AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Gunnison County Weed Management Plan including, bu

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Gunnison County

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

See section "IV" Weed Management Plan related to noxious weeds treated in Gunnison Sage Grouse Habitat. This is the only new addition.

Fiscal Impact:

Submitted by: Bradley Wigginton **Submitter's Email Address:** bwiggington@gunnison.conty

Finance Review: (●) Required ( ) Not Required

Comments:
No fiscal impact.

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 5/12/2015

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok db 4/28/15

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 5/15/2015 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 5/15/2015

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted:

Agenda Date: 5/19/2015

Revised April 2015

GUNNISON COUNTY WEED MANAGEMENT PLAN
INCLUDING, BUT NOT LIMITED TO, THE GUNNISON BASIN

I. INTRODUCTION

In recognition of the economic and ecological impacts of noxious weeds, the General Assembly of the State of Colorado passed the Colorado Noxious Weed Act, C.R.S. 35-5.5, et.seq. (hereinafter "the Act"). The Act states that certain noxious weeds pose a threat to the continued economic and environmental value of the land in the State and that all landowners in the State must manage them. The Act states that County governments are directed to adopt a noxious weed management plan that will guide the control of state-listed noxious weeds on unincorporated lands within their jurisdictions. This plan provides a framework for The Gunnison County Weed District to control those plant species within the jurisdiction of Gunnison County that are listed as "noxious" in the Act.

II. STATE-LISTED NOXIOUS WEEDS

The Act designates certain plant species as noxious due to their potential and realized negative ecological and economic impacts. State-listed noxious weeds are divided into three lists:

List A species

List A species are designated for eradication. When occurrences of these plants are found in Gunnison County, ensuring their eradication will be a top priority. The Weed District will develop and implement plans for eradication of these plant species on lands managed by Gunnison County and on other lands according to contractual agreements with agencies, municipalities and landowners.

List B species

List B weed species are designated for control and containment. The Weed District will develop and implement management plans for occurrences of these plant species on lands managed by Gunnison County and on other lands according to contractual agreements with agencies, municipalities and landowners.

List C species

List C weed species are designated by the State as lower priority for control and containment. Where eradication, containment or control of these species is deemed necessary or beneficial, the Weed District will develop and implement management plans for occurrences of these plant species on lands managed by Gunnison County and on other lands according to contractual agreements with agencies, municipalities and landowners.

Plant species included on Colorado's Noxious Weed lists can be found at:
http://www.colorado.gov/cs/Satellite/ag_Conservation/CBON/1251618812684

III. WEED MANAGEMENT AREA DESCRIPTION

The Gunnison County Weed District is responsible for state-listed noxious weed management in Gunnison County owned and managed rights of way and properties throughout unincorporated areas of Gunnison County. Enforcement of the Act on private properties within unincorporated areas of Gunnison County, as described in Section VI, is also the responsibility of the Gunnison County Weed District. In recognition of opportunities for mutually-beneficial collaborative efforts aimed at managing noxious weeds on a watershed-wide basis, the Gunnison County Weed District may also enter into contracts or agreements to provide

noxious weed control services in other jurisdictions within the Upper Gunnison River Watershed, which may include lands owned or managed by federal, state, municipal, county and private entities throughout Gunnison County, northern Hinsdale County and northwestern Saguache County.

IV. Weed Management Plan related to noxious weed treatments in Gunnison Sage Grouse Habitats

1. Weed control carried out by the Gunnison County Weed Management Program in Gunnison Sage-grouse habitat will be carried out primarily in road rights of way. When off-road noxious weed spraying occurs, either backpack sprayers will be used or a hose will be extended from a vehicle parked in the right of way.

2. Weed treatments in Gunnison Sage-grouse habitat will be carried out using a “spot spray” approach in order to avoid any off-target damage.

3. All seasonal road and habitat closures will be strictly adhered to during Gunnison Sage-grouse lekking and nesting seasons.

4. No aerial spraying will be done in Gunnison Sage-grouse habitats.

5. No mowing or burning for noxious weed control will be done outside of road rights of way.

6. When herbicides are utilized, the Gunnison County Weed Management Program will use only USFWS-approved herbicides at labeled application rates.

7. If any “take” of Gunnison Sage-grouse should occur during weed management activities, Gunnison County will immediately notify USFWS staff.

V. INTEGRATED WEED MANAGEMENT PROGRAM

The Gunnison County Weed District will implement an integrated weed management program in order to comply with the State’s requirements for noxious weed management. Integrated weed management is a strategy using a comprehensive approach to weed management that aims to achieve healthy and productive natural, agricultural and urbanized ecosystems through an interdisciplinary and multi-faceted program. The major components of the Integrated Weed Management Program are:

A. Integrated Weed Control

The following integrated weed control methods will be implemented according to current best practices, science and technology. While these methods may be used singularly, they are usually most effective when used in combination.

1. Mechanical/Physical Control

Physical control intentionally disrupts the growth of weeds through practices such as cultivation, mowing, hand pulling, flooding, and burning.

2. Cultural Control

Cultural control practices enhance and favor the growth of desirable plant species that may out-compete noxious weeds. These methods may include controlled grazing, fertilization, irrigation, and seeding vigorously growing, competitive desirable plant species.

3. Biological Control

Biological control involves the release of beneficial organisms to diminish weed seed production, increase plant stress, and limit the expansion of underground parts of the plant's reproductive system.

4. Chemical Control

Herbicide control involves the application of EPA-registered herbicides that are effective on target noxious weed species. Herbicides and application rates utilized will be selected to prevent adverse impacts to the environment and inhabitants of Gunnison County. Herbicides will be used to spot treat noxious weeds.

5. Mapping and Monitoring

Regularly mapping and monitoring weed populations during and following control efforts will confirm the efficacy of the control methods utilized and inform ongoing integrated weed management approaches.

B. Education and Awareness

The Weed District will promote noxious weed education and awareness by informing the public through workshops, newspaper and magazine articles, public and informal meetings, consultations with landowners, and other outreach efforts.

C. Prevention

In addition to working toward eradication and control of existing weed infestations, preventing the further spread of noxious weeds is a high priority of the Weed District. Preventative measures will include:

1. Participating in the State Department of Agriculture's Certified Weed Free Forage Program in conjunction with local agricultural producers in order to certify weed-free hay and promote its production
2. Performing inspections of reclamation projects to ensure compliance with Gunnison County's Reclamation Permit requirements for any development, or land use change defined and/or regulated by the Gunnison County Land Use Resolution, the Gunnison County Specifications for Road and Bridge Construction, or the Uniform Building Code.

VI. FUNDING

Funding provided by Gunnison County will be used to implement the Integrated Weed Management Program on lands and rights-of-way owned and managed by Gunnison County. In recognition of opportunities for mutually-beneficial collaborative efforts aimed at managing noxious weeds on a watershed-wide basis, the Gunnison County Weed District may also enter into contracts or agreements to provide noxious weed control services in other jurisdictions within the Upper Gunnison River Watershed, which may include lands owned or managed by federal, state, municipal, county and private entities throughout Gunnison County, northern Hinsdale County and northwestern Saguache County. Such contracts and agreements will be reflective of all labor, materials, equipment usage, administrative and overhead expenses associated with providing noxious weed management services. When possible, funds obtained through grants or other funding sources may be used by the Gunnison County Weed District to support the costs associated with noxious weed control carried out according to contracts and agreements.

VII. ENFORCEMENT

Occasionally, serious noxious weed infestations on private property within the jurisdiction of Gunnison County pose threats to adjacent public and private properties. According to section 35-5.5-109 of the Colorado Noxious Weed Act, private landowners within the unincorporated areas of Gunnison County are responsible for noxious weed management on their properties.

When serious noxious weed infestations are identified on private properties within unincorporated areas of Gunnison County, the Gunnison County Weed District will notify the owner of the problem and provide assistance in developing a weed management plan. In cases where landowners' efforts to control noxious weeds following consultation with the Weed District are deemed to be inadequate, Gunnison County may follow the procedures set forth in C.R.S. 35-5.5-109 to enforce noxious weed laws. According to this statute, the following procedures and timetables shall be followed:

1. Gunnison County is authorized by C.R.S. 35-5.5-109 and given the right, through its delegates, agents, or employees, 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 circumstances 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; or
   c) An authorized agent of Gunnison County had made a visual observation from a public right-of-way or area and has reason to believe that a noxious weed infestation exists.

   No entry upon any premises, lands or places by a delegate, agent or employee of Gunnison County shall occur until the landowner or occupant has been notified by certified mail that such inspection is pending. When possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant.

2. When an enforcement notice is prepared it shall:

   a) State the legal description of the property where the noxious weeds are located;
   b) State the common and scientific name of the noxious weeds to be controlled;
   c) Specify the best available control methods of integrated management; and
   d) Advise the landowner or occupant to manage the noxious weeds. Where possible, the County Weed Coordinator shall consult with the affected landowner or occupant in the development of a plan for the management of the noxious weeds.

3. The legal notice shall be sent by certified return receipt mail and shall give the landowner at least ten days to comply with the notice.

4. If, after receiving notice that an inspection is pending, the landowner or occupant denies access to Gunnison County, the County may seek an inspection warrant from the court having jurisdiction over the land.

5. If within ten days after receipt of the enforcement notice, the landowner or occupant has not complied, submitted an acceptable plan or schedule, or requested an arbitration panel, the County Weed Coordinator shall submit the legal description and parcel number to the County Commissioners and request an order to enter the premises, land or places, during reasonable business hours, for the purposes of providing for, compelling and ensuring compliance with the Colorado Noxious Weed Act.

6. Once the order to enter is received from the County Commissioners, the County Weed Coordinator can designate a private contractor to carry out enforcement work or the County can do the work.

7. It must be re-confirmed that the landowner receiving the enforcement notice owns the land where enforcement is to take place. The County Weed Coordinator shall contact the Recorders Office and ensure that the land has not been deeded to a new landowner. The Coordinator shall document the name of the person spoken to and the date of the conversation. If the land has

been conveyed to a new landowner, the Coordinator shall get a copy of the conveyance document and work with the new landowner.

8. Appropriate weed management procedures will be carried out on the property. The County Weed Coordinator shall check the contractor's or County's work for completeness within two weeks after enforcement measures are taken.

9. After control measures are carried out, a bill shall be prepared adding a 20% administrative fee. The bill shall be sent by certified mail.

10. Any assessment that is not paid within thirty days after the date of mailing by certified mail to the landowner or occupant of private lands upon which the Gunnison County Weed Coordinator or her designee(s) have performed enforcement work, shall constitute a lien against each lot or tract of land until paid and may be certified by resolution of the Board of County Commissioners to the Gunnison County Treasurer's Office to be collected in the same manner as provided for collection of taxes upon the private lands in accordance with C.R.S. 35-5.5-109 (5)(a).

APPROVING OFFICIALS:

APPROVED AND ADOPED this_____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS GUNNISON COUNTY, COLORADO:

_____
Paula Swenson, Chairperson

_____
Jonathan Houck, Commissioner

_____
Phil Chamberland, Commissioner