



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: January 11, 1991

(2) Purpose:

To control an infestation of yellow nutsedge at the Port of Kalama in Kalama, WA.

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

Repealed:

Amended: WAC 16-752, Rules Relating to Yellow Nutsedge Quarantine

Suspended:

(4) Authority for adoption:

Statute: Chapter 17.10 RCW, Noxious Weeds--Control Boards

Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 90-23-057 on November 19, 1990 (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:

(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

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)

C. Alan Pettibone

SIGNATURE

C. Alan Pettibone

TITLE

Director

DATE

1/11/91

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 11 1991

TIME 8:31

WSR

91-03-045

AMENDATORY SECTION (Amending WSR 89-24-090, filed 12/6/89, effective 1/6/90)

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 16-750-011(27)). Yellow nutsedge ((has infested--two)) infests a dredging spoil site((s)) at the Port of Kalama in Kalama, Washington. Movement of material from ((these)) this site((s)) 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 site((s-are)) is so seriously infested as to require quarantine; and
- (2) That the movement of contaminated materials from ((these)) this site((s)) presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and
- (3) That the restriction of such spread is critical to control efforts.

AMENDATORY SECTION (Amending WSR 89-24-090, filed 12/6/89, effective 1/6/90)

WAC 16-752-305 QUARANTINE AREA. The quarantine area shall encompass ((two)) the dredge spoil site((s)) at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and more particularly described as follows:

The following described real estate, situated in the county of Cowlitz, state of Washington:

Parcel ((+)) - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

((Parcel--2---containing--2.46--acres,--more--or--less;

A--tract--of--land--in--the--Jacob--Ahles--D.L.C.--No.--44--in--Section--20, Township--6--north,--Range--1--west--of--the--Willamette--Meridian,--and--more particularly--described--as--follows:

Beginning--at--the--intersection--of--the--easterly--extension--of--the--north--line--of--a--tract--of--land--leased--to--North--Pacific--Grain--Growers, Inc.,--with--a--line--30,00--feet--westerly,--when--measured--at--right--angles,--from--the--westerly--line--of--the--Northern--Pacific--Railway--right--of--way,--said--point--being--north--2374.49--feet--and--north--88--degrees--46'22"--west parallel with the south line of said Ahles-Deer--2090.78--feet--from the southeast corner of said Section 20,--These are designated as "KS-1"--and--"KS-2,"--Section--20,--T6N,--R1W--W4,--Warranty--Deed--No--850805007, Vol--989,--pages--1010-1012,--Parcel--No--60050200.)

READOPTED SECTION (Readopting WSR 89-24-090, filed 12/6/89, effective 1/6/90)

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.

AMENDATORY SECTION (Amending WSR 89-24-090, filed 12/6/89, effective 1/6/90)

WAC 16-752-315 REGULATIONS. Use of the ((properties)) property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil from the quarantine ((locations)) site, except as provided in subsection (6) of this section, 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 require((s)) 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, except in designated parking areas.

(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 precedence over all other land uses in the quarantine area.

(6) The Cowlitz County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: PROVIDED, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

READOPTED SECTION (Readopting WSR 89-24-090, filed 12/6/89, effective 1/6/90)

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.

READOPTED SECTION (Readopting WSR 89-24-090, filed 12/6/89, effective 1/6/90)

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-752-325 DURATION.