

**Washington State Noxious Weed Control Board November Meeting  
9:00 a.m. November 2<sup>nd</sup>, 2022  
Online/Teleconferenced via WebEx Only due to Covid-19 Restrictions**

Handouts provided for meeting:

- Agenda for meeting.
- Draft minutes of September special and regular meeting.
- Office report.
- Financial report.
- Written findings, proposals, and other information regarding proposed noxious weed list changes

Meeting called to order at 9:00 a.m. by Bill Agosta

## Roll Call

Board members present via WebEx:

Allen Evenson	Ian Burke	Jarry Hendrickson
Bill Agosta	Janet Spingath	Ken Bajema
Carey Caruso	Jennifer Andreas	Todd Palzer
Eric Bell		

Others present via WebEx:

- Mary Fee, Washington State Noxious Weed Control Board
- Anne Schuster, Washington State Noxious Weed Control Board

## Minutes of the Previous Meeting

The Board reviewed the draft meeting minutes for the September 8<sup>th</sup> meeting and the special September 12<sup>th</sup> meeting.

- There was one error about Eric Bell. Eric Bell didn't replace Joe at that meeting, though Joseph Shea had just left his position.

<b>VOTE</b>	Janet Spingath	Moved to accept the minutes for the September 8 <sup>th</sup> regular and September 12 <sup>th</sup> special meeting, as amended.
	Allen Evenson	Seconded the motion.
	<i>The Board</i>	All in favor, no opposition, motion carried.

## Board Member Comments

- Ken – The rain has started to green things up, with over 5 inches over the last few days.

- Janet Spingath – She missed the September meeting, she was removing *Sagittaria graminea* at Mason Lake. It is very difficult to control, and now there is milfoil in the lake. They did find an endangered *Lobelia*.
- Ian – He is in the final stages of publishing the genome of false brome. It is the first invasive plant to be sequenced in Washington.
- Todd – He completed interviews to replace DNR’s Greater Puget Sound Strait of Juan De Fuca coordinator, and has extended an offer to one person.
- Jennifer – She is wrapping up field season, with just a few more release sites to do. Now she is moving into conference season.
- Eric – Kela Hall-Wieckert, who has been working for Lewis County, is going to be the new coordinator for Mason County starting December 1<sup>st</sup>. Sophie DeGroot is the new coordinator for Jefferson County. In Pend Oreille County, Loretta Nichols has replaced Sharon Sorby as coordinator.

### Election Update Districts 2 & 4

- Dirk Veleke, formerly of District 4, retired earlier in the year. There have been 2 nominees for his replacement, and the ballots are currently out.
- Jerry Hendrickson, from District 2, will be retiring at the end of the year. There were no nominees, so the nomination timeframe was extended to the end of the week.
  - This is Jerry’s last board meeting! Thank you Jerry, you will be missed!

### Representative for the Coordinators’ Association, Eric Bell

- Eric Bell was reappointed to the board, as a non-voting member, representing the Coordinator’s Association. He is replacing Joe Shea, who left for a different job earlier in the year.

### Elections

- Board elections will be happening in January.
- This is a 2 year term, from January 2023 to January 2025.
- These elections will be for Chair, Vice Chair, and Secretary.
  - Currently Bill is the Chair
  - Ken is the Vice Chair
  - Janet is the Secretary
- If you have nominations, ask the member, before nominating them.

### Office Reports

- Mary attended many meetings, including the WISC meeting, via zoom, Lake Roosevelt Working Group, and the Pollinator Task Force Habitat Committee
- Anne met with WISC, WSDA, and Cowlitz County to coordinate on Tree of Heaven Actions.
- Mary prepared for a presentation to the Washington Weed Conference.
- Anne gave many presentations, including one to small farmers on toxic weeds, and to the Washington Master Gardeners Conference, on Tree of Heaven.
- Mary continued to perform administrative tasks, such as completing the Class A and B Designate grants, updating the biennial report, assisting counties, and submitting weed list update legal documents.

- Anne continued weed education and outreach work, including sending out publications, answering questions, and updating materials.

## Budget Report

- There wasn't any major spending since the last board meeting.
- There is still no travel, which allows those funds to be put towards other projects.
- The salary line was a little above budget, but benefits was a little below budget.
  - The overage came from increasing Anne's salary, to correct an HR income error previously.
- The website bill was paid.

## Committee Updates

### Noxious Weed Committee

- Bill appointed Wesley Glisson, from the Department of Ecology, to the Noxious Weed Committee

## 2023 noxious weed list and WAC 16.750 Changes

### WAC 16-750-003 – addition of the definition of feral

- Feral will be defined as:
  - A plant species that 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.
- Discussion:
  - Janet asked if the term "ornamental" needs to be added as a word in the definition.
    - Mary responded that ornamental plantings are lands under human management or design.
  - The Attorney General determined that this definition can be updated or changed in the future.
  - Ken was concerned that this definition will not be understandable to the general public, and that people will misunderstand what feral means.
    - Bill responded that this is why the board is going through this definition and adding it to the law.
  - Ken was worried that this term will be only used for one case.
    - Mary responded that this is being used for cereal rye, as it is a crop and a noxious weed.
    - Bill added that it is also being used for carrots, as there are cultivated carrots and the wild carrots that are on our noxious weed list

<b>VOTE</b>	Janet Spingath	Moved to add the above definition of feral to the Washington State Noxious Weed list
	Allen Evenson	Seconded the motion.

<i>The Board</i>	Most in favor. Ken opposed. Motion carried.
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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.

<b>VOTE</b>	Jerry Hendrickson	Moved to make the above designation changes on the Washington State’s Noxious Weed List
	Janet Spingath	Seconded the motion.
	<i>The Board</i>	All in favor, no opposition, motion carried.

WAC 16-750-015 – proposed Class C addition

- Feral holly, *Ilex aquifolium*, proposed as a Class C addition to the Washington State Noxious Weed List.
  - Does not include holly found in managed landscapes or where commercially or agriculturally grown
  - Jerry asked if this listing will harm commercial growers
    - Mary responded that is why there is additional wording for the listing, to protect commercial growers.
    - This listing would help specifically with controlling feral holly in sensitive areas, like riparian areas or watersheds managed for drinking water.
    - There are areas where removal and/or herbicide is not allowed based on local restrictions, unless a plant is on the Washington State Noxious Weed List
      - Ken said there isn’t science to say that herbicide can reach drinking water.
      - Mary responded that this is not part of this discussion, as herbicide regulations in watersheds or in certain municipalities are made by different municipalities
- Ken Bajema’s comments:
  - In 2010 the weed board voted not to list holly on the noxious weed list
  - The November 1<sup>st</sup> hearing didn’t provide new science, and just rehashed earlier, non-scientific evidence.
    - Bill responded that there was new evidence presented, including a list of many peer-reviewed publications on the impacts of holly, that have all been published since 2010.
  - Ken summarized a statement from Washington State Representative Ed Orcutt, who has been a forester.
    - This statement said that listing holly would not help much with restoration, but would hurt the industry.
  - The legislature says that state agencies must follow certain rules to make changes.
    - RCW 19.85 says that rules passed by state agencies can impact small businesses.

- The Holly Growers Association stated that a holly listing would hurt their, and other's, sales
  - The Holly Growers Association sent a letter to the weed board that a small business economic impact statement (SBEIS) must be done
  - They said that the addition of the feral definition will still damage holly growers, because holly is sold under its scientific name.
- RCW 34.05 says the government must avoid confusing and frustrating the public.
  - The term feral will confuse the public, as it is not commonly used by the public or in science
  - A search for the term "feral holly" on google will only give one unrelated result.
- SBEIS must be made for any impact over \$100
  - The written findings label feral holly as toxic and poisonous.
  - A buyer in California said they won't buy holly if it is listed as noxious.
  - Holly is sold mostly as cut boughs, rather than in nurseries, and the survey did not ask the cut greens or floral industry.
  - There was a 10-30% decrease in holly sales since the 2010 process
  - This listing would support the myth that holly is poisonous
  - Would stop it from being sold overseas
  - There are other incorrect statements in the written findings
    - Holly doesn't grow in riparian areas
    - Holly won't hurt foresters
    - Holly doesn't hurt nutrient levels in the soil, and even increases nutrients.
  - A SBEIS would reveal all these points, and that it is not a noxious weed
- Bill's response to Ken's comments:
  - It is important to listen to the industry, but the board has worked with the attorney general on this issue.
  - Mary added that the SBEIS checklist occurred, and did not meet the requirements to fill out the entire SBEIS assessment.
    - She did not receive any responses from holly growers on the survey sent out to fill the checklist out
    - Ken responded that the Holly Grower Association's letter said there would be a loss, and that there is no need for full proprietary information to be given out. That information would have been provided in a full SBEIS
  - Bill restated that the board followed the law, and did not get the information needed that the Attorney General would require for a full SBEIS. The board fulfilled its legal duties.
- Janet commented, as a former forester. She stated that forestry is not impacted by holly, though the data from clearcut areas is clear. Forest practices do increase holly as vectors for spread. Also, that data shows that feral holly is infiltrating forests, riparian areas, and many other locations. She believes that forestry industry practices will increase feral holly's spread.
- Jerry commented that based on Jim Rummel's comments, he would be out of business in a year or two, if this passes.

- Ken commented that this listing may be being used to get money to remove holly from the woods, and that need is not outweighed by the damage to the industry, and that no counties said they would change what they do with holly if it were listed. It would be just another species on an already long list.
- Allen asked what would happen if we don't list feral holly. Would holly growers take any responsibility for holly's invasiveness?
  - Ken responded that the board should work with the growers on education.
  - Allen asked what would the education do, to change feral holly's impacts?
    - Ken responded that it could teach how to control holly at a cost which is economical.
  - Allen thinks that adding feral would help with the education and separate feral holly from purposely grown holly.
    - Ken responds that feral doesn't mean anything in the industry, and the boy scouts could harvest and sell wild holly.
  - Janet added her feeling that advertising holly as domestic holly would help sales.
    - Ken felt that would be an additional cost, and would need an economic statement
- Ken said that they need to talk to the Attorney General about an SBEIS
  - Bill responded that Mary has been in contact with the Attorney General, and that Ken is misconstruing what has happened.
  - He added that if the holly growers had responded with quantitative information, it may have been different, and that the board doesn't have to go over this again and again.
    - Ken responded that the holly growers don't need to explain in quantitative terms.
    - Bill responded that the rules do require quantitative terms.
- Ken commented that some testimony was given, which wasn't presented at the hearing.
  - Bill responded all the testimony was given out to the board before the hearing,
  - Ken said it wasn't, and he doesn't know where it is.
  - Bill stated that Mary and Bill responded to a letter, and it was given out to the board.
- Mary took some time to explain what a SBEIS is. It would look at holly, foresters, other industries, and makes a net value.
  - She added that just because there are impacts does not mean it can't be listed, the impacts must just be mitigated for. The feral definition was added as part of these mitigation steps.

<b>VOTE</b>	Janet Spingath	Moved to add feral holly to Washington State's Noxious Weed List
	Allen Evenson	Seconded the motion.
	<i>The Board</i>	Ken asked if there was still a quorum. Mary said that there is. Ken requested a voice vote from each individual: <ul style="list-style-type: none"> <li>• Ken – nay</li> <li>• Jerry – nay</li> </ul>

	<ul style="list-style-type: none"> <li>• Allen – yea</li> <li>• Carey – nay</li> <li>• Janet – yea</li> <li>• Bill – yea</li> </ul> <p>Vote tied, motion does not pass.</p>
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## Discussion Topics

### Covid-19 and In-person meetings for 2023

- WISC is having in-person, but still hybridized, meetings.
- Washington State’s COVID restrictions ended at the end of October, but WSDA haven’t updated their guidelines yet.
- Bill stated that the board should wait for WSDA to say whether or not in-person meetings can happen again.
  - WSDA will probably say we are not required to have in person meetings
  - Bill prefers in person meetings, but cautioned that COVID is still killing people around the country, and is on an upswing. He added that the board is largely made up of susceptible people.
- The January meeting will be virtual, and at and after that meeting, the board will discuss what to do for future meetings.
  - The board generally agreed that this sounds reasonable.

### Principal officer at hearing

- No Principal Officers were available for the hearing.
  - Mary checked with the Attorney General, and took Principal Officer position for the hearing.
- The board discussed if the Executive Secretary should be the Principal Officer at future hearings
  - Janet asked if there is an advantage to having a professional who knows how to run a public meeting do it.
    - There would be some advantage to that, but there is more advantage to having someone who knows about weeds and weed law run the hearings.
  - Janet asked if this would impact the trustworthiness and the image of impartiality to the public
    - If the attorney general says that the executive secretary can run it, and the board staff have to remain impartial anyway, it should not pose a problem.
  - There was an addition that written public comments don’t need to be read out loud at the hearing, simply provided to the board before.

<b>VOTE</b>	Allen Evenson	Moved to have the executive secretary lead the public hearing in future years.
	Jerry Hendrickson	Seconded the motion.

<i>The Board</i>	All in favor, no opposition, motion carried.
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### Flowering Rush Grant

- In the previous biennium budget there was a flowering rush grant through the Department of Ecology.
  - It was for monitoring, surveying, and controlling, and went very well
- Rochelle Osborne, the coordinator for Ferry County is now taking on the grant with Department of Ecology.
  - Each county can get a certain amount of funding through the grant, and is asking the State weed board to be one of the funding receivers, to help spread that money out.
  - Rochelle would still be doing all the grant writing and management.

<b>VOTE</b>	Jerry Hendrickson	Moved to join the flowering rush grant, as Mary described
	Janet Spingath	Seconded the motion.
	<i>The Board</i>	All in favor, no opposition, motion carried.

### Coordinators Forum

- No coordinators were present at this point in the meeting.

### Public Comment

- Pat Grover – Gave her thanks to Mary for attending the Mason County Weed Board meeting and presenting the weed law to the county board.
- Becky Chaney – She is the conservation chair for the Washington Native Plant Society, and they would appreciate a statement as to why the holly listing did not pass.
  - Mary explained that there will be a concise explanatory statement that will be sent out.
  - Bill asked if there has to be a concise explanatory statement for a species that didn't pass.
    - Because the vote was 3 to three, with no majority in favor, the motion to list feral holly as a noxious weed in Washington State did not pass.
    - Additionally, both sides have presented multiple times over the past few months, and that the arguments in favor of listing it didn't sway the board.
- Elliot Church – He understands that the State Weed Board's job is partially to protect public lands, and that feral holly clearly does harm Washington's public lands.
  - Elliot then asked if there is a conflict of interest, with Ken being on the board.
    - Bill responded that it is legal and that there is no law against it.
      - There are no rules of recusal, so there is no basis to ask someone with a conflict of interest to recuse themselves in this position
    - Allen respects Ken's point of view, and voted based on the evidence he heard at the hearing.



- Mary stated that the law says that three of five county weed board members have to be in the agricultural field, and that Ken fills that need, and feels the impacts.
- Ken responds that weed boards are made of agricultural producers and represents them. Some agricultural producers are holly growers, and he represents them.
- In 2010, the Attorney General made the same decision

## 2023 Meeting Dates

- The next meeting will be on January 19<sup>th</sup>, via WebEx.
- The March meeting will be on the morning of Wednesday the 15<sup>th</sup> to go along with the coordinator's conference, which happens March 15<sup>th</sup>-17<sup>th</sup>, and to avoid being on the same day as WISC's meeting on March 23<sup>rd</sup>.
  - The March meeting will be on WebEx, to allow people to travel to the coordinator's conference.
- May 25<sup>th</sup> on WebEx
- July 20<sup>th</sup> on WebEx
- September 7<sup>th</sup> on WebEx.
  - It has to be a little earlier in the month, to allow for filing of paperwork for the hearing in November.
  - WISC's meeting will be on September 28<sup>th</sup>
- The hearing will take place on October 31<sup>st</sup>, and the board meeting will be on November 1<sup>st</sup>.
  - To go along with the Weed Conference, which will probably happen November 1<sup>st</sup>-3<sup>rd</sup>
  - The hearing is always the day before the board meeting, and the board meeting is almost always on the first day of the weed conference.

The next board meeting will be on January 19<sup>th</sup>, at 9 a.m., via webinar.

The board meeting adjourned at 10:39 a.m.

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Bill Agosta, Chairman  
WSNWCB

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Janet Spingath, Secretary  
WSNWCB

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Mary Fee, Executive Secretary WSNWCB

