

CITY OF SEATTLE
ORDINANCE 126850
COUNCIL BILL 120595

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; and ratifying and confirming certain prior acts.

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, in 2010 uncontrolled knotweed covered 18 acres in the Cedar River Municipal Watershed, displacing native plants, eroding stream banks, threatening water quality, and spreading rapidly without any effective means of control; 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, providing Seattle Public Utilities an efficient and cost-effective control strategy for the first time; and

WHEREAS, imazapyr inhibits an enzyme found only in plants, and the U.S. Environmental Protection Agency rates imazapyr as being relatively non-toxic to birds, mammals, fish, and invertebrates, and a Washington State University toxicologist found the risk to water quality to be nil; and

1 WHEREAS, three follow-up limited exceptions to the Secondary Use Policies were authorized
2 by Ordinances 124191, 124852, and 125813 to continue to allow application of the
3 herbicide imazapyr through December 31, 2015, 2018, and 2021, respectively; and
4 control efforts have successfully reduced knotweed coverage, resulting in the reduction of
5 herbicide use per acreage in the Cedar River Municipal Watershed; and

6 WHEREAS, routine maintenance treatments on known patches and surveying for new patches in
7 sensitive areas continues to be the most effective way to minimize herbicide use and
8 costs, and it is widely accepted that the ecological risk of small amounts of imazapyr is
9 significantly less than the ecological risk of uncontrolled knotweed; and

10 WHEREAS, knotweed is legally required for control on the Cedar River and its tributaries and a
11 long-term management strategy maintains Seattle Public Utilities' compliance with
12 noxious weed regulatory law and is consistent with King County Noxious Weed
13 Program's best management practices for knotweed control; NOW, THEREFORE,

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

15 Section 1. Cedar River Watershed Secondary Use Policy 6-13, last amended by
16 Ordinance 125813, is amended as follows:

17 Seattle Public Utilities will continue the herbicide moratorium, controlling undesirable
18 vegetation with hand or mechanical methods, except that the following exemption for the use of
19 imazapyr shall apply through December 31, (~~(2024)~~) 2025. Seattle Public Utilities is authorized
20 to apply imazapyr (~~((for the purpose of controlling or eradicating))~~) to control or eradicate
21 knotweed species within the Cedar River Municipal Watershed according to the methods and
22 procedures established in this section and all applicable state and federal drinking water source
23 protection standards. Seattle Public Utilities will adhere to targeted foliar application methods

1 that use a one percent imazapyr solution applied directly to knotweed leaves with backpacks or
2 handheld sprayers. Herbicide will be applied by licensed pesticide applicators (~~or those under~~
3 ~~direct supervision of licensed applicators~~). Seattle Public Utilities will monitor knotweed
4 treatment areas annually and will monitor water quality before and after herbicide application.
5 Seattle Public Utilities will provide the (~~Civil Rights, Utilities, Economic Development and Arts~~
6 ~~Committee of the City Council~~) Transportation and Seattle Public Utilities Committee or
7 successor committee an annual report on the knotweed treatment program in the Cedar River
8 Municipal Watershed, summarizing the effectiveness of the knotweed treatment program,
9 evaluating the long-term financial and environmental implications for knotweed control beyond
10 (~~2024~~) 2025, evaluating water quality monitoring results, summarizing the latest available
11 science on the environmental and human health effects of imazapyr, and describing any plans for
12 the future use of imazapyr within the Watershed, including maps of proposed treatment areas,
13 estimated quantities of imazapyr to be applied, application methods and schedules, and plans for
14 water quality monitoring. Seattle Public Utilities may authorize use of imazapyr to newly-
15 discovered areas of knotweed infestation, but use on newly-discovered areas located within the
16 hydrographic boundary may not exceed five acres in size.

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

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

22 Section 4. Any act consistent with the authority of this ordinance taken after its passage
23 and prior to its effective date is ratified and confirmed.

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 27th day of June, 2023,
5 and signed by me in open session in authentication of its passage this 27th day of
6 June, 2023.

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8 _____

8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 3rd day of July, 2023.

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11 Bruce A. Harrell, Mayor

12 Filed by me this 3rd day of July, 2023.

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14 _____

14 Scheereen Dedman, City Clerk

15 (Seal)

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