



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (7/1/89)

Agency: Agriculture	<input type="checkbox"/> Permanent Rule <input checked="" type="checkbox"/> Emergency Rule
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(1) Date of adoption: 10/4/89

(2) Purpose: To detect, identify, eradicate and control noxious weeds which pose a serious threat to Washington Agricultural industry, the public and the environment.

(3) Citation of existing rules affected by this order:  
 Repealed:  
 Amended: N/A  
 Suspended:

(4) Authority for adoption:  
 Statute: 17.10 RCW  
 Other Authority:

(5.1) **PERMANENT RULE ONLY**  
 Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).  
 Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**  
 Pursuant to 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: Sites are so seriously infested as to require quarantine, movement of contaminated materials from these sites presents an immediate threat of infestation to the rest of the county agricultural and non-agricultural areas, and restriction of such spread is critical to control efforts.

(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:

<b>Permanent Rules</b>	<b>Emergency Rules</b>
<input type="checkbox"/> 30 days after filing	<input checked="" type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<input type="checkbox"/> Later (specify) _____

\*(If less than 30 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 04 1989

TIME: 4:27 AM  
 WSR: 89-20-077

NAME (TYPE OR PRINT)  
C. Alan Pettibone

SIGNATURE  
*C. Alan Pettibone*

TITLE  
Director

DATE  
10/4/89

## RULES RELATING TO YELLOW NUTSEDGE QUARANTINE

### NEW SECTION

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (Cyperus esculentus L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz county [WAC 16-752-011(27)]. Yellow nutsedge has infested two dredging spoils sites at the Port of Kalama in Kalama, Washington. Movement of material from these sites has initiated additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified sites are so seriously infested as to require quarantine, and

(2) That the movement of contaminated materials from these sites presents an immediate threat of infestation to the rest of the county agricultural and non-agricultural areas, and

(3) That the restriction of such spread is critical to control efforts.

### NEW SECTION

WAC 16-752-305 Quarantine area. The quarantine area shall encompass two dredge spoil sites at and owned by the Port of Kalama, Kalama, Washington designated as "KS-1" and "KS-2", Sec.21, T6N, R1W WM.

### NEW SECTION

WAC 16-752-310 Articles whose movement is restricted. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (nutlets or seeds) of the plant, is covered by this quarantine.

### NEW SECTION

WAC 16-752-315 Regulations. Use of the properties identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil from the quarantine locations is prohibited without a permit from the Cowlitz County Noxious Weed Control Board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities requires a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off road vehicles are banned in the quarantine area without the written permission of the Cowlitz County Noxious Weed Control Board.

(4) All weed control measures in the quarantine area are to be undertaken in consultation with the Cowlitz County Noxious Weed Control Board.

(5) Yellow nutsedge control shall take precedent over all other land uses in the quarantine area.

#### NEW SECTION

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210 (2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz County Noxious Weed Control Board or the director in consultation with the Washington State Noxious Weed Control Board.

#### NEW SECTION

WAC 16-752-325 Duration. This quarantine shall be effective until October 15, 1990 and shall expire unless renewed by the director.

#### NEW SECTION

WAC 16-752-330 Violation and Penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.350 and WAC 16-750-900(3) which provides a monetary penalty of up to one thousand dollars per infraction.