

2 **E2SSB 5633** - H AMD 811 ADOPTED 4/12/95

3 By Representatives Chandler and Mastin

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*,
9 and *Spartina patens* which are collectively called spartina are not
10 native to the state of Washington nor to the west coast of North
11 America. This noxious weed was inadvertently introduced into the
12 wetlands of the state and is now aggressively invading new areas to the
13 detriment of native ecosystems and aquatic habitat. The spread of
14 spartina threatens to permanently convert and displace native
15 freshwater and saltwater wetlands and intertidal zones, including
16 critical habitat for migratory birds, many fish species, bivalves,
17 invertebrates, marine mammals, and other animals. The continued spread
18 of spartina will permanently reduce the diversity and the quantity of
19 these species and will have a significant negative environmental
20 impact.

21 *Spartina* poses a significant hydrological threat. Clumps and
22 meadows of *spartina* are dense environments that bind sediments and lift
23 the intertidal gradient up out of the intertidal zone through time.
24 This process reduces flows during flood conditions, raises flood
25 levels, and significantly alters the hydrological regime of estuarine
26 areas.

27 *Spartina* spreads by rhizomes and seed production. Through lateral
28 growth by rhizomes, *spartina* establishes a dense monotypic meadow.
29 Through seed production and the spread of seed through the air and by
30 water, *spartina* is currently being spread to other states and to
31 Canadian provinces.

32 (2) Purple loosestrife was first documented in the state in 1929
33 along freshwater shorelands. It is now present throughout the state
34 and is particularly abundant in Grant county and its neighboring
35 counties. The plant appears to be colonizing more rapidly on the
36 eastern side of the state than on the western side. It was first

1 introduced to the Winchester Wasteway area in the 1960's and has
2 invaded the area rapidly. Purple loosestrife is displacing native
3 plants and as a result is threatening an extremely important part of
4 this state's wildlife habitat. Lythrum salicaria and L. virgatum are
5 closely related loosestrife species that are morphologically similar
6 and not easily distinguished from each other in the field. Both
7 species have been referred to as purple loosestrife.

8 (3) Current laws and rules designed to protect the environment and
9 preserve the wetland habitats, fish, and wildlife of the state are not
10 designed to respond to an ecosystem-wide threat of this kind. State
11 and federal agencies, local governments, weed boards, concerned
12 individuals, and property owners attempting to deal with the ecological
13 emergency posed by spartina and purple loosestrife infestations have
14 been frustrated by interagency disagreements, demands for an undue
15 amount of procedural and scientific process and information, dilatory
16 appeals, and the improper application of laws and regulations by
17 agencies that have in fact undermined the legislative purposes of those
18 same laws while ignoring the long-term implications of delay and
19 inaction. There is a compelling need for strong leadership,
20 coordination, and reporting by a single state agency to respond
21 appropriately to this urgent environmental challenge.

22 Any further delay of control efforts will significantly increase
23 the cost of spartina and purple loosestrife control and reduce the
24 likelihood of long-term success. Control efforts must be coordinated
25 across political and ownership boundaries in order to be effective.

26 (4) The presence of noxious weeds on public lands constitutes a
27 public nuisance and negatively impacts public and private lands. The
28 legislature finds that control and eradication of noxious weeds on
29 private lands is in the public interest.

30 NEW SECTION. **Sec. 2.** This state is facing an environmental
31 disaster that will affect other states as well as other nations. The
32 legislature finds that six years is sufficient time for state agencies
33 to debate solutions to the spartina and purple loosestrife problems
34 that are occurring in state waters. One of the purposes of this act is
35 to focus agency action on control and future eradication of spartina
36 and purple loosestrife. It is the mandate of the legislature that one
37 state agency, the department of agriculture, be responsible for a
38 unified effort to eliminate spartina and control purple loosestrife,

1 with the advice of the state noxious weed control board, and that state
2 agency shall be directly accountable to the legislature on the progress
3 of the spartina eradication and purple loosestrife control program.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
5 to read as follows:

6 (1) The director shall issue or approve water quality permits for
7 use by federal, state, or local governmental agencies and licensed
8 applicators for the purpose of using, for aquatic noxious weed control,
9 herbicides and surfactants registered under state or federal pesticide
10 control laws. The issuance of the permits shall be subject only to
11 compliance with: Federal and state pesticide label requirements, the
12 requirements of the federal insecticide, fungicide, and rodenticide
13 act, the Washington pesticide control act, the Washington pesticide
14 application act, and the state environmental policy act; and applicable
15 requirements established in an option or options recommended for
16 controlling the noxious weed by a final environmental impact statement
17 published under chapter 43.21C RCW by the department prior to the
18 effective date of this section, by the department of agriculture, or by
19 the department of agriculture jointly with other state agencies. This
20 section may not be construed as requiring the preparation of a new
21 environmental impact statement to replace a final environmental impact
22 statement published before the effective date of this section.

23 (2) The director of ecology may not utilize this permit authority
24 to otherwise condition or burden weed control efforts. The director's
25 authority to issue water quality modification permits for activities
26 other than the application of surfactants and approved herbicides, to
27 control aquatic noxious weeds, is unaffected by this section.

28 (3) As used in this section, "aquatic noxious weed" means an
29 aquatic weed on the state noxious weed list adopted under RCW
30 17.10.080.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.20 RCW
32 to read as follows:

33 (1) An activity conducted solely for the removal or control of
34 spartina shall not require hydraulic project approval.

35 (2) An activity conducted solely for the removal or control of
36 purple loosestrife and which is performed with hand-held tools, hand-

1 held equipment, or equipment carried by a person when used shall not
2 require hydraulic project approval.

3 (3) By June 30, 1997, the department of fish and wildlife shall
4 develop rules for projects conducted solely for the removal or control
5 of various aquatic noxious weeds other than spartina and purple
6 loosestrife and for activities or projects for controlling purple
7 loosestrife not covered by subsection (2) of this section, which
8 projects will use, divert, obstruct, or change the natural flow or bed
9 of any of the salt or fresh waters of the state. Following the
10 adoption of the rules, the department shall produce and distribute a
11 pamphlet describing the methods of removing or controlling the aquatic
12 noxious weeds that are approved under the rules. The pamphlet serves
13 as the hydraulic project approval for any project that is conducted
14 solely for the removal or control of such aquatic noxious weeds and
15 that is conducted as described in the pamphlet; no further hydraulic
16 project approval is required for such a project.

17 From time to time as information becomes available, the department
18 shall adopt similar rules for additional aquatic noxious weeds or
19 additional activities for removing or controlling aquatic noxious weeds
20 not governed by subsection (1) or (2) of this section and shall produce
21 and distribute one or more pamphlets describing these methods of
22 removal or control. Such a pamphlet serves as the hydraulic project
23 approval for any project that is conducted solely for the removal or
24 control of such aquatic noxious weeds and that is conducted as
25 described in the pamphlet; no further hydraulic project approval is
26 required for such a project.

27 (4) As used in this section, "spartina," "purple loosestrife," and
28 "aquatic noxious weeds" have the meanings prescribed by section 12 of
29 this act.

30 (5) Nothing in this section shall prohibit the department of fish
31 and wildlife from requiring a hydraulic project approval for those
32 parts of hydraulic projects that are not specifically for the control
33 or removal of spartina, purple loosestrife, or other aquatic noxious
34 weeds.

35 **Sec. 5.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read
36 as follows:

37 As used in this chapter, unless the context otherwise requires, the
38 following definitions and concepts apply:

1 (1) Administration:
2 (a) "Department" means the department of ecology;
3 (b) "Director" means the director of the department of ecology;
4 (c) "Local government" means any county, incorporated city, or town
5 which contains within its boundaries any lands or waters subject to
6 this chapter;
7 (d) "Person" means an individual, partnership, corporation,
8 association, organization, cooperative, public or municipal
9 corporation, or agency of the state or local governmental unit however
10 designated;
11 (e) "Hearing board" means the shoreline hearings board established
12 by this chapter.
13 (2) Geographical:
14 (a) "Extreme low tide" means the lowest line on the land reached by
15 a receding tide;
16 (b) "Ordinary high water mark" on all lakes, streams, and tidal
17 water is that mark that will be found by examining the bed and banks
18 and ascertaining where the presence and action of waters are so common
19 and usual, and so long continued in all ordinary years, as to mark upon
20 the soil a character distinct from that of the abutting upland, in
21 respect to vegetation as that condition exists on June 1, 1971, as it
22 may naturally change thereafter, or as it may change thereafter in
23 accordance with permits issued by a local government or the department:
24 PROVIDED, That in any area where the ordinary high water mark cannot be
25 found, the ordinary high water mark adjoining salt water shall be the
26 line of mean higher high tide and the ordinary high water mark
27 adjoining fresh water shall be the line of mean high water;
28 (c) "Shorelines of the state" are the total of all "shorelines" and
29 "shorelines of state-wide significance" within the state;
30 (d) "Shorelines" means all of the water areas of the state,
31 including reservoirs, and their associated wetlands, together with the
32 lands underlying them; except (i) shorelines of state-wide
33 significance; (ii) shorelines on segments of streams upstream of a
34 point where the mean annual flow is twenty cubic feet per second or
35 less and the wetlands associated with such upstream segments; and (iii)
36 shorelines on lakes less than twenty acres in size and wetlands
37 associated with such small lakes;
38 (e) "Shorelines of state-wide significance" means the following
39 shorelines of the state:

1 (i) The area between the ordinary high water mark and the western
2 boundary of the state from Cape Disappointment on the south to Cape
3 Flattery on the north, including harbors, bays, estuaries, and inlets;
4 (ii) Those areas of Puget Sound and adjacent salt waters and the
5 Strait of Juan de Fuca between the ordinary high water mark and the
6 line of extreme low tide as follows:
7 (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,
8 (B) Birch Bay--from Point Whitehorn to Birch Point,
9 (C) Hood Canal--from Tala Point to Foulweather Bluff,
10 (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point,
11 and
12 (E) Padilla Bay--from March Point to William Point;
13 (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and
14 adjacent salt waters north to the Canadian line and lying seaward from
15 the line of extreme low tide;
16 (iv) Those lakes, whether natural, artificial, or a combination
17 thereof, with a surface acreage of one thousand acres or more measured
18 at the ordinary high water mark;
19 (v) Those natural rivers or segments thereof as follows:
20 (A) Any west of the crest of the Cascade range downstream of a
21 point where the mean annual flow is measured at one thousand cubic feet
22 per second or more,
23 (B) Any east of the crest of the Cascade range downstream of a
24 point where the annual flow is measured at two hundred cubic feet per
25 second or more, or those portions of rivers east of the crest of the
26 Cascade range downstream from the first three hundred square miles of
27 drainage area, whichever is longer;
28 (vi) Those wetlands associated with (i), (ii), (iv), and (v) of
29 this subsection (2)(e);
30 (f) "Wetlands" or "wetland areas" means those lands extending
31 landward for two hundred feet in all directions as measured on a
32 horizontal plane from the ordinary high water mark; floodways and
33 contiguous floodplain areas landward two hundred feet from such
34 floodways; and all marshes, bogs, swamps, and river deltas associated
35 with the streams, lakes, and tidal waters which are subject to the
36 provisions of this chapter; the same to be designated as to location by
37 the department of ecology: PROVIDED, That any county or city may
38 determine that portion of a one-hundred-year-flood plain to be included
39 in its master program as long as such portion includes, as a minimum,

1 the floodway and the adjacent land extending landward two hundred feet
2 therefrom;

3 (g) "Floodway" means those portions of the area of a river valley
4 lying streamward from the outer limits of a watercourse upon which
5 flood waters are carried during periods of flooding that occur with
6 reasonable regularity, although not necessarily annually, said floodway
7 being identified, under normal condition, by changes in surface soil
8 conditions or changes in types or quality of vegetative ground cover
9 condition. The floodway shall not include those lands that can
10 reasonably be expected to be protected from flood waters by flood
11 control devices maintained by or maintained under license from the
12 federal government, the state, or a political subdivision of the state.

13 (3) Procedural terms:

14 (a) "Guidelines" means those standards adopted to implement the
15 policy of this chapter for regulation of use of the shorelines of the
16 state prior to adoption of master programs. Such standards shall also
17 provide criteria to local governments and the department in developing
18 master programs;

19 (b) "Master program" shall mean the comprehensive use plan for a
20 described area, and the use regulations together with maps, diagrams,
21 charts, or other descriptive material and text, a statement of desired
22 goals, and standards developed in accordance with the policies
23 enunciated in RCW 90.58.020;

24 (c) "State master program" is the cumulative total of all master
25 programs approved or adopted by the department of ecology;

26 (d) "Development" means a use consisting of the construction or
27 exterior alteration of structures; dredging; drilling; dumping;
28 filling; removal of any sand, gravel, or minerals; bulkheading; driving
29 of piling; placing of obstructions; or any project of a permanent or
30 temporary nature which interferes with the normal public use of the
31 surface of the waters overlying lands subject to this chapter at any
32 state of water level;

33 (e) "Substantial development" shall mean any development of which
34 the total cost or fair market value exceeds two thousand five hundred
35 dollars, or any development which materially interferes with the normal
36 public use of the water or shorelines of the state; except that the
37 following shall not be considered substantial developments for the
38 purpose of this chapter:

1 (i) Normal maintenance or repair of existing structures or
2 developments, including damage by accident, fire, or elements;

3 (ii) Construction of the normal protective bulkhead common to
4 single family residences;

5 (iii) Emergency construction necessary to protect property from
6 damage by the elements;

7 (iv) Construction and practices normal or necessary for farming,
8 irrigation, and ranching activities, including agricultural service
9 roads and utilities on wetlands, and the construction and maintenance
10 of irrigation structures including but not limited to head gates,
11 pumping facilities, and irrigation channels: PROVIDED, That a feedlot
12 of any size, all processing plants, other activities of a commercial
13 nature, alteration of the contour of the wetlands by leveling or
14 filling other than that which results from normal cultivation, shall
15 not be considered normal or necessary farming or ranching activities.
16 A feedlot shall be an enclosure or facility used or capable of being
17 used for feeding livestock hay, grain, silage, or other livestock feed,
18 but shall not include land for growing crops or vegetation for
19 livestock feeding and/or grazing, nor shall it include normal livestock
20 wintering operations;

21 (v) Construction or modification of navigational aids such as
22 channel markers and anchor buoys;

23 (vi) Construction on wetlands by an owner, lessee, or contract
24 purchaser of a single family residence for his own use or for the use
25 of his family, which residence does not exceed a height of thirty-five
26 feet above average grade level and which meets all requirements of the
27 state agency or local government having jurisdiction thereof, other
28 than requirements imposed pursuant to this chapter;

29 (vii) Construction of a dock, including a community dock, designed
30 for pleasure craft only, for the private noncommercial use of the
31 owner, lessee, or contract purchaser of single and multiple family
32 residences, the cost of which does not exceed two thousand five hundred
33 dollars;

34 (viii) Operation, maintenance, or construction of canals,
35 waterways, drains, reservoirs, or other facilities that now exist or
36 are hereafter created or developed as a part of an irrigation system
37 for the primary purpose of making use of system waters, including
38 return flow and artificially stored ground water for the irrigation of
39 lands;

1 (ix) The marking of property lines or corners on state owned lands,
2 when such marking does not significantly interfere with normal public
3 use of the surface of the water;

4 (x) Operation and maintenance of any system of dikes, ditches,
5 drains, or other facilities existing on September 8, 1975, which were
6 created, developed, or utilized primarily as a part of an agricultural
7 drainage or diking system;

8 (xi) Any action commenced prior to December 31, 1982, pertaining to
9 (A) the restoration of interim transportation services as may be
10 necessary as a consequence of the destruction of the Hood Canal bridge,
11 including, but not limited to, improvements to highways, development of
12 park and ride facilities, and development of ferry terminal facilities
13 until a new or reconstructed Hood Canal bridge is open to traffic; and
14 (B) the reconstruction of a permanent bridge at the site of the
15 original Hood Canal bridge;

16 (xii) The process of removing or controlling an aquatic noxious
17 weed, as defined in section 12 of this act, through the use of an
18 herbicide or other treatment methods applicable to weed control that
19 are recommended by a final environmental impact statement published by
20 the department of agriculture or the department jointly with other
21 state agencies under chapter 43.21C RCW.

22 **Sec. 6.** RCW 17.10.010 and 1987 c 438 s 1 are each amended to read
23 as follows:

24 Unless a different meaning is plainly required by the context, the
25 following words and phrases as hereinafter used in this chapter shall
26 have the following meanings:

27 (1) "Noxious weed" means any plant which when established is highly
28 destructive, competitive, or difficult to control by cultural or
29 chemical practices.

30 (2) "State noxious weed list" means a list of noxious weeds adopted
31 by the state noxious weed control board which list is divided into
32 three classes:

33 (a) Class A shall consist of those noxious weeds not native to the
34 state that are of limited distribution or are unrecorded in the state
35 and that pose a serious threat to the state;

36 (b) Class B shall consist of those noxious weeds not native to the
37 state that are of limited distribution or are unrecorded in a region of
38 the state and that pose a serious threat to that region;

1 (c) Class C shall consist of any other noxious weeds.

2 (3) "Person" means any individual, partnership, corporation, firm,
3 the state or any department, agency, or subdivision thereof, or any
4 other entity.

5 (4) "Owner" means the person in actual control of property, or his
6 agent, whether such control is based on legal or equitable title or on
7 any other interest entitling the holder to possession and, for purposes
8 of liability, pursuant to RCW 17.10.170 or 17.10.210, means the
9 possessor of legal or equitable title or the possessor of an easement:
10 PROVIDED, That when the possessor of an easement has the right to
11 control or limit the growth of vegetation within the boundaries of an
12 easement, only the possessor of such easement shall be deemed, for the
13 purpose of this chapter, an "owner" of the property within the
14 boundaries of such easement.

15 (5) As pertains to the duty of an owner, the words "control",
16 "contain", "eradicate", and the term "prevent the spread of noxious
17 weeds" shall mean conforming to the standards of noxious weed control
18 or prevention adopted by rule or regulation by the state noxious weed
19 control board and an activated county noxious weed control board.

20 (6) "Agent" means any occupant or any other person acting for the
21 owner and working or in charge of the land.

22 (7) "Agricultural purposes" are those which are intended to provide
23 for the growth and harvest of food and fiber.

24 (8) "Director" means the director of the department of agriculture
25 or the director's appointed representative.

26 (9) "Weed district" means a weed district as defined in chapters
27 17.04 and 17.06 RCW.

28 (10) "Aquatic noxious weed" means an aquatic plant species that is
29 listed on the state weed list under RCW 17.10.080.

30 **Sec. 7.** RCW 90.48.020 and 1987 c 109 s 122 are each amended to
31 read as follows:

32 Whenever the word "person" is used in this chapter, it shall be
33 construed to include any political subdivision, government agency,
34 municipality, industry, public or private corporation, copartnership,
35 association, firm, individual or any other entity whatsoever.

36 Wherever the words "waters of the state" shall be used in this
37 chapter, they shall be construed to include lakes, rivers, ponds,
38 streams, inland waters, underground waters, salt waters and all other

1 surface waters and watercourses within the jurisdiction of the state of
2 Washington.

3 Whenever the word "pollution" is used in this chapter, it shall be
4 construed to mean such contamination, or other alteration of the
5 physical, chemical or biological properties, of any waters of the
6 state, including change in temperature, taste, color, turbidity, or
7 odor of the waters, or such discharge of any liquid, gaseous, solid,
8 radioactive, or other substance into any waters of the state as will or
9 is likely to create a nuisance or render such waters harmful,
10 detrimental or injurious to the public health, safety or welfare, or to
11 domestic, commercial, industrial, agricultural, recreational, or other
12 legitimate beneficial uses, or to livestock, wild animals, birds, fish
13 or other aquatic life.

14 Wherever the word "department" is used in this chapter it shall
15 mean the department of ecology.

16 Whenever the word "director" is used in this chapter it shall mean
17 the director of ecology.

18 Whenever the words "aquatic noxious weed" are used in this chapter,
19 they have the meaning prescribed under section 12 of this act.

20 NEW SECTION. Sec. 8. State agencies and local governments may not
21 use any other local, state, or federal permitting requirement,
22 regulatory authority, or legal mechanism to override the legislative
23 intent and statutory mandates of this act.

24 NEW SECTION. Sec. 9. Spartina removal shall include restoration
25 to return intertidal land and other infested lands to the condition
26 found on adjacent unaffected lands in the same tidal elevation. The
27 department of fish and wildlife, the department of ecology, the
28 department of agriculture, and the department of natural resources
29 shall develop a restoration plan in cooperation with owners of spartina
30 infested lands and shall submit the plan to the appropriate standing
31 committees of the house of representatives and the senate by December
32 31, 1995.

33 NEW SECTION. Sec. 10. (1) The state department of agriculture is
34 the lead agency for the control of spartina and purple loosestrife with
35 the advice of the state noxious weed control board.

36 (2) Responsibilities of the lead agency include:

1 (a) Coordination of the control program including memorandums of
2 understanding, contracts, and agreements with local, state, federal,
3 and tribal governmental entities and private parties;

4 (b) Preparation of a state-wide spartina management plan utilizing
5 integrated vegetation management strategies that encompass all of
6 Washington's tidelands. The plan shall be developed in cooperation
7 with local, state, federal, and tribal governments, private landowners,
8 and concerned citizens. The plan shall prioritize areas for control.
9 Nothing in this subsection prohibits the department from taking action
10 to control spartina in a particular area of the state in accordance
11 with a plan previously prepared by the state while preparing the state-
12 wide plan;

13 (c) Directing on the ground control efforts that include, but are
14 not limited to: (i) Control work and contracts; (ii) spartina survey;
15 (iii) collection and maintenance of spartina location data; (iv)
16 purchasing equipment, goods, and services; (v) survey of threatened and
17 endangered species; and (vi) site-specific environmental information
18 and documents; and

19 (d) Evaluating the effectiveness of the control efforts.

20 The lead agency shall report to the appropriate standing committees
21 of the house of representatives and the senate no later than May 15th
22 and December 15th of each year through the year 1999 on the progress of
23 the program, the number of acres treated by various methods of control,
24 and on the funds spent.

25 NEW SECTION. **Sec. 11.** This section applies to appropriations made
26 to the department of agriculture specifically for the removal or
27 control of spartina or purple loosestrife or both plants. The
28 legislature finds that: The presence of spartina or purple loosestrife
29 on private lands threatens wildlife habitat and provides a source of
30 renewed infestation for public lands; and effective eradication or
31 control of spartina or purple loosestrife requires concerted efforts on
32 both public and private lands to protect public resources. The
33 department of agriculture may grant funds to other state agencies,
34 local governments, and nonprofit corporations for eradication or
35 control purposes and may use those moneys itself. The department of
36 agriculture may match private funds for eradication or control programs
37 on private property on a fifty-fifty matching basis. The accounting

1 and supervision of the funds at the local level shall be conducted by
2 the department of agriculture.

3 NEW SECTION. **Sec. 12.** (1) Facilitating the control of spartina
4 and purple loosestrife is a high priority for all state agencies.

5 (2) The department of natural resources is responsible for spartina
6 and purple loosestrife control on state-owned aquatic lands managed by
7 the department of natural resources.

8 (3) The department of fish and wildlife is responsible for spartina
9 and purple loosestrife control on state-owned aquatic lands managed by
10 the department of fish and wildlife.

11 (4) The state parks and recreation commission is responsible for
12 spartina and purple loosestrife control on state-owned aquatic lands
13 managed by the state parks and recreation commission.

14 (5) Unless the context clearly requires otherwise, the definitions
15 in this subsection apply throughout this chapter, RCW 90.48.020,
16 90.58.030, and section 4 of this act:

17 (a) "Spartina" means *Spartina alterniflora*, *Spartina anglica*,
18 *Spartina x townsendii*, and *Spartina patens*.

19 (b) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum*
20 *virgatum*.

21 (c) "Aquatic noxious weed" means an aquatic weed on the state
22 noxious weed list adopted under RCW 17.10.080.

23 NEW SECTION. **Sec. 13.** Sections 1, 2, and 8 through 12 of this act
24 shall constitute a new chapter in Title 17 RCW.

25 NEW SECTION. **Sec. 14.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and shall take
32 effect immediately."

1 **E2SSB 5633** - H AMD
2 By Representative Chandler

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4 On page 1, line 1 of the title, after "control;" strike the
5 remainder of the title and insert "amending RCW 90.58.030, 17.10.010,
6 and 90.48.020; adding a new section to chapter 90.48 RCW; adding a new
7 section to chapter 75.20 RCW; adding a new chapter to Title 17 RCW; and
8 declaring an emergency."

9 EFFECT: The amendment differs from the amendment by the Committee
10 on Agriculture and Ecology as follows: (1) Rather than exempting from
11 the HPA process all activities to remove or control purple loosestrife,
12 this amendment exempts for the weed only those activities conducted
13 with hand-held tools or equipment or equipment carried by the person
14 using it; (2) under this amendment, the Department of Fish and
15 Wildlife's pamphlet describing other approved control activities serves
16 as an HPA; (3) this amendment requires purple loosestrife to be
17 controlled, but not eradicated; and (4) the amendment clarifies
18 provisions regarding water quality modification permits, acknowledges
19 a currently existing environmental impact statement by DOE, and no
20 longer prohibits restrictions on the use of surfactants.

--- END ---