
SUBSTITUTE SENATE BILL 5315

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Natural Resources, Parks & Recreation
(originally sponsored by Senators Jacobsen, Oke and Winsley)

Read first time 02/15/1999.

1 AN ACT Relating to aquatic nuisance species; amending RCW
2 77.12.020; adding a new chapter to Title 77 RCW; and creating new
3 sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Population increases, more rapid means of
6 transportation, and other factors have contributed to a dramatic
7 increase in the accidental introduction of nonnative species throughout
8 the world. The indiscriminate introduction of new species can have
9 unpredictable and often negative impacts on native species. Aquatic
10 species that are especially destructive when introduced into new
11 ecosystems are referred to as aquatic nuisance species.

12 The legislature finds that aquatic nuisance species are a serious
13 problem that threaten the ecological integrity of the state's marine
14 and freshwater resources. Aquatic nuisance species also have a
15 significant impact on economic, social, and public health conditions
16 within our state. These species have few natural controls in their new
17 habitat and can spread rapidly, destroying native plant and animal
18 habitat, reducing recreational opportunities, lowering property values,
19 clogging waterways, and impacting irrigation and power generation.

1 The large number of governmental entities that now fund and
2 regulate programs to manage aquatic nuisance species have diverse
3 interests and limited jurisdictions that cannot adequately address the
4 wide ranging impacts of aquatic nuisance species in Washington.

5 The legislature intends to minimize the environmental and economic
6 risks from aquatic nuisance species by improving cooperation between
7 the various state and federal agencies responsible for controlling
8 aquatic nuisance species, and by authorizing specific programs that
9 either prevent the introduction of these species or aid in eliminating
10 infestations.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Committee" means the aquatic nuisance species coordination
14 committee.

15 (2) "Aquatic nuisance species" means a nonnative aquatic plant or
16 animal species that threatens the diversity or abundance of native
17 species, the ecological stability of infested waters, or commercial,
18 agricultural, or recreational activities dependent on such waters, and
19 consists of those:

20 (a) Aquatic plants listed by the state noxious weed control board
21 as noxious weeds as provided in RCW 17.10.080; and

22 (b) Aquatic animals classified as aquatic nuisance species by the
23 commission as provided in RCW 77.12.020.

24 NEW SECTION. **Sec. 3.** (1) The aquatic nuisance species
25 coordination committee is created for the purpose of fostering state,
26 federal, tribal, and private cooperation on aquatic nuisance species
27 issues. The committee shall strive to minimize the accidental
28 introduction of nonnative aquatic species and give special emphasis to
29 preventing the introduction and spread of aquatic nuisance species.

30 (2) The committee shall consist of representatives from each of the
31 following state agencies: Department of fish and wildlife, department
32 of ecology, department of agriculture, department of natural resources,
33 state patrol, state noxious weed control board, the Washington public
34 ports association, and Washington sea grant program. United States
35 fish and wildlife service, United States environmental protection
36 agency, and one person representing federally recognized tribes of
37 Washington will also be invited to participate in the committee. The

1 representative from the department of fish and wildlife shall chair the
2 committee. The committee chair may invite the participation of other
3 state, federal, tribal, or private organizations on either an ad hoc or
4 continuing basis, if it will better accomplish the purposes of the
5 committee.

6 (3) The committee has the following duties:

7 (a) Periodically revise the state of Washington aquatic nuisance
8 species management plan, originally published in June 1998;

9 (b) Prepare a zebra mussel containment plan for quickly detecting
10 and responding to an introduction of zebra mussels in a manner that
11 will eradicate the mussels or control their spread if eradication is
12 not possible;

13 (c) Prepare a programmatic environmental impact statement for the
14 zebra mussel containment plan and for other aquatic nuisance species as
15 needed;

16 (d) Design a monitoring program for early detection of zebra mussel
17 introductions into Washington waters;

18 (e) Design early response plans for other aquatic nuisance species,
19 as necessary;

20 (f) Design an on-site inspection program of aquatic plant dealers;

21 (g) Facilitate solutions for preventing the introduction of
22 nonnative aquatic species from the ballast water of ships;

23 (h) Design a zebra mussel inspection program for large boats being
24 hauled by commercial carriers into the state;

25 (i) Design a voluntary inspection program for small boats entering
26 Washington;

27 (j) Design an aquatic species education program, including
28 educational materials;

29 (k) Establish a list of advisors and seek their recommendations
30 regarding these duties;

31 (l) Advise member agencies on the use of funds available for
32 aquatic nuisance species activities;

33 (m) Prepare a report to the legislature making recommendations for
34 better accomplishing the purposes of this chapter and listing the
35 committee's accomplishments by December 1, 2001;

36 (n) Investigate and make recommendations regarding methods for
37 better integrating the management of terrestrial and aquatic nuisance
38 species.

1 (4) The committee shall accomplish its duties through the authority
2 and cooperation of its member agencies. Implementation of all plans
3 and programs developed by the committee shall be through the member
4 agencies and other cooperating organizations. Funding requests for
5 aquatic nuisance species activities shall be submitted through the
6 member agencies as a part of their individual budget requests.

7 NEW SECTION. **Sec. 4.** The department of ecology shall investigate
8 the risk of introductions of nonnative aquatic species through the
9 discharge of ballast water from ships and recommend state actions to
10 respond to this risk. In conducting this investigation, the director
11 of ecology shall seek the cooperation and participation of
12 organizations representing the maritime community for both Puget Sound
13 and the Columbia river. The recommendations shall be submitted in a
14 report to the aquatic nuisance species coordination committee and to
15 the appropriate legislative committees no later than December 1, 2000.

16 NEW SECTION. **Sec. 5.** The department of ecology may inspect
17 vessels and sample ballast water to determine whether the vessel's
18 ballast water poses a measurable risk of introducing nonnative aquatic
19 species into the waters of the state. Ballast water sampling and
20 determinations of measurable risk shall be based on accepted scientific
21 practice and parameters.

22 NEW SECTION. **Sec. 6.** The department of agriculture may inspect
23 licensed nurseries dealing in aquatic plants for the purpose of
24 detecting aquatic nuisance species and preventing the introduction of
25 these species into Washington waters. If aquatic nuisance species are
26 detected, the director of the department of agriculture may issue a
27 hold order on the infested aquatic plants and may require the nursery
28 to treat or dispose of the plants in a manner that will prevent the
29 introduction of the aquatic nuisance species into Washington waters.

30 NEW SECTION. **Sec. 7.** The state patrol may inspect boats entering
31 the state at a port of entry for the purpose of detecting zebra mussels
32 and preventing the introduction of this species into Washington waters.
33 If zebra mussels are detected, the state patrol may prohibit the
34 further movement of the boat until the carrier agrees to an approved

1 method of decontaminating the boat. The department of fish and
2 wildlife shall adopt rules defining approved decontamination methods.

3 **Sec. 8.** RCW 77.12.020 and 1994 c 264 s 53 are each amended to read
4 as follows:

5 (1) The director shall investigate the habits and distribution of
6 the various species of wildlife native to or adaptable to the habitats
7 of the state. The commission shall determine whether a species should
8 be managed by the department and, if so, classify it under this
9 section.

10 (2) The commission may classify by rule wild animals as game
11 animals and game animals as fur-bearing animals.

12 (3) The commission may classify by rule wild birds as game birds or
13 predatory birds. All wild birds not otherwise classified are protected
14 wildlife.

15 (4) In addition to those species listed in RCW 77.08.020, the
16 commission may classify by rule as game fish other species of the class
17 Osteichthyes that are commonly found in fresh water except those
18 classified as food fish by the director.

19 (5) The director may recommend to the commission that a species of
20 wildlife should not be hunted or fished. The commission may designate
21 species of wildlife as protected.

22 (6) If the director determines that a species of wildlife is
23 seriously threatened with extinction in the state of Washington, the
24 director may request its designation as an endangered species. The
25 commission may designate an endangered species.

26 (7) If the director determines that a species of the animal
27 kingdom, not native to Washington, is dangerous to the environment or
28 wildlife of the state, the director may request its designation as
29 deleterious exotic wildlife. The commission may designate deleterious
30 exotic wildlife.

31 (8) If the director determines that an aquatic animal species, not
32 native to Washington, threatens the diversity or abundance of native
33 species, the ecological stability of infested waters, or commercial,
34 agricultural, or recreational activities dependent on such waters, the
35 director may request its designation as an aquatic nuisance species.
36 The commission may designate aquatic nuisance species.

1 NEW SECTION. **Sec. 9.** Sections 2, 3, and 5 through 7 of this act
2 constitute a new chapter in Title 77 RCW.

3 NEW SECTION. **Sec. 10.** (1) If specific funding for the purposes of
4 section 4 of this act, referencing section 4 of this act by section
5 number, is not provided by June 30, 1999, in the omnibus appropriations
6 act, then section 4 of this act is null and void.

7 (2) If specific funding for the purposes of section 5 of this act,
8 referencing section 5 of this act by section number, is not provided by
9 June 30, 1999, in the omnibus appropriations act, then section 5 of
10 this act is null and void.

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