

WSR 24-20-110
PROPOSED RULES
NOXIOUS WEED
CONTROL BOARD

[Filed October 1, 2024, 8:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-14-059.

Title of Rule and Other Identifying Information: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties. The Washington state noxious weed control board (WSNWCB) is proposing to amend pronouns and the state noxious weed list for 2025.

Hearing Location(s): On November 5, 2024, at 1:00 p.m., at the Confluence Technology Center, 285 Technology Center Way, Wenatchee, WA 98801; or via WebEx <https://agr.webex.com/agr/j.php?MTID=m4bd1e6b457812c16d55463abb11d32b0>, phone 877-312-2253, Meeting 2538 353 9546.

Date of Intended Adoption: November 6, 2024.

Submit Written Comments to: Mary Fee, WSNWCB, P.O. Box 42560, Olympia, WA 98504-2560, email mfee@agr.wa.gov or noxiousweeds@agr.wa.gov, fax 360-902-2053, beginning October 1, 2024, by Monday, November 4, 2024.

Assistance for Persons with Disabilities: Contact Mary Fee, phone 360-561-4428, fax 360-302-2053, TTY 800-833-6388, email mfee@agr.wa.gov, by Wednesday October 30th.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state noxious weed list provides the basis for noxious weed control efforts for county noxious weed control boards and other entities. It also provides guidelines for the state noxious weed control board. This proposal updates the noxious weed list, updates pronouns, and updates language throughout chapter 16-750 WAC. The anticipated effects include having an effective and efficient noxious weed list and guidelines for the administration of WSNWCB.

Updates to the noxious weed list:

WAC 16-750-005 Class A Noxious Weed Changes and Additions: The addition of round leaf bittersweet, *Celastrus orbiculatus* and the addition of marsh thistle, *Cirsium palustre*.

WAC 16-750-011 Class B Noxious Weed Changes and Additions: Undesignating shiny geranium, *Geranium lucidum*, in Pierce County.

WAC 16-750-015 Class C Noxious Weed Changes and Additions: Adding wild holly, *Ilex species*, not including holly found in managed landscapes, or where commercially or agriculturally grown.

Updating Pronouns Throughout: WAC 16-750-120 (8)(11), 16-750-130 (2)(b), 16-750-135 (11) and (15)(c), and 16-750-137(5).

Other administrative updates to ensure the chapter 16-750 WAC reflects and matches chapter 17.10 RCW, and other grammatical corrections.

Reasons Supporting Proposal: Under RCW 17.10.080, WSNWCB is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution. Under RCW 17.10.070, WSNWCB is charged with adopting, amending, or repealing rules, pursuant to the Administrative Procedure Act, chapter 34.05 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter.

The proposed addition of round leaf bittersweet, *Celastrus orbiculatus*, and marsh thistle, *Cirsium palustre* as class A noxious weeds

is intended to keep them from spreading from their very limited distribution to new locations within Washington state. Noxious weeds are very invasive species that when left uncontrolled outcompete agricultural crops and native species. Noxious weed infestations negatively impact both terrestrial and aquatic habits [habitats] as well as farming and grazing lands.

The designation change of shiny geranium from a class B noxious weed designated by the state for control to undesignated in Pierce County better meets the current distribution and control requirements in Pierce County. Class B noxious weeds are generally designated where they are absent, limited, or pose a serious threat to health, agriculture, or natural areas so the economic impact is not unreasonable.

The proposed addition of nonnative holly, *Ilex species* as a C noxious weed species is intended to help control nonnative holly in wilderness, ecosystems, and habitats and to limit its distribution to uninfested areas as well as allow for funding and permitting of control work.

Amending he/she pronouns to they/their pronouns helps to clarify current rule language using modern grammatically correct pronouns and to clarify current rule language using inclusive pronouns.

Statutory Authority for Adoption: RCW 17.10.070, 17.10.080.

Statute Being Implemented: Chapter 17.10 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSNWCB, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Mary Fee, 1111 Washington Street S.E., Olympia, WA 98504, 360-561-4428.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. WSNWCB is not one of the agencies listed in this section.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement (SBEIS)

Chapter 16-750 WAC

State Noxious Weed List and Schedule of Monetary Penalties

A Rule Concerning 2025 Noxious Weed List and Updates

September 30, 2024

SECTION 1: Describe the proposed rule: Chapter 17.24 RCW mandates "a strong system" to protect the forest, agricultural, horticultural, floricultural, and apiary industries of the state from the impact of insect pests, plant pathogens, noxious weeds, and bee pests and infestations. WSNWCB is charged with updating the state noxious weed list annually per RCW 17.10.080. Noxious weeds and invasive species adversely affect Washington's agriculture, natural and human resources,

and wildlife habitats, both terrestrial and aquatic. Eradication and control of noxious and invasive weed species limits economic loss and minimizes negative impacts to both businesses and the landscape protecting the forest, agricultural, horticultural, floricultural, and apiary industries of the state from noxious and invasive weed invasions.

The Washington state noxious weed list provides the basis for noxious weed control efforts for county noxious weed control boards and other entities. It also provides guidelines for the state noxious weed control board. This proposal makes a few amendments to WAC 16-750-005, 16-750-011, and 16-750-015. Specifically, WSNWCB is proposing:

1. WAC 16-750-005 Class A Noxious Weed Additions: The addition of round leaf bittersweet, *Celastrus orbiculatus* and the addition of marsh thistle, *Cirsium palustre*.

2. WAC 16-750-011 Class B Noxious Weed Changes: Undesignating shiny geranium, *Geranium lucidum*, in Pierce County.

3. WAC 16-750-015 Class C Noxious Weed Additions: Wild holly, *Ilex species*, not including holly found in managed landscapes or where commercially or agriculturally grown.

Proposed additions of Class A noxious weeds: The proposed addition of round leaf bittersweet, *Celastrus orbiculatus*, and marsh thistle, *Cirsium palustre* as Class A noxious weeds is intended to keep them from spreading from their very limited distribution to new locations within Washington state. Noxious weeds are very invasive species that when left uncontrolled outcompete agricultural crops and native species. Noxious weed infestations negatively impact both terrestrial and aquatic habits [habitats] as well as farming and grazing lands.

Round leaf bittersweet is proposed for listing as a class A noxious weed because it climbs and dominates canopies and it chokes and shades out lower plants. Additionally, birds readily spread seeds. The intent is to prevent round leaf bittersweet from establishing in Washington.

Marsh thistle, *Cirsium palustre*, is recommended for listing as a class A noxious weed because it invades riparian areas, wetlands, woodlands, and pastures. It forms monocultures and hybridizes with creeping thistle, *Cirsium arvense*. There are no or very limited infestations in Washington. The intent is to prevent marsh thistle from establishing in Washington.

Proposed designation changes: Shiny geranium: The designation change of shiny geranium to be undesignated in Pierce County is intended to better match the distribution. Shiny geranium is a small annual plant that produces a large amount of seed in a single season. Shiny geranium can outcompete native vegetation and is found in many different areas.

Proposed additions of class C noxious weeds: Wild holly, *Ilex species*, is a slow-growing evergreen shrub or tree. Birds spread the berries, which has allowed holly to become established in natural areas, such as native lowland forest. New scientific data indicate that in forests, holly can form dense thickets that can suppress native shrubs and young trees. Holly also reproduces by producing suckers, and branches can root where they touch the ground. Holly is tolerant of a wide range of soil, moisture, and light conditions, allowing it to invade a variety of sites. All parts of the plant can be toxic to humans, if ingested in large quantities. Berries are the most likely part to be eaten and can cause gastrointestinal problems in children who have eaten as few as three berries.

A brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need to comply with the proposed rule: If a business owns land that contains newly listed class A noxious weeds, it will be required to control that infestation. Both the proposed class A additions, round leaf bittersweet and marsh thistle, are in very limited distribution if at all in Washington state. The proposed addition of these two species is intended to protect Washington's agricultural lands, wilderness, and ecosystems from future infestations. This listing allows for early detection and rapid response if plants are found. Many county noxious weed control boards have programs to assist landowners with class A infestation eradication and control.

The designation change of shiny geranium is less restrictive and will have less compliance requirements. Counties may still select this for control at the local level.

This rule making may affect any businesses that own land infested with wild holly. The listing of wild holly means that county noxious weed boards have the option to subsequently select wild holly for mandatory control. The noxious weed list is separate from the Washington state department of agriculture (WSDA) quarantine lists (chapter 16-752 WAC), which prohibit the sale and transport of particular species, so the proposed listing of wild holly would not prohibit the production or sale of English holly grown for foliage or for horticultural use. A class C listing of wild holly does not itself require control by landowners. County noxious weed control boards would have the option of selecting it for mandatory control, although holly that is grown commercially or agriculturally would be excluded from this requirement. The vast majority of county noxious weed control boards polled indicated either an interest in educating the public or taking no regulatory action at all about wild holly. Therefore, there are no compliance requirements for this proposed listing.

SECTION 2: Identify which businesses must comply with the proposed rule using the North American Industry Classification System (NAICS) codes and the minor cost thresholds: The businesses listed in this table may have the potential to grow and/or sell the proposed species to be added to the noxious weed list. However, commercially or agriculturally grown holly is excluded.

NAICS Code (4, 5, or 6 Digits)	NAICS Business Industry Description	Number of Impacted Businesses That Operate in Washington State (if known)	Minor Cost Threshold = .3% of Average Annual Receipts	\$100 (This can be the default minor-cost used if data is unavailable)	Minor Cost Threshold = This Column Calculates Automatically. (0.01* AvgPay)	Cost of Business That is Less Than \$50 of Annual Cost Per Client or Other Appropriate Units of Service. DSHS rules only
111000	Other Crop Production	Unknown	Unknown	\$100	Unknown	Unknown
113000	Other forestry and logging	Unknown	Unknown	\$100	Unknown	Unknown
110000	Other Agriculture, forestry, fishing, and hunting	Unknown	Unknown	\$100	Unknown	Unknown
444220	Nursery, Garden Center, and Farm Supply Stores	Unknown	\$3612.25 Dataset pulled from ESD	\$100	\$4675.20 2021 Dataset pulled from ESD	Unknown
111421	Nursery and Tree Production	Unknown	\$2588.86 Dataset pulled from ESD	\$100	\$5322.57 2021 Dataset pulled from ESD	Unknown
115310	Support Activities for Forestry	Unknown	\$3238.51 2021 Dataset pulled from ESD	\$100	\$3893.89 2021 Dataset pulled from ESD	Unknown

NAICS Code (4, 5, or 6 Digits)	NAICS Business Industry Description	Number of Impacted Businesses That Operate in Washington State (if known)	Minor Cost Threshold = .3% of Average Annual Receipts	\$100 (This can be the default minor-cost used if data is unavailable)	Minor Cost Threshold = This Column Calculates Automatically. (0.01* AvgPay)	Cost of Business That is Less Than \$50 of Annual Cost Per Client or Other Appropriate Units of Service. DSHS rules only
444240	Nursery and Garden Centers	Unknown	Unknown	\$100	Unknown	Unknown
424930	Nursery Stock merchant Wholesalers	Unknown	\$8109.70 2021 Dataset pulled from ESD	\$100	\$4086.45 2021 Dataset pulled from ESD	Unknown

Additionally, any business that owns lands with an infestation of any of the proposed species to be added to the 2025 noxious weed list must comply with the proposed rule.

SECTION 3: Analyze the probable cost of compliance: There will be no increase in licensing, inspections, or other fees for the proposed listings. If a business owns land that contains newly listed class A noxious weeds, it may control the plant itself. Such a business would incur minor costs associated with control efforts, i.e. a shovel, possible herbicide, and/or herbicide sprayer which would total less than \$100. Over-the-counter herbicides are readily available, relatively inexpensive, and will control most noxious weed species. Most land-owning businesses have established vegetation management or landscaping plans and practices. The additional costs for staff hours for weed control related to the proposed changes to the noxious weed list are expected to be minor. There are over-the-counter herbicides available for noxious weed control. However, if a business chooses to use an optional regulated herbicide, then they will be required to retain an application record consistent with laws governing use of such regulated herbicides. The application record is the responsibility of the person applying the herbicide. While some land-owning businesses may choose to engage in professional services to control newly added/ designated noxious weeds, it is expectation that businesses will choose the more cost-effective option of controlling the weeds themselves. Additionally, many county noxious weed control boards have programs to assist landowners with class A infestation eradication and control.

Because so many noxious weeds are former or present ornamental species, the horticultural industry has the potential to be impacted by additions of new noxious weed species, as their noxious weed status could reduce demand by consumers. However, it is unlikely that these changes will directly cause these businesses to lose sales, revenue, or jobs. Neither of the proposed class A species are sold ornamentally and wild holly includes an exclusion for holly found in managed landscapes, or where commercially or agriculturally grown. The noxious weed list is separate from the WSDA quarantine list (chapter 16-752 WAC), which prohibits the sale and transport of particular species; thus, these potential noxious weed changes would not directly prohibit the sales of these plants. To help assess whether there could be an indirect economic impact to nurseries and businesses, WSNWCB developed a survey through SurveyMonkey (<https://www.surveymonkey.com/r/JBX9N3H>). A summary of the proposed changes to the 2025 noxious weed list, along with a link to the online survey, was emailed on August 26, 2024, to approximately 4800 nurseries that had provided emails when applying for their WSDA nursery licenses. Additionally, the survey was forwarded to Washington State Nursery and Landscape Associations channels, the Northwest Holly Growers Association, Friends of

Farms and Forest, the Cattlemen's Association, and several other email lists. We received a total of 39 electronic responses from nurseries and businesses.

Survey Results:

Proposed addition of round leaf bittersweet, Celastrus orbiculatus, as a class A species: A total of 38 (100 percent) nurseries or businesses that answered this question indicated that they do not stock *Celastrus orbiculatus* as part of their inventory or have it on their land, zero (zero percent) indicated that they did have round leaf bittersweet as part of their inventory or on their land, and zero were not sure. Of the nurseries or businesses that answered this question, six total nurseries or businesses answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of six (100 percent) nurseries or businesses indicated that this class A addition would not cost their businesses in lost revenue or lost jobs, zero (zero percent) were not sure, and zero (zero percent) indicated that it would. Businesses were also asked if they sell one or more comparable species. A total of seven nurseries or businesses responded, with seven stating no, zero stating yes, and zero that were unsure.

Proposed addition of marsh thistle, Cirsium palustre, as a class A species: A total of 35 (94.59 percent) nurseries or businesses that answered this question indicated that they do not stock *Cirsium palustre* as part of their inventory or have it on their land, one (2.7 percent) indicated that they did have marsh thistle as part of their inventory or on their land, and one (2.7 percent) was not sure. Of the nurseries or businesses that answered this question, six total nurseries or businesses answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of six (100 percent) nurseries or businesses indicated that this class A addition would not cost their businesses in lost revenue or lost jobs, zero (zero percent) were not sure, and zero (zero percent) indicated that it would. Businesses were also asked if they sell one or more comparable species. A total of seven nurseries or businesses responded, with seven stating no, zero stating yes, and zero that were unsure.

Proposed addition of wild holly, Illex species, as a class C species: A total of 25 (65.79 percent) nurseries or businesses that answered this question indicated that they do not stock *Illex species* as part of their inventory or have it on their land, 13 (34.21 percent) indicated that they did have holly as part of their inventory or on their land, and zero were not sure. Of the nurseries or businesses that answered this question, 18 total nurseries or businesses answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 13 (72.22 percent) nurseries or businesses indicated that this class C addition would not cost their businesses in lost revenue or lost jobs, one (5.56 percent) was not sure, and four (22.2 percent) indicated that it would. Of the four, holly growers indicated an indirect negative impact to their businesses and loss of jobs due to the negative perception of holly species as a noxious weed. This ruling would not restrict the sales or exportation of holly. One holly grower indicated an indirect cost for marketing to respond to and counteract the perception of holly as a noxious weed, undesirable, and harmful. The estimated cost of loss of sales due to this perception for this holly grower is 20 percent, plus \$66,000 annually for marketing. Another response indicated a different loss per year for the concerns regarding

the perception of holly if listed, estimated at around 30 percent loss in sales or \$2,100 with the anticipation that each year, sales will decline. One out-of-state holly grower responded from Oregon indicating an indirect loss of \$100,000 and 10 jobs. Additionally, one respondent noted a loss of \$3,000 but did not indicate the reason. Businesses were also asked if they sell one or more comparable species. A total of 17 nurseries or businesses responded, with 10 stating no, six stating yes, and one that was unsure. One respondent noted the negative economic impact of controlling holly infestations if not listed.

Shiny geranium, *Geranium lucidum*: Undesignate in King County: A total of 31 (91.18 percent) nurseries or businesses indicated that the undesignation of common shiny geranium in Pierce County would not cost their businesses in lost revenue or lost jobs, two (5.88 percent) were not sure, and one (2.97 percent) answered yes.

SECTION 4: Analyze whether the proposed rule may impose more-than-minor costs on businesses in the industry: The class A proposed addition round leaf bittersweet is not being sold. One business indicated selling the class A proposed addition marsh thistle but did not indicate that the proposal would result in or impose more-than-minor costs. Both the proposed class A additions, round leaf bittersweet and marsh thistle, are in very limited distribution if at all in Washington state. The proposed addition of these two species is intended to protect Washington's agricultural lands, wilderness, and ecosystems from future infestations. This listing allows for early detection and rapid response if plants are found. Many county noxious weed control boards have programs to assist landowners with class A infestation eradication and control. Therefore, there would be little to no minor costs associated with any infestations of these two species.

Wild holly is being proposed as an addition to the class C noxious weed species list. Class C noxious weed species are not designated for control at the state level. The intent in adding wild holly to the class C noxious weed list is to educate and provide outreach on the concern of the threat to native habitats, forests, and agriculture. This may also give individuals and agencies the ability to get and provide funding for on-the-ground control work. The listing's exclusion for commercially or agriculturally grown holly and differentiation between wild holly and English (Christmas) holly is intended to protect holly growers from negative impacts of this listing. There is no regulatory compliance associated with the listing of wild holly. However, potentially commercial holly sales may be indirectly impacted. The Northwest Holly Growers Association has concerns that listing wild holly as a class C noxious weed will give the perception that holly is a "bad plant" which in turn may reduce their sales of English holly used in Christmas wreaths and ornaments. The Northwest Holly Growers Association and members have self-reported costs associated with the proposed wild holly listing. These costs include loss of sales and \$66,000 for marketing to counteract the perception of holly as a noxious weed, undesirable, and harmful. Based on the potential for indirect reputational effects that decrease demand for commercial holly, this SBEIS assumes that the proposed rule may impose more-than-minor costs on commercial growers of holly.

The designation change of shiny geranium should have no effect, as this change is less restrictive. Class B noxious weeds are generally designated where they are absent, limited, or pose a serious threat to health, agriculture, or natural areas so the economic impact is not unreasonable. Limited distribution is typically defined as less than 100 infested acres within a county. These infested acres are typically

divided amongst many landowners including private, public, and business. Noxious weed infestations are commonly found in disturbed soils, open areas, and along vectors of spread such as trails and rivers. The changes in designation will not cause businesses to incur more-than-minor costs to control.

SECTION 5: Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule. Also, consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue: Overall, there is insufficient data to calculate the disproportionate impacts to small businesses. Thus, for purposes of this SBEIS, we assume there will be disproportionate impacts. However, excluding the possibility that landowners may incur compliance costs related to the two class A listings, the proposed rule changes will not result in any costs to comply.

SECTION 6: If the proposed rule is likely to impose a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the impacts cannot be reduced, provide a clear explanation of why. Under RCW 19.85.030(2), each agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

To mitigate the perceived cost to holly growers from the proposed wild holly listing, this rule proposal would only add "wild holly" which would be listed as "*Ilex species*, not including holly found in managed landscapes, or where commercially or agriculturally grown."

Additionally, WSNWCB's education committee has discussed including statements in specific brochures and educational materials that will provide information regarding the exclusion for English and/or Christmas holly and focus on holly that is found in unmanaged forests, wildlands, and landscapes.

Subsection	Method	Agency response
(a)	Reducing, modifying, or eliminating substantive regulatory requirements	Excluded holly found in managed landscapes, or where commercially or agriculturally grown. Any additional reduction, modification, or elimination of the regulatory requirements of the proposed rules could increase the risks of spread of noxious weeds.
(b)	Simplifying, reducing, or eliminating recordkeeping and reporting requirements	The class A listings may have implications for recordkeeping, however the proposed rule itself does not have any recordkeeping or reporting requirements.
(c)	Reducing the frequency of inspections	The rule does not contain mandate any regulatory inspections.
(d)	Delaying compliance timetables	Delaying compliance timetables is not a viable mitigation measure. A delay in listings will result in a higher risk of spread for the noxious weeds considered.
(e)	Reducing or modifying fine schedules for noncompliance; or	The rule does not contain any fines for noncompliance.
(f)	Any other mitigation techniques, including those suggested by small businesses or small business advocates	Education and outreach about the difference between wild holly and Christmas or English holly sold commercially.

SECTION 7: Describe how small businesses were involved in the development of the proposed rule. Stakeholder contact events:

Date(s)	Activity How were small businesses notified and involved in the development of the proposed rule? (News release, public meeting, survey etc.)
May 6, 2024 June 12, 2024 July 10, 2024 August 8, 2024	Noxious weed committee meetings (a member of the noxious weed committee, Ken Bajema, is also a member of the Northwest Holly Growers Association).
August 26, 2024	Survey sent out to nurseries, holly growers, and others to gather information about economic impacts.
September 19, 2024	WSNWCB regular September meeting, received and reviewed written comments pertaining to proposed changes before voting to move proposals forward to the open public hearing in November.

At the August 8th noxious weed committee meeting, the committee agreed to include the Northwest Holly Growers' recommendation of definition of wild holly to include the genus rather than species to help reduce the impact on Christmas or English holly individually.

WSNWCB has taken into consideration letters from individual holly growers as well as the Northwest Holly Growers Association pertaining to the perceived cost and impacts to commercial holly businesses and their recommendations for the proposed rule wording. WSNWCB will consider written and verbal testimony at the November 5th open public hearing regarding the 2025 proposed noxious weed list changes.

SECTION 8: Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule: One out-of-state grower suggested 10 jobs will be lost due to the perception of holly as harmful or undesirable. However, it is estimated that no jobs will be lost due to compliance requirements of the proposed rule. There is no state-mandated regulatory compliance for the proposed listing of wild holly.

SECTION 9: Summarize the results of the analysis, including the determination if costs are disproportionate: Few, if any, small businesses will be directly impacted by these proposed changes to the 2025 noxious weed list.

The additions of round leaf bittersweet and marsh thistle as class A noxious weeds will help to protect Washington's ecosystems, habitats, and agriculture from these very invasive species. The designation of shiny geranium will better match the distributions of shiny geranium in Pierce County. This will allow for education and control work when needed. The proposed addition of wild holly, *Ilex species*, as a class C noxious weed species is intended to keep it from spreading from current wild infestations to new locations within Washington state and allow for funding and permitting. Wild holly is known to invade riparian and sensitive areas, as well as grow in forested understories. Noxious weeds are very invasive species that when left uncontrolled, outcompete agricultural crops and native species. Noxious weed infestations negatively impact both terrestrial and aquatic habits [habitats] as well as farming and grazing lands.

The class A proposed addition round leaf bittersweet is not being sold. One business indicated having the class A proposed addition marsh thistle in their inventory or on their land but did not indicate a loss in sales or jobs. Holly growers anticipate an indirect negative economic impact to English holly sales due to the perception of English holly as an undesirable plant if listed. There is no cost to comply with the proposed addition of wild holly as a class C noxious weed. WSNWCB has taken measures to help mitigate indirect costs to holly growers associated with this listing.

The undesignation of shiny geranium in Pierce County is less restrictive and will have no bearing on sales or job loss.

A copy of the statement may be obtained by contacting Mary Fee, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-561-4428, fax 360-902-2094, TTY 800-833-6388, email mfee@agr.wa.gov.

September 30, 2024
 Mary Fee
 Executive Secretary

OTS-5884.2

AMENDATORY SECTION (Amending WSR 23-23-168, filed 11/21/23, effective 1/1/24)

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

Common Name	Scientific Name
broom, French	<i>Genista monspessulana</i>
broom, Spanish	<i>Spartium junceum</i>
common crupina	<i>Crupina vulgaris</i>
cordgrass, common	<i>Spartina anglica</i>
cordgrass, dense-flowered	<i>Spartina densiflora</i>
cordgrass, salt meadow	<i>Spartina patens</i>
cordgrass, smooth	<i>Spartina alterniflora</i>
dyer's woad	<i>Isatis tinctoria</i>
eggleaf spurge	<i>Euphorbia oblongata</i>
false brome	<i>Brachypodium sylvaticum</i>
floating primrose-willow	<i>Ludwigia peploides</i>
flowering rush	<i>Butomus umbellatus</i>
garlic mustard	<i>Alliaria petiolata</i>
giant hogweed	<i>Heracleum mantegazzianum</i>
goatsrue	<i>Galega officinalis</i>
hydrilla	<i>Hydrilla verticillata</i>
Johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>
kudzu	<i>Pueraria montana</i> var. <i>lobata</i>
meadow clary	<i>Salvia pratensis</i>
oriental clematis	<i>Clematis orientalis</i>
Palmer amaranth	<i>Amaranthus palmeri</i>
purple starthistle	<i>Centaurea calcitrapa</i>
reed sweetgrass	<i>Glyceria maxima</i>
ricefield bulrush	<i>Schoenoplectus mucronatus</i>
<u>round leaf bittersweet</u>	<u><i>Celastrus orbiculatus</i></u>
sage, clary	<i>Salvia sclarea</i>

Common Name	Scientific Name
sage, Mediterranean	<i>Salvia aethiopsis</i>
silverleaf nightshade	<i>Solanum elaeagnifolium</i>
small-flowered jewelweed	<i>Impatiens parviflora</i>
South American spongeplant	<i>Limnobiium laevigatum</i>
Syrian bean-caper	<i>Zygophyllum fabago</i>
Texas blueweed	<i>Helianthus ciliaris</i>
thistle, Italian	<i>Carduus pycnocephalus</i>
<u>thistle, marsh</u>	<u><i>Cirsium palustre</i></u>
thistle, milk	<i>Silybum marianum</i>
thistle, slenderflower	<i>Carduus tenuiflorus</i>
thistle, Turkish	<i>Carduus cinereus</i>
variable-leaf milfoil and hybrids	<i>Myriophyllum heterophyllum</i> <i>Myriophyllum heterophyllum x Myriophyllum hippuroides</i>
wild four o'clock	<i>Mirabilis nyctaginea</i>

AMENDATORY SECTION (Amending WSR 23-23-168, filed 11/21/23, effective 1/1/24)

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)	blueweed, <i>Echium vulgare</i>	(a)	regions 1, 2, 3, 4, 6
		(b)	region 5, except Spokane County
(2)	Brazilian elodea, <i>Egeria densa</i>	(a)	region 1, except Grays Harbor County
		(b)	region 2, except Kitsap County and Green Lake in King County
		(c)	King County of region 2, except lakes Dolloff, Fenwick, Union, Washington, and Sammamish, and the Sammamish River
		(d)	region 3, except Wahkiakum County
		(e)	regions 4, 5, and 6
(3)	bugloss, annual, <i>Lycopsis arvensis</i>	(a)	regions 1, 2, 3, 4, and 6
		(b)	region 5, except Spokane County
(4)	bugloss, common, <i>Anchusa officinalis</i>	(a)	regions 1, 2, 3, and 6
		(b)	All of region 4 except those areas lying within the Entiat River Valley between the Columbia River confluence and Stormy Creek in Chelan County
		(c)	region 5, except Spokane County
(5)	butterfly bush, <i>Buddleja davidii</i>	(a)	Grays Harbor County of region 1
		(b)	San Juan County of region 2
		(c)	Cowlitz County of region 3
(6)	camelthorn, <i>Alhagi maurorum</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(7)	common fennel, <i>Foeniculum vulgare</i> (except bulbing fennel, <i>F. vulgare</i> var. <i>azoricum</i>)	(a)	region 1, except Jefferson County
		(b)	region 2, except King and Skagit counties
		(c)	region 3, except Clark County

Name		Will be a "Class B designate" in all lands lying within:	
(8)	common reed, <i>Phragmites australis</i> (nonnative genotypes only)	(d)	regions 4, 5, and 6
		(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Grant County
		(c)	Asotin, Columbia, and Garfield counties of region 6
(9)	common tansy, <i>Tanacetum vulgare</i>	(a)	Clallam County of region 1
		(b)	Kitsap and San Juan counties of region 2
		(c)	Cowlitz County of region 3
		(d)	Adams and Lincoln counties of region 5
(10)	Dalmatian toadflax, <i>Linaria dalmatica</i> ssp. <i>dalmatica</i>	(a)	regions 1, 2, and 3
		(b)	Adams, Kittitas, and Lincoln counties of region 5
		(c)	Benton, Franklin, and Walla Walla counties of region 6
(11)	Eurasian watermilfoil, <i>Myriophyllum spicatum</i>	(a)	region 1, except Pacific County
		(b)	Island, Kitsap, and San Juan counties of region 2
		(c)	Clark and Cowlitz counties of region 3
		(d)	Chelan and Okanogan counties, and all lakes with public boat launches except Fan Lake in Pend Oreille County of region 4
		(e)	Adams, Kittitas, Lincoln, and Whitman counties of region 5
		(f)	Asotin, Columbia, and Garfield counties of region 6
(12)	European coltsfoot, <i>Tussilago farfara</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(13)	fanwort, <i>Cabomba caroliniana</i>	(a)	regions 1, 2, 4, 5, and 6
		(b)	region 3, except Cowlitz County
(14)	gorse, <i>Ulex europaeus</i>	(a)	region 1, except Grays Harbor and Pacific counties
		(b)	regions 2, 3, 4, 5, 6
(15)	grass-leaved arrowhead, <i>Sagittaria graminea</i>	(a)	region 1
		(b)	region 2, except Snohomish County
		(c)	regions 3, 4, 5, and 6
(16)	hairy willow-herb, <i>Epilobium hirsutum</i>	(a)	regions 1, 3, and 4
		(b)	region 2, except Thurston and Whatcom counties
		(c)	region 5, except Klickitat County
		(d)	region 6, except Benton and Franklin counties
(17)	hanging sedge, <i>Carex pendula</i> , <i>Carex pendula</i> subsp. <i>pendula</i> and <i>Carex pendula</i> subsp. <i>agastachys</i>	(a)	regions 1, 3, 4, 5, and 6
		(b)	region 2, except for King County
(18)	hawkweed oxtongue, <i>Picris hieracioides</i>	(a)	regions 1, 2, 4, 5, and 6
		(b)	region 3, except Skamania County
(19)	hawkweed, orange, <i>Hieracium aurantiacum</i>	(a)	regions 1, 3, and 6
		(b)	region 2, except Whatcom County
		(c)	region 4, except Pend Oreille and Stevens counties
		(d)	region 5, except Kittitas and Spokane counties

	Name		Will be a "Class B designate" in all lands lying within:
(20)	hawkweeds: All nonnative species and hybrids of the Meadow subgenus (<i>Pilosella</i>), including, but not limited to, mouseear (<i>Hieracium pilosella</i>), pale (<i>H. lactucella</i>), queen-devil (<i>H. glomeratum</i>), tall (<i>H. piloselloides</i>), whiplash (<i>H. flagellare</i>), yellow (<i>H. caespitosum</i>), and yellow-devil (<i>H. x floribundum</i>)	(a) (b) (c) (d) (e) (f)	region 1 region 2, except Thurston County region 3, except Cowlitz County region 4, except Pend Oreille and Stevens counties region 5, except Klickitat and Spokane counties region 6
(21)	hawkweeds: All nonnative species and hybrids of the Wall subgenus (<i>Hieracium</i>), including, but not limited to, common (<i>Hieracium lachenalii</i>), European (<i>H. sabaudum</i>), polar (<i>H. atratum</i>), smooth (<i>H. laevigatum</i>), spotted (<i>H. maculatum</i>), and wall (<i>H. murorum</i>)	(a) (b) (c)	regions 1, 3, 5, and 6 region 2, except King, Skagit, Snohomish, and Whatcom counties region 4, except Stevens County
(22)	herb-Robert, <i>Geranium robertianum</i>	(a)	regions 4, 5, and 6
(23)	hoary alyssum, <i>Berteroa incana</i>	(a) (b) (c)	regions 1, 2, 3, and 6 region 4, except Pend Oreille and Ferry counties region 5, except Klickitat County
(24)	houndstongue, <i>Cynoglossum officinale</i>	(a) (b) (c) (d)	regions 1, 2, and 3 Chelan and Douglas counties of region 4 Yakima, Grant and Adams counties of region 5 Benton and Franklin counties of region 6
(25)	indigobush, <i>Amorpha fruticosa</i>	(a) (b) (c)	regions 1, 2, and 4 Lewis County of region 3 region 5, except Klickitat County
(26)	knapweed, black, <i>Centaurea nigra</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(27)	knapweed, brown, <i>Centaurea jacea</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(28)	knapweed, diffuse, <i>Centaurea diffusa</i>	(a) (b) (c) (d)	region 1 region 2 region 3, except Cowlitz County Adams County of region 5
(29)	knapweed, meadow, <i>Centaurea x gerstlaueri</i>	(a) (b) (c) (d) (e) (f)	regions 1 and 4 region 2, except Whatcom County Thurston County of region 2, except below the ordinary high-water mark of the Nisqually River Lewis and Wahkiakum counties of region 3 region 5, except Kittitas and Klickitat counties region 6, except Franklin and Walla Walla counties
(30)	knapweed, Russian, <i>Rhaponticum repens</i>	(a) (b) (c) (d)	regions 1, 2, and 3 Ferry and Pend Oreille counties of region 4 Lincoln, Spokane, and Whitman counties of region 5 Adams County of region 5, except for the area west of Highway 17 and north of Highway 26

Name		Will be a "Class B designate" in all lands lying within:	
(31)	knapweed, spotted, <i>Centaurea stoebe</i>	(e)	Asotin and Garfield counties of region 6
		(a)	region 1, except Grays Harbor
		(b)	region 2, except Whatcom County
		(c)	Clark, Lewis, and Wahkiakum counties of region 3
		(d)	Ferry and Douglas counties of region 4
		(e)	Adams, Grant and Yakima counties of region 5
(32)	knotweed, Bohemian, <i>Fallopia x bohemica</i>	(f)	region 6, except Columbia and Walla Walla counties
		(a)	Island and San Juan counties of region 2
(33)	knotweed, giant, <i>Fallopia sachalinensis</i>	(b)	Skamania County of region 3
		(c)	region 4, 5, and 6
		(a)	region 2, except King, Pierce, and Snohomish counties
(34)	knotweed, Himalayan, <i>Persicaria wallichii</i>	(b)	region 3, except Cowlitz and Lewis counties
		(c)	regions 4, 5, and 6
		(a)	region 1, except Pacific County
		(b)	region 2, except King and Pierce counties
(35)	knotweed, Japanese, <i>Fallopia japonica</i>	(c)	region 3, except Wahkiakum County
		(d)	region 4, 5, and 6
		(a)	Island, San Juan, and Whatcom counties of region 2
		(b)	Skamania County of region 3
		(c)	region 4, except Okanogan County
(36)	kochia, <i>Bassia scoparia</i>	(d)	region 5, except Spokane County
		(e)	region 6
		(a)	regions 1, 2, and 3
		(b)	Stevens and Pend Oreille counties of region 4
(37)	lesser celandine, <i>Ficaria verna</i>	(c)	Adams County of region 5
		(a)	region 1, 3, 4, 5, and 6
(38)	loosestrife, garden, <i>Lysimachia vulgaris</i>	(b)	region 2, except King and Whatcom counties
		(a)	regions 1, 2, 3, 4, 5, 6
(39)	loosestrife, purple, <i>Lythrum salicaria</i>	(a)	Clallam, Jefferson, and Mason counties of region 1
		(b)	region 2, except Kitsap, Skagit, and Snohomish counties
		(c)	Clark, Lewis, and Skamania counties of region 3
		(d)	region 4, except Douglas County
		(e)	region 5, except Grant and Spokane counties
		(f)	region 6, except Asotin and Franklin counties
(40)	loosestrife, wand, <i>Lythrum virgatum</i>	(a)	Clallam, Jefferson, and Mason counties of region 1
		(b)	region 2, except Kitsap, Skagit, and Snohomish counties
		(c)	Clark, Lewis, and Skamania counties of region 3
		(d)	region 4, except Douglas County
		(e)	region 5, except Grant and Spokane counties
		(f)	region 6, except Asotin and Franklin counties
(41)	Malta starthistle, <i>Centaurea melitensis</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except T36 R38 in the area contained within Hwy 395/Hwy 20, Pingston Creek Road, and Highland Loop Road in Stevens County
		(c)	region 5, except Klickitat and Whitman counties

Name		Will be a "Class B designate" in all lands lying within:	
(42)	parrotfeather, <i>Myriophyllum aquaticum</i>	(a)	region 1, except Pacific County
		(b)	regions 2, 4, 5, and 6
		(c)	Clark and Skamania counties of region 3
(43)	perennial pepperweed, <i>Lepidium latifolium</i>	(a)	regions 1, 2, and 4
		(b)	region 3, except Clark and Cowlitz counties
		(c)	Kittitas, Lincoln and Spokane counties of region 5
		(d)	Columbia and Garfield counties of region 6
(44)	poison hemlock, <i>Conium maculatum</i>	(a)	Clallam, Mason, and Pacific counties of region 1
		(b)	region 2, except King, Skagit, and Whatcom counties
		(c)	Clark and Skamania counties of region 3
		(d)	Chelan, Douglas, and Pend Oreille counties of region 4
		(e)	Grant, Kittitas and Lincoln counties of region 5
(45)	policeman's helmet, <i>Impatiens glandulifera</i>	(a)	region 1, 3, 4, 5, and 6
		(b)	region 2, except Thurston and Whatcom counties
(46)	puncturevine, <i>Tribulus terrestris</i>	(a)	regions 1, 2, and 3
		(b)	Ferry, Pend Oreille, and Stevens counties of region 4
		(c)	region 5, except Grant, Klickitat, and Yakima counties
(47)	Ravenna grass, <i>Tripsidium ravennae</i>	(a)	Cowlitz County of region 3
		(b)	region 4
		(c)	region 5, except Yakima County
		(d)	region 6, except Benton County
(48)	rough chervil, <i>Chaerophyllum temulum</i>	(a)	regions 1, 3, 4, 5, and 6
		(b)	region 2, except for King County
(49)	rush skeletonweed, <i>Chondrilla juncea</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except all areas of Stevens County south of Township 29
		(c)	Kittitas and Yakima counties of region 5, and Adams County, except those areas lying east of Sage Road, the western border of Range 36
		(d)	Asotin County of region 6
(50)	saltcedar, <i>Tamarix ramosissima</i> (unless intentionally planted prior to 2004)	(a)	regions 1, 3, 4, 5, and 6
		(b)	region 2, except King and Thurston counties
(51)	Scotch broom, <i>Cytisus scoparius</i>	(a)	regions 4 and 6
		(b)	region 5, except Klickitat County
(52)	shiny geranium, <i>Geranium lucidum</i>	(a)	regions 1, 4, 5, and 6
		(b)	region 2, except King, <u>Pierce</u> , Snohomish, and Thurston counties
		(c)	region 3, except Clark County
(53)	spurge flax, <i>Thymelaea passerina</i>	(a)	region 4, except Okanogan County
		(b)	regions 5 and 6
(54)	spurge laurel, <i>Daphne laureola</i>	(a)	region 1, except Clallam and Jefferson counties
		(b)	region 2, except King, Kitsap, and Pierce counties
		(c)	region 3
		(d)	regions 4, 5, and 6
(55)	spurge, leafy, <i>Euphorbia virgata</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Spokane County
		(c)	region 6, except Columbia County

	Name		Will be a "Class B designate" in all lands lying within:
(56)	spurge, myrtle, <i>Euphorbia myrsinites</i>	(a)	region 1, except Clallam and Jefferson counties
		(b)	region 2, except King, Kitsap, Pierce, and Whatcom counties
		(c)	regions 3, 5, and 6
		(d)	region 4, except Okanogan County
(57)	sulfur cinquefoil, <i>Potentilla recta</i>	(a)	region 1
		(b)	region 2, except Pierce and Thurston counties
		(c)	region 3, except Lewis and Skamania counties
		(d)	Adams, Grant, Lincoln, and Whitman counties of region 5
		(e)	region 6, except Asotin County
(58)	tansy ragwort, <i>Jacobaea vulgaris</i>	(a)	Island and San Juan counties of region 2
		(b)	Clark and Wahkiakum counties of region 3
		(c)	regions 4, 5, and 6
(59)	thistle, musk, <i>Carduus nutans</i>	(a)	regions 1, 2, 3, and 6
		(b)	region 4, except Douglas and Ferry counties
		(c)	region 5, except Kittitas County
(60)	thistle, plumeless, <i>Carduus acanthoides</i>	(a)	regions 1, 2, 3, 5, 6
		(b)	region 4, except those areas north of State Highway 20 in Stevens County
(61)	thistle, Scotch, <i>Onopordum acanthium</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Spokane and Whitman counties
(62)	velvetleaf, <i>Abutilon theophrasti</i>	(a)	regions 1, 2, 3, 4, and 6
		(b)	region 5, except Yakima County
(63)	water primrose, <i>Ludwigia hexapetala</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(64)	white bryony, <i>Bryonia alba</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Whitman County
		(c)	Benton and Garfield counties of region 6
(65)	Wild basil/basil savory, <i>Clinopodium vulgare</i>	(a)	regions 1, 2, 4, 5, and 6
		(b)	region 3, except for Skamania County
(66)	wild chervil, <i>Anthriscus sylvestris</i>	(a)	regions 1, 3, 4, and 6
		(b)	region 2, except Whatcom County
		(c)	region 5, except Whitman County
(67)	yellow archangel, <i>Lamium galeobdolon</i>	(a)	Clallam County of region 1
		(b)	Island, San Juan, Skagit, and Whatcom counties of region 2
		(c)	Cowlitz, Skamania, and Wahkiakum counties of region 3
		(d)	regions 4, 5, and 6
(68)	yellow floating heart, <i>Nymphoides peltata</i>	(a)	regions 1, 2, 3, and 6
		(b)	region 4, except Stevens County
		(c)	region 5, except Spokane County
(69)	yellow nutsedge, <i>Cyperus esculentus</i>	(a)	regions 1 and 4
		(b)	region 2, except Skagit and Thurston counties
		(c)	region 3, except Clark County
		(d)	region 5, except Klickitat and Yakima counties
		(e)	region 6, except Franklin and Walla Walla counties

Name		Will be a "Class B designate" in all lands lying within:	
(70)	yellow starthistle, <i>Centaurea solstitialis</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except T36 R38 in the area contained within Hwy 395/Hwy 20, Pingston Creek Road, and Highland Loop Road in Stevens County
		(c)	region 5, except Klickitat, and Whitman counties

AMENDATORY SECTION (Amending WSR 23-23-168, filed 11/21/23, effective 1/1/24)

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

Common Name	Scientific Name
absinth wormwood	<i>Artemisia absinthium</i>
Austrian fieldcress	<i>Rorippa austriaca</i>
babysbreath	<i>Gypsophila paniculata</i>
beach grass, European, American, and hybrids	<i>Ammophila arenaria</i> , <i>A. breviligulata</i> , and <i>A. arenaria x breviligulata</i>
black henbane	<i>Hyoscyamus niger</i>
blackberry, evergreen	<i>Rubus laciniatus</i>
blackberry, Himalayan	<i>Rubus bifrons</i>
blackgrass	<i>Alopecurus myosuroides</i>
buffalobur	<i>Solanum rostratum</i>
cereal rye	<i>Secale cereale</i>
common barberry	<i>Berberis vulgaris</i>
common catsear	<i>Hypochaeris radicata</i>
common groundsel	<i>Senecio vulgaris</i>
common St. Johnswort	<i>Hypericum perforatum</i>
common teasel	<i>Dipsacus fullonum</i>
curly-leaf pondweed	<i>Potamogeton crispus</i>
English hawthorn	<i>Crataegus monogyna</i>
English ivy 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica' <i>Hedera helix</i> 'Baltica' <i>Hedera helix</i> 'Pittsburgh' <i>Hedera helix</i> 'Star'
Eurasian watermilfoil hybrid	<i>Myriophyllum spicatum</i> x <i>M. sibiricum</i>
field bindweed	<i>Convolvulus arvensis</i>
fragrant water lily	<i>Nymphaea odorata</i>
green alkanet	<i>Pentaglottis sempervirens</i>
hairy whitetop	<i>Lepidium appelianum</i>
hoary cress	<i>Lepidium draba</i>
Italian arum	<i>Arum italicum</i>
Japanese eelgrass	<i>Nanozostera japonica</i>
jointed goatgrass	<i>Aegilops cylindrica</i>
jubata grass	<i>Cortaderia jubata</i>
lawnweed	<i>Soliva sessilis</i>

Common Name	Scientific Name
longspine sandbur	<i>Cenchrus longispinus</i>
Medusahead	<i>Taeniatherum caput-medusae</i>
nonnative cattail species and hybrids	Including, but not limited to, <i>Typha angustifolia</i> , <i>T. domingensis</i> and <i>T. x glauca</i>
old man's beard	<i>Clematis vitalba</i>
oxeye daisy	<i>Leucanthemum vulgare</i>
pampas grass	<i>Cortaderia selloana</i>
perennial sowthistle	<i>Sonchus arvensis</i> ssp. <i>arvensis</i>
reed canarygrass	<i>Phalaris arundinacea</i>
Russian olive	<i>Elaeagnus angustifolia</i>
scentless mayweed	<i>Tripleurospermum inodorum</i>
smoothseed alfalfa dodder	<i>Cuscuta approximata</i>
spikeweed	<i>Centromadia pungens</i>
spiny cocklebur	<i>Xanthium spinosum</i>
spotted jewelweed	<i>Impatiens capensis</i>
Swainsonpea	<i>Sphaerophysa salsula</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
tree-of-heaven	<i>Ailanthus altissima</i>
ventenata	<i>Ventenata dubia</i>
white cockle	<i>Silene latifolia</i>
wild carrot (except subs. sativus where grown commercially or for food)	<i>Daucus carota</i>
<u>wild holly</u>	<u><i>Ilex</i> species, not including holly found in managed landscapes, or where commercially or agriculturally grown</u>
yellow flag iris	<i>Iris pseudacorus</i>
yellow toadflax	<i>Linaria vulgaris</i>

AMENDATORY SECTION (Amending WSR 23-23-168, filed 11/21/23, effective 1/1/24)

WAC 16-750-120 State noxious weed control board—Nominations—Elections—Terms of office—Vacancies. (1) Nominations and elections to board positions are conducted by regular mail.

(2) The board calls for nominations to elected positions at least 60 days prior to expiration of position terms.

(3) The board sends ballots to eligible activated county noxious weed control boards or weed district directors by regular mail at least 45 days prior to expiration of each position term.

(4) Ballots must be returned no later than 30 days before expiration of each term. Only official ballots will be accepted. Photocopied ballots will be considered invalid.

(5) The board chairperson appoints a committee to count ballots and certify elections at least 30 days prior to expiration of each term.

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

(7) For the purpose of conducting nominations or elections, the board 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~~) their 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 must complete a certificate of nomination, and must return it to the board postmarked by the date specified.

(11) The board 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~~) they are unwilling to serve on the board.

(12) The ballot, along with the statement, if any, of each candidate in the election 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.

(14) The candidate receiving the highest number of votes is elected: Provided, That if the candidate fails to receive more than 50 percent of the votes cast in an election, a second election will be held between such candidate and the candidate receiving the next highest votes and: Provided further, That if there is only one candidate, that candidate will be deemed elected unanimously.

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

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

AMENDATORY SECTION (Amending WSR 23-23-168, filed 11/21/23, effective 1/1/24)

WAC 16-750-130 State noxious weed control board—Organization.

The organization of the board is as follows:

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

(2) Duties of officers.

(a) The chairperson presides at all meetings of the board, has the power to appoint committees, 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 performs such other duties as pertain to the office.

(b) The vice chairperson performs the duties of the chairperson in (~~his or her~~) the chairperson's absence, acts as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice chairperson will assume the duties of and serve out the term of the chairperson upon permanent departure of the chairperson.

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

(d) The duties of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, 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 is two years following elections held at the first board meeting in January and ending at the January meeting of the second year.

(4) Election of officers. Elections will be held every two years at the January meeting of the first year. Officers are elected by a majority vote of the voting members present.

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

AMENDATORY SECTION (Amending WSR 23-23-168, filed 11/21/23, effective 1/1/24)

WAC 16-750-135 State noxious weed control board—Meetings. (1)

All meetings of the board are open and public and all persons 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 are not required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition prior to attending.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of the meeting unfeasible

ble, 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 is null and void.

(5) Regular meetings—Schedule—Publication in State Register—Notice of change. The board will meet at least five times per year and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, the meeting will be held on the next business day. The executive secretary files with the code reviser a schedule of the time and place of regular meetings on or before January of each year for publication in the Washington State Register. Notice of any change from this meeting schedule will be published in the State Register for distribution at least 20 days prior to the rescheduled meeting date.

(6) Notice. Each board member, county noxious weed control board, and weed district will be notified of public meetings and provided an agenda within 10 days.

(7) Special meetings. The 10-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. 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 will be taken at executive sessions. Executive sessions 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 later time by announcement of the chairperson.

(10) Agenda. The agenda 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 15 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~~) they are 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 are as follows:

(a) Five voting members 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 or second motions.

(e) Proxy voting is not permitted.

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

(14) Press releases. All press releases and official information concerning board activities 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 must notify the executive secretary of the subject matter at least 15 days before the meeting.

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

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

AMENDATORY SECTION (Amending WSR 23-23-168, filed 11/21/23, effective 1/1/24)

WAC 16-750-137 State noxious weed control board—Conflict of interest. (1) When a member of the board is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the SNWCB, in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member shall:

(a) Recuse themselves from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Recuse themselves from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining SNWCB members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) When a board member has an interest, financial or otherwise, direct or indirect, or has engaged in a business or transaction or professional activity, or has incurred an obligation of any nature, that is in conflict with the proper discharge of that board member's official duties, including the adoption of the state noxious weed list, the member shall:

(a) Recuse themselves from the board discussion regarding the decision implicated by the board member's conflict of interest;

(b) Recuse themselves from the board vote on the decision implicated by the board member's conflict of interest; and

(c) Refrain from attempting to influence the remaining SNWCB members in their discussion and vote regarding the decision implicated by the board member's conflict of interest.

(3) Under subsection (2) of this section, a board member has an interest that is in conflict with the proper discharge of their duties when the interest substantially impairs their ability to perform their duties as a board member in an objective and nonbiased manner. For example, a board member has such a conflict of interest where that board member is engaged in, or has a beneficial interest in an entity that is engaged in, the commercial production of a species that is being considered for addition on the state noxious weed list.

(4) The prohibition against discussion set forth in subsections (1)(a) and (c), (2)(a) and (c) of this section shall not prohibit the member of the SNWCB from using their general expertise to educate and provide general information on the subject area to the other members.

(5) If recusal occurs pursuant to subsection (1) or (2) of this section, the member of the SNWCB shall disclose to the public the reasons for (~~his or her~~) their recusal from any board action whenever recusal occurs. The SNWCB staff shall record each recusal and the basis for the recusal.

(6) Under subsection (1) of this section, "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.