



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

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

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

**(1) Date of adoption:** November 16, 1999

**(2) Purpose:** The State Noxious Weed Control Board has amended the State Noxious Weed List to add species determined to be noxious, to change areas designated for control of some noxious weeds, and to delete a noxious weed from the list. The Board also added an attendance policy for State Noxious Weed Control Board members and made several minor changes throughout the WAC to improve clarity and readability.

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

Repealed: WAC 16-750-175, -190  
 Amended: WAC 16-750-001, -003, 004, 005, 011, 015, 020, 025, 105, 115, 120, 130, 135, 140, 145, 150, 155, 165, 185  
 Suspended:

**(4) Statutory authority for adoption:** Chapter 17.10 RCW  
Other Authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 99-20-137 on 10-6-99 (date).  
Describe any changes other than editing from proposed to adopted version: none

**EMERGENCY RULE ONLY**

- Under 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:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date)

**(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<br/>or Expedited Repeal</b>                     | <b>Emergency Rules</b>                         |
| <input type="checkbox"/> 31 days after filing                      | <input type="checkbox"/> Immediately           |
| <input checked="" type="checkbox"/> Other (specify) <u>1-3-00*</u> | <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)

Name (Type or Print)  
Lisa E. Lantz

Signature  
*Lisa E. Lantz*

Title  
Executive Secretary

Date  
November 23, 1999

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

NOV 23 1999

TIME 11:43 AM

WSR 99-24-029 PM

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	-----	Amended	-----	Repealed	-----
<b>Federal rules or standards:</b>	New	-----	Amended	-----	Repealed	-----
<b>Recently enacted state statutes:</b>	New	-----	Amended	-----	Repealed	<u>1</u>

**The number of sections adopted at the request of nongovernmental entity:**

New	-----	Amended	-----	Repealed	-----
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**The number of sections adopted in the agency's own initiative:**

New	-----	Amended	<u>16</u>	Repealed	<u>2</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	-----	Amended	<u>11</u>	Repealed	<u>1</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	-----	Amended	-----	Repealed	-----
<b>Pilot rule making:</b>	New	-----	Amended	-----	Repealed	-----
<b>Other alternative rule making:</b>	New	-----	Amended	-----	Repealed	-----

AMENDATORY SECTION (Amending WSR 91-24-072, filed 12/2/91, effective 1/2/92)

**WAC 16-750-001 State noxious weed list--Purpose.** In accordance with RCW 17.10.080 a state noxious weed list (~~(comprising)~~) of the names of those plants which the state noxious weed control board finds to be highly destructive, competitive, or difficult to control by cultural or chemical practices is (~~(hereby)~~) adopted (~~(in this chapter)~~).

AMENDATORY SECTION (Amending WSR 97-06-108, filed 3/5/97, effective 4/5/97)

**WAC 16-750-003 Definitions.** (1) The definitions (~~(set forth)~~) in this section shall apply throughout this chapter, unless the context (~~(otherwise)~~) plainly requires otherwise:

(a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.

(b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.

(c) "Director" means the director of the department of agriculture, or the director's appointed representative.

(d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.

(e) "Department" means the department of agriculture of this state.

(f) (~~("Person" means any individual, partnership, corporation, firm, or any other entity.~~

~~(g))~~) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.

(~~(h))~~) (g) "Meeting" means meetings at which action is taken.

(~~(i))~~) (h) "Regular meetings" means recurring meetings held in accordance with a periodic schedule (~~(declared by)~~) in compliance with applicable statute or rule.

(2) The definitions (~~(set forth)~~) in this subsection (~~(shall)~~) apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context (~~(otherwise)~~) plainly requires otherwise:

(a) "Control" means to prevent all seed production and to

prevent the dispersal of the following propagules of aquatic noxious weeds - turions, fragments, tubers, and nutlets.

(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.

(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

AMENDATORY SECTION (Amending WSR 91-24-072, filed 12/2/91, effective 1/2/92)

**WAC 16-750-004 Noxious weed region descriptions.** The state of Washington is divided into ten regions for the purpose of designating Class B noxious weeds.

(1) Region 1 description. A region consisting of all lands lying within the boundaries of Clallam and Jefferson counties.

(2) Region 2 description. A region consisting of all lands lying within the boundaries of Whatcom, Skagit, Snohomish, San Juan, and Island counties.

(3) Region 3 description. A region consisting of:

(a) All lands lying within the boundaries of Okanogan County.

(b) All lands lying within the boundaries of Chelan and Douglas counties and north of Highway 2.

(4) Region 4 description. A region consisting of:

(a) All lands lying within the boundaries of Ferry, Stevens, and Pend Oreille counties.

(b) All lands lying within the boundaries of Spokane County and north of the Spokane River.

(5) Region 5 description. A region consisting of all lands lying within the boundaries of Grays Harbor, Mason, Kitsap, Thurston, Pierce, and King counties.

(6) Region 6 description. A region consisting of:

(a) All lands lying within the boundaries of Kittitas and

Grant counties.

(b) All lands lying within the boundaries of Chelan and Douglas counties and south of Highway 2.

(c) All lands lying within the boundaries of Yakima County and north of Highway 12 from the Yakima -- Lewis County line to Yakima and north of Highway 82 from Yakima to the Yakima -- Kittitas County line.

(d) All lands lying within the boundaries of Ranges 28E, 29E, and 30E of Adams County.

(7) Region 7 description. A region consisting of:

(a) All lands lying within the boundaries of Lincoln and Whitman counties.

(b) All lands lying within the boundaries of Spokane County and south of the Spokane River.

(c) All lands lying ((with)) within the boundaries of Ranges 31E, 32E, 33E, 34E, 35E, 36E, 37E, and 38E of Adams County.

(8) Region 8 description. A region consisting of all lands lying within the boundaries of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark counties.

(9) Region 9 description. A region consisting of:

(a) All lands lying within the boundaries of Benton and Klickitat counties.

(b) All lands lying within the boundaries of Yakima County and south of Highway 12 from the Yakima -- Lewis County line to Yakima and south of Highway 82 from Yakima to the Yakima -- Kittitas County line.

(c) All lands lying within the boundaries of Franklin County and west of Highway 395.

(10) Region 10 description. A region consisting of:

(a) All lands lying within the boundaries of Asotin, Garfield, Columbia, and Walla Walla counties.

(b) All lands lying within the boundaries of Franklin County and east of Highway 395.

AMENDATORY SECTION (Amending WSR 98-24-026, filed 11/23/98, effective 1/2/99)

**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
broom, Spanish	Spartium junceum
buffalobur	Solanum rostratum
clary, meadow	Salvia pratensis
cordgrass, salt meadow	Spartina patens
crupina, common	Crupina vulgaris
flax, spurge	Thymelaea passerina

four o'clock, wild	Mirabilis nyctaginea
<u>goatsrue</u>	<u>Galega officinalis</u>
hawkweed, yellow devil	Hieracium floribundum
hogweed, giant	Heracleum mantegazzianum
hydrilla	Hydrilla verticillata
johnsongrass	Sorghum halepense
knapweed, bighead	Centaurea macrocephala
knapweed, Vochin	Centaurea nigrescens
lawnweed	Soliva sessilis
<u>mustard, garlic</u>	<u>Alliaria petiolata</u>
nightshade, silverleaf	Solanum elaeagnifolium
(( <u>peganum</u>	<u>Peganum harmala</u> ))
sage, clary	Salvia sclarea
sage, Mediterranean	Salvia aethiopsis
saltcedar	Tamarix ramosissima
spurge, eggleaf	Euphorbia oblongata
starthistle, purple	Centaurea calcitrapa
thistle, Italian	Carduus pycnocephalus
thistle, milk	Silybum marianum
thistle, slenderflower	Carduus tenuiflorus
velvetleaf	Abutilon theophrasti
woad, dyers	Isatis tinctoria

AMENDATORY SECTION (Amending WSR 98-24-026, filed 11/23/98, effective 1/2/99)

**WAC 16-750-011 State noxious weed list--Class B noxious weeds.**

Name	Will be a "Class B designate" in all lands lying within:
(1) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10  (b) Ferry, Stevens, Pend Oreille counties of region 4  (c) Adams County of region 7.
(2) blueweed <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10

Name	Will be a "Class B designate" in all lands lying within:
	(b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3, 4, 6, 7, 9, 10.
(4) bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9
	(b) region 7 except Whitman County
	(c) Franklin County of region 10.
(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10
	(b) region 4 except Stevens and Spokane counties
	(c) Lincoln, Adams, and Whitman counties of region 7.
(6) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9
	(b) Lincoln and Adams counties
	(c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.
(7) camelthorn <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 9

Name	Will be a "Class B designate" in all lands lying within:
(8) carrot, wild <i>Daucus carota</i>	<p>(b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County</p> <p>(c) Franklin, Columbia, Garfield, and Asotin counties of region 10</p> <p>(d) an area beginning at the Washington -- Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington--Oregon border, then west along the Washington --Oregon border to the point of beginning.</p>
(9) catsear, common <i>Hypochaeris radicata</i>	<p>(a) regions 3, 7, 10 (except where intentionally cultivated)</p> <p>(b) Spokane and Ferry counties of region 4 (except where intentionally cultivated)</p> <p>(c) region 6, except Yakima County (except where intentionally cultivated)</p> <p>(d) region 9, except Yakima County (except where intentionally cultivated).</p>
(10) chervil, wild <i>Anthriscus sylvestris</i>	<p>(a) regions 3, 4, 6, 7, 10</p> <p>(b) region 9 except Klickitat County.</p> <p>(a) regions 1, (<del>2</del>) 3, 4, 6, 7, (<del>8</del>) 9, 10</p> <p>(b) region 5 except those portions of Thurston County within T 15, 16, 17N, R2, 3, 4W</p> <p>(c) <u>region 2 except Guemes Island in Skagit County</u></p> <p>(d) <u>region 8 except Clark County.</u></p>
(11) cinquefoil, sulfur <i>Potentilla recta</i>	<p>(a) regions 1, 3, 8, 10</p>



Name	Will be a "Class B designate" in all lands lying within:
	(b) region 2 except Skagit County
	(c) region 4 except Stevens, Ferry, and Pend Oreille counties
	(d) region 5 except Thurston County
	(e) region 6 except Yakima County
	(f) region 7 except Spokane County
	(g) region 8 except Lewis County
	(h) region 9 except Klickitat County.
(12) cordgrass, smooth <i>Spartina alterniflora</i>	(a) regions 1, 3, 4, 5, 6, 7, 9, 10
	(b) region 2 except Padilla Bay of Skagit County
	(c) region 8 except bays and estuaries of Pacific County.
(13) cordgrass, common <i>Spartina anglica</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10
	(b) region 2 except bays and estuaries of Skagit and Island counties and except bays and estuaries north of Everett in Snohomish County.
(14) daisy, oxeye <i>Leucanthemum vulgare</i>	(a) regions 7, 10
	(b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East
	(c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
(15) clodea, Brazilian <i>Egeria densa</i>	(a) regions 3, 4, 6, 7, 9, 10
	(b) Lewis County of region 8
	(c) <u>Ctallam County of region 1.</u>
(16) fanwort <i>Cabomba caroliniana</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(b) region 8 except T8N, R3W of Cowlitz County.
(17) fieldcress, Austrian <i>Rorippa austriaca</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9
	(b) regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
(18) gorse <i>Ulex europaeus</i>	(a) regions 3, 4, 6, 7, 9, 10

Name	Will be a "Class B designate" in all lands lying within:
(19) hawkweed, mouseear <i>Hieracium pilosella</i>	<ul style="list-style-type: none"> <li>(b) Skagit and Whatcom counties of region 2</li> <li>(c) Thurston, Pierce, and King counties of region 5</li> <li>(d) Wahkiakum, Cowlitz, and Lewis counties of region 8</li> <li>(e) <u>Clallam County of region 1.</u></li> <li>(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10</li> <li>(b) region 5 except Thurston County</li> <li>(c) Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.</li> </ul>
(20) hawkweed, orange <i>Hieracium aurantiacum</i>	<ul style="list-style-type: none"> <li>(a) regions 3, 6, 9, 10</li> <li>(b) Clallam County of region 1</li> <li>(c) Skagit County of region 2</li> <li>(d) Ferry County of region 4</li> <li>(e) Thurston and King counties of region 5</li> <li>(f) Lincoln and Adams counties of region 7</li> <li>(g) <u>Lewis County of region 8.</u></li> </ul>
(21) hawkweed, polar <i>Hieracium atratum</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10</li> <li>(b) region 5 outside the boundaries of Mt. Rainier National Park.</li> </ul>
(22) hawkweed, smooth <i>Hieracium laevigatum</i>	<ul style="list-style-type: none"> <li>(a) regions 1, ((<del>2</del>)) 3, <u>4</u>, 5, 6, 7, 8, 9, 10</li> <li>(b) San Juan (<del>and</del>), Island, and Skagit counties of region 2.</li> </ul>
(23) hawkweed, yellow <i>Hieracium caespitosum</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 5, 6, 7, 8, 10</li> <li>(b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County</li> <li>(c) region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.</li> </ul>
(24) hedgeparsley <i>Torilis arvensis</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 6, 7, 8, 10</li> <li>(b) Yakima, Benton, Franklin counties</li> </ul>

Name	Will be a "Class B designate" in all lands lying within:	
(25) helmet, policeman's <i>Impatiens glandulifera</i>	(c)	Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
	(b)	region 2 except Whatcom County
	(c)	region 5 except Pierce ( <del>County</del> ) and Thurston counties.
(26) herb-Robert <i>Geranium robertianum</i>	(a)	regions 3, 4, 6, 7, 9, 10
(27) houndstongue <i>Cynoglossum officinale</i>	(a)	<u>Kittitas County of region 6.</u>
(28) indigobush <i>Amarpha fruticosa</i>	(a)	regions 1, 2, 3, 4, 5, 6
	(b)	regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
	(c)	regions 8, 9, and 10 except within 200 feet of the Columbia River.
<del>((28))</del> (29) knapweed, black <i>Centaurea nigra</i>	(a)	regions 1, 2, 3, 4, 5, 7, 9, 10
	(b)	region 6 except Kittitas County
	(c)	region 8 except Clark County.
<del>((29))</del> (30) knapweed, brown <i>Centaurea jacea</i>	(a)	regions 1, 2, 3, 4, 5, 7, 9, 10
	(b)	region 6 except Kittitas County
	(c)	region 8 except Clark County.
<del>((30))</del> (31) knapweed, diffuse <i>Centaurea diffusa</i>	(a)	regions 1, 2, 5, 8

Name	Will be a "Class B designate" in all lands lying within:
<del>((31))</del> (32) knapweed, meadow <i>Centaurea jacea x nigra</i>	(b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M. (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6 (d) Franklin County of regions 9 and 10. (a) regions 1, 2, 3, 4, 5, 7, 9, 10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
<del>((32))</del> (33) knapweed, Russian <i>Acroptilon repens</i>	(a) regions 1, 2, 5, 7, 8 (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County (c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26 (d) Intercounty Weed District No. 52 (e) region 10 except Franklin County.
<del>((33))</del> (34) knapweed, spotted <i>Centaurea biebersteinii</i>	(a) regions 1, 2, 3, 5, 6, 8, 9

Name	Will be a "Class B designate" in all lands lying within:
	(b) Ferry County of region 4
	(c) Adams and Whitman counties of region 7
	(d) region 10 except Garfield County.
(35) <u>knotweed, giant</u> <i>Polygonum sachalinense</i>	(a) <u>Kittitas County of region 6.</u>
(36) <u>knotweed, Japanese</u> <i>Polygonum cuspidatum</i>	(a) <u>Kittitas County of region 6.</u>
<del>((34))</del>	(a) Skagit and Whatcom counties of region 2
(37) <u>kochia</u> <i>kochia scoparia</i>	(b) Pend Oreille County of region 4
	(c) King County of region 5
	(d) Kittitas County of region 6.
<del>((35))</del>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10
(38) <u>lepyrodielis</u> <i>Lepyrodielis holosteoides</i>	(b) region 7 except an area within Whitman County east of the Pullman -- Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
<del>((36))</del>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10
(39) <u>loosestrife, garden</u> <i>Lythrum vulgaria</i>	(b) region 5 except King County
	(c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.
<del>((37))</del>	(a) regions 1, 4, 7, 8
(40) <u>loosestrife, purple</u> <i>Lythrum salicaria</i>	(b) region 2 except Snohomish County
	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
	(d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5

Name	Will be a "Class B designate" in all lands lying within:
	(c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line
	(f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections
	(g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
	(h) region 9 except Benton County
	(i) region 10 except Walla Walla County
	(j) Intercounty Weed Districts No. 51 and No. 52.
((38)) (41) looestrife, wand <i>Lythrum virgatum</i>	(a) regions 1, 4, 7, 8
	(b) region 2 except Snohomish County
	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
	(d) region 5 except King County
	(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line

Name	Will be a "Class B designate" in all lands lying within:
<del>((39))</del> (42) nutsedge, yellow <i>Cyperus esculentus</i>	<p>(f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed</p> <p>(g) region 9 except Benton County</p> <p>(h) region 10 except Walla Walla County</p> <p>(i) Intercounty Weed Districts No. 51 and No. 52.</p> <p>(a) regions 1, 2, 3, 4, 5, 7, 8</p> <p>(b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.</p> <p>(c) region 9 except:</p>

Name

Will be a "Class B designate" in all lands lying within:

- 
- (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
- (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
- (d) region 10 except Walla Walla County.



Name	Will be a "Class B designate" in all lands lying within:	
<del>((40))</del> (43) oxtongue, hawkweed <i>Picris hieracioides</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
<del>((41))</del> (44) parrotfeather <i>Myriophyllum aquaticum</i>	(b)	region 8 except Skamania County.
<del>((42))</del> (45) pepperweed, perennial <i>Lepidium latifolium</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
(46) <u>primrose, water</u> <u><i>Ludwigia hexapetala</i></u>	(b)	region 8 except Clark, Cowlitz, and Wahkiakum counties.
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8, 10
<del>((44))</del> (48) ragwort, tansy <i>Senecio jacobaea</i>	(b)	Intercounty Weed Districts No. 51 and 52
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(c)	Kittitas County of region 6
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(d)	Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
(46) <u>primrose, water</u> <u><i>Ludwigia hexapetala</i></u>	(a)	<u>regions 1, 2, 3, 4, 5, 6, 7, 9, 10</u>
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(b)	<u>region 8 except T8N, R3W, S14 of Cowlitz County.</u>
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(a)	Skagit County of region 2
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(b)	Kittitas County of region 6
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(c)	Adams County
<del>((43))</del> (47) puncturevine <i>Tribulus terrestris</i>	(d)	<u>Clallam County of region 1.</u>
<del>((44))</del> (48) ragwort, tansy <i>Senecio jacobaea</i>	(a)	regions 3, 4, 6, 7, 9, 10

Name	Will be a "Class B designate" in all lands lying within:
	(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
<del>((45))</del> <u>(49)</u> rocket, garden <i>Eruca Vesicaria ssp. sativa</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (except where intentionally cultivated).
<del>((46))</del> <u>(50)</u> sandbur, longspine <i>Cenchrus longispinus</i>	(a) regions 1, 2, 3, 4, 5, 7, 8
	(b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
	(c) Intercounty Weed District No. 51
	<u>(d)</u> <u>Kittitas County of region 6.</u>
<del>((47))</del> <u>(51)</u> skeletonweed, rush <i>Chondrilla juncea</i>	(a) regions 1, 2, 3, 5, 8, 9
	(b) Franklin County except T13N, R36E; and T14N, R36E

Name	Will be a "Class B designate" in all lands lying within:
<del>((48))</del> (52) Snapdragon, dwarf <i>Chaenorrhinum minus</i>	(c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line. (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E Northwest (e) Stevens County north of Township 33 North of region 4 (f) Ferry and Pend Oreille counties of region 4 (g) Asotin County of region 10 (h) Garfield and Columbia counties south of Highway 12 (i) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
<del>((49))</del> (53) sowthistle, perennial <i>Sonchus arvensis</i> <i>ssp. arvensis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Spokane County (c) region 7 except Spokane County. (a) regions 1, 2, 3, 4, 7, 8, 9, 10 (b) Adams County of region 6

Name	Will be a "Class B designate" in all lands lying within:
<del>((50))</del> <u>(54)</u> spurge, leafy <i>Euphorbia esula</i>	<p>(c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.</p> <p>(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10</p> <p>(b) region 7 except as follows:</p> <p>(i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County</p> <p>(ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.</p>
<del>((54))</del> <u>(55)</u> starthistle, yellow <i>Centaurea solstitialis</i>	<p>(a) regions 1, 2, 3, 5, 6, 8</p> <p>(b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25</p> <p>(c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border</p> <p>(d) Franklin County</p> <p>(e) region 9 except Klickitat County</p>

Name	Will be a "Class B designate" in all lands lying within:
<del>((52))</del> (56) Swainsonpea <i>Sphaerophysa salsula</i>	(f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35; T11N, R45E, Sections 21, 22, 23, and 25; T11N, R36E, Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33; T10N, R44E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7, 8, 17, 18, 19, 20, 21, 22, 27, 34, and 35; T9N, R46E, Sections 1, 2, 12, 13, 14, 23, 24, 25, 26, 35, and 36; T9N, R47E, Sections 18, 19, 30, and 31; T8N, R46E, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 23, and 24; T8N, R47E, Sections 8, 17, 18, 19, 20, 29, 30, 31, and 32.  (a) regions 1, 2, 3, 4, 5, 7, 8  (b) Columbia, Garfield, Asotin, and Franklin counties  (c) an area beginning at the Washington -- Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington-- Oregon border, then west along the Washington -- Oregon border to the point of beginning  (d) Weed District No. 3 of Grant County  (e) Adams County of region 6.
<del>((53))</del> (57) thistle, musk <i>Carduus nutans</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10  (b) Spokane and Pend Oreille counties.
<del>((54))</del> (58) thistle, plumeless <i>Carduus acanthoides</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10  (b) region 4 except those areas within Stevens County lying north of State Highway 20.

Name	Will be a "Class B designate" in all lands lying within:
<del>((55))</del> (59) thistle, Scotch <i>Onopordum acanthium</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9  (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border  (c) Franklin County.
<del>((56))</del> (60) toadflax, Dalmatian <i>Linaria dalmatica</i> <i>ssp. dalmatica</i>	(a) regions 1, 2, 5, 8, 10  (b) Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E  (c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E  (d) Kittitas, Chelan, Douglas, and Adams counties of region 6  (e) Intercounty Weed District No. 51  (f) Weed District No. 3 of Grant County  (g) Lincoln and Adams counties  (h) The western two miles of Spokane County of region 7  (i) region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitat River and within Klickitat County.
<del>((57))</del> (61) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a) regions 1, 9, 10  (b) region 7 except Spokane County  (c) region 8 except within 200 feet of the Columbia River

Name	Will be a "Class B designate" in all lands lying within:
	(d) Adams County of region 6
	(e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.

AMENDATORY SECTION (Amending WSR 98-24-026, filed 11/23/98, effective 1/2/99)

**WAC 16-750-015 State noxious weed list--Class C noxious weeds.**

Common Name	Scientific Name
babysbreath	Gypsophila paniculata
<u>beard, old man's</u>	<u>Clematis vitalba</u>
bindweed, field	Convolvulus arvensis
canarygrass, reed	Phalaris arundinacea
cockle, white	Silene latifolia ssp. alba
cocklebur, spiny	Xanthium spinosum
cress, hoary	Cardaria draba
dodder, smoothseed alfalfa	Cuscuta approximata
goatgrass, jointed	Aegilops cylindrica
henbane, black	Hyoscyamus niger
houndstongue	Cynoglossum officinale
knotweed, giant	Polygonum sachalinense
knotweed, Japanese	Polygonum cuspidatum
mayweed, scentless	Matricaria perforata
poison-hemlock	Conium maculatum
rye, cereal	Secale cereale
spikeweed	Hemizonia pungens
St. Johnswort, common	Hypericum perforatum
tansy, common	Tanacetum vulgare
<u>thistle, bull</u>	<u>Cirsium vulgare</u>
<u>thistle, Canada</u>	<u>Cirsium arvense</u>
toadflax, yellow	Linaria vulgaris
<del>((thistle, Canada</del>	<del>Cirsium arvense))</del>
whiteweed, hairy	Cardaria pubescens
wormwood, absinth	Artemisia absinthium

AMENDATORY SECTION (Amending WSR 97-06-108, filed 3/5/97, effective 4/5/97)

**WAC 16-750-020 Noxious weeds--Civil infractions--Schedule of monetary penalties.** Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control (~~(such)~~) the noxious weeds (~~(in accordance with chapter 17.10 RCW and the rules and regulations in force pursuant thereto shall)~~) will be assessed the following monetary penalties. The penalties (~~(shall be)~~) are assessed per parcel, per noxious weed species, per day after expiration of the notice to control filed pursuant to RCW 17.10.170:

(a) Any Class A noxious weed:

1st offense within five years	\$ 750
2nd and any subsequent offense	1,000

(b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

1st offense within five years	\$ 250
2nd offense	500
3rd offense	750
4th and any subsequent offense	1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 (~~(shall)~~) will be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000



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

**WAC 16-750-025 Plant monitor list--Purpose.** The purpose of the monitor list is to gather more information on suspect weeds as well as monitor for occurrence or spread. Information collected may be used to justify future inclusion on the state noxious weed list. There is no ~~((legal or))~~ regulatory aspect to this list. Reasons for plant inclusion on the monitor list include:

(1) ~~((A))~~ There is reason to believe the species is invasive or poses a potential threat to Washington.

(2) Additional information is needed on distribution, abundance, or biology.

(3) The species was once present in Washington and on the state noxious weed list. It is now being monitored for reoccurrence.

(4) ~~((A))~~ There is need to verify existence (site investigation), verify identification, and/or obtain voucher specimen.

(5) It exists in an adjacent state or province or occurs on an adjacent state or province's noxious weed list and is not known ~~((from))~~ to occur in Washington.

Native species of Washington will not be included on the monitor list. Each weed included on the monitor list will be included by vote of the noxious weed committee ~~((and will require a sponsor for monitoring))~~. A sponsor is required in order to place a weed on the monitor list. The current monitor list is kept in the state noxious weed board office.

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

**WAC 16-750-105 State noxious weed control board--Powers--Duties--Responsibilities.** The powers and duties of the board include:

(1) Adopting rules defining the words "control," "contain," "eradicate," and the term "prevent the spread of noxious weeds";

(2) Conducting elections to the board, and adopting rules as set forth in this chapter establishing a position number for each elected position to the board and ~~((designate))~~ designating in which county noxious weed control board members are eligible to vote for each elected position;

(3) Electing officers, conducting meetings, holding hearings, appointing committees, entering upon any property to administer chapter 17.10 RCW, and adopting the necessary rules to carry out its powers and duties identified herein;

(4) When petitioned, holding a hearing in a county to determine the need for activation of the county noxious weed

control board and, if such a need is found to exist, ordering the county legislative authority to activate and appoint members to such board;

(5) Each year or more often, adopting a state noxious weed list, classifying the weeds on the list, and entering written findings for the inclusion of each weed on the list;

(6) Sending a copy of the state noxious weed list to each activated county noxious weed control board, regional noxious weed control board, weed district, and each county legislative authority of each county with an inactivated noxious weed control board;

(7) When petitioned and following a hearing, ordering any county noxious weed board to include a noxious weed from the state list on the county board or district's weed list;

(8) Adopting a schedule of monetary penalties for each violation of chapter 17.10 RCW classified as a civil infraction and submitting the schedule to the appropriate courts;

(9) Employing an executive secretary whose qualifications, duties, and responsibilities are set forth in this chapter and RCW ((17.10.060)) 17.10.070;

(10) Preparing and distributing a biennial written report showing the ((funds disbursed by the department to each noxious weed control board or weed district,)) expenditure of state funds on noxious weed control; specifying how the funds were spent((τ)); the status of state, county, and district programs; recommending the continued best use of state funds((τ)); and recommending the long-term needs regarding weed control;

(11) Advising the director as provided for in chapter 17.10 RCW.

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

**WAC 16-750-115 State noxious weed control board--Membership.**

The board ((~~shall be~~)) is comprised of nine voting members and three nonvoting members selected as follows:

(1) Four of the members ((~~shall be~~)) are elected by the members of activated county noxious weed control boards eligible to vote for the elected position established by the state noxious weed board. Two ((~~such~~)) members ((~~shall be~~)) are elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state.

(2) The director ((~~shall be~~)) is a voting member.

(3) One member ((~~shall be~~)) is elected by the directors of activated weed districts formed under chapter 17.04 or 17.06 RCW.

(4) The Washington state association of counties ((~~shall~~)) appoints one voting member who ((~~shall~~)) must be a member of a county legislative authority.

(5) The director ((~~shall~~)) appoints two voting members to represent the public interest, one from the west side and one from

the east side of the state.

(6) The director (~~shall~~) appoints three nonvoting members representing scientific disciplines relating to weed control.

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

**WAC 16-750-120 State noxious weed control board--  
Nominations--Elections--Terms of office--Vacancies.** (1)

Nominations and elections to board positions (~~shall be~~) are conducted by regular mail.

(2) The board (~~shall~~) calls for nominations to elected positions at least sixty days prior to expiration of position terms.

(3) The board (~~shall~~) sends ballots to eligible activated county noxious weed control boards or weed district directors by regular mail at least forty-five days prior to expiration of each position term.

(4) Ballots (~~shall~~) must be returned no later than thirty days before expiration of each term. Only official ballots will be accepted. Photocopied ballots will be considered invalid.

(5) The board chairperson (~~shall~~) appoints a committee to count ballots and certify elections at least thirty days prior to expiration of each term.

(6) Results of elections (~~shall be~~) are announced prior to the next scheduled board meeting.

(7) For the purpose of conducting nominations or elections, the board (~~shall~~) uses the current list of county noxious weed control board voting members and weed district directors.

(8) Any person who is a resident in and member of an activated county noxious weed control board in the counties represented by positions 1, 2, 3, and 4 may enter his or her name, or that of any qualified person in nomination for election to the board position by voting members of the above activated county noxious weed control boards.

(9) Any director of an active weed district formed under chapter 17.04 or 17.06 RCW may enter a name in nomination for election to position 5 on the board.

(10) Each candidate or each person nominating such candidate (~~shall~~) must complete a certificate of nomination, and (~~shall~~) must return it to the board postmarked by the date specified.

(11) The board (~~shall~~) creates a ballot listing the names in alphabetical order beginning with the last name first, of the candidates nominated to the position of the board: Provided, That the board shall remove the name of any person nominated who notifies the board in writing that he or she is unwilling to serve on the board.

(12) The ballot, along with the statement, if any, of each

candidate in (~~such~~) the election (~~shall~~) will be mailed by regular mail to each voting member of an activated county noxious weed control board or director of an active weed district. Only county board members or weed district directors within the established position area are eligible to vote for the board member to represent that area.

(13) Each voting member of an activated county noxious weed control board or director of an activated weed district may cast one vote for the candidates appearing on the appropriate ballot and return it to the board as provided above and as per the dates specified (~~thereon~~).

(14) The candidate receiving the highest number of votes (~~shall be deemed~~) is elected: Provided, That if (~~such~~) the candidate fails to receive more than fifty percent of the votes cast in an election, a second election (~~shall~~) will be held between such candidate and the candidate receiving the next highest votes and: Provided further, That if there is only one candidate, (~~said~~) that candidate (~~shall~~) will be deemed elected unanimously.

(15) The term of office for all members of the board (~~shall be~~) is three years from the date of election or appointment.

(16) Vacancies among board members appointed by the director (~~shall~~) will be filled by the director. Vacancies among elected members (~~shall~~) will be filled by special election by those entities eligible to elect that position for the expired term. Special elections follow the same procedure (~~set forth for~~) as regular elections. Board members appointed to fill vacancies will serve out the existing term.

AMENDATORY SECTION (Amending WSR 97-06-108, filed 3/5/97, effective 4/5/97)

**WAC 16-750-130 State noxious weed control board--  
Organization.** The organization of the board is as follows:

(1) The officers of the board (~~shall be~~) are the chairperson, vice-chairperson, and secretary. The title of the chief administrative officer (~~shall be~~) is the executive secretary.

(2) Duties of officers.

(a) The chairperson (~~shall~~) presides at all meetings of the board, has the power to appoint committees, (~~shall~~) acts as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private agencies, and (~~shall~~) performs such other duties as pertain to the office.

(b) The vice-chairperson (~~shall~~) performs the duties of the chairperson in his or her absence, (~~shall~~) acts as an ex officio

member of all committees, and any other duties delegated by the chairperson. The vice-chairperson (~~shall~~) will assume the duties of and serve out the term of the chairperson upon permanent departure of (~~same~~) the chairperson.

(c) The secretary (~~shall be~~) is the official keeper of the minutes and (~~shall~~), approves them, and presents (~~the minutes~~) them to the board for adoption. In the absence of the chairperson and vice-chairperson, the secretary (~~will~~) performs the duties of the chairperson.

(d) The (~~duty~~) duties of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, (~~will be~~) are to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board (~~shall be for~~) is twelve months effective July 27 of the year elected and ending July 26 of the following year.

(4) Election of officers. Elections will be held at the first meeting of the fiscal year in July. Officers (~~shall be~~) are elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled by election of the voting board members present.

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

**WAC 16-750-135 State noxious weed control board--Meetings.**

(1) All meetings of the board (~~shall be~~) are open and public and all persons (~~shall be~~) are permitted to attend any meeting of the board, except as otherwise provided in the Open Public Meetings Act, chapter 42.30 RCW.

(2) Members of the public (~~shall not be~~) are not required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition (~~precedent to attendance~~) prior to attending.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of (~~such~~) the meeting unfeasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the chairperson may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the board members present. In such a session, the board will follow the procedures set forth in the Open Public Meetings Act (RCW 42.30.050).

(4) Adoption of rules, regulations, resolution, etc. The board shall not adopt any rules, regulations, resolution, etc.

except in a meeting open to the public and then only at a meeting, the date of which is fixed by rule, or at a meeting of which notice has been given according to the provisions of the Open Public Meetings Act. Any action taken at meetings failing to comply with this section (~~shall be~~) is null and void.

(5) Regular meetings--Schedule--Publication in State Register--Notice of change. The board (~~shall~~) will meet once every two months and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, (~~such regular~~) the meeting(~~s shall~~) will be held on the next business day. The executive secretary (~~shall~~) files with the code reviser a schedule of the time and place of (~~such~~) regular meetings on or before January of each year for publication in the Washington State Register. Notice of any change from (~~such~~) this meeting schedule (~~shall~~) will be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date.

(6) Notice. Ten days notice of all meetings (~~shall~~) will be given by mailing a copy of the notice and agenda to each board member, county noxious weed control board, and weed district.

(7) Special meetings. The ten-day notice may be waived for special meetings which may be called at any time by the chairperson, director, or a majority of the voting board members. Special meeting notification shall follow the procedures for special meetings set forth in the Open Public Meetings Act (RCW 42.30.080).

(8) Adjournments. (~~The chairperson may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the executive secretary may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.)) If a meeting is adjourned before the advertised time, a written notice will be posted at the meeting place that specifies when the meeting was adjourned.~~

(9) Executive sessions.

(a) The board may hold an executive session during a regular meeting which may be called by the chairperson or a majority of voting board members present. No official actions (~~shall~~) will be taken at executive sessions (~~which shall be binding~~). Executive sessions (~~shall~~) may deal only with matters authorized

by RCW 42.30.110.

(b) Before convening in executive session, the chairperson shall publicly announce the purpose of excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a (~~stated~~) later time by announcement of the chairperson.

(10) Agenda. The agenda (~~shall~~) will be prepared by the executive secretary in consultation with the chairperson. Items may be submitted by all board members to the executive secretary at least fifteen days prior to the board meeting.

(11) Attendance. Each board member is expected to attend all board and assigned committee meetings. In the event a board member is unable to attend, he or she is requested to provide the chairperson or executive secretary with the reasons for the absence prior to the meeting. Any voting member who misses two consecutive board meetings without providing the chairperson or the executive secretary with the reasons for the absences prior to the meeting may be removed from the board, following due notice and a hearing. Removal procedures may be initiated by a quorum vote of the board.

(12) Voting procedures. Board voting procedures on all matters (~~shall be~~) are as follows:

(a) Five voting members (~~shall~~) constitute a quorum to conduct the affairs of the board.

(b) The chairperson may vote on all matters coming before the board.

(c) A roll call of all voting board members present may be requested on all motions by any member.

(d) All members have the right to move (~~and~~) or second motions.

(e) (~~There shall be no~~) Proxy voting is not permitted.

(13) Minutes. The minutes of all regular and special meetings, except executive sessions, (~~shall~~) will be promptly recorded and such records (~~shall be~~) are open to public inspection.

(14) Press releases. All press releases and official information concerning board activities (~~shall~~) will be released from the board office.

(15) Public participation.

(a) Any person wishing to make a formal presentation at a regularly scheduled meeting of the board (~~shall~~) must notify the executive secretary of the subject matter at least fifteen days before the meeting.

(b) Permission to appear before the board (~~shall~~) will be granted by the executive secretary in consultation with the chairperson before the meeting. Permission (~~shall~~) includes the date and time of the meeting and the time set for formal presentation.

(c) The chairperson may, at his or her discretion, recognize anyone in the audience who indicates at the time of the meeting a desire to speak.

**WAC 16-750-140 State noxious weed control board--Committees.**

Standing committees shall fairly reflect the composition of the board and unless advertised and open to the public, not more than four voting members may attend a committee meeting.

(1) Executive committee. (~~There shall be~~) An executive committee is authorized to deal with housekeeping and personnel matters, subject to board approval at the next scheduled board meeting. The chairperson (~~shall~~) appoints the executive committee with approval of the board.

(2) Standing committees. The standing committees of the board (~~shall be~~) are: Budget, executive, (~~grant program,~~) noxious weed, and education. The board chairperson (~~shall~~) appoints the chairperson and other members of each committee.

(3) Ad-hoc committees may be appointed from time to time.

(4) Committee voting procedures.

(a) All members of a particular committee (~~shall~~) have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(b) (~~There shall be no~~) Proxy voting is not permitted.

(c) All questions decided by the committee (~~shall~~) will be by majority of the committee members present.

(5) Advisory committees. Advisory committees (~~shall be~~) are established by the board as deemed necessary to the functioning of the board. Advisory committees (~~shall be~~) are limited in their scope to the purposes determined by the board.

(6) (~~Committee of the whole. The chairperson may, from time to time, direct that items of major importance be discussed in the committee of the whole. Meetings of the committee of the whole shall be chaired by the chairperson. When meeting as a committee of the whole, all voting members shall have the right to vote. There shall be no proxy voting.~~)

(~~7~~) Notice. Notice of committee meetings shall be given to the executive secretary.

(~~8~~) (7) Committee reports.

(a) Committee reports and recommendations (~~shall be~~) are submitted to the board in writing except when committees meet in conjunction with the board.

(b) Minority reports may be submitted by members of a committee, if signed by (~~said~~) those members.

(~~9~~) (8) Committee compensation. Board members attending meetings of committees (~~shall~~) will, upon request, be reimbursed on the same basis as for attendance at regularly called board meetings.

(9) All committee appointments will be reviewed in July of even-numbered years.



**WAC 16-750-145 State noxious weed control board--Executive secretary--Definition.** The executive secretary acts as the chief administrative officer for the board and:

(1) Implements and administers the statutes, administrative rules, and policies of the noxious weed control program assigned to the board;

(2) Plans, develops, and prepares administrative rules and policies for the state noxious weed control program in conjunction with the board and the department; arranges public hearings in compliance with the Administrative Procedure Act and acts as chief hearing officer for the board; conducts elections for positions on the board;

(3) Coordinates the educational and weed control efforts of county and regional noxious weed control boards and weed districts;

(4) Coordinates board activities with the department, maintains a liaison and performs coordinating activities with other public and private agencies;

(5) Negotiates agreements, on behalf of the board, with federal agencies, tribes, and other public and private agencies;

(6) Represents the board before the state legislature; coordinates the development, edits, and oversees the production of the biennial report to the (~~governor, legislature,~~) county noxious weed boards (~~(7)~~) and weed districts on how state funds were spent and recommendations for the continued best use of state funds for noxious weed control;

(7) Plans, prepares, and presents programs on noxious weed control, specific weed species, and the role of the board; acts as the principal spokesperson of the board to the media, technical audiences, and the public;

(8) Maintains a collection of scientific and technical information relating to noxious weeds and integrated vegetation management; prepares written findings for the inclusion of species on the state noxious weed list;

(9) Develops, maintains, and ensures dissemination of information relating to noxious weeds to county noxious weed control boards and weed districts and keeps the general public and program participants informed of board activities and accomplishments;

~~(10) ((Coordinates with the department on the administration of the noxious weed grant program; advises and assists local county and weed district agencies in preparing state noxious weed control grants;))~~ Provides technical advice to county noxious weed boards and weed districts on the state noxious weed law and related rules;

(11) Plans and coordinates state-wide approaches to selected noxious weeds, assists in the development of state-wide noxious weed survey standards, coordinates efforts with department weed specialists;

(12) Coordinates the activities of the board by scheduling all regular and committee meetings; in consultation with the chair,

prepares meeting agendas; prepares all board correspondence; updates board on local, state, and federal noxious weed activities; acts as an ex officio, nonvoting member of all committees;

(13) Records the official minutes of the board and ensures their distribution; (~~maintains records on the noxious weed grant program and on county noxious weed boards and weed districts;~~) maintains all board records, acts as public record officer;

(14) Oversees fiscal management of the board's administrative budget and cooperates with the department in budget development;

(15) Supervises all board employees, approves hiring, rehiring, promotion, and termination of all board employees and ensures these processes and any disciplinary actions comply with state and department personnel policies; notifies board and department prior to initiating an adverse personnel action against any employee;

(16) Performs other assignments as determined by the board.

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

**WAC 16-750-150 State noxious weed control board--Executive secretary--Hiring and dismissal.** The board (~~shall have~~) has the responsibility for hiring and removing from office the executive secretary. The executive secretary may be dismissed by a majority vote of the full board upon the recommendation of the chairperson and the executive committee. Prior to initiating a dismissal the executive committee will notify the department. Neglect of duty, gross inefficiency, gross incompetence, gross misconduct, malfeasance or willful violation of obligations may give cause for a recommendation for dismissal or dismissal. Before any action is taken by the board to dismiss the executive secretary, the chairperson and one member of the executive committee will confer with the executive secretary and provide in writing and fully explain the charges and contemplated recommendation for dismissal. The privilege of a hearing before the executive committee or full board will be granted to the executive secretary prior to any formal action taken by the board. The executive secretary is granted thirty days preparation time for the hearing and is entitled to present evidence, to be assisted by favorable witnesses, and to confront unfavorable witnesses at the hearing.

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

**WAC 16-750-155 State noxious weed control board--Exchange time.** The board shall provide exchange time in lieu of overtime pay to its employees for hours worked in excess of forty hours per week. The time shall accrue on an hour-for-hour basis. Exchange time has no cash value.

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

**WAC 16-750-165 State noxious weed control board--Budget and finances.** (1) All board funds (~~shall~~) must be expended in a manner consistent with board wishes. The executive secretary is authorized to make these expenditures as appropriate. All matters related to payment of compensation and other expenses of the board (~~shall be~~) are subject to the State Budget and Accounting Act (chapter 43.88 RCW).

(2) Budget approval. The executive secretary (~~shall~~) prepares the biennial budget after consulting the budget committee. The budget will provide for costs associated with salary, personal benefits, travel, equipment, and goods and services for the operation of the board. The budget (~~shall be~~) is reviewed by the board for recommendation to and approval by the department and office of financial management.

(3) The board reserves the right to pursue additional funds for its administrative budget (~~or the noxious weed grant account~~) independent of the department.

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

**WAC 16-750-185 State noxious weed control board--Access to public records and documents.** (1) In accordance with the Public Records Disclosure Act of Washington, the board shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of RCW 42.17.260(~~(+5)~~) (6), 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records.

(2) The provisions of chapter 42.17 RCW shall be liberally construed to promote full access to public records so as to assure continuing public confidence and to assure the public interest will be fully protected.

(3) Place and times for inspection and copying. The executive secretary will make public records available for inspection upon request.

(4) Charges for copying. No fee shall be charged for the inspection of public records. The executive secretary may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying.

(5) Responses to requests. Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request the board will respond as follows:

(a) With the record requested;

(b) Acknowledgment of the request and a reasonable estimate of the time it will take to provide the requested records or documents;

(c) Denying the public record request.

Denials of requests will be accompanied by a written statement of the specific reasons the request is being denied and shall have received a prompt review and final determination by the board's executive committee. Additional time may be required to respond to a request due to time needed to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. In acknowledging receipt of a public record request that is unclear, the executive secretary may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the board will not respond to it.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-750-175

State noxious weed control board--  
Reports.

WAC 16-750-190

State noxious weed control board--  
Rule amendments.