

**BOULDER COUNTY
NOXIOUS WEED MANAGEMENT PLAN**

Board of County Commissioners
County of Boulder, Colorado
Amended and Readopted Effective July 20, 2004

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1-100 Title, Authority, Jurisdiction and Definitions

1-101 Enactment Authority

- (A) Pursuant to Article 5.5 of Title 35, Colorado Revised Statutes (C.R.S.), the “Colorado Noxious Weed Act” as amended (“the Act”) (Appendix A), the Board of County Commissioners of Boulder County adopted a noxious weed (formerly undesirable plant) management plan for the County's unincorporated lands to take effect no later than January 1, 1992. This plan, also referred to as the Boulder County Noxious Weed or the County Management Plan (CMP), has been subsequently amended to conform with legislative changes in the Colorado Noxious Weed Act, including but not limited to House Bill 03-1140 effective August 6, 2003. The adoption and implementation of a County-wide noxious weed management plan is another step in accomplishing the goals and objectives of the Boulder County Comprehensive Plan related to preserving and improving the quality of life, and the aesthetic and functional fitness of land uses within the unincorporated County.

1-102 Purpose

- (A) The purpose of the Boulder County Noxious Weed Management Plan is to protect effectively against designated noxious weeds which constitute a present threat to the continued economic and environmental value of lands in the unincorporated County. This Plan implements the mandates of the, including by setting forth management objectives and plans, methods or practices which utilize a variety of techniques for the integrated management of noxious weeds. In establishing a coordinated program for the integrated management of noxious weeds, it is the County's intent to encourage and require all appropriate and available management methods, promoting those methods which are the most environmentally benign and which are practical and economically feasible, consistent with the noxious weed management objectives and plans mandated by the State.

1-103 Jurisdiction and Scope of Plan

- (A) This Plan shall apply to all public and private lands within unincorporated Boulder County, with the following exception:
 - (1) Any municipal service, function, facility, or property, whether owned by or leased to an incorporated municipality, unless the County and municipality agree otherwise pursuant to Part 2 of Article 1 of Title 29, C.R.S.
- (B) The County is authorized to enter into an intergovernmental agreements pursuant to Part 2 of Article 1 of Title 29, C.R.S., or pursuant to Article 20 of Title 29, C.R.S., with incorporated municipalities in the County, other counties, and state and federal boards, departments, entities and agencies, in order to cooperatively control and manage noxious weeds under the Act. The County also may enter into nonbinding memoranda of understanding, or undertake other appropriate cooperative efforts, with these governmental entities or agencies.

1-104 Definitions

- (A) The following definitions shall apply to the terms used in this CMP:
- Act:** the Colorado Noxious Weed Act, Article 5.5 of Title 35, C.R.S., as amended.
- Adjacent:** meeting or touching at some point, or having nothing of the same kind intervening.
- Agricultural Extension Agent:** the agent in the Colorado State University Cooperative Extension office who provides weed education to the public and may assist in the development of individual noxious weed management plans.
- 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.
- Board:** the Board of County Commissioners of Boulder County.
- CMP:** the Boulder County Noxious Weed Management Plan, as amended.
- Chemical Management:** the use of herbicides to disrupt the growth of noxious weeds.
- Colorado Noxious Weed Act:** the Act, as defined above.
- Commissioner:** the Commissioner of the Colorado Department of Agriculture or the Commissioner's designee.
- 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:** the County of Boulder (Boulder County).
- County Land Use Department:** the Boulder County Land Use Department, which employs the Zoning Administrator and is authorized to assist the County Weed Coordinator and other authorized federal, state and local noxious weed management officials as provided in this ~~Plan~~ CMP.
- County Weed Coordinator:** the Weed Coordinator appointed by the Board, through the Director of the County Parks and Open Space Department, to conduct the duties and functions of noxious weed management as specified under this CMP.
- Cultural Management:** those methodologies or management practices conducted to favor the growth of desirable plants over noxious weeds, including but not limited to maintaining an optimum fertility and plant moisture status in the area, planting at optimum density and spatial arrangement in the area, and planting species and eco-types most suited to the area.
- Eradication:** see "Management Objective," below.
- Escaping Ornamental Plants:** exotic horticultural plant species which invade other lands, becoming an ecological or economic nuisance to the present management goals of those lands.
- Federal Agency:** each agency, bureau, or department of the federal government responsible for administering or managing federal land.

Federal Land Manager: the federal agency having jurisdiction over any federal lands affected by the Act.

Infestation: a spreading or swarming in or over in a troublesome manner.

Infested Acreage: an area of land containing a noxious weed species, defined by the actual perimeter of the infestation delineated by the canopy cover of the plants, and excluding areas not subject to infestation.

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

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

List A Noxious Weed Species: rare noxious weed species that are subject to eradication wherever detected statewide in order to protect neighboring lands and the state as a whole.

List B Noxious Weed Species: noxious weed species with discrete statewide distributions that are subject to eradication, containment, or suppression in portions of the state designated by the Commissioner in order to stop the spread of these species.

List C Noxious Weed Species: 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.

Local Advisory Board: the Board of County Commissioners of Boulder County, or such other entity as the Board may constitute to fulfill the role of the local advisory board under the Act.

Local Noxious Weed: any weed of local importance in the County which has been declared a noxious weed by the Board.

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

Management Objective: the specific, desired result of integrated management efforts including:

(a) "**Eradication,**" which means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely uninfested 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 uninfested regions, where eradication activities prevail.

(c) "**Suppression,**" which 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, the Commissioner, or the Board, using integrated management techniques, methods or practices.

Mechanical Management: those methodologies or management practices that physically disrupt plant growth, including but not limited to tilling, mowing, burning, flooding, mulching, hand-pulling, grazing and hoeing.

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 have been designated by rule as being noxious or have been declared a noxious weed by the Board, and meets one or more of the following 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;

(d) has a direct or indirect detrimental effect on the environmentally sound management of natural or agricultural ecosystems.

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

Occupant: see "Person," below.

Parks and Open Space Department: the Boulder County Parks and Open Space Department.

Person or Occupant: an individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or rights-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 rights-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.

Propagule: a part of a plant (such as a cutting, seed, or spore) that serves to propagate the plant (i.e., causes or allows the plant to reproduce).

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 Division of Plant Industry of the State Department of Agriculture whom the Commissioner designates to, among other functions, provide guidance to and coordinate with local government weed managers, such as the County Weed Coordinator, as provided for in Section 35-5.5-117 of the Act.

Suppression: see “Management Objective,” above.

Weed: any undesirable plant.

Zoning Administrator: The person(s) appointed or designated by the Director of the County Land Use Department to enforce the provisions of this CMP.

2-100 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.

3-101 Designation of Noxious Weeds

3-101 State Noxious Weeds

(A) 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.

(B) List A Noxious Weeds

(1) Pursuant to 8 CCR 1203-15 (see Appendix B), effective May 4, 2004, the Commissioner has designated 17 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 Class A noxious weed species are the following:

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 aethiopis*)
Medusahead (*Taeniatherum caput-medusae*)
Myrtle spurge (*Euphorbia myrsinites*)
Purple loosestrife (*Lythrum salicaria*)
Rush skeletonweed (*Chondrilla juncea*)
Sericea lespedeza (*Lespedeza cuneata*)
Squarrose knapweed (*Centaurea virgata*)
Tansy ragwort (*Senecio jacobaea*)

Yellow starthistle (*Centaurea solstitialis*)

- (2) The forgoing List A noxious weed species are hereby incorporated by reference into this CMP. All List A species are subject to eradication as further specified in Section 4-101 of this CMP, below. The Board notes, in accordance with information provided by the Commissioner (see memorandum for the State Weed Coordinator to State Boards of County Commissioners and Municipal Administrators dated April 20, 2004, attached hereto as Exhibit C), that as of the date of that information only seven of the 17 List A species are found in Colorado (Cypress Spurge, Dyer's Woad, Meadow Knapweed, Mediterranean Sage, Myrtle Spurge, Purple Loosestrife, and Yellow Starthistle).
- (3) 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.

(C) List B Noxious Weeds

- (1) Pursuant to 8 CCR 1203-15 (see Appendix B), effective May 4, 2004, the Commissioner has designated 40 weed species as Class 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. These Class B noxious weed species are the following:

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*)
Leafy spurge (*Euphorbia esula*)
Mayweed chamomile (*Anthemis cotula*)
Moth mullein (*Verbascum blattaria*)
Musk thistle (*Carduus nutans*)

Orange hawkweed (*Hieracium aurantiacum*)
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*)

- (2) The forgoing List B noxious weed species are hereby incorporated by reference into this CMP. Some (but not all) of these List B species are subject to management as further specified in Section 4-102, below.
- (3) 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), effective May 4, 2004, the Commissioner has designated 14 weed species as Class 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 Class C noxious weed species are the following:

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*)

- (2) The forgoing List C noxious weed species are hereby incorporated by reference into this CMP. However, none of these List C species are currently subject to management under the CMP. Since management of List C species is not required by the State and is in the discretion of the Board, any future requirements for management of incorporated List C species shall be done by the Board through an amendment to the CMP.
- (3) 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.

3-102 Local (County) Noxious Weeds

(A) Due to the comprehensiveness of the State-listed noxious weeds, the Board has designated no additional local noxious weeds for management under this CMP. The Board reserves the right to designate local noxious weeds in the future, pursuant to amendment of the CMP, following a public hearing with 30 days prior notice given to the public as required in Section 9-102 of this CMP, below. Any future designation of local noxious weeds shall include the required management objectives and associated management plans, methods, or techniques for all affected landowners.

4-100 Required Integrated Management Objectives and Plans

4-101 List A Noxious Weed Species

(A) Required Management Objectives

- (1) The Commissioner has designated all List A species for eradication (see Exhibit B). Pursuant to Commissioner rule (see Exhibit B), no List A species plant shall be allowed to produce seed or develop other reproductive propagules. Thus, plants of every population of List A species must be eradicated prior to seed development. Once 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.
- (2) Pursuant to direction from the State Weed Coordinator with specific regard to Mediterranean sage (see memorandum dated April 30, 2004, which is attached to this CMP as Exhibit D), the State's management objective for Mediterranean sage is to eradicate the species within the state during the next decade (by May, 2014).

- (B) Required Management Plans for All List A Noxious Weed Species
- (1) In order to assure that seeds or other reproductive propagules are not produced or spread, any plant with flowers, seeds, or other propagules must be placed in sealed plastic bags and disposed of by high intensity burning in a controlled environment that completely destroys seed viability; removal of plant materials to a solid waste landfill which covers refuse daily with six inches of soil or alternative material; or any other method approved by the Commissioner.
- (C) Required Management Plans for Individual List A Noxious Weed Species
- (1) In addition to the required management plans for all List A Species as set forth in Section 4-101(B)(1), above, the following management plans (methods or techniques) shall apply to individual List A species, as prescribed by Commissioner rule (see Exhibit B), which plans/techniques are as follows:
- (a) African rue: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (1) unless otherwise approved by the Commissioner. Note that seed longevity is unknown.
- (b) Camelthorn: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (2) unless otherwise approved by the Commissioner. Note that seed longevity is at least several years.
- (c) Common crupina: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (3) unless otherwise approved by the Commissioner. Note that seed longevity is three years.

- (d)** Cypress spurge: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (4) unless otherwise approved by the Commissioner. Note that seed longevity is estimated to be eight years.
- (e)** Dyer's woad: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (5) unless otherwise approved by the Commissioner. Note that seed longevity is at least eight years.
- (f)** Giant salvinia: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner, water drawdown (controlled water drainage), and hand removal, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (6) unless otherwise approved by the Commissioner. Any efforts to physically remove plants must prevent fragmentation as stem fragments are considered plant propagules. Note that spore longevity is negligible.
- (g)** Hydrilla: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner, water drawdown (controlled water drainage), and hand removal, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (7) unless otherwise approved by the Commissioner. Any efforts to physically remove plants must prevent fragmentation as stem fragments

are considered plant propagules. Note that seed longevity is unknown.

- (h) Meadow knapweed: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (8) unless otherwise approved by the Commissioner. Note that seed longevity is estimated to be at least seven years.
- (i) Mediterranean sage: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (9) unless otherwise approved by the Commissioner. Note that seed longevity is unknown. The State Weed Coordinator has provided additional direction regarding the eradication of Mediterranean sage in Exhibit D to this CMP.
- (j) Medusahead: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner, prescribed fire in conjunction with herbicide application, and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (10) unless otherwise approved by the Commissioner. Seed longevity is at least two years.
- (k) Myrtle spurge: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (11) unless otherwise approved by the Commissioner. Note that seed longevity is estimated to be eight years.

- (l)** Purple loosestrife: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (12) unless otherwise approved by the Commissioner. Any efforts to physically remove plants must prevent fragmentation as stem fragments are considered plant propagules. Note that seed longevity is unknown but is at least 10 years.
- (m)** Rush skeletonweed: The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (13) unless otherwise approved by the Commissioner. Seed longevity is at least three years.
- (n)** Sericea lespedeza: the prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (14) unless otherwise approved by the Commissioner. Seed longevity is estimated to be at least at least 20 years.
- (o)** Squarrose knapweed: the prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner, prescribed fire in conjunction with herbicide application, and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (15) unless otherwise approved by the Commissioner. Seed longevity is at least at least three years.

(p) Tansy ragwort: the prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (16) unless otherwise approved by the Commissioner. Seed longevity is at least at least 16 years.

(q) Yellow starthistle: prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner, prescribed fire in conjunction with herbicide application, and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Prescribed integrated management techniques do not include the use of biocontrol agents, herbicides other than those approved by the Commissioner, cultural techniques, or mechanical techniques other than those prescribed in this subsection (17) unless otherwise approved by the Commissioner. Seed longevity is at least at least 10 years.

(D) Future Changes to State-Designated Management Objectives and Management Plans for List A Noxious Weed Species

(1) Future changes to management objectives and management plans/techniques for 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.

(E) Board-Adopted Management Plans/Techniques for List A Noxious Weed Species

(1) Pursuant to Section 35-5.5-108(2)(b) of the Act, the Board may adopt management standards, techniques or plans to achieve the Commissioner's designated management objectives for Class A noxious weed species which are more stringent than the standards, techniques, or plans prescribed by the Commissioner, provided that the Board adopts such standards, techniques or plans through an amendment to the CMP.

4-102**List B Noxious Weed Species**

- (A) State-Required Management Objectives and Plans
- (1) As of July, 2004, the Commissioner has not developed or implemented by rule any management plans/techniques for any List B noxious weed species. Management of List B species will not be required by the State until and to the extent such objectives, with their associated plans/techniques, are adopted by Commissioner rule for the designated List B species. Future List B management objectives and plans/techniques which the Commissioner requires by rule for specific List B designated for eradication, shall be automatically incorporated into this CMP without the need for the Board to amend the CMP. The Board in its discretion may, by amendment to the CMP, incorporate into the CMP any plans/techniques which the Commissioner prescribes for List B species not designated for eradication, as such plans are not mandatory under the Act (see Section 35-5.5-108(2.5)). In addition, pursuant to Section 35-5.5-108(2)(b) of the Act, the Board may adopt management standards, techniques or plans to achieve the Commissioner's designated management objectives for Class B noxious weed species which are more stringent than the standards, techniques, or plans prescribed by the Commissioner, provided that the Board adopts such standards, techniques or plans through an amendment to the CMP.
- (B) County-Required Management Objectives and Plans
- (1) The Board designates the following List B noxious weed species for required management and control under this CMP:
- (a) Canada thistle
 - (b) Dalmatian toadflax (both broad-leaved and narrow-leaved)
 - (c) Diffuse knapweed
 - (d) Leafy spurge
 - (e) Musk thistle
 - (f) Russian knapweed
 - (g) Scotch thistle (both *Onopordum tauricum* and *Onopordum acanthium*)
 - (h) Spotted knapweed
 - (i) Yellow toadflax
- (2) The required management objectives for the designated List B noxious weed species are, at a minimum, containment and suppression, through appropriate means as specified in the applicable management plan such as (without limitation) prevention of dispersal of plant propagules through mowing, tilling, and hand pulling. Eradication may be required as a management objective, in the discretion of the County Weed Coordinator or Zoning Administrator, where determined to be necessary based upon the nature and scope of the subject noxious weed infestation.

- (3) No single method should be used in managing the foregoing List B noxious weeds; rather, a combination of methods should be used in the discretion of the County Weed Coordinator or Zoning Administrator, to achieve an integrated management plan which addresses the stated management objectives.
- (4) Management plans appropriate to the control of the foregoing List B noxious weed species may be voluntarily submitted to and approved by the Zoning Administrator in conjunction with the County Weed Coordinator, or may be imposed on affected landowners through the enforcement process specified in Section 6-100 of this CMP, below. As part of this process, the County Weed Coordinator and Zoning Administrator shall provide education to increase awareness of the foregoing List B noxious weed species, including regarding species identification and impact, best management practices, and local resources available to accomplish such management practices.

4-103

List C Noxious Weed Species

- (A) State-Recommended Management Objectives and Plans
 - (1) As of June, 2004, the Commissioner has not developed or implemented any management objectives or plans/techniques for any List C noxious weed species. Management of List C species is not mandated by the Act. Any management plans/techniques developed by the Commissioner are intended to be supportive of the County's efforts to manage List C species in the event the Board in its discretion determines to do so.
- (B) County-Required Management Objectives and Plans
 - (1) The Board currently designates no List C noxious weed species for required management and control under this CMP. However, the Board reserves the right to do so in the future, and to specify required management objectives and plans/techniques for any such designated List C species, all through amendment to the CMP.

5-100 Requirements Applicable to The County and to Affected Landowners Concerning Noxious Weeds Which The Commissioner Designates for Eradication (All List A Species, and List B Species Designated by the Commissioner for Eradication)

5-101 Requirements Applicable to the County/Compliance Waivers

- (A) In addition to the existing powers and duties of the County as set forth in the Act, and in compliance with rules duly promulgated by the Commissioner under the Act, the County shall perform the following functions, to the best of its ability and consistent with available personnel and financial resources:
- (1) Initiate and maintain communications with landowners who are affected by List A species and populations of List B species which the Commissioner has designated for eradication.
 - (2) Provide affected landowners with technical assistance for the eradication of List A species and populations of List B species which the Commissioner has designated for eradication.
 - (3) Carry out sufficient measures, including project oversight and enforcement, as may be necessary to accomplish the eradication of list A species and populations of list B species designated for eradication by the Commissioner;
 - (4) Provide the Commissioner with assistance in disseminating financial resources to affected landowners and mapping data pursuant to rules promulgated by the Commissioner; and
 - (4) Determine the cost of eradication to be borne by affected landowners.
- (B) The County may apply to the Commissioner for a waiver of compliance with an eradication designation or other obligations related to state eradication requirements, in accordance with Section 35-5.5-108 (2.7) of the Act and the associated rules promulgated by the Commissioner (see Exhibit B). Actions sufficient to implement the required eradication management objective shall continue until the Commissioner grants a waiver. If the Commissioner determines, in consultation with the County, that the most cost-effective manner to eradicate designated noxious weeds is for the Commissioner to implement an eradication program, the Commissioner may implement the eradication program directly.
- (C) Affected landowners may apply to the Commissioner for a waiver of compliance with an eradication designation or other obligations related to specified eradication requirements, in accordance with Section 35-5.5-108 (2.7) of the Act and the associated rules promulgated by the Commissioner (see Exhibit B). The Commissioner may not, pursuant to the Act, grant any waiver to an affected landowner when the landowner has willfully or wantonly violated state or County requirements under this Plan to manage noxious weeds or has willfully or wantonly violated Section 7-100 of this CMP, below, or has attempted to delay eradication of a noxious weed species without just cause.

5-102 Duties of Affected Landowners/Occupants; Inspection and Enforcement by County

- (A) Except as provided pursuant to Section 35-5.5-104.5 (1)(a) (see Section 7-100(A) of this CMP, below), properties affected by List A species or by populations of List B species designated for eradication by the Commissioner are subject to inspection, and, if necessary, to enforcement pursuant to this Subsection 5-102, when at least one of the following events has occurred:
- (1) The affected landowner or occupant has requested the inspection;
 - (2) A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection; or
 - (3) The Zoning Administrator or designee or other authorized agent of the County, or the Commissioner, has made a visual observation from a public right-of-way or area and has reason to believe that a noxious weed infestation exists.
- (B) If verbal permission to inspect the land by the affected landowner is not obtained, no entry upon any premises, lands, or places shall be permitted until the County has notified the affected landowner that such inspection is pending by certified mail if the landowner's mailing address is within the United States or mailed in a comparable manner to a landowner whose mailing address is outside of the United States. Where possible, inspections shall be scheduled and conducted with the concurrence of the affected landowner or occupant. The County may notify an affected landowner in an electronic format, in addition to notice by certified mail. Nothing shall require the County to send a noxious weed inspection notification or any other notification required under this Section 5-102 to all landowners or occupants of a property. Mailing to at least one landowner or occupant of the affected property is sufficient.
- (C) If after ten days from the date of the County providing notification with no response from the affected landowner, or upon denial of access before the expiration of ten days, the Zoning Administrator or designee may seek an inspection warrant issued by a county, or district court having jurisdiction over the land. The court shall issue an inspection warrant upon presentation by the County of an affidavit containing:
- (1) The information that gives the Zoning Administrator or designee reasonable cause to believe that there is or has been a violation of any provision of this Section 5-100, of any requirement related to the eradication of List A species or List B species designated for eradication under the Act and this CMP, or of Section 7-100 of this CMP, below;
 - (2) A statement that the affected landowner has failed to respond or the landowner or occupant has denied access to the Zoning Administrator or designee; and
 - (3) A general description of the location of the affected land.

- (D) No affected landowner or occupant shall deny access to the Zoning Administrator or designee or other authorized agent of the County or the Commissioner in possession of an inspection warrant. If the landowner or occupant is not present at the time of the inspection as provided in the warrant, the Zoning Administrator or designee may proceed with the inspection, and shall post a copy of the warrant on the property at the time of the inspection.
- (E) An affected landowner shall notify any lessee or occupant of land subject to inspection and enforcement under this Section 5-102 of all notices of inspection and eradication efforts as soon as practicable.
- (F) The County shall notify the affected landowner or occupant of lands on which List A species or populations of List B species designated for eradication are found by certified mail if the landowner's mailing address is within the United States or mailed in a comparable manner to a landowner whose mailing address is outside of the United States. The notice shall name the List A or eradication-designated List B noxious weeds found on the property; identify eradication as the required management objective; advise the affected landowner or occupant to commence eradication efforts within a specified period or condition; and state the integrated weed management techniques prescribed by the Commissioner and as may otherwise lawfully be required by the County for eradication. Where possible, the County, through the Zoning Administrator or designee, shall consult with the affected landowner or occupant in the development of a management plan for the eradication of noxious weeds on the premises or property.
- (G) Within five days after the County mails the notification to eradicate required in Subsection (F), immediately above, the landowner shall comply with the terms of the notification or submit an acceptable management plan and schedule to the County for the completion of the specified management objective.
- (H) In the event the affected landowner or occupant fails to comply with the notice to eradicate the identified noxious weeds and implement an appropriate eradication program pursuant to Subsections (F) and (G), immediately above, the County shall:
 - (1) Provide for and complete the eradication of such noxious weeds at such time, upon such notice, and in such manner consistent with achieving the management objective as the County deems appropriate; and

- (2) Do one of the following:
 - (a) Assess the whole cost of the eradication, including up to one hundred percent of inspection, eradication, and other incidental costs in connection with eradication, upon the property or tract of land where the noxious weeds are located; except that no local governing body shall levy a tax lien against land it administers as a part of a public right-of-way. Such assessment shall be 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 over in the same manner as provided for the collection of taxes. Any funds collected pursuant to this Subsection -(H)(2)(a) shall be utilized in furtherance of the County's weed management efforts.
 - (b) In the event a state board, department, or agency fails to comply with a notice to eradicate the identified noxious weeds, the County may enter upon such lands and undertake the management of such noxious weeds or cause the same to be done. The expenses associated with inspection and eradication shall be paid by the state board, department, or agency that has jurisdiction over the lands. An agreement for reimbursement shall be reached within two weeks after the date the County submits such statement of expense for eradication. Such reimbursement agreement shall be in writing. If no reimbursement agreement has been reached or the amount reflected in the agreement is not paid upon presentation, the amount in the agreement shall be submitted to the State Controller, who shall treat such amount as an encumbrance on the budget of the state board, department, or agency involved or such charge may be recovered in any court with jurisdiction over such lands. The expense associated with eradication may be recovered in any court with jurisdiction over such infested land.
- (I) The County shall not provide for or compel the eradication of List A species, populations of List B species designated for eradication, or List B noxious weeds on private or public property pursuant to Subsection (H), immediately above, without first applying the same measures to any land or rights-of-way owned or administered by the County that are adjacent to the property.

- (J) Once a notice to eradicate has been duly issued pursuant to Subsection (F) of this Section 5-102, the County, through its Zoning Administrator or designee or other authorized agent shall have the right to enter upon any premises, lands, or places during reasonable business hours for the purpose of ensuring compliance with the requirements of the notice concerning noxious weed eradication.
- (K) If, in the opinion of the Commissioner, the County fails to adequately perform any of the duties set forth in this Section 5-102, the Commissioner is authorized to conduct any of the functions or duties of the County pursuant to this Section.
- (L) The Commissioner or the County may require the affected landowner to pay a portion of the costs associated with eradication of the noxious weeds.
- (M) As provided in Subsection 5-101(C), above, affected landowners may apply to the Commissioner for a waiver of compliance with an eradication designation or other obligations related to specified eradication requirements, in accordance with Section 35-5.5-108 (2.7) of the Act and the associated rules promulgated by the Commissioner (see Exhibit B).
- (N) For the purposes of this Section 5-102, an "occupant" shall not include the owner of an easement or right-of-way.

6-100 Requirements Applicable to Noxious Weeds Designated by the County for Eradication or Designated for Management Objectives Other Than Eradication

6-101 Right of Entry onto Public and Private Properties

- (A) The Zoning Administrator or designee shall have the right to enter onto any public or private land subject to the jurisdiction of this CMP, during reasonable business hours, for the purpose of inspecting for the existence of infestations of noxious weeds which the County (as opposed to the State) has designated for eradication, or which have been designated for management objectives other than eradication under this CMP, provided that at least one of the following circumstances has occurred:
 - (1) the landowner or occupant has requested an inspection;
 - (2) a neighboring landowner or occupant has reported a suspected noxious weed infestation which might affect the subject property and requested an inspection;
 - or
 - (3) the Zoning Administrator or designee or other authorized agent of the County has made a visual observation from a public rights-of-way or other area accessible to the public and has reason to believe that an infestation exists.

- (B) Except in cases where the landowner or occupant has requested an entry and inspection, the Zoning Administrator or designee shall not enter upon any property until it first notifies the landowner or occupant, by certified mail, return receipt requested, that an inspection has been scheduled and is pending. Any such notice shall specify the property to be inspected, the noxious weeds which are thought to be on the premises, and the scheduled date and time of the inspection. Where possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant.
- (C) If after being notified that an inspection is pending, the landowner or occupant does not respond to the inspection notice or denies access to the Zoning Administrator or designee, the Zoning Administrator or designee may seek an inspection warrant from the Boulder County District or county court having jurisdiction over property. The court shall issue an inspection warrant upon presentation by the Zoning Administrator or designee of a sworn affidavit containing:
 - (1) The information which gives the Zoning Administrator or designee reasonable cause to believe and that any provision of the CMP or of the Act is being violated;
 - (2) A statement that the landowner or occupant has denied access to the Zoning Inspector or designee; and
 - (3) a general description of the location of the property;
- (D) No landowner or occupant shall deny access to such property when presented with an inspection warrant. If the landowner or occupant is not present at the time of the inspection as provided in the warrant, the Zoning Administrator or designee may proceed with the inspection, and shall post a copy of the warrant on the property at the time of the inspection.

6-102 Required Integrated Management Plans on Private Properties

- (A) Whenever an inspection shows the presence of noxious weeds which have been designated by the County (vs. the State) for eradication, or designated for management objectives other than eradication, on private property, the Zoning Administrator or designee shall determine whether an integrated management plan should be required to control the infestation. The Zoning Administrator or designee may consult with the Agricultural Extension Agent or County Weed Coordinator in making this determination. If the Zoning Administrator or designee determines that an integrated management plan should be required, it shall send a noxious weed management notification to the landowner or occupant advising the landowner or occupant of the following:
 - (1) The presence of noxious weeds including the names the noxious weeds (common and scientific) found on the property;
 - (2) The requirement to manage the noxious weeds found on the property;
 - (3) A plan setting forth the required, best available integrated management methods or techniques for controlling the noxious weeds found on the property; and

- (4) A statement that if the landowner or occupant does not comply with the management notification, the Board may authorize the County to undertake the required management and bill the landowner or occupant, without further prior notice, pursuant to Subsection (F), below.
- (B) Where possible, the Zoning Administrator or designee shall consult with the landowner or occupant in determining the appropriate integrated management plan for the property prior to mailing the noxious weed management notification required in this Section 5-102. Nothing shall require the Zoning Administrator or designee to send a noxious weed management notification to all landowners or occupants of a property. Mailing to at least one landowner or occupant of the affected property is sufficient.
- (C) No later than 10 calendar days after receipt of the noxious weed management notification required in this Section 6-102, the landowner or occupant shall do one of the following:
 - (1) Comply with the terms of the notification;
 - (2) Acknowledge the terms of the notification by submitting to the Zoning Administrator or designee an affirmation that the required management plan will be implemented along with an acceptable schedule for completion; or
 - (3) Submit a request for an arbitration panel to determine the final management plan, which panel shall be constituted as required under C.R.S. 35-5.5-109(4)(b). The arbitration panel selected by the County shall be comprised of a weed management specialist or weed scientist, a landowner of similar land in the county, and a third panel member chosen by agreement of the first two panel members. The landowner or occupant shall be entitled to challenge any one member of the panel, and in that event the County shall name a new panel member from the same category. The decision of the arbitration panel shall be final. The landowner or occupant shall be responsible for all costs associated with convening the arbitration panel.
 - (a) If the landowner or occupant chooses to exercise the right to challenge any one of the proposed arbitration panel, the landowner or occupant shall do so by filing a written challenge with the Zoning Administrator or designee no later than three (3) calendar days after receiving written notice from the Zoning Administrator or designee proposed panel. The landowner or occupant shall be entitled to only one such challenge. The challenge shall specify the member being challenged and the reason for the challenge, and shall provide the names, addresses, and telephone numbers of two proposed panel members to substitute for the challenged member who meet the required qualifications for that member. The Zoning Administrator or designee shall agree to one of these two proposed members unless the

Zoning Administrator or designee believes that neither of the two is sufficiently qualified or objective, and shall mail written notice of the final chosen panel to the landowner or occupant.

- (b) The Zoning Administrator or designee shall convene the arbitration panel at the soonest possible date after the challenge deadline has passed. The arbitration panel shall render its decision on the required management plan no later than one calendar week after the date on which the panel convenes, unless the Zoning Administrator or designee agrees to a longer time; or
- (4) Submit a sworn (notarized) statement to the Zoning Administrator or designee stating that the landowner or occupant notified does not have surface control over the property for noxious weed management purposes; providing the basis for this conclusion and attaching any relevant documentation (such as a deed, lease, easement, or other proof of agreement); and supplying the name and current mailing address of the landowner or occupant who does have surface control over the property for noxious weed management purposes. The Zoning Administrator or designee shall then mail the notice to the latter identified landowner or occupant, as provided above. However, in the event that the latter identified landowner, or occupant disclaims control over the surface, or a dispute arises over the identity of the responsible landowner or occupant for noxious weed management purposes, the Zoning Administrator or designee shall have the discretion to determine, based on the information available, which landowner or occupant should reasonably be held responsible for noxious weed management under this Section 6-102.
- (D) For purposes of this Section 6-102, the date of receipt shall be the third day after the date on which the notification is mailed, excluding postal holidays.
- (E) Once a noxious weed management notification has been sent or a final management plan established under this Section 6-102, the Zoning Administrator or designee shall have the right to perform routine inspections of the property during regular County business hours, upon giving reasonable prior notice to the responsible landowner or occupant, until the level of management specified in the management plan is achieved. Once the Zoning Administrator or designee determines that the required level of management has been achieved, the Zoning Administrator or designee shall notify the landowner or occupant of that fact, and that compliance with the management plan is no longer required, although it may be encouraged.

- (F) If the responsible landowner or occupant does not comply this Section 6-102, the Zoning Administrator or designee may request that the Board take action at a regularly scheduled public meeting to authorize the Zoning Administrator or designee or any duly retained independent contractor to enter on the property, and expend County funds to manage the noxious weeds as required in the noxious weed management management plan. The Zoning Administrator or designee shall mail or deliver notice of the Board's meeting to the landowner or occupant, in sufficient time to allow receipt of the notice prior to the meeting date.
- (1) At the public meeting, the Board in its discretion may:
 - (a) order the responsible landowner or occupant to comply with the noxious weed management plan, as applicable, or
 - (b) direct the Zoning Administrator or designee or any duly retained independent contractor to carry out the requirements of the noxious weed management plan, as applicable, at the County's expense, and subject to reimbursement by the landowner or occupant.
 - (2) The Board shall not direct the Zoning Administrator or designee or any duly retained contractor to initiate implementation of the noxious weed management plan unless the Board determines that the County has first applied the same or greater management to any land or rights-of-way which it owns or controls directly adjacent to the affected property. In addition, in considering whether to authorize implementation of the noxious weed management plan on property adjacent to exempt municipal lands, the Board shall determine whether such response will be beneficial in light of the status of noxious weed management on the exempt lands.
 - (3) If the Board directs the Zoning Administrator or designee to initiate implementation of the noxious weed management plan, the Zoning Inspector or designee shall request the County Finance Director to bill the responsible landowner or occupant for the County's entire incurred costs, including up to 20 percent for inspection and other incidental cost in connection with the implementation. No such request for payment shall be made until the Zoning Administrator or designee determines that the implementation undertaken by the County or its independent contractor has successfully achieved the result or response called for in the required noxious weed management plan.
 - (4) If the County bills the responsible landowner or occupant and the bill is not paid in full within 90 days, the Board may certify any unpaid amount to the County Treasurer, by action taken at a regularly scheduled public meeting of which the landowner or occupant need not receive prior notice. Upon such certification, this amount shall be a lien against the lot or tract of land on which noxious weeds are found until paid, and shall have priority over all other liens except general taxes and prior special assessments. Any funds collected pursuant to this section shall be deposited in the County's weed fund or any similar fund. The County shall levy no tax lien against land which it administers as part of a public right-of-way.

6-103 Required Integrated Management on State Lands of Noxious Weeds Designated by the County for Eradication or Designated for Management Objectives Other Than Eradication

- (A) It is the duty of each state board, department, or agency which controls or supervises state lands in the unincorporated County to manage noxious weeds on any such lands under its jurisdiction in accordance with Act and this CMP.
- (B) In the case of noxious weeds designated by the County (vs. the State) for eradication, or noxious weeds designated for management objectives other than eradication, the Zoning ~~Inspector~~ Administrator or designee may give a noxious weed notification to any such state board, department, or agency advising it of the following:
- (1) The presence of noxious weeds including the names of the noxious weeds (common and scientific) found on the property;
 - (2) The requirement to manage the noxious weeds found on the property;
- and
- (3) A plan containing the required, best available methods of integrated management which to the best to the County's knowledge do not conflict with federal law or contractual restrictions included in federal land conveyances to the state.
- (C) Wherever possible the Zoning Administrator or designee shall consult with the noticed state board, department, or agency in determining the appropriate methods for managing noxious weeds on such lands.
- (D) No later than 10 calendar days after receipt of the noxious weed notification required by this Section 6-103, the responsible board, department, or agency shall do one of the following:
- (1) Comply with the terms of the notification;
 - (2) Acknowledge the terms of the notification and submit to the Zoning Administrator or designee an acceptable schedule for completion of the required management plan;
 - (3) Submit a request for an arbitration panel to determine the final management plan. The arbitration panel selected by the County shall be comprised of a weed management specialist or weed scientist, a landowner of similar land in the county, and a third panel member chosen by agreement of the first two panel members. The affected state board, department, or agency shall be entitled to challenge any one member of the panel, and in that event the County shall name a new panel member from the same category. The decision of the arbitration panel shall be final. The affected state board, department, or agency shall be responsible for all costs associated with convening the arbitration panel.
 - (a) If the affected state board, department, or agency chooses to exercise the right to challenge any one of the proposed arbitration panel members, the board, department, or agency shall do so by filing a written

challenge with the Zoning Administrator or designee no later than three calendar days after receiving written notice from the Zoning Administrator or designee of the proposed panel. The affected state board, department, or agency shall be entitled to only one such challenge. The challenge shall specify the member being challenged and the reason for the challenge, and shall provide the names, addresses, and telephone numbers of two proposed panel members to substitute for the challenged member, who meet the required qualifications for that member. The Zoning Administrator or designee shall agree to one of these two proposed members unless the Zoning Administrator or designee believes that neither of the two is sufficiently qualified or objective, and shall mail written notice of the final chosen panel to the affected state board, department, or agency.

(b) The Zoning Administrator or designee shall convene the arbitration panel at the soonest possible date after the challenge deadline has passed. The arbitration panel shall render its decision on the required management plan no later than one calendar week after the date on which the panel convenes, unless the Zoning Administrator or designee agrees to a longer time; or

(4) Submit a sworn (notarized) statement to the Zoning Administrator or designee stating that the affected state board, department, or agency noticed does not have surface control over the property for noxious weed management purposes; providing the basis for this conclusion and attaching any relevant documentation (such as a deed, lease, easement, or other proof of agreement); and supplying the name and current mailing address of the landowner or occupant who does have surface control over the property for noxious weed management purposes. The Zoning Administrator or designee shall then mail the notice to the latter identified landowner or occupant, as provided above. However, in the event that the latter identified landowner, or occupant disclaims control over the surface, or a dispute arises over the identity of the responsible landowner or occupant for noxious weed management purposes, the Zoning Administrator or designee shall have the discretion to determine, based on the information available, which state board, department, or agency, or landowner or occupant, should reasonably be held responsible for noxious weed management under this Section 6-103.

(E) For purposes of this Section 6-103, the date of receipt shall be the third day after the date on which the noxious weed notification is mailed, excluding postal holidays.

- (F) If the responsible state board, department, or agency does not comply with the requirements of this Section 6-103, the Zoning Administrator or designee may request that the Board authorize the Zoning Administrator or designee or any duly retained independent contractor to enter upon the affected property and implement the required noxious weed notification management plan at the County's expense. Any such expense incurred shall be a proper charge against the responsible state board, department, or agency. An agreement for payment shall be reached within two weeks after the date an expense is submitted, with respect to the amount of reimbursement to be paid. Such agreement shall be in writing. If no agreement has been reached, and, if the charge is not immediately paid, such charge shall be submitted to the State Controller who shall treat such amount as an encumbrance on the budget of the responsible state board, department, or agency, or the County may recover such charge in any court with jurisdiction over the property.
- (G) The County may enter into a contract with any state board, department, or agency to allow for the management of noxious weeds on state-administered land on terms and conditions satisfactory to the parties.

7-100 Prohibition Against Intentional Introduction, Cultivation, or Sale of Noxious Weeds, As Enforced by The Commissioner

- (A) As stated in the Act (Section 35-5.5-104.5, C.R.S.), it shall be unlawful to intentionally introduce, cultivate, sell, offer for sale, or knowingly allow to grow in violation of the Act or any rule promulgated hereunder in the state any noxious weed designated by the Commissioner pursuant to Section 3-101 of this CMP, above, except that this prohibition shall not apply to:
 - (1) Research sanctioned by a state or federal agency or an accredited university or college;
 - (2) Activities specifically permitted by the Commissioner;
 - (3) Noxious weed management plans that are part of an approved reclamation plan pursuant to Section 34-32-116 (7) or 34-32.5-116 (4), C.R.S.;
 - (4) Noxious weed management activities that are conducted on disturbed lands as part of an approved reclamation plan pursuant to Section 34-33-111 (1), C.R.S.; or
 - (5) Noxious weed management activities that are part of activities conducted on disturbed lands pursuant to Section 34-60-106 (12), C.R.S.
- (B) It shall not be a violation of this Section 7-100 (see Section 35-5.5-104.5, C.R.S.) for a person to knowingly allow to grow a state-designated noxious weed that is being properly managed in accordance with the rules promulgated by the Commissioner.
- (C) Any entity or person that violates the provisions of this Section 7-100 (see Section 35-5.5-104.5, C.R.S.) shall be subject to enforcement action by the Commissioner and shall be responsible for the costs associated with remediation of the noxious weeds. In assessing the cost of remediation, the Commissioner may include both actual immediate and estimated future costs to achieve specified management objectives.

8-100 Control on County Properties and Responsibilities of County Agencies and Officials

8-101 Management of County Rights-of-Way

- (A) Noxious weeds along County rights-of-way will be managed by the County Weed Coordinator or designee. Integrated methods of weed management will be used, consistent with state mandates for managing noxious weeds which the Commissioner has designated for eradication.
- (B) The County shall confirm that all public roads, highways, rights-of-way, and any appurtenant easements under the County's jurisdiction comply with the Act and this CMP, with any violations related to such roads, rights-of-way or easements being the financial responsibility of the County.
- (C) The County shall implement on County rights-of-way the management plans and techniques required by the Commissioner for List A noxious weeds and List B noxious weed designated by the Commissioner for eradication.
- (D) The basic plan for management for all other noxious weeds designated under this CMP on County rights-of-way is as follows:
 - (1) Areas where noxious weeds are known not to exist will not be treated with herbicides. Preventative treatments such as mowing and cultural controls will be implemented.
 - (2) Depending upon the size of the infestation along all County rights-of-way, infestations will be spot treated or treated by broadcast application with a herbicide that is selective for the noxious weed species.
 - (3) Right-of-way herbicide applications made by Boulder County west of Highways 36 and 93 or within 200 feet of a County-owned trail must be approved by the Board prior to the application.
 - (4) The mowing of County rights-of-way will begin in April and finish when all paved roadsides have been mowed. Whenever feasible, mowing activities will target the most vulnerable phenological stage of the noxious weeds' life cycle. This will accomplish the following:
 - (a) Stop noxious weeds from propagating.
 - (b) Impose stress on perennial noxious weeds so they may be better impacted by herbicide treatments to follow.
 - (c) Allow more herbicide to contact target noxious weeds.
 - (d) Maintain and reduce infested area.
- (E) If herbicides are to be used, the County shall publish in the appropriate newspaper of general circulation in the County an area of rights-of-way that will be treated for the following month. Because herbicide application is weather and terrain dependent, a telephone number will be provided for residents to call each working day for a recorded message regarding more specific details of the days' application. In addition, signs will be placed in the area where chemical application is being conducted.

- (F) Any agent, delegate, employee, staff or contractor of the County applying or recommending the use of chemical management methods shall be certified by the Department for such application or recommendation.

8-102 Management of Parks and Open Space Department Properties and Other County Lands

- (A) The Parks and Open Space Department will manage noxious weeds on all County-owned lands.
- (B) The County shall confirm that all lands owned by the County comply with the Act and this CMP, with any violations being the financial responsibility of the County.
- (C) Consistent with available personnel and financial resources, the County shall implement on County-owned lands the management plans and techniques required by the Commissioner for List A noxious weeds and List B noxious weed designated by the Commissioner for eradication.
- (D) The basic plan for management for all other noxious weeds designated under this CMP on County-owned lands is as follows:
 - (1) The Parks and Open Space Department will continue with its current Integrated Weed Management Program. In early spring, the Department will update its noxious weed maps and evaluate regrowth densities. This inventory will include environmental and physical constraints associated with each population, e.g.: riparian areas and domestic water supplies. Based on this inventory, priorities, control methods, and scheduling will be established for the growing season. The Department will continue to monitor the success of its programs and make changes when necessary.
 - (2) The County intends to continue the biological management program with the Colorado Department of Agriculture. There are established “insectary sites” for a number of biological control insect releases on Parks and Open Space lands as a result of this program.
- (E) If herbicides are to be used, the County shall publish in the appropriate newspaper of general circulation in the County an area of Parks and Open Space lands open to the public that will be treated for the following month. Because herbicide application is weather and terrain dependent, a telephone number will be provided for residents to call each working day for a recorded message regarding more specific details of the days’ application. In addition, signs will be placed in the area where chemical application is being conducted.
- (F) Any agent, delegate, employee, staff or contractor of the County applying or recommending the use of chemical management methods shall be certified by the Department for such application or recommendation.

8-103 Management on County-Owned Lands Affecting Endangered or Threatened Species or Species of Special Concern

(A) By February 1 of each year the County Weed Coordinator will order or obtain updated information from the U. S. Fish and Wildlife Service, affecting the list of federal endangered, threatened and candidate plant and animal species that have been identified within the unincorporated County. The County Weed Coordinator will also contact the State Division of Wildlife and the Colorado Heritage Program for the State's list of plant and animal species of special concern. From these lists the County Weed Coordinator will map any new locations of these species found on County-owned lands.

(1) When species from one of the above lists is located, a protective area will be established around that population. The size of the protective area will be determined by the listing agency.

(2) In the event that a herbicide should be necessary to manage noxious weeds within these protected zones, spot treatments will be made using backpack sprayers or "wick" applicators. Herbicides used in these cases should be those that the rare plant species family can tolerate and also be virtually non-toxic to wildlife species when used by labeled instructions.

(3) Where possible, potential habitat for Federal threatened and endangered and State species of special concern will be identified and afforded the same precautionary treatment measures as known habitat.

8-104 Functions of County Weed Coordinator

(A) The duties of the County Weed Coordinator under this CMP include, but are not limited to, the following:

- (1) assisting in the development of the CMP;
- (2) implementing the CMP on County-owned properties and rights-of-way;
- (3) coordinating with the Zoning Administrator for notification and enforcement of the CMP on other lands in unincorporated Boulder County;
- (4) assisting the Agricultural Extension Agent in public education and in the development of weed management plans;
- (5) providing the State Weed Coordinator the mapping data for List A noxious weed species as may be required by Commissioner rule; and
- (6) coordinating with other the Zoning Administrator, the County Extension Office, the State Weed Coordinator, the Commissioner, and other governmental agencies as needed.

8-105 Functions of Zoning Administrator

- (A) The duties of the Zoning Administrator under this CMP include, but are not limited to, the following:
- (1) inspecting lands under the jurisdiction of this CMP for the presence of designated noxious weed species;
 - (2) communicating with and providing assistance to landowners regarding the developing management plans to achieve the management objectives specified in this CMP;
 - (3) enforcing the provisions of this CMP as provided herein; and
 - (4) coordinating with the County Weed Coordinator, the County Extension Office, the State Weed Coordinator, the Commissioner, and other governmental agencies as needed.

8-106 Functions of the County Extension Office

- (A) The duties of the County Extension Office under this CMP include, but are not limited to, the following:
- (1) developing and coordinating educational programs for the general public;
 - (2) providing information on biology and management of designated noxious weeds;
 - (3) providing input to and assistance regarding development of management plans; and
 - (4) coordinating with the Zoning Administrator, the County Weed Coordinator, the State Weed Coordinator, the Commissioner, and other governmental agencies as needed

8-107 Availability of County Resources for Implementing the CMP

The County's obligations under the Act and this CMP shall be subject to, and may in some cases be confined by, the availability of financial resources and personnel for carrying out the terms of this CMP. In light of the practical and legal constraints posed by the annual appropriations cycle, and the competing and changing budget needs that drive that cycle, the County cannot guarantee that it will be able to provide the resources necessary to eradicate all weeds designated for eradication throughout the unincorporated County, or to carry out completely the other functions that the State may require of the County under the Act. The County does pledge that it will use its best efforts to provide a reasonable funding level to carry out this CMP and the County's obligations under the Act, and will seek assistance from the Department as it may be available to supplement County resources.

9-100 Approval, Amendment, and General Administration of County Management Plan

9-101 Local Advisory Board

- (A) By the initial adoption of this CMP in 1992, the Board has appointed itself as the local Noxious Weed Management Advisory Board pursuant to the Act (Section 35-5.5-107, C.R.S.). The Local Advisory Board shall have the following duties and authorities:
- (1) Develop a recommended plan for the integrated management of noxious weeds, in accordance with the requirements of the Act and this CMP.
 - (2) Review the CMP at regular intervals which occur not less than once every three years.
 - (3) Consider amendments to the Plan and transmit recommendations to the Board for approval.
 - (4) Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management under the CMP.
 - (5) Recommend to the Board that identified landowners be required to submit integrated management plans on their property to manage noxious weeds.
 - (6) The State Weed Coordinator shall review any recommendations of a local advisory board appointed pursuant to the Act and note any inconsistencies between the recommendations of the State Weed Coordinator or the Commissioner and any such local advisory board.

9-102 Board of County Commissioners

- (A) The Board shall have the following duties and authorities, in addition to those set forth in other Sections of this CMP and the Act:
- (1) Serve as the Local Advisory Board under Section 9-101, above, if in its sole discretion it appoints itself to fulfill this role. The Board appointed itself as the Local Advisory Board in the initial adoption of this CMP in 1992. As part of that appointment, the Board may delegate and has delegated to its designated noxious weed management staff (such as the Zoning Administrator or the County Weed Coordinator) the authorized functions of the Local Advisory Board set forth in Subsections (1), (3) and (5) of Section 9-101, above.
 - (2) Review and approve, modify, or reject, as appropriate, any proposed amendments to the CMP, at a public hearing of which at least 15 days prior notice shall be given in a newspaper of general circulation in Boulder County, unless the Board determines that a shorter notice period is reasonable based upon the circumstances of the proposed review.
 - (3) Designate noxious weeds in addition to those designated by the Commissioner as List A, List B, or List C noxious weed species, for management under this CMP following a public hearing of which at least 30 days prior notice to the public shall be given in a newspaper of general circulation in Boulder County.

- (4) Pursuant to C.R.S. 35-5.5-113, declare any noxious weed, at any stage thereof; any noxious weed carrier; or any premise, plant, or thing infested or exposed to infestation with any noxious weed, as a public nuisance, and take such action, including removal or destruction, with reference to such nuisance as the Board in its discretion determines necessary, in a summary action or otherwise.
- (5) Provide for the administration of this Plan through the use of agents, delegates, or employees. The Board may hire additional staff or provide for the performance of all or part of the CMP through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the State Department of Agriculture for such application or recommendation.
- (6) Pay the costs associated with the CMP from the noxious weed management fund of the County, which may be the County General Fund.
- (7) Enter into cooperative agreements with federal and state agencies for the integrated management of noxious weeds within the unincorporated County.
- (8) Levy a special tax, subject to the approval of the voters, upon every dollar of valuation of assessment of taxable property within the County for the purpose of creating a county fund to control noxious weeds, provided that the amount raised from such levy in any one year shall not exceed the amount raised by five mills.

10-100 Effective Date

First adopted January 1, 1992; last amended effective July 20, 2004 .