



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: March 10, 1992

(2) Purpose:

To stop the spread of and to protect Washington waters and wetlands from new infestations of non-native, aggressive, perennial weeds.

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

Repealed:
Amended: 16-752-500 through 16-752-525
Suspended:

(4) Authority for adoption:

Statute: 17.10.235 RCW, and Chapter 17.24 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 92-03-105 on January 17, 1992 (date).

Describe any changes other than editing from proposed to adopted version:

Section 16-752-507 was added to specify the quarantine area.

(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)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 10 1992

TIME: 10:49
WSR: 9207-024

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

C. Alan Pettibone, Agency Director

TITLE

Director

DATE

3/10/92

WETLAND AND AQUATIC WEED QUARANTINE

NEW SECTION

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, and recreational value of these areas. Parrot's Feather (or parrotfeather or waterfeather), Brazilian elodea (or egeria), eurasian watermilfoil, and hydrilla, when established, will clog irrigation systems and waterways and seriously impact recreational use of the waterways. 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. The director of agriculture, pursuant to the powers provided in chapters 17.10 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 wildlife.

NEW SECTION

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*).

NEW SECTION

WAC 16-752-507 WETLAND AND AQUATIC WEED QUARANTINE--QUARANTINE AREA. The area under the wetland and aquatic weed quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

NEW SECTION

WAC 16-752-510 WETLAND AND AQUATIC WEED QUARANTINE--PROHIBITED ACTS. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated plants, listed in WAC 16-752-505, into or within the state of Washington. It is further

prohibited to intentionally transplant wild plants and/or plant parts of these species within the state of Washington.

NEW SECTION

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, 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 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 prevented. Live plants for educational or training purposes shall not require a permit provided that specimens are disposed of in such a manner as to prevent infestation.

NEW SECTION

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 determines that such shipment may be done without danger of infestation. Any action shall be at the expense of the owner or the owner's agent and without compensation.

NEW SECTION

WAC 16-752-525 WETLAND AND AQUATIC WEED QUARANTINE--PENALTIES. Any person who violates the terms of this quarantine, as provided in WAC 16-752-500 through 16-752-520, or who aids and abets in such violation, shall be subject to criminal and/or civil penalties provided by law.