



SEATTLE CITY COUNCIL

Legislative Summary

CB 119502

Record No.: CB 119502

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125813

In Control: City Clerk

File Created: 03/15/2019

Final Action: 05/03/2019

Title: AN ORDINANCE relating to the Cedar River Municipal Watershed; amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide imazapyr to treat invasive knotweed species.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	03/26/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	03/26/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	03/29/2019	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	Notes:						

- | | | | | | |
|---|---|--|------------------------------------|--|------|
| 1 | City Council | 04/22/2019 | referred | Civil Rights,
Utilities,
Economic
Development, and
Arts Committee | |
| | Action Text: | The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee | | | |
| | Notes: | | | | |
| 1 | Civil Rights, Utilities,
Economic Development,
and Arts Committee | 04/23/2019 | pass | | Pass |
| | Action Text: | The Committee recommends that City Council pass the Council Bill (CB). | | | |
| | Notes: | | | | |
| | | In Favor: | 2 | Chair Herbold, Member O'Brien | |
| | | Opposed: | 0 | | |
| 1 | City Council | 04/29/2019 | passed | | Pass |
| | Action Text: | The Council Bill (CB) was passed by the following vote, and the President signed the Bill: | | | |
| | Notes: | | | | |
| | | In Favor: | 8 | Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant | |
| | | Opposed: | 0 | | |
| 1 | City Clerk | 05/02/2019 | submitted for
Mayor's signature | Mayor | |
| | Action Text: | The Council Bill (CB) was submitted for Mayor's signature. to the Mayor | | | |
| | Notes: | | | | |
| 1 | Mayor | 05/03/2019 | Signed | | |
| 1 | Mayor | 05/03/2019 | returned | City Clerk | |
| 1 | City Clerk | 05/03/2019 | attested by City Clerk | | |
| | Action Text: | The Ordinance (Ord) was attested by City Clerk. | | | |
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CITY OF SEATTLE

ORDINANCE 125813

COUNCIL BILL 119502

AN ORDINANCE relating to the Cedar River Municipal Watershed; amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide imazapyr to treat invasive knotweed species.

WHEREAS, the Cedar River Watershed Secondary Use Policies, adopted by Ordinance 114632, include a moratorium on herbicide use to prohibit the routine broadcast application of herbicides for control of roadside vegetation in lieu of brushing, and invasive plant species were not a consideration in watershed land management practices when these Policies were adopted in 1989; and

WHEREAS, from 2002 through 2010, Seattle Public Utilities attempted to control knotweed using physical means, including covering with geotextile fabric and digging, but even small patches of knotweed are exceedingly difficult to control by physical means, and treating knotweed with herbicide has been found to be the only effective way to control large patches; and

WHEREAS, uncontrolled knotweed in 2010 covered nearly 18 acres of land in the Cedar River Municipal Watershed and was spreading at rapid rate, displacing native species, eroding stream banks, threatening water quality, and destroying biodiversity; and

WHEREAS, on August 6, 2010, a limited exception to the Secondary Use Policies was authorized by Ordinance 123365 to allow the application of the herbicide imazapyr to control or eradicate knotweed species in the Cedar River Municipal Watershed through December 31, 2012, and two follow-up limited exceptions to the Secondary Use Policies were authorized by Ordinances 124191 and 124852 to continue to allow application of

1 the herbicide imazapyr through December 31, 2015, and December 31, 2018,
2 respectively; and

3 WHEREAS, Seattle Public Utilities' method of applying a one percent imazapyr solution to
4 knotweed from midsummer to fall is in line with King County Noxious Weed Control
5 Program's Best Management Practices; and

6 WHEREAS, imazapyr inhibits an enzyme found only in plants, and the U.S. Environmental
7 Protection Agency rates imazapyr as being relatively non-toxic to birds, mammals, fish,
8 and invertebrates, and a United States Forest Service toxicology study determined
9 imazapyr causes no measurable adverse effects on fish and wildlife; and

10 WHEREAS, the amount of herbicide applied in the Cedar River Municipal Watershed has
11 decreased from 26.9 ounces per acre in 2011 to 0.4 ounces per acre in 2018, which
12 reflects the large drop in above-ground knotweed biomass during this treatment period,
13 but knotweed re-infestation will occur without continued, limited use of imazapyr
14 through 2021; NOW, THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 Section 1. Cedar River Watershed Secondary Use Policy 6-13, last amended by
17 Ordinance 124852, is amended as follows:

18 Seattle Public Utilities will continue the herbicide moratorium, controlling undesirable
19 vegetation with hand or mechanical methods, except that the following exemption for the use of
20 ~~((Imazapyr))~~ imazapyr shall apply through December 31, ~~((2018))~~ 2021. ~~((The Director of))~~
21 Seattle Public Utilities is ~~((hereby))~~ authorized to apply ~~((Imazapyr))~~ imazapyr for the purpose of
22 controlling or eradicating knotweed species within the Cedar River Municipal Watershed in
23 accordance with the methods and procedures established in this section and all applicable state

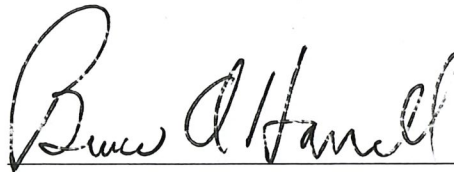
1 and federal drinking water source protection standards. Seattle Public Utilities will adhere to
2 ~~((the application method and monitoring described in Attachment 1: A Proposal to Continue to~~
3 ~~Use Herbicide to Manage the Knotweed Infestation in the Cedar River Municipal Watershed,~~
4 ~~April 21, 2015))~~ targeted foliar application methods that use a one percent imazapyr solution
5 applied directly to knotweed leaves with backpack or handheld sprayers. Herbicide will be
6 applied by licensed pesticide applicators or those under direct supervision of licensed
7 applicators. Seattle Public Utilities will monitor knotweed treatment areas annually and will
8 monitor water quality before and after herbicide application. Seattle Public Utilities will provide
9 the ~~((Seattle Public Utilities and Neighborhoods Committee of the City Council, or successive~~
10 ~~committee,))~~ Civil Rights, Utilities, Economic Development and Arts Committee of the City
11 Council or successor committee an annual report on the knotweed treatment program in the
12 Cedar River Municipal Watershed, summarizing the effectiveness of the knotweed treatment
13 program, evaluating the long-term financial and environmental implications for knotweed
14 control beyond ~~((2018))~~ 2021, evaluating the water quality monitoring results, summarizing the
15 latest available science on the environmental and human health effects of ~~((Imazapyr))~~ imazapyr,
16 and describing any plans for the future ~~((application))~~ use of ~~((Imazapyr))~~ imazapyr within the
17 Watershed, including maps of proposed treatment areas, estimated quantities of ~~((Imazapyr))~~
18 imazapyr to be applied, application methods and schedules, and plans for water quality
19 monitoring. ~~((The Director of))~~ Seattle Public Utilities may authorize ~~((application))~~ use of
20 ~~((Imazapyr))~~ imazapyr to newly-discovered areas of knotweed infestation, but ~~((the))~~ use ~~((of~~
21 ~~Imazapyr))~~ on newly-discovered areas located within the hydrographic boundary may not exceed
22 five acres in size.

1 Section 2. The General Manager/CEO of Seattle Public Utilities shall ensure that areas
2 formerly occupied by knotweed are restored to native vegetation.

3 Section 3. The General Manager/CEO of Seattle Public Utilities shall continue the
4 ongoing program for monitoring, detecting, and controlling invasive plants in the Cedar River
5 Municipal Watershed with a goal of preventing colonies of knotweed from re-establishing.

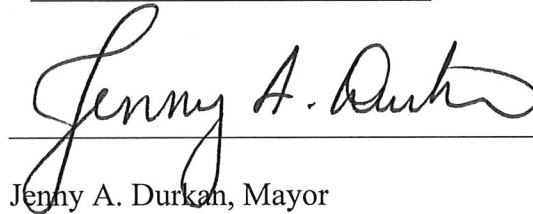
Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of April, 2019,
and signed by me in open session in authentication of its passage this 29th day of April, 2019.



President _____ of the City Council

Approved by me this 3rd day of May, 2019.


Jenny A. Durkan, Mayor

Filed by me this 3rd day of MAY, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Public Utilities	Julia Munger/3-1564	Aaron Blumenthal/3-2656

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the Cedar River Municipal Watershed and amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide imazapyr to treat invasive knotweed species.

Summary and background of the Legislation:

This legislation would amend a 1989 ordinance that banned herbicide use in the Cedar River Municipal Watershed and extend the authority described in ordinances from 2010, 2013, and 2015 that allowed limited application of the herbicide imazapyr to treat knotweed. Knotweed is an invasive species that is extremely harmful to native plants and aquatic habitats. This ordinance would allow for three additional years, through 2021, of limited spraying of the herbicide imazapyr within the municipal watershed, with the goal of eradicating the knotweed.

Background:

Seattle Public Utilities (SPU) has a policy of not using herbicides in the Cedar River Watershed. This policy was enacted in the 1980s, before there was widespread recognition of the damage certain invasive plants can do to ecosystems and water quality. Since that time, many invasive species have become severe ecological threats in the Pacific Northwest. Knotweed (*Polygonum x bohemicum*, *P. cuspidatum*, and *P. sachalinense*) is one such group of species. Knotweed poses the greatest risk of any invasive plant in the watershed. The plant takes over habitats near water, displacing native plant species, degrading habitat for salmon and other fish, and threatening water quality by destabilizing stream banks. Knotweed spreads rapidly downstream by flowing water and is nearly impossible to control by physical means alone. As a result, many organizations, including the Nature Conservancy and King County, use imazapyr to successfully control this noxious weed immediately adjacent to streams, lakes, and wetlands. The environmental risk posed by invasive species such as knotweed is widely accepted as far greater than that posed by imazapyr.

A study conducted by the Nature Conservancy found that if imazapyr enters the water column, it is very quickly photo-degraded by sunlight, with an average half-life of only two to five days. Imazapyr is of relatively low toxicity to birds, mammals, fish, and invertebrates, and a study by a Washington State University toxicologist found the risk to water quality to be nil. Imazapyr is used for knotweed control by SPU, King County, and Forterra in the lower Cedar River watershed (below the City's municipal watershed ownership boundary), and by most other land management agencies and organizations throughout Washington. This lower area of the watershed is not owned by the City of Seattle and is not subject to the same herbicide restrictions that the municipal watershed is. However, it is part of the same hydrographic watershed and is

directly impacted by how well knotweed is controlled upstream in the municipal watershed. Furthermore, control of knotweed on the Cedar River and its tributaries is required by law.

In 2010, 2013, and 2015, the City Council granted SPU the authority to use imazapyr to control knotweed in the Cedar River Watershed, each for three years. Herbicide use has declined every year since 2011, and the amount used to treat knotweed throughout the watershed reached a low of 0.4 ounces per acre treated in 2018. SPU is requesting a three-year extension, through 2021, of the authorization to apply imazapyr in the watershed to maximize the potential effectiveness of this treatment, avoid re-infestation of the areas treated, and work toward the goal of eradicating knotweed from the municipal watershed.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The long-term implications of this legislation are a result of cost savings, not increased expenditures. This is explained in the answer below.

Is there financial cost or other impacts of *not* implementing the legislation?

Yes. Without this legislation, there is no effective control alternative. Covering knotweed with geotextile fabric has been tried but demonstrated to be ineffective on these large patches. It is also much costlier than the use of herbicides proposed under this legislation. The no action alternative was ruled out because the infested areas would continue to be sources of knotweed, undermining efforts by SPU and King County to control the plant in downstream areas, ultimately increasing the cost of control and/or resulting in substantial negative ecological impacts. Under a related but different program described in the Background section of this fiscal note, over \$1,000,000 has already been spent controlling knotweed with herbicide (allowed outside of the municipal watershed boundary) in these downstream areas, projects that would be put at risk if control of the knotweed in the municipal watershed is not continued.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

e. Does this legislation affect a piece of property?

No.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

The legislation will not negatively impact vulnerable or historically disadvantaged communities.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

No.

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

373962

No. 125812,813,814,815

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

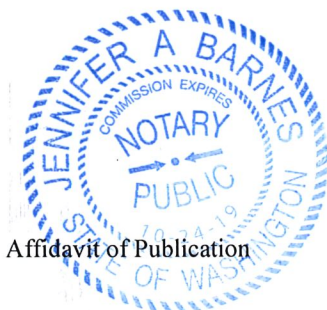
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCES

was published on

05/17/19

The amount of the fee charged for the foregoing publication is the sum of \$77.63.



Affidavit of Publication

A handwritten signature in blue ink, likely of the subscriber, written over a horizontal line.

Subscribed and sworn to before me on

05/17/2019

A handwritten signature in blue ink, likely of the notary, written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on April 29, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125812

Council Bill 119503

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125813

Council Bill 119502

AN ORDINANCE relating to the Cedar River Municipal Watershed; amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide imazapyr to treat invasive knotweed species.

Ordinance 125814

Council Bill 119493

AN ORDINANCE relating to City employment, commonly referred to as the First Quarter 2019 Employment Ordinance; designating positions as exempt from the civil service system; authorizing payment of the employee's 2019 premium share into the Washington State paid family and medical leave insurance program; and ratifying and confirming certain prior acts; all by a 2/3 vote of the City Council.

Ordinance 125815

Council Bill 119472

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.24.045, 23.49.019, 23.54.030, and 23.84A.010 of the Seattle Municipal Code; adding new requirements related to electric vehicle charging infrastructure.

Date of publication in the Seattle Daily Journal of Commerce, May 17, 2019.

5/17(373962)