

**Washington State Noxious Weed Control Board November Meeting
9:00 a.m. November 1st, 2023
Hybrid Online via WebEx and in person at the Wenatchee Convention
Center**

Handouts provided for meeting:

- Agenda for meeting.
- Draft minutes of March meeting.
- Office report.
- Financial report.

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

Roll Call

Board members present via WebEx or in person:

Allen Evenson	Greg Haubrich	Ken Bajema
Bill Agosta	Ian Burke	Randy Johnson
Carey Caruso	Janet Spingath	Todd Palzer
Eric Bell	Jennifer Andreas	

Others present via WebEx and in person:

- Mary Fee, Washington State Noxious Weed Control Board
- Anne Schuster, Washington State Noxious Weed Control Board
- Abbi Haley, Thurston County Noxious Weed Control Board
- Cathy Lucero
- Cowlitz County
- Heidi Steinback, Thurston County Noxious Weed Control Board
- Justin Collel, County Noxious Weed Control Board
- Kirivie Mesebeluu-Yovech, Kitsap County Noxious Weed Control Board
- Mike Murphy, Thurston County Noxious Weed Control Board
- Mark Sytsma
- Steven Hsieh
- Wendy DesCamp, Washington Department of Agriculture
- Wessley Glisson, Washington Department of Ecology

Minutes of the Previous Meeting

The Board reviewed the draft meeting minutes for the September 7th meeting.

VOTE	Janet	Moved to accept the minutes for the September 7 th meeting.
	Allen	Seconded the motion.

<i>The Board</i>	All in favor, no opposition, motion carried.
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Board Member Updates

- Janet Spingath – The lakes were low in Western Washington.
- Greg Haubrich – WSDA was in progress of hiring Caleb Dolby’s position for the NW region of Washington.
- Jennifer Andreas – Was looking at two sites for releasing common crupina biocontrols in 2024.

Election Update – Districts 2 and 3

- There are two districts up for election, the SE and the NW sections of the state.
 - 1 nomination for the SE region
 - 3 nominations for NW region
- Ballots went out in mid-November based on these nominations, and should be getting back in December, with a full board in January.

Office Reports

- Anne led several presentations, including at the WSU Master Gardener Conference with WISC
- Anne prepared with WISC, King County, and WSDA to have 2 free pesticide webinars at the end of November, one of which in Spanish.
- Anne continued with general correspondence, answering questions, web-based outreach, and sending out publications.
- Mary continued working on many projects, such as the public records request, the strategic plan, with WSDA on the budget, county assessments, weed board nominations, and the documents for the updates to the weed law.
- Mary worked on the start of a budget request, based on the prompt from Representative Fitzgibbon, for 3 tiers of the budget and what needs could be met at each level.
 - Much of this potential future funding would be given to counties. Counties responded to Mary that about half are adequately funded, and most need staff to meet needs.

State Agency Updates

WSDA

- Interviews happened in early November to fill Dianna Painter’s position.
- Three labs in Western Washington were working out of warehouses, but recently moved to a single stellar facility.
- Annual reports with counties and agencies and field season all wrapped up.

Financial Report

- The largest expenses from July to November were renewing the storage unit and paying for the website.
 - Other expenses were tech support, Verizon, and mailing.
- There is a big need for more funding to go towards printing.

- With the current budget and demand for publications, we will only have enough funding each year for 8 months of Western GardenWise, Eastern field guide, and Western Field guides, and no new publications or reprinting any other publication.
- There was a new travel form process for board members to fill out to get travel reimbursements.

2024 Noxious Weed List and WAC 16.750 Updates

Palmer Amaranth, *Amaranthus palmeri* – Class A

VOTE	Greg Haubrich	Moved to add Palmer amaranth as a Class A weed
	Allen Evenson	Seconded the motion.
	<i>The Board</i>	All in favor, no opposed. Motion passes.

Variable-leaf Watermilfoil hybrids, *Myriophyllum heterophyllum* x *Myriophyllum hippuroides* – Add to current Variable-leaf watermilfoil Class A listing.

VOTE	Janet Spingath	Moved to add variable-leaf watermilfoil hybrids to the current Class A listing of variable-leaf watermilfoil
	Allen Evenson	Seconded the motion.
	<i>The Board</i>	All in favor, no opposed. Motion passes.

European, American, and hybrid beach grasses, *Ammophila arenaria*, *Ammophila breviligulata*, and *A. arenaria* x *A. breviligulata* – Class C

VOTE	Janet Spingath	Moved to add European, American, and their hybrid beach grasses to the Class C weed list
	Ken Bajema	Seconded the motion.
	<i>The Board</i>	All in favor, no opposed. Motion passes.

Shiny geranium, *Geranium lucidum* – undesignate in Snohomish County

- Ken stated that he is not comfortable with undesignation without a plan of action about what has been done and what will be done in the future.
 - Mary reported that Snohomish requested this last year with no plan but wrote one up this year.
 - This plan described the areas where they will continue to control shiny geranium, such as near rights of way, near un-infested areas, near neighboring counties, and near sensitive areas.

- It is not feasible to control all shiny geranium in the county within one calendar year, as required by the weed law. Controlling will still occur, just not in the highly infested areas, which can still be controlled as resources allow.
- Janet suggested a different category, which would allow for a timeframe of longer than one year to be controlled for designated class Bs.
 - Others questioned how this would work. The WAC would have to be changed.
 - Many counties make multi-year agreements with landowners which allow this to happen already.

VOTE	Greg Haubrich	Moved to undesignate shiny geranium in Snohomish County
	Allen Evenson	Seconded the motion.
	<i>The Board</i>	Aye: 3 Nay: 2 (Ken Bajema, Janet Spingath) Motion passes

Brazilian elodea, *Egeria densa* – undesignate in Green Lake of King County

- King County has agreements in place with landowners on the lake to control Egeria in Green Lake, it will just take multiple years to get under control.
 - Boats are not allowed in Green Lake, which helps greatly with stopping spread of Egeria.
 - Egeria is not currently reaching the surface of the lake.

VOTE	Janet Spingath	Moved to undesignate Egeria densa in Green Lake of King County
	Allen Evenson	Seconded the motion.
	<i>The Board</i>	Aye: 4 Abstain: 1 (Ken Bajema) Motion passes

Draft Rules on Conflicts of Interest as new section on WAC 16-750-137

- Bill clarified that any board member with a financial interest in a species would still be able to give input and discuss the species with the board, they just wouldn't be allowed to vote under this rule.
- Ken stated that he recently received an email from an individual concerning this rule addition. A summary of the email Ken read out is:
 - Does the proposed rule only apply to a member of the board recusing themselves or would there be a rule that would force a member to recuse themselves.
 - Mary responded that if a board member does not recuse themselves, the chair can recuse that member.

- Bill understood the rule that the board members should all recuse themselves, that they would be expected to follow the rules, and that there are laws in Washington that say board members should follow their board’s rules.
 - Mary added that if a board member refuses to recuse themselves, they do it themselves, not on behalf of the board.
 - Ken continued to state that:
 - Landowners and local weed boards had talked with him about this.
 - He is worried that this rule will create unintended consequences, which could stop any board member from voting on any matter of the board.
 - For instance, if someone joins the board because they are interested in weeds, they have an interest in weeds.
 - Another example Ken brought up was when tansy was being listed, many board members were cattle producers, and had an interest in tansy being listed, due to its toxicity to cattle.
 - A third example, a weed is severely impacting grain producers, and is proposed to be listed. Will the board prevent any grain producers from participating in that listing?
 - Or for members who distribute or spray herbicide, would they also be challenged on their interest to control a weed? Or having a relative who does this herbicide work?
 - Ken continued that a diverse board membership and knowledge makes everyone valuable in a decision-making process.
 - Ken added that direct agricultural work is a requirement for most of the board.
 - Ken reiterated that the rule has no way to enforce recusal.
 - Ken is also worried that this rule would stop future potential members from joining the board and disenfranchise current members.
 - Janet asked if there is a definition in the WAC of what is “beneficially interested”.
 - Ken and Mary stated that there is no definition.
 - Bill stated that this rule change and these issues have been through the board and the attorney general multiple times since May, and this discussion was never brought up as an issue.

<i>VOTE</i>	Ken Bajema	Moved to table this rule update until there is a way to enforce recusal.
	No one	No second.
	<i>The Board</i>	Motion died, no vote.

- Ken had one more comment, that board members are not only representing themselves, but also the best interest of potential users of what they are doing.
 - Carey asked about the code of ethics that is already attached to any state board, and if this is covered there.
 - Bill stated that there is a code of ethics for the weed board, but it is not in the WAC.

- He continued to explain:
 - There is an executive ethics board at the state level, which considers rules like this.
 - Ethics in government law describe what sorts of behavior is allowed.
 - The issue is that in the general state rules, decisions for rule-making do not come under the conflict-of-interest rule, because it is necessary for the legislature to operate.
 - A separate rule is needed for boards, to relate to rule making.
- Carey stated that board members who join would know this rule in place, and members spraying a given weed should have to recuse themselves.
 - Ken reiterates that there is no mechanism to make sure board members follow that rule.

VOTE	Greg Haubrich	Moved to accept conflict of interest rule.
	Allen Evenson	Seconded the motion.
	<i>The Board</i>	Aye: 3 Nay: 1 (Ken Bajema) Abstain: 1 (Janet Spingath) Motion passes

Administrative updates to ensure WAC 16-750 reflects and matches RCW 17.10 and grammatical corrections.

- Ken questioned what the definition of a noxious weed professional is, as this appears in the updated language.
 - Mary gave examples of professionals who can give data on noxious weeds. Coordinators, agency staff, municipality staff, researchers, environmental non-profit staff, etc.
 - Janet stated that a common knowledge definition for the word “professional” is anyone getting paid to do work in an area.
 - Ken asked if anyone spraying weeds as just part of their job, but don’t have a strong background in weeds count. This person may know the difference between a rose and a dandelion, but not much beyond that.
 - Eric asked if having a pesticide license makes someone a professional.
 - Ken added that this needs to be defined in law, because professionals need to bring evidence for plants to be re-brought up for listing.
 - Janet stated that no definition is needed, because otherwise the board would have to define “science” and that the board and committee will judge sources as a listing goes along.

<i>VOTE</i>	Ken Bajema	Moved to add a definition for “noxious weed professional” to the WAC
	No one	No second.
	<i>The Board</i>	Motion died, no vote.

<i>VOTE</i>	Allen Evenson	Moved to accept the grammatical and administrative changes.
	Janet Spingath	Seconded the motion.
	<i>The Board</i>	Aye: 4 Nay: 1 (Ken Bajema) Motion passes

Discussion Topics

Vice Chair and Committees

- January of even numbered years, like 2024 is when committees are appointed.
 - Anyone who had any interest in being a part of or not being on any committee, or being the chair of any committee were directed to let Mary know before the January 2024 meeting.
- Allen Evenson will become chair at the January meeting.
 - There will be an election for vice chair at the January meeting.
 - Bill asked that if anyone wants to nominate someone, they should ask that person first before nominating them in January.

2024 Meeting Planning

- Mary asked the board if anyone wanted to change the meeting times or day of the week.
 - She added that March and November should overlap with the coordinator and weed conferences, in order to encourage folks to join, and perhaps get pesticide credit.
- 2024 dates will be:
 - January 18th
 - March 13th (a Wednesday with the Coordinators Conference, which is March 13th-15th, and WISC on March 21st)
 - May 23rd (WISC on May 16th)
 - July 18th
 - September 19th (WISC on September 12th)
 - November 5th hearing
 - November 6th meeting (in coordination with the November Weed Conference on November 6th-8th)
- Janet asked if some board meetings can include field trips.

- Ken and Mary agreed that this would be good.
- It can help get support and increase knowledge about board business around the state.
- Any county that wants to or would be ok with hosing a board meeting was instructed to let Mary know.
- A year's worth of meetings need to be registered with the state registrar, and if any get moved, the registrar needs at least a 30-day notice.
 - If a field trip has more than 4 board members, they cannot conduct or discuss any board business, otherwise it is in violation of the public meetings act.
- No one spoke up to change the meeting time to 9:00 am, and that the dates are all acceptable.

Bill Retiring

- This was Bill's last meeting, as he retired in December and moved to King County.
- Mary and the board thanked Bill for his work, time, and experience.
 - Mary ordered a plaque for him.
 - Bill thanked Mary and the board in return for his great experience sitting as a member.

Coordinators Forum

- Eric Bell – Wanted to talk with other coordinators about working with their county commissioners, and how they get funding, staffing, and manage compliance.
- Mike Murphy, Thurston County Noxious Weed Control Board – They have finished reporting and grant writing for the year. They got some landowner permissions to spray knotweed and some other aquatic species.

Public Comment

- None

The next board meeting will be on January 18th, at 9 a.m., via webinar.

The board meeting adjourned at 10:41 am

Bill Agosta, Chairman
WSNWCB

Janet Spingath, Secretary
WSNWCB

Mary Fee, Executive Secretary WSNWCB