

**CUSTER COUNTY NOXIOUS WEED
MANAGEMENT PLAN
IMPLEMENTATION**

Prepared by:

**Custer County Weed Advisory Board
Custer County, Colorado**

2015

I. INTRODUCTION

In addition to the obvious environmental impact, it is in the best interest of all citizens in Custer County to manage or control noxious weeds. The effect of noxious weeds on property values, agricultural productivity, and native plant and animal communities is well documented. Non-native invasive species displace or compete with crops and native plants, usurping water otherwise used by desirable plants and numerous agricultural, domestic and recreational uses. Many of these weeds reproduce profusely in the absence of their natural predators while costing billions of dollars each year nationwide in lost agricultural crop production and animal harm to domesticated and wild species.

The Colorado Noxious Weed Act (Colorado Revised Statute 35-5.5) mandates that all landowners manage noxious weeds on their property. Custer County, through the implementation of this county-wide Noxious Weed Management Plan and along with cooperative partnerships, shall aggressively manage noxious weed species on County road rights-of-way, surface mine sites, drainages, and within the towns of Westcliffe and Silver Cliff. This Plan specifically extends the responsibility of weed management to private landowners within the unincorporated County.

State Law allows the County to pursue control of noxious weeds on private property. This document outlines the priorities and procedures that shall be taken to ensure that noxious weeds are controlled on all property within Custer County. It is the policy of Custer County to implement the management of noxious weeds on private property as outlined in the following sections.

II. PRIORITIES

The following situations are recognized as priorities for noxious weed management on private property:

1. Infestations noted by the Weed Manager or other County employees or citizens that are encroaching on county road rights-of-way, making it difficult to control or eliminate such noxious weeds along city streets, county roads, or state highways.
2. Properties infested with noxious weeds that threaten agriculture where the landowner requests assistance or where a complaint has been filed with the Custer County Weed Manager (Weed Manager);
3. A complaint from an adjacent neighbor or a request for assistance from the landowner that noxious weeds are infesting or have the potential to infest their non-agricultural property;
4. Infestations of State Listed A, B, C, or watch list of noxious weeds or any targeted weeds stated in the 2008 Custer County Noxious Weed List for management in Custer County (see Addendum I) ;

III. ACTION PLAN

A. Public Education. Identifying the problem and the solutions such as:

- Weed Awareness Week. A week of educational programs and activities to raise public awareness [State guidelines available].
- Annual Weed Tour. Culminating event of Weed Awareness Week focusing on field identification of weed infestations.
- Develop educational programs in collaboration with Custer County schools and the Custer County Conservation District.
- Develop links on the Custer County CSU Extension website with information on controlling and managing weeds.
- Programs with homeowner associations. Provide speakers at annual meetings and resources for homeowners.
- Write a feature article for the annual Chamber of Commerce guide that offers information on landowner weed control options.
- Write a series of articles for the *Wet Mountain Tribune* and others that target specific weeds in the county and ways to manage them.
- Work with the Weed Manager to create an “Adopt a Roadside” program for landowner groups to assume greater responsibility for managing noxious weeds on county lands adjacent to their property.
- Supply planning and zoning information.

B. Partnerships. Sharing ideas, resources and work load.

- Solicit cooperative relationships within Custer County, including the towns of Westcliffe and Silver Cliff.
- Coordinate work activities and resource sharing.
- Partnership Roundtable. One-half day educational program aimed at soliciting cooperation and partnering of groups and agency within the county for sharing resources.

C. Integrated Weed Management. The Colorado Noxious Weed Act states that it is the duty of all persons to use integrated methods to manage noxious weeds. Integrated weed management recognizes the value of using the appropriate combination of cultural, mechanical, biological, and chemical methods for controlling, eliminating, and preventing the spread of noxious and invasive plants.

1. Cultural and Mechanical control. The applications of cultural and mechanical methods of noxious weed control are effective as both preventive and control measures. Tools may include proper irrigation, hand-pulling, mowing, burning, properly timed livestock grazing, plowing and seeding, or the use of weed-eating livestock such as goats. The application of these methods can be complex and is not easily understood by many landowners. However, these methods will be encouraged whenever possible.
2. Biological control. The use of insect predators to disrupt the growth cycle of noxious weeds is a developing management practice that offers promise in controlling weed infestations, especially when integrated with other management methods. It is understood that current biological control methods serve to manage but will not eradicate noxious species. One of the key elements of a successful biological control program is monitoring.
3. Chemical Management. The sensible application of herbicides is currently the most effective tool for the reduction and control of noxious weeds, especially when integrated with other methods of control.

D. Mapping, Monitoring and Evaluation. The Weed Manager, with established local partnerships, shall develop and implement procedures for mapping, monitoring, and evaluating county weed management activities to ensure progress and success in Custer County weed management activities. Mapping data will be incorporated into regional and state data bases annually.

IV. ENFORCEMENT

A. Responsibility. It is the responsibility of the Weed Manager to follow all procedures established in CRS 35-5.5-109 before any management or control of noxious weeds is carried out on privately owned land. The Weed Manager and his/her assignee will keep complete records of all interactions (conversations, phone calls, letters, actions taken, etc.) with landowners. Bills for the cost of control measures shall be prepared by the Weed Manager. It is the responsibility of the Weed Manager to work with the landowner to develop a Weed Management Plan and to notify the landowner of any cost share programs available for management of noxious weeds.

B. Procedures. The following procedures shall be followed before noxious weed management or control can be carried out on privately owned land:

1. Requests for Assistance. When a request for assistance is received from a landowner, a field visit will be arranged to identify the weeds present. If noxious weeds are not found, recommendations for management of non-noxious weeds will be given, if necessary. If noxious weeds are found, the infestations will be recorded. A Weed Management Plan may be developed in conjunction with the landowner and an application for the cost share program may be offered to the landowner.

2. Complaints. When a complaint of a noxious weed infestation is received, the following procedure shall be followed by the Weed Manager. The Weed Manager shall verify the infestation before taking further action. The landowner shall then be notified of impending inspection of their property.

- a. Inspection. If the presence of noxious weeds must be confirmed by an on-site inspection (i.e. cannot be confirmed from the right-of-way or neighboring property), the Weed Manager or his/her assignee will contact the landowner by phone to get permission to enter the property. All phone calls will be documented as to date and information given. If the landowner cannot be contacted by phone, a certified mail, return receipt letter shall be sent to the landowner stating a specific date and time for the inspection. If the landowner wishes to be present during the inspection, the date and time of the inspection shall be adjusted to accommodate the landowner.

If noxious weeds can be confirmed from the right-of-way or neighboring property, the landowner will be contacted either by phone or certified mail, return receipt letter to request an on-site inspection. A specific date and time for the inspection shall be given to the landowner. The letter shall ask the landowner to contact the Weed Manager to acknowledge receipt of the letter at least one (1) business day before the pending inspection.

An inspection letter shall be sent to the landowner (see Addendum II).

If no response is forthcoming from the landowner or if access to the property is denied by the landowner, an inspection warrant will be sought and all associated court costs will be assessed against the landowner unless good cause can be demonstrated by the landowner as to why the response was not given in a timely manner.

All possible methods shall be engaged to determine that the owner of the property has been contacted. This may include contacting the Clerk and Recorder's office to determine rightful deed ownership or whether the deed has been transferred.

- b. Notification. Once the property has been inspected and a noxious weed infestation confirmed on the property, the landowner shall be contacted in person, by phone or by certified mail, return receipt letter to notify them of the presence of weeds. If contacted by phone or in person, a follow-up letter will be sent via certified mail, return receipt within three (3) business days of the conversation. The landowner shall be given detailed information as outlined in Addendum III.

from County Attorney

C. Pre-Enforcement. A pre-enforcement notice will be sent to the landowner when:

1. The landowner refuses to contact the Weed Manager, refuses to grant entry to the property, refuses to develop a Weed Management Plan, or otherwise refuses to control the noxious weeds;
2. Weed control efforts have not been implemented within the time period specified in the Weed Management Plan developed by the Weed Manager and the landowner; or
3. Immediate action is necessary and the landowner has not been cooperative (i.e., when the weed is in the prime stage to be controlled and any delay will either cause it to go to seed or postpone control until the following season).

The pre-enforcement notice will be sent to the landowner by certified mail, return receipt as outlined in Addendum IV.

D. Enforcement. If a landowner receives an enforcement notice and does not contact the Manager within ten (10) days of receiving the notice:

1. The Weed Manager will review all information pertinent to the case.
2. If warranted, the Weed Manager will bring the case to the attention of the Custer County Weed Advisory Board. The Advisory Board may, if necessary, recommend the case to the Custer County Board of Commissioners for further action.
3. The Weed Manager shall request a right-of-entry to control the weeds from the County Commissioners at a public hearing.
4. If right-of-entry is given, the Weed Manager or his/her assignee may contact a designated private contractor or provide the control work.

After control work is carried out on private property, the Weed Manager or his/her assignee shall, if required, review the contractor's work for completeness.

E. Billing. Once noxious weed control measures are carried out:

1. A bill will be prepared for the cost of control plus a 20% administrative fee as permitted under CRS 35-5.5-109.
2. The bill will be sent by certified mail, return receipt.

3. If the bill is not paid after thirty (30) days, an assessment may be placed as a lien against each lot or tract of land, until paid, and shall have priority over all other liens except general taxes and prior special assessments. Such assessment may be certified to the County Treasurer and collected and paid in the same manner as provided for the collection of taxes.
4. The Weed Manager or his/her assignee will contact the Treasurer's Office for a special assessment on the property which may result in a lien on the property.
5. Any funds collected for the management of noxious weeds on private property shall be deposited in Custer County's Weed Fund.

F. Custer County Reimbursement and Cost Share. The County may provide a noxious weed cost share program to assist landowners within unincorporated Custer County with the cost of managing noxious weeds. The program will be administered by the Weed Manager. Allocation of funds will be only for the targeted species listed in the Custer County Noxious Weed Management Plan. Applications will be reviewed and approved by the Weed Manager. Funds will not be available to landowners who had a complaint lodged against them and/or who fail to cooperate with the Weed Manager.

1. Application Process. An application may be acquired from the Weed Manager and must be complete to be considered for funding. The application must be accompanied by a Weed Management Plan that has been approved by the Weed Manager. The Weed Manager shall be available to assist landowners with developing a Weed Management Plan. Applications will be considered at least twice per year and prioritized according to Custer County targeted weeds and other criteria listed in the program documents. If all funds have been allocated for the year, the application may be considered for funding the following year. In the case of weed species that are a high priority for control, additional budget funds may be requested from the County. However, the funding limit for any one landowner shall be \$1,000.00 per application per year or as otherwise determined by the Custer County Board of County Commissioners.

2. Eligibility. Landowners with noxious weeds who own or operate property on the Custer County tax rolls are eligible to apply for the cost share program. Lessees and other property managers must submit written approval from the landowner to participate in the cost share program.

3. Reimbursement. The cost share program will pay for up to 50% of the cost of herbicides, the cost of professional herbicide application, and/or mechanical control, up to a total of \$1,000.00 per landowner per year. Costs other than those listed may be considered, if appropriate documentation is provided. The noxious weeds may be treated with herbicide by the landowner, their assignee, or by a commercial applicator.

Although landowners may personally apply herbicides to the weeds or utilize any agent for application purposes, reimbursement for labor costs shall only apply to a professional certified pesticide applicator. Any use of a landowner's employee for herbicide application

purposes shall not be reimbursable. Cost share funds may be withheld if it is found that treatment was not done in accordance with the applicable Weed Management Plan or other Federal or State requirement.

4. Reasons for Disqualification or Denial. A landowner's cost share application may be denied in the following circumstances:

- a. If the landowner has not cooperated with the Custer County management and control of noxious weeds priorities and procedures to the extent that a warrant for inspection was required.
- b. Attempting to defraud the program in any manner.
- c. Applying herbicides inconsistent with the product label.
- d. Using program materials outside of the program guidelines.
- e. Failure to follow weed control recommendations as described in the Noxious Weed Management Plan
- f. Using cost share money to control weeds other than those eligible.
- g. The budget of the cost share program is exhausted.

Addendum I Colorado Noxious Weed List

List A species in Colorado that are designated by the Commissioner for eradication:

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

List B 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:

Absinth wormwood (*Artemisia absinthium*)
Black henbane (*Hyoscyamus niger*)
Bouncing bet (*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*)
Leafy spurge (*Euphorbia esula*)
Mayweed chamomile (*Anthemis cotula*)

Moth mullein (*Verbascum blattaria*)
Musk thistle (*Carduus nutans*)
Oxeye daisy (*Chrysanthemum leucanthemum*)
Perennial pepperweed (*Lepidium latifolium*)
Plumeless thistle (*Carduus acanthoides*)
Quackgrass (*Elytrigia repens*)
Redstem filaree (*Erodium cicutarium*)
Russian knapweed (*Acroptilon repens*)
Russian-olive (*Elaeagnus angustifolia*)
Salt cedar (*Tamarix chinensis*, *T. parviflora*, and *T. ramosissima*)
Scentless chamomile (*Matricaria perforata*)
Scotch thistle (*Onopordum acanthium*)
Scotch thistle (*Onopordum tauricum*)
Spotted knapweed (*Centaurea maculosa*)
Spurred anoda (*Anoda cristata*)
Sulfur cinquefoil (*Potentilla recta*)
Venice mallow (*Hibiscus trionum*)
Wild caraway (*Carum carvi*)
Yellow nutsedge (*Cyperus esculentus*)
Yellow toadflax (*Linaria vulgaris*)

List C weed species are species 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.

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*)
Jointed goatgrass (*Aegilops cylindrica*)
Perennial sowthistle (*Sonchus arvensis*)
Poison hemlock (*Conium maculatum*)
Puncturevine (*Tribulus terrestris*)
Velvetleaf (*Abutilon theophrasti*)
Wild proso millet (*Panicum miliaceum*)

Custer County Weed List

Bouncing Bet (*Saponaria officinalis*) *DESIGNATED FOR ERADICATION*
Bull thistle (*Cirsium vulgare*)
Canada thistle (*Cirsium arvense*)
Common mullein (*Verbascum thapsus*)
Dalmation toadflax (*Linaria dalmatica*)
Diffuse knapweed (*Centaurea diffusa*)
Hoary cress (*Cardaria draba*)
Houndstongue (*Cynoglossum officinale*)
Leafy spurge (*Euphorbia esula*) *DESIGNATED FOR ERADICATION*
Musk thistle (*Carduus nutans*)
Oxeye daisy (*Chrysanthemum leucanthemum*)
Russian knapweed (*Acroptilon repens*)
Spotted knapweed (*Centaurea maculosa*)
Yellow toadflax (*Linaria vulgaris*)
(CCWMP-Colo Custer Noxious Weed List)

Watch List –
Spreading Dogbane
Field Bindweed
Yellow Starthistle
Elongated Mustard
Swainsonpea
Tamarisk (Salt Cedar)

Addendum II (Inspection)

TO: Custer County Property Owner
FROM: Custer County Weed Manager
DATE:
RE: Noxious Weeds

It has come to my attention through observation from a county right-of-way or neighboring property that certain Colorado listed noxious weeds may exist on your property. I would like to personally inspect your property on {{date and time}} to confirm the presence of noxious weeds. Please contact me at (719) {{ }} upon receipt of this letter if this date and time is not convenient for you.

Noxious weeds are species of plants that are not native to Colorado, are invasive, degrade property values, and often overtake native vegetation. In an effort to protect Custer County's wildlife and ecosystems, we are asking property owners to control the noxious weeds on their land.

Listed below are noxious weeds that are problematic in Custer County. The weeds observed on your property are required by the Colorado Noxious Weed Act (Colorado Revised Statutes 35-5.5) to be managed. The weeds checked below may be on your property, thus requiring management.

- Bull thistle (*Cirsium vulgare*)
- Canada thistle (*Cirsium arvense*)
- Common mullein (*Verbascum thapsus*)
- Dalmation toadflax (*Linaria dalmatica*)
- Diffuse knapweed (*Centaurea diffusa*)
- Hoary cress (*Cardaria draba*)
- Houndstongue (*Cynoglossum officinale*)
- Leafy spurge (*Euphorbia esula*)
- Musk thistle (*Carduus nutans*)
- Oxeye daisy (*Chrysanthemum leucanthemum*)
- Russian knapweed (*Acroptilon repens*)
- Spotted knapweed (*Centaurea maculosa*)
- Yellow toadflax (*Linaria vulgaris*)

There are various methods to control noxious weeds such as cultural, mechanical, biological, and chemical. At the time of our visit, I will provide you with information to help you make the best decision on controlling the noxious weeds identified on your property.

We appreciate your cooperation in helping return Colorado to its natural beauty. Please do not hesitate to contact me if you have any questions.

Addendum III (Notification)

TO: Custer County Property Owner
FROM: Custer County Weed Manager
DATE:
RE: Noxious Weeds Inspection Report

After visiting your property located at {{location}} on {{date}}, this letter will confirm the presence of the following noxious weeds:

- Bull thistle (*Cirsium vulgare*)
- Canada thistle (*Cirsium arvense*)
- Common mullein (*Verbascum thapsus*)
- Dalmation toadflax (*Linaria dalmatica*)
- Diffuse knapweed (*Centaurea diffusa*)
- Hoary cress (*Cardaria draba*)
- Houndstongue (*Cynoglossum officinale*)
- Leafy spurge (*Euphorbia esula*)
- Musk thistle (*Carduus nutans*)
- Oxeye daisy (*Chrysanthemum leucanthemum*)
- Russian knapweed (*Acroptilon repens*)
- Spotted knapweed (*Centaurea maculosa*)
- Yellow toadflax (*Linaria vulgaris*)
- *Other*

There are various methods to control noxious weeds such as cultural, mechanical, biological, and chemical. The following control measures can be used to stay in compliance with the Custer County Weed Management Plan and the Colorado Noxious Weed Act (Colorado Revised Statutes 35-5.5).

{{Include control measures with plant stage and time of year for treatment}}

Additional Comments:

Please contact me within 10 days of receipt of this notice so I may assist you in developing a weed management plan. There may also be cost share programs to assist you in managing your property. We appreciate your cooperation in helping Colorado maintain its natural beauty.

Addendum IV (Pre-Enforcement)

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

{{Property Owner: Name and Address}}

Dear {{Name}}:

Pursuant to the authority contained in the Colorado Noxious Weed Act (Colorado Revised Statutes 35-5.5, Section 108.5), your property located at {{location}} was inspected on {{date}} and found to be infested with the following noxious weeds:

{{List Common/scientific names of noxious weeds}}

An inspection letter was sent on {{date}} and a notification letter was sent on {{date}}. This is your third and final notification to bring your property into compliance with the Custer County Weed Management Plan and the Colorado Noxious Weed Act.

Within ten days after receipt of this letter you must either contact me so that I may assist you in developing a noxious weed management plan that will satisfy the requirements outlined in the Colorado Noxious Weed Act or you may submit an acceptable plan and schedule for completion of the plan. The Custer County Weed Advisory Board has the authority to modify any plan or schedule that is submitted if the plan will not effectively manage the named noxious weeds.

If you fail to comply with this notice, the County will administer effective treatments and you will be charged the costs of control plus expenses which may be assessed as a lien against the lot or tract of land where the noxious weeds are located.

Noxious weeds are a threat to Colorado's natural resources, they disrupt agricultural and recreational lands, and they degrade property values. Your prompt attention to this matter will help protect your property and neighboring properties from this increasing problem.

Sincerely,

{{Name}}

Custer County Weed Manager

(CCWMP Implementation Final)