

# Clark County Noxious Weed Control Board

November 7<sup>th</sup>, 2022

9:00 am

In-Person and Teleconference

Lee Wells, District 1  
Lisa Nelski, District 2  
Bill Zimmerman, District 3, Vice Chair  
Jerry Kolke, District 4, Chair  
Randy Lawffer, District 5  
Justin O’Dea, WSU Extension

Justin Collell, Coordinator  
Chris Walker, Secretary

Other Call-in Attendees:

## Agenda

1. Call to Order - Review and approve Minutes from previous meeting	Chair	10 min
2. Status Update of the Field Inspection Program <ul style="list-style-type: none"><li>• Training New Field Inspectors – Certifying them in Weed Free Forage</li><li>• Many Tansy ragwort signs were lost, but enough remain for next year</li><li>• Grants: Variable leaf Milfoil, Knotweed, Tree of Heaven</li></ul>	Coordinator	15 min
3. Update on Proposed State Noxious Weed List Changes -Feral Holly <ul style="list-style-type: none"><li>• Amendments to WAC 16-750-003, WAC 16-750-011, and WAC 16-750-015</li></ul>	Coordinator	10 min
4. Confirm schedule for 2023 meetings: Feb 6 May 1 Aug 7 Nov 6	Chair	5 min
5. <a href="#">Items from the Board</a>		

## Additional Information and Discussion

Public Comments?

## Action Items

**Next Board Meeting: February 6, 2023**



For other formats, contact  
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DEPARTMENT OF AGRICULTURE  
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## Small Business Economic Impact Statement – Checklist to Determine whether a SBEIS is Required

Date: September 21, 2022  
To: Official Rule File  
From: Mary Fee  
Subject: Proposed Amendments to Chapter 16-750 WAC, **State Noxious Weed List  
And Schedule Of Monetary Penalties**

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***This Checklist must be completed for any rule making where a CR-102 is required; the Checklist is not required for emergency rule making or expedited rule making.***

### 1. What are the actual changes you propose to make to the rule?

#### **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 makes a few amendments to WAC 16-750-003, WAC 16-750-011, and WAC 16-750-015. Specifically, the Board is proposing:

1. WAC 16-750-003 addition of the definition of feral. Feral means where a plant species has escaped a managed landscape or is growing without human management or design. “Feral” does not include any plants grown for agricultural or commercial purposes.
2. WAC 16-750-011 Proposed Class B designation changes-
  - Common tansy, *Tanacetum vulgare*; un-designate in Lewis County.
  - Spotted knapweed, *Centaurea stoebe*: designate in Douglas County.
  - Shiny geranium, *Geranium lucidum*: un-designate in King County.
  - Scotch Thistle, *Onopordum acanthium*, designate in Douglas County.
3. WAC 16-750-015
  - Feral holly, *Ilex aquifolium*: Addition as a class C noxious weed species not including holly found in managed landscapes or where commercially or agriculturally grown.

**2. For each change, briefly identify the impacts (positive and negative).**

The proposed addition of feral holly, *Ilex aquifolium*, as a class C noxious weed species is intended to keep them from spreading from current feral infestations 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 as well as farming and grazing lands. Feral holly is known to invade riparian and sensitive areas as well as grow in forested understories.

The designation changes of common tansy, spotted knapweed, shiny geranium, and Scotch thistle are intended to better match the infestation distribution in those counties. 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.

**3. Does an exemption to the SBEIS requirement apply to all or a portion of your proposed rule? For each component of your proposed rule, answer all the following questions. Where you answer “yes,” note the applicable section(s) of your proposed rule.**

- Is the rule solely for the purpose of conformity or compliance, or both, with federal statute or regulations? If yes, cite the federal statute or regulation and describe the consequences to the state if the rule is not adopted. See RCW 19.85.061.

No       Yes, Explain:

- Is the rule adopting or incorporating by reference without material change federal statutes or regulations, Washington state laws, or rules of other Washington State agencies? If yes, cite the law or rule and explain any changes you propose and whether or not those changes are ‘material changes.’ See RCW 19.85.025(3)/RCW 34.05.310(4)(c).

No       Yes, Explain:

- Is the rule adopting or incorporating by reference without material change national consensus codes that generally establish industry standards? If yes, what is the national consensus code? Does state law require that we adopt or follow these national consensus codes – explain and provide the state law citation? See RCW 19.85.025(3)/RCW 34.05.310(4)(c).

No       Yes, Explain:

- Is the rule change only correcting typographical errors, making address or name changes, or clarifying language of a rule without changing its effect? See RCW 19.85.025(3)/RCW 34.05.310(4)(d).

No       Yes, Explain:

- Is the proposed rule content explicitly and specifically dictated by state law? If yes, cite the state law. See RCW 19.85.025(3)/RCW 34.05.310(4)(e).

No       Yes, Explain:

- Does the proposed rule set or adjust fees or rates pursuant to legislative standards? If yes, cite the state law. See RCW 19.85.025(3)/RCW 34.05.310(4)(f).

No       Yes, Explain:

- Does the rules adopt, amend, or repeal: a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit? If yes, explain. See RCW 19.85.025(3)/RCW 34.05.310(4)(g).

No       Yes, Explain:

**4. Are all of the businesses impacted by the proposed rule large businesses? “Small business” means a business entity, including a sole proprietorship, corporation, partnership, or other legal entity that is owned and operated independently from all other businesses and that employs 50 or fewer employees.**

No    Yes      Explain:

**5. If any components of your proposed rule do not meet one of the exemptions listed in either number 3 or 4, you must complete the following analysis to determine whether your proposed rule will impose more than minor costs on businesses in an industry:**

- List the types of businesses that will be impacted by the proposed rule.

A survey sent to potentially impacted licensed nurseries and agricultural industry associations indicated a very small proportion of the responding businesses sell plants included in the proposed rules and none of those businesses indicated the re-designation of those plants proposed here would result in impact due to loss of sales, revenue, or jobs.

This rule-making may affect any business that own land infested with feral holly. The Northwest Holly Growers Association has concerns that the listing of feral holly as a class C noxious weed may impact their sales. The listing of feral holly means that county noxious weed boards have the option to subsequently select feral holly for mandatory control. The noxious weed list is separate from the WSDA quarantine lists (WAC 16-752.300, 400, 500, 600), which prohibit the sale and transport of particular species, so the proposed listing of feral holly would not prohibit the production or sale of English holly grown for foliage or for horticultural use. A Class C listing of feral 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 action at all about feral holly.

The designation changes of common tansy, spotted knapweed, shiny geranium, and Scotch thistle should have no effect. Common tansy and shiny geranium are proposed to be un-designated for control by the WSNWCB. Counties may still select these two for control at the local level. Spotted knapweed and Scotch thistle are proposed to be designated for control at the state level in Douglas County. This requires control of both species in Douglas County. A 2022 Noxious Weed Survey was conducted in Douglas County showing that these two species are in limited distribution and control efforts are already taking place.

- What are the costs a business will incur to comply with the proposed rule?
  - Increased licensing, inspection, or other fees? None
  - Increased costs for equipment, supplies, training? If a business owns land that contains newly designated class B 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.
  - Increased staff hours (salary and benefits)? 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.
  - Increased reporting, record keeping, and administration? 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.
  - Increased costs for professional services, such as laboratory tests or veterinary services? 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.
  - Decreased sales or revenue? The Northwest Holly Growers Association has concerns that listing feral 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. This rule proposal does include an exemption for holly found in managed landscapes or where commercially or agriculturally grown.
- Will the proposed rule impose more than minor costs on businesses? “Minor cost” means a cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll. Explain how you determined whether or not the rule imposes more than minor costs on businesses.

No  Yes Explain: The designation changes of common tansy, spotted knapweed, shiny geranium, and Scotch thistle should have no effect. Two of these changes are 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 of these species will not cause businesses to incur more than minor costs to control.

Feral 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 feral holly to the class C noxious weed list is to educate and provide outreach on the concern of the threat to both native habitats and agriculture. This may also give individuals and agencies the ability to get and provide funding for on the ground control work. The exclusion for commercially or agriculturally grown holly and differentiation between feral holly and English (Christmas) holly are intended to protect holly growers from any negative impacts of this listing. The holly growers will not incur any costs associated with compliance with this rule making.

The cost to control one acre of a noxious weed infestations varies depending on control method and density of the infestations. Over the counter herbicides are available for controlling noxious weed species. A typical one gallon container of herbicide will treat up to 1 to 2 acres depending on concentration of the herbicide and density of infestation. The estimated cost for over the counter herbicides and sprayer is less than \$100. Given the known distribution of noxious weeds implicated by this rule amendment, and the likelihood that most land-owning businesses already take some action to manage vegetation on their properties, costs to comply with the proposed rule changes are expected to be minor.]

***Pre-CR 101 Meeting Determination:***

- 1. A SBEIS is required on the proposed rule component changes listed below:**
  
- 2. A SBEIS is not required on the proposed rule component changes listed below for the reasons stated:**

RCW 19.85.030(1)(a) requires that an agency prepare a small business economic impact statement (SBEIS) for proposed rules that impose more than a minor cost on businesses in an industry. An analysis of the direct economic effects of the proposed rule amendments indicates that costs to businesses would be minor, negligible, or none at all for the four class B re-designations and one class C addition to the noxious weed list.