



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: **WA State Noxious Weed Control Board**

- Permanent Rule
 Emergency Rule

(1) Date of adoption: **July 19, 1995**

(2) Purpose:
The WA State Noxious Weed Control Board has made an emergency addition to the State Noxious Weed List to add Hydrilla Verticillata to the Class A list.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: **WAC 16-750-005**
Suspended:

(4) Authority for adoption:
Statute: **Chapter 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:

See attached Emergency Rule-Making Order.

(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 |
| <input type="checkbox"/> 31 days after filing | <input checked="" type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____ * | <input type="checkbox"/> 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

AUG 01 1995

FILED 3:55
WSR 9516112

NAME (TYPE OR PRINT)

Ray Fann, Chairman, State Weed Board

SIGNATURE

Ray Fann

TITLE

Chairman, State Weed Board

DATE

7/20/95

AMENDATORY SECTION (Amending WSR 93-01-004, filed 12/2/92,
effective 1/2/93)

WAC 16-750-005 State noxious weed list - Class A noxious
weeds.

Common Name

Scientific Name

| | |
|------------------------|------------------------------|
| bean-caper, Syrian | Zygophyllum fabago |
| blueweed, Texas | Helianthus ciliaris |
| buffalobur | Solanum rostratum |
| cordgrass, salt meadow | Spartina patens |
| crupina, common | Crupina vulgaris |
| four o'clock, wild | Mirabilis nyctaginea |
| hawkweed, mouseear | Hieracium pilosella |
| hogweed, giant | Heracleum mantegazzianum |
| <u>hydrilla</u> | <u>Hydrilla verticillata</u> |
| johnsongrass | Sorghum halepense |
| knapweed, bighead | Centaurea macrocephala |
| knapweed, Vochin | Centaurea nigrescens |
| mallow, Venice | Hibiscus trionum |
| nightshade, silverleaf | Solanum elaeagnifolium |
| peganum | Peganum harmala |
| sage, Mediterranean | Salvia aethiopsis |
| starthistle, purple | Centaurea calcitrapa |
| thistle, Italian | Carduus pycnocephalus |
| thistle, milk | Silybum marianum |
| thistle, slenderflower | Carduus tenuiflorus |
| unicorn-plant | Proboscidea louisianica |
| velvetleaf | Abutilon theophrasti |
| woad, dyers | Isatis tinctoria |

Emergency Rule-Making Order
to list
***Hydrilla verticillata* as a Class A Noxious Weed**
Washington State Noxious Weed Control Board, July 19, 1995

Scientific Name: *Hydrilla verticillata* (L.f.) Royle

Common Name: hydrilla

Specific Change

Hydrilla verticillata (hydrilla) is hereby designated as a Class A weed on the Washington State Noxious Weed List (WAC 16-750-005). Class A weeds are noxious weeds not native to the state that are of limited distribution and that pose a serious threat to the state. Hydrilla fits this description, and immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for Rule Making

On June 1, 1995, hydrilla, an invasive, nonnative aquatic plant, was discovered in the 73 acre Pipe/Lucerne Lake system in the Auburn area. This is the first known occurrence of this extremely invasive freshwater plant in the Pacific Northwest.

Once established, hydrilla outcompetes native plant species and destroys freshwater recreational opportunities by forming extensive surface mats. Like other aquatic plants that form monocultures, hydrilla is a destroyer of aquatic ecosystems. Florida has spent 56 million dollars since 1984 to manage this plant and South Carolina estimates that they spend about 2.5 million each year for hydrilla control activities. We do not want Washington to be in the same situation as these states. Therefore, it is imperative to take immediate action to prevent hydrilla from being established in our state!

Contact has been made with aquatic plant scientists and managers throughout the United States for advice on how to eradicate this plant. They all agree that prompt action is essential. They also agree that hydrilla is a serious pest that causes severe economic impacts.

Hydrilla has been on the Monitor List (WAC 16-750-025) in Washington since 1991, when the first Monitor List was created. The monitor list is designed to recognize potentially serious threats to Washington and to monitor for the occurrence of these species. There is no legal or regulatory aspect to the Monitor List. Hydrilla has also been under quarantine in Washington (WAC 16-752-505) since the creation of the noxious weed quarantines in 1992.

Hydrilla was the subject of a Washington State Non-Native Aquatic Plant workshop held in Olympia in May 1993. The hydrilla action plan goal as identified by workshop participants is "to prevent the establishment and spread of hydrilla in Washington State and to promote the prevention of establishment of hydrilla in the Pacific Northwest." A hydrilla management workshop was held in Portland Oregon on February 13 and 14, 1995 and Washington State was invited to send a speaker and participate in the development of an Oregon hydrilla management plan. The goal of the Oregon plan is to "maintain hydrilla as a non-problem in Oregon and the Pacific Northwest. The seriousness of the threat posed by hydrilla to the Pacific Northwest has been recognized for several years.

Justification for Immediate Adoption

The immediate listing of hydrilla as a Class A noxious weed in Washington is necessary for the preservation of public health, safety, and general welfare, and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Authority: Listing hydrilla as a Class A noxious weed is a necessary first step towards eradicating this plant from Washington's waters. A Class A listing gives the state and local programs legal authority to take steps to eradicate the plant. Without listing as a noxious weed, no other authority exists to require control of the species.

Exponential Growth: The biology of hydrilla provides for extremely rapid growth and competitive advantages over native vegetation. This infestation has not been caught early and the species is nearing a phase of exponential growth. As an example of the ability of hydrilla to grow exponentially, an infestation identified in Lake Weohyakapka, Florida in 1991 was at a similar stage to the infestation in Pipe and Lucerne Lakes now. By late 1993 hydrilla was expected to fill the entire 7,500 acre lake. If control activities are not conducted during this growing season, the effort required to contain and eradicate this species from Washington's waters will be substantially greater (~~see below for more information on the biology of this species~~). *LMP*

Public Health and Safety: Hydrilla infestations can pose serious public safety risks, as thick mats of vegetation on or near the surface can interfere with safe swimming and recreation. The risk to the public is greater than that from Eurasian watermilfoil. Cherokee Bay, a community beach and recreation area on Pipe and Lucerne Lakes, is open to the community for swimming and well used on hot days. The lake is rimmed by homes with access for swimming and boating. Swimmers can become entangled in dense hydrilla mats and drown. Dense hydrilla mats also are a physical hazard to boaters and they create mosquito breeding grounds. With the high level of community use of the area, action to control hydrilla is essential. (~~see below for more information on the threats posed by hydrilla~~). *LMP*

Economic Relief: The state weed law holds landowners responsible for the cost of controlling noxious weeds in Washington. Every growing season that passes without hydrilla control will substantially increase the cost of eradicating this species. Control costs for whole-lake treatments, which will be required for Pipe and Lucerne Lakes, can easily run from \$70,000 to \$500,000. The Washington State Department of Ecology has grant funds available through its Aquatic Weeds Management Fund to assist with early detection and control efforts for aquatic noxious plants. Without the official listing of hydrilla as a noxious weed, it would be difficult to allow grant funds to be spent on hydrilla this season. Without listing as a noxious weed, grant funds would definitely not be available for more than an initial treatment. The public welfare would be served by the availability of supplemental funding and by the prevention of infestation expansion and the accompanying expansion of their financial liability. (see information on the control of hydrilla) *amp*

Permit Action: Eradication of an aquatic noxious weed sometimes calls for severe measures requiring multiple permits and review processes. Listing hydrilla as a Class A weed conveys the seriousness of the situation to the public and government officials. Preliminary conversations with permitting agencies have indicated that without listing as a noxious weed, review time for local and state permitting would likely be extended and the chance of permit refusal increased.

Public Involvement: Hydrilla clearly meets the definition of a Class A noxious weed and the intent of the noxious weed law. The experience of other states gives dramatic evidence to the threat posed by this species. Previous rule making, to list hydrilla as a quarantined species (preventing the sale, trade, or transport of any part of the plant) provides regulatory precedent that Washington residents are concerned about controlling this species. A public information campaign is underway, utilizing television and newspaper media outlets, to inform the public about hydrilla and the drive to list the species as a noxious weed. An informational session was conducted by the King County Lakes Stewardship Program and the Washington State Department of Ecology with assistance from the State Weed Board, for lake shore residents on July 6, 1995. Residents were updated on the nature of the hydrilla problem, control options, and the request for the addition of hydrilla to the state noxious weed list. Turnout was substantial and the lakeshore community supportive of control efforts and the listing process. Hydrilla emergency rule making was on the regular agenda of the July 19, 1995 State Weed Board meeting, which is sent out two weeks in advance to all county noxious weed control boards and districts and all parties who have requested to regularly receive meeting notices and agendas. Public participation is always welcome at State Weed Board meetings, and there was an open discussion period to allow for any comments on the hydrilla listing proposal before the State Weed Board made their final rule making decision.