

Richland County
Noxious Weed
Management
Plan

June 2012

WEED MANAGEMENT PLAN

(June 2012)

INTRODUCTION

PURPOSE OF A WEED MANAGEMENT PLAN

The 1995 Montana legislature saw the need to enact the County Noxious Weed Management Act.

Previous weed control laws were somewhat vague and unrealistic for a county to enforce. The 1995 legislative action allows each county weed board tailor a control program for its particular district. The old law said "it is unlawful to permit noxious weeds to go to seed." This statement meant that nearly all landowners, including the county, were in violation at some place in time. The new law says "it is unlawful for any person to permit any noxious weeds to propagate or go to seed on his land, **except** that any person who adheres to the noxious weed management plan of his district or who has entered into and is in compliance with a weed management agreement is considered to be in compliance with this section." In other words, the board has the authority to set up district standards. Standards allow for landowners to abide by the county weed law and at the same time, work a program that fits their needs and is affordable. To meet the standards, three approaches may be used:

1. In areas with a severe weed problem, a **containment** approach is considered.
2. In areas with a minor weed problem, an **eradication** standard will be set up.
3. Where environmental factors restrict herbicides, a **standard exemption zone** could be set up. Here, the use of bio-control and mechanical treatments would be advisable.

1. Weed District Information

A. Background Data

The boundary lines of Richland County serve as the border for the noxious weed control district as declared by the Board of County Commissioners on June 11, 1956.

Richland County has a land area of about 2,065 square miles or 1,321,600 acres. Sidney, the county seat, is in the east central part of the county. Approximately 40% of the County is cropland and pasture; 54% is rangeland; and the remaining 6% water and other. The principle crops are wheat, barley, oats, hay, sugar beets, and corn. Raising cattle and small grain production are the main enterprises.

Elevation ranges from 1800 feet above sea level on the flood plains of the Yellowstone and Missouri rivers in the northeast corner of the county to 2900 feet on the divide between the drainage ways of the Yellowstone and Redwater rivers.

The average length of the growing season is 110-113 frost free days. The average annual precipitation is about 13 inches. Mean annual air temperature is 41-43 F.

B. List of noxious weeds declared by the State and the Richland County Weed District:

Priority 1A

Yellow starthistle

Priority 1B

- | | |
|------------------------------|--------------------------|
| a) Dyer's woad | e) Rush skeletonweed |
| b) Flowering rush | f) Eurasian watermilfoil |
| c) Japanese knotweed complex | g) Scotch broom |
| d) Purple loosestrife | h) Curlyleaf pondweed |

Priority 2A

- | | |
|----------------------------|-------------------------|
| a) Tansy ragwort | e) Perennial pepperweed |
| b) Meadow hawkweed complex | f) Yellowflag iris |
| c) Orange hawkweed | g) Blueweed |
| d) Tall buttercup | h) Hoary alyssum |

Priority 2B

- | | | |
|----------------------------------|-----------------------|---------------------|
| a) Canada Thistle | b) Field bindweed | c) Leafy spurge |
| d) Whitetop | e) Russian knapweed | f) Spotted knapweed |
| g) Diffuse knapweed | h) Dalmation toadflax | i) St. Johnswort |
| j) Sulfur cinquefoil | k) Common tansy | l) Oyeye daisy |
| m) Houndstongue | n) Yellow toadflax | o) Saltcedar |
| p) Babysbreath (county declared) | | |

Regulated Plants: Russian olive, Cheatgrass, Hydrilla

C. Weed Mapping

The District will construct a base map.. This map will be built from known weed patches and will develop as new patches are sited and treated. The purpose of this map is to indicate weed infested areas and make it possible for the weed district and landowners to better plan a way to contain their further spreading to adjacent lands. These maps will also serve as good measuring tools to evaluate the Noxious Weed Program. This process may be used cooperatively with the statewide weed survey project that the Dept. of Ag. has initiated.

All Richland County Weed District spray trucks and 4-wheelers will be equipped with GPS units and dataloggers. All information will be downloaded and transferred to maps of all sprayed so that accurate records can be kept.

D. Weed Priorities

1. Leafy Spurge: Chemical, biological, and mechanical methods are all being used for control in Richland County. The 6 major areas in the county with serious spurge infestations are Charlie Creek, Hardscrabble Creek, Four Mile Creek, Nohly, Lambert, and Yellowstone Valley near Dawson County Line.
2. Spotted Knapweed: This weed has gone from just a few scattered patches to infest 15 to 20 acres in a short time span. The District's objective is total eradication. To help operators become aware of spotted knapweed, educational displays and Ransom Weed programs have been adopted.
3. Canada Thistle: Canada thistle is a major problem along roadways, in croplands, and hay grounds county-wide. Irrigated valley farmers have made several complaints to the District about thistle in cropland and along BN right of way.
4. Saltcedar: This weed is entering the county by way of the Yellowstone River. The District is well aware of its potentially damaging effect to the riparian areas and our irrigation system. Efforts will continue to control and possibly eradicate saltcedar.

E. District Goals and Objectives

1. *County Maintained Roads:*
Continue to spot treat noxious weeds on the approximately 1200 miles of county roads using Tordon 22K, Amine 2-4D, Curtail, Escort, and Transline where appropriate.

2. *State Highways:*

Continue to contract with MDOT to spot treat highway right of ways for noxious weeds twice a season.

3. *Private Land Spraying:*

Continue to assist in spraying noxious weeds on private grassland and pasture when requested by the owner. Care will be taken not to compete with private contractors.

4. *Government Agencies:*

Continue to enter into contract with govt. agencies desiring our services. For example: BLM, Fish, Wildlife, and Parks, State Lands, etc.

5. *Landowner and Public Awareness:*

Continue to assist the Extension Agency in holding informative public meetings during the year. Information can be gotten to the public by:

- a. Personal visits by the weed coordinator or his representative.
- b. "Formal" meetings sponsored by industry reps, Extension agents, and weed coordinators.
- c. Purpose includes how to identify noxious weeds; be aware of related problems when they become established; and assist landowners in developing their own weed management plan.
- d. Set up meetings where private farm applicators can receive credit toward recertification.
- e. Use a noxious weed display board as an educational tool. Employ live plant mounts along with photos and illustrations for weed identification. Integrate bio-control agents into displays.

6. *Eradicate Spotted Knapweed:*

Most infestations of spotted knapweed are known in the county. Previous spraying of newly identified and known patches required about four days of work by district crews. Following up year after year will eliminate the weed.

7. *Equipment Update:*

The District will continue to update all spray equipment as funds allow.

8. *Flea Beetles:*

The District has established over 100 flea beetle sites. A district employee documents, monitors, and maintains the sites. He will continue to set up sites by collecting and transferring from present sites and other collection areas. The District will continue to work with landowners and govt. agencies to promote expansion of flea beetles.

9. *Future Plans:*

Richland County Weed District will continue to strive to get all government agencies and private landowners involved in noxious weed awareness and control.

II. **Program Development:**

A. **Funding the Program:** The following explanation comes from the 1995 County Noxious Weed Management Act.

Section 7-22-2141: **Noxious weed fund authorized.**

- A. d Management ActThe commissioners of each county in this state shall create a noxious weed management fund, to be designated the "noxious weed fund."
- B. This fund shall be keep separate and distinct by the county treasurer.

Section 7-22-2142: **Sources of money for noxious weed fund.**

1. The commissioners may create the noxious weed fund and provide sufficient money in the fund for the board to fulfill its duties, as specified in 7-22-2109, by:
 - a. Appropriating money from the general fund of the county;
 - b. At any time fixed by law for levy and assessment of taxes, levying a tax not exceeding 2 mills on the dollar of total taxable valuation in the county. The tax levied under this subsection must be identified on the assessment as the tax that will be used for noxious weed control.
 - c. Levying a tax in excess of 2 mills if authorized by a majority of the qualified electors voting in an election held for this purpose pursuant to 7-6-2531 through 7-6-2563.
2. The proceeds of the noxious weed control tax must be used solely for the purpose of managing noxious weeds in the county and must be designated to the noxious weed fund.
3. Any proceeds from work or chemical sales must revert to the noxious weed fund and must be available for reuse withing that fiscal year or any subsequent year.
4. The commissioners may accept any private, state, or federal gifts, grants, contracts, or other funds to aid in the management of noxious weeds within the district. These funds must be placed in the noxious weed fund.

Section 7-22-2143: **Determination of cost of weed control program.**

Based on the board's recommendations, the commissioners shall determine and fix the cost of the control of noxious weeds in the district, whether the same be performed by the individual landowners or by the board.

B. The 1995 law provides some guidelines:

Section 7-22-2121: **Weed management program.**

1. The noxious weed management program must be based on a plan approved by the board.
2. The noxious weed management plan must:
 - a. Specify the goals and priorities of the program;
 - b. Review the distribution and abundance of each noxious weed species known to occur within the district and specify the locations of new infestations and areas particularly susceptible to new infestations;
 - c. Specify pesticide management goals and procedures including but not limited to water quality protections, public and worker safety, equipment selection and maintenance, and pesticide selection, application, mixing, loading, storage, and disposal; and
 - d. Estimate the personnel, operations, and equipment costs of the proposed program.
3. The board shall provide for the management of noxious weeds on all land or rights-of-way owned or controlled by a county or municipality within the confines of the district. It shall take particular precautions while managing the noxious weeds to preserve beneficial vegetation and wildlife habitat. Where at all possible, methods for such control shall include cultural, chemical, and biological methods.
4. The board may establish special management zones within the district. The management criteria in such zones may be more or less stringent than the general management criteria for the district.

C. General District Standards:

1. All landowners or their representatives will familiarize themselves with noxious weed identification.
2. If weeds are present on the land, it should be brought to the attention of the board.
3. A control plan will be drawn up for all tracts contain noxious weeds.
4. A landowner plan initiated after a complaint must be adhered to.
5. All landowners in a "general project area" will take an active part in the control efforts of that project.
6. Proper vegetation of all disturbed areas. Plan must be submitted to board prior to disturbance.

D. Special zones:

1. Intensive control:
If a plan is not already in place, one will be drawn up that calls for intensive weed control. These areas include:
 - a. all county rights-of-way

- b. Burlington Northern Railroad ROW from fence to fence
- c. state highway system road ROW
- d. Lower Yellowstone Project Canal
- e. MDU-REA - pipe and transmission line ROW
- f. gravel pits
- g. abandoned mines, oilfield locations
- h. areas containing spotted knapweed

The above locations will consider chemical control as the preferred alternative for weed control.

2. Relaxed control:

Those locations where chemical control is considered unsafe and may cause unnecessary liability, the use of mechanical, biological control would be preferred. These areas include:

- a. inner banks of the Missouri River
- b. inner banks of the Yellowstone River
- c. islands in these rivers where flooding occurs "frequently".

III. Agreements and Compliance

A. Voluntary agreements:

This section deals with landowners complying with district standards.

1. Agency contracts:

- a. Bureau of Land Management (BLM) has a yearly weed control agreement with the county on approximately 200 acres. This is for leafy spurge along the Missouri River breaks. The county will attempt to maintain this and find ways to increase treatment area.
- b. State Highway Department: The county has a signed contract which is renewed each year. The county sprays 100 miles of rights-of-way and the state pays for this service.
- c. State Lands-Abandoned Mines Reclamation Bureau has a signed agreement with the county.
- d. State Lands: The Board is looking at getting a firm commitment from the state to either enforce their lease where weeds are a problem or pay for chemical control where appropriate. The county will also apply for grant monies on state school sections.
- e. Cost Share: Please refer to cost share agreement for details.
- f. Roadside Spraying by landowners: There is a provision in the 1995 law which allows the board to contract with individuals to spray noxious weeds along county roads. We have not done this as of yet.

B. Non-Compliance with district standards:

It is the landowners' responsibility to control noxious weeds on their land per MCA, Section 7-22-2116. State law, provides 10 days after the mailing of notice for contact with the Richland County Weed District to address the issue before a determination of Failure To Take Corrective Action is made and the property is subject to Noncompliance Control Measures, as stated below.

Notification of Corrective Action Required Within 10 Days - Final Notice:

- 1) Submit a weed management proposal or request a hearing as specified below
- 2) Other actions if any

Failure to Take Corrective Action – Noncompliant Landowner Subject to Control Measures Pursuant to 7-22-2124, MCA:

- 1) The property described above will be treated with appropriate control measures, which may include herbicide application. You will be responsible for the cost of all control measures and associated penalties, which may include costs for labor, material, equipment time and a penalty that is up to 25% of the total cost. The anticipated cost of this would be \$(dollars), including the penalty.
- 2) Invoices need to be paid within thirty (30) days of receipt. Invoices not paid in full within thirty (30) days may be/are subject to a court action to impose a civil fine that may become a lien upon the property.
- 3) Notice of Intent to Seek a Civil Fine (if acceptable)

The landowner has the right to request a hearing to contest the finding of noncompliance, by way of an injunction or stay of the corrective action, in district court within 10 days of receipt of this notice. The board may not institute control measures until the matter is finally resolved, except in the case of an emergency. In that case, the person is liable for costs as provided in subsection (1) of MCA 7-22-2124, only to the extent determined appropriate by the board, commissioners, or court that finally resolves the matter.

Section 7-22-2126: Embargo

1. The board may establish voluntary embargo programs to reduce the spread of noxious weeds within the district or the introduction of noxious weeds into the district.
2. The board shall establish a special embargo program for the movement of forage, as defined in 80-7-903, into or out of the county. The board may implement an embargo upon confirmation of a violation, based upon compliant investigations, requests for investigations, if the forage has not been certified by the state and is being sold as noxious weed seed free, as defined in 80-7-903.
3. A person in possession of the forage that is not in compliance with Title 80, chapter 7, part 9, may not move or dispose of the forage as noxious weed seed free that is subject to embargo until written permission is obtained from the board. If the forage that is subject to embargo is found to have met all of the requirements of the state certification program and the department verifies compliance with the program, the board shall release the embargo. The board may also release the forage under the following conditions:
 - a. verification of guaranteed delivery back to the original producer, as defined in 80-7-903;
 - b. burning or disposal of the forage in a manner acceptable to the board; or
 - c. other alternatives approved by the board.
4. The board shall report all embargoes issued and the final resolution of an embargo imposed pursuant to a violation of Title 80, chapter 7, part 9, to the department within 48 hours.
5. The person in possession of forage subject to embargo shall comply with the conditions approved by the board within 30 days. If resolution is not accomplished, the board may condemn the forage and implement through its employees any of the conditions set forth in this section. If the board proceeds with correction of these conditions after 30 days, all actual expenses incurred and documented by the board are payable by the producer unless the person in possession of the forage also has an interest in the forage.

IV. Weed Board

Section 7-22-2109 Powers and Duties of the Board

1. In addition to any powers or duties established in the resolution creating a district weed board, the board may:
 - a. employ a supervisor and other employees as necessary and provide for their compensation.
 - b. purchase chemicals, materials, and equipment and pay other operational costs as it determines necessary for implementing an effective weed management program. The costs must be paid from the noxious weed fund.
 - c. determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their land. The costs for such must be paid by the person and collected as provided in this part.
 - d. enter into agreements with the department for the control and eradication of any new exotic plant species not previously established in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial use or the plant species spreads or threatens to spread to weed management.
 - e. perform other activities relating to weed management.
 - f. 7-22-2126 The board may establish voluntary embargo to reduce the spread of noxious weeds within the district or the introduction of noxious weeds into the district.
 - g. the board may have cost share for Tordon (currently 1/3 on chemical and \$10/hr. on labor) to be used on noxious weeds in Richland County. This will either be applied by county weed crews or sold directly to licensed farm applicators.
2. The board shall:
 - a. administer the district's noxious weed program.
 - b. establish management criteria for noxious weeds on all land within the district.
 - c. make all reasonable efforts to develop and implement a noxious weed program covering all land within the district owned or administrated by a federal agency.

V. Evaluation

Policy for Personnel- Hiring and Firing:

1. New applicants for summer employment will complete an employment application form.
2. Workers returning from previous work with the weed district will notify the weed coordinator of their intention to do so each year.
3. The board will confer with the coordinator concerning all hiring.

4. The board shall confer with the coordinator concerning the firing of current employees.
5. The coordinator is an employee of the weed board.
6. The board may relieve the coordinator of his/her duties if they feel this is appropriate action.

VI. Employees and Equipment

A. Employee Expectations

1. Applicants should have a Montana drivers's and be at least 18 years old.
2. Applicants must be willing to work long hours on days that are conducive to spraying.
3. Workers should be able make minor repairs on the trucks and equipment and do daily maintenance.
4. Workers are required to keep daily logs. Familiarity with the county roads and noxious weeds would be helpful.
5. Employment will generally start the first week in June and conclude by the middle of August.
6. Employment application forms are available at the Job Service.

B. Employee safety and equipment use.

1. All employees are required to take the Weed Crew Training Class.
2. All crews will consist of at least two people.
3. Protective clothing will be provided for employees engaged in spraying activities. The use of disposable garments will be strongly encouraged.
4. The use of glasses or goggles when pouring concentrated pesticides will be stressed.
5. An eyewash station will be stressed.
6. All vehicles will be equipped with the following:
 - a. a charged fire extinguisher
 - b. emergency phone numbers
 - c. minimum of three gallons of fresh water
 - d. soap
 - e. shovel, log chain, jumper cable, and basic tool box
 - f. first aid kit
 - g. product labels
7. Showers installed at the shop (optional)
8. All used pesticide containers will be triple rinsed and taken to the landfill or to a location where they will be ground up.
9. All mixing will take place at the shop or on the job site. No chemical mixing will take place at the water filling site.
10. No spraying will be done if the wind speed exceeds 20 mph.