

# **FLATHEAD COUNTY WEED MANAGEMENT PLAN**

**September 2015**



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## ***Executive Summary***

Rangeland, pastureland, cropland, forests, and wild lands comprise 92 million acres, or 98% of the total land area, in Montana. These areas are vital for agricultural production and protecting the integrity of ecological systems. Noxious weeds are impacting Montana's land resource and affecting the economic stability of the state. Currently 32 noxious weeds infest about 7.6 million acres in Montana. These non-native species are reducing economic productivity and ecological integrity of Montana's lands and waters.

Financial resources are currently inadequate to effectively manage noxious weeds in Montana. Increased funding to private land managers, county weed districts, federal, and state agencies along with improved efficiency and organization of grassroots efforts are critical to implementing viable weed management programs in the state. It is calculated that approximately \$55.8 million (about 2.6 times the current budget of \$21.2) is needed to implement a balanced weed management program that slows weed spread and reduces current infestations by 5% per year.

(The Montana Weed Management Plan Revised May 2008.)

## ***Oversight: Flathead County***

### **Flathead County Weed/Parks & Recreation**

309 FFA Drive, Kalispell, MT 59901

### **Flathead County Weed/Parks & Recreation Board of Directors**

Ray Sanders – Chairman

Kalispell, MT 59901

### **Board Members**

James Buechle  
Columbia Falls, MT 59912

Clyde Fisher  
Kalispell MT 59901

Elise Robocker  
Kalispell, MT 59901

Pete Woll  
Somers, MT 59932

### **Weed District Representative**

Jed S. Fisher, lic no 12855-15

### **Weed District Sprayers**

Gordon Jewett, lic no 14889-15  
Evan Carter, lic no 100723-15  
Steve Drent, lic no 100102-15  
Clayton Fischer, lic no 103442-15  
Aaron Guzman, lic no 103841-15  
Terry Halvonik, lic no 12855-15  
Scott Jorgensen, lic no 12855-15

### **Weed District Mowers**

Scott Jorgensen  
Bill Rohrman  
Patrick Staunton

### **Office Staff**

Michele Haarr, lic no 103731-15  
Haily Hoff, lic no 100424-15

### **Weed District Education & Compliance Officer**

Steve Robinson, lic no 101982-15

### **Federal Agency Representative**

Tris Hoffman  
Flathead National Forest  
Kalispell, MT 59901

### **Federal Agency Representative**

Steve Shelly  
Forest Service R-1  
Missoula, MT 59807

### **Flathead County Board of Commissioners**

800 South Main Street, Kalispell, Montana 59901

*Chairman*  
Pam Holmquist

*Board Member*  
Gary Krueger

*Board Member*  
Phil Mitchell

### **Information for the Flathead County Weed Management Plan provided by:**

The Montana Weed Management Plan, Montana Weed Control Association, Montana State University, University of Montana, Montana Code Annotated, United States Department of Agriculture, and Natural Resources Conservation Service.

## ***Forward***

The Flathead County Weed Management Plan identifies current and future challenges posed by noxious weeds and describes the Weed District's function from an operational, educational and enforceable perspective.

The Flathead County Weed District is responsible for developing a district-wide noxious weed management plan. The District has taken this challenge seriously. This plan supports state laws governing the control of noxious weeds. The weed district is responsible for management of noxious weeds on all land and rights-of-way owned or controlled by the County municipalities within the District. Currently the District is involved with managing over 4,000 acres. Methods of control used by the Flathead County Weed Department include cultural, chemical and biological methods for controlling noxious weeds.

The Weed District is governed by a five-person Board of Directors, each board member serving a three-year term. See **Appendix A Flathead County Weed/Park Board By-Laws**. The Weed/Parks Board performs according to the goals established by the County Commission for the operation of Flathead County Government – see **Appendix B County Commission Goals/Department Response**.

## ***Demographic Information***

Flathead County is the second largest area of any other county in the state of Montana (encompassing 5,098+ square miles) and is also one of the fastest growing. It is bordered on the north by the Canadian International Boundary Line, to the east by the Continental Divide of the Rocky Mountains and Glacier County, to the south by Lake County and to the west by Lincoln County.

Flathead's climate is surprisingly mild. Due to past glacial activity, soils are extremely variable ranging from heavy clays to fine sand with everything in between. Rivers and lakes of the Flathead range from the placid water of Ashley Creek to raging whitewater. Microclimates allow the valley to grow a variety of crops, i.e. small grains, alfalfa, mint, potatoes, canola, peas, etc.

There are three incorporated cities in the County – Kalispell, Columbia Falls and Whitefish. Kalispell, the County seat, is located in the heart of the fertile Flathead Valley and is at the head of the largest fresh water lake west of the Mississippi (Flathead Lake is 27 miles long and has a maximum width of 15 miles). Columbia Falls, known as the "Gateway to Glacier National Park", is only 17 miles from Glacier National Park, which has over 700 miles of maintained hiking trails and 1.4 million acres of beauty. Columbia Falls is also located ten miles from Hungry Horse Dam, the nation's third highest and fourth largest concrete dam. Whitefish is located by the beautiful Whitefish Lake and is also centrally located between three great skiing areas: Whitefish Mountain Resort at Big Mountain - just 7.5 miles from downtown Whitefish, Blacktail Ski Area in Lakeside and Fernie Ski Area in British Columbia, Canada.

Flathead County's resources are agriculture, timber, water power, and livestock. Tourism within the County increases Flathead's population by 40% during the months of June through August. The Hungry Horse Reservoir supplies hydro-electric power for the states of Montana, Idaho, Washington and Oregon. The lumber industry manufactures lumber, plywood, railroad ties, mining timbers, ready-cut buildings and cordwood. Products are shipped primarily to the Midwest.

Flathead County encompasses 3,262,720 acres or 5,098 square miles. Approximately 94% of the land mass is National or State Forest Land, Wilderness, Agricultural, and Corporate Timber Land, while the remaining 6% of the area is privately owned. Federal lands include Forest or Park Service holdings, i.e., Glacier National Park, Great Bear Wilderness, Bob Marshall Wilderness, Lost Trail National Refuge, and Flathead National Forest. The National Park Service and the five Ranger Districts (Swan, Spotted Bear, Hungry Horse, Glacier View, and Tally Lake) are involved in management and administration of these lands, which cover almost the entire eastern and northern sides of Flathead County. A majority of state lands are located in the Stillwater State Forest northwest of Whitefish Lake, while several small tracts are scattered throughout the County. Corporate Timber Lands are mainly located just north of Whitefish and Columbia Falls and west of Kalispell. The Flathead Indian Reservation includes about 30,700 acres of southwestern Flathead County. Of this total, only 900 acres are actually Tribal Lands and the remainder is privately owned.

Just over .1% of the County is located within the three incorporated cities of Kalispell, Whitefish, and Columbia Falls. Flathead County's proportion of rural residents constitutes 67% of the entire population due to new growth occupying land in the County rather than in city areas.

Impacts of noxious weeds are both ecological and economic. Water quality and long-term production potential of land can be reduced when tap-rooted species, such as Spotted and Diffused Knapweed, invade grasslands. In western Montana, surface runoff was 56% higher and sediment yield was 192% higher on Spotted Knapweed infested sites compared to those dominated by native bunchgrasses (Lacey et al. 1989).

The introduction of exotic plants influences wildlife by displacing forage species. Spotted Knapweed has been shown to influence foraging behavior and population distribution of elk and deer in western Montana. Elk use increased an average of 266% after knapweed was removed from a winter range site (Thompson 1996).

Small birds and mammals are impacted by noxious weeds. Purple Loosestrife, a weed that infests wetlands, was first reported in Montana in 1980 and by 2004 infested 10 counties in the state. The weed forms dense infestations that reduce desirable plants and habitat for muskrats and long-billed marsh wrens, while leaving waterfowl broods open for predation because of the reduction in access from water to nesting sites (Brown 2005).

Noxious weeds are recognized as serious problems on lands managed for wilderness or wild land values by federal, state and private entities in Montana. Natural areas are degraded and biologically diverse landscapes are impaired.

Economic losses caused by Leafy Spurge and Spotted Knapweed have been calculated for Montana. The cost of Leafy Spurge to grazing lands and wild lands in the upper Great Plains, including the states of Montana, North and South Dakota, and Wyoming, is estimated at \$129.5 million annually and represents a potential loss of 1,433 jobs (Leitch et al. 1994). Knapweeds in Montana cost an estimated \$42 million annually, and that money that could support 518 full time jobs in the state. If Spotted Knapweed invaded 34 million vulnerable acres in Montana, the loss to the livestock industry alone would be estimated at \$155 million (Hirsch and Leitch 1996).

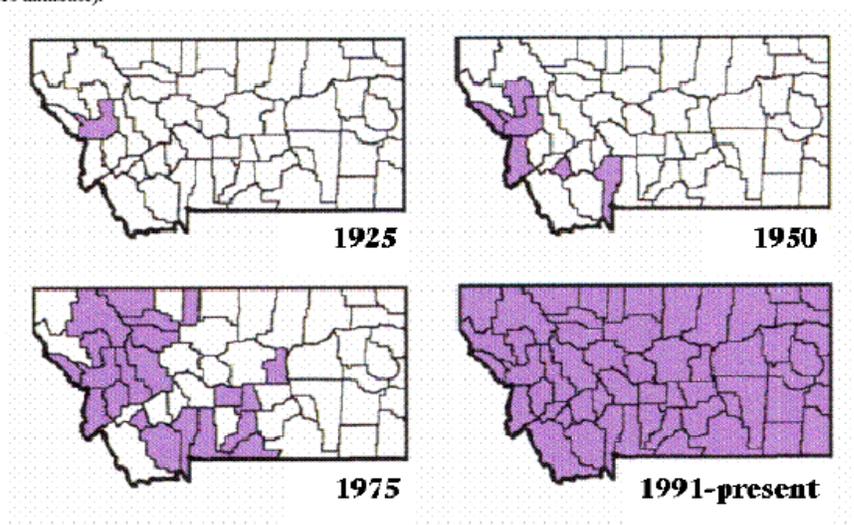
## Chapter 1- Introduction

A weed is defined as any plant that interferes with management objectives for a given area of land or a body of water at a given point in time. Noxious weeds, also known as “invasive plants,” “non-native plants,” or “exotics,” are generally highly aggressive and represent one of the most significant threats to the native ecosystem’s diversity and sustainability. “Noxious weeds” or “weeds” means any exotic plant species established or that may be introduced in the State that could harm native plant communities, impact public health, or render land or a body of water unfit for agriculture, navigation, forestry, livestock, fish or wildlife. This is a legal designation and it is regulated on a state and county basis, depending on how serious the threat is to a particular area and how widespread the weed is already. Montana currently lists 32 noxious weeds, while Flathead County has added certain other weeds as “special management zones”.



The rate of spread and introduction of noxious weeds has increased dramatically over the past 150 years with the increases of human activities, trade, and commerce. For example, Spotted Knapweed was first recorded in the state in the early 1920s. Since that time, it has spread to about 3.8 million acres in the state. The introduction and spread of Spotted Knapweed is characteristic of several other noxious weeds in Montana (Figure 1).

**Figure 1.1: Montana counties reporting infestations of spotted knapweed from 1920 to present. (Invaders database).**



## ***Goals, Priorities and Objectives***

The magnitude and complexity of noxious weeds in Flathead County requires a comprehensive management plan that can achieve reasonable objectives. Specific programs and objectives foster cooperative weed management efforts and increases awareness.

1) Continue contract work with Montana Department of Transportation, Bonneville Power Association, MT Fish Wildlife & Parks, US Fish, Wildlife and Parks, Glacier National Park, City of Kalispell, Department of State Lands and Plum Creek Timber. These contracts and agreements enhance one of our main focuses, which is to prevent encroachment of invasive species onto private lands.

2) Expand our GPS and mapping capabilities. All spray trucks will record dates, times and area of herbicide applications. Weed species, type of herbicide, quantity sprayed and specific weed data is collected. Additional GPS units are available for mapping and tracking of various infestations that aren't on the rights of way. This data is shared with various federal, state and private agencies to enhance our collective knowledge of new or expanded infestations, herbicide treated sites and biological release sites.

3) Support aquatic invasive species education. Landowners and agencies with property extending into any body of water are responsible for their own control measures and acting as the lead agent in the issuance of contract(s) involving chemical application.

The governing authority over all aquatic weed control is Fish, Wildlife and Parks. As per the Governor's blueprint, all equipment, activities (monitoring and watercraft inspections), and personnel from MT Dept. of Agriculture were transferred over to MT Dept. Fish, Wildlife & Parks on June 30, 2013. Flathead County Weed Department shall not apply any herbicide directly to water and shall be diligent in reporting any concerns.

4) Applying for grant money was initially intended to help educate and provide control measures for a limited time. The Flathead County Weed District has turned control measures of Tansy Ragwort over to those landowners with known infestations. All known landowners have been contacted and have submitted weed management plans to the Department. Eradication is still the goal and the District will continue to annually monitor and map infestations.

5) Promote awareness and the importance of integrated weed management plans through HOA presentations. Other annual presentations that draw interest and concerned landowners are the North Fork Landowners Association, Lone Pine Visitors Center, FFA, local schools and youth organizations.

6) Strengthen weed educational efforts with local gravel pits. Annual inspections ensure compliance and weed management plans are current. We take this opportunity to distribute new weed identification material and offer educational or training assistance.

7) Improve contract and weed management oversight with Burlington Northern Railroad. The rail line rights of ways are a prime corridor for weed infestations. Annual treatments need to be more targeted and timely to produce effective results.

# MONTANA NOXIOUS WEED LIST

EFFECTIVE: September 2010

## PRIORITY 1A

These weeds are not present in Montana. Management criteria will require eradication, if detected, as well as education and prevention.

- Yellow Starthistle (*Centaurea solstitialis*)

## PRIORITY 1B

These weeds have a limited presence in Montana. Management criteria will require eradication or containment and education.

- Dyer's Woad (*Isatis tinctoria*)
- Flowering Rush (*Butomus umbellatus*)
- Japanese Knotweed complex (*Polygonum* spp.)
- Purple Loosestrife (*Lythrum* spp.)
- Rush Skeletonweed (*Chondrilla juncea*)
- Eurasian Watermilfoil (*Myriophyllum spicatum*)
- Scotch Broom (*Cytisus scoparius*)
- Curlyleaf Pondweed (*Potamogeton crispus*)

## PRIORITY 2A

These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.

- Tansy Ragwort (*Senecio jacobaea*)
- Meadow Hawkweed complex (*Hieracium* spp.)
- Orange Hawkweed (*Hieracium aurantiacum*)
- Tall Buttercup (*Ranunculus acris*)
- Perennial Pepperweed (*Lepidium latifolium*)
- Yellowflag Iris (*Iris pseudacorus*)
- Blueweed (*Echium vulgare*)
- Hoary Alyssum (*Berteroa incana*)

## PRIORITY 2B

These weeds are abundant and widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.

- Canada Thistle (*Cirsium arvense*)
- Field Bindweed (*Convolvulus arvensis*)
- Leafy Spurge (*Euphorbia esula*)
- Whitetop (*Cardaria draba*)
- Russian Knapweed (*Centaurea repens*)
- Spotted Knapweed (*Centaurea stoebe* or *maculosa*)
- Diffuse Knapweed (*Centaurea diffusa*)
- Dalmatian Toadflax (*Linaria dalmatica*)
- St. Johnswort (*Hypericum perforatum*)
- Sulfur Cinquefoil (*Potentilla recta*)
- Common Tansy (*Tanacetum vulgare*)
- Oxeye Daisy (*Chrysanthemum leucanthemum* or *Leucanthemum vulgare*)
- Houndstongue (*Cynoglossum officinale*)
- Yellow Toadflax (*Linaria vulgaris*)
- Saltcedar (*Tamarix* spp.)

**MONTANA NOXIOUS WEED LIST, *continued***

EFFECTIVE: September 2010

**PRIORITY 3**

Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)

These regulated plants have the potential to have significant negative impacts. The plants 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 plants.

- Cheatgrass (*Bromus tectorum*)
- Hydrilla (*Hydrilla verticillata*)
- Russian Olive (*Elaeagnus angustifolia*)

# FLATHEAD COUNTY NOXIOUS WEED LIST

EFFECTIVE: September 2010

Weeds considered as noxious weeds by Flathead County are the weeds on the Montana's Noxious Weed List as stated on the previous pages as well as the weeds listed below:

## **PRIORITY 1B**

These weeds have limited presence in Flathead County, Montana. Management criteria will require eradication or containment and education.

- Flowering Rush (*Butomus umbellatus*)

## **PRIORITY 2A**

These weeds are common in isolated areas of Flathead County, Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.

- Baby's Breath (*Gypsophila paniculata*)
- Russian Thistle (*Salsola tragus*)
- Tumble Mustard (*Sisymbrium altissimum*)
- White Campion (*Silene latifolia*)

## **UNWANTED**

- Creeping Bellflower (*Campanula rapunculoides*)
- Scentless Chamomile (*Matricaria perforata*)

## **UNDESIRABLES**

- Absinth Wormwood (*Artemisia absinthium*)
- Common Yarrow (*Achillea millefolium*)
- Kochia (*Kochia scoparia*)

## Chapter 2 - Flathead County's Program

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Flathead County levied its first budget for Noxious Weed Control on July 1, 1948. The County Noxious Weed and Rodent Board adopted its first management plan in 1984 and a revision was made in 1994. However, in keeping with the criteria of the Montana Weed Management Plan, Flathead County recognizes the need to further revise and re-direct the Flathead County Weed Management Plan biannually in order to increase effectiveness and strengthen existing goals and objectives.

Improvements and significant upgrades have been made to spray trucks, safety equipment, and rental sprayers over the years. The department now has state of the art spray trucks and road side mowers. In the past, there used to be two applicators per vehicle, one riding on the exterior of the truck spraying without proper protective equipment. A staff of 23 applicators has been reduced to six individuals and operational efficiency improves each year. We've recently purchased new rental sprayers, a boat for the inspection of shoreline noxious weeds, and a hydro and drill seeder.

Flathead County's Weed District currently manages approximately 2,700 miles of County rights-of-way and contracts with the Montana Department of Transportation on approximately 1700+ acres of highway / roadway rights-of-way. Roadways are a high risk area for introduction of new weeds to the state. Annual herbicide treatments help to prevent the spread of established noxious weeds into non-infested sites.



Flathead County works with the USDA, Flathead National Forest, Department of Natural Resources and State Lands, the private agency used by Burlington Northern/Santa Fe and/or Montana Rail Link, US Fish Wildlife and the Montana Department of Fish, Wildlife and Parks. Most of these agencies have licensed some of their personnel and have submitted quite extensive weed management plans to our department. While the future of the rail systems is uncertain here in Montana, it's necessary to continue inspecting and addressing weed issues on an annual basis.

Controlling and stopping the spread of Tansy Ragwort is a top priority. It's been said the infestation occurred because of the Little Wolf fire in 1994 and out-of-state fire workers may have brought seed with them on their equipment. Flathead County's stance is one of "search and destroy". Since 1997, we've been working diligently with the Flathead National Forest Service, Plum Creek Timber Corporation and adjoining private landowners who have known infestations. Fortunately, Flathead County has been receiving grant funding through the Department of Agriculture's Noxious Weed Trust Fund to continue these efforts. We believe strongly in an integrated management approach but are adamant about using herbicide as a first line of defense, where appropriate. Riparian areas and those areas that aren't accessible by either vehicle or ATV have and will continue to be treated with biological control. Control

measures later in the season and after flowering stage consist of clipping and bagging of seed heads, followed up with an herbicide treatment.

Flathead County has implemented a mandatory weed management plan to be submitted by any developer prior to final plat approval. The department receives a copy of the proposed development from the planning department and an inspection of the property is conducted. An inspection report is completed by our Compliance Officer. The inspection report thoroughly details any noxious weeds found on the property and recommended control measures. The developer must then complete a three-year weed management plan that must be reviewed and approved by our department. This has proven to be a highly effective procedure and makes developers accountable until the land is sold and/or changes hands. It's also a valuable educational tool that eventually gets handed off to new landowners and home owner associations. This policy and procedure holds true for anyone planning ground disturbance. This includes new highways or roads and roadside utility installations.

The Flathead County Weed District receives \$3000 annually from the Flathead Conservation District. These funds are allocated to assist the elderly/fixed income and disabled landowners eradicate small infestations of noxious weeds on their property. The program is highly effective and much appreciated by those in need.

Another much appreciated service Flathead County offers to the public is affordable spray equipment. For \$25 a day, a landowner can rent a 100-gallon sprayer that loads into the back of a pickup. The sprayers are pre-calibrated and the instructions are simple. The rental fees help cover the cost of repairs and new sprayers, as needed. Backpack sprayers are also available at \$10 for two days.

Bonneville Power Association and the Flathead County Weed Department have an ongoing MOU that provides weed spraying for any landowner under BPA power lines. BPA is a major cooperative partner and understands its obligation to these landowners for weed control. With written permission from the landowner, spring and fall applications are performed as resources and man power are available. Several miles of BPA lines are sprayed each and every year. This is one more example of how the Flathead Weed District is improving and strengthening public relations and educating the public on good land stewardship.

Landowners with weed problems are always welcome to call or visit the office for suggestions, recommendations or educational literature. An Education and Compliance person will meet with landowners at their convenience to perform onsite weed identification and help create weed management plans. The department currently has roughly 3000 active weed management plans on file. This person also responds to and confirms all weed complaints, gives presentations and conducts proactive drive by inspections throughout Flathead County.

Every year the Flathead County Weed Department purchases a limited amount of various biological control agents for specific weeds. Typically agents for Tansy Ragwort, Spotted Knapweed and Leafy Spurge are received. Some are used on Flathead County property, but landowners can call and ask for these agents which are distributed to them at no cost. Due to budget limitations, the County receives a limited supply; however, these same agents are available and can be purchased through local companies. The organic farming process is respected and the department encourages those who want to remain organic to have an effective integrated management plan.

## ***Highways/Roadway***

We've developed a countywide integrated management approach with seven licensed herbicide applicators that are knowledgeable in weed control, three roadside tractors mowing rights-of-way, and reseeding disturbed rights-of-way with native grass species.

Rights-of-way are a high risk area for introduction of new weeds to the state. Fighting the encroachment of established noxious weeds from rights-of-way onto private property is a yearly process that we are fully committed to maintaining. Flathead County has a great working relationship with MDT and we will continue to work with the County Road Department in establishing revegetation sites and herbicide control. All Flathead County gravel pits are sprayed annually. We also maintain the Flathead County Refuse site.



## ***Waterways***

The governing authority over all aquatic weed control is Fish, Wildlife and Parks. As per the Governor's blueprint, all equipment, activities (monitoring and watercraft inspections), and personnel from MT Dept. of Agriculture were transferred over to MT Dept. Fish, Wildlife & Parks on June 30, 2013. Flathead County Weed Department shall not apply any herbicide directly to water and shall be diligent in reporting any concerns.

## ***Trails***

Trails built for motorized and non-motorized public use are susceptible to noxious weeds. Weed control should be a priority within the city, state and federal agencies with jurisdictional authority for trail construction and maintenance. In some instances grants have been obtained for weed control on certain Montana Fish Wildlife and Parks' trails. Not all trails have been given a maintenance budget.

## ***Quarantine***

When a plant is under quarantine, it is illegal to propagate, transport, or offer to buy or sell any part of this plant. Those plants with this designation in Flathead County are Scentless Chamomile and Creeping Bellflower along with all other weeds listed above.

## ***Worthless Vegetation***

It is up to the Weed District to promote good land stewardship and to avoid "monocultures" of weeds, which accelerate the chances of "noxious" weeds infesting the same area. Weeds identified as "worthless" in certain areas of the County by the Weed District include: **Kochia**, **Absinth Wormwood**, and **Common Yarrow**. Even though some of these are considered native, they can be quite aggressive in certain soils. Specific varieties of thistles can be very unsightly and cause anguish to neighboring landowners.

## **Montana Weed Laws and Regulations**

**(Summarized from 2008 Montana Weed Management Plan)**

The first noxious weed legislation in Montana was passed in 1939. Since that time, additional laws and rules have been enacted to strengthen weed management efforts. The eight laws currently affecting weed management in Montana are summarized below and described in detail in **Appendix C**.

The Montana State Noxious Weed list is updated as needed and is determined by Rule of the Montana Department of Agriculture (MDA) under the provisions of the Montana County Weed Control Act. Changes or additions are based on advice and recommendations from the Montana Noxious Weed List Advisory Committee. The Committee reviews requests for additions to the list received by the MDA, using established criteria, and makes recommendations to the Director of the MDA. Weeds on federal and regional weed lists are reviewed for inclusion on the Montana state list based on their potential to invade and spread within the state.

Montana Department of Agriculture (MDA) administers a number of laws relating to weed management in the state.

**Section 7-22-2151 of the Montana Local County Weed Act** requires that any state agency controlling land within a district enter into a written agreement with the board. The agreement must specify mutual responsibilities for integrated noxious weed management on state-owned or state-controlled land. The plan must include: a six-year integrated weed management plan, to be updated biennially; a noxious weeds goals statement; and a specific plan of operations for each biennium, including a budget. Each agency is required to submit a biennial performance report to the Montana Department of Agriculture. These provisions were enacted by the 1995 Montana Legislature, and MDA is currently working with agencies and counties to facilitate implementation. State agencies with weed management responsibilities are: Department of Fish, Wildlife and Parks; Department of Natural Resources and Conservation; Department of Transportation; Department of Corrections; Department of Public Health & Human Services; and the university system.

**The Montana Weed Control Act (Title 80, Chapter 7 Part 7)** provides for technical assistance, funding of noxious plant management programs, and embargoes. Section 80-7-712 MCA allows the Montana Department of Agriculture to obtain federal funds and disburse funds to local governments authorized to conduct noxious plant management programs. In addition, Section 80-7-720 MCA provides for the following regarding biological agents for weed control: (1) the department of agriculture is authorized to expend funds for the collection and distribution of biological agents to control Leafy Spurge and Spotted Knapweed. The project will reduce energy consumption by reducing the need for repeated chemical application. (2) The department of natural resources and conservation is authorized to administratively transfer funds to the department of agriculture for the project described in subsection (1).

**The Montana Noxious Weed Seed-Free Forage Act** establishes a state noxious weed seed-free forage and mulch certification program used by individuals, agencies, and private corporations on public and private lands. The Montana program supports and complements the regional North American Weed Management Association (NAWMA) Noxious Weed Seed-Free Forage Certification Program. This

program provides forage products that are free of regionally-designated noxious weeds seeds or any injurious portions of plants and any propagating parts of plants that are capable of producing new plants.

**The Montana Agricultural Seed Act** lists prohibited and restricted seed levels that must be maintained in state certified seed. All state noxious weeds are included in this list.

**The Montana Commercial Feed Act** prohibits noxious weeds in commercial feed.

**The Montana Nursery Law** allows for inspection, certification, and embargo of all nursery stock for listed pests, including weeds.

**The Montana Environmental Policy Act** must be addressed by all MDA actions that have potential environmental or socioeconomic impacts.

**The Montana Noxious Weed Trust Fund Act** is a grant-funding program designed to encourage local cooperative weed management programs, creative research in weed control, including the development of biological control methods, and educational programs. The MDA is responsible for weed supervisor training standards and listing of statewide noxious weeds by rule under the Montana County Weed Control Act. Revenue for the current grants program comes from interest from the \$4.76 million Trust and from the vehicle weed fee of \$1.50 per vehicle. Annual revenue from these two sources varies with current interest rates and averages between \$1.2 and \$1.7 million. In addition to the interest, the Noxious Weed Trust Fund (NWTF) receives \$101,337 annually from the Montana General Fund (these funds were redirected in 2003 from FWP general fund to the Department of Agriculture's general fund). In 2004, a grant of \$100,000 from the Natural Resource Conservation Service was received. Since 2001, \$830,000 annually has been provided to the NWTF from USDA Cooperative Forestry Assistance to manage weed infestations on private, tribal and non-federal public lands having at least 10% tree cover.

## Chapter 3 - Restoration and Reclamation

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The terms restoration, reclamation and revegetation are often confused, and for the purpose of this document are defined as follows:

*Restoration:* a return of something to an original or unimpaired condition.

*Reclamation:* reclaiming of degraded lands to productive or desired use; an attempt to restore some elements of structure and function in an ecosystem.

*Revegetation:* to cause vegetation to grow again.

Flathead County's highest priorities are areas likely to become re-infested with the same or a new weed species and critical habitat areas with encompassing natural features. It's important to consider where restoration has a good chance of success.



Sites are evaluated for the presence and composition of desired species to determine if revegetation is necessary. If there is a moderately healthy component of healthy vegetation remaining on the site, restoration may be achieved through other weed management techniques. These techniques include multi-species grazing, herbicide applications, and/or the integration of techniques applied in a manner that addresses how plant communities change naturally.

The need for revegetation should be determined before weed treatments occur so seeding can be done soon after the weeds have been removed and before the treated species or other weed species re-colonize the site. Monitoring is required to determine which native species establish well and whether a second seeding is needed.

Flathead County works with the local farm supply stores and the Flathead Conservation District to establish native and other recommended mixes. These mixes are available for commercial and residential projects.

The Weed District works cooperatively with the Flathead County Planning & Zoning Departments for subdivision requests. A **Soil Disturbance – Invasive Plant Management** form is completed by the landowner, reviewed by the Weed District and forwarded to Planning and Zoning for review – see **Appendix G**.

If custom mixes are desired, it is recommended that the landowner contact the Flathead Conservation District at 406-752-4220 or a local ranch supply store.

## Native Grass Mixes from the Flathead Conservation District

### **Lawn Mix**

55% Kentucky Bluegrass  
25% Perennial Ryegrass  
20% Creeping Red Fescue  
1 Pound per 300 Sq. Ft.

### **Sun & Shade**

50% Creeping Red Fescue  
20% Perennial Ryegrass  
30% Kentucky Bluegrass  
1 Pound per 300 Sq. Ft.

### **Econo Mix**

40% Perennial Ryegrass  
30% Creeping Red Fescue  
30% Kent. Bluegrass  
1 Pound per 300 Sq. Ft.

### **Covermate**

60% Turf Type Per Rye  
40% Creeping Red Fescue  
1 Pound per 300 Sq. Ft.  
20-30 lbs. per Acre

### **Valley Mix**

35% Western Wheatgrass  
35% Bluebunch Wheatgrass  
15% Slender Wheatgrass  
15% Green Needlegrass

### **Forest Mix**

35% Western Wheatgrass  
35% Bluebunch Wheatgrass  
15% Mountain Brome  
15% Rough Fescue

### **Reclamation Mix**

40% Streambank Wheatgrass  
40% Thickspike Wheatgrass  
20% Slender Wheatgrass

NOTE: These general seeding mixes should establish in Flathead County on silt and loamy sites. However, it is recommended that the landowner research the soil type in each revegetation area.

## **Flathead County Weed Control District Revegetation Policy**

In an effort to control noxious weed spread and propagation (7-22-2116), and to control the invasion of new invasive weed species (MCA 7-22-2109), and to promote and enforce noxious weed-free lands on both public and private properties, and according to MCA 7-22-2152, the Flathead County Weed Control District adopts the following revegetation policy:

Any COUNTY road right-of-way that is disturbed in any manner must be reseeded by the contractor or the utility company responsible to the satisfaction of the Flathead County Weed Control District.

Certified weed seed-free blends of specific grasses that are absent of legumes and broadleaves (so as not to attract deer) which contain a mixture of 34% Potomac Orchard Grass, 33% Smooth Brome Grass, and 33% Fawn Tall Fescue must be used. Any other type of grass may not be used, unless approved by the Flathead County Weed Control District.

Standard rotary seed spreaders, drills or hydro seeders are acceptable means of seed distribution. The rate of reseeding shall be NO LESS than 25 pounds per acre. Seeded areas should then be covered by raking or harrowing in, or covered with certified weed-free hydroseed mulch, or certified weed seed-free straw.

A 16-16-16 fertilizer must be applied at the rate of 100 pounds per acre during the revegetation process.

Upon request, the Flathead County Weed Control District may require proof of seed application.

If germination does not meet standards set by the Flathead County Weed Control District, the responsible party or entity shall reseed the area in question until the standards of the District are met.

Reseeding shall occur after completion of project, either between April 15 and June 15 or between October 1 and November 15.

Failure to comply with this policy could result in the Flathead County Weed Control District conducting the revegetation and charging the responsible party for supplies, equipment, and labor and a penalty following current Department standard charges for such services.

Flathead County Weed/Park Board  
Flathead County, Montana

# Chapter 4 - Inventory, Monitoring and Evaluation

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## ***Distribution and Abundance Inventory***

Surveying and mapping provide valuable information in tracking and assessing locations of noxious weeds in Montana. This can serve several purposes: it helps predict high-risk sites for weed invasion, accurately calculates total number of acres infested, prioritizes protection of non-infested areas and determines how fast noxious weeds are spreading by comparing inventories over time. This inventory is critical for identifying boundaries of new invading weed species, developing long-term weed management goals and objectives, implementing action plans, evaluating the status of weed management efforts across the county and establishing early detection/rapid response strategies.

It is the goal of the State of Montana to develop statewide section-based weed surveying and mapping. Sharing annual changes of weed infestations statewide will allow for weed coordinators and land managers to facilitate rapid data retrieval and response.

The Flathead County Weed Department has implemented a comprehensive data collection and mapping solution. Spray trucks are equipped with GPS units capable of tracking all data related to the application. The collected data is available to partners and agencies to expand effectiveness of shared resources.

Areas that are most susceptible to new infestations will always be Rights-of-Ways. This is why each and every year the Flathead County Weed District sprays to keep these areas as weed-free as possible. This, in turn, helps private landowners guard against unforeseen infestations beginning on or spreading to their property. Through presentations, our website and various other educational efforts, we stress the importance of the potential for spread of noxious weeds into the backcountry and private lands that are otherwise weed-free.

Distribution and Abundance of Noxious Weeds Known to Occur Within the District:

<b><u>Type of Weed</u></b>	<b><u># Acres</u></b>
Canada thistle	200,000
Leafy spurge	600
Spotted knapweed	80,000
Diffuse knapweed	10
Russian knapweed	10
Yellow toadflax	250
Dalmatian toadflax	75
Whitetop	25
Common tansy	500
St. Johnswort	750
Field bindweed	56

<u>Type of Weed, continued</u>	<u># Acres</u>
Oxeye daisy	3,000
Sulfur cinquefoil	426
Houndstongue	620
Saltcedar	1
Eurasian Watermilfoil	1
Curlyleaf pondweed	1
Hoary alyssum	125
Perennial pepperweed	5
Flowering rush	1
Blueweed	2
Yellowflag iris	45
Tall buttercup	300
Orange hawkweed	3,000
Meadow hawkweed	25
Tansy ragwort	500
Scotch broom	5
Rush skeletonweed	2
Purple loosestrife	2
Japanese knotweed complex	115
Dyers woad	5
Yellow starthistle	0
Cheatgrass	5,000
Russian olive	78
Hydrilla	1

## ***Monitoring***

Inventory, monitoring, and evaluation are critical components of a weed management plan. Inventory of existing weed infestations is necessary to identify new invading species, develop long-term management goals and objectives, implement action plans, and evaluate the status of weed management efforts. Monitoring is used to measure effectiveness of various programs over time and compile data to improve management decisions.

Monitoring is necessary to establish baseline data on site condition and record changes in vegetation trends before and after implementing weed management practices. Level of monitoring will vary based on resources and manpower available.

## ***Evaluation***

Evaluations help determine if the weed management program accomplishes the objectives of the plan. Flathead County will address the following questions as they pertain to our management methods:

1. Was the weed population adequately suppressed?
2. What was the effect on the targeted weed?
3. Should the treatment be repeated or modified?
4. Was funding and manpower available at the appropriate time and was it adequate?

Weather plays a significant factor in weed control. It could be snowing in Bigfork, sunny in Kalispell and windy in the canyon. All these factors play a role in the timing and application of management methods. Overall, control continues to improve each and every year. It's absolutely necessary for yearly treatments of all roadsides with the continued spread of sand, gravel and growing traffic due to increased population and abundant tourism. Funding, thus far, has been adequate to meet these needs.

## Chapter 5 – Pesticide Management Goals and Procedures

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### ***Water Quality Protection***

To ensure water quality protection, the Flathead County Weed District will not apply herbicide directly to any water source. If control measures are deemed necessary and appropriate given the circumstances, mechanical and/or other various containment measures will be considered.

### ***Public and Worker Safety/Educated Staff***

Public Safety – Flathead County’s program provides for public safety by management of invasive species along roadsides, which help provide clean sight lines and clean roadways. Educated staff practice established safety protocol in use of herbicides. The Department instructs individuals applying herbicides as to correct methods of formulating, applying, storing, disposing of, handling, and transporting herbicides.

The existing staff has combined experience of over 125 years. Each staff member is responsible for a portion of the program and cross trained to fill in other positions, as needed. All applicators are licensed as operators by the Montana Department of Agriculture and attend MDA-sponsored training courses receiving at least 12 credit hours every four years. Several applicators have been employed for over 10 years at this Department.

The current superintendent is responsible for not only the Weed District, but also manages the Flathead County Parks, Maintenance and Recreation Departments. The superintendent is a licensed applicator and has over 20 years of experience in weed management.

The Assistant Superintendent is a licensed applicator and manages a crew of six licensed applicators. His position demands mechanical and law enforcement skills. He’s responsible for a large parks staff during the summer months and oversees maintenance at the Conrad Sports Complex.

The front office staff plays a critical and pivotal support role to all the other departments under the superintendent. They are an integral component to the operation and success of the Weed District and are required to be licensed applicators. Their responsibilities include general front office/secretarial tasks, accounting, grant writing, payroll, sprayer rental loading and unloading. New staff members are required to obtain restricted/regulatory use licenses within 6 months of active employment. All personnel have developed a tremendous knowledge and understanding of integrated weed management techniques. Annual training and educational credits are mandatory to meet applicator license requirements.

### ***Equipment Selection and Maintenance***

The Flathead County Weed Department’s chemical application equipment selection is made through a bid process for trucks with a minimum of 11K gross vehicle weight with dual rear wheel and 4-wheel drive that may be any make or model. Spray systems are single operator control systems capable of

spraying a 50-foot swath or as narrow as an 8-foot swath. These are calibrated to typically apply a rate of 20 gallons per acre.

Trucks have extra emergency pump kits and first aid kits to use in the event of an injury to a person or to aid another truck in the event of a chemical spill. Spray systems are calibrated at a minimum of once per year and when maintenance or repairs are made to the equipment.

Safety checks are done each day by the operator, who examines the truck for damage or maintenance issues. Checks are also performed on the spray system itself by inspecting the equipment for damaged hoses, leaking fittings, operational pump gauges, etc.

Routine maintenance, such as an oil change, is performed by a competent mechanic on an as-needed basis. Annual safety inspections are done over the winter months. All equipment is checked for functioning brakes, tires, windshields, and any other issues related to the truck or spray system during that time.

Roadside mowers are considered heavy equipment and are purchased through a competitive bidding process. These mowers serve the purpose of cutting dangerously high weeds and grass along all County Right-of-Way roadways or to abate these growths until a chemical or biological control or other integrated efforts can be made.

Maintenance is performed by the operator on a daily basis and includes checking oil, changing blades, greasing moving parts, etc. Major breakdown repairs are made by the mechanic, usually at the base shop, but sometimes are made in the field.

Annual inspections and repairs are made in the winter months and cover things like rebuilding hydraulic pumps, mower decks, power heads, etc. Safety issues, such as tires, steering, windshields and controls, are also inspected and addressed at this time.

All applicators have knowledge and receive extensive training on the various types of equipment that are needed for each process.

## ***Pesticide Selection, Application, Mixing, Loading, Storage and Disposal***

The Flathead County Weed Department utilizes only those chemicals which are approved for use in the State of Montana and have been through the test of time to ensure there are not any non-target kill issues. All chemicals are EPA and OSHA approved with the appropriate EPA registration number and labeling. Chemicals are applied within label rates, which are typically well below the allowable high rate due to the ability to properly time applications for optimum control at lower rates. At times, the Department tank mixes two (2) chemicals, if allowed and recommended per the label (the law).

An annual chemical bid is released each spring, which constitutes the majority of the annual chemical usage. All chemicals are stored in a climate controlled building with a state-of-the-art loading system and rinse-safe overflow tank along with a floor drain in the event of a spill. The “chemical shed” is also serviced by an alarm and an inventory of the building’s contents are supplied to the local fire department (South Volunteer Fire Department).

The Weed District is committed to herbicide applications being applied according to the product label and federal regulations. Applications are made by licensed and intensely trained staff using state-of-the-art equipment, which is impeccably maintained. Labels provide applicators with information needed to make sound decisions on what herbicides to use on particular weed species, mixing rates and personal protective equipment to be used or worn during the application and mixing process.

The District takes into account several factors before applying any herbicide. These include soil type, sensitive crops in the area, weather conditions, watersheds, and whether alternative controls would be a better solution. Proper equipment and knowledgeable staff are vital to upholding our commitment to safe, well planned applications.

For the most part, only general use pesticides are applied by the Flathead County Weed District. One restricted use chemical, Tordon 22K, is utilized for its ability to control certain weeds, at certain times of their growth stage. This herbicide leaves a longer residual and is beneficial in some sites that are only reached once a year. Other non-restricted use herbicides used by the Weed District are: Curtail, Transline, Hi-Dep, Banvel, 2/4-D Amine, Roundup and Milestone. Current labels and any supplemental labels are carried by all applicators. Herbicide labels, supplement labels and MSDS sheets are carried by all applicators and are available for public review.

There is a designated storage, mixing, loading and disposal area. All disposal procedures are followed as the label dictates. All containers are triple rinsed and disposed of through a collection program provided by the Montana Department of Agriculture.

### ***Chemical Sensitivity Register***

The Flathead County Weed District understands that it is not appropriate to apply herbicides in all cases. Some private landowners have agreed to control areas of road rights-of-way by other management methods. The Flathead County Weed District recognizes these areas by having County issued signs and a registry in place. This means that we will not apply herbicide if the landowner has filled out the appropriate paperwork and is satisfactorily managing the site. If, in the opinion of the Weed Supervisor, the weeds are not controlled, Flathead County Weed District will control the weeds and bill the undersigned parties the extra cost incurred by Flathead County as a result of the owner's failure to control weeds within the area described.

## Chapter 6 – Contracts: Cooperative Agreements Established

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Once called Memorandums of Understanding, most agencies have some form of weed management plan or contract with us. The District understands many agencies have more land than they can control or contain. These plans attempt to establish affordable, yet well planned, weed management tactics which are complemented by the Weed District in either the form of advice, loaned equipment, and/or annual contracts. Contracts are subject to annual amendments based on budgets/funding, and specific circumstances pertaining to the land under management. These plans are signed off by the respective agency Supervisor or Manager, the Weed District Supervisor and/or the Weed Board Chairman or representative.

Management plans are developed with all private parties or corporate businesses with land holdings over 5,000 acres within the boundaries of Flathead County. The aforementioned guidelines set for state, federal and county properties will also be applicable to private holdings over 5,000 acres.

The Flathead County Weed District presently maintains a contract with the Montana Department of Transportation, which includes rights-of-way spraying on approximately 250 miles of state highway. This contract has been ongoing for many years and the excellent results can be observed from viewing state highway corridors in Flathead County.

A contract has been developed with the Department of State Lands (DSL).

We work cooperatively with the Flathead County Road Department on needed revegetation programs. Disturbed county rights-of-way and cut shoulders are reseeded as soon as possible. Although establishment of seed varieties can be difficult, it's important to create a competitive environment that will help prevent noxious weed establishment. A cooperative revegetation program with the Flathead County Road Department and Weed District will continue on an annual basis and ultimately saves the county tax payers on weed control costs in the future. The Weed District has its own hydro seeder and a six foot, solid stand seed drill.

The United States Fish Wildlife and Parks, The Montana Fish Wildlife and Parks, United States Forest Service and the Flathead National Forest all have their own spray programs. The Flathead County Weed District will continue to assist and support these agencies, as needed.

## Chapter 7 – Public Outreach, Awareness, Education

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The public outreach, awareness and education program is a vital and effective communication tool. We are constantly looking for new ways to raise awareness and educate landowners on the importance of integrated weed management methods.

Since 1999, the Flathead County Weed Department has staffed one or two active education and compliance positions. These are seasonal positions. Responsibilities are to identify all state and county noxious weeds, personally address complaints and work with landowners to eradicate noxious weeds from their properties. This person does annual inspections at local nurseries and stores selling seeds and plants. He/she is required to obtain a government herbicide applicator's license and meet recertification requirements. This has proven to be an excellent public relations position and educational resource.

There are several educational publications available at our main office, 309 FFA Drive, Kalispell. We have weed identification booklets and brochures specific to most state noxious weeds. Need a weed identified? Bring it in to our office. If we can't identify it, we'll send it to Montana State University for exact species identification. We have information on how to calibrate your personal sprayer, what herbicide to use on specific weeds and when the most effective application times are during the year.

While the target audience is everyone in Flathead County, the District has broken it into smaller segments so that an individual group's needs and concerns are addressed appropriately.

*A. Federal, State and local officials:* Since public agencies in Flathead County are actively involved in noxious weed control, efforts will be directed towards helping them educate their users about noxious weeds. Several agencies have licensed applicators and join in many of the recertification seminars. Those agencies committed to education are Montana Department of Transportation, Flathead National Forest and the Department of Natural Resources & Conservation (State Lands). Cooperation will continue with statewide efforts in preventing the spread of noxious weeds onto public lands. Activities encourage participation and attendance with the Plant Resource Management Association, Flathead Conservation District's meetings, Flathead County Commissioners' meetings and trade shows. These agencies distribute brochures and flyers, calendars and signs addressing noxious weeds on public lands. Signs are posted at public land accesses, mainly trail heads or water access areas. Specific brochures are designed for outdoor groups and back-country users. Informational packets are mailed to local government leaders. Continued communication with the above noted agencies is a must.

*B. Urban residents and businesses:* These individuals may have noxious weeds in alleys, vacant lots and yards without knowing about their presence. Key subgroups include the construction industry, power companies and realtors representing sellers of property that may have noxious weeds. Flathead Electric Cooperative, Montana Power Company, CenturyTel and Bresnan Cable are aware of their responsibilities in weed control and revegetation. We target this group with mass media, brochures, presentations, realtor contacts and Invasive Plant Management Plans and/or Soil Disturbance & Weed Management Plan forms. We encourage the use of realtor courses provided through the Montana Weed Control Association.

C. *Environmental groups*: Because noxious weeds can destroy natural ecosystems, environmental groups throughout the Flathead need to aid in the battle against noxious weeds with the key emphasis being the effects of noxious weeds on native plants. The following are fundamental environmental groups in Montana: Montana Native Plant Society, Ducks Unlimited, The Elk Foundation, Audubon Society, Sierra Club and the Canyon Coalition. Several of these have already been educated and have become cooperative partners in the battle against noxious weeds.

D. *Farmers and ranchers*: The very individuals whose livelihood depends on the productivity and ethics of the land may unknowingly contribute to the noxious weed problem. They may bring in contaminated seed, hay or equipment, which spread noxious weeds during the course of normal farming or ranching practices. We target these groups with mass media, involvement from the extension service and Flathead Conservation District, brochures and mailings, Farms Fair involvement, licensing and recertification classes. Again, there has been an effort through the Montana Department of Agriculture along with the Montana Weed Control Association in producing radio spots and newspaper articles statewide that are excellent reminders to all groups.

E. *School age children and instructors*: There is an opportunity to reach both teachers and students by providing audio, visual and other classroom material to this group. This includes classes for 4-H, Future Farmers of America (FFA), and the Boy Scouts as well as through high school biology and science classes. Activities in this group include presentations and mass media efforts.

F. *Timber industry*: There's an ongoing cooperative effort to educate timber companies with respect to weed control and revegetation methods. The organizations are asked to incorporate and utilize an integrated approach to prevent noxious weed spread from logging practices. Spraying roads and cleaning equipment prior to and after leaving logging sites helps tremendously. Plum Creek Timber Company has a weed coordinator in each county who is responsible for mapping and coordinating weed management efforts on the corporation's lands. To date, Plum Creek Timber Company has been receptive to sharing data on infestations and treatment methods that include bio-releases. Other local timber companies have become educated and are both willing and cooperative partners in these endeavors.

## Chapter 8 – Compliance and Enforcement

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Flathead County recognizes the Montana State Weed Law and is committed to the effective management and eradication of state and county declared noxious weeds. The county assists landowners in understanding their responsibility for controlling noxious weeds. The county continues to upgrade programs to better manage weed challenges on county, state and federal lands.

The cities of Kalispell, Whitefish and Columbia Falls have all adopted their own policies and ordinances based upon state laws. Their active participation and enforcement have made a noticeable difference. There are less phone call complaints and effective channels to funnel non-county related weed issues through the enforcement process.

### ***Compliance Plan and Strategy***

A person is considered “in compliance” when an **Invasive Plant Management** form is completed and submitted by the landowner and/or landowner’s agent and approved by the Weed District – see **Appendix E**. The landowner and/or landowner’s agent shall demonstrate a good faith effort in implementing control measures within a reasonable amount of time. Definition of “reasonable” shall consider the time of year that the notice has been sent. If a notice has been sent during the months from April through September, it is reasonable to expect some effort within 10 days of the notice. If a notice is sent in the month of October, it is reasonable to expect that an effort will be made the following months of May or June. Individuals will only be considered “in compliance” if the plan to control the weeds is implemented and followed each year.

Good faith effort is described in the new standard for acceptable weed management practices that was adopted by the Flathead County Weed Board on November 3, 1997 to prevent token efforts at meeting the weed law:

1. Landowners with 20 acres or less will be required to comply with complete control. A typical chemical application on 20 acres would be approximately \$400.
2. Landowners owning more than 20 acres, if unable to manage complete control, shall be required to maintain weed control on one third of the property, rotational each year over a three year period. For instance, a typical chemical application for a 160-acre parcel would cost approximately \$1,200 per year. NOTE: A 60-acre control/satellite buffer plan shall be implemented.
3. If another option is chosen other than chemical, then the landowner will be required to do the following:
  - Landowners with 20 acres or less choosing to use biological control shall be required to release at least 500 insects – keeping (outer) 2/3 of noxious weed infestation from setting seed by mechanical means, thereby creating a satisfactory (according to the Weed Board’s opinion) buffer plan.

- Landowners with more than 20 acres will be required to release (at the minimum) 1,000 insects while keeping outer 1/3 of infestation from setting seed by mechanical means.

The Weed District utilizes all methods of weed management on approximately 2500 miles of county owned rights-of-way. This includes a mowing program, bio control releases, reseeding of disturbed soil, prevention and herbicide applications. Those who choose to use other methods outside of herbicides may complete and submit a **No Spray Agreement** – see **Appendix F**.

This decision to avoid spraying requires a more labor-intensive approach and timeliness is a major factor in reducing further propagation of many noxious weeds. Hand-pulling noxious weeds that are spread by the roots (rhizomatous) such as Canada thistle, Dalmatian, Toadflax, Leafy Spurge, Meadow Hawkweed, Oxeye Daisy, Russian Knapweed and Whitetop disturb soil, thereby allowing viable seeds to germinate. Pulling these plants encourages them to become more vigorous, allowing them to spreading quickly. It is important to pick up any root pieces that may break, as root pieces as small as .25 inches long can develop into a new plant and can survive at least 100 days without nutrient replenishment.

## ***Weed Law Enforcement***

Flathead County strives to help educate landowners on good land stewardship and noxious weed awareness. It's important we convey and communicate a positive government image in a non-threatening manner. Each landowner is uniquely different and opinions often differ regarding weed control. Most landowners are receptive to the law, understand its importance and willingly agree to commit to some form of annual weed control. Landowners are not mandated to use herbicide as a control measure but other measures must be consistently maintained to prevent noxious weeds from propagating, i.e., cutting, hand pulling, cultivating and reseeding prior to flowering stage.

Enforcement of the Montana County Noxious Weed Control Act, 7-22-2101 through 7-22-2154, as well as Administrative Rule of Montana 4.5.201 occurs as necessary. Procedures stated in the Montana Code Annotated are conducted when there is a justifiable complaint or a random inspection is conducted and noxious weeds have been personally verified by our staff. Frequently there is an existing property file and weed management plan, in which case a phone call to the landowner and/or the landowner's agent prevents further action. If not, a certified letter along with a **Noxious Weed Inspection Report** form – **Appendix D**, and an **Invasive Plant Management** form – **Appendix E**, are mailed to the landowner and/or the landowner's agent explaining the situation and requesting a response within 10 days. Many landowners will call and ask for advice or schedule an appointment with the Education and Compliance Officer, who will meet with the landowner at their convenience and survey the property more closely. Personal weed identification and selective weed management strategies have proven to be highly successful and well received by the public. If there is no response, one additional certified notice is mailed, according to the Montana Code Annotated. Thereafter, procedures are followed in the court to enter upon a person's land, spray the noxious weeds, and bill the landowner and/or the landowner's agent.

Flathead County will enforce the Montana County Noxious Weed Control Act 7-22-2101 through 7-22-2154, as well as Administrative Rule of Montana 4.5.201 to the best of its fiscal and budgetary ability. The weed law will be strictly followed when entry must be made onto private land to verify a noxious weed sighting or complaint. Refer to the **Certified Notice – Flathead County Weed District** and **Non-Compliance Flow Chart** on the following pages.

## Certified Notice – Flathead County Weed District

**Legal Description:** Assessor # XXX; Tract ID XXX  
**Property Address, City, County:** XXX, Flathead County, MT  
**Noxious Weeds Present:** XXX  
**Applicable Montana Code:** 7-22-2116; 7-22-2117; 7-22-2131; 7-22-2132; 7-22-2133; 7-22-2134

Date

Name  
Address  
City, State, Zip

Dear:

The County Weed Board has reason to believe or may have received a complaint that noxious weeds are present on the above referenced property. A preliminary **Noxious Weed Education/Compliance Inspection Record** is enclosed for your review. The presence of these noxious weeds violates State law and it is the landowner's responsibility to eradicate or manage noxious weeds per Montana Code Annotated Section 7-22-2116. This letter serves as a request for permission to enter the property to perform a more thorough inspection to determine the extent and type of weeds present. Pursuant to Montana Code Annotated Section 7-22-2131, if the landowner does not grant the Board permission to enter your property, the Board may seek a court order to enter the property.

**Please take the following steps to ensure compliance with weed control efforts:**

- 1) Contact the Board's Agent within 10 days of the date of this notice to set a time for an inspection.
- 2) Submit a weed management proposal and demonstrate compliance with the plan. A form is enclosed for your convenience.

If, upon inspection, the Board's Agent determines that noxious weeds are present on the property, the Board's Agent will attempt to seek your voluntary compliance with the Board's proposed control measures. If the Board's agent is unable to obtain voluntary compliance, the landowner will be in noncompliance. Upon receiving notice of the proposed control measures, the landowner will have 10 days to request a hearing before the County Commissioners if the landowner disagrees with the proposal. If the landowner's objection remains after the hearing, the landowner will have 10 days to appeal the commissioners' decision to the Flathead County District Court.

**Actions that may be taken against a landowner who does not voluntarily comply:**

- 1) The County may **seek a court order to inspect the property** and the Board will establish appropriate control measures.
- 2) The Board may **seek a court order to enter the landowner's property** and implement the proposed control measures. The landowner will be responsible for the cost of all control measures and associated penalties, which may include costs for labor, material, equipment time and a penalty that is up to 25% of the total cost.
- 3) Any person who interferes with the Board in carrying out weed control measures may also be liable for a civil penalty.

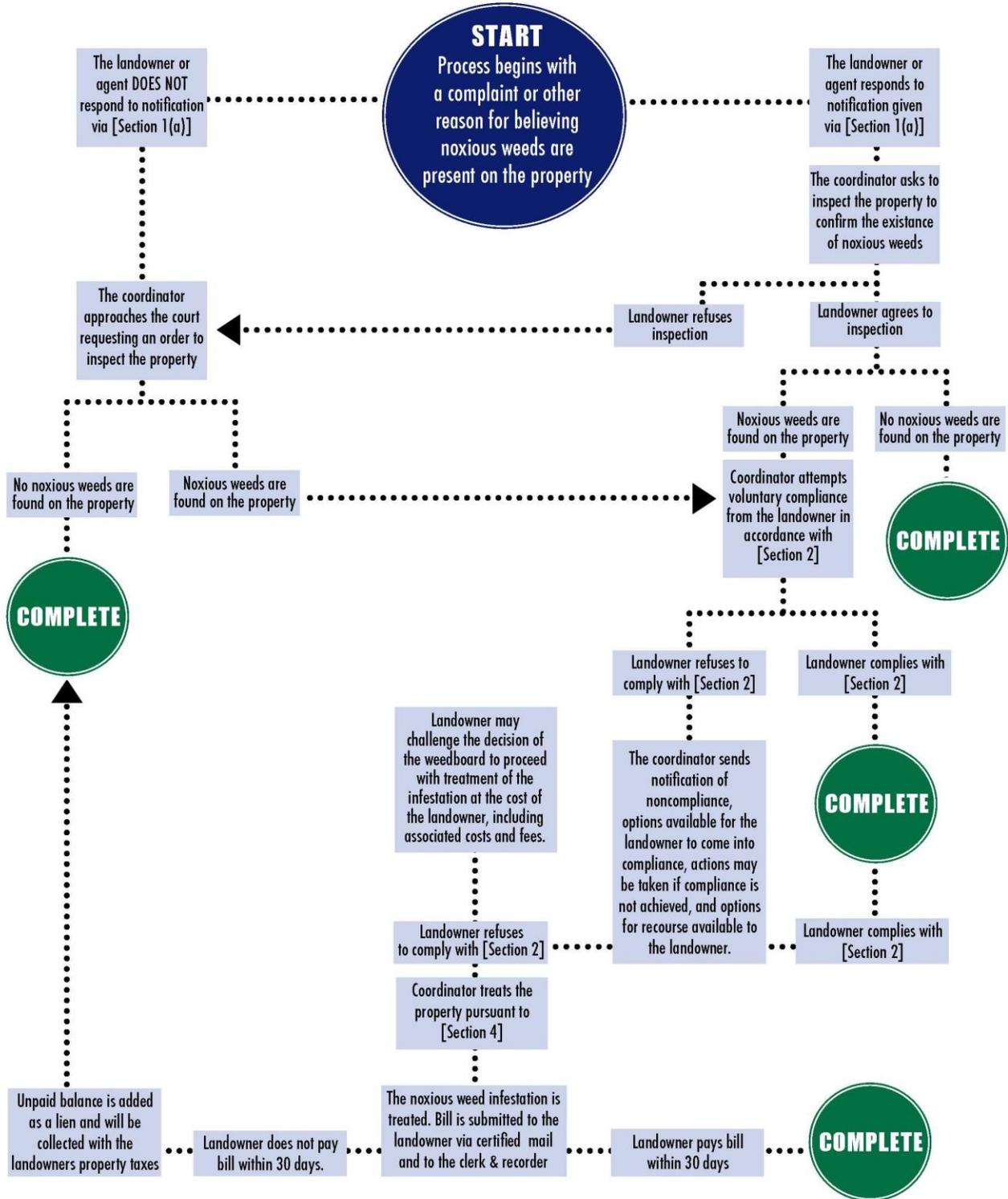
If you need assistance, we are available to help identify and make recommendations for control of these weeds. We look forward to working with you in this effort to eradicate noxious weeds in our county. If you have any questions or comments, or if you are not in fact the landowner of the property in question, please contact me at 406.758.5798.

Sincerely,



Steve Robinson, Education/Compliance  
Two enclosures: Flathead County Noxious Weed Inspection Report and Invasive Plant Management form

# SB 301: Noncompliance Process



## Chapter 9 – Budget: Program Personnel, Operations and Equipment Costs

### *Department Budget*

Object of Expenditure	Budget FY 2012	Actual FY 2012	Budget FY 2013	Actual FY 2013	Budget FY 2014
Personnel	\$233,594	\$230,769	\$247,057	\$240,743	\$262,706
Operations	\$383,478	\$364,183	\$359,321	\$283,682	\$356,246

### *Department Personnel*

NO	FT/PT	TITLE	FTE
1	FT	DEPARTMENT HEAD – PAID 1/3 OUT OF BUDGET	.34
1	FT	ASSISTANT SUPERVISOR – PAID ½ OUT OF BUDGET	.5
1	FT	OFFICE ADMINISTRATOR – PAID 1/3 OUT OF BUDGET	.34
1	FT/PT	OFFICE ASSISTANT – PAID IN COMBINATION WITH PARKS/REC	.29
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.75
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.67
1	PT	EDUCATION/COMPLIANCE – SEASONAL	.80
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.67
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.75
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.67
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.50
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.29
1	PT	BUILDING MAINTENANCE/WEED WORKER II	.29
1	PT	*BUILDING MAINTENANCE/WEED WORKER II – (PARKS)	.83
1	PT	*BUILDING MAINTENANCE/WEED WORKER II – (PARKS)	.67
		<b>TOTAL</b>	8.36

\*These positions assist the Weed Department as dictated by demands and scheduling. They are not included in budget numbers.

**2013/14 BUDGET HIGHLIGHTS**

Capital Outlay

\$7,000

Chemical Shed Upgrades

\$10,000

Office/Conference Room Air Conditioning

\$30,000

Truck Replacement

# Flathead County

## REVENUE REPORT From Date: 9/1/2013 To Date: 9/30/2013

Fiscal Year: 2013-2014

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Budget Balance	% Bud
2140.000.0246.311010.000	REAL PROPERTY TAXES	(\$388,682.00)	(\$1,150.95)	(\$14,809.16)	(\$373,872.84)	(\$373,872.84)	96.19%
2140.000.0246.311020.000	PERSONAL PROPERTY TAXES	(\$9,500.00)	(\$174.20)	(\$7,369.23)	(\$2,130.77)	(\$2,130.77)	22.43%
2140.000.0246.311030.000	MV AD VALOREM	(\$800.00)	\$0.00	(\$1.42)	(\$798.58)	(\$798.58)	99.82%
2140.000.0246.312100.000	PEN & INT REAL TAXES	(\$1,800.00)	(\$61.57)	(\$722.15)	(\$1,077.85)	(\$1,077.85)	59.88%
2140.000.0246.312200.000	PEN & INT PERS TAXES	(\$250.00)	(\$6.34)	(\$30.46)	(\$219.54)	(\$219.54)	87.82%
2140.000.0246.335230.000	ST ENTITLEMENT SHARE	(\$31,717.00)	(\$7,925.75)	(\$7,925.75)	(\$23,791.25)	(\$23,791.25)	75.01%
2140.000.0246.343360.000	WEED CONTROL CHARGES	(\$170,000.00)	(\$8,554.45)	(\$38,890.18)	(\$131,109.82)	(\$131,109.82)	77.12%
2140.000.0246.360000.000	MISC REV	(\$2,500.00)	\$0.00	\$0.00	(\$2,500.00)	(\$2,500.00)	100.00%
	DEPT: WEED - 0246	(\$605,249.00)	(\$17,873.26)	(\$69,748.35)	(\$535,500.65)	(\$535,500.65)	88.48%
	FUND: WEED - 2140	(\$605,249.00)	(\$17,873.26)	(\$69,748.35)	(\$535,500.65)	(\$535,500.65)	88.48%
Printed 10/10/2013							

## Flathead County EXPENDITURE REPORT From Date: 9/1/2013 To Date: 9/30/2013

**Fiscal Year: 2013-2014**

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Budget Balance	% Bud
2140.000.0246.431100.110	SALARIES	\$262,706.00	\$23,949.13	\$75,563.39	\$187,142.61	\$187,142.61	71.24%
2140.000.0246.431100.120	OVERTIME	\$1,500.00	\$0.00	\$0.00	\$1,500.00	\$1,500.00	100.00%
2140.000.0246.431100.130	ACCUM SICK & VACATION	\$0.00	\$0.00	\$608.52	(\$608.52)	(\$608.52)	0.00%
2140.000.0246.431100.141	UNEMPLOYMENT	\$1,453.00	\$131.75	\$419.05	\$1,033.95	\$1,033.95	71.16%
2140.000.0246.431100.142	INDUSTRIAL ACCIDENT	\$15,774.00	\$955.24	\$3,051.34	\$12,722.66	\$12,722.66	80.66%
2140.000.0246.431100.210	OFFICE SUPPLIES	\$5,473.00	\$63.63	\$305.52	\$5,167.48	\$5,167.48	94.42%
2140.000.0246.431100.212	SMALL ITEM EQUIP	\$37,000.00	\$0.00	\$949.99	\$36,050.01	\$36,050.01	97.43%
2140.000.0246.431100.215	COMP EQUIP/SFTWR/HDWR	\$3,000.00	\$2,059.08	\$2,059.08	\$940.92	\$940.92	31.36%
2140.000.0246.431100.220	OPERATING SUPPLIES	\$0.00	\$646.72	\$1,136.83	(\$1,136.83)	(\$1,136.83)	0.00%
2140.000.0246.431100.221	LAWN CARE	\$7,000.00	\$20.72	\$0.00	\$7,000.00	\$7,000.00	100.00%
2140.000.0246.431100.222	CHEM/LAB/MEDICAL SUPPLIES	\$82,000.00	\$174.86	\$174.86	\$81,825.14	\$81,825.14	99.79%
2140.000.0246.431100.224	JANITORIAL SUPPLIES	\$1,000.00	\$0.00	\$0.00	\$1,000.00	\$1,000.00	100.00%
2140.000.0246.431100.228	EDUCATIONAL SUPPLIES	\$3,500.00	\$1,218.19	\$1,218.19	\$2,281.81	\$2,281.81	65.19%
2140.000.0246.431100.230	REPAIR & MAINT SUPPLIES	\$18,000.00	\$0.00	\$0.00	\$18,000.00	\$18,000.00	100.00%
2140.000.0246.431100.231	GAS OIL DIESEL	\$38,000.00	\$45.74	\$8,740.77	\$29,259.23	\$29,259.23	77.00%
2140.000.0246.431100.232	MOTOR VEHICLE PARTS	\$10,000.00	\$0.00	\$2,968.46	\$7,031.54	\$7,031.54	70.32%
2140.000.0246.431100.233	MACH & EQUIP PARTS/LANDFILL	\$8,000.00	\$675.77	\$2,361.49	\$5,638.51	\$5,638.51	70.48%
2140.000.0246.431100.234	BUILDING SUPPLIES	\$5,000.00	\$0.00	\$287.39	\$4,712.61	\$4,712.61	94.25%
2140.000.0246.431100.235	TRAINING AND SAFETY SUPPLIES	\$4,000.00	\$0.00	\$0.00	\$4,000.00	\$4,000.00	100.00%
2140.000.0246.431100.239	TIRES, TUBES, CHAINS	\$6,000.00	\$931.97	\$931.97	\$5,068.03	\$5,068.03	84.47%
2140.000.0246.431100.241	SHOP EQUIP CONS TOOLS	\$3,000.00	\$0.00	\$0.00	\$3,000.00	\$3,000.00	100.00%
2140.000.0246.431100.309	LICENSE/REGISTRATION	\$500.00	\$30.00	\$55.00	\$445.00	\$445.00	89.00%
2140.000.0246.431100.311	POSTAGE	\$3,500.00	\$180.27	\$205.27	\$3,294.73	\$3,294.73	94.14%
2140.000.0246.431100.316	RADIO SERVICES	\$3,000.00	\$0.00	\$601.50	\$2,398.50	\$2,398.50	79.95%
2140.000.0246.431100.320	PRINTING/DUPLICATING/TYPING/BI	\$0.00	\$0.00	\$562.00	(\$562.00)	(\$562.00)	0.00%
2140.000.0246.431100.341	ELECTRIC	\$6,000.00	\$296.75	\$590.60	\$5,409.40	\$5,409.40	90.16%
2140.000.0246.431100.342	WATER	\$0.00	\$53.90	\$89.00	(\$89.00)	(\$89.00)	0.00%
2140.000.0246.431100.344	GAS-HEATING	\$3,000.00	\$40.10	\$93.18	\$2,906.82	\$2,906.82	96.89%
2140.000.0246.431100.345	TELEPHONE	\$969.00	\$72.94	\$219.80	\$749.20	\$749.20	77.32%
2140.000.0246.431100.346	CELL PHONES/WIRELESS	\$1,400.00	\$110.13	\$284.36	\$1,115.64	\$1,115.64	79.69%
2140.000.0246.431100.347	INTERNET	\$250.00	\$104.97	\$184.99	\$65.01	\$65.01	26.00%
2140.000.0246.431100.361	REP MAINT MTR VEH	\$1,000.00	\$0.00	\$0.00	\$1,000.00	\$1,000.00	100.00%
2140.000.0246.431100.362	REPAIRS/OTHER MACH EQUIP	\$100.00	\$1,738.99	\$1,738.99	(\$1,638.99)	(\$1,638.99)	-1638.99%
2140.000.0246.431100.370	TRAVEL-NON-EMPLOYEE	\$500.00	\$0.00	\$0.00	\$500.00	\$500.00	100.00%
2140.000.0246.431100.378	TRAVEL-EMPLOYEE	\$4,000.00	\$0.00	\$0.00	\$4,000.00	\$4,000.00	100.00%
2140.000.0246.431100.397	CONTRACTED SERV	\$35,000.00	\$6,975.84	\$17,515.45	\$17,484.55	\$17,484.55	49.96%
2140.000.0246.431100.900	CAPITAL OUTLAY	\$37,000.00	\$0.00	\$0.00	\$37,000.00	\$37,000.00	100.00%
2140.000.0246.431100.920	CAPITAL OUTLAY BLDG ACTIVITY: WEED CONTROL - 431100	\$10,000.00 \$618,625.00	\$0.00 \$40,476.69	\$0.00 \$122,916.99	\$10,000.00 \$495,708.01	\$10,000.00 \$495,708.01	100.00% 80.13%

**Flathead County EXPENDITURE REPORT** From Date: 9/1/2013 To Date: 9/30/2013, continued

**Fiscal Year: 2013-2014**

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Budget Balance	% Bud
2140.000.0246.521000.822	TRANSFER TO CERF ACTIVITY: TRANSFER OUT TO - 521000	\$327.00 \$327.00	\$0.00 \$0.00	\$0.00 \$0.00	\$327.00 \$327.00	\$327.00 \$327.00	100.00% 100.00%
Printed 10/10/2013	DEPT: WEED - 0246 FUND: WEED - 2140	\$618,952.00 \$618,952.00	\$40,476.69 \$40,476.69	\$122,916.99 \$122,916.99	\$496,035.01 \$496,035.01	\$496,035.01 \$496,035.01	80.14% 80.14%

# Appendix A: Flathead County Weed/Park Board By-Laws

## Article I - Name

On April 28, 1997, the Board of Commissioners of Flathead County, Montana, adopted Resolution 1214 B, which consolidated the Board of Park Commissioners and the District Weed Board into one board known as the Weed/Park Board (hereinafter referred to as "the Board").

## Article II - Board of Directors

1. The Board shall be composed of five members, appointed by and serving at the pleasure of the Flathead County Board of Commissioners.
2. The members of the Board shall be residents of Flathead County.
3. The members of the Board shall serve for terms of three years, commencing on January 1 and ending on December 31. Terms of the members shall overlap.
4. The members of the Board shall receive no salary for their service on the Board; however, members may receive mileage for travel to and from meetings of the Board and may receive mileage and per diem, in accordance with Flathead County personnel policy, for travel outside of Flathead County on business of the Board.
5. A member of the Board may be removed by a majority vote of the Flathead County Board of Commissioners.
6. The Board shall abide by the Flathead County Personnel Policies and Procedures Manual as adopted by the Flathead County Board of Commissioners.

## Article III - Officers and Meetings

1. A majority of the members of the Board constitutes a quorum for the purpose of conducting business and exercising powers and responsibilities; action may be taken by a majority of members present and voting.
2. The Board shall organize by electing one of its members to be president and one of its members to be vice-president. Officers shall serve a term of one year.
3. The president shall preside over all the meetings and shall be the official spokesperson for the Board, and the vice-president shall carry out the president's duties in the president's absence.
4. The Board shall provide by rule for the date, time and place of regularly scheduled meetings and file the information with the Flathead County Board of Commissioners.
5. Special meetings may be held at any time when called for by the president or a majority of Board members with at least two day's notice to Board members and the public.
6. The Board shall provide for the keeping of written minutes of its meetings, which minutes shall include the final vote on all actions and the vote of each member.
7. Agendas shall be provided at least two days in advance of meetings and shall be available on the Flathead County website.
8. Meetings shall operate under Robert's Rules of Order and shall be open to the public.

## Article IV - Committees

1. The Board may appoint standing and ad hoc committees as needed.

2. The volunteers of these committees shall work to accomplish the goals of the Board and are normally formed under the Board's guidance.
3. These committees shall make recommendations to the Board of Directors for their regions.
4. These committees shall abide by all requirements involving public meeting laws, including giving at least two day's notice of the time, place, and agenda of meetings.

#### Article V - Power and Duties

1. The Board is responsible for the administration of the Weed Department and the Parks and Recreation Department.
2. The Board shall have the following powers and duties:
  - a. Present separate proposed budgets to the Flathead County Board of Commissioners each fiscal year to separately fund the Noxious Weed Program and the Parks and Recreation Program, as provided by statute;
  - b. Shall not expend any funds not budgeted by the Flathead County Board of County Commissioners in the separate final budgets adopted by the Flathead County Board of County Commissioners;
  - c. Employ a supervisor/superintendent who shall attend each regular meeting of the Board and report either in writing or orally, as the Board may require, as to the activities, functions, and progress of whatever nature pertaining to the weed plan and the park land and facilities over which he has supervision and to fix the compensation for that position within the salary plan adopted by the Flathead County Board of Commissioners;
  - d. Employ and discharge workman, laborers, engineers, foresters, and other employees as necessary, and to fix their compensation within the salary plan adopted by the Flathead County Board of Commissioners;
  - e. Purchase chemicals, materials, and equipment and pay other operational costs as it determines necessary for implementing an effective weed management program - the costs of which must be paid from the Noxious Weed Fund;
  - f. Determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their own land — the cost for the chemicals, materials, or equipment must be paid by the person controlling the weeds;
  - g. Enter into agreements with the Montana Department of Agriculture for the control and eradication of any new exotic plant species not previously established in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial use if the plant species spreads or threatens to spread into the state;
  - h. Perform other activities related to weed management;
  - i. Receive gifts, grants or donations with the purpose of advancing its program;
  - j. Acquire by gift, grant, purchase, lease, or condemnation lands or facilities within or without the limits of

corporate municipalities for parks, playgrounds, recreation areas, swimming pools, athletic fields, skating rinks, museums, zoos, golf courses, camps, multipurpose buildings for civic centers, field houses, gymnasiums, youth centers, libraries, meeting rooms, or combinations thereof;

k. Furnish, equip, manage and control the same, including establishment by resolution of reasonable and uniform charges for the privilege of using the same;

l. Lay out, establish, improve and maintain grounds, parkways, drives and walks in the parks and recreational areas of the county, make plats thereof and file the same in the office of the county clerk, and determine when and what parks and recreation areas shall be opened to the public;

m. Pay all obligations authorized to be incurred by law;

n. Authorize the sale, lease or exchange of property and assets pursuant to the requirements in Section 7-162324, MCA;

o. Make all contracts necessary and convenient, pursuant to the requirements in Sections 7-16-2325(2) and (3), MCA, for carrying out any of the powers conferred and duties enjoined upon the Board by Title 7, Chapter 16, Part 23, MCA;

p. Exercise all other powers incident to the duties enjoined by the provisions of Title 7, Chapter 16, Part 23, MCA; and

q. Call upon the county attorney for legal advice and services as the Board may require.

#### **Article VI — Amendments**

Amendments to these bylaws may be recommended at any regular or special meeting by a 2/3 majority vote in person of the Board of Directors. Proposed amendments must be submitted to the clerk to be sent out with regular Board announcements — subject to approval of the Flathead County Board of Commissioners. The Board, however, shall not have the power to pass any bylaws which would alter the status of the Board.

Approved September 26, 2011.

Board of County Commissioners, James Dupont  
Weed/Park Board, Ray Sanders, Chair  
Clerk, Diana Kile

## Appendix B: County Commission Goals/Department Response

The County Commission has established a set of overarching goals for Flathead County Government. Listed below are the Commission's goals, followed by the methods by which the Flathead County Weed District is striving to fulfill those goals.

### Exceptional Customer Service

- Coordinated noxious weed management with federal, state and county agencies
- Assist the public with technical support and equipment, if needed
- Answer inquiries in a timely, effective manner
- Encourage agencies and the public to attend board meetings and provide record of minutes
- Manage noxious weeds on Flathead County properties and roads

### Be Model for Excellence in Government

- Responsive to the public
- Responsive to the Board and Commissioners
- Perform all duties in an efficient manner

### Improve Communications

- Maintain staff availability to public
- Continue public education, seminars and meetings
- Consider temporary help for peak season needs
- Attend internal meetings with other County departments

### To Be Employer of Choice

- Maintain open door policy
- Provide proper tools to complete job
- Provide safe training and support
- Provide safe work environment

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### Commentary

The Flathead County Weed District is committed to managing all lands from weed degradation. The program, in addition to this explanation of duties, has a complete Weed District Management Plan on file for public review. We take pride in our limited cross-trained staff that is available to assist the Parks & Recreation Department as well as the Building/Facilities Maintenance Department, as needed.

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### Management Challenges

“To be effective in today’s world, leaders have to go beyond good intentions, wishes, and excuses and that there isn’t enough money. The only way to get out of the trap is through a door labeled results. Leaders need to frame every debate and every decision in terms of results they are trying to achieve – not needs – not wants – not the way it has always been – but results. Framing the discussion this way lets everyone know – both citizens and government insiders – what is most important. It also reinforces a culture of accountability through the public sector.”

“Be willing to change everything but your values. If the job of a leader is to ‘change things to make them better’ everything must be open to question – everything but the organization’s values.” *The Price of Government* – by David Osborne

## Appendix C

# Montana Code Annotated 2013

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**7-22-2116. Unlawful to permit noxious weeds to propagate -- notice required in sale.** (1) It is unlawful for any person to permit any noxious weed to propagate or go to seed on the person's land, except that any person who adheres to the noxious weed management program of the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

(2) When property is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of:

- (a) the existence of noxious weed infestations on the property offered for sale; and
- (b) the existence of a noxious weed management program or a noxious weed management agreement as provided in subsection (1).

**History:** En. Sec. 2, Ch. 195, L. 1939; amd. Sec. 1, Ch. 11, L. 1961; R.C.M. 1947, 16-1706; amd. Sec. 7, Ch. 607, L. 1985; Sec. [7-22-2107](#), MCA 1983; redes. [7-22-2116](#) by Code Commissioner, 1985; amd. Sec. 8, Ch. 407, L. 2001; amd. Sec. 1, Ch. 313, L. 2007; amd. Sec. 4, Ch. 244, L. 2011.

*Provided by Montana Legislative Services*

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**7-22-2131. Noncompliance with weed control requirements -- general notice.** (1) (a) If a complaint is made against a landowner or if the board has reason to believe that noxious weeds are present on a landowner's property, the board shall notify the landowner by certified mail of the complaint and shall request permission for the board's agent to enter the property to conduct an inspection.

(b) If the landowner has an agent for service on file with the secretary of state, the notice must be given by certified mail to the registered agent.

(c) The landowner or the landowner's representative shall respond within 10 days of receipt of the notice.

(2) (a) If the board's agent and the landowner or landowner's representative agree to an inspection, the agent and the landowner or representative shall inspect the land at an agreed-upon time.

(b) The board or the board's agent may seek a court order to enter and inspect the land to determine if noxious weeds are present on the property if:

- (i) within 10 days of sending the certified letter to the address on the tax records or to the agent for service, the board is unable to determine the owner of the property; or
  - (ii) the letter cannot be delivered because the landowner or the landowner's representative refuses to sign the receipt or does not reside on the property.
- (3) If the board finds noxious weeds on the property during the inspection, the board shall:
- (a) seek the landowner's or representatives voluntary compliance with the district weed management program in accordance with [7-22-2132](#); or
  - (b) if voluntary compliance is not obtained, notify the landowner or the landowner's representative by certified mail that noxious weeds were found on the property.
- (4) The notice must contain the language specified in this section.
- (5) If the board believes it is advisable, the board may post a dated order in a conspicuous place on the property providing notice that noxious weeds have been found on the property and informing the landowner or landowner's representative of the options for complying with the weed management program pursuant to [7-22-2132](#) and the actions that may be taken under [7-22-2134](#) if the landowner fails to comply with the weed management program.
- (6) All correspondence with a landowner or the landowner's representative concerning notifications of weed infestations, including requests made pursuant to subsection (1) to inspect property and notifications of noncompliance, must be made on the uniform notification material provided by the department and must:
- (a) list the noxious weeds found on the property;
  - (b) provide the legal description of the property;
  - (c) provide the address of the property, if available;
  - (d) state the fact that the presence of the weeds violates state law and that the landowner has 10 days after receiving the notice to contact the board or its agent;
  - (e) provide the address and phone number for the board;
  - (f) notify the landowner of the landowner's:
    - (i) responsibility to submit a weed management proposal; and
    - (ii) right to request a hearing to contest the finding of noncompliance, including the timeframe for making the request; and
  - (g) specify the actions the board may take if the landowner fails to remove the weeds, including but not limited to the anticipated costs of destroying the weeds and the 25% penalty allowed under [7-22-2134](#).

**History:** En. Sec. 1, Ch. 301, L. 2013.

*Provided by Montana Legislative Services*



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**7-22-2134. Noncompliance -- actions by board.** (1) The board may seek a court order to enter upon the infested parcels of the landowner's property if attempts to achieve voluntary compliance have been exhausted. The board may institute appropriate noxious weed control

measures, including but not limited to:

(a) allowing the local weed district coordinator to implement the appropriate noxious weed control measures if the actions taken are valued at the current rate paid for commercial management operations in the district and are reflected in the bill sent to the landowner and the clerk and recorder; or

(b) contracting with a commercial applicator as defined in [80-8-102](#) if the issues of compliance are not resolved under an agreement proposed and accepted pursuant to [7-22-2132](#) and:

(i) the landowner does not take corrective action within the 10-day period provided for in [7-22-2133](#); or

(ii) the board does not receive a formal objection or the board of county commissioners does not receive a request for a hearing.

(2) A commercial applicator hired under this section shall carry all insurance required by the board.

(3) If a court issues an order approving a board's actions, the court retains jurisdiction over the matter:

(a) until the actions specified in the weed management plan or court order are complete;

(b) for the length of time specified in the order; or

(c) for 3 years if the order does not specify a time limit.

(4) After instituting appropriate noxious weed control measures, the board shall submit a copy of the bill, including the penalty provided for in subsection (4)(b), to the county clerk and recorder and, by certified mail, to the landowner that:

(a) covers the costs of the weed control measures;

(b) contains a penalty of 25% of the total cost incurred;

(c) itemizes the hours of labor, cost of material, equipment time, legal fees, and court costs or includes an invoice from a commercial applicator if the board contracted for weed control pursuant to subsection (1); and

(d) specifies that payment is due 30 days from the date the bill is received.

(5) If a landowner who received a notice to take corrective action requests an injunction or seeks to stay the corrective action in district court within 10 days of receipt of the notice, the board may not institute control measures until the matter is finally resolved, except in emergency situations.

(6) If the board declares an emergency and institutes appropriate measures to control the noxious weeds, the landowner who received the order is liable for costs as provided in subsection (4) only to the extent determined appropriate by the board, the board of county commissioners, or the court that finally resolves the matter.

**History:** En. Sec. 4, Ch. 301, L. 2013.

*Provided by Montana Legislative Services*



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**7-22-2148. Payment of weed control expenses -- tax liability.** (1) The expenses incurred by the board for noxious weed control undertaken pursuant to [7-22-2134](#) must be paid by the county out of the noxious weed fund.

(2) If the sum to be repaid by the landowner billed under [7-22-2134](#) is not repaid on or before the date due, the county clerk shall certify the amount due, with the description of the land to be charged, and shall enter the amount on the assessment list of the county as a special tax on the land. If the land is exempt from general taxation for any reason, the amount due and to be repaid may be recovered by direct claim against the landowner and collected in the same manner as personal taxes.

(3) All amounts collected pursuant to subsection (2) must be deposited in the noxious weed fund.

**History:** En. Sec. 11, Ch. 195, L. 1939; amd. Sec. 3, Ch. 90, L. 1941; amd. Sec. 3, Ch. 228, L. 1947; R.C.M. 1947, 16-1715(part); amd. Sec. 17, Ch. 249, L. 1979; amd. Sec. 23, Ch. 607, L. 1985; amd. Sec. 6, Ch. 530, L. 1991; amd. Sec. 3, Ch. 320, L. 2011; amd. Sec. 9, Ch. 301, L. 2013.

*Provided by Montana Legislative Services*

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## Appendix D

## Flathead County Noxious Weed Inspection Report

Name of Landowner:  
 Mailing Address:  
 Physical Address:  
 Total acreage:

Date:  
 Assessor Number:  
 Type of area: Choose an item.  
 Approx. infested acreage:

**ATTENTION:**

*It has been noted that you have noxious weeds growing on property at this location. It is a violation of State Law to allow noxious weeds to propagate or go to seed unless efforts are in evidence to manage the and a weed management plan has been submitted and approved by the Flathead County Weed Board within **10 days** of this notice. It is the landowners' responsibility to implement and maintain control measure per MCA Section 7-22-2116.*

**NOXIOUS WEEDS OBSERVED ON THE ABOVE DESCRIBED LAND:** (please specify)

Choose an item.  
 Choose an item.  
 Choose an item.  
 Choose an item.

**Brief sketch of the area**  
 (Indicates location of weeds)

<b>Inspector's name:</b>	<b>Inspector's Telephone Number:</b>
<b>Inspector's title:</b>	<b>Inspector's Signature:</b>

**APPARENT CONTROL METHODS:**

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**WEED CONTROL SUGGESTIONS:**

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**REMARKS:** The enclosed weed management plan is required in **10 days**. Please call if you have questions or if we can be of assistance.

Please refer to the reverse side for additional information, recommended herbicides.

**FLATHEAD COUNTY WEED CONTROL DISTRICT**  
 309 FFA Drive, Kalispell MT 59901  
 (406)-758-5798 • FAX (406) 758-5888 • Email: [compliance@flathead.mt.gov](mailto:compliance@flathead.mt.gov)

FCWD 1/2013

The application rates are suggestions only and may vary depending upon circumstances. Read and follow individual label directions. Before getting started a person should consider area of application, timing and land use information carefully. Garden area applications will be different from pasture/non-crop areas, lawn or ornamental turf. Watershed areas have special considerations and not all of the herbicides below can be used. Bare or disturbed areas should be reseed immediately to promote competition.

**Bolt:** the rapid growth of a plant just prior to the production of flowers. **Rosette:** a circular cluster of weeds growing close to the ground; the first growth stage of a biennial weed.

**\*Tordon 22K is a restricted use herbicide – requiring a license to buy or apply it.**

**ALWAYS READ AND FOLLOW LABEL DIRECTIONS – THE LABEL IS THE LAW**

<p><b><u>SPOTTED KNAPWEED &amp; DIFFUSE KNAPWEED</u></b></p>	<p><b><u>COMMON TANSY</u></b></p>
<p>Redeem _____ 1.5 - 2 quarts            Curtail _____ 1.5 - 2 quarts            Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            2,4-D _____ 1 - 2 quarts</p>	<p>Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            Cimarron _____ 5 ounce            Escort _____ 1 ounce</p>
<p>Apply when plants begin actively growing in the spring yet prior to blooming; fall regrowth. <b>Other practices:</b> Mowing is ineffective; hand pulling is only effective on small patches and new sites. Bare areas – reseed.</p>	<p>Apply spring; fall. <b>Other practices:</b> mowing before using herbicide is effective; this plant is POISONOUS!</p>
<p><b><u>LEAFY SPURGE</u></b></p>	<p><b><u>OXEYE DAISY</u></b></p>
<p>*Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            *Tordon _____ 1 quart            Perspective _____ 5-7 ounces            Apply in spring, full flower, and fall regrowth. <b>Other practices:</b> Hand pulling or cutting is ineffective.</p>	<p>Milestone _____ 5 ounces</p> <p>Apply to actively growing plants. <b>Other practices:</b> mowing can reduce seeds but will not control the plant, mowing should be repeated; reseed areas left bare; sheep/goats can reduce seed production. Applying fertilizer at 80lbs of nitrogen/acre can be effective. Cultivation regularly can be effective.</p>
<p><b><u>CANADA THISTLE</u></b></p>	<p><b><u>HOUNDSTONGUE</u></b></p>
<p>Redeem _____ 1.5 quarts            Curtail _____ 1.5 to 2 quarts            Dicamba &amp; 2,4-D (Weed Master) _____ 1 - 2 quarts            In gardens? Roundup Apply after emergence up to budding; fall regrowth. <b>Other practices:</b> Mowing can be moderately effective if done properly and before seed sets. Grazing can help prevent seed production.</p>	<p>Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            Perspective _____ 5-7 ounces            Escort _____ 1 ounce</p> <p>Herbicides are most effective on first year rosette. Apply in spring before flowering; Spring, summer and fall  <b>Other practices:</b> mowing can reduce seeds but will not control the plant; Severing the root crown 1-2 inches below the soil surface with a spade and removing top-growth can be effective in controlling small infestations. If plant has produced flowers, physically remove plant and dispose of in a plastic bag. POISONOUS TO CATTLE AND HORSES</p>
<p><b><u>ORANGE AND MEADOW HAWKWEED</u></b></p>	<p><b><u>WORMWOOD</u></b></p>
<p>Redeem _____ 1.5 quarts            Milestone _____ 5 ounces            2,4-D Amine _____ 1 quart            Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            *Tordon 22K _____ 1 quart            Apply in the spring, rosette to bolt. <b>Other practices:</b> it has been helpful to fertilize area with a nitrogen rich fertilizer two weeks after herbicide application. Mowing is ineffective; hand pulling is only effective on small areas. Cultivation may cause spread.</p>	<p>Milestone _____ 6-7 ounces            Hi-Dep _____ 1-2 quarts            Apply when the plant is at least 12 inches tall and actively growing, June.</p>
<p><b><u>ST. JOHNSWORT</u></b></p>	<p><b><u>SCENTLESS CHAMOMILE</u></b></p>
<p>*Tordon 22K &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            Escort _____ ¾ ounce            Apply at early bud. <b>Other practices:</b> mowing is ineffective. The plant is POISONOUS</p>	<p>*Tordon 22K _____ 1 quart            Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart  <b>Other practices:</b> Hand pulling in small patches, be sure to collect weeds in a garbage bag and burn, or tie bag and place in garbage. Plant is a prolific seed producer and seeds can lay dormant for 15 years.</p>
<p><b><u>SULFUR CINQUEFOIL</u></b></p>	<p><b><u>TANSY RAGWORT</u></b></p>
<p>Escort _____ ½ ounce            Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            Cimarron _____ ½ oz + surfactant            Apply bolt to early bud. <b>Other practices:</b> mowing is ineffective; hand pulling is only effective in very small patches; reseeding areas left bare is essential.</p>	<p>Redeem _____ 1.5 quart            Milestone _____ 5 ounces            Escort _____ ¾ ounce            Apply in Spring to bolt; fall regrowth. <b>Other practices:</b> this plant is POISONOUS! Mowing is ineffective; reseeding areas left bare is imperative.</p>
<p><b><u>FIELD BINDWEED</u></b></p>	<p><b><u>COMMON/YELLOW TOADFLAX</u></b></p>
<p>*Tordon 22K _____ 1 quart            *Tordon 22K &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart            Escort _____ 1 ounce            Target weed when weed is actively growing and in full bloom; fall regrowth  <b>Other practices:</b> mowing is ineffective (can cause spread); hand pulling can be done in small patches but be sure to collect any plant pieces and dispose of properly.</p>	<p>Escort _____ 2 ounces            *Tordon _____ 1 quart  <b>Other practices:</b> mowing is ineffective; hand pulling in small patches can be effective; collect plant parts and dispose of properly. Management program should be conducted during the month of June.</p>
<p><b><u>COMMON YARROW</u></b></p>	<p><b><u>KOCHIA</u></b></p>
<p>Milestone _____ 5 ounce</p>	<p>Perspective _____ 5-7 ounces            Dicamba &amp; 2,4-D (Weed Master) _____ 1 pint + 1 quart</p>
<p><b><u>BABY'S BREATH</u></b></p>	
<p>Escort _____ 2 ounces            Banvel _____ 1 pint</p>	

## Appendix E: Invasive Plant Management

LANDOWNER'S NAME (PLEASE PRINT) \_\_\_\_\_

PHONE/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

ADDRESS WEEDS \_\_\_\_\_  
\_\_\_\_\_

ADDRESS MAIL \_\_\_\_\_  
\_\_\_\_\_

1. Water sources nearby – lake, pond, river, creek, high well: \_\_\_\_\_

2. Sensitive vegetation nearby – gardens, alfalfa, mint, orchard: \_\_\_\_\_

3. Methods of weed control/management to be used (check all that apply):

Herbicides       Grazing-Sheep/Goats  
 Hand Pull       Biocontrol Insects/Fungi

List of herbicides to be used: **BE SURE TO FOLLOW LABEL DIRECTIONS.** \_\_\_\_\_

If you are hiring a weed control service **submit a copy of the invoice to this office.** List the name, phone number and promised date of completion:

Weed Control Service Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date of Service: \_\_\_\_\_

4. Additional comments: \_\_\_\_\_  
\_\_\_\_\_

Management of noxious weeds is an ongoing effort. This plan covers a three-year period and must be resubmitted thereafter. Herbicide application is recommended late May to early June and in the fall after the first hard frost. Depending upon the weed type and severity of infestation two to three applications are typically needed. If plants have flowered cutting is recommended. Continuous mowing will result in the plants flowering closer to the ground and does not constitute compliance.

A landowner is in compliance with Montana Noxious Weed Control Codes if the landowner submits and the District Weed Board accepts a written weed management proposal to undertake specific control measures, and the landowner remains in compliance if the terms of the proposal are met.

I HEREBY AGREE TO COMPLY WITH THIS PLAN AS STATED.

LANDOWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

*Return completed form to: FCWD – 309 FFA Drive, Kalispell MT 59901*

Flathead County Weed Board comments or amendments to the submitted plan:

Acknowledgment of Receipt of Weed Management Proposal

Signature of Board Representative: \_\_\_\_\_ DATE: \_\_\_\_\_

Agreed: Landowner's Signature: \_\_\_\_\_ DATE: \_\_\_\_\_



**Approved By**

**Date**

## Appendix G: Soil Disturbance - Invasive Plant Management Disturbed Areas, Subdivisions, Industrial Parks, Gravel Pits and/or Utility Installations

Instructions: Complete before disturbance begins and submit to the above address a minimum of two weeks prior to review deadline with Planning Board and/or Commissioners. A copy will be returned to you after it is reviewed in this office.

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**Subdivision/Project Name** \_\_\_\_\_

Physical Location \_\_\_\_\_

Acres and # of Lots \_\_\_\_\_

**Landowner's Name (PLEASE PRINT)** \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone/Cell \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

**Contact Name (PLEASE PRINT)** \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone/Cell \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

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Knowledge of the property's terrain, water table and soil type will aid in evaluation of methods needed for weed control. A perfect time for herbicide application is when weeds are young and actively growing but difficult to see. A reference map or drawing of weed locations is ideal to have on hand.

**Indicate noxious weeds present:** \_\_\_\_\_

**Disturbance cause:**

\_\_\_ Subdivision \_\_\_\_\_ Road Installation \_\_\_\_\_ Utility Installation  
\_\_\_ Mining/Gravel \_\_\_\_\_ Ripping/Scraping \_\_\_\_\_ Excess Topsoil Stockpile  
\_\_\_ Other (please describe) \_\_\_\_\_

**Describe plans to reseed areas where original vegetation has been damaged, disturbed or removed, including phone, gas or power line burials, or power poles.**

\_\_\_ Site Preparation \_\_\_\_\_  
\_\_\_ Seed Varieties and Rates \_\_\_\_\_  
\_\_\_ Time of Seeding \_\_\_\_\_

\_\_\_ Method of Seeding \_\_\_\_\_

Flathead County Weed Control District - 309 FFA Drive, Kalispell MT 59901  
406.758.5798 fax 406.758.5888 [Email: compliance@flathead.mt.gov](mailto:compliance@flathead.mt.gov)

**Weed management methods:**

- \_\_\_ Biocontrol Insects/Fungi
- \_\_\_ Cultivate
- \_\_\_ Graze, Sheep/Goats
- \_\_\_ Hand Pull
- \_\_\_ Herbicides *\*list names below*
- \_\_\_ Landscape
- \_\_\_ Mow
- \_\_\_ Revegetation/Reseed

\* Herbicides (list) \_\_\_\_\_

YEAR ONE Annual work to begin Month \_\_\_\_\_ Year \_\_\_\_\_

YEAR TWO Annual work to begin Month \_\_\_\_\_ Year \_\_\_\_\_

YEAR THREE Annual work to begin Month \_\_\_\_\_ Year \_\_\_\_\_

Additional comments: \_\_\_\_\_

**Other methods of weed management for disturbed area, subdivision, industrial park, gravel pit and/or utility installation:**

- \_\_\_ Contract, conditions, covenants of subdivision sale to include weed treatment
- \_\_\_ Contractor required to maintain site weed-free for a specified period of time
- \_\_\_ Develop road maintenance plan, including weed control
- \_\_\_ Landscape
- \_\_\_ Monitor site to ensure new weeds are promptly eradicated
- \_\_\_ Reuse or remove excess topsoil
- \_\_\_ Wash equipment used in infested areas

**Assignment of responsibility:**

- \_\_\_ Landowner (until all properties are sold)
- \_\_\_ Codes, Covenants & Restrictions
- \_\_\_ Commercial Applicator – Company Name/Contact/Phone \_\_\_\_\_
- \_\_\_ Homeowner’s Association – Contact/Phone \_\_\_\_\_

**I hereby agree to the plan as stated.**

Landowner’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved ( ) or Disapproved ( ) Flathead County Weed Board**

**Comments or amendments to the submitted plan as reviewed by the Flathead County Weed Board:**

\_\_\_\_\_  
\_\_\_\_\_

Signature of Board Representative \_\_\_\_\_ Date \_\_\_\_\_

Agreed: Landowner’s Signature \_\_\_\_\_ Date \_\_\_\_\_

