



RULE-MAKING ORDER

SR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Dept. of Agriculture

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This rulemaking order amends chapter 16-752 WAC by: (1) adding the following species to the current wetland and aquatic weed quarantine (WAC 16-752-505): *Crassula helmsii* (Australian swamp stonecrop), *Sagittaria platyphylla* (delta arrowhead), and *Trapa bicornis* (water caltrap, devil's pod, bat nut); (2) adding the following species to the current noxious weed seed and plant quarantine (WAC 16-752-610): *Polygonum cuspidatum* (Japanese knotweed), *Polygonum polystachyum* (Himalayan knotweed), *Polygonum sachalinense* (giant knotweed), and *Polygonum x bohemicum* (Bohemian knotweed, a hybrid of Japanese and giant knotweed); and (3) rewriting WAC 16-752-500 to increase its clarity and readability.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 16-752-500, 16-752-505, and 16-752-610
 Suspended:

Statutory authority for adoption: Chapters 17.10, 17.24, and 34.05 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-14-104 on July 7, 2004.
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
 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:

Date adopted:

September 2, 2004
 NAME (TYPE OR PRINT)

Valoria H. Loveland

SIGNATURE

Valoria H. Loveland
 TITLE

Director

CODE REVISER USE ONLY

2
 8:06
 04-19-004

**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:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 01-01-014, filed 12/6/00, effective 1/6/01)

WAC 16-752-500 Establishing wetland and aquatic weed quarantine. Washington waters and wetlands are threatened by nonnative, aggressive weeds that destroy the commercial, aesthetic, fish and/or wildlife habitat, and recreational value of these areas. (~~African elodea, Brazilian elodea (or egeria), Eurasian watermilfoil, fanwort, slender-leaved naiad, hydrilla and water chestnut (a different species from the food "water chestnut" commonly sold in grocery stores) are submersed, rooted species that can invade shallow to deep water. Parrotfeather, water primrose, and yellow floating heart are rooted plants that invade shallow water and aquatic margins. European frogbit and swollen bladderwort are freely floating species.~~) These rooted or freely floating plant species, when established, form dense stands or mats that ~~((will))~~ clog irrigation systems and waterways, displace native species, alter fish and wildlife habitat, and/or seriously impact recreational use of the waterways.

~~((Garden loosestrife, hairy willow herb, grass-leaved arrowhead, mud mat, marsh dew flower and flowering rush are rooted plants which invade wetlands, shallow water and aquatic margins. When established, their dense stands displace native vegetation and harm wildlife habitat.~~

~~Salt meadow))~~ Several species of *Spartina*, generally known as cordgrasses, (~~common cordgrass, and smooth cordgrass are noxious~~) are nonnative, highly aggressive weeds that have invaded salt water estuarine areas on the Washington coast, displacing native species~~((r))~~ and threatening bird and mammal habitats and the shellfish industry. (~~Dense-flowered cordgrass, a closely related species, has potential to duplicate this invasion.~~)

The director of agriculture, pursuant to the powers provided in chapters 17.10, 15.13 and 17.24 RCW, finds that the regulation and exclusion of these plants and plant parts are necessary to preserve Washington waters and wetlands, both fresh water and estuarine, from new or additional infestation. These requirements and restrictions, contained in WAC 16-752-500 through 16-752-525, are in addition to the requirements contained in WAC 232-12-271, "Criteria for planting aquatic plants and releasing wildlife," administered by the Washington state department of fish and wildlife.

AMENDATORY SECTION (Amending WSR 01-01-014, filed 12/6/00, effective 1/6/01)

WAC 16-752-505 Wetland and aquatic weed quarantine--Regulated articles. All plants and plant parts of the following are regulated articles under this chapter:

Scientific Name	Common Name
<i>Butomus umbelatus</i>	flowering rush
<i>Cabomba caroliniana</i>	fanwort
<u><i>Crassula helmsii</i></u>	<u>Australian swamp stonecrop</u>
<i>Egeria densa</i>	Brazilian elodea
<i>Epilobium hirsutum</i>	hairy willow herb
<i>Glossostigma diandrum</i>	mud mat
<i>Hydrilla verticillata</i>	hydrilla
<i>Hydrocharis morsus-ranae</i>	European frog-bit
<i>Lagarosiphon major</i>	African elodea
<i>Ludwigia hexapetala</i>	water primrose
<i>Lysimachia vulgaris</i>	garden loosestrife
<i>Murdannia keisak</i>	marsh dew flower, Asian spiderwort
<i>Myriophyllum aquaticum</i>	parrotfeather
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<i>Najas minor</i>	slender-leaved naiad, brittle naiad
<i>Nymphoides peltata</i>	yellow floating heart
<i>Sagittaria graminea</i>	grass-leaved arrowhead
<u><i>Sagittaria platyphylla</i></u>	<u>delta arrowhead</u>
<i>Spartina alterniflora</i>	smooth cordgrass
<i>Spartina anglica</i>	common cordgrass
<i>Spartina densiflora</i>	dense-flowered cordgrass
<i>Spartina patens</i>	salt meadow cordgrass
<i>Trapa natans</i>	water chestnut, bull nut
<u><i>Trapa bicornus</i></u>	<u>water caltrap, devil's pod, bat nut</u>
<i>Utricularia inflata</i>	swollen bladderwort

AMENDATORY SECTION (Amending WSR 02-12-030, filed 5/29/02, effective 6/29/02)

WAC 16-752-610 Noxious weed seed and plant quarantine--Regulated articles. All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are regulated under the terms of this noxious weed seed and plant

quarantine:

Scientific Name	Common Names
<i>Abutilon theophrasti</i>	velvetleaf
<i>Alliaria petiolata</i>	garlic mustard
<i>Amorpha fruticosa</i>	indigobush, lead plant
<i>Anchusa officinalis</i>	common bugloss, alkanet, anchusa
<i>Anthriscus sylvestris</i>	wild chervil
<i>Carduus acanthoides</i>	plumeless thistle
<i>Carduus nutans</i>	musk thistle, nodding thistle
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Carduus tenuiflorus</i>	slenderflower thistle
<i>Centaurea calcitrapa</i>	purple starthistle
<i>Centaurea diffusa</i>	diffuse knapweed
<i>Centaurea jacea</i>	brown knapweed, rayed knapweed, brown centaury horse-knobs, hardheads
<i>Centaurea jacea x nigra</i>	meadow knapweed
<i>Centaurea biebersteinii</i>	spotted knapweed
<i>Centaurea macrocephala</i>	bighead knapweed
<i>Centaurea nigra</i>	black knapweed
<i>Centaurea nigrescens</i>	Vochin knapweed
<i>Chaenorrhinum minus</i>	dwarf snapdragon
<i>Crupina vulgaris</i>	common crupina
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	wild carrot, Queen Anne's lace
<i>Echium vulgare</i>	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
<i>Euphorbia esula</i>	leafy spurge
<i>Euphorbia oblongata</i>	eggleaf spurge
<i>Galega officinalis</i>	goatsrue
<i>Helianthus ciliaris</i>	Texas blueweed
<i>Heracleum mantegazzianum</i>	giant hogweed, giant cow parsnip
<i>Hibiscus trionum</i>	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
<i>Hieracium aurantiacum</i>	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim- the-collier
<i>Hieracium caespitosum</i>	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil
<i>Hieracium floribundum</i>	yellow devil hawkweed
<i>Hieracium pilosella</i>	mouseear hawkweed
<i>Impatiens glandulifera</i>	policeman's helmet
<i>Isatis tinctoria</i>	dyers' woad
<i>Kochia scoparia</i>	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
<i>Lepidium latifolium</i>	perennial pepperweed
<i>Leucanthemum vulgare</i>	oxeye daisy, white daisy, whiteweed, field daisy, marguerite, poorland flower
<i>Linaria dalmatica spp. dalmatica</i>	Dalmatian toadflax
<i>Mirabilis nyctaginea</i>	wild four o'clock, umbrella-wort
<i>Onopordum acanthium</i>	Scotch thistle
<u><i>Polygonum cuspidatum</i></u>	<u>Japanese knotweed</u>
<u><i>Polygonum polystachyum</i></u>	<u>Himalayan knotweed</u>
<u><i>Polygonum sachalinense</i></u>	<u>giant knotweed</u>

Scientific Name	Common Names
<u>Polygonum x bohemicum</u>	<u>Bohemian knotweed, Japanese and giant knotweed hybrid</u>
Proboscidea louisianica	unicorn-plant
Pueraria montana var. lobata	kudzu
Salvia aethiopsis	Mediterranean sage
Salvia pratensis	meadow clary
Salvia sclarea	clary sage
Senecio jacobaea	tansy ragwort
Silybum marianum	milk thistle
Solanum elaeagnifolium	silverleaf nightshade
Solanum rostratum	buffaloburr
Soliva sessilis	lawnweed
Sorghum halepense	johnsongrass
Spartium junceum	Spanish broom
Tamarix ramosissima	salteedar
Thymelaea passerina	spurge flax
Torilis arvensis	hedgearsley
Ulex europaeus	gorse, furze
Zygophyllum fabago	Syrian bean-caper