



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: December 6, 2000

(2) Purpose: Amend the existing rule to add 15 invasive, non-native wetland or aquatic plant species to the list of species that are prohibited from distribution, transportation, sale, purchase, or offer for sale in this state. Also, the existing rule needs clarification of provisions and updating of text and taxonomy.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 16-752-500, -505, -515, -520
 Suspended:

(4) Statutory authority for adoption: Chapters 17.24, 17.10, and 15.13 RCW

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-21-116 on October 18, 2000 (date).
 Describe any changes other than editing from proposed to adopted version: None

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules **Emergency Rules**
or Expedited Repeal

- 31 days after filing Immediately
- Other (specify) _____ Later (specify)

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Jim Jesernig

Signature

Title
Director

Date
December 6, 2000

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 6 2000

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TIME _____ 01-01-014

AM
PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	<u>4</u>	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	<u>2</u>	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed	
Pilot rule making:	New	Amended	Repealed	
Other alternative rule making:	New	Amended	<u>4</u>	Repealed

AMENDATORY SECTION (Amending WSR 92-07-024, filed 3/10/92, effective 4/10/92)

WAC 16-752-500 Establishing wetland and aquatic weed quarantine. Washington waters and wetlands are threatened by nonnative, aggressive (~~(, perennial)~~) weeds that destroy the commercial, aesthetic, fish and/or wildlife habitat, and recreational value of these areas. (~~(Parrot's Feather (or parrotfeather or waterfeather))~~) African elodea, Brazilian elodea (or egeria), Eurasian watermilfoil, ((and)) fanwort, slender-leaved naiad, hydrilla((7)) and water chestnut (a different species from the food "water chestnut" commonly sold in grocery stores) are submersed, rooted species that can invade shallow to deep water. Parrotfeather, water primrose, and yellow floating heart are rooted plants that invade shallow water and aquatic margins. European frogbit and swollen bladderwort are freely floating species. These species, when established, form dense mats that will clog irrigation systems and waterways, displace native species, alter fish and wildlife habitat, and seriously impact recreational use of the waterways.

Garden loosestrife, hairy willow herb, grass-leaved arrowhead, mud mat, marsh dew flower and flowering rush are rooted plants which invade wetlands, shallow water and aquatic margins. When established, their dense stands displace native vegetation and harm wildlife habitat.

Salt meadow cordgrass, common cordgrass, and smooth cordgrass are noxious weeds that have invaded (~~(a small part of the)~~) salt water estuarine areas on the Washington coast displacing native species, threatening bird and mammal habitats and the shellfish industry. Dense-flowered cordgrass, a closely related species, has potential to duplicate this invasion.

The director of agriculture, pursuant to the powers provided in chapters 17.10, 15.13 and 17.24 RCW, finds that the regulation and exclusion of these plants and plant parts are necessary to preserve Washington waters and wetlands, both fresh water and estuarine, from new or additional infestation. These requirements and restrictions, contained in WAC 16-752-500 through 16-752-525, are in addition to the requirements contained in WAC 232-12-271, "Criteria for planting aquatic plants and releasing wildlife," administered by the Washington state department of fish and wildlife.

AMENDATORY SECTION (Amending WSR 92-07-024, filed 3/10/92, effective 4/10/92)

WAC 16-752-505 Wetland and aquatic weed quarantine--Regulated articles. All plants and plant parts of the following are regulated articles under this chapter: (~~Eurasian watermilfoil (*Myriophyllum spicatum*), hydrilla (*Hydrilla verticillata*), salt meadow cordgrass (*Spartina patens*), common cordgrass (*Spartina anglica*), smooth cordgrass (*Spartina alterniflora*), Parrot's Feather, parrotfeather or waterfeather (*Myriophyllum aquaticum* also known as *M. brasiliense* or *M. proserpinacoides*), and Brazilian elodea or egeria (*Egeria densa* or *Elodea densa*).~~)

<u>Scientific Name</u>	<u>Common Name</u>
<u><i>Butomus umbellatus</i></u>	<u>flowering rush</u>
<u><i>Cabomba caroliniana</i></u>	<u>fanwort</u>
<u><i>Egeria densa</i></u>	<u>Brazilian elodea</u>
<u><i>Epilobium hirsutum</i></u>	<u>hairy willow herb</u>
<u><i>Glossostigma diandrum</i></u>	<u>mud mat</u>
<u><i>Hydrilla verticillata</i></u>	<u>hydrilla</u>
<u><i>Hydrocharis morsus-ranae</i></u>	<u>European frog-bit</u>
<u><i>Lagarosiphon major</i></u>	<u>African elodea</u>
<u><i>Ludwigia hexapetala</i></u>	<u>water primrose</u>
<u><i>Lysimachia vulgaris</i></u>	<u>garden loosestrife</u>
<u><i>Murdannia keisak</i></u>	<u>marsh dew flower, Asian spiderwort</u>
<u><i>Myriophyllum aquaticum</i></u>	<u>parrotfeather</u>
<u><i>Myriophyllum spicatum</i></u>	<u>Eurasian watermilfoil</u>
<u><i>Najas minor</i></u>	<u>slender-leaved naiad, brittle naiad</u>
<u><i>Nymphoides peltata</i></u>	<u>yellow floating heart</u>
<u><i>Sagittaria graminea</i></u>	<u>grass-leaved arrowhead</u>
<u><i>Spartina alterniflora</i></u>	<u>smooth cordgrass</u>
<u><i>Spartina anglica</i></u>	<u>common cordgrass</u>
<u><i>Spartina densiflora</i></u>	<u>dense-flowered cordgrass</u>
<u><i>Spartina patens</i></u>	<u>salt meadow cordgrass</u>
<u><i>Trapa natans</i></u>	<u>water chestnut, bull nut</u>
<u><i>Utricularia inflata</i></u>	<u>swollen bladderwort</u>

AMENDATORY SECTION (Amending WSR 92-07-024, filed 3/10/92, effective 4/10/92)

WAC 16-752-515 Wetland and aquatic weed quarantine--Exemptions. The prohibition on transporting plants or plant parts in WAC 16-752-510 shall not apply to plants or plant parts

collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities(~~(. Provided)~~), except that all activities requiring live plants, except pressed specimens, are conducted under permit from the director and are conducted in such a way that no infestation is created. No permit is required to transport plants or plant parts, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposition(~~(. Provided, That)~~), if such activities are conducted under the supervision of an official weed control agency or other public agency with management responsibilities for the control efforts and are conducted in such a manner that seed dispersal or dispersal of propagative materials to uninfested areas (~~are~~) is prevented. No permit is required for live plants for educational or training purposes (~~shall not require a permit provided that~~), if the specimens are disposed of in such a manner as to prevent infestation.

AMENDATORY SECTION (Amending WSR 92-07-024, filed 3/10/92, effective 4/10/92)

**WAC 16-752-520 Wetland and aquatic weed quarantine--
Disposition of regulated articles.** Any plants or plant parts transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment (~~back~~) out-of-state if the (~~director~~) department determines that such shipment may be done without danger of infestation. Any action (~~shall~~) will be at the expense of the owner or the owner's agent and without compensation.