



JEFFERSON COUNTY PUBLIC HEALTH

615 Sheridan Street • Port Townsend • Washington • 98368
www.jeffersoncountypublichealth.org

May 20, 2013

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA REQUEST

TO: Board of County Commissioners
Philip Morley, County Administrator

FROM: Jared Keefer, Environmental Health & Water Quality Manager
Tami Pokorny, Environmental Health Specialist II

DATE: JUNE 24, 2013

SUBJECT: Agenda Item – Permission to Enter and Waiver of Liability Agreement for Knotweed Control with Hood Canal Salmon Enhancement Group for Knotweed Control; July 1, 2012 – December 31, 2015; \$0

STATEMENT OF ISSUE:

Jefferson County Public Health is requesting Board approval of the Permission to Enter and Waiver of Liability Agreement for Knotweed Control with Hood Canal Salmon Enhancement Group for Knotweed Control; July 1, 2012 – December 31, 2015; \$0

ANALYSIS/STRATEGIC GOALS:

Staff requests BoCC approval of an agreement with the Hood Canal Salmon Enhancement Group (HCSEG) to allow the HCSEG and its agents, contractors, cooperators and employees to enter onto Jefferson County-owned properties to perform activities to eradicate and/or control knotweed (*Polygonum spp.*). The agreement also grants permission to the Washington Department of Agriculture to access the properties for the purpose of monitoring the success of the eradication efforts.

The target properties include the following parcels (Assessor Parcel Numbers):

Big Quilcene River:

991200204, 991200205, 991200202, 991201102, 991201401, 991201401, 991201402, 991201903

Dosewallips River:

602344022, 602344014, 602343014, 602343013, 602343012, 602343010, 602343001, 602342001, 966900046, 966900034, 966900035, 966900231, 966900036

COMMUNITY HEALTH
DEVELOPMENTAL DISABILITIES
MAIN: 360385-9400
FAX: 360385-9401

PUBLIC HEALTH
ALWAYS WORKING FOR A SAFER AND
HEALTHIER COMMUNITY

ENVIRONMENTAL HEALTH
WATER QUALITY
MAIN: 360385-9444
FAX: 360379-4487

Since 2008, the Hood Canal Salmon Enhancement Group (HCSEG), in coordination with regional partners, has been working with land owners to conduct surveys and treatment within the Hood Canal watershed for the noxious weed known as knotweed, a Washington State Noxious Weed (WAC 16-750). These plants are non-native, aggressive and invasive, but have the potential to be eradicated or adequately controlled within Washington. Salmon ecologists are concerned about knotweed because of its capability to smother native species and lower habitat biodiversity, water use and competition with native plants. It creates bank erosion problems and lowers the overall quality of riparian habitat for fish and wildlife. If left untreated, it can overwhelm and eventually displace native vegetation. The HCSEG uses the herbicide Glyphosate to control knotweed at the recommended dosage guidelines.

As part of this project, the HCSEG will also survey the extent of the knotweed treated on County-owned parcels and will be available by separate agreement to replant those areas, also at no charge.

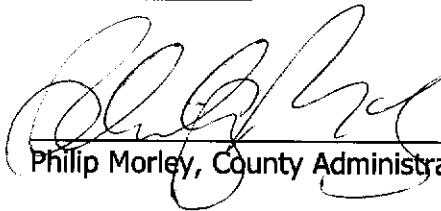
FISCAL IMPACT:


There is no impact to the General Fund for this agreement. Funding will be provided through a grant to the HCSEG from the SRFB and WSDA.

RECOMMENDATION:

JCPH management requests approval of the Permission to Enter and Waiver of Liability Agreement for Knotweed Control with Hood Canal Salmon Enhancement Group for Knotweed Control; July 1, 2012 – December 31, 2015; \$0

REVIEWED BY:


Philip Morley, County Administrator


Date



**Permission to Enter Property and Waiver of Liability
Hood Canal Salmon Enhancement Group
Knotweed Control Project
July 1, 2013 to December 31, 2015**

PERMISSION TO ENTER PROPERTY AND WAIVER OF LIABILITY

THIS AGREEMENT INCLUDES PERMISSION TO ENTER PROPERTY AND A WAIVER OF CERTAIN CLAIMS OF LIABILITY. READ CAREFULLY BEFORE SIGNING.

This Permission to Enter Property and Waiver of Liability is made between Hood Canal Salmon Enhancement Group and _____, hereafter referred to individually or collectively as "the property owner."

INTRODUCTION

1. The control and eradication of noxious weeds on public and private lands is in the public interest and the presence of knotweed (*Polygonum* spp.) threatens wildlife habitat and provides a source for renewed infestation of public lands. Effective eradication of knotweed requires concerted efforts on both public and private lands to protect public resources.
2. Hood Canal Salmon Enhancement Group and its agents desire to assist landowners by performing activities to eradicate and/or control knotweed on public and private lands within western Washington. These activities are consistent with and supportive of duties imposed under statute.
3. The property owner is the sole owner of property located at _____ in Jefferson County, Washington, hereafter referred to as "the property."
4. The property owner is interested in and benefited by the eradication and/or control of knotweed on the property.
5. The property owner and Hood Canal Salmon Enhancement Group desire to memorialize an agreement for the purpose of eradication and/or control of knotweed on the property.

AGREEMENT

1. **Permission.** In consideration of the benefits described above, the property owner grants permission to Hood Canal Salmon Enhancement Group and its agents, contractors, cooperators and employees to enter onto the property, from July 1, 2013, to December 31, 2015, to perform activities to eradicate and/or control knotweed on the property. The property owner acknowledges and agrees that these activities may include the application of herbicide to the property.

The property owner also grants permission to agents, contractors, cooperators and employees of the Washington State Department of Agriculture to enter onto the property, from July 1, 2013, through December 31, 2015, for the purpose of monitoring and evaluating the success of knotweed eradication and/or control activities.

2. **Expiration and Revocation.** Hood Canal Salmon Enhancement Group and its agents, contractors, cooperators and employees are permitted to enter the property on all of the above dates and until December 31, 2015, or

until this permission is revoked, whichever occurs first. The property owner may revoke this permission by presenting a written letter of revocation to Hood Canal Salmon Enhancement Group. The revocation is effective five (5) business days after receipt by Hood Canal Salmon Enhancement Group.

- 3. **Liability Waiver.** The purpose of entry onto the property is to perform activities to eradicate and/or control knotweed. The property owner expressly agrees to hold harmless Hood Canal Salmon Enhancement Group, the Washington Department of Agriculture (WSDA), and the agents, contractors, cooperators and employees of Hood Canal Salmon Enhancement Group, or WSDA, and to waive any claim of liability against Hood Canal Salmon Enhancement Group, WSDA, and the agents, contractors, cooperators and employees of Hood Canal Salmon Enhancement Group, or WSDA, for any injury, damage, or harm which is the logical and intended consequence of activities properly performed to eradicate and/or control knotweed.

The Hood Canal Salmon Enhancement Group and its agents, contractors, cooperators and employees agree to waive any claim of liability against the landowner for any injury, damage, or harm which is not the consequence of the landowner's negligence. As to any other act or omission of either party under this agreement, each party shall be responsible for its own acts or omissions and those of its officers, employees and agents under this agreement. No party to this agreement shall be responsible to the other for the acts or omissions of entities or individuals not a party to this agreement.

- 4. **Entire Agreement.** This Permission to Enter Property and Waiver of Liability contains the entire agreement between the parties with regard to the matters set forth herein.
- 5. **Applicable Law.** This Permission to Enter Property and Waiver of Liability shall be construed and interpreted according to the laws of the State of Washington.

BY THE SIGNATURE BELOW, THE PROPERTY OWNER DECLARES THAT THE TERMS OF THIS PERMISSION TO ENTER PROPERTY AND WAIVER OF LIABILITY HAVE BEEN COMPLETELY READ AND FULLY UNDERSTOOD AND VOLUNTARILY ACCEPTED AND EXPRESSLY WAIVE ANY CLAIM THAT THIS PERMISSION TO ENTER PROPERTY AND WAIVER OF LIABILITY IS NOT FAIRLY AND KNOWINGLY MADE.

Property Owner Phone Number: _____

Property Owner Address: _____
Street City County Zip

_____	_____	_____
Jefferson County		
Name of property owner	Signature of property owner	Date

John Austin, Chair
Jefferson Board of County Commissioners

_____	_____	_____
Name of authorized representative, Hood Canal Salmon Enhancement Group	Signature of authorized representative, Hood Canal Salmon Enhancement Group	Date

Contact information for Hood Canal Salmon Enhancement Group: Mendy A. Harlow (360) 275-9722
PO Box 2169
Belfair, WA 98528

Approved as to form only:

David Ahrens 6/13/13

Jefferson Co. Prosecutor's Office

Addendum

Permission to enter Property and Waiver of Liability

Hood Canal Salmon Enhancement Group

Knotweed Control Project – July 1, 2012 – December 31, 2015

The agreement grants permission to the Washington Department of Agriculture to access the properties for the purpose of monitoring the success of the eradication efforts.

Big Quilcene River:

991200204, 991200205, 991200202, 991201102, 991201401, 991201401, 991201402, 991201903

Dosewallips River:

602344022, 602344014, 602343014, 602343013, 602343012, 602343010, 602343001, 602342001, 966900046, 966900034, 966900035, 966900231, 966900036