

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1961

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture,

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Chapter 16-752 rules relating to an emergency noxious weeds grant program.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect:
- thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
- at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

to provide emergency assistance to local noxious weed control agencies who receive state noxious weed grant funds between July 1, 1986 and June 30, 1987, and whose noxious weed control program would be seriously impaired without such funds.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[x] (a) This rule is promulgated pursuant to RCW 17.10 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED December 2, 1987

By [Signature] Deputy Director

STATE OF WASHINGTON FILED

[Form CR-7: Rev. 7/23/82]

DEC 2 1987

CODE REVISER'S OFFICE WSR 87-24-091

NEW SECTION

WAC 16-752-200 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM--

PURPOSE. (1) The purpose of the following rules are to provide emergency assistance to local noxious weed control agencies who received state noxious weed control grant funds between July 1, 1986 and June 30, 1987, and whose noxious weed control program would be seriously impaired without such funds.

(2) Definition. "Local agency" means any activated county noxious weed control board, weed district or intercounty weed district.

NEW SECTION

WAC 16-752-201 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM--

ALLOTMENT. One hundred thousand dollars or so much thereof as may be necessary shall be distributed as provided in this chapter.

NEW SECTION

WAC 16-752-202 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM--

APPLICATION. (1) The legislative authority of any county with an activated county noxious weed control board, or board of any weed district which received and utilized state grant funds between July 1, 1986 and June 30, 1987 may apply to the director for grant funds pursuant to this chapter.

(2) Each applicant shall employ adequate administrative personnel to supervise an effective weed control program.

(3) No requests shall exceed the total amount of state noxious weed control grant funds requested and utilized by the applicant local agency between July 1, 1986 and June 30, 1987.

(4) Funds allocated under this chapter and not expended by June 30, 1987 shall revert to the department.

NEW SECTION

WAC 16-752-203 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM--

REQUIREMENTS. (1) Monies from the emergency noxious weeds grant fund shall be used solely for the purchase of materials and/or biological control agents by one of the following methods:

(a) Direct purchase by a local agency for application by the agency or for distribution to landowners;

(b) Reimbursement to local agencies of local monies paid to landowners following the landowner's purchase or application of materials or biological control agents: PROVIDED, That no local agency shall be reimbursed for any weed control activities performed prior to December 15, 1987.

(2) Monies from the emergency noxious weeds grant fund shall not be used for the application costs of materials or biological

control agents whether applied by the local agency, landowner or commercial applicator.

(3) All activities carried out under the emergency noxious weeds grant program shall comply with Washington pesticide application act, chapter 17.21 RCW, Washington pesticide control act, chapter 15.58 RCW, any any rules promulgated under these chapters. For those local agencies which choose to purchase materials directly for distribution to landowners this shall include but not be limited to the local agency obtaining a pesticide dealer license and the supervisor or other representative of the local agency obtaining a pesticide dealer manager license.

(4) Monies from the emergency noxious weeds grant fund shall be used only on those weeds which are on the noxious weed list, WAC 16-750-010.

(5) All recipients shall employ approved crop/pasture/range management and weed control practices on those lands for which assistance is received.

(6) Each landowner participating in the program shall complete an application and crop/pasture/range management agreement prior to receiving state assistance to control noxious weeds. Upon completion of treatment, each landowner participating in the program shall file a certification of completion of treatment with the local agency. These records shall be maintained by the local agency as part of its permanent state noxious weed control grant program record. Individual local agencies shall be responsible for developing forms to meet this requirement and such forms shall contain substantially the same information as that contained in the department form, "application for assistance to control noxious weeds". A sample of each form used by a local agency in conjunction with this program shall be submitted to the department prior to any payment by the department.

(7) Records.

(a) Those local agencies which purchase materials or biological control agents directly for distribution to landowners shall maintain records on the quantity and value of materials and agents distributed to each landowner.

(b) Those local agencies which reimburse landowners following the landowner's purchase of materials or biological control agents shall retain a copy of the invoice showing the landowner's name, the date of purchase, the material and agents purchased, and the quantity and value of that purchase.

(c) The records specified in subsection (7)(a) and (b) of this section shall be maintained by the local agency as part of its permanent state noxious weed control grant program record.

(8) Each local agency shall develop an inspection plan to ensure landowner compliance with the provisions of this chapter. Such inspection plan shall include inspecting not less than twenty percent of the treated properties in any one year. If after inspection, any landowner shall be found not in compliance with the provisions of this program, the local agency shall immediately notify the department and shall withhold any outstanding payment to this landowner until such payment is approved by the department.

NEW SECTION

WAC 16-752-204 EMERGENCY NOXIOUS WEEDS GRANT PROGRAM--
PAYMENT. (1) One signed original copy of the memorandum of understanding between the local agency and the department shall be submitted to the department on or before June 27, 1988 and prior to payment by the department. A second signed original copy shall be maintained as a part of the local agency's permanent noxious weed control grant program record.

(2) Requirements for payment by the department are as follows:

(a) Those local agencies that purchase materials or biological control agents directly shall be required to submit to the department a bill of sale showing the name and address of the vendor, the name of the material, the amount purchased and the cost along with a completed state invoice, form A-19, prior to payment by the department. Additionally, on or before July 7, 1988, a noxious weed control program report summarizing all program control activities conducted during the term of the agreement shall be completed and submitted to the department.

(b) Those local agencies that reimburse landowners following the purchase or application of materials or biological control agents shall be required to complete a noxious weed control program report summarizing the control activities conducted to date along with each completed state invoice, form A-19, prior to payment by the department. Additionally, on or before July 7, 1988, a noxious weed control program report summarizing all program control activities conducted during the term of the agreement shall be completed and submitted to the department.

(3) State invoices, form A-19, submitted for payment shall be received by the department no later than July 7, 1988.

(4) Failure to submit the required forms within the times specified may delay or eliminate payment.