

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 24<sup>th</sup> day of February, 2014, with the following persons in attendance:

|                       |  |
|-----------------------|--|
| Commissioners:        | Steve Chappell<br>Keenan Ertel<br>Larry Don Suckla |
| County Attorney:      | John Baxter  |
| County Administrator: | Melissa Brunner                                    |
| County Clerk:         | Carol Tullis                                       |
| Absent:               |  |

The following proceedings, among others, were taken:

RESOLUTION 3-2014

WHEREAS, under C.R.S. 35-5.5, et. Seq, "Colorado Noxious Weed Act", the Board of County Commissioners of each county shall adopt an undesirable plant management plan for all the unincorporated lands within the county; and

WHEREAS, this plan represents a coordinated effort of the Montezuma County Weed Program and the Montezuma County Weed Advisory Board, after deliberation and study, recommends the adoption of the weed plan as presented, and to be known and referred to as the **MONTEZUMA COUNTY NOXIOUS WEED PLAN**; and,

WHEREAS, the Board of County Commissioners of Montezuma County, Colorado, wish to comply fully and fairly with all provisions of the Colorado Noxious Weed Act as adopted wherein it finds that noxious weeds have become a threat to the natural resources of Colorado and that an organized and coordinated effort must be made to stop the spread of noxious weeds.

WHEREAS, this plan is designed in accordance with the statutory provisions of the Colorado Noxious Weed Act. The provisions of this plan do not interpret, apply, or incorporate any provisions of the Colorado Pest Control District Act, codified at C.R.S. § 35-5-101, et seq.

WHEREAS, it is recognized that ownership of private property assumes management and stewardship of the land. This management is with the intent of maintaining and protecting property values of property owners and their adjacent properties.

## Section 1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Advisory Board** means the individuals appointed by the Board of County Commissioners to the Montezuma County Weed Advisory Board to advise on matters of noxious weed program direction.
- **BOCC** means the Board of County Commissioners of Montezuma County, Colorado.
- **Colorado Noxious Weed Act** means the provisions contained in C.R.S. § 35-5.5-101 et seq.
- **Commissioner** means the commissioner of the Colorado Department of Agriculture or his or her designee.
- **Department** means the Colorado Department of Agriculture.
- **Federal agency** means each agency, bureau or department of the federal government responsible for administering or managing federal land.
- **Federal land manager** means the federal agency having jurisdiction over any federal land affected by the provisions of this article.
- **Integrated management** means the planning and implementation of a coordinated program utilizing a variety of methods for management of noxious weeds, the purpose of which is to achieve specified management objectives and promote desirable plant communities. Such methods may include, but are not limited to education, preventive measures, good stewardship, and the following integrated management techniques:
  - a) Biological management, which means the use of an organism to disrupt the growth of noxious weeds.
  - b) Chemical management, which means the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.
  - c) Cultural management, which means methodologies or management practices that favor the growth of desirable plants over noxious weeds, including maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to an area.
  - d) Mechanical management, which means methodologies or management practices that physically disrupt plant growth including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing, and grazing.
- **Invasive species** means a plant species which is not indigenous to the State of Colorado.
- **Landowner** means any owner of record of federal, tribal, state, county, municipal, or private land and includes an owner of any easement, right-of-way or estate in the land.
- **Local noxious weed** means any plant, indigenous or exotic, of local importance that has been declared a noxious weed by the BOCC.
- **Management** means any activity that prevents a plant from establishing, reproducing, or dispersing itself.
- **Management objective** means the specific, desired result of integrated management efforts and includes:
  - a) Eradication, which means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely un-infested regions to zero and permanently eliminating the species or population within a specified period of

- time. Once all specified weed populations are eliminated or prevented from reproducing, intensive efforts continue until the existing seed bank is exhausted.
- b) Containment, which means maintaining an intensively managed buffer zone that separates infested regions, where suppression activities prevail, from largely uninfested regions, where eradication activities prevail.
  - c) Suppression, which means reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weed species to spread to surrounding lands, and mitigating the negative effects of noxious weed populations on infested lands. Suppression efforts may employ a wide variety of integrated management techniques.
  - d) Restoration, which means the removal of noxious weed species and reestablishment of desirable plant communities on lands of significant environmental or agricultural value in order to help restore or maintain said value.
- **MCWP** means Montezuma County Weed Program.
  - **Native plant** means a plant species which is indigenous to the State of Colorado.
  - **Noxious weed** means an invasive species or parts of an invasive plant that have been designated by rule by the Commissioner or the Department as being noxious or any plant that has been declared a Local Noxious Weed by the BOCC, and which meets one or more of the following criteria:
    - a) It aggressively invades or is detrimental to economic crops or native plant communities;
    - b) It is poisonous to livestock;
    - c) It is a carrier of detrimental insects, diseases or parasites; or
    - d) The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.
  - **Person or occupant** means an individual, partnership, corporation, association or federal, state or local government or agency thereof owning, occupying or controlling any land, easement or right-of-way, including any city, county, state or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.
  - **Plan** means a Montezuma County Weed Management and Enforcement Plan as developed by the Advisory Board and approved by the BOCC.
  - **Plant growth regulator** means a substance used for controlling or modifying plant growth processes without appreciable phytotoxic effect at the dosage applied.
  - **State noxious weed** means any noxious weed identified by the Commissioner or the Department by rule pursuant to the terms and provisions of the Colorado Noxious Weed Act. Such weeds may be referred to herein as "State A List," "State B List" or "State C List" weeds depending upon their designation as such by the Commissioner pursuant to the terms of C.R.S. § 35-5.5-108.
  - **Undesirable plant** means a noxious plant species that is designated as undesirable by this article, the Commissioner or by the BOCC.
    - **A List Weeds** shall mean all populations of Noxious Weeds in Montezuma County that are designated for eradication, either by the Commissioner pursuant to the terms of C.R.S. § 35-5.5-108 or by local designation by the BOCC.
    - **B List Weeds** shall mean all populations of Noxious Weeds in Montezuma County that are designated for required management, either by the Commissioner pursuant to the terms of C.R.S. § 35-5.5-108 or by local designation by the BOCC.

- **C List Weeds** shall mean all populations of Noxious Weeds in Montezuma County that are designated for recommended management, either by the Commissioner pursuant to the terms of C.R.S. § 35-5.5-108 or by local designation by the BOCC.
- **Undesirable plant management** means the planning and implementation of an integrated program to manage undesirable plant species.
- **Weed** means any undesirable plant.
- **Weed Office** means the Montezuma County Weed Office.

## **Section 2 Introduction.**

- A. The provisions of this plan relate to the Colorado General Assembly's findings that noxious weeds have become a threat to the natural resources of Colorado and that an organized and coordinated effort must be made to stop the spread of noxious weeds.
- B. This plan represents a coordinated effort of the Weed Program and the Advisory Board to develop and oversee a comprehensive management plan for the control of noxious weeds in Montezuma County.
- C. The weed management area covers all of Montezuma County with the exception of incorporated municipalities within the County. Intergovernmental Agreements may be entered into with municipalities wherein this plan would apply to that municipality.
- D. This plan further recognizes that because the spread of noxious weeds can largely be attributed to the movement of seed and plant parts on motor vehicles and noxious weeds are becoming an increasing maintenance problem on highway right-of-ways in the state, local cooperative efforts have been undertaken to proceed with noxious weed management.
- E. This plan is designed in accordance with the statutory provisions of the Colorado Noxious Weed Act. The provisions of this plan do not interpret, apply, or incorporate any provisions of the Colorado Pest Control District Act, codified at C.R.S. § 35-5-101, et seq.

## **Section 3 Objectives and Goals of the Montezuma County Weed Program.**

- A. Education.
  - 1. Educate the public on the state mandated weed law (the Colorado Noxious Weed Act) and the State's mandate that Montezuma County act to manage, and sometimes to eradicate, certain noxious weeds so designated by the Department.
  - 2. Raise public awareness that noxious weeds disrupt intended land use and degrade the environment.
  - 3. Raise public awareness that the county has limited funds with which to control noxious weeds.
  - 4. Assist landowners and private enterprise in preparing integrated weed management plans.
  - 5. Educate and make the public aware of the State of Colorado A, B and C weed species, and additional weeds designated for management by the BOCC.

B. Mapping.

1. Continue mapping of noxious weeds countywide and compiling of information in cooperation with other agencies.
2. Management and Buffering Strategies: All landowners and land managers with county listed weed species will be required to implement the following management strategies:
  - (a) Infestations of one acre or less:
    - (i) Isolated small populations: Intensive best management practices applied with eradication goals in mind. Prevent seed formation and root spread on an annual basis.
    - (ii) Satellite populations proximate to larger populations: Intensive best management practices applied with eradication, containment, and reduction goals in mind. Prevent seed formation and root spread on an annual basis.
  - (b) Larger populations of more than one acre:
    - (i) Using effective, best management practices, apply containment and perimeter buffering management practices at a minimum of fifty feet wide each growing season. Prevent seed formation and root spread on an annual basis.
    - (ii) Continue weed management in the year-one fifty-foot buffer zone. Perimeter buffering management practices shall be stepped inward toward the center of the infestation at a minimum of fifty feet wide each season thereafter until the desired goals of the weed management plan have been met.
  - (c) Priority Management Areas:
    - (i) Infestations adjacent to property lines, easements, rights-of-way, ditches, canals, streams, rivers, trails, wildlife migration routes, gravel pits and private and public roadways: Buffering will be required each growing season and applied to the entire perimeter of the infestation at a minimum of fifty feet wide at the proper timing in order to prevent seed formation and root spread. Annual stepped in buffering and reduction management shall be required.

C. Support of Private Enterprise.

1. It is the intent of the BOCC not to compete with private enterprise.
2. Encourage an expansion in services by existing commercially licensed applicators.
3. Encourage the development of new weed management businesses.

D. Environment. Environmental quality shall always remain a high priority of the Montezuma County Noxious Weed Plan.

**Section 4 Management Plan.**

A. Program of integrated management.

1. It is the intent of the BOCC to implement a coordinated program of integrated management ("IM"). The purpose of integrated management is to achieve healthy and

productive natural and agricultural ecosystems through a balanced program. This program will include, but not be limited to, education, prevention measures, good stewardship and control methods.

2. Integrated management is a strategy using a comprehensive, interdisciplinary approach to plant management. By viewing a problem in its entirety, one is better able to design a management plan that is safe, cost effective and gets results, without unreasonable damage to natural controls and the environment. An IM approach to weed management includes choosing from a variety of available weed control strategies and predicting their long term effects.
3. The major weed control tactics to be considered in an IM program are:
  - a) Education should be considered the number one priority (e.g., plant identification, life cycles, mapping infestations).
  - b) Prevention (e.g., eliminate the undesirable plant seeds dispersal, irrigation management, soil fertility and range management).
  - c) Mechanical and physical (e.g., cutting, mowing, burning, cultivation and cross fencing).
  - d) Cultural (e.g., crop rotation, establishment of competitive crops and mulching).
  - e) Biological (e.g., grazing, predators, parasites and pathogens).
  - f) Chemical (e.g., weed oils, nonselective and selective herbicides, and plant growth regulators).
4. Promote competition through re-vegetation; without competition, treated areas often return to a degraded state.

While these tactics can be used singularly, they are usually most effective when used in combination. Once it is determined why the weeds are occurring in the first place, strategies can be developed not only to reduce existing weed populations and change the size of infestations, but also to prevent future weed problems.

- B. The A, B and C Weed Lists and Management Plans annexed hereto and made a part hereof as Attachment "A" shall be utilized in the administration of the Management Plan pursuant to Section 4 of the Plan.

## **Section 5                    Education.**

- A. Education must be the first step in the Plan. It must be an ongoing process, ever changing and utilizing all available resources.
- B. Colorado State University Extension (hereinafter referred to as "CSU Extension" or "Extension Office") will partner with the BOCC and the Montezuma County Weed Office and Advisory Board in communicating to the public broad, efficient, and cost effective weed management programs.
- C. The role of CSU Extension in the management of noxious weeds will be that of education. CSU Extension will help people identify and understand their needs and problems in regard to noxious weed management and will provide practical solutions to these problems using research-based information and new technology.
- D. The objective of the Advisory Board, in partnership with CSU Extension and other governmental agencies, will be to provide the community with the necessary educational and technical assistance required to implement this plan.

- E. The overall goal of CSU Extension will be to provide a forum, on a continuous basis, for the education process to occur. Activities may include, but not be limited to, the following:
  - 1. Newsletters on a timely basis providing research based information;
  - 2. Workshops and educational seminars in weed management techniques;
  - 3. Communication with the local press and the placement of new technology articles and releases on weed management;
  - 4. Advising individual producers on developing weed management plans;
  - 5. Private pesticide certification workshops;
  - 6. Development and implementation of test plots demonstrating effective weed management techniques and recommendations;
  - 7. Identification of noxious weeds;
  
- F. The Extension Office will report to the BOCC and the Advisory Board on an annual basis, as to activities in the educational arena of weed management.

## **Section 6                    Implementation.**

The Weed Program Office through its officers and agents, will:

- A. Assist CSU Extension with public awareness and education programs.
- B. Comply with laws governing pest application and licensing and follow label directions.
- C. Maintain a current list of designated noxious weeds for the state.
- D. Maintain a reference library of related materials for management of designated and noxious weeds.
- E. Strive to obtain, complete and update a set of maps showing designated weed infestations within the county.
- F. Assist county property owners and managers in preparation of Weed Management Plans. Each individual undesirable plant management plan should be an integrated plan utilizing all effective tools. A plan must be sustainable and financially sound. The plan should provide short term control, containment, reduction strategies and long term management and monitoring activities. It will take an active concentrated effort by all landowners in the county to bring weeds under control and allow intended land utilization. Cooperation will be the key to the success of this plan.
- G. Develop a set of standards and guidelines outlining steps to be taken in the preparation of these plans.
- H. Prepare a complete set of standard operating procedures detailing how recommendations for individual management plans will be prepared.
- I. The Weed Supervisor will set a time table for response after learning of a suspected noxious weed infestation. These steps are:
  - 1. Request for inspection or observation from right-of-way;
  - 2. Notification of inspection;
  - 3. Inspection;
  - 4. Notification of infestation and control recommendation;
  - 5. Cooperate with landowner to prepare and approve Management Plan or wait for Management Plan from arbitration panel;
  - 6. Supervise plan as necessary;
  - 7. Inspect results of control measures;
  - 8. Submit invoices for all enforcement work;

- 9. Certify any unpaid assessments with the County Treasurer to be added to tax roles; and
- 10. Submit any unpaid invoices for the state board, department or agency to the controller.
- J. Maintain an adequate set of records showing purchases, inventory application and billing of chemicals.
- K. Prepare a five-year plan of work to be reviewed annually.
- L. Prepare an annual plan of work in conjunction with yearly budget request.
- M. Supervise the application of weed control on county property and rights-of-way within the county.
- N. Report to the BOCC and the Weed Advisory Board on an annual basis at minimum, as needed or as requested by the board.

**Section 7                      Prevention Measures.**

- A. The first priority is to prevent the introduction of any noxious weed to any area not previously infested.
- B. The most obvious method is to stop transporting viable seed or propagating plant parts by mechanical means. All equipment should be cleaned when leaving all infested areas to prevent contaminating rights-of-way and the next area entered.
- C. It is strongly recommended to use noxious weed-free certified seed. Feed containing viable noxious weed seeds should not be purchased, transported, or used: Since designated weeds will set seed prior to normal harvest dates, crops need to be treated if they are to be moved from the infested area.
- D. Once seed has reached maturity it can remain viable for years; therefore it can re-infest the same area long after the weed problem appears to have been solved, or it can be transported to other areas. This can occur naturally by wind and water or mechanically by movement of vehicles or equipment. Seeds are also transported great distances by domestic animals and wildlife.
- E. Common weed problems occur in response to disturbed soils such as overgrazed pastures, overused turf, clear cut woodlands, pipeline construction and energy/gravel development, improperly maintained road edges, land development, etc. Land management practices which minimize soil disturbance are invaluable in prevention and control of undesirable plant species.

**Section 8                      Mechanical Control.**

Mechanical control includes cultivation, mowing, hand pulling and burning. All of these measures, when used correctly, can be of great help when used in conjunction with another type of control. When used alone, they rarely have a positive long-range effect due to the excellent survival ability of noxious weeds. It may, in fact, make the problem worse through spreading seed or plant parts and by eliminating the desirable competitive species on site.

**Section 9                      Biological Control.**

- A. Biological control is the control of undesirable plants through the use of living organisms. The organism may be an insect, plant, pathogen or livestock, such as sheep, goats or cattle.



- B. Recent programs have shown livestock to be very valuable in controlling many weed species. This is especially true in instances of large infestations and in environmentally sensitive areas. When moving livestock from such an infested area for biological control, care should be taken to prevent transportation of seeds to a clean area. If possible, when applicable, livestock should be quarantined for five days to allow all seed to pass through the digestive track. Seed may also need to be sterilized or removed from the animals' hair or wool.
- C. Varieties of insects which can be used on a range of plants are commercially available. They may be purchased by individuals to be used as part of an integrated plan. This type of control is still in its infancy and being researched and directed by the Colorado Department of Agriculture Insectary in Palisade, Colorado. Ideally, insects will provide an economical and environmentally safe control method. However, there are certain problems associated with this type of control such as a limited supply of all species and purchasing insects may require a large initial investment. The compatibility of herbicides and insects is also not well known. Participation in this project may preclude the use of certain types of control, which would allow infestations to multiply and set seed. To prevent this, land operators must prepare an integrated plan to effectively control these infestations.

**Section 10                    Chemical Control.**

- A. All chemical application must be done according to the product label.
- B. The choice of chemicals and application rates used should be the least environmentally damaging as determined by information currently available. This determination may come first from the recommendations in the Colorado Pesticide Guide from CSU Extension. It may also be tempered by the wishes of land owners and the experience of trained personnel associated with the program.
- C. While chemicals are a powerful tool, it must be realized that they are just a tool and must be used only as a part of an integrated management plan.
- D. The focus of this plan is excerpted from the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101 et seq., and is on file in the clerk and recorder's office.

**Section 11                    Duty to Manage Undesirable Plants, Landowner's Responsibility.**

Stewardship of the land is an ethic that embodies the responsible use and management of a property owner and their property not only to protect them, but adjacent property owners.

It is the duty of all persons to use integrated methods to manage and prevent the spread of all Noxious Weeds if the plants are likely to be ecologically destructive or aesthetically or materially damaging to neighboring lands.

**Section 11.1                Local Priority Weed List.**

The BOCC, after consultation with the Advisory Board, may elevate the status of any State B or C List Noxious Weed that is located within Montezuma County from the State B or C list to that of an A or B List Weed as deemed necessary. The BOCC, after consultation with the Advisory Board, may also at any time apply to the

Commissioner for a waiver of compliance with an eradication designation set forth by the Commissioner for any particular State A List Noxious Weed or State B List Noxious Weed designated for eradication in Montezuma County, pursuant to the terms of C.R.S. § 35-5.5-108.5(3)(c). If such a waiver is approved, the Noxious Weed in question shall be reclassified as either a B or C List Weed as may be determined by the BOCC.

**Section 11.2            Designation of Additional Undesirable Plants.**

The BOCC may designate additional undesirable plants or weeds not otherwise designated as State Noxious Weeds for eradication or management within Montezuma County pursuant to the terms of C.R.S. § 35-5.5-108(3), after a public hearing with thirty (30) days prior notice to the public.

**Section 11.3            Annual Review of the Annual Montezuma County Weed Management Plan.**

The Advisory Board has, pursuant to the direction of the BOCC, originally developed the Management Plan, and will review such Management Plan on an annual basis for any desirable changes or adjustments to the plan and shall report to the BOCC on such basis with any recommended changes or adjustments. As part of such review, the Advisory Board will review the list of noxious weeds to consider additional weeds and to prioritize control efforts. The Management Plan must be renewed and approved by the BOCC not less than once every three years, but nothing shall prevent the BOCC from approving any interim changes or adjustments to the Management Plan in any interim years. The MCWP shall maintain the Management Plan and the priority weed list and make them available to the general public.

**Section 11.4            Importation and Cultivation.**

Persons are prohibited from importing seeds, propagative plant parts or live plants and cultivating any Noxious Weed within Montezuma County, and any such Person doing so shall be fully prosecutable pursuant to the terms of C.R.S. § 35-5.5-104.5.

**Section 12              Administration and Enforcement**

**Section 12.1            Administering Agency.**

The BOCC shall provide for the administration and enforcement of the Management Plan authorized by this article through the use of agents, delegates or employees, and may hire additional staff or provide for the performance of all or part of the Management Plan through outside contract. The primary duty and responsibility of administering the Management Plan is hereby delegated to the Weed Office, and the MCWP shall be the BOCC's primary agent in enforcement and administration thereof. Any agent, delegate, employee, staff or contractor applying or recommending the use of chemical control methods shall be licensed by the Colorado Department of Ag for such application or recommendation. Costs associated with administering or enforcing the Management Plan shall be paid from the County's designated enforcement fund.

**Section 12.2      Advisory Board.**

The BOCC appoints the Advisory Board from landowners and operators living within the county boundaries. The Advisory Board shall have the obligations and authority as set forth in C.R.S. § 35-5.5-107.

**Section 12.3      Identification and Inspection of Noxious Weeds –  
Methods of Identification.**

- A. Private and Public Lands
  - 1. The MCWP, acting as agent, delegate, or staff of the BOCC, shall have the right to enter upon any premises, lands, or places whether public or private, during reasonable business hours for the purpose of inspecting for the existence of noxious weed infestations, when at least one of the following has occurred:
    - a) The landowner or occupant has requested an inspection;
    - b) A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection;
    - c) An authorized agent of the BOCC has made a visual inspection from a public right-of-way or area and has reason to believe that a noxious weed infestation exists; or
    - d) A MCWP agent has inspected a current aerial map or taken a personal site visit of the property and determined there is reason to believe that a noxious weed infestation exists.
- B. Where entry onto private premises is required to investigate the existence of noxious weeds, on-site inspections may be scheduled at any reasonable time upon the landowner or occupant's consent. No entry onto such lands shall be permitted unless one of the following occurs:
  - 1. Verbal permission to inspect the property is granted by the landowner or occupant of said property, or
  - 2. Such landowner or occupant is notified of such pending inspection by certified mail at least 10 days prior to such inspection. If after notification landowner or occupant fails to respond within ten (10) days to the request to inspect the premises or otherwise denies access to the inspector, the inspector may seek an inspection warrant issued by a municipal, county or district court having jurisdiction over the land pursuant to the provisions of C.R.S. § 35-5.5-109(2)(b) or 35-5.5-08.5(5)(b)(I).

**Section 12.4      Notice of Presence of Noxious Weeds - Notice Letter.**

- A. Private Lands.
  - 1. Upon a discovery of the presence of noxious weeds on private premises, the MCWP, acting as agent, delegate, or staff of the BOCC has the authority to notify the landowner or occupant of the presence of noxious weeds. The Notice from the Weed Office includes the following:
    - a) The property inspection date;
    - b) The landowner and/or occupant of record;
    - c) The property tax ID number or legal description of the property, and/or aerial map;
    - d) The noxious weeds to be managed;

- e) If the noxious weeds are designated as List A weeds, eradication is required;
- f) Advisement to the landowner or occupant to commence either eradication of the noxious weeds within five (5) days or management of the noxious weeds within ten (10) days after receipt of notice or submit an acceptable plan and schedule for the completion of the plan for compliance.
- g) Identification of the integrated weed management techniques presented by the Commissioner for eradication or the best available control methods of integrated management;
- h) The options of notice compliance;
- i) The consequences for non-compliance with the notice, an offer of MCWP consultation in management plan development, and notice of landowner and/or occupant's right to request a hearing before the arbitration panel;
- j) Statement that Weed Office will seek an inspection warrant (right of entry) from the municipal, county or district court having jurisdiction over the land, to enter property and manage identified noxious weeds unless landowner and/or occupant complies with notice, submits an acceptable plan and schedule for completion of the plan or submits a written request for a hearing before the arbitration panel within ten (10) days.

**B. Public Lands**

1. The MCWP, acting as agent, delegate, or staff of the BOCC, may give notice to any state board, department, or agency that administers or supervises state lands or right-of-ways within Montezuma County, to manage noxious weeds on its land and naming them.
  - a) Such notice shall specify the best available method(s) of integrated management and will include the same information as itemized in Section 4-A- 3 (a-f) of this Code.

**Section 12.5      Duty to Consult.**

When possible, the MCWP shall consult with the affected landowner, occupant, state board, department or agency for the development of a plan for the management of noxious weeds on the premises or lands.

**Section 12.6      Eradication and Management of Weeds;  
Landowner, Occupant or Public Agency Response.**

1. A Landowner, occupant or state board, department or agency receiving notification of the presence of noxious weeds pursuant to Section 12.4 above shall respond within a reasonable time after receipt thereof, but in no event to exceed five (5) days if eradication is ordered and ten (10) days if management is ordered, by any of the following:
  1. Approval of compliance with the terms of the notification by a MCWP agent.
  2. Acknowledging the terms of the notification and submitting an acceptable plan and schedule for the completion of the plan for compliance. If only management is ordered, requesting an arbitration panel to determine the final management plan. The panel shall be selected by the BOCC, through its delegates, agents, and employees, and shall include:

- a) A weed management specialist or weed scientist;
- b) A landowner of similar land in Montezuma County; and
- c) A third member chosen by agreement of the first two panel members.
- d) The landowner or occupant is entitled to challenge any one member of the panel, and the BOCC, through its delegates, agents and employees shall name a new panel member from the same category. Costs for the arbitration panel shall be paid by the requesting landowner or occupant. The decision of the arbitration panel shall be final.

**Section 12.7            Enforcement - Direct Action by County to Manage Weeds.**

In the event that the landowner, occupant or state board, department or agency fails to comply with any notice to eradicate or manage the identified weeds or implement the plan developed by the arbitration panel, the MCWP shall provide for and compel the eradication or management of such weeds in any manner deemed necessary and in compliance with the provisions of C.R.S. § 35-5-108.5, 35-5.5-109(5) or 35-5-110(3).

**Section 12.8            Restrictions.**

No eradication or management of noxious weeds on private property shall occur without applying the same or greater management measures to any land or rights-of-way owned or administered by the BOCC that are adjacent to the private property or notifying party.

**Section 12.9            Assessment of Costs for Treatment and Eradication of Noxious Weeds - Private Lands.**

If the BOCC, its agents and/or employees, provide for and/or compel the management or eradication of noxious weeds on private lands, the BOCC is entitled to recover associated costs.

**Section 12.10          Recoverable Costs/Method of Collection - Management.**

1. If the BOCC compels and provides for the management of noxious weeds pursuant to the provisions of C.R.S. § 35-5-109, the BOCC is entitled to assess the entire cost of time and materials used thereof, including twenty percent (20%) for inspection and other incidental costs in connection therewith, upon the lot or tract of land where the noxious weeds are located.
2. Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.
3. Such assessment may be certified to the Montezuma County Treasurer for the collection of taxes.
4. Monies collected shall be deposited in the account designated for the enforcement of noxious weeds within Montezuma County. This fund shall strictly be used for enforcement without prior approval by the BOCC for alternative disbursement.

**Section 12.11 Recoverable Costs/Method of Collection –  
Eradication of List A Species.**

1. If the BOCC compels and provides for the eradication of noxious weeds on a tract of land pursuant to their classification as List A Weeds, the BOCC is entitled to assess the whole cost of eradicating such weeds, including up to one hundred percent (100%) of inspection, eradication and other incidental costs in connection therewith.
2. Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.
3. Such assessment may be certified to the Montezuma County Treasurer for the collection of taxes.
4. Monies collected shall be deposited in the account designated for the enforcement of noxious weeds within Montezuma County. This fund shall strictly be used for enforcement without prior approval by the BOCC for alternative disbursement.

**Section 12.12 Landowner or Occupant Protest.**

1. The MCWP shall send a "Payment Notice/Potential Lien Assessment" letter by certified mail to the landowner or occupant prior to any assessment on landowner or occupant's property.
2. Landowner or occupant shall be given thirty (30) days from the date on the Payment Notice/Potential Lien Assessment Letter to respond.
  - A. In the event landowner or occupant fails to respond to the letter within the prescribed thirty (30) days, the MCWP shall assess a lien on landowner or occupant's property and may certify such lien with the Montezuma County Treasurer.
  - B. If the landowner or occupant responds within the prescribed thirty (30) days and disputes the amount of the assessment, they are entitled to be heard before the Montezuma County Weed Advisory Board as to their concerns.

**Section 12.13 Scheduling a Hearing.**

- A. The landowner or occupant, or an attorney on his or her behalf, will be allowed to present testimony to the Advisory Board as to why they should not assess a tax lien on landowner or occupant's property for the costs outlined in the Payment Notice/Potential Lien Assessment letter.
- B. A member of the MCWP will need to be present at the hearing to provide evidence favoring the imposition of a tax lien on landowner or occupant's property.
- C. The MCWP must show that prior to compelling the management of noxious weeds on landowner and/or occupant's property the same or greater management measures were applied to any land or rights-of-way owned or administered by the BOCC that are adjacent to the private property pursuant to Section 12.14 of this Code.
- D. The MCWP must show that the level of management called for in the notice or the management plan developed by the arbitration panel has been successfully achieved pursuant to Section 16.5 of this Plan.

- E. The Advisory Board may either grant or deny the lien assessment or continue the matter to a subsequent date certain.
- F. If the Advisory Board grants the lien assessment, the Resolution for Certification of Assessed Costs as granted by the BOCC is filed with the County Treasurer's Office.

**Section 12.14                      Limitations.**

The Advisory Board shall not assess the cost of providing for or compelling the management of noxious weeds on private property until the level of management called for in the notice or the management plan developed by the arbitration panel has been completed.

**Section 12.15                      Recoverable Costs/Method of Collection – Public Lands.**

- A. Any expenses incurred by the County in the undertaking of the eradication or management of noxious weeds on public lands shall be invoiced as time and materials used against such state board, department, or agency that has jurisdiction over the lands.
- B. An agreement for the reimbursement of such expenses shall be reached within two (2) weeks after the date such an expense is submitted to such state board, department or agency, such agreement to be set forth in writing.
- C. If an agreement is not reached or the charge is not immediately paid, such charge shall be submitted to the controller, who shall treat such amount as an encumbrance on the budget of the state board, department or agency involved or such charge may be recovered in any court with jurisdiction over such lands.

**Section 12.16                      Scheduling and Hearing.**

The state board, department, or agency owning or occupying said public lands is afforded the same scheduling and hearing protections as provided to landowners or occupants of private lands under Section 15.4 of this Code.

**Section 12.17                      Miscellaneous - Additional Provisions.**

- A. The BOCC, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours for the purposes of ensuring compliance with any of the above requirements concerning noxious weed management and any other local requirements.
- B. No agent, employee, or delegate of the BOCC shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with the above requirements except when the landowner or occupant willfully or deliberately caused such damages.
- C. It shall be the duty of the BOCC to confirm that all public roads, public highways, public rights-of-way, and any easements appurtenant thereto, under its jurisdiction, are in compliance with C.R.S. § 35-5.5-101, et seq., and any violations thereof shall be the financial responsibility of the appropriate local governing body or state board, department, or agency.

**Section 13 Cooperation with Federal and State Agencies.**

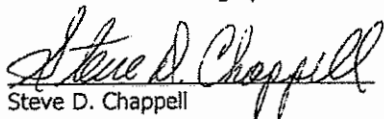
The BOCC may enter into cooperative agreements with federal, tribal, municipal and state agencies for the integrated management of undesirable plants within their respective territorial jurisdictions.

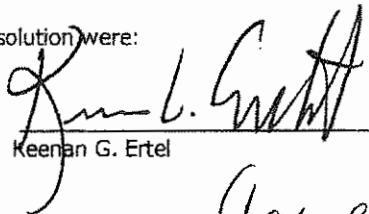
**Section 14 Public Nuisance - Abatement.**

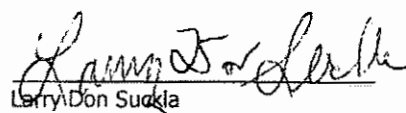
All undesirable plants at any and all stages thereof, their carriers, and any and all premises, plants and things infested or exposed to infestation may be declared to be a public nuisance by the BOCC. Once declared, such nuisances shall be subject to all laws and remedies relating to the prevention and abatement of nuisances. The BOCC, in a summary manner or otherwise, may take such action, including removal and destruction, with reference to such nuisance as in its discretion appears necessary. The remedies of this section shall be in addition to all other remedies provided by law.

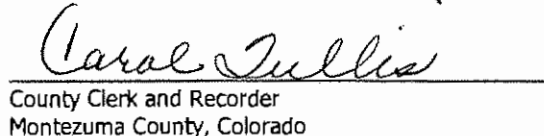
**NOW THEREFORE BE IT RESOLVED** Montezuma County Resolution #4-93, the Montezuma County Comprehensive Weed Management Plan, be vacated WHEREBY adopting Resolution 3-2014, the Montezuma County Noxious Weed Plan, becoming effective immediately.

Commissioners voting aye in favor of the Resolution were:

  
Steve D. Chappell

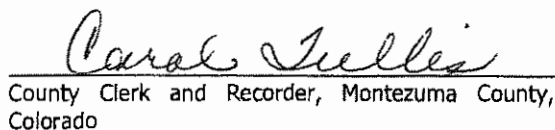
  
Keenan G. Ertel

  
Larry Don Suckja

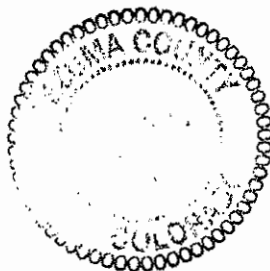
  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above foregoing Amended Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners for Montezuma County, Colorado, and the votes upon same are true and correct.

Dated the 24<sup>th</sup> day of February, 2014.

  
County Clerk and Recorder, Montezuma County,  
Colorado

[SEAL]





**Companion Documents:**

1. Montezuma County Weed Management Priority Plan A, B & C Weed Lists.
2. 8 CCR 1206-2 Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act

## ATTACHMENT A

### Montezuma County Noxious Weed Plan, Priority Weeds

#### A Weed List:

State "A" Listed Weeds: All populations of State A List species are designated for eradication. State A List species must be eradicated in accordance with all the provisions of the applicable state noxious weed management plans.

#### Montezuma County Goal 1 Weeds:

The following weeds are designated for eradication in Montezuma County as Goal 1 weeds. They are listed as follows (18 species):

African rue (*Peganum harmala*)  
Medusahead (*Taeniatherum caput-medusae*)  
Camelthorn (*Alhagi pseudalhagi*)  
Myrtle spurge (*Euphorbia myrsinites*)  
Common crupina (*Crupina vulgaris*)  
Orange hawkweed (*Hieracium aurantiacum*)  
Cypress spurge (*Euphorbia cyparissias*)  
Purple loosestrife (*Lythrum salicaria*)  
Dyer's woad (*Isatis tinctoria*)  
Rush skeletonweed (*Chondrilla juncea*)  
Giant salvinia (*Salvinia molesta*)  
Sericea lespedeza (*Lespedeza cuneata*)  
Hydrilla (*Hydrilla verticillata*)  
Squarrose knapweed (*Centaurea virgata*)  
Meadow knapweed (*Centaurea pratensis*)  
Tansy ragwort (*Senecio jacobaea*)  
Mediterranean sage (*Salvia aethiopsis*)  
Yellow starthistle (*Centaurea solstitialis*)

#### B Weed List:

State "B" Listed Weeds: The following State B List Species are designated by the Commissioner for eradication or management wherever they are found. State B List species must be eradicated or managed in accordance with all the provisions of the applicable state noxious weed management plans.

Until a state noxious weed management plan for a particular species is developed and implemented by rule, all persons are recommended to manage that species pursuant to consultation with the Weed Program Office or pursuant to the management plan developed by the weed program office and attached hereto.

Size and Location:

All landowners and land managers with mandatory for eradication or management B List Weed Species will be required to implement the following minimal management strategies.

Isolated small populations of one acre\*\* or less (goal 1): Intensive best management practices applied with eradication goals in mind. Prevent seed formation and root spread on an annual basis.

Satellite populations, one acre or less, (goal 1) proximate to larger populations (goal 2): Intensive best management practices applied with eradication goals in mind. Prevent seed formation and root spread on an annual basis.

Large populations of more than one acre (goal 2): Use effective, best management practices. At a minimum, apply containment and perimeter buffering management of fifty feet wide each growing season. Prevent seed formation and root spread on an annual basis. Containment and perimeter buffering/ reduction practices shall be stepped inward toward the center of the infestation at a minimum of fifty feet wide each season thereafter until the desired goals of the weed management plan have been met. Weed re-growth in previous buffers shall continue to be managed to prevent seed formation and root spread on an annual basis.

#### Priority Management Areas:

Infestations adjacent to property lines, easements, rights of ways, ditches, canals, streams, rivers, trails, wildlife migration routes, private and public roadways: Buffering will be required each growing season and applied to the entire perimeter of the infestation at a minimum of fifty feet wide at the proper timing in order to prevent seed formation and root spread. Annual stepped in buffering and reduction management will be required.

#### Weed Name & Scientific Name Weed Name & Scientific Name

Absinth wormwood (*Artemisia absinthium*)  
Moth mullein (*Verbascum blattoria*)  
Black henbane (*Hyoscyamus niger*)  
Musk thistle (*Carduus nutans*)  
Bouncingbet (*Saponaria officinalis*)  
Oxeye daisy (*Chrysanthemum leucanthemum*)  
Bull thistle (*Cirsium vulgare*)  
Perennial pepperweed (*Lepidium latifolium*)  
Canada thistle (*Cirsium arvense*)  
Plumeless thistle (*Carduus acanthoides*)  
Chinese clematis (*Clematis orientalis*)  
Quackgrass (*Elytrigia repens*)  
Common tansy (*Tanacetum vulgare*)  
Russian knapweed (*Acroptilon repens*)  
Common teasel (*Dipsacus fullonum*)  
Russian olive (*Elaeagnus angustifolia*)  
Corn chamomile (*Anthemis arvensis*)  
Salt cedar (*Tamarix Chinensis, T. parviflora,*  
Cutleaf teasel (*Dipsacus laciniatus*) and *T. ramosissima*)  
Dalmatian toadflax(*Linaria dalmatica*)

Scentless chamomile (*Matricaria perforate*)  
 Dalmatian toadflax (*Linaria genistifolia*)  
 Scotch thistle (*Onopordum acanthium*)  
 Dames rocket (*Hesperis matronalis*)  
 Scotch thistle (*Onopordum tauricum*)  
 Diffuse knapweed (*Centaurea diffusa*)  
 Spotted knapweed (*Centaurea maculosa*)  
 Eurasian watermilfoil (*Myriophyllum Spurred anoda spicatum*) (*Anoda cristata*)  
 Sulfur cinquefoil (*Potentilla recta*)  
 Hoary cress (*Cardaria draba*)  
 Venice mallow (*Hibiscus trionum*)  
 Houndstongue (*Cynoglossum officinale*)  
 Wild caraway (*Carum carvi*)  
 Jointed Goatgrass (*Aegilops cylindrical*)  
 Yellow nutsedge (*Cyperus esculentus*)  
 Leafy spurge (*Euphorbia esula*)  
 Yellow toadflax (*Linaria vulgaris*)  
 Mayweed chamomile (*Anthemis cotula*)  
 Kochia (*Kochia scoparia*)  
 Russian Thistle (*Chenopodiaceae*)

#### C Weed List:

The following weeds are designated for recommended and voluntary management until at such time they may be designated as mandatory in Montezuma County. State "C" Listed Weeds: All populations of State C List species are designated for recommended and voluntary management until a time they are designated as mandatory.

They are listed as follows (14 species):

Chicory (*Cichorium intybus*) Johnsongrass (*Sorghum halepense*)  
 Common burdock (*Arctium minus*)  
 Perennial sowthistle (*Sonchus arvensis*)  
 Common mullein (*Verbascum thapsus*)  
 Poison hemlock (*Conium maculatum*)  
 Common St. Johnswort (*Hypericum perforatum*)  
 Puncturevine (*Tribulus terrestris*)  
 Downy brome (*Bromus tectorum*)  
 Redstem filaree (*Erodium cicutarium*)  
 Field bindweed (*Convolvulus arvensis*)  
 Velvetleaf (*Abutilon theophrasti*)  
 Halogeton (*Halogeton glomeratus*)  
 Wild proso millet (*Panicum miliaceum*)  
 Importation and Cultivation of A, B, and C listed weeds:

Persons are prohibited from importing seeds, propagated plant parts or live plants and cultivating the A, B and C listed weed species (or others in this document) in Montezuma

County and the State of Colorado. All listed species are non-native and problematic in Montezuma County, Colorado, other States or other North American regions.