

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Friday, May 06, 2011 5:18 PM
To: Merrill, Hannah
Subject: Fw: CONSISTENCY REVIEW

COMMENTS AND RECOMMENDATIONS FOR CLALLAM COUNTY SMP UPDATE

4. NOXIOUS WEED AND VEGETATION CONTROL

Before adding additional vegetation requirements under the **consistency review**, perhaps the following information should be reviewed.

My comment and recommendation is, that Clallam County/WA State be held financially responsible for eradication, control and removal of the 147 noxious weeds identified by the WA State Noxious Weed Control Board, that are located in Clallam County critical areas, setbacks, buffer zones and shorelines **under Clallam County Ordinance 81** and the following WA State and Clallam County Chapter 17 RCW's.

Clallam County SMP has/will **taken the value of private property** located in critical areas, setbacks, buffer zones and shorelines and is legally controlling and regulating the removal of all vegetation on all private property located in critical areas, setbacks, buffer zones.

Not only has Clallam County SMP **taken the value of private property**, they **are creating an addition financial burden on the private property owner that is held financially and legally responsible for eradication, control and removal of the 147 noxious weeds** identified by the WA State Noxious Weed Control Board, that are located in critical areas, setbacks, buffer zones and shorelines under Clallam County Ordinance 81, and the following WA State and Clallam County Chapter 17.10.090 RCW's.

Under Clallam County Ordinance 81, If it is **GOOD vegetation the County and State control it. If it is BAD vegetation the private property owner shall control it.**

[17.10.090](#) State noxious weed list -- Selection of weeds for control by county board.

[17.10.140](#) Owner's duty to control spread of noxious weeds.

[17.10.160](#) Right of entry -- Warrant for noxious weed search -- Civil liability -- Penalty for preventing entry.

[17.10.170](#) Finding presence of noxious weeds -- Notice for failure of owner to control -- Control by county board -- Liability of owner -- Lien -- Alternative.

SELECTIVE ENFORCEMENT BY STATE AND COUNTY LAW

One example

Under RCW 17.10.090 Clallam County has a noxious weed supplement list.

The noxious weeds on the County list are not on the WA State eradication list.

A private property owner in Clallam County by RCW 17.10.090 shall legally be required by Clallam County to remove scotch broom from his private property at his own expense.

The adjoining WA State WSDOT property, is not by law, required to remove the scotch broom that will spread onto and reseed the private property next to it.

WA State can say, legally "Don't do as I do" Clallam County can say, legally "Do as I say".

Pearl Rains Hewett

AS

Trustee of the George C. Rains Trust

Private property owner

Member of the important work group to provide input