

Rio Blanco County Noxious Weed Management Plan

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EXHIBIT A

Rio Blanco County Noxious Weed Management Plan

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1-100 Introduction

1-101 Purpose of This Plan

The purpose of the Rio Blanco County Noxious Weed Management Plan (WMP) is to provide guidelines for effectively managing designated noxious weeds, which constitute a persistent threat to the economic and environmental value of natural resources in unincorporated Rio Blanco County. This plan implements the mandates of the Colorado Noxious Weed Act (also referred to herein as the Act) and 8CCR1206-2, revisions to the Act (also referred to herein as part of the Act). Specific management practices, directed by the Act are integrated into the County plan. Educational outreach, preventive measures, and good stewardship components are also included. It is this plan's intent to incorporate those options that are the least environmentally damaging, yet practical, timely, and economically feasible. Further, it is the responsibility of all landowners to use integrated methods to manage noxious weeds, and the responsibility of local governing bodies to assure that these plants are in fact managed on public and private lands.

1-102 Enactment Authority

The Colorado Noxious Weed Act (C.R.S. §35-5.5-101, *et seq.*) was signed into state law in 1990, amended in 1996 and revised in 2013. The Act states that certain noxious weeds pose a threat to the natural resources of Colorado. It also states that it is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners. It further directs that the Board of County Commissioners of each county in the state shall adopt a Noxious Weed Management Plan for all unincorporated land within the county.

The Act directs the Board of County Commissioners to appoint a local advisory board, whose power and duties are threefold:

1. Develop recommended management criteria and integrated weed management plans for managing designated noxious weeds;
2. Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management; and
3. Recommend to the Board of County Commissioners that certain landowners be required to submit integrated weed management plans for managing designated noxious weeds on their properties.

1-103 Jurisdiction and Scope of Plan

The jurisdictional area of the Board of County Commissioners of Rio Blanco County, Colorado (Board) is all of the unincorporated land within Rio Blanco County. This plan shall be referred to as the Rio Blanco County Noxious Weed Management Plan, or the County Management Plan (CMP). The CMP was developed by the Rio Blanco County Weed Advisory Board (also referred to herein as County Advisory Board).

This plan shall apply to all land within the unincorporated areas of Rio Blanco County. It does not preclude the County from entering into intergovernmental agreements with other governmental entities towards managing noxious weeds under the Colorado Noxious Weed Act. The Rio Blanco County Weed Office (referred to herein as the Weed Office) is aware that the Federal Noxious Weed Act (1974), as amended by Section 15 (management of Undesirable plants on Federal Lands (1990)), directs federal agencies to have an office or person trained to coordinate a noxious weed management program, to adequately fund the program, to implement cooperative agreements and to conduct integrated weed management. It also directs that such agencies manage on Federal lands those designated noxious weeds on Federal lands within the County. The Weed Office recognizes that a Memorandum of Agreement regarding noxious weed management was signed in Colorado in 1996 among 13 federal and state agencies with land management and natural resource protection responsibilities.

1-104 General Duty to Manage Noxious Weeds

It is the duty of all persons to use integrated methods to manage noxious weeds through the implementation of appropriate management plans, if such weeds are likely to be materially damaging to the land of neighboring landowners.

2-100 Designation of Noxious Weeds

2-101 State-Listed Noxious Weeds

The State list of undesirable plant species which have been designated as noxious weeds for management under the Act is specified by rule promulgated by the Commissioner. The current Commissioner Rules are included in Appendix B.

A. List A Noxious Weeds

1. Pursuant to 8 CCR 1203-15 (see Appendix B), the Commissioner has designated certain weed species as Class A noxious weeds, which are rare noxious weed species that are subject to eradication wherever detected statewide in order to protect neighboring lands and the state as a whole. These List A noxious weed species are as listed in 8 CCR 1203-15 or as amended. These List A noxious weeds shall comprise the Rio Blanco County List A noxious weeds. All List A species are subject to eradication as further specified in Appendix B of this CMP. To date, only 15 of the 22 List A species are found in Colorado*

African rue, (*Peganum harmala*)*
Camelthorn, (*Alhaji maurorum*)
Common crupina, (*Crupina vulgaris*)
Cypress spurge, (*Euphorbia cyparissias*)*
Dyer's woad, (*Isatis tinctoria*)*
Elongated mustard (*Brassica elongata*)*
Giant reed (*Arundo donax*)*
Giant salvinia, (*Salvinia molesta*)
Japanese knotweed (*Polygonum cuspidatum*)*

Giant knotweed (*Polygonum sachalinense*)*
 Bohemian knotweed (*Polygonum x bohemicum*)*
 Hydrilla, (*Hydrilla verticillata*)
 Meadow knapweed, (*Centaurea nigrescens*)*
 Mediterranean sage, (*Salvia aethiopsis*)*
 Medusahead, (*Taeniatherum caput-medusae*)
 Myrtle spurge, (*Euphorbia myrsinites*)*
 Orange hawkweed, (*Hieracium aurantiacum*)*
 Purple loosestrife, (*Lythrum salicaria*)*
 Rush Skeletonweed, (*Chondrilla juncea*)*
 Squarrose knapweed, (*Centaurea virgata*)
 Tansy ragwort, (*Senecio jacobaea*)
 Yellow starthistle, (*Centaurea solstitialis*)*

2. Future List A noxious weed species which the Commissioner designates by rule pursuant to the Act, shall be automatically incorporated into this CMP, without the need for the Board to amend the CMP. Similarly, any deletions of species from List A, or transfer of species from List A to Lists B or C, which the Commissioner accomplishes pursuant to the Act, shall be automatically incorporated into this CMP without the need for the Board to amend the CMP.

B. List B Noxious Weeds

1. Pursuant to 8 CCR 1203-15 (see Appendix B), the Commissioner has designated certain weed species as List B noxious weeds, which are noxious weed species with discrete statewide distributions that are subject to eradication, containment, or suppression in portions of the state as designated by the Commissioner in order to stop the spread of these species. State Designated List B noxious weeds shall comprise the Rio Blanco County List B noxious weeds. (2) Some (but not all) of these List B species are subject to management as further specified in Appendix B

State B List Noxious Weeds

Absinth wormwood, (*Artemisia absinthium*)
 Black henbane, (*Hyoscyamus niger*)
 Bouncingbet, (*Saponaria officinalis*)
 Bull thistle, (*Cirsium vulgare*)
 Canada thistle, (*Cirsium arvense*)
 Chinese clematis, (*Clematis orientalis*)
 Common tansy, (*Tanacetum vulgare*)
 Common teasel, (*Dipsacus fullonum*)
 Corn chamomile, (*Anthemis arvensis*)
 Cutleaf teasel, (*Dipsacus laciniatus*)
 Dalmatian toadflax, broad-leaved (*Linaria dalmatica*)
 Dalmatian toadflax, narrow-leaved (*Linaria genistifolia*)

Dame's rocket, (*Hesperis matronalis*)
 Diffuse knapweed, (*Centaurea diffusa*)
 Eurasian water milfoil, (*Myriophyllum spicatum*)
 Hoary cress, (*Cardaria draba*)*
 Houndstongue, (*Cynoglossum officinale*)
 Jointed goatgrass (*Aegilops cylindrica*)
 Leafy spurge, (*Euphorbia esula*)
 Mayweed chamomile, (*Anhemis cotula*)
 Moth mullein, (*Verbascum blattaria*)
 Musk thistle, (*Carduus nutans*)
 Oxeye daisy, (*Leucanthemum vulgare*)
 Perennial pepperweed, (*Lepidium latifolium*)
 Plumeless thistle, (*Carduus acanthoides*)
 Quackgrass, (*Elytrigia repens*)
 Russian knapweed, (*Acroptilon repens*)
 Russian-olive, (*Elaeagnus angustifolia*)
 Salt cedar, (*Tamarix chinensis*, *T. parviflora*, and *T. ramosissima*)
 Scentless chamomile, (*Tripleurospermum perforatum*)
 Scotch thistle, (*Onopordum acanthium*)
 Scotch thistle (*Onopordum tauricum*)
 Spotted knapweed, (*Centaurea stoebe*)
 Spurred anoda, (*Anoda cristata*)
 Sulfur cinquefoil, (*Potentilla recta*)
 Venice mallow, (*Hibiscus trionum*)
 Wild caraway, (*Carum carvi*)
 Yellow nutsedge, (*Cyperus esculentus*)
 Yellow toadflax, (*Linaria vulgaris*)

- (a) Future List B noxious weed species which the Commissioner designates by rule pursuant to the Act shall be automatically incorporated into this CMP, without the need for the Board to amend the CMP. Similarly, any deletions of species from List B, or transfer of species from List B to Lists A or C, which the Commissioner accomplishes pursuant to the Act, shall be automatically incorporated into this CMP without the need for the Board to amend the CMP.

C. List C Noxious Weeds

1. Pursuant to 8 CCR 1203-15 (see Appendix B) the Commissioner has designated certain weed species as List C noxious weeds, which are widespread and well-established noxious weed species for which the Commissioner recommends but does not require management, although the Board may in its discretion require management. These List C noxious weeds shall comprise the Rio Blanco County List C noxious weeds. List C weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local

governments, and other interested parties, will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. The goal of such plans will not be to stop the continued spread of these species but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species.

Bulbous bluegrass (*Poa bulbosa*)
Chicory (*Cichorium intybus*)
Common burdock (*Arctium minus*)
Common mullein (*Verbascum thapsus*)
Common St. Johnswort (*Hypericum perforatum*)
Downy brome (*Bromus tectorum*)
Field bindweed (*Convolvulus arvensis*)
Halogeton (*Halogeton glomeratus*)
Johnsongrass (*Sorghum halepense*)
Perennial sowthistle (*Sonchus arvensis*)
Poison hemlock (*Conium maculatum*)
Redstem filaree (*Erodium cicutarium*)
Velvetleaf (*Abutilon theophrasti*)
Wild proso millet (*Panicum miliaceum*)

2. Future List C noxious weed species which the Commissioner designates by rule pursuant to the Act shall be automatically incorporated into this CMP, without the need for the Board to amend the CMP. Similarly, any deletions of species from List C, or transfer of species from List C to Lists B or C, which the Commissioner accomplishes pursuant to the Act, shall be automatically incorporated into this CMP without the need for the Board to amend the CMP.

2-102 County Designated Noxious Weeds

The County Designated Noxious Weed List includes all of those A, B and C State listed species and the Board retains the right to add additional species when and if the need arises.

3-100 Weed Program Mission Statement, Objectives and Goals

3-101 Mission Statement:

The mission of the County Weed Department is to provide a cooperative, systematic, economical and effective long term noxious weed control program for all lands in the unincorporated areas of Rio Blanco County and to provide support and best management recommendations for all land managers within

and around the County while complying with State and Federal laws to help protect our natural resources. The Board will help to maintain a healthy agricultural economy and healthy, biologically diverse wildlife ecosystems that will help to ensure the economic integrity of Rio Blanco County in the future.

3-102 Goals:

- A. To prevent the introduction, spread and establishment of dangerous and economically devastating noxious weed species to all lands within Rio Blanco County as well as surrounding counties and states in a cooperative environment that culminates the efforts of different agencies to enhance the likely hood of success on a landscape approach.
- B. Preserve the integrity of the landscape and conserve local resources.
- C. Engage in early detection and rapid response protocols to limit financial impacts.
- D. To comply with the Colorado Noxious Weed Act.
- E. Promote Weed Awareness by providing public educational programs.

3-104 Objectives

- A. Develop and implement integrated management programs for noxious weeds on County owned properties, easements and right-of-ways. Incorporate the most appropriate Preventative, Biological, Mechanical, Chemical, Cultural control methods and Restoration practices.
- B. Consult with other agencies and interested groups on best management practices and establish cooperative partnerships. Develop watershed scale projects that will be of mutual benefit. Encourage and assist municipalities in Rio Blanco County to adopt management plans for noxious weed control in their incorporated boundaries.
- C. Continue and improve educational programs that will effectively communicate noxious weed impacts and management methods. Possible opportunities for promoting public education include writing newspaper articles, classroom presentations, host workshops, field tours, provide weed fact sheets, identification guides and recommend control options.
- D. Provide landowners/occupants with technical support in establishing their Individual Management Plans (I.M.P.s).
- E. Outline processes for enforcing control of noxious weeds on private and public properties. Initiate enforcement of all List A noxious weeds, and List B noxious weeds if environmental resources are being negatively impacted, cause economic impacts on neighboring properties or if a complaint is filed and no response or inaction is forthcoming.
- F. Select control methods according to 8 CCR1206-2 for A, B and C list species. For County designated weeds, select control methods that are practical, economically reasonable and least environmentally damaging.

- G. Provide cost savings and promote weed control work for Rio Blanco County landowners by managing herbicide sales and cost share opportunities.
- H. Help finance the Weed Program by writing grants and providing low cost weed management services for private landowners.
- I. Maintain detailed GPS files on weed populations in order to evaluate if management practices are effective. Map new infestation or unrecorded populations of noxious weeds as they are discovered.
- J. Continue and expand the leafy spurge management project and other programs and monitor results annually.
- K. Continue research and the establishment of biological agents in appropriate areas.
- L. Review noxious weed list and management plan every three years, per CRS 35-5.5-107 (4a).
- M. Consult with the Planning Department to incorporate sound land stewardship practices that incorporate Weed Management strategies for land use applications. Oversee permit requirements pertaining to management of noxious weeds for all approved permits and gravel pits.
- N. Establish annual goals, evaluate and modify goals and objectives annually.
- O. Maintain application, records and training requirements for seasonal staff, maintain licenses as required by Colorado Department of Agriculture and participate in Professional Educational opportunities that that would benefit the County and the Department

4-100 Plan Components

4-101 Prevention Measures

Preventive control involves use of measures that will prevent the introduction or establishment of noxious weeds into areas not currently infested with noxious weeds. Prevention also includes the eradication of small, new infestations. These measures usually are the most practical and cost-effective means of integrated weed management.

Preventive measures that have applicability to the subject lands are:

- Using State certified weed-free seed and mulch
- Prioritize weed management areas along routes of entry and monitor noxious weed infestations in cooperation with bordering counties.
- Adhering to the requirements of the Rio Blanco County Land Use Resolution.
- Rio Blanco County Weed Supervisor (Weed Supervisor) will control noxious weeds on County rights-of-way annually.
- Public education programs will emphasize weed infestation prevention.
- Sites found to have small infestations of a new, uncommon noxious weed will be given high priority for management purposes.

- A coordinated control effort with private landowners will be organized, where applicable.
- The Colorado Department of Transportation, railroad, and ditch companies will be contacted. They will be encouraged to prevent noxious weed infestations, and to manage and prevent the spread of existing infestations.

4-102 Educational Programs

Education of the public is a key component of integrated weed management. Emphasis will be made on continuing and expanding educational noxious weed programs, such as the following:

- A. Timely media articles concerned with noxious weed identification and management. Emphasis will be made on the alien origin of noxious weeds and the consequences of not managing them.
- B. Via the media and seminars, offer the assistance of the Rio Blanco County Weed Department in weed management and IMP matters.
- C. Distribute educational brochures and field visitor's questions at local fairs and events.
- D. Conduct noxious weed identification, management, and awareness seminars with other County Departments.
- E. Utilize State Fact Sheets when possible. Prepare informational brochures on integrated noxious weed management for the public. Make herbicide labels available at public and educational events.
- F. Provide training for seasonal applicators in the areas of native, invasive, non-native and noxious specie identifications, laws and regulations, public safety, environmental protection, pesticides and pesticide families, applicator safety, safe use of pesticides, emergency protocol, and other necessary information pertaining to the job.

4-103 Mapping

Mapping is a valuable tool in integrated weed management. The Weed Supervisor will establish and maintain visual maps of past and current infestations of noxious weeds on County land. A graphic representation of weed management progress can be tracked over time and control efforts evaluated based on changes in population size, density and potential avenues of spread can be monitored.

The primary goal of mapping is to record the noxious weed species present, the area infested, density of the infested habitat types, groundwater depth, and other site factors pertinent to managing the infestation successfully.

Maps will be updated to evaluate the effectiveness of control options applied over time.

4-104 Inter-Governmental Agreements and Contracts

Intergovernmental Agreements (IGAs) and contracts are useful tools towards more effective noxious weed management among agencies and governments. Information, experience and resources can be shared and common goals can be realized in an efficient manner. The Weed Supervisor will contact individual agency representatives concerning compliance with the Act. Contracts and IGAs will lead to cooperative efforts in managing noxious weeds. Assistance will be offered towards helping each agency developing IMPs for their lands. The following organizations will be contacted:

U.S. Bureau of Land Management
U.S. Forest Service
Colorado State Department of Transportation
Colorado Parks & Wildlife
Towns of Meeker and Rangely
Routt, Garfield and Moffat Counties
Any other organizations when applicable.

4-105 Internal Cooperation and Consultation

The Weed Supervisor will provide weed service and consultation to other County Departments such as Road and Bridge, Sheriff Dept. (impound area), Facilities, Rangely and Meeker Airports, Planning, Fairgrounds, and other Departments requiring Weed Management.

4-106 County Roads

County Roads are inspected and noxious weed infestations treated on an annual basis. Since roads are a primary source of seed spread and new invader introductions, inspections and rapid response are critical in reducing future impacts. County responsibilities are outlined in the Act. The Weed Supervisor works closely with Road and Bridge and the Colorado Department of Transportation to coordinate activities and communicate in the management of noxious weeds along County Roads.

4-107 Management Plan Evaluation

The goals and plan of work in this WMP will be reviewed and evaluated at the regular meetings of the County Advisory Board. Any proposed additions or changes shall be approved by the County Advisory Board, and submitted to the Board for approval and adoption.

The full WMP shall be reviewed and amended, as needed, at least every three years (C.R.S. 35-5.5-107(4a)).

4-108 Endangered or Threatened Species or Species of Special Concern

The known location of all species of Threatened, Endangered or Species of special concern will be identified in cooperation with the US Fish and Wildlife Service and Colorado Parks and Wildlife. Adherence to specific Federal and State laws that apply to the use of Weed Management practices, such as herbicide application, mowing or grazing will be evaluated in such a manner as to meet site specific criteria utilizing the safest tools and timing methods.

5-100 Enforcement

5-101 General Provisions

A. Noxious Weed Management on Private Properties

It is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners (CRS 35-5.5-108.5(4)).

B. Cooperation from all landowners/occupants regarding timely noxious weed management will be encouraged through positive communication and education efforts. The Weed Department will continue to apply herbicides to a limited acreage of noxious weeds on private lands upon landowner or tenant request, consistent with County policies. Where noxious weeds management plans are not satisfactory or effective and if noxious weed infestations are expanding or considered a threat to neighboring properties, an enforcement process will be initiated to ensure control of the weeds.

C. The Enforcement process is subject to change as a result of any revisions made to the Act, or from any judicial decision that affects the process.

D. The following protocol will be initiated prior to a private property enforcement process:

1. A phone call is made to notify the property owner of the presence of noxious weeds. An offer to inspect and to assist in development of a management plan.

3. A letter from the Weed Department is mailed to notify, provide educational information and request inspection.

4. A letter from the Local Advisory Board is mailed to notify landowner of the need for inspection.

5. A formal notice is sent, initiating the enforcement process.

E. It is desirable that the Weed Department establish work priorities with regard to enforcement activities on subject lands due to the size of the subject area and the number of landowners with existing noxious weed infestations. The following list prioritizes enforcement:

1. Presence of A list species, B list species designated for eradication by the Colorado Department of Agriculture.

2. Complaint properties

3. Enforcement regions as mapped and designated by the Colorado Department of Agriculture.

4. Lands bordering waterways (e.g. ditches, canals, rivers, creeks)

5. Disturbance areas involved in construction, grading, mining or other activity involving soil movement, restoration or reclamation.

5-102 Enforcement of this WMP on private land shall be as provided by C.R.S. 35-5.5-109.

5-103 Enforcement of this WMP on public land shall be as provided by C.R.S. 35-5.5-110.

5-104 Public Nuisance.

All noxious weeds at any and all stages, their carriers, and any and all premises, plants and things infested or exposed to infestation therewith are hereby declared to be a public nuisance and are subject to all laws and remedies relating to the prevention and abatement of public nuisances. The Board may take such action, including removal and destruction with reference to such public nuisances, in its discretion appears necessary. The remedies in this section shall be in addition to all others remedies provided by law.

5-105 Civil Penalties.

Any person who violates this WMP or any provision of the Act may be subject to civil penalty provided by C.R.S. 35-5.5-118.

APPENDIX A

1-105 Definitions

The following definitions shall apply to terms used in this plan:

Act: the Colorado Noxious Weed Act, Article 5.5 of Title 35, C.R.S. § 35-5.5-101, *et seq.*, as amended.

Adjacent: meeting or touching at some point, or having nothing of the same kind intervening.

Alien Plant: a plant species which is not indigenous to the State of Colorado.

Biological Management: the use of an organism to disrupt the growth of noxious weeds.

Chemical Management: the use of herbicides to disrupt the growth of noxious weeds.

CMP: the Rio Blanco County Noxious Weed Management Plan, and as further defined under Management Plan below.

Colorado Noxious Weed Act: the Act, as defined above.

Commissioner: the Commissioner of the Colorado Department of Agriculture.

Compliance Waiver: a written exemption granted by the Commissioner to the County or a landowner that releases the County and/or landowner from certain obligations to eradicate a specific population of List A or List B noxious weed species.

Containment: see “Management Objective” below.

County: Rio Blanco County

County Advisory Board: the individuals appointed by the Board of County Commissioners, to serve on the Rio Blanco County Weed Advisory Board and advise the County on matters of the management of noxious weeds.

Cultural Management: those methods or management practices used to favor the growth and establishment of desirable plants that are most suited to the natural ecosystem and adopt use practices that ensure the long-term health of a diverse native plant community.

Eradication: see “Management Objective,” below.

Federal Agency: each agency, bureau or department of the federal government responsible for administering or managing federal land.

IMP: an individual noxious weed management plan, as further defined under Management Plan below.

Infestation: to overrun or dominate in a troublesome or harmful manner.

Integrated Management: the planning and implementation of a coordinated program, utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve desirable plant communities. Such methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques: biological management, chemical management, cultural management and mechanical management

Landowner: any owner of record of federal, tribal, state, county, municipal or private land.

Local Advisory Board: The Rio Blanco County Noxious Weed Management Advisory Board are those individuals appointed by the Rio Blanco County Board of Commissioners to advice on matters of noxious weed management.

Local Governing Body: The Rio Blanco County Board of Commissioners.

Local Noxious Weed: any plant, of local importance, that has been declared noxious by the Board.

Management: any activity that prevents a plant from establishing, reproducing, or dispersing itself.

Management Objective: means the specific, desired result of integrated management efforts and includes:

(a) **Eradication:** this means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely un-infested regions to zero and permanently eliminating the species or population within a specified period of time. Once all specified weed populations are eliminated or prevented from reproducing, intensive efforts continue until the existing seed bank is exhausted.

(b) **Containment:** which means maintaining an intensively managed buffer zone that separates infested regions, where suppression activities prevail, from largely un-infested regions, where eradication activities prevail.

(c) **Suppression:** this means reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weed species to spread to surrounding lands, and mitigating the negative effects of noxious weed populations on infested lands. Suppression efforts may employ a wide variety of integrated management techniques.

(d) **Restoration:** which means the removal of noxious weed species and reestablishment of desirable plant communities on lands of significant environmental or agricultural value in order to help restore or maintain said value.

Management Plan: a noxious weed management plan developed by any person, or the Local Advisory Board, using integrated management. The “County Management Plan” (CMP, or this plan) shall refer to the integrated management plan adopted by the County Advisory Board for the subject lands. An “Individual Management Plan” (IMP) shall refer to an integrated management plan for a specific property or group of properties as submitted by a landowner(s), and approved by the County Advisory Board, or its designated agent.

Management Plan: a noxious weed management plan developed by any person, the Commissioner or the Board, using integrated management techniques, methods or practices.

Mechanical management: methodologies or management practices that physically disrupt plant growth, including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing and grazing.

Municipality: a local governing body as set forth in C.R.S. Section 31-1-101(6).

Native Plant: a plant species which is indigenous to the State.

Neighboring: any property within a one-half mile radius of the boundary of the subject property.

Noxious Weed: an alien plant or parts of an alien plant that has been designated by rule as being noxious or has been declared a noxious weed by the Colorado Agriculture Commissioner, or Rio Blanco County Board of Commissioners, and meets one or more of the following additional criteria:

(a) Aggressively invades or is detrimental to economic crops or native plant communities;

(b) is poisonous to livestock;

(c) is a carrier of detrimental insects, diseases, or parasites; the direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

Noxious Weed Management: the planning and implementation of an integrated program to manage noxious weeds.

Person or Occupant: an individual, partnership, corporation, association, or federal, state, or local government or agency owning, occupying, or controlling any land, easement, or right-of-way, including but not limited to any city, county, state, or federally owned and controlled highway, drainage, or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.

Restoration: see “Management Objective”, above.

Population: a group of designated noxious weeds of the same species occupying a particular geographic region and capable of interbreeding.

State: the State of Colorado.

State Noxious Weed: any noxious weed identified by the Commissioner by rule after notifying and consulting with the State Noxious Weed Advisory Committee.

State Noxious Weed Advisory Committee: a committee of 15 members appointed by the Commissioner to make recommendations on the designation of noxious weeds and to carry out related functions as specified in Section 35-5.5-108.7 of the Act.

State Weed Coordinator: a person within the Colorado Department of Agriculture, whom the Commissioner designates to manage, coordinated with and provide guidance to local, State, and Other Agencies in the management of State Noxious Weeds.

Suppression: see “Management Objective,” above.

Weed Control Supervisor: the agent or employee designated by the Board of County Commissioners to carry out the Noxious Weed Management Plan for Rio Blanco County.

Appendix B

The following excerpts have been included in the Rio Blanco County Noxious Weed Plan as they are relevant specifically to the County. A copy of the text of the “Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act” is provided as a convenience to the public by the Colorado Department of Agriculture and does not constitute an official publication of these Rules. The official version of these Rules is published by the Office of the Secretary of State in the Colorado Code of Regulations at 8 CCR 1206-2 and may be obtained from the following website:

<http://www.sos.state.co.us/CCR/Welcome.do>.

DEPARTMENT OF AGRICULTURE

Conservation Services Division

8 CCR 1206-2

RULES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE COLORADO NOXIOUS WEED ACT

Part 2 General Provisions

- 2.1. At any time, affected persons may suggest and the Commissioner may approve additional prescribed integrated management techniques not specified in these rules for the eradication, containment, or suppression of designated state noxious weeds. Such approval may be site specific or broadly applicable. The Commissioner will publish a list on the Colorado Department of Agriculture website (<http://www.ag.state.co.us/csd/weeds/Weedhome.html>) of the herbicides, cultural techniques, and mechanical techniques approved for use under the specific state noxious weed management plans for List A and List B species.
- 2.2. As a condition for granting a compliance waiver releasing a local governing body and/or landowner from certain management obligations, the Commissioner may require the local governing body and/or landowner to implement other specified management actions with respect to a specific population.
- 2.3. No recommendations or requirements in these rules concerning the use of herbicides are intended to contradict or supersede any other federal, state or local law regulating herbicide use. All use of herbicides to achieve any management objectives specified in these rules must comply with all applicable federal, state and local legal requirements, including but not limited to compliance with all directions for use, cautionary statements and any other requirements in the labeling of the particular herbicide product.

Part 3 List A Noxious Weed Species

- 3.1. List A of the Colorado noxious weed list comprises the following noxious weed species:

African rue (*Peganum harmala*)
Camelthorn (*Alhagi maurorum*)
Common crupina (*Crupina vulgaris*)
Cypress spurge (*Euphorbia cyparissias*)
Dyer's woad (*Isatis tinctoria*)
Elongated Mustard (*Brassica elongata*)
Giant reed (*Arundo donax*)
Giant salvinia (*Salvinia molesta*)
Hydrilla (*Hydrilla verticillata*)
Japanese knotweed (*Polygonum cuspidatum*)
Giant knotweed (*Polygonum sachalinense*)
Bohemian knotweed (*Polygonum x bohemicum*)
Meadow knapweed (*Centaurea nigrescens*)
Mediterranean sage (*Salvia aethiopsis*)
Medusahead (*Taeniatherum caput-medusae*)
Myrtle spurge (*Euphorbia myrsinites*)
Orange hawkweed (*Hieracium aurantiacum*)
Purple loosestrife (*Lythrum salicaria*)
Rush skeletonweed (*Chondrilla juncea*)
Squarrose knapweed (*Centaurea virgata*)

Tansy ragwort (*Senecio jacobaea*)
Yellow starthistle (*Centaurea solstitialis*)

- 3.2. All populations of List A species in Colorado are designated by the Commissioner for eradication.
- 3.3. It is a violation of these rules to allow any plant of any population of any List A species to produce seed or develop other reproductive propagules.
- 3.4. Prescribed management techniques must be applied to every population of List A noxious weeds present in Colorado to achieve the following objectives:
 - A. The plants of every population of List A species must be eliminated prior to seed development.
 - B. Once all mature plants are eliminated, appropriate efforts must be made to detect and eliminate new plants arising from seed, reproductive propagule, or root stock for the duration of the seed longevity for the particular species.
 - C. In order to ensure that seeds or other reproductive propagules are not produced or spread, any plant with flowers, seeds, or other reproductive propagules must be placed in sealed plastic bags and disposed of by:
 1. high intensity burning in a controlled environment that completely destroys seed viability;
 2. removal of plant materials to a solid waste landfill which covers refuse daily with six inches of soil or alternative material; or
 3. any other method approved by the Commissioner.
- 3.5. Within one year of detection, any local governing body with a population of any List A species must provide to the State Weed Coordinator mapping data pertinent to each population including:
 - A. Species name
 - B. Population location(s) including distribution and abundance
 - C. Estimated infested acreage

Part 4 List B Noxious Weed Species

- 4.1. List B of the Colorado noxious weed list comprises the following noxious weed species:

Absinth wormwood (*Artemisia absinthium*)
Black henbane (*Hyoscyamus niger*)
Bouncingbet (*Saponaria officinalis*)
Bull thistle (*Cirsium vulgare*)
Canada thistle (*Cirsium arvense*)
Chinese clematis (*Clematis orientalis*)
Common tansy (*Tanacetum vulgare*)
Common teasel (*Dipsacus fullonum*)
Corn chamomile (*Anthemis arvensis*)
Cutleaf teasel (*Dipsacus laciniatus*)
Dalmatian toadflax, broad-leaved (*Linaria dalmatica*)
Dalmatian toadflax, narrow-leaved (*Linaria genistifolia*)
Dame's rocket (*Hesperis matronalis*)
Diffuse knapweed (*Centaurea diffusa*)
Eurasian watermilfoil (*Myriophyllum spicatum*)
Hoary cress (*Cardaria draba*)
Houndstongue (*Cynoglossum officinale*)
Jointed goatgrass (*Aegilops cylindrica*)
Leafy spurge (*Euphorbia esula*)
Mayweed chamomile (*Anthemis cotula*)
Moth mullein (*Verbascum blattaria*)
Musk thistle (*Carduus nutans*)
Oxeye daisy (*Leucanthemum vulgare*)
Perennial pepperweed (*Lepidium latifolium*)
Plumeless thistle (*Carduus acanthoides*)
Quackgrass (*Elytrigia repens*)
Russian knapweed (*Acroptilon repens*)

Russian-olive (*Elaeagnus angustifolia*)
Salt cedar (*Tamarix chinensis*, *T. parviflora*, and *T. ramosissima*)
Scentless chamomile (*Tripleurospermum perforatum*)
Scotch thistle (*Onopordum acanthium*)
Scotch thistle (*Onopordum tauricum*)
Spotted knapweed (*Centaurea stoebe*)
Spurred anoda (*Anoda cristata*)
Sulfur cinquefoil (*Potentilla recta*)
Venice mallow (*Hibiscus trionum*)
Wild caraway (*Carum carvi*)
Yellow nutsedge (*Cyperus esculentus*)
Yellow toadflax (*Linaria vulgaris*)

- 4.2. List B noxious weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, develops and implements state noxious weed management plans designed to stop the continued spread of these species. List B species must be managed in accordance with all the provisions of this Part 4, including any applicable state noxious weed management plans. Until a plan for a particular species is developed and implemented by rule, all persons are recommended to manage that species.
- 4.4. It is a violation of these rules to allow any plant of any population of a List B species designated for eradication by the Commissioner in a state noxious weed management plan (Rules 4.7.1-4.7.9) to produce seed or develop other reproductive propagules after the time specified in the plan for elimination.
- 4.5. Prescribed management techniques must be applied to every population of List B species designated for eradication by the Commissioner in a state noxious weed management plan (Rules 4.7.1-4.7.9) to achieve the following objectives:
- A. The plants of every population of List B species designated for eradication must be eliminated prior to seed development in the year specified.
 - B. Any population that is discovered in areas designated for eradication subsequent to the year specified for elimination must be eliminated prior to the development of viable seed. If the population is discovered after seed development has occurred, then efforts must be made to minimize the dispersion of seed and elimination is required prior to seed development in the following year.
 - C. Once all plants are eliminated, appropriate efforts must be made in subsequent years to detect and eliminate new plants arising from seed, reproductive propagule, or root stock prior to seed development for the duration of the seed longevity for the particular species.
 - D. In order to ensure that seeds or other reproductive propagules are not produced or spread, any plant with flowers, seeds, or other reproductive propagules must be placed in sealed plastic bags and disposed of by:
 - 1. high intensity burning in a controlled environment that completely destroys seed viability;
 - 2. removal of plant materials to a solid waste landfill which covers refuse daily with six inches of soil or alternative material; or
 - 3. any other method approved by the Commissioner.
- 4.6. Within one year of detection, any local governing body with a population of any List B species for which the Commissioner has developed and implemented a state noxious weed management plan must provide to the State Weed Coordinator mapping data pertinent to distribution and abundance of such species in a form prescribed by the State Weed Coordinator.

4.7. State Noxious Weed Management Plans for List B Noxious Weed Species

4.7.1. Absinth wormwood (*Artemisia absinthium*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for absinth wormwood:

A. Elimination of all populations is required prior to seed development in 2005 and each year thereafter in all Colorado counties except for Eagle, Garfield, Gunnison, Pitkin, and Weld

Counties.

4.7.2. Chinese clematis (*Clematis orientalis*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for Chinese clematis:

A. Elimination of all populations is required prior to seed development in 2005 and each year thereafter in all Colorado counties except for Clear Creek, El Paso, Garfield, Gilpin, and Jefferson Counties.

4.7.3. Plumeless thistle (*Carduus acanthoides*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for plumeless thistle:

A. Elimination of all populations is required prior to seed development in 2005 and each year thereafter in all Colorado counties except for Eagle, Garfield, Gunnison, Jefferson, Logan, Pitkin, and Summit Counties.

4.7.4. Spotted knapweed (*Centaurea stoebe*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for spotted knapweed:

A. Elimination of all populations is required prior to seed development in 2006 and each year thereafter in all Colorado counties except for Clear Creek, La Plata, and Summit Counties.

4.7.5. Salt cedar (*Tamarix chinensis*, *T. parviflora*, and *T. ramosissima*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for salt cedar:

I. The prescribed integrated management techniques for the eradication of designated populations are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, sawing, or other mechanical techniques approved by the Commissioner.

J. Prescribed integrated management techniques do not include the use of any biocontrol agents or any herbicides, cultural techniques, or mechanical techniques other than those approved by the Commissioner.

K. Seed longevity is less than one year.

4.7.6. Black henbane (*Hyoscyamus niger*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for black henbane:

A. Elimination of all populations is required prior to seed development in 2006 and each year thereafter in all Colorado counties except for Grand, Larimer, Moffat, **Rio Blanco**, Routt, and Saguache Counties.

E. Except as specified in Part 4.7.6H, elimination of all populations in Rio Blanco County must be completed prior to seed development in 2008 and each year thereafter for all land outside the boundaries of an area demarcated by Latitude 39° 55'42"N, Dry Fork Piceance Creek and Longitude 108° 04'47"W on the east, Latitude 39° 52'31"N, and Piceance Creek on the west and of an area demarcated by Latitude 40° 03'44"N, Longitude 107° 37'36"W and Forest Service Road 245 on the east, Forest Service Road 243 on the south, and a line drawn from Forest Service Road 243 to Longitude 107° 41'37"W, and Longitude 107° 41'37"W. Except as specified in Part 4.7.6H, for all land within these boundaries suppression is the specified State management objective.

H. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.7. Diffuse knapweed (*Centaurea diffusa*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for

diffuse knapweed:

A. Elimination of all populations is required prior to seed development in 2006 and each year thereafter in all Colorado counties except for Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, El Paso, Elbert, Garfield, Gilpin, Grand, Huerfano, Jefferson, Larimer, Las Animas, Logan, Moffat, Park, Pueblo, **Rio Blanco**, Summit, Washington and Weld Counties.

T. Except as specified in Part 4.7.7V, elimination of all populations in Rio Blanco County must be completed prior to seed development in 2009 and each year thereafter for all land outside the boundaries of an area demarcated by the northern border of Rio Blanco County, County Road 15 on the east, and State Highway 13, and of an area demarcated by Latitude 40_ 00'06"N, Longitude 108_ 10'30"W, Latitude 39_ 48'39"N and Longitude 108_ 25'17"W. Except as specified in part 4.4.7V for all land within these boundaries, suppression is the specified State management objective

V. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.8. Oxeye daisy (Leucanthemum vulgare). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for oxeye daisy:

A. Elimination of all populations is required prior to seed development in 2007 and each year thereafter in all Colorado counties except for Archuleta, Boulder, Conejos, Delta, Eagle, Garfield, Gilpin, Grand, Gunnison, Jefferson, La Plata, Larimer, Mesa, Mineral, Moffat, Ouray, Pitkin, **Rio Blanco**, Routt, San Miguel, and Summit Counties.

Q. Except as specified in Part 4.7.8T, elimination of all populations in Rio Blanco County must be completed prior to seed development in 2008 and each year thereafter for all land outside the boundaries of an area demarcated by the White River on the north until its confluence with Coal Creek, Coal Creek until its confluence with Little Beaver Creek, Little Beaver Creek, Latitude 40° 01'49"N, Longitude 107° 37'36"W, Latitude 39° 52'38"N, and Flag Creek on the west and of an area demarcated by the northern border of Rio Blanco County, the South Fork of the Williams Fork River, Latitude 40° 11'32"N, and Longitude 107° 30'08"W. except as specified in Part 4.7.8T for all land within these boundaries, suppression is the specified State management objective.

T. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.9. Yellow toadflax (Linaria vulgaris). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for yellow toadflax:

A. Elimination of all populations is required prior to seed development in 2007 and each year thereafter in all Colorado counties except for Adams, Arapahoe, Archuleta, Boulder, Conejos, Douglas, Eagle, El Paso, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Jefferson, La Plata, Lake, Larimer, Mineral, Montrose, Park, Pitkin, **Rio Blanco**, Routt, San Miguel, Summit, Teller, and Weld.

R. Except as specified in Part 4.7.9X, elimination of all populations in Rio Blanco County must be completed prior to seed development in 2008 and each year thereafter for all land outside the boundaries of an area demarcated by the northern border of Rio Blanco County, Strawberry Creek, 7 Road, State Highway 64 and State Highway 13 on the east Latitude 40_ 00'10" N until it meets the Dry Fork of the Piceance Creek, the Piceance Creek, Latitude 40_ 04'33" N until it meets the White River, the White River, and the western border of Rio Blanco County, and of an area demarcated by the northern border of Rio Blanco County, the eastern border of Rio Blanco County, the southern border of Rio Blanco County, and Longitude 107° 48'33" W and 15 Road. Except as specified in Part 4.7.9X for all land within these boundaries, suppression is the specified State management objective.

X. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.10 Houndstongue (*Cynoglossum officinale*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for houndstongue:

A. Elimination of all populations is required prior to seed development in 2009 and each year thereafter in all Colorado counties except for Boulder, Costilla, Delta, Dolores, Eagle, Garfield, Grand, Gunnison, Huerfano, Jackson, Jefferson, La Plata, Larimer, Mesa, Montrose, Ouray, Pitkin, Pueblo, **Rio Blanco**, Routt, and San Miguel Counties.

O. Except as specified in Part 4.7.10P, suppression is the specified State management objective for all populations in Eagle, Garfield, Jefferson, La Plata, Ouray, Pitkin, **Rio Blanco, and Routt Counties.**

P. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.11 Perennial pepperweed (*Lepidium latifolium*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for perennial pepperweed:

A. Elimination of all populations is required prior to seed development in 2009 and each year thereafter in all Colorado counties except for Adams, Alamosa, Boulder, Broomfield, Chaffee, Conejos, Costilla, Crowley, Garfield, Gunnison, Huerfano, Jefferson, Larimer, Logan, Mesa, Moffat, Morgan, Pueblo, Rio Grande, Routt, Saguache, and Weld Counties.

V. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.12 Dalmatian toadflax (*Linaria dalmatica* and *Linaria genistifolia*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for Dalmatian toadflax:

A. Elimination of all populations is required prior to seed development in 2011 and each year thereafter in all Colorado counties except for Adams, Arapahoe, Boulder, Broomfield, Chaffee, Dolores, Douglas, Eagle, Garfield, La Plata, Lake, Larimer, Mesa, Moffat, Routt, Summit, and Weld Counties.

T. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.13 Leafy spurge (*Euphorbia esula*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for leafy spurge:

A. Elimination of all populations is required prior to seed development in 2011 and each year thereafter in all Colorado counties except for Adams, Arapahoe, Archuleta, Boulder, Custer, Delta, Dolores, El Paso, Fremont, Garfield, Grand, Huerfano, La Plata, Larimer, Logan, Moffat, Morgan, Ouray, Park, Pitkin, Pueblo, **Rio Blanco**, Routt, Saguache, Sedgwick, Summit, Teller, and Weld Counties.

W. Except as specified in Part 4.7.13AE and in Part 4.7.13AF, elimination of all populations in Rio Blanco County is required prior to seed development in 2011 and each year thereafter for all land outside the boundaries of an area demarcated by the northern border of Rio Blanco County, Longitude 107°33'40"W, Latitude 39°56'11"N, Flag Creek, Latitude 39°59'59"N, County Highway 5, Latitude 40°3'39"N, and Longitude 105°52'31"W. Except specified in Part 4.7.13AD and in Part 4.7.13AE for all land within these boundaries, suppression is the specified State management objective.

AD. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

AE. All populations in this state that are within the area from the center of any river or perennial or intermittent stream to 15 feet beyond the ordinary high water mark on both banks must be eliminated prior to seed development in 2011 and each year thereafter.

4.7.14 Spurred anoda (*Anoda cristata*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for Spurred anoda:

A. Elimination of all populations is required prior to seed development in 2011 and each year thereafter in Moffat County.

B. The prescribed integrated management techniques for the eradication of designated populations are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, sawing, or other mechanical techniques approved by the Commissioner.

C. Prescribed integrated management techniques do not include the use of any biocontrol agents or any herbicides, cultural techniques, or mechanical techniques other than those approved by the Commissioner.

D. Seed longevity is unknown. Infested sites must be monitored for at least 10 years after the populations have been eliminated and treatments must be repeated when necessary to prevent flowering and development of seed.

4.7.15 Venice mallow (*Hibiscus trionum*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for Venice Mallow:

A. Elimination of all populations is required prior to seed development in 2011 and each year thereafter in Fremont and Larimer Counties.

B. The prescribed integrated management techniques for the eradication of designated populations are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, sawing, or other mechanical techniques approved by the Commissioner.

C. Prescribed integrated management techniques do not include the use of any biocontrol agents or any herbicides, cultural techniques, or mechanical techniques other than those approved by the Commissioner.

D. Seed longevity is unknown. Infested sites must be monitored for at least 10 years after the populations have been eliminated and treatments must be repeated when necessary to prevent flowering and development of seed.

4.7.16 Hoary cress (*Cardaria draba*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for hoary cress:

A. Elimination of all populations is required prior to seed development in 2012 and each year thereafter in all Colorado counties except for Adams, Arapahoe, Archuleta, Boulder, Chaffee, El Paso, Fremont, Grand, Kiowa, La Plata, Larimer, Logan, Morgan, Park, Pitkin, Pueblo, Saguache, Summit, and Weld Counties and those counties specified in Part 4.7.16U.

U. Except as specified in Part 4.7.16V and in Part 4.7.16W suppression is the specified State management objective for all populations in Alamosa, Broomfield, Conejos, Delta, Denver, Eagle, Garfield, Gunnison, Jefferson, Mesa, Moffat, Ouray, Rio Grande, and San Miguel Counties.

V. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

W. All populations in this state that are within the area from the center of any river or perennial or intermittent stream to 15 feet beyond the ordinary high water mark on both banks must be eliminated prior to seed development in 2012 and each year thereafter.

4.7.17 Russian knapweed (*Centaurea repens*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for

Russian knapweed:

A. Elimination of all populations is required prior to seed development in 2012 and each year thereafter in all Colorado counties except for Archuleta, Boulder, Chaffee, Fremont, Kiowa, Larimer, Las Animas, Jefferson, Moffat, Morgan, Ouray, Pitkin, Pueblo, Saguache, and Weld Counties and those counties specified in Part 4.7.17P.

P. Except as specified in Part 4.7.17Q and in Part 4.7.17R suppression is the specified State management objective for all populations in Alamosa, Conejos, Delta, Eagle, Garfield, Gunnison, La Plata, Mesa, Montezuma, Rio Grande, and San Miguel Counties.

Q. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

R. All populations in this state that are within the area from the center of any river or perennial or intermittent stream to 15 feet beyond the ordinary high water mark on both banks must be eliminated prior to seed development in 2012 and each year thereafter.

4.7.18 Sulfur cinquefoil (*Potentilla recta*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for sulfur cinquefoil:

A. Elimination of all populations is required prior to seed development in 2012 and each year thereafter in all Colorado counties except for Larimer, Montrose, Pitkin, and Teller Counties and those counties specified in Part 4.7.18F.

F. Except as specified in Part 4.7.18G suppression is the specified State management objective for all populations in Boulder and Jefferson Counties.

G. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.19 Bull thistle (*Cirsium vulgare*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for bull thistle:

A. Elimination of all populations is required prior to seed development in 2015 and each year thereafter in all Colorado counties except for Boulder, Gunnison, La Plata, Moffat and **Rio Blanco** Counties and those counties specified in Part 4.7.19G

F. Elimination of all populations in Rio Blanco County is required prior to seed development in 2015 and each year thereafter for all land outside the boundaries of an area demarcated by the northern, eastern, and southern borders of Rio Blanco County and State Highway 13, State Highway 64, and County Road 65 on the west. Except as specified in Part 4.7.19H, for all land within these boundaries suppression is the specified State management objective.

H. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.20 Eurasian watermilfoil (*Myriophyllum spicatum*). In addition to the requirements set forth in this Part 4 for the management of List B species, the following conditions also apply for Eurasian watermilfoil:

A. Elimination of all populations is required prior to seed development in 2014 and each year thereafter in all Colorado counties except for Arapahoe, Denver and those counties specified in part 4.7.20D

D. Suppression is the specified State management objective for all populations in Alamosa, Boulder, Fremont, Jefferson, and Weld Counties.

4.7.21 Musk thistle (*Carduus natans*). In addition to the requirements set forth in this Part 4 for the management of List B species, the following conditions also apply for musk thistle:

A. Except as specified in Part 4.7.21N, elimination of all populations is required prior to seed development in 2015 and each year thereafter in all Colorado counties except for Archuleta, Jackson, Mesa, Moffat, Park, Phillips, **Rio Blanco**, Routt, Sedgwick, and Yuma Counties and those counties specified in Part 4.7.21L

H. Except as specified in Part 4.7.21N elimination of all populations in Rio Blanco County is required prior to seed development in 2015 and each year thereafter for all land outside the boundaries of an area demarcated by the northern, eastern, and southern borders of Rio Blanco County and State Highway 13, State Highway 64, and County Road 65 on the west. Within the area described above, all populations located within the area from the center or any river or perennial or intermittent stream to 15 feet beyond the ordinary high watermark on both banks, and are within ¼ mile of the downstream boundary of this area, must be treated to meet the treatment requirement for the area immediately downstream. Except as specified in the Part 4.7.21M as otherwise specified in this section, for all land within these boundaries, suppression is the specified State management objective.

M. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.22 Scentless chamomile (*Tripleurospermum perforatum*) Corn chamomile (*Anthemis arvensis*), and Mayweed chamomile (*Anthemis cotula*). In addition to the requirements set forth in this Part 4 for management of all List B species, the following conditions also apply for scentless, corn, and mayweed chamomile:

A. Except as specified in Part 4.7.22I, elimination of all populations is required prior to seed development in 2016 and each year thereafter in all Colorado counties except for Delta, Gilpin, Gunnison, Mesa, and Park Counties and those counties specified in Part 4.7.22G.

G. Except as specified in Part 4.7.22H and Part 4.7.22I, suppression is the specified State management objective for all populations in Clear Creek, Eagle, Grand, Gunnison, Jefferson, Lake, La Plata, Pitkin, Routt, and Summit Counties.

H. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.23 Scotch thistle (*Onopordum acanthium* and *Onopordum tauricum*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for scotch thistle:

A. Except as specified in Part 4.7.23R, elimination of all populations is required prior to seed development in 2015 and each year thereafter in all Colorado counties except for Delta, El Paso, Fremont, Garfield, Gunnison, Las Animas, Logan, Mesa, Moffat, Montezuma, Pitkin, Pueblo, Rio Blanco, and Weld Counties and those counties specified in Part 4.7.23P

N. Except as specified in Part 4.7.23R, elimination of all populations in Rio Blanco County is required prior to seed development in 2015 and each year thereafter for all land outside the boundaries of an area demarcated by the northern, eastern, and southern borders of Rio Blanco County, and State Highway 13 and County Road 7 on the west. Within the area described above, all populations located within the area from the center of any river or perennial or intermittent stream to 15 feet beyond the ordinary high water mark on both banks, and are within ¼ mile of the downstream boundary of this area, must be treated to meet the treatment requirement for the area immediately downstream. Except as specified in Part 4.7.23Q and as otherwise specified in this section, for all land within these boundaries, suppression is the specified State management objective.

Q. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.24 Common teasel (*Dipsacus fullonum*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for common teasel:

A. Elimination of all populations is required prior to seed development in 2014 and each year thereafter in all Colorado counties except for Adams, Arapahoe, Boulder, Chaffee, El Paso, Jefferson, Larimer, Logan, Pueblo, and Weld and those counties specified in Part 4.7.24L.

L. Except as specified in Part 4.7.24M and Part 4.7.24N, suppression is the specified State management objective for all populations in Broomfield and Denver Counties.

M. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.25 Cutleaf teasel (*Dipsacus laciniatus*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for cutleaf teasel:

A. Elimination of all populations is required prior to seed development in 2014 and each year thereafter in all Colorado counties except for Adams, Jefferson, and Weld and those counties specified in Part 4.7.25E

E. Except as specified in Part 4.7.25F and Part 4.7.25G, suppression is the specified State management objective for all populations in Broomfield and Denver Counties.

F. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.26 Dame's rocket (*Hesperis matronalis*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for dame's rocket:

A. Elimination of all populations is required prior to seed development in 2014 and each year thereafter in all Colorado counties except for Adams, Boulder, Denver, Larimer, Logan, Mesa, Moffat, Pueblo, and Summit and those counties specified in Part 4.7.26K.

K. Except as specified in Parts 4.7.26L and Part 4.7.26M, suppression is the specified State management objective for all populations in Broomfield and Jefferson Counties.

L. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.27 Jointed goatgrass (*Aegilops cylindrica*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for jointed goatgrass:

A. Elimination of all populations is required prior to seed development in 2014 and each year thereafter in all Colorado counties except for Archuleta, Boulder, Broomfield, Delta, Denver, Dolores, Jefferson, Las Animas, Moffat, Montezuma, Pueblo, and Routt and those counties specified in Part 4.7.27N.

N. Except as specified in Part 4.7.27O, suppression is the specified State management objective for all populations in Baca, Garfield, La Plata, Logan, Mesa, Montrose, Ouray, Phillips, Otero, San Miguel, and Yuma Counties.

O. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.28 Moth mullein (*Verbascum blattaria*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for moth mullein:

A. Elimination of all populations is required prior to seed development in 2014 and each year thereafter in all Colorado counties except for Boulder, Larimer, and Pueblo and those counties specified in Part 4.7.28E

E. Except as specified in Part 4.7.28F, suppression is the specified State management objective for all populations in Broomfield, Chaffee, and Lake Counties.

F. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.29 Bouncingbet (*Saponaria officinalis*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for bouncingbet:

A. Elimination of all populations is required prior to seed development in 2016 and each year thereafter in all Colorado counties except for Denver, Larimer, and Pueblo counties and those counties specified in Part 4.7.29E

E. Except as specified in Part 4.7.29F and Part 4.7.29G, suppression is the specified State management objective for all populations in Jefferson County.

F. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

4.7.30 Common tansy (*Tanacetum vulgare*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for common tansy:

A. Elimination of all populations is required prior to seed development in 2016 and each year thereafter in all Colorado counties except for Boulder, Garfield, and Jackson Counties.

E. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis

F. All populations that are located within the area from the center of any river or perennial or intermittent stream to 15 feet beyond the ordinary high water mark on both banks, and are within ¼ mile of the downstream boundary of the county, must be treated to meet the higher treatment requirement of the two counties by 2016 and each year thereafter.

4.7.31 Wild caraway (*Carum carvi*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for wild caraway:

A. Elimination of all populations is required prior to seed development in 2016 and each year thereafter to all Colorado counties except for Larimer, and Summit Counties and those counties specified in Part 4.7.31D.

D. Except as specified in Part 4.7.31E and Part 4.7.31F, suppression is the specified State management objective for all populations in Jefferson, Rio Grande, and Routt Counties.

F. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.32 Yellow nutsedge (*Cyperus esculentus*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for yellow nutsedge:

A. Elimination of all populations is required prior to seed development in 2014 and each year thereafter in all Colorado counties except for Boulder, Delta, Mesa, Weld, and Yuma Counties, and those specified in Part 4.7.32G.

G. Except as specified in Part 4.7.32H and Part 4.7.32I, suppression is the specified State management objective for all populations in Bent, Costilla, Denver, Douglas, Eagle, Jefferson, Lincoln, and San Juan Counties.

H. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.33 Quackgrass (*Elymus repens*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for quackgrass:

A. Elimination of all populations is required prior to seed development in 2017 and each year thereafter for all Colorado counties except for Boulder and Mesa Counties and those counties specified in Part 4.7.33D.

D. Except as specified in Part 4.7.33E and Part 4.7.33F, suppression is the specified State management objective for all populations in Adams, Alamosa, Bent, Costilla, Crowley, Delta, Denver, Dolores, Douglas, Eagle, Garfield, Jefferson, La Plata, Lincoln, Logan, Ouray, Prowers, Rio Blanco, Rio Grande, Routt, San Juan, and Yuma Counties.

E. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.34 Canada thistle (*Cirsium arvense*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for Canada thistle:

A. Elimination of all populations is required prior to seed development in 2017 and each year thereafter in all Colorado counties except for Alamosa, Conejos, Las Animas, Mesa, Prowers, and Weld Counties and those counties specified in Part 4.7.34H.

H. Except as specified in Part 4.7.34I and Part 4.7.34J, suppression is the specified State management objective for all populations in Adams, Arapahoe, Archuleta, Bent, Boulder, Broomfield, Chaffee, Cheyenne, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, El Paso, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, La Plata, Lake, Larimer, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park Phillips, Pitkin, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, and Yuma Counties.

I. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

4.7.35 Russian olive (*Elaeagnus angustifolia*). In addition to the requirements set forth in this Part 4 for the management of all List B species, the following conditions also apply for Russian olive populations occurring in public open space areas, and within 100 feet of any intermittent or perennial streams, rivers, lakes, and reservoirs. These conditions also apply to and Russian olive populations that are directly contiguous to any Russian olive populations within this 100-foot treatment area.

A. Elimination is required prior to seed development in 2022 and each year thereafter in all Colorado counties except for Arapahoe, Boulder, Chaffee, Conejos, Crowley, Delta, Dolores, El Paso, Larimer, Las Animas, Moffat, Montrose, Morgan, Prowers, Rio Blanco, and San Miguel Counties and those specified in Part 4.7.35S.

Q. Elimination in Rio Blanco County is required prior to seed development in 2022 and each year thereafter for all land beyond a ½-mile from the center of the following stream segments: (1) The White River between the western border of Rio Blanco County and its confluence with Curtis Creek to the east of the town of Meeker; (2) and Douglas Creek between the southern border of Rio Blanco County and its confluence with the White River. Except as specified in Part 4.7.35T and Part 4.7.35U, for all land within these boundaries, suppression is the specified State management objective.

T. All populations on public land in this state that are within 15 feet from the edge of any public road and any immediately adjacent area used for parking must be eliminated prior to seed development on an annual basis.

U. All populations that are located within the area from the center of any river or perennial or intermittent stream to 100 feet beyond the ordinary high water mark on both banks, and are within ¼-mile of the downstream boundary of the county, must be treated to meet the higher treatment requirement of the two counties by 2018, and each year thereafter.

Part 5 List C Noxious Weed Species

5.1. List C of the Colorado noxious weed list comprises the following noxious weed species:

- Bulbous bluegrass (*Poa bulbosa*)
- Chicory (*Cichorium intybus*)
- Common burdock (*Arctium minus*)
- Common mullein (*Verbascum thapsus*)
- Common St. Johnswort (*Hypericum perforatum*)
- Downy brome (*Bromus tectorum*)
- Field bindweed (*Convolvulus arvensis*)
- Halogeton (*Halogeton glomeratus*)
- Johnsongrass (*Sorghum halepense*)
- Perennial sowthistle (*Sonchus arvensis*)
- Poison hemlock (*Conium maculatum*)
- Redstem filaree (*Erodium cicutarium*)
- Velvetleaf (*Abutilon theophrasti*)

Wild proso millet (*Panicum miliaceum*)

5.2. List C noxious weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. The goal of such plans will not be to stop the continued spread of these species but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species.

Part Compliance Waiver

7.1. Local governing bodies and landowners with any population of any List A species or population of any List B species may apply for a compliance waiver granted by the Commissioner.

7.2. To apply for a compliance waiver, local governing bodies or landowners must submit a written petition to the State Weed Coordinator via mail (Colorado Department of Agriculture, 700 Kipling Street, Suite 4000, Lakewood, CO 80215-8000), fax (303-239-4125), or email (weeds@state.co.us with "Attention: noxious weed petition" in the subject line). The Department will only consider a petition for waiver during the growing season of the target weed when the extent of the problem can be properly evaluated at the site for which the petition is submitted. The petition should provide specific information pertinent to the reevaluation of the specified management objective for the target weed in a specified geographic region.

7.3. The Commissioner will evaluate petitions using the following criteria:

- A. The known distribution of the target weed species in the specified geographic region;
- B. The feasibility of current control technologies to achieve the management objective of the target population;
- C. The cost of carrying out the management objective specified in the target weed management plan; and
- D. Any other site-specific information that establishes that the specified management objective is not feasible for a specific population in a specified geographic region.

Petitioners must address these criteria and explain specifically what conditions exist that establish that the specified management objective is not viable

7.4. The Commissioner will grant or deny a petition within fifteen business days of receiving it.

7.5. The Commissioner may revoke a compliance waiver at any time if the information provided in the petition was incomplete or inaccurate, or if conditions change such that the specified management objective becomes viable.

Factual and Policy Issues

The factual and policy issues encountered in the proposal of these permanent rules are as follows:

1. Several million acres of Colorado are infested with invasive non-indigenous plants that are continuing to spread to uninfested lands and increase in abundance.
2. A number of these species, designated as state noxious weeds, aggressively invade or are detrimental to economic crops or native plant communities, are poisonous to livestock, are carriers of detrimental insects, diseases, or parasites, or are detrimental, directly or indirectly, to the environmentally sound management of natural or agricultural systems.
3. Noxious weeds are a present threat to the economic and environmental value of the lands of the state of Colorado and it is a matter of statewide importance that the governing bodies of counties and municipalities manage such weeds in a coordinated manner across the state. Lack of such coordination makes weed management efforts unnecessarily costly and limits the effectiveness of public and private efforts to control such noxious weeds.
4. A broad array of public and private organizations support efforts to develop and implement a coordinated, statewide effort to stop the spread of noxious weeds.
5. Classifying designated noxious weeds into specific management categories will provide a means to focus public and private resources strategically and in a cost-effective manner.
6. By eradicating rare noxious weed species quickly (List A), these species can be prevented from establishing permanent populations in Colorado from which they will spread to harm the agricultural and environmental values of the lands of Colorado.

7. It is important that local governing bodies and affected landowners apply integrated management techniques that will achieve the specified management objectives, particularly for eradication. Some techniques are more effective than others (prescribed) and some techniques are likely to be ineffective or contribute to the spread of the weed species (not prescribed). Prescribing integrated management techniques to achieve specified management objectives will help landowners achieve management objectives such as eradication in a timely manner while limiting environmental damage, effort, and cost.
8. By stopping the spread of well-established species (List B), the values of uninfested lands for agriculture or the environment can be protected and the costs of land management to private and public landowners can be limited or reduced.
9. By educating the public about improved management for widespread species (List C), the harm associated with these species can be reduced and such efforts can be made more cost-effective for many citizens.
10. To accomplish the goals associated with List A (statewide eradication) and List B (halted spread) it is necessary to develop and implement statewide plans to coordinate appropriate actions at the private, local, state, and federal levels. Without such plans, it will be difficult to focus public and private resources strategically and in a cost-effective manner to achieve these goals.
11. In order to provide flexibility to respond to changing circumstances with respect to the distribution of weed populations, it is important to provide the state, local governing bodies, and landowners with a process to amend the requirement to eradicate a particular noxious weed. Without such a compliance waiver process, these rules may become unnecessarily burdensome.
12. The absence of rules to implement a coordinated statewide effort to manage noxious weeds results in increased management costs to public and private interests, a reduction in the effectiveness of individual efforts, and the continued loss of agricultural and environmental values to the invasion of noxious weeds.

Appendix C

The following is a list of resources for Weed Management information.

Organizations

Weed Science Society of America <http://www.wssa.net/>

Colorado Weed Management Association: <http://www.cwma.org/>

Western Society of Weed Science: <http://www.wsweedsociety.org/>

North American Weed Management Association: <http://www.nawma.org/>

Weed Facts, Biology, Identification, Photos

Colorado Department of Agriculture, Conservation Services Division

www.colorado.gov/ag/csd

Cal Photo: calphotos.berkeley.edu/

Center for Invasive Plant Management <http://www.weedcenter.org/>

Colorado State University Cooperative Extension

<http://www.ext.colostate.edu/index.html>

Center for Invasive Species and Ecosystem Health

<http://www.invasive.org/species/weeds.cfm>

National Plant Database <http://plants.usda.gov/index.html>