INVASIVE SPECIES
EMERGENCY RESPONSE

Carol Piening, Claudine Reynolds, Leif Fixen, Michael Broeckel, Jeremy VanderVegt
Executive Summary

WHO: We are students in Class 37 of the Washington AgForestry Leadership Program. We represent both Eastern and Western Washington, and a variety of agricultural, forestry, and natural resource interests.

WHAT: We worked in partnership with the Washington Invasive Species Council and others to create legislation which would fund invasive species emergency response in Washington State.

WHY: An effective invasive species management program has three main components: preventing new invasions, controlling invasive species that are already present, and emergency response to eradicate newly discovered invasive species.

Prevention and control programs within Washington State are already largely in place, however dedicated funding for emergency response to infestations is lacking. If response is delayed due to lack of funding, invasive species can become established, resulting in great expense and potentially devastating impacts to farms, forests, and other ecosystems. With dedicated emergency funding, agencies could respond to an infestation before it spreads.

Proposal
- Explicitly state that the expenditures from the invasive species council account may be spent on emergency responses to invasive species through grants. (This was part of our original objective and was accomplished through a passing bill originated by WISC)
- Direct $500,000 from the general fund to the existing invasive species council account specifically to fund emergency responses to invasive species.
- Specify that any interest, income, and unspent or unencumbered money in the account at the end of any fiscal year must remain in the account, up to a certain amount

Related legislation
- Washington Invasive Species Council is working on a re-authorization bill in the 2016 session (active companion bills in House and Senate).
- The Legislature passed ESSB 6040 in 2014, consolidating and clarifying WDFW’s management and enforcement authority related to aquatic invasive species. WSDA has authority to manage invasive species such as insect pests, noxious weeds, and diseased plants (RCW 17.24). WDNR has authority over forest insect and disease control (RCW 76.06). Existing laws do not include explicit funding for emergency response.
The Issue

Also known as "aliens" or "exotics," invasive species are plants, animals, or organisms that spread so quickly that they harm other wildlife. Invasive species are defined by Revised Code of Washington 79A.25.310 as “non-native organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. Invasive species does not include domestic livestock, intentionally planted agronomic crops, or non-harmful exotic organisms.”

Our group’s desire was to build upon the State’s charter for the Washington Invasive Species Council (WISC). The Council is tasked with providing policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful. Their mission is to:

- Empower those engaged in the prevention, detection, and eradication of invasive species.
- Include a strategic plan designed to build upon local, state, and regional efforts, while serving as a forum for invasive species education and communication.

WISC works in conjunction with the Puget Sound Partnership (PSP) which is an organization that targets aquatic invasive species. Together both of these organizations operate off of grant funding and some government assistance to advocate and direct policy and education programs for invasive species identification and prevention. There is little funding left over to target any outbreaks that may get missed.

The draft legislation (Appendix A) requests that funding be set aside in the state treasury and that it be managed by WISC. Since WISC has the knowledge and resources to determine what constitutes an emergency, they would be given the authority to declare an emergency outbreak and be custodian of the funds.

Our group moved forward with this topic for numerous important reasons. This project adds to the toolkit that WISC has and provides the State and other organizations with access to funds to combat invasive species. The State has no clearly defined way to stop outbreaks, aside from preventative “best practices” noted by WISC and PSP. Secondly, this is a topic that encompasses the entire state of Washington and all of its industries. Our group is made up of professionals in farmland preservation, forestry, aquatic lands management and agriculture. This topic covered a wide array of interests and also laid out the framework for us to draft actual legislation and see how the government policy process works firsthand.

Invasive species are everyone’s problem. They can take over your garden, favorite swimming lake, hiking trail, timber property or irrigation canal. Invasive species out-compete native plants and animals for scarce resources, changing the landscape. They damage farms and forests as well as lakes, rivers, and marine waters. They cause hundreds of millions of dollars’ worth of damage. Farmers, foresters, and homeowners also spend hundreds of thousands of dollars to control invasive species.

Invasive species enact a high price from both society and nature.
- Cost Americans more than $137 billion a year.
- Impact nearly half the species listed as threatened or endangered.
- Can devastate key industries including seafood, agriculture, timber, hydro-electricity, and recreation.
- Impede recreation such as boating, fishing, hunting, gardening, and hiking.
- Spread easily by wind, water, animals, people, equipment, and imported goods.
- Increase frequency and intensity of wildfires and livestock poisonings.
- Destabilize soil and alter hydrology of streams, rivers, lakes, and wetlands.

An effective invasive species management program has three main components: preventing new invasions, controlling invasive species that are already present, and emergency response to eradicate newly discovered invasive species. Washington does not have dedicated funding for emergency response to infestations so our group set out to create an effective management program through proposing legislation. If response is delayed due to lack of funding, invasive species can become established, resulting in great expense and potentially devastating impacts to farms, forests, and other ecosystems. With dedicated emergency funding, agencies could respond to an infestation before it spreads. We proposed legislation specifically to fund invasive species emergency response.

**State, National, or International Dimensions of this Issue**

Washington is both a supplier and a consumer of a wide range of agricultural and forestry products nationally and internationally. Thus, there is a large potential for invasive species to enter Washington from neighboring states and from around the world. The emergency response funding legislation would focus narrowly on eradicating new invasive species shortly after they appear in Washington. Think of it as defensive, to complement more proactive prevention, quarantine, or inspection programs. For instance, the Washington Invasive Species Council evaluated more than 700 invasive species in and around Washington, and selected the following 50 priority species (terrestrial and aquatic plants and animals, insects, and diseases):

![Invasive Species Brainstorming Chart](http://www.invasivespecies.wa.gov/priorities.shtml)
Impacts of the proposal on different sectors and the public
Invasive species exist in all forms and can infest all forms of habitat, from our mountains, to our rivers, to our farmland, to our forests, to our oceans, and even to our air we breathe. The state’s rich soil and plentiful water supply make Washington one of the most productive growing regions in the world, with agricultural production valued at more than $10 billion a year. The rivers and lakes provide electricity for cities, habitat for five species of Pacific salmon, and recreational opportunities for the people who live here and love to play outside. Outdoor recreation in Washington State contributes an estimated $22.5 billion annually to the state economy.

Alternative proposals and solutions:
Our group originally started with a list of proposal idea and deliberation we originally decided on tackling a project focused on better defining what sustainable agriculture is in the state of Washington. Thought this was a noble and important topic, we soon learned that it was far too big and complex for our group to tackle in the short time that we had available to work on the policy project. This unfortunately left us half way through the program and back at the drawing board looking for a new topic.

With the impending deadline of the upcoming 2016 legislative session coming quickly, we all brainstormed on ideas and reached out to our professional networks to see if there was a reasonably sized problem out there that we could realistically tackle in the 4 months we had before session. As we discussed different ideas one kept coming to the top of our list – the issue of invasive species and the need for a better response to the threat of Zebra mussels.

As we investigated the topic more, we learned from WISC that Zebra mussels currently have a good plan for control, but that WA is lacking in our ability to respond to new infestations of invasive species in a quick manner to control the outbreak while it’s still manageable. We started investigating what we could do to help and how. We started brainstorming a way to quickly get resource on the ground (or water) to contain and eradicate new infestations of both invasive species already in the state, but maybe not in a specific area, and new species to the state. Our solution was to establish an emergency response fund that could be used to control any new infestation. Our group liked this idea because of its cross-cutting benefits to everyone in the state and was applicable to all of our different professions inside our group.

The challenges our group identified:
- Where are we going to find funding for the response fund? And to what level?
- Who is going to “own” and manage the fund?
- How will the funds be allocated out?
- What is needed in a legislative fix to set it up
- Did we mention how are we going to fund the program?

Alternative Solutions:
- We looked at generating funding through an assessment on vessels and boats, but the problem was our proposal addresses all forms of invasive species and not just aquatic species. It would not be fair to tax boaters to fight Asian Longhorn Beetle that only attacks forests.
- We looked at funding the program through the WA State Conservation Commission’s
discussed statewide property tax assessment, but we weren’t sure how soon or even if it
would be a reality.
- We considered the possibility of proposing new taxes or fees on sales of potential sources
of invasive species (for example, horticultural plants or pets), or through fees, fines, or
gifts. Several factors, including the Legislature’s need to concentrate on educational
funding in this short session, meant that we did not develop any of these ideas.

The Solution

Utilize organizations that are already in place such as WISC, Puget Sound Partnership and
Washington Department of Fish and Wildlife. These agencies would give specific
recommendations on how to implement/allocate funds to combat against invasive species, for
example Zebra Mussel infestation in Washington or Spartina outbreak on the shellfish industry.

Instead of working on a new tax/fee/source of revenue, we proposed legislation that would
allocate existing General Fund money to a dedicated account. This shifted the emphasis of our
project from generating new revenue to earmarking existing revenue for a specific purpose.

The Process

As we were developing our proposal, we worked closely with staff at the WISC. Raquel Crosier
was particularly helpful, facilitating conversations with staff from state agencies that have
invasive species management responsibilities, educating us about existing resources, and helping
us refine our proposal. We reached out to the Washington Forest Protection Association, the
Washington Department of Agriculture, the Washington Department of Fish and Wildlife and
others to discuss our topic, hear their suggestions and concerns and refine our proposal. A list of
the people that were instrumental to the development of our proposal is listed in Appendix B.

Our partnership with the WISC resulted in two legislative bill proposals, one each from the
Senate and House. A meeting with Senator Fraser in mid-December resulted in drafted
legislation by the Code Reviser’s Office, S-3615.1/16 and an associated pink signature sheet. A
signature sheet accompanies drafted legislation and circulates amongst legislators with the bill.
Legislators have the opportunity to sign the signature sheet if they want to sponsor or support the
legislation. The color of the paper is based on its chamber of origin; pink if it originates in the
Senate and blue if it originates in the House. A meeting with Representative Wilcox and his staff
in early January resulted in revised language and drafted legislation by House staff, H-3372.1/16
and its associated blue signature sheet. The legislation and blue signature sheet were circulated
to Representative Buys and Representative Orcutt while we were on our International seminar,
but there were some questions and lack of ownership of it during that time and no signatures
were acquired. Due to the need to revise language on the Senate bill, the pink signature sheet was
never circulated.

Many relationships were generated through this process as we worked with stakeholders to
ensure their suggestions were incorporated and their needs and concerns were addressed.
Although there was already significant recognition and support for this issue, our efforts
stimulated discussion, built relationships and resulted in the creation of legal language that could be used in future initiatives.

**Challenges and Successes**

**Challenges:**
- Not only choosing the right topic which 5 individuals could have a vested interest in, but also being able to narrow down the issue at hand from the “ten thousand foot” view. Our original topic was one which piqued everyone’s interest but the group could not draw the issue down to a manageable project. Our second topic was one where we were able to pinpoint a specific issue and create a project, but one which not everyone shared the same passion for the topic.
- Finding out that groups which were already working on a related topic/issue were not as inviting or eager to help out as we thought.
- The timing of the International Seminar being during the legislative session and this being coupled with a short session in 2016.
- Time constraints of completing this project in a 12-month window and balancing the time that this project required with the time our profession and personal lives require.
- The learning curve of political and legislative process which many of us had no previous background in.

**Successes:**
- Building on the legislative processes and procedure we were taught during the Olympia seminar.
- Stepping outside our comfort zones to interact with government officials and ask for guidance and assistance.
- Learning the importance of group dynamics and understanding that each person carries different DiSC traits.
- The building of relationships with a wide variety of individuals who will be able to guide us in the future with assistance on important matters.
- Learning that we could make a difference in causes we care about through advocacy and the legislative process and that the coalition building that happens along the way is invaluable for the success of current and future projects.

Even though the group was able to list more challenges than successes, we feel that the successes our group achieved outweigh the challenges we encountered. Although we were not able to see our proposal make it the entire way through the legislation process we feel that the project as a whole was a success. Our group continues to support this cause and feels that the ground work we laid will be built on in the future. We would encourage and support future AgForestry classes to pursue a public policy project associated with invasive species and to pick up where we have left off.
AN ACT Relating to the authority of the Washington invasive species council to assist in emergency responses to invasive species; amending RCW 79A.25.310, 79A.25.370, and 79A.25.010; reenacting and amending RCW 79A.25.010 and 43.79A.040; providing an effective date; and providing expiration dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 79A.25.310 and 2011 c 154 s 2 are each amended to read as follows:

(1) There is created the Washington invasive species council to exist until June 30, ((2017)) 2022. Staff support to the council shall be provided by the recreation and conservation office and from the agencies represented on the council. For administrative purposes, the council shall be located within the office.

(2) The purpose of the council is to:

[a] Provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful; and

[b] Administer available funding opportunities for emergency responses to invasive species under RCW 79A.25.370.
(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

Sec. 2. RCW 79A.25.370 and 2011 c 154 s 3 are each amended to read as follows:

(1) The invasive species council account is created in the custody of the state treasurer. All receipts from appropriations, gifts, grants, and donations must be deposited into the account. Expenditures from the account may be used only to fund opportunities for emergency responses to invasive species consistent with this section and to carry out (the) other purposes of the council as provided in this chapter. The account is subject to allotment procedures under chapter 43.88 RCW and the approval of the director (of the recreation and conservation office) is required for expenditures. All expenditures must be directed by the council.

(2)(a) The council may direct distributions from the account created in this section for the purpose of grants for emergency responses to invasive species.

(b) Any distributions for the purpose of grants for emergency responses to invasive species must be done in coordination with entities comprising the council as set forth in RCW 79A.25.320, including the department of fish and wildlife for rapid response management actions taken under RCW 77.135.060 and the department of agriculture for emergency measures taken in response to a determination of imminent danger of infestation of plant pests or plant diseases under RCW 17.34.171.

(c) The council may establish criteria for the distribution of funds to responders for the purpose of emergency responses to invasive species and is responsible for the administration of those funds.
(d) Nothing in this section authorizes any actions taken for the purpose of emergency responses to invasive species that is not otherwise within the scope of the legal authority of the responding entity.

(3) This section expires June 30, ((2017)) 2022.

Sec. 3. RCW 79A.25.010 and 2007 c 241 s 40 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Board" means the recreation and conservation funding board.

(6) "Director" means the director of the recreation and conservation office.

(7) "Office," "recreation and conservation office," or "the office of recreation and conservation" means the state agency responsible for administration of programs and activities of the recreation and conservation funding board, the salmon recovery funding board, the invasive species council, and such other duties or boards, councils, or advisory groups as are or may be established or directed for administrative placement in the agency.
(8) "Council" means the Washington invasive species council created in RCW 79A.25.310.

(9) "Emergency responses to invasive species" means a situation where there is an imminent danger of an infestation of organism or disease that seriously threatens the state's agricultural, horticultural, or forest industries or terrestrial or aquatic environment and that cannot be adequately addressed with normal procedures or existing resources.

Sec. 4. RCW 79A.25.010 and 2013 c 225 s 636 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the recreation and conservation funding board.

(2) "Council" means the Washington invasive species council created in RCW 79A.25.310.

(3) "Director" means the director of the recreation and conservation office.

(4) "Emergency responses to invasive species" means a situation where there is an imminent danger of an infestation of organism or disease that seriously threatens the state's agricultural, horticultural, or forest industries or terrestrial or aquatic environment and that cannot be adequately addressed with normal procedures or existing resources.

(5) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(6) "Office," "recreation and conservation office," or "the office of recreation and conservation" means the state agency responsible for administration of programs and activities of the recreation and conservation funding board, the salmon recovery funding board, the invasive species council, and such other duties or boards, councils, or advisory groups as are or may be established or directed for administrative placement in the agency.

(7) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or...
improve public outdoor recreation land, and also means Indian tribes
now or hereafter recognized as such by the federal government for
participation in the land and water conservation program.

(4) "Tax on marine fuel" means motor vehicle fuel tax
which is (a) tax on fuel used in, or sold or distributed for use in,
any watercraft, (b) refundable pursuant to chapter 82.38 RCW, and (c)
paid to the director of licensing with respect to taxable sales,
distributions, or uses occurring on or after December 3, 1964.

(2) "Watercraft" means any boat, vessel, or other craft
used for navigation on or through water.

Sec. 5. RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are
each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited,
invested, and reinvested by the state treasurer in accordance with
RCW 43.84.080 in the same manner and to the same extent as if the
money were in the state treasury, and may be commingled with moneys
in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust
fund must be set aside in an account in the treasury trust fund to be
known as the investment income account.

(3) The investment income account may be utilized for the payment
of purchased banking services on behalf of treasurer's trust funds
including, but not limited to, depository, safekeeping, and
disbursement functions for the state treasurer or affected state
agencies. The investment income account is subject in all respects to
chapter 43.88 RCW, but no appropriation is required for payments to
financial institutions. Payments must occur prior to distribution of
earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings
credited to the investment income account to the state general fund
except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their
proportionate share of earnings based upon each account's or fund's
average daily balance for the period: The Washington promise
scholarship account, the Washington advanced college tuition payment
program account, the accessible communities account, the community
and technical college innovation account, the agricultural local
fund, the American Indian scholarship endowment fund, the foster care
scholarship endowment fund, the foster care endowed scholarship trust
fund, the contract harvesting revolving account, the Washington state
combined fund drive account, the commemorative works account, the
county enhanced 911 excise tax account, the toll collection account,
the developmental disabilities endowment trust fund, the energy
account, the fair fund, the family leave insurance account, the food
animal veterinarian conditional scholarship account, the fruit and
vegetable inspection account, the future teachers conditional
scholarship account, the game farm alternative account, the GET ready
for math and science scholarship account, the Washington global
health technologies and product development account, the grain
inspection revolving fund, the industrial insurance rainy day fund,
the invasive species council account, the juvenile accountability
incentive account, the law enforcement officers' and firefighters'
plan 2 expense fund, the local tourism promotion account, the
multiagency permitting team account, the pilotage account, the
produce railcar pool account, the regional transportation investment
district account, the rural rehabilitation account, the stadium and
exhibition center account, the youth athletic facility account, the
self-insurance revolving fund, the children's trust fund, the
Washington horse racing commission Washington bred owners' bonus fund
and breeder awards account, the Washington horse racing commission
class C purse fund account, the individual development account
program account, the Washington horse racing commission operating
account, the life sciences discovery fund, the Washington state
heritage center account, the reduced cigarette ignition propensity
account, the center for childhood deafness and hearing loss account,
the school for the blind account, the Millersylvania park trust fund,
the public employees' and retirees' insurance reserve fund, and the
radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent
of their proportionate share of earnings based upon each account's or
fund's average daily balance for the period: The advanced right-of-
way revolving fund, the advanced environmental mitigation revolving
account, the federal narcotics asset forfeitures account, the high
occupancy vehicle account, the local rail service assistance account,
and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts
or funds not statutorily required to be held in the custody of the
state treasurer that deposits funds into a fund or account in the
custody of the state treasurer pursuant to an agreement with the

Code Rev/ML:amh
office of the state treasurer shall receive its proportionate share
of earnings based upon each account's or fund's average daily balance
for the period.

(5) In conformance with Article II, section 37 of the state
Constitution, no trust accounts or funds shall be allocated earnings
without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. Section 3 of this act expires July 1,
2016.

NEW SECTION. Sec. 7. Section 4 of this act takes effect July 1,
2016.

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### Appendix B

#### Mentors and Contacts

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<thead>
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