

**AN ANALYSIS TO DETERMINE IF A SMALL BUSINESS ECONOMIC IMPACT STATEMENT
(SBEIS) IS REQUIRED FOR WSNWCB PROPOSALS TO CHANGE THE NOXIOUS WEED LIST AND
UPDATE WAC 16.750
(17.10.080 RCW)**

Rule Summary

Chapter 17.10.080 RCW authorizes the Washington State Noxious Weed Control Board (WSNWCB) to adopt a state noxious weed list annually to make changes as deemed necessary and helpful in reducing the threat and impact of noxious weeds in the state. These annual changes to the weed list are based primarily on proposals received by the WSNWCB. They are voted on in November following a public hearing. Possible changes to the weed list include but are not limited to: the addition of new species; deletion of species that have been eradicated or found to be less detrimental than originally predicted; changes in Class B areas designated for control; the change of noxious weed class of a species.

The current proposed changes to the 2021 noxious weed list include:

Adding:

- Turkish thistle, *Carduus Cinereus*, and Hanging sedge, *Carex pendula* as class A noxious weeds.

Class B designation changes:

Un-designating 1 class B noxious weed to better match current noxious weed infestation distributions.
Designating 11 Class B noxious weeds to better match current noxious weed infestation distributions.

Purpose of this Analysis

RCW 19.85.030 requires agencies to prepare a SBEIS if the proposed rule will impose more than minor costs on businesses in an industry. The purpose of this analysis is to determine if the proposed changes to the 2021 noxious weed list will impose “more than minor costs” on the businesses directly affected by these proposed changes, which would thereby require WSNWCB to prepare a formal SBEIS.

Nature of aforementioned noxious weed species in Washington

Proposed additions of Class A noxious weeds:

The proposed additional of Turkish thistle, *Carduus Cinereus*, and hanging sedge, *Carex pendula*, as a Class A noxious weeds, is intended to keep them from spreading from their very limited distribution to new locations within Washington State.

Currently the only known infestations of hanging sedge are in King, Whatcom, Skamania, and Mason counties. Skamania County has one possible ornamental planting with less than 24 square feet. Whatcom County has 6 documented sites with a total less than 200 square feet. There is little known about the infestations in King and Mason counties. Hanging sedge can form dense areas of growth that can crowd out native plant communities by invading shaded riparian areas. The change in the makeup of the plant community could cause potential impacts to the ecosystem.

Turkish thistle is documented as spreading on its own in Oregon, competing with and crowding out native vegetation and desirable forage plants. It has been noted to spread readily and be competitive in native rangelands in NE Oregon. Other *Carduus* species are known to be weedy and invade rangelands, meadows, pastures, and

fields in Washington and the Pacific Northwest. Turkish thistle has also been found in Idaho. There are no known infestations of Turkish thistle in Washington State at this time.

Proposed modifications of current Class B designations:

The designations of twelve Class B noxious weeds will be adjusted to better match existing distributions of those species. Namely:

- Un-designating hawkweeds: all nonnative species and hybrids of the Wall subgenus, *Hieracium*, in Snohomish County of region 2.
- Designate Ravenna grass, *Tripsidium ravennae*, in Chelan County of region 4.
- Designate saltcedar, *Tamarix ramosissima*, in Benton and Franklin counties of region 6.
- Designate spurge laurel, *Daphne laureola*, in Skamania County of region 3.
- Designate spurge, myrtle, *Euphorbia myrsinites*, in Stevens County of region 4.
- Designate tansy ragwort, *Jacobaea vulgaris*, in Klickitat County of region 5.
- Designate velvetleaf, *Abutilon theophrasti*, in Franklin County of region 6.
- Designate wild chervil, *Anthriscus sylvestris*, in Island County of region 2 and Clark, Cowlitz, and Skamania counties of region 3.
- Designate water primrose, *Ludwigia hexapetala*, in Cowlitz County of region 3.
- Designate white bryony, *Bryonia alba*, in Garfield County of region 6.
- Designate yellow archangel, *Lamium galeobdolon*, in Cowlitz County of region 3.
- Designate yellow floating heart, *Nymphoides peltata*, in Cowlitz County of region 3.

Affected Groups and the Cost of Compliance

The horticultural industry

Because so many noxious weeds are former or present ornamental species, the horticultural industry has the potential to be indirectly impacted by the additions of new noxious weeds, as their noxious weed status could reduce demand by consumers. However, Turkish thistle and hanging sedge and the Class B noxious weeds with proposed changes are not known to be carried in nurseries, and it is unlikely that these changes will directly cause these businesses to lose sales, revenue, or jobs. The noxious weed list is separate from the WSDA quarantine list (WAC 16-752), which prohibits the sale and transport of particular species, thus these potential noxious weed changes would not directly prohibit the sales of these plants, though eight of these Class B noxious weeds with proposed changes are already on the quarantine list. To help assess whether there could be an indirect economic impact to nurseries, the State Weed Board developed a survey through SurveyMonkey (<https://www.surveymonkey.com/r/82LXY9B>.) A summary of the proposed changes to the 2021 noxious weed list, along with a link to the online survey, was emailed on September 26, 2020 to 2460 nurseries that had provided emails when applying for their WSDA nursery licenses. We received a total of 197 electronic responses from nurseries between September 26 and October 5, 2020.

Demographics of respondents:

A total of 156 (91.76%) of the participating nurseries indicated that they were considered a small business as defined by RCW 19.85.020. Twenty seven nurseries did not indicate if they were considered a small business or not. Nurseries participating in the surveys came from at least 30 different counties in Washington: Benton, Chelan, Clark, Clallam, Douglas, Franklin, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, and Yakima.

Survey Results:

Proposed addition of Turkish thistle as a class A

A total of 194 (98.48%) nurseries that answered this question indicated that they do not stock Turkish thistle as part of their inventory or have it on their land, and 2 (1.02%) were not sure. Of the nurseries that answered this question, 25 total nurseries answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 23 (92%) nurseries indicated that this Class A addition would not cost their businesses in lost revenue or lost jobs, 2 (8%) were not sure, and 172 nurseries skipped this question.

Proposed addition of hanging sedge as a class A

A total of 189 (96.43%) nurseries that answered this question indicated that they do not stock hanging sedge as part of their inventory or have it on their land, 3 (1.53%) indicated that they did have hanging sedge as part of their inventory or on their land, and 4 (2.04%) were not sure. Of the nurseries that answered this question, 30 total nurseries answered the follow-up question pertaining to any resulting economic loss, either due to a reduction in revenue or lost jobs. A total of 28 (93.33%) nurseries indicated that this Class A addition would not cost their businesses in lost revenue or lost jobs, 2 (6.67%) were not sure, and 169 nurseries skipped this question. Nurseries were also asked if they sell one or more comparable sedge species. A total of 35 nurseries responded with 30 stating no, 3 stating yes, and 2 that were unsure.

Proposed modifications of current Class B designations:

The proposed modifications of designations for twelve Class B noxious weeds would have minimal if any economic impacts to small businesses. Where Class B noxious weeds were proposed for designations in counties:

Proposed un-designation of nonnative wall hawkweed subgenus Hieracium, in Snohomish County:

A total of 163 (94.77%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 8 (4.65%) were not sure and 34 nurseries skipped this question.

Proposed designation of Ravenna grass in Chellan County:

A total of 167 (96.53%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 6 (3.47%) were not sure and 24 nurseries skipped this question.

Proposed designation of myrtle spurge, Euphorbia myrsinites in Stevens County:

A total of 169 (98.26%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 3 (1.74%) were not sure and 25 nurseries skipped this question.

Proposed designation of saltcedar, Tamarix ramosissima in Benton and Franklin counties:

A total of 168 (98.25%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 3 (1.75%) were not sure and 26 nurseries skipped this question.

Proposed designation of spurge flax, Thymelaea passerina flax in Skamania County:

A total of 170 (99.42%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.58%) were not sure and 26 nurseries skipped this question.

Proposed designation of tansy ragwort, Jacobaea vulgaris in Klickitat County:

A total of 171 (99.42%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.58%) were not sure and 25 nurseries skipped this question.

Proposed designation of velvet leaf, Abutilon theophrasti in Franklin County:

A total of 171 (99.42%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.58%) were not sure and 25 nurseries skipped this question.

Proposed designation of white bryony, Bryonia alba in Garfield County:

A total of 170 (99.42%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.58%) were not sure and 26 nurseries skipped this question.

Proposed designation of water primrose, Ludwigia hexapetala in Cowlitz County:

A total of 171 (99.42%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.58%) were not sure and 25 nurseries skipped this question.

Proposed designation of wild chervil, Anthriscus sylvestris in Cowlitz, Island, Clark, and Skamania counties:

A total of 167 (97.09%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 1 (0.58%) indicated yes, 4 (2.3%) were not sure and 25 nurseries skipped this question. Wild chervil is on the quarantine and prohibited plants list, therefore unlawful to sell. The one nursery that indicated sale of this species may have misidentified it.

Proposed designation of yellow archangel, Lamiastrum galeobdolon Cowlitz County:

A total of 168 (97.67%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 4 (2.33%) were not sure and 25 nurseries skipped this question.

Proposed designation of yellow floatingheart, Nymphoides peltata in Cowlitz County:

A total of 170 (98.84%) of the nurseries that answered this question indicated that this designation change would not cost their businesses in lost revenue or lost jobs, 2 (1.16%) were not sure and 25 nurseries skipped this question.

Alternatives to the Proposed Assessment

Proposed additions of Turkish thistle and hanging sedge as Class A noxious weeds:

The alternative to the proposed listing would be to not list Turkish thistle and hanging sedge as Class A noxious weeds, resulting in a status quo of the current situation, whereby individual landowners or land managers have the option of voluntarily controlling this species. County noxious weed control boards could continue to educate

about these species where it is a local concern, but control could not be mandated. Without mandated control, these invasive species have the potential to infest greater ecological areas and potentially impact ecosystems and agriculture.

Proposed designations of Class B noxious weeds:

The alternative to un-designating hawkweeds *subgenus Hieracium* in Snohomish County is to leave them designated. This would require the continued control of these species.

The alternative to designating Class B noxious weeds in particular counties is to leave them undesignated. County noxious weed boards would have the option of selecting them for control at the local level.

Conclusions

Few, if any, small businesses will be directly impacted by these proposed changes to the 2021 noxious weed list. There is no indication that Turkish thistle or hanging sedge are currently being carried by nurseries. Therefore, their addition to the class A noxious weed list will have little to no impact on revenue, sales, or jobs in the industry. This rule would require the eradication of infestations of these two species. Currently the only known infestations of hanging sedge are in King, Whatcom, Skamania, and Mason counties. Skamania County has one possible ornamental planting with less than 24 square feet. Whatcom County has 6 documented sites with a total less than 200 square feet. There is little to no documentation on possible infestations in King and Mason counties. Turkish thistle has been found in both Oregon and Idaho. There are no known infestations in Washington State at this time. Typically county noxious weed control boards offer financial assistance for eradicating class A noxious weeds either in the form of a cost share program or providing control through their program.

The proposed Class B designation changes are to species already listed as noxious weeds, eight of which are also on the quarantine list, so their sale is prohibited. Three of the other four noxious weeds do not appear to be carried by nurseries and are not known to be used as ornamental or landscaping species. Only Ravenna grass is known for being ornamental species, and it is currently undergoing rule-making by WSDA to be added to the quarantine list. An analysis of the direct economic effects of the proposed rule amendments indicates that costs to businesses would be negligible or none at all. The twelve Class B noxious weeds are being designated for control in counties where they are either absent or limited in distribution, business in these counties should not be faced with more than minor costs to control those noxious weeds. Limited distribution is typically defined as less than 100 infested acres within a county.

Based upon the above analysis, the WSNWCB concludes that direct minor costs – if any – imposed would affect less than 10% of businesses and would not exceed \$100 in cost to comply as a direct result of these proposed rule-making changes. Nor would any of these amendments to the noxious weed list directly cause the creation of or loss of any jobs. The WSNWCB concludes that businesses will not be disproportionately impacted, nor would the proposed rule changes impose more than a minor cost on businesses in an industry. Therefore, we conclude that a formal SBEIS is not required.