

Washington State Noxious Weed Control Board November Meeting
9:00 a.m. November 6th, 2024
Hybrid Online via WebEx and in person at Confluence Technology Center,
285 Technology Center Way Wenatchee WA98801

Handouts provided for meeting:

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

Meeting called to order at 9:02 a.m. by Allen Evenson

Roll Call

Board members present via WebEx:

Alaine Sommargren	Eric Bell	Ken Bajema
Alison Halpern	Ian Burke	Marci Miller
Allen Evenson	Janet Spingath	Randy Johnson
Carey Caruso	Jennifer Andreas	Todd Palzer

Others present via WebEx and in person:

- Mary Fee, Washington State Noxious Weed Control Board
- Anne Schuster, Washington State Noxious Weed Control Board
- Allison Bachner, King County Noxious Weed Control Program
- Andrea Watts
- Ashlie Arthur, King County Noxious Weed Control Program
- Avery Bowron
- Caleb Gwerder
- Cathy Lucero
- Christina StJohn, Clallam County Noxious Weed Control Board
- DJ
- Dylan Mendenhall, Kitsap County Noxious Weed Control Board
- Emily Stevenson, Skamania County Noxious Weed Control Board
- Erin Haley, King County Noxious Weed Control Program
- Grace Stiller, King County Noxious Weed Control Board
- Heidi Steinbach, Mason County Noxious Weed Control Board
- Jason Ontjes, San Juan County Noxious Weed Control Board
- John Ryan, KUOW
- Justin Collell, Clark County Noxious Weed Control Board
- Lauren

- Lily Vanek, Adams County Noxious Weed Control Board
- Linda Shepherd
- Loretta Nichols, Pend Oreille County Noxious Weed Control Board
- Maria Winkler, King County Noxious Weed Control Program
- Roy
- Ryan
- Scott Moore, Washington Native Plant Society
- Shaheen Page, Snohomish County Noxious Weed Control Board
- Skye Pelliccia, King County Noxious Weed Control Program
- Sophie DeGroot, Jefferson County Noxious Weed Control Program
- Steve Burke, King County Noxious Weed Control Program
- Steve Richmond, Garden Cycles LLC
- Summer
- Tina Evenson
- Tom Erler, King County Noxious Weed Control Program
- Tracy Graham, Adams County Noxious Weed Control Board
- Virginia Lohr
- Washington Native Plant Society

Minutes of the Previous Meeting

The Board reviewed the draft meeting minutes for the September 19th meeting.

VOTE	Alison Halpern	Moved to accept the minutes for the September 19 th meeting.
	Randy Johnson	Seconded the motion.
	<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> • Aye – Alaine Sommargren, Alison Halpern, Carey Caruso, Janet Spingath, Ken Bajema, Marci Miller, Randy Johnson <p>All in favor, none opposed, motion carried.</p>

Board Member Updates

- Marci – It finally rained!
- Janet – Volunteers around a lake in Pierce County took what they learned at the NW Flower and Garden show, and are removing blackberries.
- Eric – Is working with coordinators to get their boards trained on the Open Public Meetings Act.
- Todd – Wrapped up treatment season, like the end of Spartina season with multiple partners.
- Jennifer – Wrapped up season and got final approval to release flowering rush biocontrol. Once permits are through, they can get them out of quarantine and start rearing the insects.

Election update

- Districts seat
 - Received 1 nomination, for Allen Evenson, so ballots will go out.
- SW region
 - Received 2 nominations, for Ken Bajema, and Bill Zimmerman, so ballots will go out.
 - Ballots will be back in late November.
- NE region
 - Received no nominations, so Mary asked for nominations of county board members.

Office Reports

- Anne summarized some of the work she has been doing, including organizing webinars, giving presentations, updating plant information, general correspondence, fulfilling publication requests, and sending out 1,500 pollinator seed packets with WISC.
- Mary summarized the work she has been doing, including meetings on holly issues, nominations for board districts, biannual report updates, general support for agencies and partners, the Chehalis Basin CWMA, budgeting with WSDA, and the structure of counties noxious weed boards potentially having an at-large member.

State Agency Updates

WSDA

- Wendy DesCamp left her position with WSDA.
- Gearing up for the legislative session.
- The plant services division is updating their quarantine list (prohibited plants list) soon. Alison gave a brief overview of some of the species that were proposed.

Financial Update

- Mary summarized the budget report for FY25 up until October. This included notes such as:
 - Salary allotment is over budget. The WSNWCB is coordinating with WSDA to research and address the shortfall.
 - The overall budget is \$10,000 more, due to a facilities cost update, but that amount has already been spent.
 - The storage unit and website were paid for.
 - Anne could go to 32 hours a week during the winter, and could start December 1st.

Ecology Grant Application

- Mary updated the board on the Ecology grant application and use of the past grant.
 - Due to Lake Roosevelt flowering rush not being treated in 2024, because there was no Columbia River drawdown in those locations, so there is some overage in funding available.
 - Mary requested to apply for the next biennium funding, so the NWCB would be the administrator for all the partners on the project

VOTE	Janet Spingath	Moved to allow Mary to begin applying for the Ecology Grant
	Carey Caruso	Seconded the motion.
	<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> • Aye – Alaine Sommargren, Alison Halpern, Carey Caruso, Janet Spingath, Ken Bajema, Marci Miller, Randy Johnson <p>All in favor, none opposed, motion carried.</p>

Committee Updates

Education Committee

- Anne summarized what the education committee is working on currently future plans, which include free pesticide webinars in Spanish and English, legislative outreach for Invasive Species Awareness Week in late February, the NW Flower and Garden show in mid-February, and an in-person pesticide course in the spring at Lakewold Gardens

2025 Weed List and WAC 16.750 changes

- Ken recused himself from voting on any holly issues, due to it being an agricultural commodity he produces.
- Mary described what counts as an insignificant change, which would not require a new hearing, versus a significant change from what was put forward in the hearing paperwork (CR102) and would need a new hearing and meeting.
 - This second hearing and meeting could be a continuation of this year’s rulemaking process, and could count towards the 2025 weed list change, despite potentially happening in early 2025.
 - The rest of the weed list that was voted on separately can go through, without being held up.

The addition of round leaf bittersweet, *Celastrus orbiculatus*, for WAC 16-750-005 Class A Noxious Weed Changes and Additions

- There was no discussion on round leaf bittersweet.

VOTE	Janet Spingath	Moved to add round leaf bittersweet to the Class A list.
	Alaine Sommargren	Seconded the motion.
	<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> • Aye – Alaine Sommargren, Alison Halpern, Carey Caruso, Janet Spingath, Marci Miller, Randy Johnson • Abstain – Ken Bajema

	All in favor, one abstention, none opposed, motion carried.
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The addition of marsh thistle, *Cirsium palustre*, for WAC 16-750-005 Class A Noxious Weed Changes and Additions

- Current marsh thistle sites and potential marsh thistle sites in Washington were discussed. There is a known infestation in Spokane County, in a nature reserve, and there is very likely infestations in Whatcom and San Juan counties, due to the proximity to confirmed British Columbia populations.
- Marsh thistle reproduces by seed only, but can hybridize with creeping thistle and bull thistle. When it hybridizes with creeping thistle, it is likely that it can reproduce vegetatively.

VOTE	Janet Spingath	Moved to add marsh thistle to the Class A list.
	Marci Miller	Seconded the motion.
	<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> • Aye – Alaine Sommargren, Alison Halpern, Carey Caruso, Janet Spingath, Marci Miller, Randy Johnson • Abstain – Ken Bajema <p>All in favor, one abstention, none opposed, motion carried</p>

Un-designating shiny geranium, *Geranium lucidum*, in Pierce County, for WAC 16-750-011 Class B Noxious Weed Changes and Additions

- Clarifying the regions of Pierce County that shiny geranium would be undesignated counts as an insignificant change, and can be made via motion.

VOTE	Alaine Sommargren	Moved to un-designate shiny geranium in Pierce County except for the Kitsap Peninsula.
	Janet Spingath	Seconded the motion.
	<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> • Aye – Alaine Sommargren, Alison Halpern, Carey Caruso, Janet Spingath, Ken Bajema, Marci Miller, Randy Johnson <p>All in favor, none opposed, motion carried.</p>

Adding wild holly, *Ilex species*, not including holly found in managed landscapes, or where commercially or agriculturally grown, for WAC 16-750-015 Class C Noxious Weed Changes and Additions

- Alaine read a statement, which is now in the holly testimony folder of the 2024 Holly google drive folder (<https://drive.google.com/drive/folders/1ly9FJaUkdW9-IM8lOxiOVaKccZ04rpJn?usp=sharing>)

VOTE	Alison Halpern	Moved to postpone voting on a holly listing until the March meeting to insure time for stakeholder meetings.
	Carey Caruso	Seconded the motion.
	<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> Aye –Alison Halpern, Carey Caruso No – Alaine Sommargren, Janet Spingath, Marci Miller, Randy Johnson Abstain – Ken Bajema <p>Two in favor, four against, and one abstention, motion fails.</p>

Motion discussion:

- Alison stated that this motion would give time for a stakeholder working group to work on language, to create something that both sides may find acceptable.
 - The WSDA allows Alison to lead this group
 - Alison believes that these meetings could happen in January and February
 - Mary added that species versus genus would be worked through in this group
 - A hearing would happen in March, and at least the next day the board meeting would occur.
- Marci expressed that the holly issue has been sufficiently discussed, and there is enough information to move forward today, and not postpone listing.
- Alaine expressed that the holly growers in 2022 and in 2024 made compromises and then removed support for those compromises at the last minute, and that this postponement would just push the proposal down the road, and slow the process more than it already has been.
 - Alaine is concerned with holding stakeholder group meetings, that it would look like a conflict of interest with who would be part of this group
- Based on the hearing testimony, Alison expressed that no one is very happy with the current listing, especially with it being at the genus level.
- Mary and the board discussed that moving forward to list at the species level (*Ilex aquifolium*), rather than at the genus level, would need a new CR102, hearing, and board meeting, to not be very likely contested legally.
 - This is due to being a significant change from the hearing paperwork, and that a holly listing may indirectly impact an industry in Washington

- The board could move forward at the species level, but it would likely be challenged successfully.

VOTE	Alaine Sommargren	Moved for the board to schedule a new hearing for the listing of <i>Ilex aquifolium</i> as a Class C noxious weed, with a vote on the listing at the March Meeting.
	Janet Spingath	Seconded the motion.
	<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> • Aye – Alaine Sommargren, Alison Halpern, Carey Caruso, Janet Spingath, Randy Johnson • No – Marci Miller • Abstain – Ken Bajema <p>Five in favor, one against, and one abstention, motion carried.</p>

Motion discussion:

- Alaine clarified that her motion would be an extension of the current listing process, would go straight to a hearing in March, and would not include any exclusions for managed landscapes.
 - Janet supported not having any exclusions.
 - Mary added that any exclusions or language additions can happen in the hearing and meeting process
- Mary clarified that it would be the most legally sound, according to the Attorney General, if the board does not list as a genus, and then amend it to species in March, though it is possible.
 - If the board voted to add Genus, it would go into effect on January 1st, and then could be amended to genus, and go into effect soon after in the spring of 2025
 - Alaine felt that the genus level listing is not scientifically sound, and opens the board up to legal challenge
- Allen and Marci asked for clarification on how this motion is different from Alison’s proposal.
 - Alison clarified that she would work on starting a stakeholder group regardless and her motion was to allow for time for the stakeholder group meetings.
 - Alaine’s motion specifies the species and not the genius which is more restrictive and will need to be a continuation of the rule making process with another hearing.

Updating Pronouns Throughout WAC 16-750-120 (8)(11), WAC 16-750-130 (2b), WAC 16-750-135 (11)(15c), WAC 16-750-137 (5). As well as other administrative updates to ensure the Chapter 16-750 WAC reflects and matches RCW 17.10, and other grammatical corrections.

- This is an ongoing process throughout all state WACs

VOTE	Janet Spingath	Moved to update the pronouns throughout the WAC, as proposed.
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Alaine Sommargren	Seconded the motion.
<i>The Board</i>	<p>Roll call vote</p> <ul style="list-style-type: none"> • Aye – Alaine Sommargren, Alison Halpern, Janet Spingath, Marci Miller • Abstain – Carey Caruso, Ken Bajema <p>Four in favor, two abstentions, motion carried.</p>

Discussion Topics

Education Specialist Overtime Exemption

- As of January 1st 2024, the Education Specialist position changed from overtime exempt to overtime eligible, due to the salary going under L&I raising standards.
 - The board does not have the funding to raise the salary to keep up with L&I standards for overtime exempt.
 - The weed law could be updated to make all staff of the board overtime exempt in the future
 - The education specialist gets to decide if they get paid 1.5x for any time over 40 done in a week, or get 1.5 compensation time within one week of the overage.
 - They would need permission from the executive secretary to work overtime, and this really only happens during weeks of conferences.

Biennial Report

- Mary has started work on the biennial report, and asked the board to send anything they would like added to it.

WSDOT Support – Ray Willard

- WSDOT roadside vegetation management has been underfunded by over 50% for over a decade.
 - They are working at a D rating for noxious weed management, and only able to treat about 10-20% of areas that need management
 - Layoffs will happen in 2025, and no herbicide can be bought until July 2025
 - Many treatments can occur are not able to be done at the appropriate times
 - Counties can enforce on WSDOT for not controlling their land, and it would get the treatments done, or show the need
- Noxious weeds are using highways as vectors into and throughout the state
- WISC and Mary have drafted letters for agencies, municipalities, and other groups can sign and send to legislators to ask for support for WSDOT
 - Jennifer asked about if there is a letter for individuals.
 - Anne will write this letter, based on the NWCB and WISC letter

Coordinators Forum

- Steve Burke, King County – finished up operational season with a lot of weed control achievements
- Jason Ontjes, San Juan County – appreciated the hearing the day before this meeting
- Shaheen Page, Snohomish County – Spartina and outreach campaigns had happened to finish up the season
- Sophie DeGroot, Jefferson County – Outreach and discussion about raising the tax assessment are big projects
- Christina StJohn, Clallam County – Olympic Invasive Working Group Meeting occurred the week before this meeting. Most of the group is supportive of holly being listed, and feel that practitioners feel disillusioned with the listing process. Spotted jewelweed treatments and having a full staff were accomplishments. She really appreciates the WSDOT crew on the Olympic peninsula.
- Loretta Nichols, Pend Oreille County - Have been treating and struggling with flowering rush. They have a lot of partners and sites to hold the line on infestations.
- Eric Bell, Adams County – It was a personally challenging season, but ended up on a positive note. They used all of their enforcement fund.

Public Comment

- Becky Chaney – thanked the board for the work on Ilex and for the motion to postpone, as this postponement matches the Native Plant Society's wish to have *Ilex aquifolium* listed, rather than Ilex species.
 - Asked if, with the postponement, if all the hearing testimony that was heard is still considered, or will be tossed out?
 - Mary answered that all the testimony and information will be considered at the next hearing, as it is all part of the 2025 listing process.
 - Counties will take the 2 new species and undesignation portion for shiny geranium for their weed list updates in January 2025.
 - If *Ilex aquifolium* is listed, counties can have another hearing to add to their lists, but do not have to, as it would be listed as a Class C
- Scott - expressed his disappointment at not finishing the process for listing holly, but did acknowledge that many of the testimonies wanted *I. aquifolium* listed.

Meeting evaluation and scheduling of 2025 meetings

- Meetings will be hybrid meetings including virtual component and in person options.
- Tentative dates:
 - January 23 at 9am, at the Natural Resources Building in Olympia
 - March 11th hearing at 1pm, and March 12th meeting at 9am, in Chelan
 - May 22nd at 9am at the Natural Resources Building
 - July 18th at 9am at the Natural Resources Building
 - September 18th at 9am at the Natural Resources Building
 - November 4th hearing at 1pm, and November 5th meeting at 9am, in Wenatchee

The next board meeting will be on January 23rd, at 9 a.m., via webinar and in person.

The board meeting adjourned at 11:24

Allen Evenson, Chair
WSNWCB

Janet Spingath, Secretary
WSNWCB

Mary Fee, Executive Secretary WSNWCB

DRAFT