

County & State of Montana Noxious Weed Listing Process

We all know what a noxious weed is, but do you know how weeds become listed on a noxious weed list? There are two different types of noxious weed lists; one state and the other county. For a weed to attain noxious status at the state level differs from how a weed is listed as noxious at the county level. The review processes that weeds undergo to attain noxious status either at the state or the county level is a multi-fold process that includes two different sets of legal requirements.

For a weed to be placed on a county weed list the plant must be determined to be exotic by the county weed district. The plant must also fit the definition of noxious, by being economically and environmentally harmful. If the plant is deemed to meet these criteria, the county weed board must approach the county commissioners of their county and public hearing process begins with assistance from the county attorney.

First, a 'Notice of Intent' is printed twice in the legal newspaper for the county, each notice is published a week apart. The Notice of Intent is advertised with the goal of informing the county constituents that a new weed species is proposed to be added to the county list. A week after the second Notice of Intent is published in the paper a 'Notice of Public Hearing' is printed, that includes the topic of the meeting, time and location of where the public hearing is to take place in an attempt to inform interested individuals and encourage attendance. After the public hearing, the results and public comments are presented to the county commissioners, the information gathered at the public hearing guides the commissioners in their decision to either add or decline the proposed weed species to their county weed list.

Within 2 weeks of the public hearing, a dated Resolution occurs, bearing the names of the county commissioners, their signatures and the 'Attest' of the County Clerk & Recorder. The plant is then listed on the county noxious weed list in addition to the state listed noxious weeds. The counties are responsible for overseeing the laws that govern state listed noxious weeds and their management and control as well as the laws that govern county listed noxious weed species.

The process necessary to list a noxious weed species on a county noxious weed list varies from county to county and many counties in Montana only recognize the statewide noxious weed list.

Placement of a weed on the 'Statewide Noxious Weed List' is outlined in Title 7, Chapter 22, Part 21 of the Montana County Weed Control Act. For a plant to become listed on the Montana Noxious Weed List; an individual or organization must submit a proposal for the weed they would like added to the state noxious weed list to the Montana Department of Agriculture (MDA).

Once the proposal is received by MDA, a technical core workgroup reviews the document and uses ecological, distribution, impact and legal status criteria within the State of Montana and the surrounding states and providences to determine if the plant proposed is a quality candidate for listing on the state noxious weed list. Another factor that is considered by this technical core workgroup is a general economic and practicability assessment.

Upon review of the proposal, the technical core workgroup makes a recommendation either in favor of or against the proposal to the Montana Weed List Advisory Workgroup. This group is comprised of individuals from all over Montana who represent the western, central and eastern weed districts of the state as well as individuals from the Montana Weed Control Association (MWCA), various agriculture groups, federal agencies, Montana State University (MSU) Extension Service, University of Montana (U of M), an MDA representative, state agencies, tribes and other interest groups who make a recommendation about the proposal to the director of the Department of Agriculture.

Upon receiving the recommendation from the Montana Weed List Advisory Workgroup, the Director of Agriculture can accept or reject the recommendation for the proposal to place the weed in question on the statewide noxious weed list. If the director of MDA accepts the recommendation, MDA proposes a rule under Administrative Rules 4.5.201.

If necessary, public hearings are held to ensure that the public has a chance to voice their opinions about the rule change to officially list a new weed species on the state noxious weed list. When the public hearing period is over, the rules are adopted, published and distributed. The weed is then officially designated as a statewide noxious weed, placed on the Montana State Noxious Weed List and is not allowed to propagate anywhere in the state. Enforcement of noxious weed laws on private property is delegated to the 56 county weed districts in the state of Montana.

In the process to list a new weed on the State of Montana Noxious Weed List there are 13 different criteria that are scored in order to determine if the plant should be included on the state list. The criteria are climate, percent cover on maps, if the plant is listed on other state noxious lists, acres infested in other states, acres infested that occur next to Montana, if listed on other county noxious weed lists, number of infested acres in Montana counties, environments, negative impacts this weed has, positive impacts, if the weed occurs on national/global lists, expansion rate, and characteristics that make the weed a 'good' candidate for listing. Each of these 13 categories are then totaled and based on the overall totals, a recommendation is made to either list the plant or not to list the plant. If a plant is recommended to be listed, a note is made as to what priority listing the weed should be listed under so that management criteria can be specified for the species under that category on the state noxious weed list.

Since 1997 there have been numerous proposals for plants to be listed that have gone through the review process and have not been recommended for inclusion on the state noxious weed list. There have been species that have been proposed and rejected one year, proposed again a second year and do to a change in status, have been recommended for inclusion on the state list. There were four species proposed in 2010 for listing on the state noxious weed list: Russian olive, Japanese brome, bulbous bluegrass, and bohemian knotweed. The only one that was recommended for inclusion was Russian olive; which is not listed as a noxious weed, but as a Priority 3 Regulated plant.

There are certain characteristics that make a weed an 'ideal' candidate for inclusion on the state list, the county list or both. One of the requirements is that the germination

requirements of the plant in question are fulfilled in many environments, meaning that the plant is highly adaptable and suited to grow in many types of adverse conditions and environments. Another factor that makes a plant a great candidate for listing on a state or county noxious weed list is that it has discontinuous germination that is internally controlled and the seeds of the plant have an extremely long viability in soil; where they can survive for long periods of time ungerminated waiting for the right conditions. The rate of growth from the vegetative phase to the flowering phase is another factor that is considered; if the rate of growth is rapid through the vegetative phase, the plant is a good candidate for inclusion on a noxious weed list. If a plant has continuous seed production for as long as the growing conditions permit, is self-fertilized, or has reproduction involving generative tissues that are not dependent upon fertilization are all characteristics that make a plant an 'ideal' weed. Another characteristic that is indicative of a weed is that cross-pollination does not require a specialized insect, but can occur by unspecialized pollinators and can be wind pollinated. High seed production in favorable environmental conditions, the ability to produce seed that can survive in adverse environmental conditions and seeds that have adaptations for dispersal such as barbs and pappuses are all significant reproductive adaptations that are beneficial to plant survival of a weed.

Another factor to consider is that if the plant is a perennial and it has vigorous vegetative regeneration that can occur from fragments, it is an 'ideal' weed characteristic. Perennial weeds are brittle, cannot easily be pulled from the ground and have ability to compete with native vegetation by special means. Competition through adaptations include having a rosette that stores carbohydrates in the root system, choking growth adaptations like field bindweed, and allelochemicals that act as a natural herbicide, exterminating the other plants that surround the weed; ensuring its survival because it eliminates competition for resources such as space, water and sunlight. These adaptations and characteristics make certain species of plants 'ideal' weeds. These characteristics make these non-native invaders prime candidates for inclusion on both the state and county noxious weed lists.

It is important to note that native species may reach levels of nuisance and may cause adverse effects; an example would be a larkspur bloom in the spring, just as cattle are turned out to spring/summer pasture. If ingested, larkspur is fatal to cattle and can be detrimental to ranchers because of losses from larkspur ingestion. However, because larkspur is a native plant, it is not eligible for proposal of inclusion on either a county or a state noxious weed list and can never be listed as a noxious weed because it is a native plant.

There are many steps in the process to list a noxious weed on the state list or any one of the 56 county lists. Even if proposed, a weed may not meet the criteria for recommendation on the state noxious list, but may be better fit on a specific county weed list.

For more information about the process of how to propose a weed for inclusion on the Montana State Noxious Weed List, contact the Montana Department of Agriculture at 406-444-3144, or you can contact your local county weed district coordinator.