

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5633

54th Legislature
1995 Regular Session

Passed by the Senate April 19, 1995
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 12, 1995
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5633** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5633

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

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

Read first time 03/06/95.

1 AN ACT Relating to weed control; amending RCW 90.58.030, 17.10.010,
2 and 90.48.020; adding a new section to chapter 90.48 RCW; adding a new
3 section to chapter 75.20 RCW; adding a new chapter to Title 17 RCW; 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*, *Spartina x townsendii*,
8 and *Spartina patens* which are collectively called spartina are not
9 native to the state of Washington nor to the west coast of North
10 America. This noxious weed was inadvertently introduced into the
11 wetlands of the state and is now aggressively invading new areas to the
12 detriment of native ecosystems and aquatic habitat. The spread of
13 spartina threatens to permanently convert and displace native
14 freshwater and saltwater wetlands and intertidal zones, including
15 critical habitat for migratory birds, many fish species, bivalves,
16 invertebrates, marine mammals, and other animals. The continued spread
17 of spartina will permanently reduce the diversity and the quantity of
18 these species and will have a significant negative environmental
19 impact.

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

12 (2) Purple loosestrife was first documented in the state in 1929
13 along freshwater shorelands. It is now present throughout the state
14 and is particularly abundant in Grant county and its neighboring
15 counties. The plant appears to be colonizing more rapidly on the
16 eastern side of the state than on the western side. It was first
17 introduced to the Winchester Wasteway area in the 1960's and has
18 invaded the area rapidly. Purple loosestrife is displacing native
19 plants and as a result is threatening an extremely important part of
20 this state's wildlife habitat. *Lythrum salicaria* and *L. virgatum* are
21 closely related loosestrife species that are morphologically similar
22 and not easily distinguished from each other in the field. Both
23 species have been referred to as purple loosestrife.

24 (3) Current laws and rules designed to protect the environment and
25 preserve the wetland habitats, fish, and wildlife of the state are not
26 designed to respond to an ecosystem-wide threat of this kind. State
27 and federal agencies, local governments, weed boards, concerned
28 individuals, and property owners attempting to deal with the ecological
29 emergency posed by spartina and purple loosestrife infestations have
30 been frustrated by interagency disagreements, demands for an undue
31 amount of procedural and scientific process and information, dilatory
32 appeals, and the improper application of laws and regulations by
33 agencies that have in fact undermined the legislative purposes of those
34 same laws while ignoring the long-term implications of delay and
35 inaction. There is a compelling need for strong leadership,
36 coordination, and reporting by a single state agency to respond
37 appropriately to this urgent environmental challenge.

38 Any further delay of control efforts will significantly increase
39 the cost of spartina and purple loosestrife control and reduce the

1 likelihood of long-term success. Control efforts must be coordinated
2 across political and ownership boundaries in order to be effective.

3 (4) The presence of noxious weeds on public lands constitutes a
4 public nuisance and negatively impacts public and private lands. The
5 legislature finds that control and eradication of noxious weeds on
6 private lands is in the public interest.

7 NEW SECTION. **Sec. 2.** This state is facing an environmental
8 disaster that will affect other states as well as other nations. The
9 legislature finds that six years is sufficient time for state agencies
10 to debate solutions to the spartina and purple loosestrife problems
11 that are occurring in state waters. One of the purposes of this act is
12 to focus agency action on control and future eradication of spartina
13 and purple loosestrife. It is the mandate of the legislature that one
14 state agency, the department of agriculture, be responsible for a
15 unified effort to eliminate spartina and control purple loosestrife,
16 with the advice of the state noxious weed control board, and that state
17 agency shall be directly accountable to the legislature on the progress
18 of the spartina eradication and purple loosestrife control program.

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

21 (1) The director shall issue or approve water quality permits for
22 use by federal, state, or local governmental agencies and licensed
23 applicators for the purpose of using, for aquatic noxious weed control,
24 herbicides and surfactants registered under state or federal pesticide
25 control laws. The issuance of the permits shall be subject only to
26 compliance with: Federal and state pesticide label requirements, the
27 requirements of the federal insecticide, fungicide, and rodenticide
28 act, the Washington pesticide control act, the Washington pesticide
29 application act, and the state environmental policy act; and applicable
30 requirements established in an option or options recommended for
31 controlling the noxious weed by a final environmental impact statement
32 published under chapter 43.21C RCW by the department prior to the
33 effective date of this section, by the department of agriculture, or by
34 the department of agriculture jointly with other state agencies. This
35 section may not be construed as requiring the preparation of a new
36 environmental impact statement to replace a final environmental impact
37 statement published before the effective date of this section.

1 (2) The director of ecology may not utilize this permit authority
2 to otherwise condition or burden weed control efforts. The director's
3 authority to issue water quality modification permits for activities
4 other than the application of surfactants and approved herbicides, to
5 control aquatic noxious weeds, is unaffected by this section.

6 (3) As used in this section, "aquatic noxious weed" means an
7 aquatic weed on the state noxious weed list adopted under RCW
8 17.10.080.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.20 RCW
10 to read as follows:

11 (1) An activity conducted solely for the removal or control of
12 spartina shall not require hydraulic project approval.

13 (2) An activity conducted solely for the removal or control of
14 purple loosestrife and which is performed with hand-held tools, hand-
15 held equipment, or equipment carried by a person when used shall not
16 require hydraulic project approval.

17 (3) By June 30, 1997, the department of fish and wildlife shall
18 develop rules for projects conducted solely for the removal or control
19 of various aquatic noxious weeds other than spartina and purple
20 loosestrife and for activities or projects for controlling purple
21 loosestrife not covered by subsection (2) of this section, which
22 projects will use, divert, obstruct, or change the natural flow or bed
23 of any of the salt or fresh waters of the state. Following the
24 adoption of the rules, the department shall produce and distribute a
25 pamphlet describing the methods of removing or controlling the aquatic
26 noxious weeds that are approved under the rules. The pamphlet serves
27 as the hydraulic project approval for any project that is conducted
28 solely for the removal or control of such aquatic noxious weeds and
29 that is conducted as described in the pamphlet; no further hydraulic
30 project approval is required for such a project.

31 From time to time as information becomes available, the department
32 shall adopt similar rules for additional aquatic noxious weeds or
33 additional activities for removing or controlling aquatic noxious weeds
34 not governed by subsection (1) or (2) of this section and shall produce
35 and distribute one or more pamphlets describing these methods of
36 removal or control. Such a pamphlet serves as the hydraulic project
37 approval for any project that is conducted solely for the removal or
38 control of such aquatic noxious weeds and that is conducted as

1 described in the pamphlet; no further hydraulic project approval is
2 required for such a project.

3 (4) As used in this section, "spartina," "purple loosestrife," and
4 "aquatic noxious weeds" have the meanings prescribed by section 12 of
5 this act.

6 (5) Nothing in this section shall prohibit the department of fish
7 and wildlife from requiring a hydraulic project approval for those
8 parts of hydraulic projects that are not specifically for the control
9 or removal of spartina, purple loosestrife, or other aquatic noxious
10 weeds.

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

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

15 (1) Administration:

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

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

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

21 (d) "Person" means an individual, partnership, corporation,
22 association, organization, cooperative, public or municipal
23 corporation, or agency of the state or local governmental unit however
24 designated;

25 (e) "Hearing board" means the shoreline hearings board established
26 by this chapter.

27 (2) Geographical:

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

30 (b) "Ordinary high water mark" on all lakes, streams, and tidal
31 water is that mark that will be found by examining the bed and banks
32 and ascertaining where the presence and action of waters are so common
33 and usual, and so long continued in all ordinary years, as to mark upon
34 the soil a character distinct from that of the abutting upland, in
35 respect to vegetation as that condition exists on June 1, 1971, as it
36 may naturally change thereafter, or as it may change thereafter in
37 accordance with permits issued by a local government or the department:
38 PROVIDED, That in any area where the ordinary high water mark cannot be

1 found, the ordinary high water mark adjoining salt water shall be the
2 line of mean higher high tide and the ordinary high water mark
3 adjoining fresh water shall be the line of mean high water;

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

6 (d) "Shorelines" means all of the water areas of the state,
7 including reservoirs, and their associated wetlands, together with the
8 lands underlying them; except (i) shorelines of state-wide
9 significance; (ii) shorelines on segments of streams upstream of a
10 point where the mean annual flow is twenty cubic feet per second or
11 less and the wetlands associated with such upstream segments; and (iii)
12 shorelines on lakes less than twenty acres in size and wetlands
13 associated with such small lakes;

14 (e) "Shorelines of state-wide significance" means the following
15 shorelines of the state:

16 (i) The area between the ordinary high water mark and the western
17 boundary of the state from Cape Disappointment on the south to Cape
18 Flattery on the north, including harbors, bays, estuaries, and inlets;

19 (ii) Those areas of Puget Sound and adjacent salt waters and the
20 Strait of Juan de Fuca between the ordinary high water mark and the
21 line of extreme low tide as follows:

22 (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

23 (B) Birch Bay--from Point Whitehorn to Birch Point,

24 (C) Hood Canal--from Tala Point to Foulweather Bluff,

25 (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point,
26 and

27 (E) Padilla Bay--from March Point to William Point;

28 (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and
29 adjacent salt waters north to the Canadian line and lying seaward from
30 the line of extreme low tide;

31 (iv) Those lakes, whether natural, artificial, or a combination
32 thereof, with a surface acreage of one thousand acres or more measured
33 at the ordinary high water mark;

34 (v) Those natural rivers or segments thereof as follows:

35 (A) Any west of the crest of the Cascade range downstream of a
36 point where the mean annual flow is measured at one thousand cubic feet
37 per second or more,

38 (B) Any east of the crest of the Cascade range downstream of a
39 point where the annual flow is measured at two hundred cubic feet per

1 second or more, or those portions of rivers east of the crest of the
2 Cascade range downstream from the first three hundred square miles of
3 drainage area, whichever is longer;

4 (vi) Those wetlands associated with (i), (ii), (iv), and (v) of
5 this subsection (2)(e);

6 (f) "Wetlands" or "wetland areas" means those lands extending
7 landward for two hundred feet in all directions as measured on a
8 horizontal plane from the ordinary high water mark; floodways and
9 contiguous floodplain areas landward two hundred feet from such
10 floodways; and all marshes, bogs, swamps, and river deltas associated
11 with the streams, lakes, and tidal waters which are subject to the
12 provisions of this chapter; the same to be designated as to location by
13 the department of ecology: PROVIDED, That any county or city may
14 determine that portion of a one-hundred-year-flood plain to be included
15 in its master program as long as such portion includes, as a minimum,
16 the floodway and the adjacent land extending landward two hundred feet
17 therefrom;

18 (g) "Floodway" means those portions of the area of a river valley
19 lying streamward from the outer limits of a watercourse upon which
20 flood waters are carried during periods of flooding that occur with
21 reasonable regularity, although not necessarily annually, said floodway
22 being identified, under normal condition, by changes in surface soil
23 conditions or changes in types or quality of vegetative ground cover
24 condition. The floodway shall not include those lands that can
25 reasonably be expected to be protected from flood waters by flood
26 control devices maintained by or maintained under license from the
27 federal government, the state, or a political subdivision of the state.

28 (3) Procedural terms:

29 (a) "Guidelines" means those standards adopted to implement the
30 policy of this chapter for regulation of use of the shorelines of the
31 state prior to adoption of master programs. Such standards shall also
32 provide criteria to local governments and the department in developing
33 master programs;

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

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

3 (d) "Development" means a use consisting of the construction or
4 exterior alteration of structures; dredging; drilling; dumping;
5 filling; removal of any sand, gravel, or minerals; bulkheading; driving
6 of piling; placing of obstructions; or any project of a permanent or
7 temporary nature which interferes with the normal public use of the
8 surface of the waters overlying lands subject to this chapter at any
9 state of water level;

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

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

18 (ii) Construction of the normal protective bulkhead common to
19 single family residences;

20 (iii) Emergency construction necessary to protect property from
21 damage by the elements;

22 (iv) Construction and practices normal or necessary for farming,
23 irrigation, and ranching activities, including agricultural service
24 roads and utilities on wetlands, and the construction and maintenance
25 of irrigation structures including but not limited to head gates,
26 pumping facilities, and irrigation channels: PROVIDED, That a feedlot
27 of any size, all processing plants, other activities of a commercial
28 nature, alteration of the contour of the wetlands by leveling or
29 filling other than that which results from normal cultivation, shall
30 not be considered normal or necessary farming or ranching activities.
31 A feedlot shall be an enclosure or facility used or capable of being
32 used for feeding livestock hay, grain, silage, or other livestock feed,
33 but shall not include land for growing crops or vegetation for
34 livestock feeding and/or grazing, nor shall it include normal livestock
35 wintering operations;

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

38 (vi) Construction on wetlands by an owner, lessee, or contract
39 purchaser of a single family residence for his own use or for the use

1 of his family, which residence does not exceed a height of thirty-five
2 feet above average grade level and which meets all requirements of the
3 state agency or local government having jurisdiction thereof, other
4 than requirements imposed pursuant to this chapter;

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

10 (viii) Operation, maintenance, or construction of canals,
11 waterways, drains, reservoirs, or other facilities that now exist or
12 are hereafter created or developed as a part of an irrigation system
13 for the primary purpose of making use of system waters, including
14 return flow and artificially stored ground water for the irrigation of
15 lands;

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

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

23 (xi) Any action commenced prior to December 31, 1982, pertaining to
24 (A) the restoration of interim transportation services as may be
25 necessary as a consequence of the destruction of the Hood Canal bridge,
26 including, but not limited to, improvements to highways, development of
27 park and ride facilities, and development of ferry terminal facilities
28 until a new or reconstructed Hood Canal bridge is open to traffic; and
29 (B) the reconstruction of a permanent bridge at the site of the
30 original Hood Canal bridge;

31 (xii) The process of removing or controlling an aquatic noxious
32 weed, as defined in section 12 of this act, through the use of an
33 herbicide or other treatment methods applicable to weed control that
34 are recommended by a final environmental impact statement published by
35 the department of agriculture or the department jointly with other
36 state agencies under chapter 43.21C RCW.

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

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

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

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

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

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

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

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

20 (4) "Owner" means the person in actual control of property, or his
21 agent, whether such control is based on legal or equitable title or on
22 any other interest entitling the holder to possession and, for purposes
23 of liability, pursuant to RCW 17.10.170 or 17.10.210, means the
24 possessor of legal or equitable title or the possessor of an easement:
25 PROVIDED, That when the possessor of an easement has the right to
26 control or limit the growth of vegetation within the boundaries of an
27 easement, only the possessor of such easement shall be deemed, for the
28 purpose of this chapter, an "owner" of the property within the
29 boundaries of such easement.

30 (5) As pertains to the duty of an owner, the words "control",
31 "contain", "eradicate", and the term "prevent the spread of noxious
32 weeds" shall mean conforming to the standards of noxious weed control
33 or prevention adopted by rule or regulation by the state noxious weed
34 control board and an activated county noxious weed control board.

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

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

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

3 (9) "Weed district" means a weed district as defined in chapters
4 17.04 and 17.06 RCW.

5 (10) "Aquatic noxious weed" means an aquatic plant species that is
6 listed on the state weed list under RCW 17.10.080.

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

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

13 Wherever the words "waters of the state" shall be used in this
14 chapter, they shall be construed to include lakes, rivers, ponds,
15 streams, inland waters, underground waters, salt waters and all other
16 surface waters and watercourses within the jurisdiction of the state of
17 Washington.

18 Whenever the word "pollution" is used in this chapter, it shall be
19 construed to mean such contamination, or other alteration of the
20 physical, chemical or biological properties, of any waters of the
21 state, including change in temperature, taste, color, turbidity, or
22 odor of the waters, or such discharge of any liquid, gaseous, solid,
23 radioactive, or other substance into any waters of the state as will or
24 is likely to create a nuisance or render such waters harmful,
25 detrimental or injurious to the public health, safety or welfare, or to
26 domestic, commercial, industrial, agricultural, recreational, or other
27 legitimate beneficial uses, or to livestock, wild animals, birds, fish
28 or other aquatic life.

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

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

33 Whenever the words "aquatic noxious weed" are used in this chapter,
34 they have the meaning prescribed under section 12 of this act.

35 NEW SECTION. **Sec. 8.** State agencies and local governments may not
36 use any other local, state, or federal permitting requirement,

1 regulatory authority, or legal mechanism to override the legislative
2 intent and statutory mandates of this act.

3 NEW SECTION. **Sec. 9.** Spartina removal shall include restoration
4 to return intertidal land and other infested lands to the condition
5 found on adjacent unaffected lands in the same tidal elevation. The
6 department of fish and wildlife, the department of ecology, the
7 department of agriculture, and the department of natural resources
8 shall develop a restoration plan in cooperation with owners of spartina
9 infested lands and shall submit the plan to the appropriate standing
10 committees of the house of representatives and the senate by December
11 31, 1995.

12 NEW SECTION. **Sec. 10.** (1) The state department of agriculture is
13 the lead agency for the control of spartina and purple loosestrife with
14 the advice of the state noxious weed control board.

15 (2) Responsibilities of the lead agency include:

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

19 (b) Preparation of a state-wide spartina management plan utilizing
20 integrated vegetation management strategies that encompass all of
21 Washington's tidelands. The plan shall be developed in cooperation
22 with local, state, federal, and tribal governments, private landowners,
23 and concerned citizens. The plan shall prioritize areas for control.
24 Nothing in this subsection prohibits the department from taking action
25 to control spartina in a particular area of the state in accordance
26 with a plan previously prepared by the state while preparing the state-
27 wide plan;

28 (c) Directing on the ground control efforts that include, but are
29 not limited to: (i) Control work and contracts; (ii) spartina survey;
30 (iii) collection and maintenance of spartina location data; (iv)
31 purchasing equipment, goods, and services; (v) survey of threatened and
32 endangered species; and (vi) site-specific environmental information
33 and documents; and

34 (d) Evaluating the effectiveness of the control efforts.

35 The lead agency shall report to the appropriate standing committees
36 of the house of representatives and the senate no later than May 15th
37 and December 15th of each year through the year 1999 on the progress of

1 the program, the number of acres treated by various methods of control,
2 and on the funds spent.

3 NEW SECTION. **Sec. 11.** This section applies to appropriations made
4 to the department of agriculture specifically for the removal or
5 control of spartina or purple loosestrife or both plants. The
6 legislature finds that: The presence of spartina or purple loosestrife
7 on private lands threatens wildlife habitat and provides a source of
8 renewed infestation for public lands; and effective eradication or
9 control of spartina or purple loosestrife requires concerted efforts on
10 both public and private lands to protect public resources. The
11 department of agriculture may grant funds to other state agencies,
12 local governments, and nonprofit corporations for eradication or
13 control purposes and may use those moneys itself. The department of
14 agriculture may match private funds for eradication or control programs
15 on private property on a fifty-fifty matching basis. The accounting
16 and supervision of the funds at the local level shall be conducted by
17 the department of agriculture.

18 NEW SECTION. **Sec. 12.** (1) Facilitating the control of spartina
19 and purple loosestrife is a high priority for all state agencies.

20 (2) The department of natural resources is responsible for spartina
21 and purple loosestrife control on state-owned aquatic lands managed by
22 the department of natural resources.

23 (3) The department of fish and wildlife is responsible for spartina
24 and purple loosestrife control on state-owned aquatic lands managed by
25 the department of fish and wildlife.

26 (4) The state parks and recreation commission is responsible for
27 spartina and purple loosestrife control on state-owned aquatic lands
28 managed by the state parks and recreation commission.

29 (5) Unless the context clearly requires otherwise, the definitions
30 in this subsection apply throughout this chapter, RCW 90.48.020,
31 90.58.030, and section 4 of this act:

32 (a) "Spartina" means *Spartina alterniflora*, *Spartina anglica*,
33 *Spartina x townsendii*, and *Spartina patens*.

34 (b) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum*
35 *virgatum*.

36 (c) "Aquatic noxious weed" means an aquatic weed on the state
37 noxious weed list adopted under RCW 17.10.080.

1 NEW SECTION. **Sec. 13.** Sections 1, 2, and 8 through 12 of this act
2 shall constitute a new chapter in Title 17 RCW.

3 NEW SECTION. **Sec. 14.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect immediately.

--- END ---