

BROADWATER COUNTY WEED DISTRICT

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# Broadwater County Noxious Weed Management Plan

February 2022- December 2023

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Broadwater County Weed District

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## **I. Introduction**

Broadwater County has weed management plan in effect with the mission: “To preserve and enhance the beauty and economic strength of Broadwater County, through control and removal of noxious weeds and invasive species; both on county lands, right-of-way’s and in cooperation with private, state and federal land managers, working with the public to provide education and resources to improve their ability to reach the common goals. This plan was written to comply with the requirement of MCA Title 7, Chapter 22, Part 21; the “Montana County Noxious Weed Act”.

The purpose of this plan is to guide weed management through cooperative planning among public and private landowners and managers of Broadwater County. This plan supports the Montana Weed Management Plan to strengthen, support, and coordinate private, county, state, and federal weed management efforts in Montana, and promote implementation of ecologically-based noxious weed management programs. This plan will be evaluated and revised every two years on even numbered years.

The Broadwater County Noxious Weed Management Plan includes an integrated weed management (IWM) approach. An integrated weed management plan incorporates education, prevention, early detection, and cultural, biological, mechanical, and chemical controls that have minimum impacts to the environment. Mapping, evaluation, and revegetation are also components of an IWM plan. This weed management plan is designed to evaluate and adapt management actions to improve the chances of long-term weed management success.

### **A. Goals and Objectives**

The goals of the Weed District are:

- 1) To provide leadership knowledge of land control options for noxious weeds within Broadwater County;
- 2) To eliminate the spread of noxious weeds within Broadwater County;
- 3) To provide awareness and education about noxious weed identification and their harm;
- 4) To manage noxious weeds on county owned land and high priority areas;
- 5) And to develop Weed Prevention areas and Special Management Areas throughout the county.

The following weed management objectives are measurable and time based:

- 1) Locate and eradicate new high Priority noxious weed infestations using acceptable control methods;

2) Reduce size and density of select infestations by 5% annually using integrated weed management methods.

3) Provide guidance to state regulators about new invasive species.

## **B. Statement of the Weed Problem**

A noxious weed is defined as any exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities. However, a **native plant may not be listed** on the State Noxious Weed list or be listed as a county designated noxious weed. Currently Broadwater County recognizes the State Noxious Weed list with 36 Priority noxious weeds and five (5) Regulated plants as the county's weed list, in addition to the county designated noxious weeds.

### 1) Land Administration

Broadwater County contains approximately 1245 square miles of land under multiple owners and end users. The following is a breakdown of the ownership in Broadwater County:

Bureau of Land Management	65,081 acres
US Forest Service	166,225 acres
State Lands	23,393 acres
Bureau of Reclamation Lands	8,165 acres
Montana Fish Wildlife and Parks	165 acres
DNRC	2,620 acres
Private Lands	476,606 acres
Other lands	353 acres

### 2) Impact of Weeds

Noxious weeds could infest or impact 100% of acres in Broadwater County. Noxious weeds reduce economic productivity and integrity of Broadwater County's land and waters. The rate of introduction and spread of noxious weeds has increased over the past 50 years as human activities, trade, and commerce have increased.

Noxious weeds could have an impact on every acre of Broadwater County regardless of the physical presence on a particular piece of land. Economic losses caused by some noxious weeds have been calculated for Montana. For example, the cost of spotted knapweed to grazing lands and wild lands in Montana is estimated at \$42 million, with losses to productivity and species diversity.

State funding to assist private land managers, the county weed district, and federal and state agencies will have a positive impact on weed management in Broadwater County.

## **C. Montana Weed Laws and Regulations**

The first noxious weed legislation in Montana was passed in 1939. Since that time additional laws and rules have been enacted to strengthen weed management efforts. The eight laws currently affecting weed management in Montana are summarized below:

1) Montana County Weed Control Act (Title 7, Chapter 22 Part 21) provides for weed management activities at the county level. Local county government has the responsibility for the implementation and enforcement of weed management in Montana.

2) Montana Weed Control Act – MCA (Title 80, Chapter 7 Part 7) provides for technical assistance, embargoes, and rearing and distribution of biological weed control agents (80-7-720 MCA). Pursuant to (80-7-712 MCA), The Montana Department of Agriculture can obtain federal funds and disburse these funds to local governments authorized to conduct noxious plant management programs.

3) Montana Noxious Weed Trust Fund Act – MCA (Title 80, Chapter 7, Part 8) is a grant-funding program designed to encourage and support local cooperative weed management programs, weed research, and public education, awareness, and outreach programs. Revenue for the current grants program comes from interest from a permanent Trust, vehicle weed fee, and state and federal funding.

4) Montana Noxious Weed Seed Free Forage Act – MCA (Title 80, Chapter 7, Part 9) establishes a certification program that provides for production of weed-seed-free forage and mulch used by individuals, agencies, and private corporations on public and private lands.

5) Montana Agricultural Seed Law MCA (Title 80, Chapter 5, Part 3) The following are "prohibited noxious weeds" and "restricted weeds" in Montana as designated in the law in 2010 (see next section for species). The prohibited noxious and restricted weeds lists are subject to change; check the Montana Department of Agriculture webpage for the most recent prohibited noxious weeds and restricted weeds list.

6) Montana Commercial Feed Act prohibits noxious weeds in commercial feed.

7) Montana Environmental Policy Act must be addressed by state actions that have potential environmental or socioeconomic impacts.

8) Montana Nursery Law allows for inspections, certification, and embargo of all nursery stock for listed pests, including weeds.

## **II. Management Priorities for Noxious Weeds**

**A. PRIORITY 1A** These weeds are not present or have a very limited presence in Montana. Management criteria will require eradication if detected, education, and prevention:

- (a) Yellow starthistle (*Centaurea solstitialis*)
- (b) Dyer's woad (*Isatis tinctoria*)
- (c) Common reed (*Phragmites australis* ssp. *Australis*)
- (d) Medusahead (*Taeniatherum caput-medusea*)

One landowner has been identified that had a suspected presence of Yellow starthistle, however the population is currently eradicated and being monitored.

**B. PRIORITY 1B** These weeds have limited presence in Montana.

Management criteria will require eradication or containment and education:

- (a) Knotweed complex (*Polygonum cuspidatum*, *P. sachalinense*, *P. x bohemicum*, *Fallopia japonica*, *F. sachalinensis*, *F. x bohémica*, *Reynoutria japonica*, *R. sachalinensis*, and *R. x bohémica*)
- (b) Purple loosestrife (*Lythrum salicaria*)
- (c) Rush skeletonweed (*Chondrilla juncea*)
- (d) Scotch broom (*Cytisus scoparius*)
- (e) Blueweed (*Echium vulgare*)

Currently there are no known populations of any of these species. Areas that see heavy out of area traffic, like trail heads in the Elkhorns and the Fairgrounds, will be inspected annually.

**C. PRIORITY 2A** 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:

- (a) Tansy ragwort (*Senecio jacobaea*, *Jacobaea vulgaris*)
- (b) Meadow hawkweed complex (*Hieracium caespitosum*, *H. praealtum*, *H. floridundum*, and *Pilosella caespitosa*)
- (c) Orange hawkweed (*Hieracium aurantiacum*, *Pilosella aurantiaca*)
- (d) Tall buttercup (*Ranunculus acris*)
- (e) Perennial pepperweed (*Lepidium latifolium*)
- (f) Yellowflag iris (*Iris pseudacorus*)
- (g) Eurasian watermilfoil (*Myriophyllum spicatum*, *Myriophyllum sibiricum*)
- (h) Flowering rush (*Botomus umbellatus*)
- (i) Common Buckthorn (*Rhamnus cathartica* L.)
- (j) Ventenata (*Echium vulgare*)

Isolated areas that are infested have been identified and currently under a form of Noxious Weed Management Plan. Isolated patches of Orange hawkweed have been identified on USFS lands and Perennial pepperweed have been located on private lands in the north end of the county.

**D. PRIORITY 2B** 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:

- (a) Canada thistle (*Cirsium arvense*)

- (b) Field bindweed (*Convolvulus arvensis*)
- (c) Leafy spurge (*Euphorbia esula*)
- (d) Whitetop (*Cardaria draba*, *Lepidium draba*)
- (e) Russian knapweed (*Acroptilon repens*, *Rhaponticum repens*)
- (f) Spotted knapweed (*Centaurea stoebe*, *C. maculosa*)
- (g) Diffuse knapweed (*Centaurea diffusa*)
- (h) Dalmatian toadflax (*Linaria dalmatica*)
- (i) St. Johnswort (*Hypericum perforatum*)
- (j) Sulfur cinquefoil (*Potentilla recta*)
- (k) Common tansy (*Tanacetum vulgare*)
- (l) Oxeye daisy (*Leucanthemum vulgare*)
- (m) Houndstongue (*Cynoglossum officinale*)
- (n) Yellow toadflax (*Linaria vulgaris*)
- (o) Saltcedar (*Tamarix spp.*)
- (p) Curlyleaf pondweed (*Potamogeton crispus*)
- (q) Hoary alyssum (*Berteroa incana*)

Currently there is widespread infestations of a, b, c, d, f, h, m, and n; and areas of high infestation of e, g, and isolated patches of o and q.

**E. Priority 3 Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)**

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.

- Cheatgrass (*Bromus tectorum*) (B tectorum is downy brome, but there are other cheatgrasses that are bad too)
- Hydrilla (*Hydrilla verticillata*)
- Russian olive (*Elaeagnus angustifolia*)
- Brazilian waterweed (*Egeria densa*)
- Parrot feather watermilfoil (*Myriophyllum aquaticum* or *M. brasiliense*)

In 2019 the Broadwater County Elkhorn Region Cheatgrass Management Area was created. The special management area encompasses the entirety of the Elkhorn Wildlife Management Area and adjacent private land as shown in Attachment C. Cheatgrass has serious ecological and environmental impacts and the special management area gives landowners more tools to improve lands in Broadwater County.

**F. Broadwater County Designated Noxious Weeds:** Montana Code Annotated 7- 22-2101 (8)(ii) gives a county the authority to list local invasive species of concern. These weeds are capable of rapid spread and invasion of lands, rendering lands unfit for beneficial uses. Management criteria include awareness and education, monitoring and containment of known infestations, and eradication where possible.

Broadwater County has identified three classes:

- 1) Control: 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.
  - (a) Musk Thistle (*Carduus nutans*)
  - (b) Baby's Breath (*Gypsophila paniculata*)
  - (c) Scotch Thistle (*Onopordum acanthium*)
  - (d) Black Henbane (*Hycoscyamus niger*)
  - (e) Burdock (*Arctium minus*)
  - (f) Perennial Sowthistle (*Sonchus arvensis*)
  
- 2) Manage: These plants have the potential to impact specific land users and Broadwater County will support efforts to manage these plants through education or other support measures.
  - (a) Russian Thistle
  - (b) Kochia
  - (c) Nettle
  - (d) Sunflower
  
- 3) Toxic or poisonous: These plants pose a severe threat to human or livestock health and Broadwater County will support landowners with education and a variety of control measures.
  - (a) Wild Carrot
  - (b) Lupine
  - (c) Death Camas
  - (d) Larkspur
  - (e) Poison Hemlock

These are all potentially native to MT, and cannot be listed as noxious, but pose a serious threat to grazing livestock.

### **III. Integrated Weed Management Strategies and Methods**

#### **A. Prevention**

The practice of not allowing noxious weeds to become established. Prevention is the most effective, economical and desired weed control practice. Practices include the use of noxious weed free seed, the use of weed seed free hay, the use of weed seed free gravel, soil and fill dirt, maintaining fence rows, irrigation ditches and all non-crop areas weed free. Always reseed areas that have been disturbed

#### **B. Mapping and Inventory**

Broadwater County Weed District will continue to compile and maintain maps of known weed infestations throughout the county based on landowner reports, agency maps, and school and county sponsored mapping projects i.e. EddMaps. The maps will represent the best-known up-to-date information, but will be limited by the accuracy and reporting participation of the citizens within the county.



### **C. Education**

The purpose of the Education program is to educate the public concerning the effects of noxious weeds on land in Broadwater County. The Weed District and the Extension Service will coordinate activities to promote weed awareness to youth and adults. Through increased awareness, developers and subdivision property owners will recognize the importance of writing and implementing weed management plans for their land. This becomes more important as the county experiences rapid population increases, often of out of state residents.

### **D. Chemical**

The use of herbicides to control noxious weeds. Chemical control is the most commonly used method of noxious weed control. If used properly and according to label directions, herbicides are a very effective means of control. Although herbicides can be expensive, and can kill non-target species, such as native wildflowers, they are still one of the most economic methods of control once weeds become established. For example, Broadwater county commonly uses: Tordon 22k, Milestone, Opensite, 2,4 -D amine, Transline, Escort, Roundup, Grazon Next, Esplanade, and other products as species or location dictate.

### **E. Biological Control**

Involves the introduction and establishment of selected living agents to control noxious weed species. This may include insects, fungi, and diseases that attack the target weed while not affecting desirable species. Effective biocontrol may depend on the use of several insects that attack different plant parts. Effective biocontrol should increase as insects become more available. Broadwater County has seen biocontrol releases of: *Mecinus janthiniformis*, *Aphthona* spp, *Oberea erythrocephala*, *Mecinus janthinus*, *Cyphocleonus achates*, and *Larinus* spp.

### **F. Mechanical**

Using methods to physically remove target weeds. Cultivation, hoeing, hand pulling, and mowing are commonly used. The use of cultivation is usually limited to farm/crop land and must be persistently cultivated to control perennial weed species. Mowing areas of noxious weeds can be effective if done at the right growth stage of the weed, but doesn't necessarily always work on certain noxious weed species. Please contact the Broadwater County Weed District for further information.

### **E. Revegetation** (County Weed Control Act 7-22-2152)

Section 7-22-2152 of the Montana County Noxious Weed Management Act requires any person or agency disturbing vegetation by construction in the weed district to submit a revegetation plan to the Weed Board for approval. The plan must provide for the establishment of beneficial vegetation in the disturbed areas after construction is completed.

## **IV. Pesticide Management Goals and Procedures**

The Broadwater County Weed District follows the Montana Pesticide Act (Title 80, Chapter 8 Section 80-8-101 through 80-8-405). The proper use of pesticides is essential for the protection of humans and the environment, and are a valuable and necessary tool to provide US citizens with quality foodstuffs, protection from vector borne diseases, and invasive plant species.

The Broadwater County Weed District's goal is to provide a safe work environment for the weed coordinator and all weed district staff and ensure the safe application of those herbicides.

Broadwater County Weed District has the following procedures when dealing with pesticides:

- 1) Water Quality Protection – The Broadwater County Weed District will use herbicides in accordance to the label. Herbicides not labeled for riparian or aquatic use will not be used to treat riparian areas or areas adjacent to water. Care will be taken when mixing and loading to account for any surface water, or wells. Soil movement by both wind and water will be considered when performing herbicide applications.
- 2) Public and Worker Safety – Employees will be trained in the safe handling and use of herbicides as well as other duties as needed. Employees will wear Personal Protective Equipment (PPE) required by the herbicide label anytime herbicides are used or handled. Additional PPE may be required or requested depending on the task performed. The Broadwater County Weed District will supply all required PPE. Signs will be utilized prior to noxious weed treatments in public areas to inform the public of noxious weeds treatments being performed in the area and when it is safe to re-enter the area.
- 3) Equipment Selection and Maintenance – Broadwater County Weed District will use appropriate equipment according to site location. Vehicle and sprayer maintenance will be performed as needed. Vehicles and sprayers will be visually inspected daily.
- 4) Pesticide Selection – Herbicides will be selected according to site use and weed species targeted. All herbicide labels will be strictly followed.
  - a) Application – Herbicides will be applied by licensed applicators or as an operator under a licensed applicator.
  - b) Mixing and loading – Care will be taken when mixing and loading to account for any surface water, or wells. All employees are required to wear the PPE as determined by the label when mixing, loading and applying herbicides.
  - c) Storage and disposal – Herbicides will be stored according to labeled directions. Empty containers will be triple rinsed, punctured and taken to the local landfill or recycled using the Montana Department of Agriculture pesticide container recycling program.

## **V. Non-Compliance and Enforcement Policy and Procedures**

Broadwater County recognizes the Montana State Weed Law and is committed to the effective management and eradication of state and county declared noxious weeds. The county assists landowners in understanding their responsibility for controlling noxious weeds. The county continues to upgrade programs to manage weed challenges on the county, state, and federal lands.

### **A. Weed Law Compliance**

A person is considered “in compliance” when a Broadwater County Noxious Weed Management and Revegetation Plan form is completed and submitted by the landowner or landowner’s agent and approved by the Weed District – see **Appendix C**.

1. Landowners with 40 acres or less will be required to comply with complete control. The cost of a typical chemical application on 20 acres would be approximately \$ 800.00.
2. Landowners owning more than 40 acres, if unable to manage complete control, shall be required to maintain weed control on one-third of the property, in rotation each year over three years. For instance, a typical chemical application for a 160-acre parcel would cost approximately \$2,500 per year. NOTE: Control is expected to occur annually along all property borders.

### **B. Weed Law Enforcement**

Broadwater County strives to help educate landowners on good land stewardship and noxious weed awareness. We must convey and communicate a positive government image in a non-threatening manner. Each landowner is unique, and opinions often differ regarding weed control. Most landowners are receptive to the law, understand its importance, and willingly commit to some form of annual weed control. Enforcement of the Montana County Noxious Weed Control Act, 7-22-2101 through 7-22-2154, and Administrative Rule of Montana 4.5.201 occurs as necessary. A complaint can be made in person to Broadwater County Weed District Staff and the presence of noxious weeds will be verified by our staff. When a justifiable complainant is made; procedures outlined in MCA are conducted. If a property file and weed management plan exist a phone call to the landowner or the landowner’s agent prevents further action. If no property file or weed plan exist, a certified letter including a Broadwater County Noxious Weed Management and Revegetation Plan, a flow chart and an inspection report are sent to the landowner or the landowner’s agent explaining the situation and requesting a response within ten (10) days.

In response, landowners may call asking for advice or to schedule an appointment with the District Coordinator to meet with and survey the property more closely. Personal weed identification and selective weed management strategies have proven to be highly successful and well-received by the public. A final certified notice will be sent when no response is received. Thereafter; procedures are followed in District Court to enter upon a person’s land, spray the noxious weeds, and bill the landowner or the landowner’s agent.

## **VI. Special Management Zones and Requirements**

### **A. Gravel Pits**

- 1) See Appendix A for forms
- 2) Gravel Pit forms will be reviewed for the next Weed Plan cycle

### **B. Subdivisions**

- 1) See Appendix B for forms
- 2) Distribute new plan to developers and planning board

### **C. Utility Companies**

- 1) Will follow guidelines of the Gravel Pit forms
- 2) Develop process and forms for the next Weed Plan Cycle

### **D. City of Townsend**

1) The City of Townsend currently has no formal noxious weed management plan in place, but controls noxious weeds through the employment of The City of employee a person to spray noxious weeds in parks and other public spaces. The Weed District will provide technical support as requested.

2) The Broadwater County Weed District and the City of Townsend will work together to draft a noxious weed management plan for the city.

### **E. Irrigation Districts**

1) The Weed District will foster the development and implementation of an integrated weed management plan with each irrigation district. The Weed District will help provide technical support to the irrigation districts as requested.

- 2) Follow up with irrigation districts and update plans as needed.

## **VII. Current Program and Program Needs**

### **A. Broadwater County Weed District**

1) The Broadwater County Weed District will follow the plan and goals outlined above.

### **B. Noxious Weed Seed Free Forage Program (7-22-2126 MCA subsection 2)**

1) Montana State University extension agent currently performs the majority of the NWSFFP inspections, Broadwater County Weed Coordinator serves as the backup inspector.

- 2) Maintain current coordinator's NWSFFP inspector certification.

### **C. Private Landowners**

- 1) Current Program-. Winston Cooperative Weed Management Grant. Milligan Canyon Grant. The Elkhorn Wildlife Management Area Habitat Improvement Grant for 2020-2025.

2) Need for Action- Explore a county cost share program for 2024.

#### **D. Cities and Towns**

1) The City of Townsend currently has no formal noxious weed management plan in place, but controls noxious weeds through the employment of The City of employee a person to spray noxious weeds in parks and other public spaces. The Weed District will provide technical support as requested.

2) The Broadwater County Weed District and the City of Townsend will work together to draft a noxious weed management plan for the city.

#### **E. Lands Administered by State Agencies**

1) Current Program- Memos of Understanding exist between all state agencies

2) Need for Action- Continue working relationships with all agencies

#### **F. Lands Administered by Federal Agencies**

1) Current Program- Current agreements are in place for weed control on federal lands

2) Need for Action- Continued working relationships and applications as needed for new agreements.

### **VIII. Appendices**

**A. Gravel Pit Form**

**B. Subdivision Plan Form**

**C. Broadwater County Noxious Weed Management and Revegetation Plan**

**D. Non-Compliance Letters and Flow Charts**

**E. Elkhorn Region Cheatgrass Management**

**F. Broadwater County Bylaws**

**APPENDIX A**

**GRAVEL PIT WEED MANAGEMENT PLAN**

1. Provide a map of the area with legal description.

2. Which noxious weeds (if any) are present on the property?

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3. Identify the location and size of the infestation(s) on the map.

4. Number of acres involved \_\_\_\_\_

5. Describe any land disturbance and the type of revegetation to be used in such area(s).  
Seed and mulch, if used, must be free of noxious weed seeds.

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6. Tell what types of measures you will use to control the weeds already present or that may appear on the property. Describe what kind of weed control measures will be used on the disturbed areas.

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7. An integrated weed management approach is recommended by using a combination of several weed control tools to suppress the noxious weed species and stimulate the competitive vigor of the desired plant community. No single method should be used in managing noxious weeds, rather a combination of methods should be used to achieve an integrated management plan, which addresses prevention as well as management. In cases where eradication of noxious weed species is not a practical or economically reasonable goal, containing and reducing infestations to manageable levels should be the objective.

8. The weed management plan must be approved by the Weed Board and reserve the right to inspect the property prior to issuing a final letter of approval.

**APPENDIX A**

**GRAVEL PIT WEED MANAGEMENT PLAN APPLICATION**

1. Name \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

2. Location of the property \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4  
Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

3. Brief description of activity \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Proposed starting date \_\_\_\_\_

5. Expected completion date \_\_\_\_\_

THE APPLICANT CERTIFIES THAT THE STATEMENTS APPEARING HEREIN ARE TO THE BEST OF HIS/HER KNOWLEDGE TRUE AND CORRECT, AND AUTHORIZES THE INSPECTION OF THE PROJECT SITE BY THE WEED BOARD OR ITS REPRESENTATIVE.

Signature of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

Return completed form with the proposed plan and notification of disturbance to:  
BROADWATER COUNTY WEED DISTRICT  
515 Broadway Townsend, MT 59644  
Phone: (406) 266-9243

\* \* \* \* \*

**To be completed by the Broadwater County Weed Board:**

The Weed Management Plan \_\_\_\_\_ is accepted.  
\_\_\_\_\_ is accepted with modifications.  
\_\_\_\_\_ is not accepted.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WEED BOARD SIGNATURES: \_\_\_\_\_ DATE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Site Inspection by \_\_\_\_\_ Date \_\_\_\_\_

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515 Broadway, Townsend, MT 59644

Phone: 406-266-9243

Email: [brweed@co.broadwater.mt.us](mailto:brweed@co.broadwater.mt.us)



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



## APPENDIX B

### 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 Professional<sup>1</sup> 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.

<sup>1</sup> 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.

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 20<sup>th</sup>** 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

## APPENDIX B

### **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 (i.e. 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 further 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:

**APPENDIX B**

- 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:**

**APPENDIX B**

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\_\_\_\_\_ 1/4

\_\_\_\_\_ 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:**

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**What are your land management goals for this property?**

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**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 (*i.e. loam, clay, gravel, sandy, etc.*)?**

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**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?**

**APPENDIX B**

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

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**III. NOXIOUS WEED DATA**

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

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**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.*)

**APPENDIX B**

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**2. Chemical** (*herbicides*)

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

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

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

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**APPENDIX B**

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**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.**

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**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?**

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

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

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**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.**

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**Describe the revegetation work to be done.**

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

**APPENDIX B**

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**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?**

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

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**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.*

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**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):*

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*Location(s):*

**APPENDIX B**

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

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**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.*

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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:*

**APPENDIX B**

**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:**

**APPENDIX B**

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\_\_\_\_\_  
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:** \_\_\_\_\_

## APPENDIX B

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 B

### **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 20<sup>th</sup>** 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 B

### 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"> <li>- Yellow starthistle (<i>Centaurea solstitialis</i>)</li> <li>- Dyer's woad (<i>Isatis tinctoria</i>)</li> <li>- Common Reed (<i>Phragmites australis</i> ssp. <i>australis</i>)</li> <li>- Medusahead (<i>Taeniatherum caput-medusae</i>)</li> </ul>
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"> <li>- 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>)</li> <li>- Purple loosestrife (<i>Lythrum salicaria</i>)</li> <li>- Rush skeletonweed (<i>Chondrilla juncea</i>)</li> <li>- Scotch broom (<i>Cytisus scoparius</i>)</li> <li>- Blueweed (<i>Echium vulgare</i>)</li> </ul>
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. <b>Management shall be prioritized by local weed districts:</b></p> <ul style="list-style-type: none"> <li>- Tansy ragwort (<i>Senecio jacobaea</i>, <i>Jacobaea vulgaris</i>)</li> <li>- Meadow hawkweed complex (<i>Hieracium caespitosum</i>, <i>H. praealtum</i>, <i>H. floridundum</i>, and <i>Pilosella caespitosa</i>)</li> <li>- Orange hawkweed (<i>Hieracium aurantiacum</i>, <i>Pilosella aurantiaca</i>)</li> <li>- Tall buttercup (<i>Ranunculus acris</i>)</li> <li>- Perennial pepperweed (<i>Lepidium latifolium</i>)</li> <li>- Yellowflag iris (<i>Iris pseudacorus</i>)</li> <li>- Common buckthorn (<i>Rhamnus cathartica</i> L.)</li> <li>- Flowering rush (<i>Butomus umbellatus</i>)</li> <li>- Eurasian watermilfoil (<i>Myriophyllum spicatum</i>)</li> <li>- Ventenata (<i>Ventenata dubia</i>)</li> </ul>
Priority 2B	<p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. <b>Management shall be prioritized by local weed districts:</b></p> <ul style="list-style-type: none"> <li>- Leafy spurge (<i>Euphorbia esula</i>)</li> <li>- Saltcedar (<i>Tamarix</i> spp.)</li> <li>- Oxeye daisy (<i>Leucanthemum vulgare</i>)</li> <li>- St. Johnswort (<i>Hypericum perforatum</i>)</li> <li>- Russian knapweed (<i>Acroptilon repens</i>, <i>Rhaponticum repens</i>)</li> <li>- Spotted knapweed (<i>Centaurea stoebe</i>, <i>C. maculosa</i>)</li> <li>- Diffuse knapweed (<i>Centaurea diffusa</i>)</li> <li>- Dalmatian toadflax (<i>Linaria dalmatica</i>)</li> <li>- Houndstongue (<i>Cynoglossum officinale</i>)</li> <li>- Sulfur cinquefoil (<i>Potentilla recta</i>)</li> <li>- Common tansy (<i>Tanacetum vulgare</i>)</li> <li>- Yellow toadflax (<i>Linaria vulgaris</i>)</li> <li>- Whitetop (<i>Cardaria draba</i>, <i>Lepidium draba</i>)</li> <li>- Field bindweed (<i>Convolvulus arvensis</i>)</li> <li>- Canada thistle (<i>Cirsium arvense</i>)</li> <li>- Curlyleaf pondweed (<i>Potamogeton crispus</i>)</li> <li>- Hoary alyssum (<i>Berteroa incana</i>)</li> </ul>
Priority 3	<p>Regulated Plants: <b>(NOT MONTANA LISTED NOXIOUS WEEDS)</b>          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"> <li>- Cheatgrass (<i>Bromus tectorum</i>)</li> <li>- Hydrilla (<i>Hydrilla verticillata</i>)</li> <li>- Russian olive (<i>Elaeagnus angustifolia</i>)</li> <li>- Brazilian waterweed (<i>Egeria densa</i>)</li> <li>- Parrot feather watermilfoil (<i>Myriophyllum aquaticum</i> or <i>M. brasiliense</i>)</li> </ul>
Priority 4	<p><b>COUNTY DESIGNATED NOXIOUS WEEDS</b>          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"> <li>- Musk Thistle (<i>Carduus nutans</i>)</li> </ul>



## APPENDIX B

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|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>- Bull Thistle (<i>Cirsium vulgare</i>)</li><li>- Black Henbane (<i>Hyoscyamus niger</i>)</li><li>- Baby's Breath (<i>Gypsophila paniculata</i>)</li><li>- Burdock (<i>Arctium minus</i>)</li><li>- Perennial Sowthistle (<i>Sonchus arvensis</i>)</li></ul> |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

APPENDIX C

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

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:

\_\_\_\_\_ 1/4                      \_\_\_\_\_ 1/4                      \_\_\_\_\_ 1/4

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

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

**IX. PROJECT OVERVIEW**

What are your land management goals for this property?

Will any forage be produced on this property? What happens to forage produced containing noxious weeds or noxious weed seed?

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

**Describe the present ground cover on the property. What type of soil(s) is present (*i.e. 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.**

### **XI. 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?** \_\_\_\_\_

### **XII. 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.*

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

**APPENDIX C**

**7. Chemical** (*herbicides*)

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

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

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

**Who will conduct the noxious weed control activities (described above) on the property?**  
(*See Appendix B for a list of contractors*)

**If utilizing herbicide, please fill out the table below.**

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

## APPENDIX C

**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.**

### **XIII. 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.**

APPENDIX C

**XIV. 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):*

**XV. SIGNATURE**

The undersigned 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 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 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. After that term has expired a new agreement is required. Broadwater County retains the right to inspect the property as needed to ensure compliance with the agreement.

*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

-----  
**XVI. 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:*

**APPENDIX C**

**Reject**

*Reason(s) for Rejection:*

**Date:** \_\_\_\_\_

**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

**APPROVED WEED MANAGEMENT PROFESSIONALS**

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*

**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 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 20<sup>th</sup>** of each year the Noxious Weed Management and Revegetation Plan is effective.



## APPENDIX C

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.

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"> <li>- Yellow starthistle (<i>Centaurea solstitialis</i>)</li> <li>- Dyer's woad (<i>Isatis tinctoria</i>)</li> <li>- Common Reed (<i>Phragmites australis</i> ssp. <i>australis</i>)</li> <li>- Medusahead (<i>Taeniatherum caput-medusae</i>)</li> </ul>
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"> <li>- 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>)</li> <li>- Purple loosestrife (<i>Lythrum salicaria</i>)</li> <li>- Rush skeletonweed (<i>Chondrilla juncea</i>)</li> <li>- Scotch broom (<i>Cytisus scoparius</i>)</li> <li>- Blueweed (<i>Echium vulgare</i>)</li> </ul>
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. <b>Management shall be prioritized by local weed districts:</b></p> <ul style="list-style-type: none"> <li>- Tansy ragwort (<i>Senecio jacobaea</i>, <i>Jacobaea vulgaris</i>)</li> <li>- Meadow hawkweed complex (<i>Hieracium caespitosum</i>, <i>H. praealtum</i>, <i>H. floridundum</i>, and <i>Pilosella caespitosa</i>)</li> <li>- Orange hawkweed (<i>Hieracium aurantiacum</i>, <i>Pilosella aurantiaca</i>)</li> <li>- Tall buttercup (<i>Ranunculus acris</i>)</li> <li>- Perennial pepperweed (<i>Lepidium latifolium</i>)</li> <li>- Yellowflag iris (<i>Iris pseudacorus</i>)</li> <li>- Common buckthorn (<i>Rhamnus cathartica</i> L.)</li> <li>- Flowering rush (<i>Butomus umbellatus</i>)</li> <li>- Eurasian watermilfoil (<i>Myriophyllum spicatum</i>)</li> <li>- Ventenata (<i>Ventenata dubia</i>)</li> </ul>
Priority 2B	<p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. <b>Management shall be prioritized by local weed districts:</b></p> <ul style="list-style-type: none"> <li>- Leafy spurge (<i>Euphorbia esula</i>)</li> <li>- Saltcedar (<i>Tamarix</i> spp.)</li> <li>- Oxeye daisy (<i>Leucanthemum vulgare</i>)</li> <li>- St. Johnswort (<i>Hypericum perforatum</i>)</li> <li>- Russian knapweed (<i>Acroptilon repens</i>, <i>Rhaponticum repens</i>)</li> <li>- Spotted knapweed (<i>Centaurea stoebe</i>, <i>C. maculosa</i>)</li> <li>- Diffuse knapweed (<i>Centaurea diffusa</i>)</li> <li>- Dalmatian toadflax (<i>Linaria dalmatica</i>)</li> <li>- Houndstongue (<i>Cynoglossum officinale</i>)</li> <li>- Sulfur cinquefoil (<i>Potentilla recta</i>)</li> <li>- Common tansy (<i>Tanacetum vulgare</i>)</li> <li>- Yellow toadflax (<i>Linaria vulgaris</i>)</li> <li>- Whitetop (<i>Cardaria draba</i>, <i>Lepidium draba</i>)</li> <li>- Field bindweed (<i>Convolvulus arvensis</i>)</li> <li>- Canada thistle (<i>Cirsium arvense</i>)</li> <li>- Curlyleaf pondweed (<i>Potamogeton crispus</i>)</li> <li>- Hoary alyssum (<i>Berteroa incana</i>)</li> </ul>
Priority 3	<p>Regulated Plants: <b>(NOT MONTANA LISTED NOXIOUS WEEDS)</b>          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"> <li>- Cheatgrass (<i>Bromus tectorum</i>)</li> <li>- Hydrilla (<i>Hydrilla verticillata</i>)</li> <li>- Russian olive (<i>Elaeagnus angustifolia</i>)</li> <li>- Brazilian waterweed (<i>Egeria densa</i>)</li> <li>- Parrot feather watermilfoil (<i>Myriophyllum aquaticum</i> or <i>M. brasiliense</i>)</li> </ul>
Priority 4	<p><b>COUNTY DESIGNATED NOXIOUS WEEDS</b></p>

## APPENDIX C

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.

- Musk Thistle (*Carduus nutans*)
- Bull Thistle (*Cirsium vulgare*)
- Black Henbane (*Hyoscyamus niger*)
- Baby's Breath (*Gypsophila paniculata*)
- Burdock (*Arcium minus*)
- Perennial Sowthistle (*Sonchus arvensis*)

## APPENDIX D

# Notice of Noxious Weeds and Request for Inspection – Broadwater County

**Legal Description:**

**Property Address:**

**Noxious Weeds Present:**

**Applicable Montana Code: 7-22-2116; 7-22-2131 through 7-22-2134**

Date

Name

Address

City, State, Zip

Dear (Name),

Broadwater County Weed District has received a complaint (or has reason to suspect) that your property may have Noxious Weeds present. The presence of these noxious weeds violates State law and it is the landowners' responsibility to control noxious weeds on their land per MCA, Section 7-22-2116.

This letter serves as notice of this fact and is also a request for permission to enter the property to do an inspection to determine the extent and type of weeds present.

**Notification of Corrective Action Required Within 10 Days**

1. Submit a weed management proposal or request a hearing as specified below
2. Other actions if any

**Failure to Take Corrective Action – Noncompliant Landowner Subject to Control Measures Pursuant to 7-22-2134, MCA:**

1. Absent an approved weed plan, the property described above may be treated with appropriate control measures, which may include herbicide application. You will be responsible for the cost of all control measures and associated penalties, which may include costs for labor, material, equipment time, and a penalty that is up to 25% of the total cost. The anticipated cost of this would be \$(dollars), including the penalty.
2. Invoices need to be paid within thirty (30) days of receipt. Invoices not paid in full within thirty (30) days may become a lien upon the property.
3. And/or any other measures outlined in 7-22-2134

The landowner has the right to request a hearing within 10 days of receipt of this notice with the weed District at 515 Broadway Townsend, MT 59644.

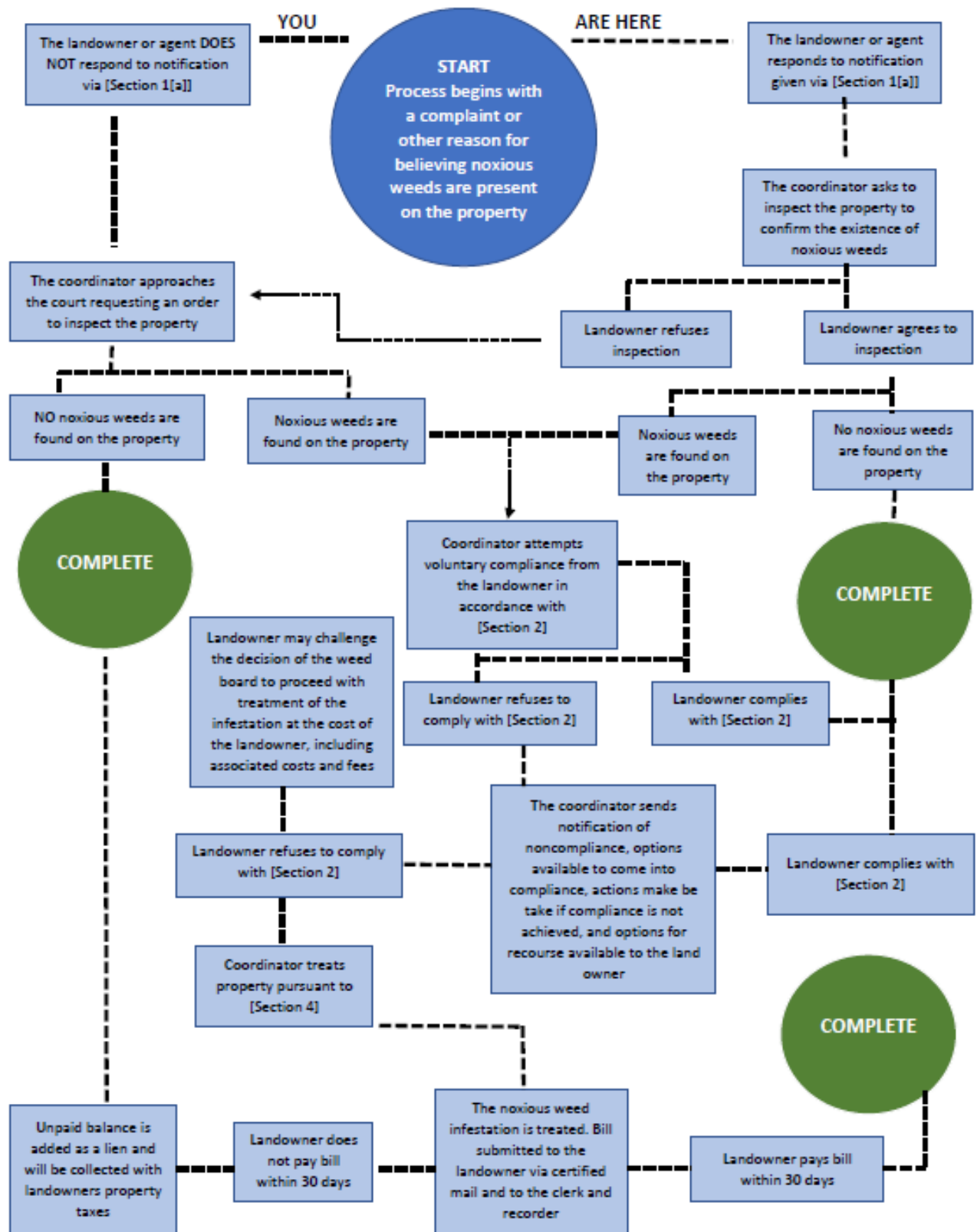
The Broadwater County Weed District has four-gallon backpack sprayers (no charge for the first three days, then \$5.00 per day thereafter), one UTV type sprayer, and a 150-gallon slide-in sprayer (\$20.00/daily) for your use. Please call for reservations. Enclosed is a list of dealers/applicators where you may obtain herbicides/sprayers or contract a service to control weeds on your property.

If you have any questions, comments, or if you are not, in fact, the landowner of the property in question, please contact me at 406.266.9273 or email me at [brweed@co.broadwater.mt.us](mailto:brweed@co.broadwater.mt.us).

Sincerely,

Jessica Bushnell- Weed and Mosquito Coordinator

## Broadwater Noxious Weed Noncompliance Process



## APPENDIX D

# Second Notice of Noncompliance – Broadwater County

**Legal Description:**

**Property Address:**

**Noxious Weeds Present:**

**Applicable Montana Code: 7-22-2116; 7-22-2131 through 7-22-2134**

Date

Name

Address

City, State, Zip

Dear (Name),

The county has attempted to reach you to work with you regarding invasive plant management on the above-referenced property to eradicate or control the noxious weeds on your property at the above address.

Notices have been sent to you on **(Date(s))** requesting (action, meeting, compliance with a management plan, and/or entrance into a management plan), which has not occurred.

The presence of these noxious weeds violates State law and it is the landowners' responsibility to control noxious weeds on their land per MCA, Section 7-22-2116. State law, provides 10 days after the mailing of this notice for contact with us, at the address provided at the top of this notice, to address the issue before a determination of Failure To Take Corrective Action is made and the property is subject to Noncompliance Control Measures, as stated below.

**Notification of Corrective Action Required Within 10 Days – FINAL NOTICE:**

1. Submit a weed management proposal or request a hearing as specified below
2. Other actions if any

**Failure to Take Corrective Action – Noncompliant Landowner Subject to Control Measures Pursuant to 7-22-2134, MCA:**

1. The property described above will be treated with appropriate control measures, which may include herbicide application. You will be responsible for the cost of all control measures and associated penalties, which may include costs for labor, material, equipment time, and a penalty that is up to 25% of the total cost. The anticipated cost of this would be \$(dollars), including the penalty.
2. Invoices need to be paid within thirty (30) days of receipt. Invoices not paid in full within thirty (30) days may become a lien upon the property.
3. And/or any other measures outlined in 7-22-2134

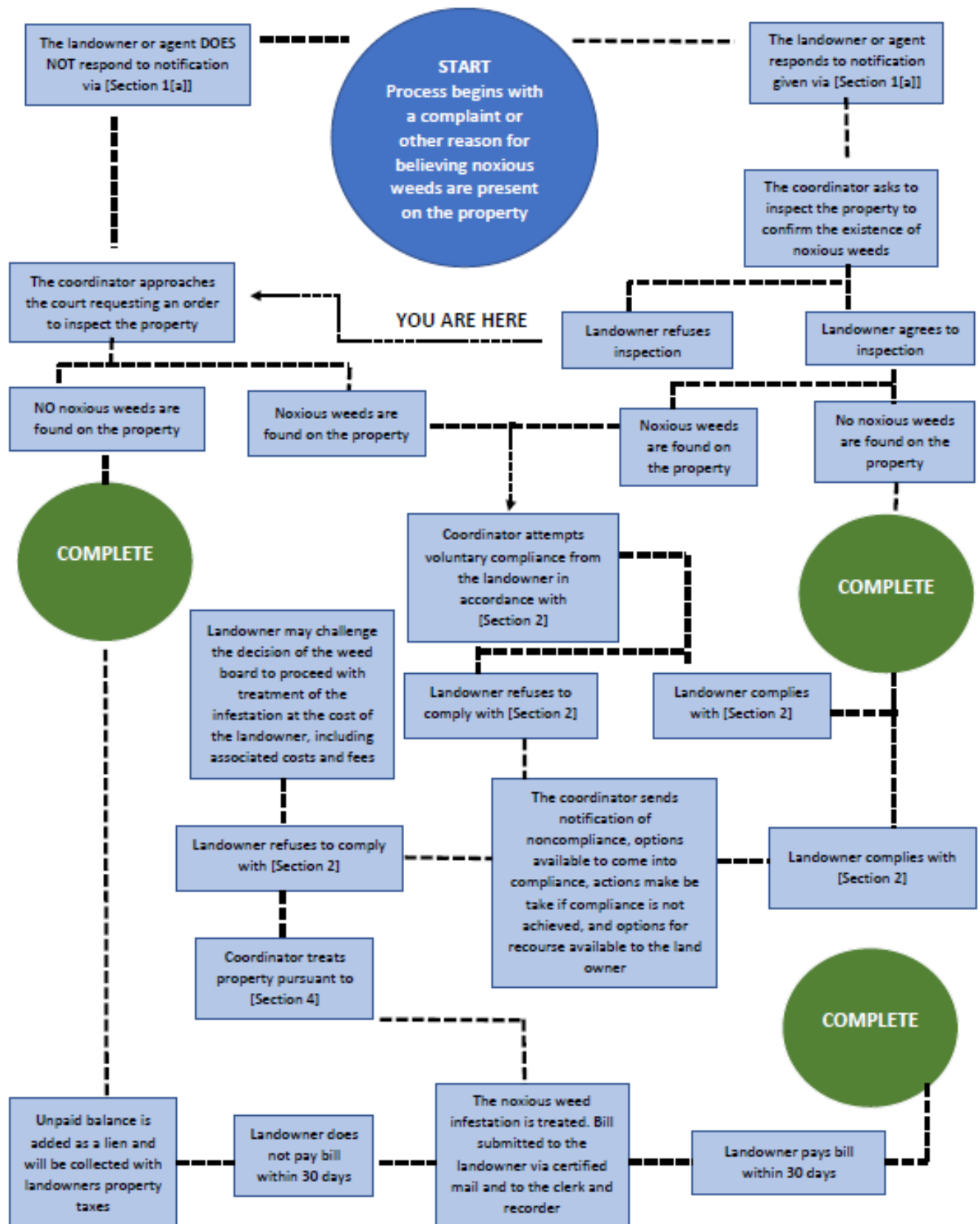
The landowner has the right to request a hearing to contest the finding of noncompliance, by way of an injunction or stay of the corrective action, in District court within 10 days of receipt of this notice. The board may not institute control measures until the matter is finally resolved, except in the case of an emergency. In that case, the person is liable for costs as provided in subsection (1) of MCA 7-22-2134, only to the extent determined appropriate by the board, commissioners, or court that finally resolves the matter.

If you have any questions, comments, or if you are not, in fact, the landowner of the property in question, please contact me at 406.266.9243 or by email at [brweed@co.broadwater.mt.us](mailto:brweed@co.broadwater.mt.us).

Sincerely,

Jessica Bushnell- Weed and Mosquito Coordinator CC: County Attorney

## Broadwater Noxious Weed Noncompliance Process



## APPENDIX E

### **Broadwater County Elkhorn Region Cheatgrass Management Area**

The Broadwater County Weed Board and Broadwater County Commissioners have designated a special management area (see attached map) for the control of Cheatgrass. The special management area encompasses the entirety of the Elkhorn Wildlife Management Area and adjacent private land as shown.

Cheatgrass can inhabit a wide range of environments and it has serious ecological and environmental impacts. These negative impacts include: increased competition to the native plant community, reduction in priority habitat i.e. winter range, and increases the fire danger. Cheatgrass is a priority 3 weed designated by the Montana Department of Agriculture. This designation makes funding weed control efforts of Cheatgrass difficult as it does not qualify for funding opportunities.

With the creation of the Elkhorn Region Cheatgrass Management Area, landowners who are interested in assistance in rehabilitating the land through grazing, chemical control and reseeding may seek funding to offset costs associated with control measures. The purpose of this special management area is not to force every landowner to control the Cheatgrass on their property but to give landowners more tools to continue improve our lands in Broadwater County.

\_\_\_\_\_  
John Ferrat - Broadwater County Weed Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mike Delger – Broadwater County Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laura Obert – Broadwater County Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Darrel Folkvord – Broadwater County Commissioner

\_\_\_\_\_  
Date

APPENDIX E





**APPENDIX F**

**BYLAWS OF THE BROADWATER COUNTY WEED  
DISTRICT**

ARTICLE ONE: Creation

ARTICLE TWO: Jurisdiction

ARTICLE THREE: Powers and Duties of the Board

ARTICLE FOUR: Board Members

Section 1. Members

Section 2. Appointment

Section 3. Terms

Section 4. Absenteeism

Section 5. Vacancies

Section 6. Compensation

ARTICLE FIVE: Officers

Section 1. Elections

Section 2. Chair

Section 3. Vice Chair

Section 4. Secretary

ARTICLE SIX: Meetings

Section 1. Annual Organizational Meetings

Section 2. Regular Meetings

Section 3. Special Meetings

Section 4. Quorum

Section 5. Manner of Action

Section 6. Parliamentary Procedure

Section 7. Notice of Meetings

Section 8. Open Meeting Requirements

Section 9. Agenda

Section 10. Minutes

ARTICLE SEVEN: Amendments to Bylaws

ARTICLE EIGHT: Approval of Bylaws

**BYLAWS OF THE BROADWATER COUNTY WEED DISTRICT**

## APPENDIX F

### ARTICLE ONE Creation

The Broadwater County Weed District Board (Board) was created pursuant to the Broadwater County Commission Resolution No. 2010-16 dated December 23, 2010. The Board and County Commissioners modified the Board by memo of understanding on April 30, 2018. The Weed District is partially funded by a voter mandated levy voted on 3-15-2006.

### ARTICLE TWO Jurisdiction

The Broadwater County Weed District includes all lands contained within the boundaries of Broadwater County. Special weed management districts may be extended to include portions of adjacent counties, with the approval from the county commissioners from affected counties.

### ARTICLE THREE Powers and Duties of the Board

Based on Sections 7-22-2101 through 2153 Montana Code Annotated, also known as the “Montana County Weed Control Act,” and with the approval of the County Commissioners, there exists a “Broadwater County Weed Board”, to be known as the “Board”.

1. The Board shall:
  - a. Provide a written County noxious weed management plan every two years to the County Commissioners for submittal to the Montana Department of Agriculture;
  - b. Provide recommendations to the County Commissioners in administering the District’s noxious weed management;
  - c. Provide recommendations to the County Commissioners for establishing management criteria for noxious weeds on all land within the district;
  - d. Provide recommendations to the County Commissioners in order to make all reasonable efforts to develop and implement a noxious weed management program covering all land within the district owned or administered by a state or federal agency;
  - e. Provide recommendations to the County Commissioners to enter into agreements with the Montana Department of Agriculture for the control and eradication of any new invasive plant species not previously established in the state or county that may render land unfit for agriculture, forestry, livestock, wildlife, or other if the plant species spreads or threatens to spread into the entire state;
  - f. Provide recommendations to the County Commissioners to enter into cost share agreements for noxious weed management;
  - g. Provide recommendations to the County Commissioners to enter into agreements with commercial applicators, as defined in 80-8-102, MCA, for the control of noxious weeds; and
  - h. Provide recommendations to the County Commissioners to perform other activities authorized by law relating to noxious weed management.

## APPENDIX F

### ARTICLE FOUR Board Members

Section 1. Members. The Board shall have five (5) voting members, as established by the Montana Weed Control Act 7-22-2103, MCA, of which shall try to represent as many different areas and types of landowners of the county as possible. May include: agriculture producer, farmer/rancher, small acreage, weed professional, or municipality representative.

Section 2. Appointment. The Broadwater County Commissioners shall appoint all members to the Board. A letter of interest shall be submitted to the Broadwater Planning Office by residents of Broadwater County who wish to join the Board. Notice of applicants will be provided to the Board before selection.

Section 3. Terms. The Board members shall serve a term of three years. These terms shall expire on December 31<sup>st</sup> of the third year of the term. All terms shall be staggered so that the Board will maintain a quorum Terms shall commence January 1<sup>st</sup> and expire December 31<sup>st</sup>.

Section 4. Removal of Members from the Board. The proper functioning of the District and the Board is impaired by the absence of its members. If a member has two consecutive unexcused absences from regularly scheduled meetings, the Board may inform the County Commissioners and request the Commission remove the member. Continued unexcused absenteeism is cause for dismissal by the County Commissioners. Members may also be removed at the discretion of the County Commissioners due to unethical or unlawful behavior, acts, or conflicts of interest.

Section 5. Vacancies. Vacancies for members shall be filled by the appointment from the County Commissioners. The new appointee shall then serve the unexpired portion of the term.

Section 6. Compensation. Members may receive reimbursement for mileage to and from their homes at the current government rate for each meeting attended.

### ARTICLE FIVE Officers

Section 1. Election. Officers of the Board shall be elected during the first regular meeting and shall serve until the first regular meeting in the following year. Officers elected to fill vacancies shall serve until the scheduled end of the elected appointment.

Section 2. Chair. The Board shall elect a Chair who shall conduct all meetings and the business of the Board.

## APPENDIX F

Section 3. Vice-Chair. The Board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.

Section 4. Secretary. The Board may elect a secretary who shall provide the agenda and keep the minutes.

### ARTICLE SIX

#### Meetings

Section 1. Regular Meetings. Regular meetings shall be held at a frequency and time agreed upon by the Board, no more than once a month.

Section 2. Special Meetings. Special meetings may be at the call of the Chair or the request of three (3) members.

Section 3. Annual Organizational Meetings. An annual organizational meeting to review the Board's objective may be called once a year at a time agreed by the Board.

Section 4. Quorum. Three (3) Members constitute a quorum for all meetings.

Section 5. Manner of Action. An act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Board, except where otherwise provided by law or these Bylaws. Notwithstanding the above, any action to void, alter, modify, or in any way change a previous decision by the Board shall only be made with unanimous vote of all members. There is no proxy voting.

Section 6. Parliamentary Procedure. All decisions by the Board shall be made by motion, requiring a second, with discussion on the motion to follow. Final action on a motion shall be made by roll call vote.

The Chair, being a co-equal member of the Board, shall in addition to presiding, have a right to participate in debate, and shall vote on all motions, and not only where the vote of the chair would create a break of a tie.

Routine matters, such as setting meeting times and adjournment, may be made by consensus rather than by motion and vote.

Section 7. Notice of Meetings. The Board Secretary or Chair shall notify all Members, County Weed Coordinator and Public Works Supervisor of all meetings either orally or in writing. No special meeting shall be held unless diligent efforts have been made to notify all Members, County Weed Coordinator and Public Works Supervisor. Notice shall also comply with Section 8, below.

Section 8. Open Meeting Requirements. All meetings of the Board are open to the public.

## APPENDIX F

To comply with the spirit and intent of the Open Meeting Law, appropriate public notice shall be given of all Board meetings, regular and special. Notice shall include at a minimum publication of the Board's agenda in accordance with Section 7-1-210, MCA.

The Board shall provide for an opportunity for the public to comment on matters of significant interest to the public and related to the Board's powers and functions. The Board may limit this comment only to items not on the agenda for the meeting.

Section 9. Agenda. A template agenda will be drafted, and the County Weed Coordinator and Chair will make revisions and approve the agenda for distribution to the Board, County Weed Coordinator and Public Works Supervisor. The Agenda shall be published as provided for in Section 8, above. The agenda shall contain an item allowing the public to comment on non-agenda items, as provided in Section 8, above.

Section 10. Minutes. Minutes of all Board meetings shall be kept and shall be signed by the author and Board Chair after approval by the Board at the next meeting.

Minutes of all meetings shall be made available for public inspection at the County Court House Clerk and Recorders Office.

The Minutes need not have detailed reports of discussions but shall include all motions and, upon request of a Board member, a roll call vote of the Members. The minutes shall include the names of the Members and staff present, the Members absent, and the names of all members of the public attending, if possible.

### ARTICLE SEVEN

#### Amendments to the Bylaws

These bylaws may be altered, amended, repealed or new bylaws adopted if a majority of Board Members vote to do so. New bylaws will be presented to the Board of County Commissioners for approval and adoption; after two weeks written notice has been given of the Boards intention to do so.

### ARTICLE EIGHT

#### Amendments to the Bylaws

These Bylaws are approved by the Broadwater County Commissioners' on this date

\_\_\_\_\_.

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Mike Delger

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Debi Randolph

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Darrel Folkvord