

RESOLUTION NO. 2022- 062

**A RESOLUTION APPROVING THE GALLATIN COUNTY WEED DISTRICT  
NOXIOUS WEED MANAGEMENT PLAN**

This Resolution was introduced by Weed District Supervisor, John Ansley, moved by Commissioner BROWN, and seconded by Commissioner MACFARLANE, and approved by a vote 3 in favor and 0 opposed on 05-03-22.

**WHEREAS**, Gallatin County is a local political subdivision of the State of Montana that has a Commission form of government; and

**WHEREAS**, Montana Code Annotated (MCA) § 7-1-2104 provides that “a county’s powers can only be exercised by the board of county commissioners or by agents and officers acting under their authority or authority of law”; and

**WHEREAS**, MCA § 7-22-2102 establishes weed management districts in every county in Montana; and

**WHEREAS**, MCA § 7-22-2103(1) requires the Gallatin County Commissioners to appoint a district weed board; and

**WHEREAS**, the County Commissioners passed Resolution No. 2011-039 on May 24, 2011 ratifying and reaffirming the County Weed District Board (“Weed Board”); and

**WHEREAS**, Resolution No. 2011-039 requires that the Weed Board administer the Weed District’s noxious weed management program; and

**WHEREAS**, MCA § 7-22-2121(1) requires that the Weed District’s noxious weed management program must be based on a plan approved by the Weed Board and the Gallatin County Commissioners; and

**WHEREAS**, MCA § 7-22-2103(3) requires that the County Commissioners to approve, approve with revisions, or reject the weed management plan submitted pursuant to MCA § 7-22-2121; and

**WHEREAS**, the Gallatin County Weed District Noxious Weed Management Plan was adopted by the Weed Board, and approved by the Gallatin County Commissioners on June 2, 2020 to carry out the Weed District’s noxious weed management program; and

**WHEREAS**, MCA § 7-22-2120(1)(b) requires that a noxious weed management plan be updated and submitted to the Montana Department of Agriculture every two years; and

**WHEREAS**, the Weed Board has approved the Gallatin County Weed District Noxious weed Management Plan on April 7, 2022; and

**WHEREAS**, approval of the Gallatin County Weed District Noxious Weed Management Plan by the County Commissioners is necessary to ensure the Plan's compliance with MCA § 7-22-2103 and § 7-22-2120 and its enforceability within the Weed District; and

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The Gallatin County Weed District Noxious Weed Management Plan, attached hereto, is incorporated by reference into this resolution.
2. The County Commission hereby approves the Gallatin County Weed District Noxious Weed Management Plan, without revisions, for implementation and enforcement in the Weed District.

Dated this 3RD day of MAY, 2022.

**GALLATIN COUNTY COMMISSION**

  
\_\_\_\_\_  
Joe P. Skinner

**ATTEST:**

  
\_\_\_\_\_  
Eric Semerad, Clerk & Recorder



## **GALLATIN COUNTY WEED DISTRICT NOXIOUS WEED MANAGEMENT PLAN**

### **Executive Summary**

Noxious weeds are non-native plants that compete with desirable plants for water, nutrients, light and space. Most noxious weeds are native to Eurasia and have likely entered the North American continent from ship ballast, contaminated crop seed, as ornamentals, or in infested forage. Environmental, natural and cultural controls such as plant competition, insects, diseases, and intensive grazing have kept these plants from becoming problems in their native habitat. Since these competitive factors and land management practices did not migrate with the plant, noxious weeds in North America grow virtually unhindered. Noxious weeds choke out native and/or beneficial plant species, which in turn, decreases the value and productivity of the land. Noxious weeds do not limit themselves to agricultural areas; they have also invaded federal, state and private lands. Noxious weeds have the potential to reduce biodiversity, increase soil erosion, degrade wildlife habitat, diminish water quality, reduce forage for livestock and reduce real estate values.

Noxious weeds are a serious problem in Gallatin County and throughout Montana. The Montana Department of Agriculture defines a noxious weed as any non-native plant that is harmful to agriculture, wildlife, forestry, recreation, endangered species and other beneficial uses of the land. Listed in this document are the 40 noxious weeds on the State of Montana and Gallatin County Noxious Weed List that landowners are required by law to control as well as five regulated plants that may not be intentionally spread or sold. At the discretion of the Gallatin County Weed Board, certain species on the State and Gallatin County Noxious Weed List may be regulated through an educational approach rather than through enforcement.

The Montana Noxious Weed Control Act § 7-22-2116, MCA, makes it unlawful for any person to permit any noxious weed to propagate or to go to seed on his/her property, unless that person adheres to the Noxious Weed Plan of Gallatin County or has entered into and is in compliance with a noxious weed management agreement with the Gallatin County Weed District.

The Gallatin County Weed District weed management program complies with the Montana County Weed Control Act and is approved by the Montana Department of Agriculture. The Gallatin County Weed District has no authority to enforce weed control laws on plants not listed on the Noxious Weed List.

### Definitions

|                   |  |
|-------------------|--|
| Act               | Montana Code Annotated, Title 7 Local Government, Chapter 22 Weed and Pest Control, Part 21 County Weed Control. Reference as § 7-22-2101, MCA, through § 7-22-2154, MCA, "County Weed Control Act" and corresponding Administrative Rules of Montana. Reference as A.R.M. 4.5.201; 4.5.206; 4.5.207; 4.5.208; 4.5.209; and 4.5.210.   |
| Board             | The Commission appointed Board, ratified and reaffirmed by Gallatin County Resolution 2011-039 that administers the Gallatin County Weed District in accordance with the Act.  |
| Complaint         | Complaint of noxious weed infestations generated by the Board through its authorized agent, or any person. All Complaints will be signed, in writing, legible, will describe the place of infestation, identify the landowner or registered agent of the landowner on whose land the noxious weeds are present and be on the form developed by the Gallatin County Weed District.                      |
| Complaint Form    | The form of Complaint approved by the Board.   |
| Complainant       | Any person complaining in writing of noxious weeds on another person's land.   |
| Coordinator       | The person employed by the County to conduct the District Noxious Weed Management Program and supervise other District employees.  |
| District          | The Gallatin County Weed District; shall include all the land within the boundaries of Gallatin County. Federal lands, state lands and lands within incorporated towns or municipalities are special management zones within the District.   |
| Noxious Weed      | Any exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated as a statewide Noxious Weed by rule of the Montana Department of Agriculture or as a District Noxious Weed by the Board followed by a Public Hearing. |
| Noxious Weed List | The list of Noxious Weeds that is compiled by the Montana Department of Agriculture and Gallatin County Weed Board, which prioritizes Noxious Weeds based on the level of invasive threat to the environment and ecosystem.  |

## Plan

The Gallatin County Weed Management Plan that consists of policies and procedures consistent with § 7-22-2121, MCA, including, but not limited to: prioritization of Noxious Weeds; review of distribution and abundance of Noxious Weeds; enforcement of the Weed Act; management of County Rights-of-Way; implementation of subdivision, organic farms/ranches, Landowner, Landowner roadside, gravel pit, utility company and telecommunication Weed Management Plans; education & outreach; and promotion of the policy statements and goals of the Montana Department of Agriculture that are incorporated by reference.

### **State Requirements**

The Montana Noxious Weed Control Act § 7-22-2121, MCA, requires this Plan to be approved by the Board and County Commissioners. The law requires the County's Plan to meet the following requirements:

- 1) The Noxious Weed Management Program must be based on a Plan approved by the Board and the Commissioners.
- 2) The Noxious Weed Management Plan must:
  - a) specify the goals and priorities of the Plan
  - 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 protection, public and worker safety, equipment selection and maintenance, pesticide selection, application, mixing, loading, storage, and disposal
  - d) estimate the personnel, operations, and equipment costs of the proposed program
  - e) develop a compliance plan or strategy
  - f) incorporate cooperative agreements established pursuant to 7-22-2151
- 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 District. It shall take particular precautions while managing the noxious weeds to preserve beneficial vegetation and wildlife habitat. When possible, management must include cultural, herbicidal, and biological methods.
- 4) The Board may establish special management zones within the District. The management criteria in those zones may be more or less stringent than the general management criteria for the District.

# **GALLATIN COUNTY WEED DISTRICT NOXIOUS WEED MANAGEMENT PLAN**

## **Gallatin County Weed District Mission Statement**

Implement an effective noxious weed management program for the protection of the open space, natural and agricultural resources of Gallatin County.

## **Gallatin County Weed District Administration**

On May 24, 2011, by Resolution No. 2011-039, the Gallatin County Commission ratified and reaffirmed the Weed District in accordance with the Act. A 5-member Board appointed by the County Commission administers the Weed District. The County Commission attempts to select members of the Board from various backgrounds including: two agricultural producers, two representatives from municipalities or small acreage landowners and one representing weed professionals.

As an Advisory Board, the members discuss, take action and make recommendations to the Weed District Coordinator and County Commission about policy, goals, enforcement, budget matters, specific actions and other issues regarding the management of noxious weeds. The meetings are regularly scheduled, noticed and open to the public. Weed Board meetings are held on the first Thursday of every month. Meeting minutes are published on the Weed District web page. Minutes are also submitted to the Clerk & Recorder for electronic storage per MCA, 7-22-2113.

## **Gallatin County Weed District Primary Goals and Priorities**

- Implement a program of noxious weed management for the protection of the open space, natural and agricultural resources of Gallatin County.
- Protect and enhance the environment for the benefit of the public.
- Provide a safe work environment for Weed District staff and continue on-going education to keep staff current on weed management techniques, safety and research.
- Provide effective noxious weed control on county properties.
- Provide noxious weed control assistance to county residents.
- Review Noxious Weed Management Plans for developments within the county.
- Provide education and outreach.
- Develop cooperative management strategies with federal, state, and local agencies.
- Provide effective enforcement of the Noxious Weed Act.

The Weed District strives for an ecologically sound management program, which is based upon the principles of weed science and weed ecology. This includes the use of four broad categories of weed control techniques: Prevention, Biological, Cultural/Mechanical and Chemical.

Prevention is the use of measures to prevent noxious weeds from infesting areas with little or no noxious weed presence. These efforts require a collaborative approach among all land users to be successful. Measures taken to prevent weed infestation include using weed free forage and weed seed free seed, cleaning vehicles and other equipment before entering the area and eliminating weed infestations near possible sources of movement and spread (streams, irrigation ditches, etc.).

Biological control involves the use of natural enemies for the control of certain weed species. The objectives of biological control are not to eradicate but rather to reduce and regulate the weed population below the level of economic injury. To be effective, a biotic agent need not kill the weed but only reduce its competitive advantage over other plants.

Cultural/Mechanical control methods use the practices of good land and water management, grazing management, crop rotation and re-vegetation.

Herbicidal control uses herbicides for the control of noxious weeds. Types and rates of herbicides are determined on a case-by-case basis using information from current data and the herbicide label.

While noxious weed control is a critical component of management, education of landowners and the public is equally vital to overall success of noxious weed management in Gallatin County. Gallatin County has seen a dramatic increase in small acreage landowners, many of which are not familiar with noxious weeds or their impacts. The Weed District publishes and distributes numerous pamphlets and informational brochures to help identify noxious weeds and educate landowners and the public regarding the damage caused by the spread and infestation of noxious weeds. Gallatin County maintains a web page where these documents can be found, as well as further information regarding the Weed District. The Weed District web page has links to the District's budget, services provided, and Board functions, as well as links to many important informational websites, including the Montana Department of Agriculture and the Montana Weed Control Association. The Weed District hosts and assists with several weed pulls each year, assists with the Farm Fair, which reaches over 1000 fourth graders in Gallatin County, and works cooperatively with MSU Gallatin County Extension, Gallatin Conservation District and the Gallatin Invasive Species Alliance for on-site consultations.

The Weed District also provides direct noxious weed control assistance to Gallatin County landowners by administering a rental sprayer program and a limited cost share program. Details of these programs are located in the Appendix.

The Weed District records all herbicide applications on a Daily Application Record sheet as required by the Montana Department of Agriculture. This information is stored in a computer database and as hard copy. Enforcement records, rental records, cost share information and subdivision records are also stored in a computer database and as hard copy.

## Montana Noxious Weed List

|             |   |
|-------------|---|
| Priority 1A | <p>These weeds are not present or have a very limited presence in Montana. Management criteria will require eradication if detected; education; and prevention.</p> <ul style="list-style-type: none"> <li>- Yellow starthistle (<i>Centaurea solstitialis</i>)</li> <li>- Dyer's woad (<i>Isatis tinctoria</i>)</li> <li>- Common reed (<i>Phragmites australis</i> ssp. <i>Australis</i>)</li> <li>- Medusahead (<i>Taeniatherum caput-medusae</i>)</li> </ul>  |
| Priority 1B | <p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education.</p> <ul style="list-style-type: none"> <li>- Knotweed complex (<i>Polygonum cuspidatum</i>, <i>P. sachalinense</i>, <i>P. x bohemicum</i>, <i>Fallopia japonica</i>, <i>F. sachalinensis</i>, <i>F. x bohémica</i>, <i>Reynoutria japonica</i>, <i>R. sachalinensis</i>, and <i>R. x bohémica</i>)</li> <li>- Purple loosestrife (<i>Lythrum salicaria</i>)</li> <li>- Rush skeletonweed (<i>Chondrilla juncea</i>)</li> <li>- Scotch broom (<i>Cytisus scoparius</i>)</li> <li>- Blueweed (<i>Echium vulgare</i>)</li> </ul>   |
| Priority 2A | <p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. <b>Management shall be prioritized by local Weed Districts.</b></p> <ul style="list-style-type: none"> <li>- Tansy ragwort (<i>Senecio jacobaea</i>, <i>Jacobaea vulgaris</i>)</li> <li>- Meadow hawkweed complex (<i>Hieracium caespitosum</i>, <i>H. praealtum</i>, <i>H. floridundum</i> and <i>Pilosella caespitosa</i>)</li> <li>- Orange hawkweed (<i>Hieracium aurantiacum</i>, <i>Pilosella aurantiaca</i>)</li> <li>- Tall buttercup (<i>Ranunculus acris</i>)</li> <li>- Perennial pepperweed (<i>Lepidium latifolium</i>)</li> <li>- Yellowflag iris (<i>Iris pseudacorus</i>)</li> <li>- Eurasian watermilfoil (<i>Myriophyllum spicatum</i>)</li> <li>- Flowering rush (<i>Butomus umbellatus</i>)</li> <li>- Common buckthorn (<i>Rhamnus cathartica</i> L.)</li> <li>- Ventenata (<i>Ventenata dubia</i>)</li> </ul>  |
| Priority 2B | <p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. <b>Management shall be prioritized by local Weed Districts.</b></p> <ul style="list-style-type: none"> <li>- Canada thistle (<i>Cirsium arvense</i>)</li> <li>- Field bindweed (<i>Convolvulus arvensis</i>)</li> <li>- Leafy spurge (<i>Euphorbia esula</i>)</li> <li>- Whitetop (<i>Cardaria draba</i>, <i>Lepidium draba</i>)</li> <li>- Russian knapweed (<i>Acroptilon repens</i>, <i>Rhaponticum repens</i>)</li> <li>- Spotted knapweed (<i>Centaurea stoebe</i>, <i>C. maculosa</i>)</li> <li>- Diffuse knapweed (<i>Centaurea diffusa</i>)</li> <li>- Dalmatian toadflax (<i>Linaria dalmatica</i>)</li> <li>- St. Johnswort (<i>Hypericum perforatum</i>)</li> <li>- Sulfur cinquefoil (<i>Potentilla recta</i>)</li> <li>- Common tansy (<i>Tanacetum vulgare</i>)</li> <li>- Oxeye daisy (<i>Leucanthemum vulgare</i>)</li> <li>- Houndstongue (<i>Cynoglossum officinale</i>)</li> <li>- Yellow toadflax (<i>Linaria vulgaris</i>)</li> <li>- Saltcedar (<i>Tamarix</i> spp.)</li> <li>- Curlyleaf pondweed (<i>Potamogeton crispus</i>)</li> <li>- Hoary alyssum (<i>Berteroa incana</i>)</li> </ul> |
| Priority 3  | <p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)</p> <p>These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education and prevention to minimize the spread of the regulated plant.</p> <ul style="list-style-type: none"> <li>- Cheatgrass (<i>Bromus tectorum</i>)</li> <li>- Hydrilla (<i>Hydrilla verticillata</i>)</li> <li>- Russian olive (<i>Elaeagnus angustifolia</i>)</li> <li>- Brazilian waterweed (<i>Egeria densa</i>)</li> <li>- Parrot feather watermilfoil (<i>Myriophyllum aquaticum</i> or <i>M. brasiliense</i>)</li> </ul>  |
| Priority 4  | <p>Gallatin County Listed Noxious Weeds. <b>Management shall be prioritized by Weed District.</b></p> <ul style="list-style-type: none"> <li>- Scotch thistle (<i>Onopordum acanthium</i>)</li> <li>- Musk thistle (<i>Carduus nutans</i>)</li> <li>- Poison hemlock (<i>Conium maculatum</i>)</li> <li>- Field scabious (<i>Knautia arvensis</i>)</li> </ul>   |



## Distribution and Abundance of Noxious Weeds

In Table 1, the Weed District has estimated distribution and abundance in the District for all state and county listed noxious weed species. State Management Priority and management criteria are also outlined in Table 1. This information was developed through surveys over the past 5 to 10 years.

**Table 1. Gallatin County noxious weed species, distribution and management goals.**

| Species                 | State Priority | Status in Gallatin County              | Approximate Acreage | County Goals                        |
|-------------------------|----------------|--|---------------------|-------------------------------------|
| Yellow Starthistle      | 1A             | Not known to be present                | Unknown             | Eradication, Education, Prevention  |
| Dyer's Woad             | 1A             | Not known to be present                | Unknown             | Eradication, Education, Prevention  |
| Common Reed             | 1A             | Not known to be present                | Unknown             | Eradication, Education, Prevention  |
| Medusahead              | 1A             | 1 known location                       | Less than ¼ acre    | Eradication, Education, Prevention  |
| Knotweed Complex        | 1B             | Several contained ornamental locations | 1 acre              | Education, Eradication, Containment |
| Purple Loosestrife      | 1B             | Several small infestations             | Unknown             | Education, Eradication, Containment |
| Rush Skeletonweed       | 1B             | Not known to be present                | Unknown             | Education, Eradication, Containment |
| Scotch Broom            | 1B             | Not known to be present                | Unknown             | Education, Eradication, Containment |
| Blueweed                | 1B             | 1 known location                       | 3 acres             | Education, Eradication, Containment |
| Tansy Ragwort           | 2A             | Not known to be present                | Unknown             | Education, Eradication, Containment |
| Meadow Hawkweed Complex | 2A             | Not known to be present                | Unknown             | Education, Eradication, Containment |
| Orange Hawkweed         | 2A             | Several small infestations             | 50 acres            | Education, Eradication, Containment |
| Tall Buttercup          | 2A             | Limited distribution                   | 500+ acres          | Education, Eradication, Containment |
| Perennial Pepperweed    | 2A             | Several small infestations             | 30 acres            | Education, Eradication, Containment |
| Yellowflag Iris         | 2A             | Not known to be present                | Unknown             | Education, Eradication, Containment |
| Eurasian Watermilfoil   | 2A             | Several infestations                   | 15 acres            | Education, Eradication, Containment |
| Flowering Rush          | 2A             | Not known to be present                | Unknown             | Education, Eradication, Containment |
| Common Buckthorn        | 2A             | Several known locations                | 15 acres            | Education, Eradication, Containment |
| Ventenata               | 2A             | Widespread                             | 5000+ acres         | Education, Eradication, Containment |
| Canada Thistle          | 2B             | Widespread                             | 50000+ acres        | Education, Eradication, Containment |
| Field Bindweed          | 2B             | Widespread                             | 5000+ acres         | Education, Eradication, Containment |

**Table 1 continued. Gallatin County Noxious Weed species, distribution, and management goals.**

| Species                     | State Priority | Status in Gallatin County  | Approximate Acreage | County Goals                        |
|-----------------------------|----------------|----------------------------|---------------------|-------------------------------------|
| Leafy Spurge                | 2B             | Widespread                 | 6000+ acres         | Education, Eradication, Containment |
| Whitetop                    | 2B             | Widespread                 | 2000+ acres         | Education, Eradication, Containment |
| Russian Knapweed            | 2B             | Limited to a few locations | 500 acres           | Education, Eradication, Containment |
| Spotted Knapweed            | 2B             | Widespread                 | 15000+ acres        | Education, Eradication, Containment |
| Diffuse Knapweed            | 2B             | Limited to a few locations | 1000 acres          | Education, Eradication, Containment |
| Dalmatian Toadflax          | 2B             | Limited to a few locations | 150+ acres          | Education, Eradication, Containment |
| St. Johnswort               | 2B             | Several locations          | 1500+ acres         | Education, Eradication, Containment |
| Sulfur Cinquefoil           | 2B             | Widespread                 | 5000+ acres         | Education, Eradication, Containment |
| Common Tansy                | 2B             | Widespread                 | 3000+ acres         | Education, Eradication, Containment |
| Oxeye Daisy                 | 2B             | Widespread                 | 5000+ acres         | Education, Eradication, Containment |
| Houndstongue                | 2B             | Widespread                 | 15000+ acres        | Education, Eradication, Containment |
| Yellow Toadflax             | 2B             | Widespread                 | 3000+ acres         | Education, Eradication, Containment |
| Saltcedar                   | 2B             | Not known to be present    | Unknown             | Education, Eradication, Containment |
| Curlyleaf Pondweed          | 2B             | Widespread                 | Unknown             | Education, Eradication, Containment |
| Hoary Alyssum               | 2B             | Widespread                 | 10000+ acres        | Education, Eradication, Containment |
| Cheatgrass                  | 3              | Widespread                 | Unknown             | Education, Prevention               |
| Hydrilla                    | 3              | Not known to be present    | Unknown             | Education, Prevention               |
| Russian Olive               | 3              | Limited distribution       | Unknown             | Education, Prevention               |
| Brazilian Waterweed         | 3              | Not known to be present    | Unknown             | Education, Prevention               |
| Parrot Feather Watermilfoil | 3              | Not known to be present    | Unknown             | Education, Prevention               |
| Scotch Thistle              | 4              | Limited to a few locations | 150 acres           | Education, Eradication, Containment |
| Musk Thistle                | 4              | Widespread                 | 5000+ acres         | Education, Eradication, Containment |
| Poison Hemlock              | 4              | Widespread                 | 3000 acres          | Education, Eradication, Containment |
| Field Scabious              | 4              | Several locations          | 1000 acres          | Education, Eradication, Containment |

## Herbicide Management Goals and Procedures

The Weed District complies with the Montana Pesticide Act (Title 80, Chapter 8 Sections 80-8-101 through 80-8-405). This section outlines the procedures and goals of the Weed District with respect to herbicide management. The complete herbicide management procedures and goals are outlined in the Gallatin County Safety Policy.

- **Public and Worker Safety** – Employees will be trained in the safe handling and use of herbicides as well as other duties as needed. Employees will wear Personal Protective Equipment required by the herbicide label anytime herbicides are used or handled. Additional protective equipment (hard hats, motorcycle helmets, road signage, etc.) may be required depending on the task performed. The Weed District will supply all Personal Protective Equipment required. Prior to applying herbicides in public areas such as trails, parks and recreation areas, signs will be posted at all main entrances to the property. Signs will notify the public that herbicide treatments will be performed in the area and when it is safe to re-enter the area.
- **Water Quality Protection** – The Weed District will use herbicides that are labeled for specific sites. Herbicides that are not labeled for riparian or aquatic use will not be used to treat riparian areas or areas near water. Mixing and loading will not occur near any surface water or wells. The Weed District will consider soil movement by both wind and water when performing herbicide applications. The Weed District will strictly follow the herbicide label.
- **Equipment Selection and Maintenance** – The Weed District will use equipment according to site location. Vehicle and sprayer maintenance will be performed as needed. Vehicles and sprayers will be visually inspected on a daily basis.
- **Herbicide Selection** – Herbicides will be selected according to site use and weed species targeted. All herbicide labels will be strictly followed.
- **Herbicide Application/Mixing/Loading** – Herbicides will be applied according to the label instructions by licensed applicators. Mixing and loading will not take place near wells, surface water or areas where high water tables are present. All employees will be required to wear the proper Personal Protective Equipment while mixing, loading and applying herbicides.
- **Storage and Disposal** – Herbicides will be stored according to label directions. Empty containers will be triple rinsed, punctured and taken to the local landfill to be recycled by the Montana Department of Agriculture recycling program.

## Personnel, Operations and Equipment Costs

There has been a Weed Management Plan in place in Gallatin County since 1980. Since its inception, the Weed District has continued to build upon its foundation and has received appropriate funding from the County. Weed District personnel presently includes three full-time employees (Coordinator and two Assistant Coordinators). The Weed District budget for Fiscal Year 2022 is \$271,737 for Personnel and \$210,183 for Operations/Equipment. The budget can vary from year to year based on the County Commission and Capital Expenditures and Savings.

## **Complaints and Enforcement**

The Weed District has an enforcement and complaint procedure for when a complaint is made against a property with noxious weeds. Complaints may be filed by the public or generated by the Weed Board. The Weed District works cooperatively with the Gallatin County Attorney's Office and District Court when pursuing enforcement actions. A detailed description of the complaint policy is found in the Appendix.

## **Cooperative Agreements**

The Weed District will work with federal, state, and local agencies that control land within the District to develop an integrated Noxious Weed Management Plan that will be updated biennially. The Board shall work cooperatively with municipalities within the District to plan for the management of noxious weeds within the boundaries of the municipality. The Weed District meets annually with local weed managers from federal, state and local agencies to coordinate weed control activities.

## **Management of Noxious Weeds in County Rights-Of-Way**

The Gallatin County Weed District manages noxious weeds on all county road rights-of-way (approximately 1500 miles of right-of-way). Managing noxious weeds along roadsides is an important component of the overall county weed management strategy.

Vehicles are known vectors of noxious weed seed transport, and consequently noxious weed seeds are frequently introduced onto rights-of-way. In addition, roadsides provide excellent habitat for noxious weeds because of continual disturbance by vehicle traffic, road maintenance and utility work. As a result, rights-of-way are very susceptible to noxious weed invasion. Once established in the right-of-way, noxious weeds easily spread to neighboring properties. Management of noxious weeds in the right-of-way is typically accomplished by using appropriate broadleaf herbicides.

## **Special Management Zones**

Land ownership within Gallatin County is 49% (approximately 829,447 acres) public lands (federal, state and local government). Federal, state and county governments have Noxious Weed Management Plans in place for the management of noxious weeds on their properties (Table 2). The Weed District works cooperatively with each entity to the fullest extent possible. Land cover on public lands is primarily undeveloped conifer forest and sagebrush steppe. Private ownership accounts for 51% of the land in Gallatin County (approximately 852,601 acres). Noxious weed control on private land is the responsibility of the individual landowner.

Public education is a key component of the Montana Weed Management Plan and the Gallatin County Weed Management Plan. An effective prevention plan is dependent upon public awareness and education. Raising general awareness of noxious weeds, seed transportation vectors and weed identification can prevent or slow the establishment of new infestations.

The Weed District reviews Noxious Weed Management Plans for developments within the county. The District recognizes that private lands under different types of use may have

different needs in regards to weed control. The Weed District has developed different weed control guidelines for private landowners of gravel pits/open cut mines, telecommunication facilities, utility installations, subdivisions, and organic farms and ranches. These guidelines for weed control are included in the Appendix of this document.

The Weed District provides services to towns and municipalities on a case-by-case basis. It is in the best interest of the Board and the City to have mutual goals and to cooperate in noxious weed management on properties within the City. Management activities shall be directed at identifying areas with noxious weed infestations, managing noxious weeds on City-owned and/or managed lands, and encouraging resident and non-resident landowners to manage noxious weed areas on their lots/properties. The City and Board will work together to gain compliance from uncooperative or inactive landowners and offer noxious weed awareness programs to better educate residents as to the necessity of controlling noxious weeds. Noxious weeds located on all city-owned properties are managed by the City as part of their ongoing maintenance programs. Management of noxious weeds on private or residential property within the City is the responsibility of the landowner. Noxious weeds on City transportation routes and City rights-of-way are managed by the City and by the Weed District. The Board will assist the City with specific agreed upon projects and provide technical expertise as needed.

The Weed District develops special Weed Management Areas through the Noxious Weed Trust Fund granting process. Weed Management Areas are developed based on severity of weed infestations, presence of new invaders (primarily on private lands) and landowner interest and support. These Trust Fund grants provide financial assistance to landowners for the costs associated with noxious weed control on the Weed Management Area.

**Table 2. Special Management Zones.**

| <b>Special Management Zone</b> | <b>Landowner</b>                              | <b>Approximate Acreage in Gallatin County</b> | <b>Weed Management Plan</b>                              |
|--------------------------------|---|---|--|
| <b>Federal Lands</b>           | Forest Service                                | 651,271                                       | Gallatin National Forest Plan                            |
|                                | Bureau of Land Mgt.                           | 7,036   | Partners Against Weeds                                   |
|                                | National Park Service                         | 64,520  | Exotic Vegetation Management Plan                        |
| <b>State Lands</b>             | DNRC  | 49,964  | Montana Weed Management Plan                             |
|                                | MSU   | 1,968   | Montana Weed Management Plan                             |
|                                | MT FWP  | 11,435  | Montana Weed Management Plan                             |
|                                | MDOT  | 4,871   | Montana Weed Management Plan                             |
| <b>Local Governments</b>       | Municipalities, County, other developed lands | 38,382  | Gallatin County Weed Management Plan and City Ordinances |

## **Aquatic Noxious Weeds**

Open water covers approximately 14,400 acres of Gallatin County. All open water, from small streams to large reservoirs such as Hebgen Lake, has the potential for invasion from aquatic noxious weeds. Major rivers include the Gallatin, Madison and Jefferson Rivers, which join to form the Missouri River near the town of Three Forks, Montana. Aquatic noxious weeds have the potential to threaten the ecological integrity of aquatic environments in Gallatin County and other downstream areas in Montana. Invasive aquatic plants have the potential to negatively affect fisheries, impair water control structures such as power generation plants and clog irrigation infrastructure. These aquatic plants can also severely affect recreational water resources by clogging boat ramps and destroying habitat for fish.

In 2012, primary responsibility for all taxa of Aquatic Invasive Species was given to Montana Department of Fish, Wildlife and Parks.

The Weed District will support Montana Fish, Wildlife and Parks as directed by the Weed Board and County Commissioners.

Two aquatic invasive plant species have been identified in waters within Gallatin County:

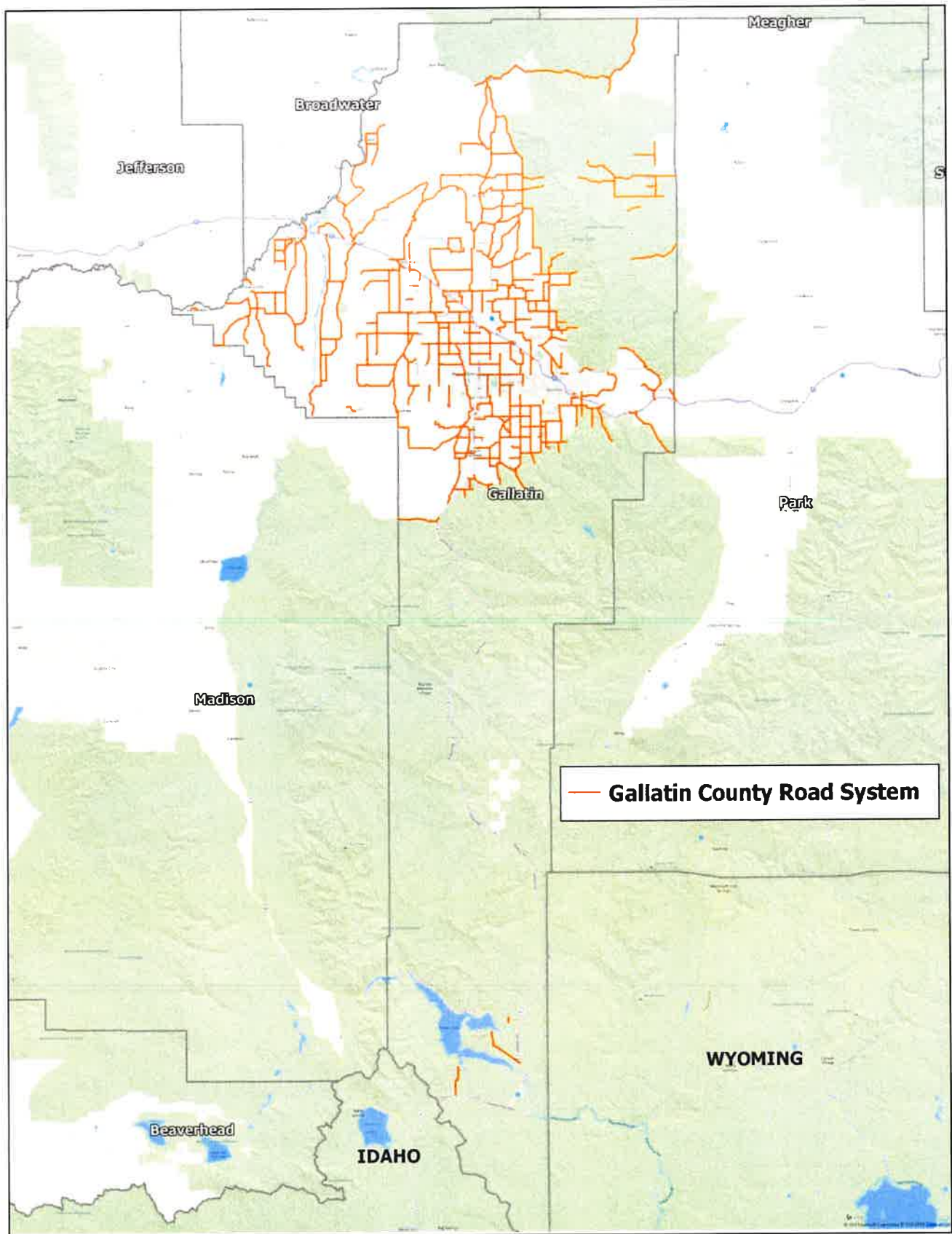
1. Curlyleaf pondweed (Priority 2B) is present in the East Gallatin, Gallatin, Madison, Jefferson and Missouri rivers as well as Hebgen Lake.
2. Eurasian watermilfoil (Priority 2A) has been identified in a pond and in sloughs in the Lower Jefferson River area as well as in the Missouri River.

Three aquatic invasive plant species have been listed as Regulated Plants (not as Montana Listed Noxious Weeds): Hydrilla, Brazilian waterweed and parrot feather watermilfoil.

The Weed District is working cooperatively with local, state and federal agencies to educate the public, survey and monitor infestations, and can contribute to control efforts as resources allow.

## **Appendix**

# Gallatin County Road System





## CHEMICAL AND BIOLOGICAL CONTROL AGENT COST SHARE PROGRAM

The Weed District will assist landowners, subdivisions and cooperating landowner groups with the cost of purchasing herbicides, biological control agents or grazing agents to control noxious weeds as long as the budget allows. The Weed District offers a Cost Share Program in which (50%) of the contracted applicator labor, chemical and/or biological control agent and/or grazing cost will be shared by the Weed District, up to \$200.00 per landowner per calendar year. The terms and conditions of this program are as follows:

1. The Cost Share Program applies only to the management of state- and county-listed noxious weeds. See the table on page 6 of this Plan.
2. The total annual budget for cost share is set by the County Commission with recommendations from the Weed Board. There is an annual minimum payment limit of \$10.00 per landowner and an annual maximum payment limit of \$200.00 per landowner. This program is only available as funds allow.
3. An approved application must be on file in the Weed District office before herbicide purchase or treatment, biological releases, or grazing treatment occurs. No applications will be accepted or claims processed if treatment was made without prior written approval by the Weed District.
4. The program only covers the cost of the contracted applicator labor, herbicide, surfactant, blue dye, biological control agent, or grazing treatment. It DOES NOT cover the cost of mowing, seeding, soil sterilants, equipment rentals, etc. Non-selective herbicides such as glyphosate and organic herbicides are not covered. Covered grazing treatment is restricted to the use of sheep or goats that target noxious weeds.

### Processing Procedures

1. Complete an application and submit it to the Weed District office for approval prior to the expected date of herbicide purchase, applicator treatment, release of biological control agents, or grazing treatment.
2. The Weed Board Representative will review the application. Approval of the application is required before the claim can be processed. Approval is dependent upon the level of funding in the budget. The Weed District will notify the participant if the application is approved. **NOTE:** In questionable areas or situations, an inspection of the site by the Weed Board Representative may be required before the application will be approved.
3. If the application is approved, conduct the herbicide treatment, biological release or grazing treatment. In the case of herbicide applications, spray noxious weeds using the proper equipment and safety measures.

#### **READ AND FOLLOW THE CHEMICAL LABEL!**

Use proper spraying practices to ensure safety to you and the environment. If using biological control agents, release in the manner prescribed by the supplier. **NOTE:** If misapplication of a chemical, improper release of biological control agents, or poor land husbandry is noted, payment of the cost share claim will be denied. If in the case that a chemical misapplication is deemed to be harmful to the environment or surrounding area, the proper regulatory agency will be notified.

4. After conducting the treatment or biological release, submit a cost share claim sheet. Include the receipt(s) documenting the amount paid for the covered services used to control noxious weeds. The Weed District operates on a fiscal year basis from July 1 to June 30. If the covered services were paid for at the start of the field season (i.e.,

March, April, May, June) then the claim sheet with receipt(s) must be received by the Weed District on or before June 30th or the claim sheet cannot be processed.

According to the Montana County Noxious Weed Control Act, a noxious weed is any non-native plant that may render land unfit for agriculture, wildlife, forestry, recreation, and other beneficial uses of the land or that may harm native plant communities and has been designated by the State or County as noxious.

## **GALLATIN COUNTY WEED DISTRICT SPRAYER RENTAL PROGRAM**

### **PURPOSE**

The Weed District offers a weed sprayer rental program to Gallatin County residents. This program was set up to make weed spraying equipment available and to assist the residents of Gallatin County in controlling noxious weeds on their property. The rental fee is used to maintain the rental equipment in good working order and to update equipment when needed. There are truck slide-in sprayers, ATV sprayers and backpack sprayers available for rent. An appointment to rent these sprayers can be made through the Weed District Office. Please call ahead as the sprayers are heavily used at certain times of the year. **Please call to schedule a pickup or drop-off time to ensure that employees are there to assist you with loading or unloading sprayers.**

### **Terms and Conditions:**

1. The rental charges are a flat fee assessed per rental period. Rental period is up to one week, depending on demand for that sprayer.
2. Pick up and drop off is by appointment only, Monday - Friday at the Gallatin County Weed District Shop. This is an appointment – if you are more than 15 minutes late and do not call, you will need to reschedule your appointment.
3. A Rental Agreement with the Weed District must be signed by the renter before the rental unit can be picked up.
4. The spray unit must be returned clean and with the spray tank rinsed. To ensure that rental units remain in proper and safe operating condition, please advise the Weed District of any problems that occurred during use.
5. **The renter is responsible for all damages not caused by normal operational wear and tear.**

### **READ AND FOLLOW ALL CHEMICAL LABEL DIRECTIONS**

**Use herbicides according to label directions. Do not spray non-target plant species such as trees, shrubs, alfalfa, crops, gardens or caragana bushes.**

**Before spraying near water such as rivers, streams, ponds, wetlands, riparian zones or irrigation canals/ditches, read the herbicide label to check to see if it is labeled for aquatic or riparian use.**

**Spraying herbicides can be hazardous. Always wear the required Personal Protective Equipment (PPE) as listed on the herbicide label. Read and follow all herbicide labels. Never wash contaminated clothing with regular wash. Wash contaminated clothing separately with an extra cycle of just detergent and water between washings. If possible, hang clothes outside in direct sunlight, which will help degrade herbicides.**

#### Directions for Sprayer Use:

1. **By law**, it is required that herbicides be used according to their label.
2. Always wear PPE required by the chemical label during mixing, loading, application and clean up. This is for your safety.
3. **Before adding herbicide to the tank**, fill the tank  $\frac{1}{2}$  full with fresh water. Start the engine and make sure that all broadjet nozzles and handguns are functional. Adjust boominator nozzles (if used) to ensure proper coverage. Ensure that the bypass/agitation line is functioning. The bypass/agitation line is the return line that feeds back into the tank. It can be observed by water flowing back into the tank. Turn the engine off.
4. **Use the following procedure when adding herbicide to the tank.**
  - a. Read the label to determine the application rate of the herbicide.
  - b. Calculate the amount of herbicide to add to the tank based on the Gallons Per Acre (GPA) information sheet provided with each sprayer.
  - c. Add herbicide and/or surfactant to the tank.
  - d. Fill the tank the rest of the way with water.
5. **Handgun and broadjet nozzles cannot be used together in the same application. The handgun GPA is different than the broadjet GPA.** Therefore, the amount of herbicide added to the tank is different for the handgun vs. broadjet nozzles.
6. **Remember: Add half of the water into the tank, put in the correct amount of herbicide, then add the rest of the water.** Spray the weeds in the same manner used when calibrating the sprayer to ensure that the proper rate of chemical is placed on the weeds.
7. **RINSE OUT THE SPRAYER AND ALL LINES WITH 25 GALLONS OF FRESH WATER.** Do not empty all the water at one location; spread it over a large area so a high concentration of chemical is not placed on a small area. Be careful of non-target vegetation as the rinse water will have some chemical in it.

**REMEMBER TO USE HERBICIDES IN A SAFE AND PRUDENT MANNER TO PROTECT YOU AND THE ENVIRONMENT. READ AND FOLLOW THE ENTIRE CHEMICAL LABEL. IT'S THE LAW! WEAR THE PROPER PROTECTIVE GEAR**

## SUBDIVISION DEVELOPMENT REQUIREMENTS FOR MANAGEMENT OF NOXIOUS WEEDS

### PURPOSE

The purpose of these requirements is to implement a coordinated program for the containment, suppression, and (where possible) eradication of noxious weeds that may be caused by development of subdivisions, and in general to accomplish the goals of the Gallatin County Weed District Management Plan and County Weed Act.

### Preliminary Plat Review

Prior to construction or disturbance, a Noxious Weed Management and Revegetation Plan (in a form approved by the Board) must be submitted in writing by the landowner to the Weed Board. A representative of the Weed Board will inspect the property. The Board or Board's Representative may approve, reject, or approve the Plan with recommendations and/or conditions. The signed Plan constitutes a binding agreement between the Weed Board and the person or agency submitting the Plan (MCA 7-22-2152).

The Plan application must include the following:

1. A cover letter outlining the current and future uses of the property
2. The completed Noxious Weed Management and Revegetation Plan
3. A plat map detailing the species and distribution of noxious weeds present
4. If hiring a contractor, a copy of the written contract between the contractor and landowner
5. Review fee: \$150 for Minor (1-5 lots) or \$300 for Major ( $\geq 6$  lots)

Upon signing the Weed Management Plan, the landowner acknowledges that he/she understands that documents describing all weed management activities are required to be submitted with the Memorandum of Understanding (MOU) Application for final plat (see Table 3 and 'Final Plat Approval', below). The landowner also understands that approval of the MOU for final plat is dependent on effective implementation of the Plan.

In addition, the landowner recognizes that noxious weeds exist on the property, and that failure to abide by the terms of this Weed Management Plan is a violation of the County Noxious Weed Act. Landowner waives any statutory requirement for the County to inspect the land, and the County may enforce the violation upon giving 10 days' notice to comply with the Plan.

The landowner agrees that the Board or Boards' Representative shall have the right to revise this Plan as necessary to effectuate the purposes of the Gallatin County Weed Management Plan or Montana Noxious Weed Control Act.

**Table 3. Required documentation for proof of Weed Management Plan implementation.**

|   |                                   |
|---|-----------------------------------|
| The following information must be provided for each year a Weed Management Plan was valid and must be submitted with a Memorandum of Understanding or Weed Management Plan Extension application. |                                   |
| *Name of person or business that treated the land (i.e. applicator)   |                                   |
| *Contact information for the applicator   |                                   |
| *Date(s) and type of treatment  |                                   |
| Chemical:   | Trade name and rates of herbicide |
| Mowing:   | Dates mowed                       |
| Bio-Control:  | Provide details                   |
| *Noxious weed species treated   |                                   |
| *Total acres treated  |                                   |
| *Map detailing the area that was treated  |                                   |
| *Seed mix and seeding rates used  |                                   |
| *If contracted, a copy of the applicator invoice  |                                   |
| *If self-treated, a copy of receipts for herbicides and surfactants purchased   |                                   |

### **Final Plat Approval**

Prior to final plat approval of any phase of the subdivision, the landowner shall comply with all requirements of the approved Weed Management Plan. The landowner shall enter into a Memorandum of Understanding with the District. Under this Memorandum, the landowner has been informed of, and has agreed to comply with, the Noxious Weed Management and Revegetation Requirements of the District, Montana County Weed Control Act, and the District's Noxious Weed Management Plan as it relates to the subdivision. The landowner shall comply with the Noxious Weed Management and Revegetation Requirements on a yearly basis as needed.

The property, prior to final plat approval, shall be sufficiently controlled for noxious weeds and areas disturbed sufficiently revegetated, as determined by the District, with grasses approved by the District. In addition, the landowner shall, prior to final plat approval, provide evidence of all control and revegetation work (and any other pre-final plat vegetation management required by the Plan) to the District and the Planning Department.

The application for Memorandum of Understanding must include the following documents:

1. The completed Memorandum of Understanding signed by the landowner.
2. Documentation demonstrating that the Weed Management Plan has been effectively implemented for each year that the Plan was valid (see Table 3 above for required documentation).
3. A copy of the subdivision covenants required by Gallatin County regarding noxious weed management (see below). The section regarding noxious weed management must be highlighted.

***Failure to submit the required documentation will result in denial of Memorandum of Understanding from the Gallatin County Weed District.***

### **Covenants of Record Required**

The landowner shall ensure that after final plat approval, the property owner(s) and/or property owners' association shall be responsible for the control of State and County listed noxious weeds by placing the following covenant on the property.

#### **Required Covenant Statement (Owners Association)**

"The control of Noxious Weeds by the Owners Association on those areas for which the Owners Association is responsible and the control of Noxious Weeds by individual owners on their respective lots shall be as required by the Montana Noxious Weed Control Act (§ 7-22-2101, MCA through § 7-22-2153, MCA as amended) and the rules, regulations and management Plans of the Gallatin County Weed District. Both unimproved and improved lots shall be managed for Noxious Weeds. In the event a Landowner does not control the Noxious Weeds after 10 days' notice from the Owners Association, the Owners Association may cause the Noxious Weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within thirty (30) days of the mailing of such assessment. The Owners Association is responsible for control of state and county declared Noxious Weeds in the subdivisions parks, open spaces, community areas, trails, and roadways. Nothing herein shall require or obligate the

Gallatin County Weed District to undertake any management or enforcement on behalf of the Owners Association or Landowners that is not otherwise required by law of the Gallatin County Weed District Management Plan.”

If an Owners Association does not exist, covenants must substantively meet the following:

1. Landowners shall comply with Montana Noxious Weed Control Act (§ 7-22-2116, MCA); Gallatin County Noxious Weed Management Plan; and any Weed Management Plans approved by the Board that are relevant to the subdivision.
2. Landowners shall be responsible for noxious weed control on their individual lots.
3. The landowners are collectively responsible for noxious weed control in the parks, open spaces, community areas and trails. Each landowner is then responsible for the subdivision roadway right-of-way adjoining their property.

### **Preliminary Plat Extension**

The Weed District requires the following documentation when approving subdivision Noxious Weed Management Plan Extensions:

1. Cover letter explaining the landowner’s intentions for the property and why the extension is necessary
2. A new completed 3 or 5 year Weed Management Plan
3. A plat map detailing species and distribution of noxious weeds present
4. Documentation demonstrating that the previous Preliminary Plat Weed Management Plan has been effectively implemented for each year that the Plan was valid (see Table 3 above for required documentation)
5. If hiring a contractor, a copy of the written contract between the contractor and landowner
6. Review fee: \$150 for a Minor (1-5 lots), \$300 for a Major ( $\geq 6$  lots)
7. Extensions will be valid for 3 years from date of approval. A 5 year extension can be allowed by the Commissioner’s Office under extenuating circumstances

***The Weed District will deny any Weed Management Plan Extension if the Landowner is not in compliance with the original Weed Management Plan, rules, laws, ordinances or other applicable regulations.***

## **BUILDINGS FOR LEASE OR RENT DEVELOPMENT REQUIREMENTS FOR MANAGEMENT OF NOXIOUS WEEDS**

### **PURPOSE**

The purpose of these requirements is to implement a coordinated program for the containment, suppression, and (where possible) eradication of noxious weeds that may be caused by development of Buildings for Lease or Rent, and in general to accomplish the goals of the Gallatin County Weed District Management Plan and County Weed Act.

### **Authorization**

A written noxious weed and revegetation plan is required to be provided to the District for any development requiring State or local approval (MCA 7-22-2152). On November 23<sup>rd</sup>,

2021 the Gallatin County Commissioners passed Resolution 2021-176 authorizing and establishing a fee for the review of Building for Lease or Rent (BLR) Noxious Weed Management and Revegetation Plans.

### **Review**

Prior to construction or disturbance, a Noxious Weed Management and Revegetation Plan (in a form approved by the Board) must be submitted in writing by the landowner to the Weed Board. The Board or Board's Representative will inspect the property and may approve, reject, or approve the Plan with recommendations and/or conditions. The signed Weed Management Plan constitutes a binding agreement between the Weed Board and the person or agency submitting the Plan (MCA 7-22-2152).

The Plan application must include the following:

1. Brief cover letter stating the current and future uses of the property
2. Map detailing distribution and species of noxious weeds present
3. Completion of the plan
4. Written contract with commercial applicator (if contracting weed control)
5. Review Fee: \$150 for a Minor (5 or fewer buildings) or \$300 for a Major (6 or more buildings)

By signing the Weed Management Plan, the Landowner agrees to comply with all weed control measures described in the Plan. In addition the Landowner acknowledges that he/she understands that noxious weeds exist on the property, and that failure to abide by the terms of this Plan is a violation of the County Noxious Weed Act.

If enforcement of the weed law becomes necessary, the Landowner waives any statutory requirement for the County to inspect the land, and the County may enforce the violation upon giving 10 days' notice to comply with the Weed Management Plan.

The Landowner may be required to provide documentation of all weed management activities if the County Commissioners approve a BLR Development conditioned on weed management. Documentation outlined in Table 3 will be required as proof that weed management was done.

## **GRAVEL PIT/OPEN CUT MINE/TRANSMISSION LINE/CELL TOWER REQUIREMENTS FOR MANAGEMENT OF NOXIOUS WEEDS**

### **PURPOSE**

The purpose of these requirements is to implement a coordinated program for the containment, suppression, and (where possible) eradication of noxious weeds that may be caused by development of gravel pits, open cut mines, transmission lines, or cell towers and in general to accomplish the goals of the Gallatin County Weed District Management Plan and County Weed Act.

### **Requirements**

Prior to construction or disturbance, a written Noxious Weed Management and Revegetation Plan (in a form approved by the Board) must be submitted by the Landowner to the Weed Board or Board representative, who may approve, reject, or approve with recommendations/conditions the Plan.

The Weed Management Plan application must include the following:

1. Completed Noxious Weed Management and Revegetation Plan
2. Montana DEQ Plan of Operation (for gravel pits/open cut mines only)

***Failure to implement the Weed Management Plan may result in an embargo of gravel, sand or other products from the pit.***

## **GALLATIN COUNTY WEED DISTRICT GRAVEL PIT NOXIOUS WEED CERTIFICATION PROGRAM**

In 2005, the Greater Yellowstone Coordinating Committee (GYCC) developed a protocol for sand and gravel pit certification to prevent and slow the spread of noxious weeds throughout the greater Yellowstone ecosystem. Yellowstone National Park and the Gallatin National Forest and other landowners are now requiring sand and gravel used in those areas to be certified as weed free in an effort to prevent new invaders and slow the influx of other noxious weeds. No plants listed as noxious weeds in Montana or Gallatin County are allowed to produce seed in the permitted area.

The Gallatin County Weed District works with the GYCC to certify pits as noxious weed free. Minimum requirements for certification are as follows:

1. A Weed Management Plan must be on file with the Weed District.
2. At least one inspection must be conducted during the growing season by Weed District personnel. Documentation of inspections (notes, photos, etc.) will be housed at the Weed District.
3. Proof that the Weed Management Plan was implemented (e.g. invoices from a commercial applicator, application records, etc.) during the growing season.
4. A gravel pit or open cut mine that contains noxious weeds, undesirable plants or plant parts capable of producing new infestations (seeds, rhizomes, etc.) may be certified if:
  - (a) Noxious weeds or other undesirable plants found in material were effectively treated before flowering or vegetative reproduction.
  - (b) Less than 10 noxious weed plants are found within the active operations area (crushing, loading, mining, equipment storage or within 20 feet of roadsides) **and** all soil within 10 feet of those plants is removed to an inactive area of the pit and treated at a later date.



- (c) Low levels (100 or less plants) of noxious weeds are found in the inactive portion of the open cut mine and proof of aggressive treatment of these weeds is provided to the Weed District.

Weed Free Certification guidelines are as follows:

- A: Approved** - Exceeds the requirements of Gallatin County standards and contains only the specified gravel/borrow material with **no** non-native plants noted.
- B: Approved** - Meets the requirements of Gallatin County standards. Gravel/Borrow material contains no Montana state listed noxious weeds and only limited amounts of annual weeds or other weeds **not listed** as prohibited or noxious.
- C: Approved** - Complies with minimum requirements of Gallatin County standards. This gravel/borrow material contains variable amounts of prohibited or noxious weed species which were immature (not viable) when treated to prevent seed formation. These plant parts, although not usually desirable in the gravel/borrow material, are not considered able to begin new infestations.
- D: Failed**

\*Disclaimer: Certified gravel/borrow material may have viable seeds from previous years. Plant seed cannot be killed by registered pesticides. Certification consists of a prudent and visual inspection for that year for that pit. Previous years may have had seed drop that can still be viable.

## **LANDOWNER REQUIREMENTS FOR MANAGEMENT OF NOXIOUS WEEDS (COMPLIANCE)**

### **PURPOSE**

The purpose of these requirements is to implement a coordinated program for the containment, suppression, and (where possible) eradication of noxious weeds on private property, and in general to accomplish the goals of the Gallatin County Weed District Management Plan and County Weed Act.

### **Requirements**

To comply with state law, a Noxious Weed Management and Revegetation Plan (in a form approved by the Board) must be submitted by the landowner to the Weed Board, who may approve, reject, or approve with recommendations/conditions the Plan. The Plan application must include the following:

1. Identification of any noxious weeds present on the private land and a map with the locations of the noxious weeds
2. A completed Noxious Weed Management Plan
3. For organic farms and ranches, the name, address, and contact information of the Certification Organization

# **LANDOWNER ROADSIDE MAINTENANCE REQUIREMENTS FOR MANAGEMENT OF NOXIOUS WEEDS (NO SPRAY AREAS)**

## **PURPOSE**

The purpose of these requirements is to accomplish the goals of the Gallatin County Weed District Management Plan and County Weed Act and to implement a coordinated program for the containment, suppression, and (where possible) eradication of noxious weeds along the county rights-of-way adjacent to private property where the Landowner requests to maintain the county right-of-way themselves. Furthermore, these requirements aim to alert spray crews that a landowner maintenance situation exists and to educate landowners in Gallatin County about the spread of noxious weeds along roads.

## **Requirements**

A Noxious Weed Management Plan (in a form approved by the Board) must be submitted by the landowner to the Weed Board, who may approve, reject, or approve with recommendations/conditions the Plan. The Plan must include the following:

1. Identification of any noxious weeds present on the county right-of-way
2. A completed Roadside (No Spray) Noxious Weed Management Plan
3. For organic farms and ranches, the name, address, and contact information of the Certification Organization

Upon signing the Plan, the responsibility for managing noxious weeds on the specified section of right-of-way is transferred from the Weed Board to the landowner. The Roadside Noxious Weed Management Plan must be renewed prior to the expiration date. If the landowner fails to contact the Gallatin County Weed Board prior to the expiration date, the Plan automatically expires and responsibility for managing noxious weeds on the specified section of right-of-way reverts to the Gallatin County Weed Board. Plans are valid for 3 years from date of approval.

If the Weed Board finds that the landowner has failed to adhere to the Plan, the Board shall notify the landowner that the agreement is void and that responsibility for the management of noxious weeds on the right-of-way will revert to the Weed Board unless the landowner complies with the provisions of the Plan within 10 days as directed by the Board.

The Gallatin County Weed District is not liable for any injuries or losses suffered by the landowner in managing Noxious Weeds on the County road right-of-way. The landowner assumes all responsibility for conspicuously posting and maintaining "Landowner Maintained" signs provided by the Weed District. Gallatin County will not be held liable for any injuries or losses suffered by the landowner in areas with missing or improperly posted signs.

## **NOXIOUS WEED ENFORCEMENT POLICY**

Enforcement of the Montana County Noxious Weed Control Act is a legal action that occurs when a justifiable written complaint against a landowner is delivered to the Weed District Office and can be filed by the Weed Board, an agent of the Board, or a member of the public. Montana state law regarding noxious weeds can be found in Montana Code Annotated (MCA) Title 7, Chapter 22, Part 21 (2101-2154). MCA, 7-22-2116, states that it

is unlawful for any person to permit any noxious weed to propagate or to go to seed on his/her property, unless that person adheres to the noxious weed plan of Gallatin County or has entered into, and is in compliance with, a noxious weed management agreement with the Gallatin County Weed District. Procedures for enforcing the law are defined in MCA, 7-22-2131 through 2134.

The Weed District and the Gallatin County Attorney's Office have established a process for enforcing the Weed Act that complies with these statutes. The enforcement process requires the involvement of the Weed Board, Attorney's Office and occasionally District Court and the Sheriff's Office. Once a complaint is filed and if the landowner is uncooperative, the enforcement process takes a minimum of two months to complete and requires follow up from the Weed District for the next three years. Due to the amount of resources and time required to respond to complaints, the Weed District will not follow up with a complaint until all other means of resolving the dispute have been exhausted. If the property with the alleged violation is located in a subdivision that has noxious weed covenants in place and an active Home Owners Association (HOA), the Weed District requires that the complaint be pursued through the HOA.

The Weed District may use an educational approach rather than enforcement when responding to complaints of noxious weeds. This decision will be based on a number of factors including: the magnitude of the noxious weed infestation and potential for large scale impacts; whether the noxious weed(s) currently has a limited distribution in the county and is a high priority species on the noxious weed list; potential impacts to the livelihood of surrounding neighbors; and the Weed District resources that are available for addressing the issue. If the Weed District decides that an educational approach is warranted, the landowner will be sent an informational letter explaining the impacts of noxious weeds, as well as effective control measures and the services that the Weed District can provide to assist with weed management.

**The steps involved with the legal enforcement process used in Gallatin County are outlined below.**

#### **File a Complaint**

Complaints can be generated by the Board, through its authorized agent, or by a member of the public. Complaints must be submitted in writing by filling out the Gallatin County Citizen Noxious Weed Complaint Form. If a member of the public wishes to file a complaint they must schedule an appointment with the Weed District to discuss the issue and obtain a complaint form. Only one property or landowner (Respondent) may be listed on each complaint form. The form must be signed by the person making the complaint (Complainant). The complaint form and all related documents produced in the matter (e.g. photos, written notes, correspondence, etc.) are *public documents* and may be provided to any interested party. The Complainant is also required to be in compliance with the Weed Act, and their property may be subject to inspection for noxious weeds.

#### **Verification of Complaint**

All complaints must be verified with an inspection by Weed District personnel.

If possible, the initial inspection of the property will be conducted from a public place (road, park, etc.). Inspections may also take place from the Complainant's property (with permission). Noxious weed species and estimated infestation size will be documented.

Results of the inspection will heavily influence which approach (legal enforcement or educational) will be used to communicate with the landowner.

If the noxious weed problem cannot be seen from a public place or from the Complainant's property, permission to inspect will be sought from the Respondent. If the Respondent does not grant permission to inspect the property, the Weed District will move forward with the enforcement process, as outlined below.

#### **Notices to Respondent** (MCA 7-22-2131)

To begin the enforcement process, the Weed District will contact the Respondent in writing by certified and general mail to seek voluntary compliance. The Respondent may also be contacted via phone or e-mail if this information is known. If the Respondent has a registered agent on file with the Montana Secretary of State, that agent will also be notified by certified and general mail. Copies of all official notices will be forwarded to the Attorney's Office.

#### **First Notice: Notice of Noxious Weeds and Request for Inspection**

- Informs the Respondent that a formal complaint has been filed against their property.
- Requests permission to inspect the property (preferably with the Respondent).
- Informs the Respondent that if the Weed District is not allowed access, a court order may be sought to inspect the property.
- Outlines the penalties of noncompliance as stated in the Weed Act.
- Informs the Respondent that state law requires response to the notice within ten days of receiving the notice.

If the Respondent does not contact the Weed District within ten days of receiving the first notice, or if the Respondent does not voluntarily comply with the Weed Act, they will be considered in noncompliance and will be sent a second notice (Notice of Noncompliance).

#### **Second Notice: Notice of Noncompliance**

- Sent if there is no contact with the Respondent within ten days of the first notice being received or if prior attempts to work with the Respondent have failed and voluntary compliance has not been obtained.
- Notifies the Respondent that they are now in noncompliance with the Weed Act.
- Informs the Respondent that if they do not contact the Weed District within ten days of receipt of the notice and submit a written weed management plan, the Weed District will begin the process of obtaining a court order.
- States that the Respondent has the right to appeal to the Weed Board, Board of County Commissioners or to District Court within ten days.

Failure to voluntarily comply within ten days of receipt will result in noncompliance actions being taken by the Weed Board.

#### **Noncompliance: Actions by the Weed Board** (MCA 7-22-2134)

- If voluntary compliance has not been obtained after sending the second notice, the Weed District, in conjunction with the Attorney's Office, shall seek a court order from District Court to treat the noxious weeds on the property.

- Once a court order is obtained, the noxious weeds on the property will be treated. This is usually a treatment with herbicide, and the manner and extent of treatment will be determined by the Weed District based on available resources and time constraints.
- Even if the Weed District treats the noxious weeds on the property, the Respondent is still required to submit a written weed management plan for approval by the Weed District. **The Respondent will continue to be in noncompliance until a written and approved three year weed management plan is in place and they demonstrate that they are implementing the plan.**
- An invoice for all costs associated with the court-ordered treatment will be sent to the Respondent. If the invoice is not paid in full within 30 days, the costs associated with treatment will be placed on the tax bill as a special tax on the land.
- Invoices will itemize:
  - Hours of labor
  - Cost of material
  - Equipment time
  - Legal fees
  - Court costs
  - A penalty of 25% of the total cost

A court order may be valid for three years, so Respondents may be subject to an enforcement action for three years following a court-ordered treatment. Per the court order, Respondents may be notified each spring that they are required to treat the noxious weeds by June 15 of that year. Respondents will then be required to notify the Weed District when the treatment has occurred. If the Respondent does not voluntarily comply, the Weed District will treat the noxious weeds and submit the invoice to the Respondent.

#### **Noncompliance: Actions for Respondents** (MCA 7-22-2133)

Within ten days of receiving notice to comply with the Weed Act, the Respondent may request a hearing before the Commissioners if they disagree with the weed control measures proposed by the Weed Board. If the Respondent's objection to the Weed Board's proposed action remains after the hearing, the Respondent has ten days to appeal the Commissioners' decision to the District Court that has jurisdiction in the county in which the property is located. The Weed Board may not take any action to control the noxious weeds until after the hearing and authorization is provided from the Commissioners or the Court.

#### **Procedures for Compliance** (MCA 7-22-2132)

A Respondent is in compliance if they submit and the Weed Board accepts a written weed management proposal and the Respondent remains in compliance if the terms of the proposal are met. The Respondent or the Respondent's representative must notify the Weed Board as measures in the proposal are taken. In accepting or rejecting a weed management proposal, the Weed Board shall consider the economic impact on the Respondent and neighboring landowners, practical biological and environmental limitations, and alternative control methods to be used.

This Weed Management Plan is in effect until such time as determined inadequate to serve the intent. Changes including additions or deletions are to be reviewed by the Gallatin County Weed Board, Weed Coordinator, and appropriate advisors with recommendations submitted to the Gallatin County Commissioners.

On this \_\_\_\_ day of \_\_\_\_\_, 2022, the Gallatin County Commissioners have reviewed and adopted this policy for the Gallatin County Weed District.

**Approved Gallatin County Weed Board:**

  
Board Chair

4/7/2022  
Date

**Approved Gallatin County Commission:**

\_\_\_\_\_  
Commission Chair

\_\_\_\_\_  
Date