

BROADWATER COUNTY WEED DISTRICT

515 Broadway, Townsend, MT 59644
Phone: 406-266-9243
Email: brweed@co.broadwater.mt.us



Subdivision Name _____

**SUBDIVISION NOXIOUS WEED
MANAGEMENT AND
REVEGETATION PLAN
INFORMATION
AND
APPLICATION**

Approved and Adopted by: John Ferrat Date: 12-30-19
John Ferrat, Chair, Weed Board Member

Approved by: Michael J. Delger Date: 12-30-19
Mike Delger, Chair, Broadwater County Commissioner

Approved by: Laura Obert Date: 12-30-19
Laura Obert, Broadwater County Commissioner

Approved by: Darrel Folkvord Date: 12-30-19
Darrel Folkvord, Broadwater County Commissioner

SUBMISSION PACKET CHECKLIST

The following items are to be submitted to the Broadwater County Weed District in one complete packet ('Submission Packet'). All items must be accounted for prior to **Approval** or **Approval with Modifications**.

Signed Letter of Agreement

Map(s)

Complete and Signed Noxious Weed Management and Revegetation Plan

Scheduled Site Visit with the Broadwater County Weed District Representative (*Appendix A*)

Payment of Site Application and Inspection Fees and Plan Preparation Fees (*if applicable*)

Please Note: The Submission Packet will be reviewed and approved, approved with modifications, or rejected by the Broadwater County Weed Board at regularly scheduled monthly meetings. The Submission Packet **must** be submitted to the Broadwater County Weed District Office at least **ten (10) business days** prior to the regularly scheduled board meeting. Broadwater County Weed Board meetings are scheduled on the 2nd Wednesday of each month.

Requirements for Subdivision and Preliminary Plat Approval

Per the Montana County Weed Control Act, Section 7-22-2152, **PRIOR** to subdivision activity, which includes, but is not limited to, groundbreaking, soil disturbance, and/or construction, a Noxious Weed Management and Revegetation Plan must be completed by the Subdivider/Landowner or Weed Management Professional¹ and submitted to the Broadwater County Weed District Office. The plan template will assist with specific methods to be used for:

- The management of noxious weeds already infesting land(s) within the subdivision or that may arise during development.
- The revegetation of disturbed areas within the subdivision.

This plan is subject to approval by the Weed Board, which may require revisions to bring the plan into compliance with the District's Noxious Weed Management Plan and the Montana County Weed Control Act. The Letter of Agreement and Noxious Weed Management and Revegetation Plan are binding documents and the Subdivider(s)/Landowner(s) must abide by the terms of the Agreements.

If there are any questions, concerns, or need for assistance, please call the Weed District Office at 406-266-9243.

¹ Broadwater County Weed District may be utilized to assist the landowner in the creation of the Noxious Weed Management and Revegetation Plan. A list of other approved Weed Management Professionals can be found in Appendix B of this document.

BROADWATER COUNTY WEED DISTRICT

515 BROADWAY, TOWNSEND, MT 59644
PHONE: 406-266-9243
EMAIL: BRWEED@CO.BROADWATER.MT.US

LETTER OF AGREEMENT

The purpose of the Broadwater County Subdivision Submission Packet is threefold:

1. Promote the prevention of noxious weeds and their seeds as a public nuisance under Montana Law. It is unlawful to permit noxious weeds to propagate (MCA 7-22-2101 through 7-22-2153).
2. Mitigate the potential spread of existing infestations, while monitoring for new invaders.
3. Promote education and awareness for landowners to be knowledgeable of, and responsible for, their noxious weed problems. Noxious weeds will continue to be a problem and will require continued vigilance, even beyond the scope of this agreement.

*The following are requirements that apply to all subdivisions in Broadwater County. Please **check the boxes** for each corresponding line item, sign and date at the bottom, and include with Submission Packet.*

- ☐ The Noxious Weed Management and Revegetation Plan must be completed by the Subdivider/Landowner or Weed Management Professional and approved by the Broadwater County Weed Board **PRIOR** to any subdivision activity.
- ☐ The Subdivider/Landowner/Homeowner Association agrees to abide by the Montana County Weed Control Act, Title 7, Chapter 22, Sections 7-22-2101 through 7-22-2153, as well as to the standards specified in the Noxious Weed Management and Revegetation Plan on all properties, parks, and rights-of way within the subdivision.
- ☐ The Subdivider/Landowner shall pass on the obligations of this agreement to the purchaser of a subdivided tract by placing the requirements agreed to in this letter and management plan as a condition of the sale.
- ☐ A statement shall be placed on the face of the Final Plat stating: "Weed management will be the responsibility of the individual property owners within the subdivision." (MCA 7-22-201 through 7-22-2153)
- ☐ All borrow materials such as gravel, sand, topsoil, rock, road mix, mulch, straw, hay, and grass seed must come from a noxious weed free source. No noxious weed contaminated material may be removed from the site and placed in an area not infested with noxious weeds.
- ☐ Inspections done November through April are not conclusive, due to time of year and noxious weed growth stage. Thus, applications will have their initial inspection as soon as conditions allow, and modifications to the Noxious Weed Management and Revegetation Plan will be made at the discretion of the Broadwater County Weed District.
- ☐ The agreements set forth in this Letter and Noxious Weed Management and Revegetation Plan are effective upon the date of approval by the Broadwater County Weed Board and is effective for three years (3) from final plat recordation date. A new agreement is required after the effective date has expired.
- ☐ Subdivider/Landowner shall submit documentation that the Noxious Weed Management and Revegetation Plan has been implemented no later than **December 20th** of each year the agreements are effective. Documentation requirements can be found in Appendix C.
- ☐ The Broadwater County Weed District reserves the right of spot-inspection, throughout the longevity of the agreement, for compliance.

By checking the boxes above and signing below, the Subdivider/Landowner is agreeing to the terms outlined in the Letter of Agreement, the Noxious Weed Management and Revegetation Plan, and Montana County Weed Control Act for the longevity of the agreements' effectiveness. Failure to adhere to the terms of the agreements will result in the Non-Compliance (MCA 7-22-2131) process.

Printed Name of Applicant

Applicant Signature

Date

Printed Name of Weed Board Chair

Weed Board Chair Signature

Date

Printed Name of New Landowner

New Landowner Signature

Date

BROADWATER COUNTY NOXIOUS WEED POLICY AND INSTRUCTIONS

1. A Broadwater County Weed District Subdivision Submission Packet will be filed with the Weed Board at least **ten (10) business days** prior to the regularly scheduled board meeting. Any subdivision activity and preliminary plat approval may not occur until the Submission Packet has been approved by the Weed Board.
 - a. Upon receipt of the Submission Packet, the Broadwater County Weed Board has ten (10) business days from the regularly scheduled board meeting to approve, or approve with modifications, or deny the Noxious Weed Management and Revegetation Plan.
2. The Noxious Weed Management and Revegetation Plan has been developed to assist Subdividers/Landowners in identifying measures to control noxious weeds within a subdivision. The Plan will include:
 - a. The name and address of the property owner or applicant;
 - b. The legal description and location of the property;
 - c. Map(s):
 - i. Please include a map identifying as many features present on the property as possible. In addition, noxious weed infestations should be indicated, as well as any areas of environmental or special concern (ie. waterways, wells, sensitive plant/animal/fish species, etc.)
 1. Acceptable map formats include:
 - a. Plat maps (preferred), topographic maps, and/or aerial maps;
 - d. Noxious weed data:
 - i. Noxious weed species present. A full state and County list can be found in Appendix D;
 - ii. Approximate number of acres infested with noxious weeds;
 - iii. Anticipated land use and other environmental concerns; and
 - iv. Weed control and prevention activities and measures that will be taken to control for noxious weeds;
 - e. Revegetation data:
 - i. This section of the plan must be filled out only if the soil on the property will be disturbed at any point during the longevity of the agreements' effectiveness. Examples of soil disturbance include, but are not limited to: road construction, grading, backfilling during construction, and/or project development; and
 - f. Signature of Subdivider/Landowner.
3. A Broadwater County Weed District representative will inspect the proposed subdivision. It is the responsibility of the Subdivider/Landowner to work with the representative's schedule and ensure access to the proposed subdivision.
4. A fee will be paid by the Subdivider/Landowner to defray the expenses of Submission Packet review and onsite inspection. All fees will be paid, by cash, check, or credit card (with a 3.33% fee), to the Broadwater County Weed District and are due at initial filing and are non-refundable. Fees are as follows:
 - a. Minor Subdivisions (1-5 lots): \$250.00 plus \$20/lot
 - b. Major Subdivisions (6+ lots): \$400.00 plus \$20/lot
 - c. Mileage: State rate of \$0.58/mile. Fee is applicable only if inspection site is more than twenty (20) miles ROUNDTRIP from 515 Broadway, Townsend, MT 59644.
 - d. Noxious Weed Management and Revegetation Plan Completion Fee
 - i. If the Subdivider/Landowner chooses to have the Broadwater County Weed District complete the Plan, an additional fee will be assessed. The fee is:
 1. \$150.00 for the first two hours.
 2. \$50/hour for any time after the first two hours.
 - e. Submission Packets will not be accepted unless accompanied by applicable fees.
5. After review of the Submission Packet and onsite inspection of the subdivision site, the Broadwater County Weed Board will approve, approve with modifications, or reject the application.
 - a. If the Submission Packet is approved, or approved with modifications, an approval letter will be sent to:
 - i. The Subdivider/Landowner
 - ii. The Broadwater County Planning Board
 - b. If the Submission Packet is rejected, the Subdivider/Landowner has the following options:
 - i. The Noxious Weed Management and Revegetation Plan may be revised by the applicant and resubmitted to the Weed Board for review.
 - ii. The applicant may request assistance from the Weed District in revising the Plan.
 - iii. The applicant may request an administrative hearing pursuant to MCA 7-22-2110.

**BROADWATER COUNTY NOXIOUS WEED MANAGEMENT AND
REVEGETATION PLAN**

Before any subdivision activity may occur, please complete and submit a signed copy of the Noxious Weed Management and Revegetation Plan, with the remainder of the Submission Packet, to the Broadwater County Weed District Office for review by the Weed Board. Upon approval, the Weed Board Chair will sign all Submission Packet documents and the agreements will be considered to be effective from that date forward to three (3) years from final plat recordation date. After that term expires a new agreement will be required. These are binding agreements.

NAME OF PROJECT/SUBDIVISION: _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

PHONE: _____ **EMAIL:** _____

PREFERRED METHOD OF CONTACT:

☐ **Email** ☐ **Phone** ☐ **Mail**

NAME & BUSINESS OF WEED MANAGEMENT PROFESSIONAL (if applicable):

PHONE: _____ **EMAIL:** _____

LEGAL DESCRIPTION OF PROPERTY:

_____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$

Section: _____ **Township:** _____ **Range:** _____

PLEASE INCLUDE A SITE MAP WITH FEATURES, WEED INFESTATIONS, ETC.

I. PROJECT OVERVIEW

Describe what the intentions are for developing this property:



What are your land management goals for this property?

II. LANDSCAPE DATA (*Montana Natural Heritage website is very helpful*)

Describe the present ground cover on the property. What type of soil(s) is present (*ie. loam, clay, gravel, sandy, etc.*)?

List any water sources (streams, ditches, lake, pond, well, spring, drainages/gullies, etc.) that are on the property. Is the water table shallow or deep?

List any sensitive plant, wildlife, fisheries, or riparian areas that are/may be found on the property.

III. NOXIOUS WEED DATA

What noxious weed species are present on the property (*see Appendix D for State and County list*)?

How many total acres is the property? _____

How many acres are infested with noxious weeds? _____

IV. NOXIOUS WEED MANAGEMENT

Please describe the methods of weed management that will be utilized on the property. *One method alone will never achieve good weed management. An integrated approach, utilizing several techniques that are compatible with your property goals, is encouraged by the Broadwater County Weed Board.*

1. Prevention (*certified seed/hay, clean fill, revegetation of disturbed sites, etc.*)

2. Chemical (*herbicides*)

3. Mechanical (*hand-pulling, mowing, burning, etc.*)

4. Biological (*grazing, biological insectary, etc.*)

5. Cultural (*crop rotation, intensive pasture management, revegetation, etc.*)

Who will conduct the noxious weed control activities (described above) on the property? *A list of Commercial Applicators can be found at the Broadwater County Weed District Office.*

If utilizing herbicide, please fill out the table below.

<i>Noxious Weed Species</i>	<i>Herbicide(s)</i>	<i>Rate of Application</i>

**The timing of herbicide applications will greatly affect the success of a chemical control efforts.
When do you intend to apply herbicides?**

What additional measures will be taken to ensure safe and efficient herbicide use, lowering the impact on sensitive species, water quality and soil health?

Describe how you will monitor and measure the success of your plan.

V. REVEGETATION PLAN

Are any soil disturbances planned over the longevity of the Plan?

☐ **YES**

☐ **NO**

If YES, complete the following revegetation section.

Describe the type of disturbance and size in acres.

Describe the revegetation work to be done.

What is the average precipitation per year at the property? Will the area be irrigated?

What type of seed will be used to reseed? Where will you obtain the seed? How many pounds per acre of seed mix will be used?

Will the seeded area be fertilized? What type of fertilizer will be used?

What is your revegetation timeline for the property? *Please include details on when revegetation will occur, how often, how will the site be monitored and evaluated, etc.*

VI. GRAVEL SOURCE

Please list the source of gravel/pit run/road mix/topsoil/etc. brought on-site for disturbance mitigation and/or construction. Source must be weed-free.

Name of Source(s):

Location(s):

Contact Person(s) and Phone Number(s):

VII. SIGNATURE

The undersigned Subdivider/Landowner agrees to abide by this Broadwater County Subdivision Noxious Weed Management and Revegetation Plan following approval by the Broadwater County Weed Board. By entering this Plan, the Subdivider/Landowner and the Weed Board, or its representatives, shall have the right to revise this Plan as necessary to effectuate the purposes of the property, the Noxious Weed Management and Revegetation Plan, and/or the Montana County Weed Control Act. All changes must be mutually agreed upon by each party and placed in writing. The approval of this plan does not reduce the Subdivider/Landowner's liability for damage caused by compliance with the approved plan. Nor does the Broadwater County Weed District in authorizing this plan in any way acknowledge liability for damage caused by the landowner's implementation of the authorized plan. Plan is effective from date of Approval or Approval with Modifications by the Broadwater County Weed Board through three (3) years post Final Plat approval. After that term has expired a new agreement is required.

I do hereby certify that all of the information contained in this plan and all supplemental information are true and accurate. I agree to abide by the Broadwater County Noxious Weed Management and Revegetation Plan in accordance with Broadwater County Weed Management Plan and the Montana County Weed Control Act.

Applicant Signature

Date

VIII. WEED BOARD REVIEW

After review of the aforementioned Broadwater County Subdivision Noxious Weed Management Plan, the Broadwater County Weed Board delivers the following decision:

☐ **Approve**

Date: _____

☐ **Approve with Modifications**

Date: _____

Modification(s) Required:

☐ **Reject**

Date: _____

Reason(s) for Rejection:

Signature: _____

Broadwater County Weed Board Chairperson

BROADWATER COUNTY WEED DISTRICT INSPECTION REPORT

Landowner/Subdivision: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Date of Inspection: _____

Noxious Weed Species Present:

Additional Recommendations/Modifications:

Comments:

Printed Name of Weed District Representative

Signature

Date

APPENDIX A: SITE VISIT SCHEDULING FORM

Please submit this form with your final Submission Packet. It is the responsibility of the Subdivider/Landowner to work with the Broadwater County Weed District representative's schedule and ensure access to the proposed subdivision. The representative will do their best to schedule around preferred dates and times proposed in form below, however an alternative date may need to be scheduled and adhered to by the Subdivider/Landowner.

Proposed dates must fall within the 10-business day approval timeline, upon submission of packet to the Weed District. Inspection times are Monday-Friday between 8am and 5pm. The Broadwater County Weed District representative will contact the Subdivider/Landowner with the final date and time of the inspection.

Date of Request: _____

Requested By: _____

Company Name: _____

Phone Number: _____

Email Address: _____

Project Address:

Preferred Inspection Date: _____

Alternative Date: _____

Alternative Date: _____

APPENDIX B: APPROVED WEED MANAGEMENT PROFESSIONALS

Per the Letter of Agreement, the Broadwater County Noxious Weed Management and Revegetation Plan is to be completed by the Subdivider/Landowner or a Weed Management Professional. This is to ensure accuracy and understanding of the Plan and Montana County Weed Control Act.

The staff at the Broadwater County Weed District can complete the Plan for the Subdivider/Landowner, with some required assistance of the Subdivider/Landowner, at the fee scale below:

- \$150.00 for the first two hours of Plan development.
- \$50/hour for any hours after the first two hours of Plan development.

Other local Weed Management Professionals, and their contact information, are listed below. If you have an alternative professional in mind, please contact the Broadwater County Weed District Office directly for approval.

Approved Weed Management Professionals

Nitro Green

Brad Culver 443-5088

JHS Inc

John Semple 443-7487

West River Land Management LLC

Nigel Davis 437-1709

Ernst Weed Control

Jeff Ernst 442-5514

Tru Green Chem Lawn

Charles Ball 441-2244

Helena Weed Control

Bob Summers 439-2765

Hidden Waterfall Consulting LLC

Dave Burch 461-4719

APPENDIX C: REQUIRED ANNUAL DOCUMENTATION OF WEED MANGEMENT AND REVEGETATION ACTIVITIES

Noxious weeds are detrimental to the landscape and require consistent attention by weed managers and landowners every year. The Subdivider/Landowner shall submit documentation that the Noxious Weed Management and Revegetation Plan has been/is being implemented. The following information is to be included in the documentation packet:

- A Narrative (1-2 paragraphs), signed and dated, that includes:
 - What work was accomplished and when?
 - How many acres and/or infestations identified in Plan were treated?
 - How many acres identified in Plan were reseeded?
 - Any new noxious weed species identified?
 - Who completed the work and contact information (if not self)?
 - What successes did you have?
 - What challenges/concerns arose?
- If contracted, please submit a copy of all invoices and application records
- If self-treated, please submit a copy of all receipts for herbicides purchased and application records.

Documentation shall be submitted to the Broadwater County Weed District Office no later than **December 20th** of each year the Noxious Weed Management and Revegetation Plan is effective. Documentation may be submitted in-person, mail, or email. Please contact the Weed District Office at 406-266-9243 for any questions, concerns, or assistance with reporting.

APPENDIX D: STATE AND COUNTY NOXIOUS WEED LIST

Priority 1A	<p>These weeds are not present or have a very limited presence in Montana. Management criteria will require eradication if detected, education, and prevention:</p> <ul style="list-style-type: none"> - Yellow starthistle (<i>Centaurea solstitialis</i>) - Dyer's woad (<i>Isatis tinctoria</i>) - Common Reed (<i>Phragmites australis</i> ssp. <i>australis</i>) - Medusahead (<i>Taeniatherum caput-medusae</i>)
Priority 1B	<p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education:</p> <ul style="list-style-type: none"> - Knotweed complex (<i>Polygonum cuspidatum</i>, <i>P. sachalinense</i>, <i>P. × bohemicum</i>, <i>Fallopia japonica</i>, <i>F. sachalinensis</i>, <i>F. × bohemica</i>, <i>Reynoutria japonica</i>, <i>R. sachalinensis</i>, and <i>R. × bohemica</i>) - Purple loosestrife (<i>Lythrum salicaria</i>) - Rush skeletonweed (<i>Chondrilla juncea</i>) - Scotch broom (<i>Cytisus scoparius</i>) - Blueweed (<i>Echium vulgare</i>)
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts:</p> <ul style="list-style-type: none"> - Tansy ragwort (<i>Senecio jacobaea</i>, <i>Jacobaea vulgaris</i>) - Meadow hawkweed complex (<i>Hieracium caespitosum</i>, <i>H. praealtum</i>, <i>H. floridundum</i>, and <i>Pilosella caespitosa</i>) - Orange hawkweed (<i>Hieracium aurantiacum</i>, <i>Pilosella aurantiaca</i>) - Tall buttercup (<i>Ranunculus acris</i>) - Perennial pepperweed (<i>Lepidium latifolium</i>) - Yellowflag iris (<i>Iris pseudacorus</i>) - Common buckthorn (<i>Rhamnus cathartica</i> L.) - Flowering rush (<i>Butomus umbellatus</i>) - Eurasian watermilfoil (<i>Myriophyllum spicatum</i>) - Ventenata (<i>Ventenata dubia</i>)
Priority 2B	<p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts:</p> <ul style="list-style-type: none"> - Leafy spurge (<i>Euphorbia esula</i>) - Saltcedar (<i>Tamarix</i> spp.) - Oxeye daisy (<i>Leucanthemum vulgare</i>) - St. Johnswort (<i>Hypericum perforatum</i>) - Russian knapweed (<i>Acroptilon repens</i>, <i>Rhaponticum repens</i>) - Spotted knapweed (<i>Centaurea stoebe</i>, <i>C. maculosa</i>) - Diffuse knapweed (<i>Centaurea diffusa</i>) - Dalmatian toadflax (<i>Linaria dalmatica</i>) - Houndstongue (<i>Cynoglossum officinale</i>) - Sulfur cinquefoil (<i>Potentilla recta</i>) - Common tansy (<i>Tanacetum vulgare</i>) - Yellow toadflax (<i>Linaria vulgaris</i>) - Whitetop (<i>Cardaria draba</i>, <i>Lepidium draba</i>) - Field bindweed (<i>Convolvulus arvensis</i>) - Canada thistle (<i>Cirsium arvense</i>) - Curlyleaf pondweed (<i>Potamogeton crispus</i>) - Hoary alyssum (<i>Berteroa incana</i>)
Priority 3	<p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)</p> <p>These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education and prevention to minimize the spread of the regulated plant.</p> <ul style="list-style-type: none"> - Cheatgrass (<i>Bromus tectorum</i>) - Hydrilla (<i>Hydrilla verticillata</i>) - Russian olive (<i>Elaeagnus angustifolia</i>) - Brazilian waterweed (<i>Egeria densa</i>) - Parrot feather watermilfoil (<i>Myriophyllum aquaticum</i> or <i>M. brasiliense</i>)
Priority 4	<p>COUNTY DESIGNATED NOXIOUS WEEDS</p> <p>These plants have the potential for serious negative impacts. Management criteria will require eradication or containment. Control of these plant species is required by Broadwater County.</p> <ul style="list-style-type: none"> - Musk Thistle (<i>Carduus nutans</i>) - Bull Thistle (<i>Cirsium vulgare</i>) - Black Henbane (<i>Hyoscyamus niger</i>) - Baby's Breath (<i>Gypsophila paniculata</i>) - Burdock (<i>Arctium minus</i>) - Perennial Sowthistle (<i>Sonchus arvensis</i>)