,  
14 and concerned citizens. The plan shall prioritize areas for control,  
15 including directing on the ground control efforts that include, but are  
16 not limited to: (i) Control work and contracts; (ii) spartina survey;  
17 (iii) collection and maintenance of spartina location data; (iv)  
18 purchasing equipment, goods, and services; (v) survey of threatened and  
19 endangered species; and (vi) site-specific environmental information  
20 and documents; and

21 (c) Evaluating the effectiveness of the control efforts.

22 The lead agency shall report no later than May 15th and December  
23 15th of each year on the progress of the program, the number of acres  
24 treated by various methods of control, and on the funds spent.

25 NEW SECTION. **Sec. 12.** The department of natural resources is  
26 responsible for spartina control on state-owned aquatic lands managed  
27 by the department of natural resources.

28 NEW SECTION. **Sec. 13.** Facilitating the control of spartina is a  
29 high priority for all state agencies.

30 NEW SECTION. **Sec. 14.** The department of fish and wildlife is  
31 responsible for spartina control on state-owned aquatic lands managed  
32 by the department of fish and wildlife.

1        NEW SECTION.    **Sec. 15.**    The state parks and recreation commission  
2 is responsible for spartina control on state-owned aquatic lands  
3 managed by the state parks and recreation commission.

4        NEW SECTION.    **Sec. 16.**    Sections 1, 2, 8, and 11 through 15 of this  
5 act shall constitute a new chapter in Title 17 RCW.

6        NEW SECTION.    **Sec. 17.**    If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

10       NEW SECTION.    **Sec. 18.**    This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and shall take  
13 effect immediately.

--- END ---