

Section 261: Standards for Weeds and Invasive Species

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Intent

The intent of this section is the control of noxious weeds and invasive species. Rio Blanco County (County) has regulated the control of noxious weeds since the 1950's for the following reasons:

- To prevent the spread of dangerous economically devastating weed species
- To preserve the integrity of the landscape and conserve local resources
- Deter management cost for adjoining landowners
- To prevent long-term environmental degradation in areas such as but not limited to riparian, agricultural, and wildlife areas.
- To comply with the Colorado Noxious Weed Act.

Applicability

The administrators shall apply this standard for all approvals that will cause disturbance of the ground or vegetation in Rio Blanco County in a manner that may result in the establishment or spread of noxious weeds. Application of this standard includes long-term weed management as well as weed control in the all phases of construction and revegetation/reclamation efforts.

Based on information available from the administrators, all applicants for approval shall consult with the administrators on the potential for property to be developed to have any county listed noxious weeds or * denoted State of Colorado (State) noxious weeds. The administrators shall maintain a noxious weed map for these purposes that will be reviewed and upon the recommendation of the County Weed Board recommended to the Board of County Commissioners for approval at least yearly. The administrators shall apply this standard to all properties covered in the map.

If a property to be developed is in a designated noxious weed area it shall be surveyed before an approval of this resolution can be granted. Except for properties zoned residential and rural residential, a noxious weed plan shall be developed and submitted as part of the approval application. It shall provide information sufficient to comply with this section. For rural residential and residential zoned properties the applicant seeking approval shall fill in the forms provided by the administrators with the help of the administrators based on the results of the survey. When no noxious weeds are present this standard shall not apply.

These standards shall apply to gas and oil wells and other uses that receive approval for part of their operation such as but not limited to gas drilling as regulated by the state but associated pipelines as regulated by the county. These operators are under the special use permit and/or operators process.

Noxious Weed Plans

Plans shall consist of maps and narratives of the approach to weed control and/or eradication. On maps provided noxious weed species shall be denoted by a symbol as represented on the State of Colorado Noxious Weed list. Existing identified weeds in the development area(s) need to be included on the map. If other noxious weeds are identified the applicant shall present this finding on the map or in the narrative. Submittal of maps can be those reproduced by the administrators. The substance of the plan, maps, narrative and management activities shall be sufficient enough so the plan has the likelihood of succeeding in noxious weed control.

Management Standards

Earth Disturbing Activities

Any grading, earth disturbance in a noxious weed area shall be done in a manner to minimize the spread of weed seeds or revegetative parts beyond the established perimeters of known noxious weed boundaries. This shall be accomplished in the following manner:

- When the ground is disturbed to a depth that will exceed the natural topsoil profile, the topsoil shall be segregated to allow its return to the original position on the surface of all pipe lines, utility rights-of-way, gravel pits and construction sites. In permit sites, where segregated top soil can not or is not practical to be returned to its original location, topsoil shall be added to other disturbed areas of the permit, if possible, to enhance soil profile for revegetation.
- Topsoil removed from an area known to contain noxious weeds shall be segregated so that it can be returned back to its original location in the infested area. If unable to return topsoil back to its original location, it shall be positioned in the infested area to minimize the spread of noxious weed seed or propagative plant parts beyond the perimeter of said noxious weed boundaries.

Revegetation and Reclamation

When a development removes any existing ground cover, it is the developer's responsibility to seed, plant, or otherwise revegetate the disturbed area(s) by the second year of project completion. All revegetation shall be done according to the Natural Resource Conservation Service, County or other State or Federal government entity standards, as applicable, to reestablish a ground cover that will help prevent the encroachment, establishment and/or spread of noxious weeds. Revegetation efforts shall begin at the earliest practical planting season as recommended by the appropriate land-manager or government agency.

Topsoil that is stocked piled for more than one year shall be seeded according to above standards at the earliest practical time to reduce the possibility of noxious weed establishment.

All stray, hay, mulch or seed or other materials used for soil stabilization and/or revegetation purposes shall be certified weed free by a certified inspector to Colorado Department of Agriculture standards.

Control of Noxious Weed Spread

Before entering Rio Blanco County, all equipment, to be used in an area to be developed that may have the potential to spread noxious weed seeds or other propagative plant parts shall be high pressure washed or otherwise cleaned where soil may accumulate on the equipment. Equipment is considered as any earth moving and any other equipment, trucks or vehicles, trailers and tools. In addition, any equipment (as listed above) moved from an area that is known to contain noxious weeds will be washed or otherwise cleaned in a reasonable and prudent manner before moving out of the infested area.

If a gravel pit has not operated for one year, that gravel pit must again be inspected for noxious weeds before operation is started. Notification must be received at least two weeks before any disturbance or removal of any aggregate materials. Approved control measures must be taken to control all noxious weed seeds and propagative parts to ensure that those parts will not be removed from any gravel pit.

Any gravel brought into Rio Blanco County shall be certified that it is free of any State * denoted or County listed noxious weeds.

If a gravel pit is to be no longer in operation, that site must be re-contoured to be as stable and safe as possible. Re-contouring of the permit area shall be done in a way to allow revegetation efforts to be successful while allowing safe access throughout the site for any future noxious weed management activities.

If any noxious weeds on the County noxious weed list and State * denoted noxious weeds are introduced or allowed to spread beyond the right-of-way, permit boundaries or surface disturbed areas, the permittee shall assume responsibility and control of those noxious weeds. Permittee will not be responsible for noxious weeds that are adjacent to permit area if those species are established prior to permit issuance.

Permittee's may not sell their responsibility of long-term noxious weed management obligations to any other parties, although this shall not apply if the property is sold to another owner. All new owners shall become responsible for the properties weed control.

Enforcement

Any approval granted under the provisions of this resolution shall comply with the provisions of this part. In repeated instances where the County Weed Board finds non-compliance they may request that the Board of County Commissioners act to enforce the provisions of this section. The Board of Commissioners may find that the property is a nuisance and act under the nuisance standard of this resolution or by authority of the Colorado Noxious Weed Act 35-5.5, CRS.

In cases of repeated non-compliance with this section of the resolution the county may require bonding to ensure maintenance, reclamation and control of noxious weeds.

Noxious Weed List

The Rio Blanco County Commissioners have established the Rio Blanco County Noxious Weed List by authority of the Colorado Noxious Weed Act 35-5.5, CRS. If additional noxious weeds are added to the County or State noxious weed list in the future, all landowners (tenets, etc) are expected to assume the responsibility and control of the noxious weed(s) on the properties. The Current Noxious Weed List for Rio Blanco County, established in 1997 includes:

- Black henbane (*Hyoscyamus Niger*)
- Canada thistle (*Cirsium arvense*)
- Common burdock (*Arctium minus*)
- Common mullein (*Verbascum thapsus*)
- Dalmatian toadflax (*Linaria genistifolia ssp.dalmatica*)
- Diffuse knapweed (*Centaurea diffusa*)
- Field bindweed (*Convolvulus arvensis*)
- Halogeton (*Halogeton glomeratus*)
- Hoary cress, commonly called White top (*Cardaria draba*)
- Houndstongue (*Cynoglossum officinale*)
- Leafy spurge (*Euphorbia esula*)
- Musk thistle (*Carduus nutans*)
- Perennial pepperweed (*Lepidium latifolium*)
- Plumeless thistle (*Carduus acanthoides*)
- Russian knapweed (*Centaurea repens*)
- Scotch thistle (*Onopordum acanthium and tauricum*)

- Spotted knapweed (*Centaurea maculosa*)
- Yellow toadflax (*Linaria vulgaris*)