

ISDA Noxious Weed Law 101

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Noxious Weed Law 101

- State Duties and Powers
- County Duties and Powers
- Landowner and Citizen Duties and Powers
- Noxious Weed Rules and Rulemaking
- Funding

22-2402. DEFINITIONS

- “Noxious Weed” means any plant having the potential to **cause injury to public health, crops, livestock, land or other property;** and which is designated as noxious by the director.

22-2403. ENFORCEMENT OF CHAPTER VESTED IN DIRECTOR -- STATE DUTIES.

- (1) The duty of enforcing this chapter and carrying out its provisions is vested in the director.
- (2) The director shall:
 - (a) **Determine what weeds are noxious....**
 - (b) Compile and keep current a list of such noxious... list shall be published and incorporated in the rules...
 - (c) **Make and publish such rules...**
 - (d) Employ a statewide weed coordinator to carry out the director's duties and responsibilities; and

22-2403. ENFORCEMENT (cont.)

- (f) Consult and coordinate with other weed management agencies and authorities in the designation and development of CWMAs..
- (g) Assist all landowners, managers, and lessees in the state of Idaho, including but not limited to, all state natural resource management agencies, state water resource management entities, as well as public and...private landowners, in coping with the growth of noxious weeds, **including noxious aquatic weeds.**

22-2404. STATE POWERS. (1) The director is authorized to:

- (j) Inspect and certify Idaho crops and imports and exports to verify freedom from noxious weeds, and authorize others to conduct such inspections and certification; and
- (k) Enter on any public or private land at reasonable times for the purpose of carrying out the provisions of this chapter; and
- (l) Apply to any court of competent jurisdiction for a search warrant authorizing access to any land where access was denied and sought for the purposes set forth in this chapter. The court may, upon such application, issue the search warrant for the purposes requested; and
- (m) Perform such other acts as may be necessary or appropriate to the administration of the provisions of this chapter; and

22-2404. STATE POWERS.

- (s) **Initiate cooperative agreements** with other agencies and states for the establishment and support of cooperative weed management areas; and
- (u) **Temporarily designate a weed as noxious for up to 15 months, after publication in a newspaper of general circulation serving the area of infestation...**

22-2404(1)(w) – Biocontrol Research

- (w) Allow the collection, removal, and movement of noxious weeds by a researcher from an infested area in Idaho to a facility within Idaho for purposes of biological control research, so long as...conditions are satisfied...
- Written notification to the director, followed by a review of the proposed project, including a written project approval plan...

22-2404(2) – State vs. county

- If at any time the director determines that the county commissioners have failed to cooperate or carry out their duties and responsibilities as a control authority, the director shall notify them of the deficiency, and suggest corrective action.
- If not corrected within seven days after the time outlined in the corrective action plan, the director shall initiate appropriate action and charge to the county all expenses including the hiring of necessary labor and equipment.

22-2405. COUNTY DUTIES. (1) The county control authority shall:

- (a) Carry out the duties and responsibilities vested in the county under this chapter and rules prescribed by the director;...
- (b) **Establish and maintain a coordinated program for control of noxious weeds in the county; employ a county weed superintendent...**
- (d) **Provide operational and educational funds for the county weed superintendent...**
- (e) Be authorized to initiate cooperative agreements with other agencies or counties for the designation of or participation in cooperative weed management areas for control of noxious weeds.

22-2405 COUNTY DUTIES

- (4) **Whenever the landowner of any nonfederal land or nonfederally administered land on which noxious weeds are present has neglected or failed to initiate control as required pursuant to this chapter within five (5) working days..from receipt of an individual notice..the county..shall have proper control methods used on such land, including necessary destruction of crops, and shall advise the landowner of the cost incurred in connection with such operation. The cost of any such control shall be at the expense of the landowner.**

22-2405. COUNTY DUTIES.-CONTINUED

(6) The county weed superintendent shall:

- (a) Examine all land within the county for the purpose of determining whether the provisions of this chapter and rules of the director have been complied with...
- (c) Implement enforcement action as outlined in this chapter; and

**** (d) Consult, advise and provide direction on matters pertaining to the most effective and most practical methods of noxious weed control; and**

- (e) Investigate or aid in the investigation and prosecution of any violation of the provisions of this chapter; and
- (f) Make recommendations regarding establishment of cooperative weed management areas...

22-2406. COUNTY POWERS. (1) The county control authority is authorized to:

- (a) Have noxious weeds controlled without cost to the landowner**, notwithstanding any other provision of this chapter relating to payment of cost; and
- (b) Quarantine any tract of land under its jurisdiction** when it appears there is an infestation of noxious weeds beyond the ability of the landowner to control and put into immediate operation the required means for the control or containment of such noxious weeds including necessary destruction of crops; and
- c) Serve individual notice on the landowner** and where possible on the operator of the land prior to the entry upon such land declaring a quarantine...
- (d) Stop movement of noxious weed infested items...**

22-2406. COUNTY POWERS (cont.)

- (e) **Purchase or provide for equipment and materials for the control of noxious weeds, independently or in combination with other control authorities, and use such equipment or materials upon any lands within the state; and**
- (f) **Levy annually upon all taxable property of said county a tax for the control of noxious weeds to be collected and apportioned to the county noxious weed fund, which levy shall not exceed (.06%) of the market value for assessment purposes of said property...**
- (g) **Utilize any other methods or local operation that may be available for the purpose of funding a coordinated noxious weed control program on the county level; and**
- (h) **Use the noxious weed fund...only for noxious weed purposes.**

22-2406. COUNTY POWERS. (1) The county control authority is authorized to: Continued

However...

- (i) Propose and accept plans for noxious weed control which may be extended over a period of years by agreement with the landowner. The agreement shall be a contract and the control authority shall have the power and duty to enforce the terms of any such agreement; and
- (j) Propose, accept and implement integrated weed management plans developed by weed control advisory committees for control of noxious weeds in cooperative weed management areas; and

22-2406. COUNTY POWERS (cont.)

- (k) **Designate weeds**, in addition to the state noxious weed list, as noxious within their county, **but such additional species are not subject to the provisions of the state noxious weed laws.**

22-2407. LANDOWNER AND CITIZEN DUTIES.

- (1) It shall be the duty and responsibility of all landowners to control noxious weeds on their land and property, in accordance with this chapter and with rules promulgated by the director.
- (2) **The cost of controlling noxious weeds shall be the obligation of the landowner.**
- (3) Noxious weed control must be for prevention, eradication, rehabilitation, control or containment efforts. However, areas may be modified from the eradication requirement if the landowner is a participant in a county-approved weed management plan or county-approved cooperative weed management area.

22-2408. LANDOWNER AND CITIZEN POWERS.

- (1) **If any person shall be dissatisfied with the amount of any charge** made against it by a county control authority for control work or for the purchase of materials or use of equipment, he may, within thirty (30) days after being advised of the amount of the charge, **file a protest with the director.**
- (2) **If any person shall be dissatisfied with the control measures used or the manner in which control is conducted upon his property,** he may, within thirty (30) days **file a protest with the director.**
- (3) **Any person served with an individual notice may, within two (2) days of receipt of the notice, appeal to the board of county commissioners.**

Noxious Weed Rules

IDAPA 02.06.22

- Prohibited
 - ...may exist in varying populations. Concentration...is at a level where control and/or eradication may be possible.
- EDRR (Emergency Detection /Rapid Response)
 - ...any listed...shall be reported to the Department within 10 days...shall be eradicated during the same growing season...
- Control
 - ...are known to exist in varying populations throughout the state. Control and/or eradication may be possible.
- Containment
 - ...are known to exist. Weed control efforts may be directed at reducing or eliminating new or expanding weed populations, while known populations may be managed.

Noxious Weed Rules - Rulemaking

- Prohibited while Legislature is in session
- Negotiated Rulemaking
 - Usually to add or remove listed species
- Negotiated Rulemaking initiated in two ways:
 - Temporary order by the Director
 - Implemented twice in last few years
 - Both orders were during the summer, outside of prohibited period for rulemaking; both were for species that were not previously known to spread in Idaho
- Rulemaking petition
 - 2016 – petition from weed superintendents

Japanese Yew

- An ornamental shrub, not listed as a noxious weed
- Highly toxic to many animals – including wildlife and livestock
- Elk and antelope have died after ingesting Japanese yew as the winter pushes wildlife closer to private landowners
- Blaine County – county noxious weed listing of Japanese yew, European or English yew, Chinese yew
 - “eradicating toxic yew plants from residential areas will promote public health, safety, and welfare”

JAPANESE YEW

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“eradicating toxic yew plants from residential areas will promote public health, safety, and welfare”

University of Idaho
Extension



(English Yew: *Taxus baccata*)

YEW NEED TO KNOW YOUR PLANTS

Yew (genus: *Taxus*) are among the deadliest plants on the planet.

Ordinance no. 2016-01 declaring certain plant species as county noxious weeds prohibiting the sale, planting, and possession of yew. For more information please visit: www.co.blaine.id.us

Identification: The yew is an evergreen tree, shrub, or plant. The bark is thin, scaly and reddish brown. Branches can ascend or droop. The needles are long and flat, dark green on top, light green on underside. The poisonous seeds are surrounded by a fleshy red coat.



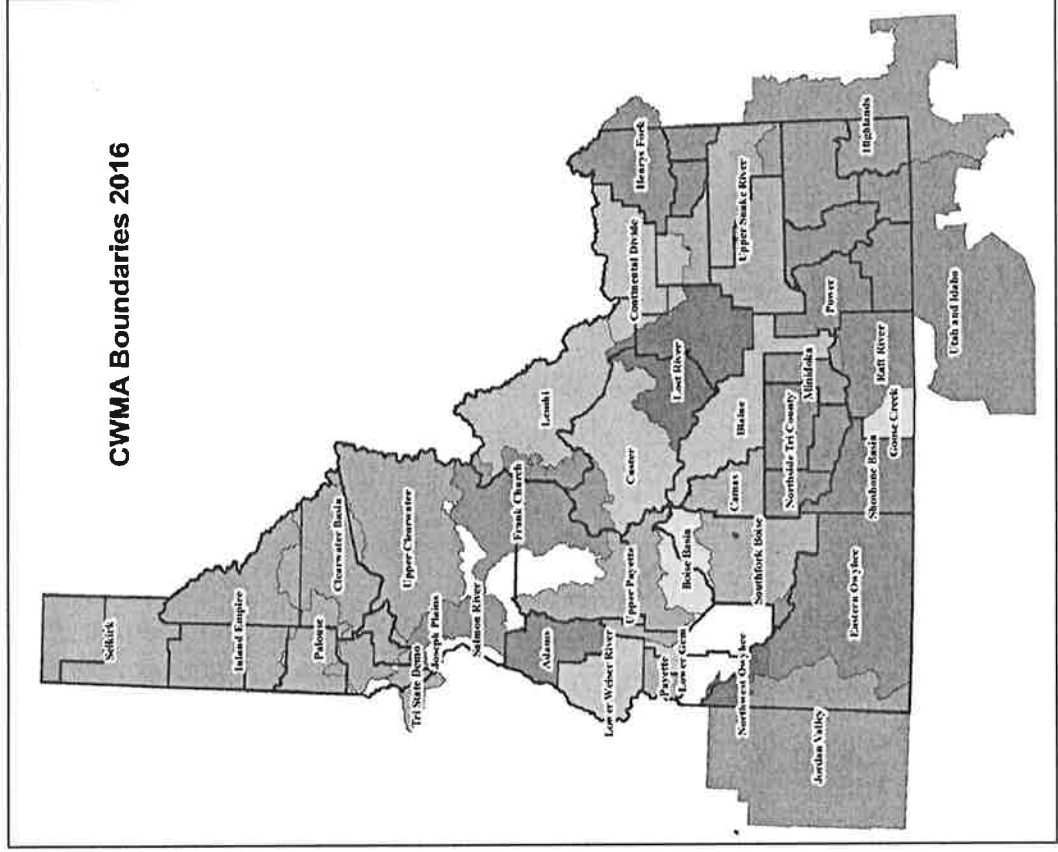
(Japanese Yew: *Taxus cuspidate*)

Dangers: All parts of the yew, except for the flesh of the berries, contain cardiotoxic taxine alkaloids; death can occur within minutes to days after plant ingestion; keep away from small children, pets and wildlife.

Disposal: All plant material must be removed and taken to the Ohio Gulch Transfer Station for proper disposal.

Cooperative Weed Management Area (CWMA)

30 CWMA's
statewide
covering 87%
of Idaho

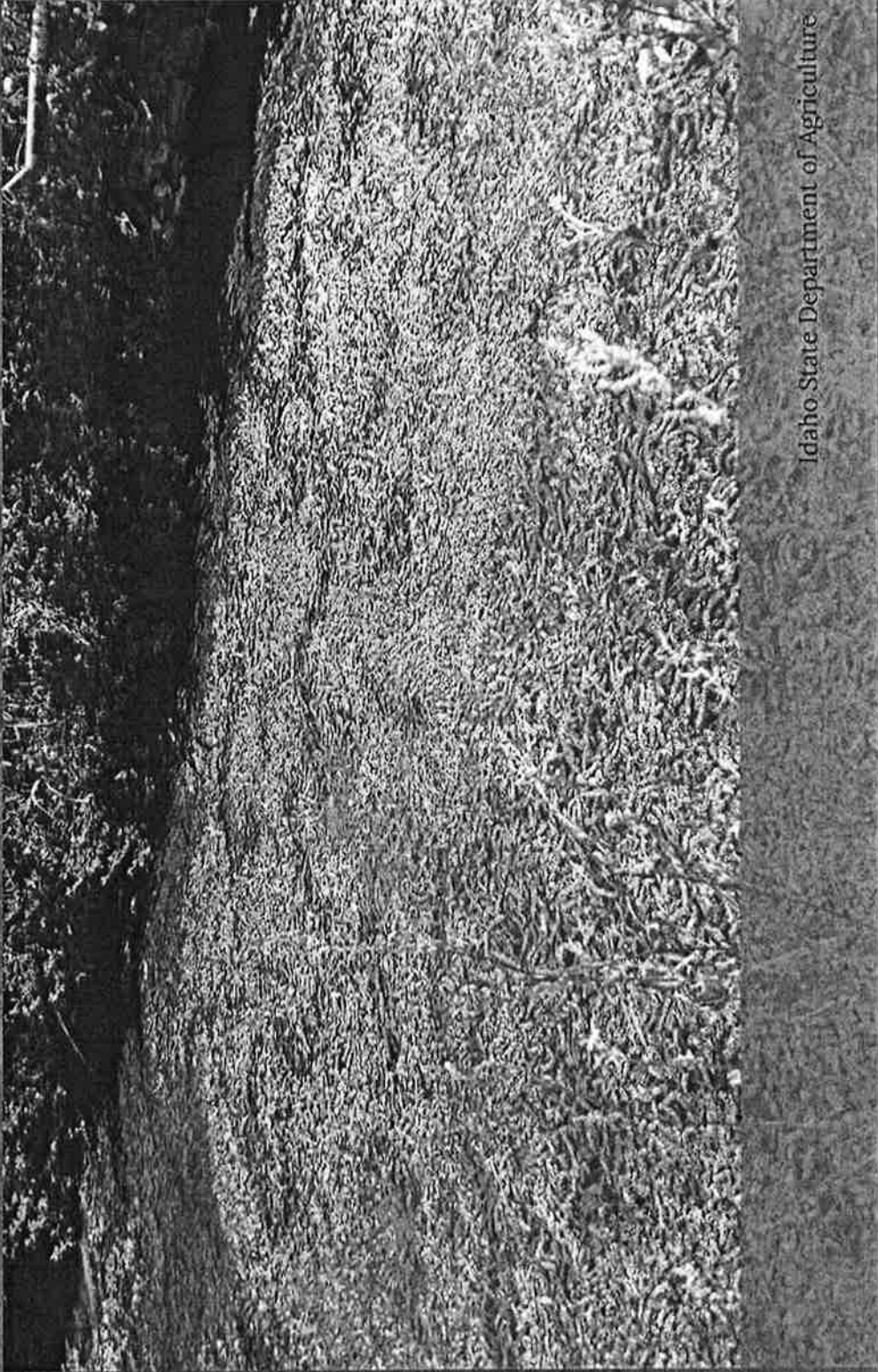


PROGRAM FUNDING

- Aquatic weeds
- \$900,000 ongoing General Fund appropriation
- Used for the control of Eurasian watermilfoil and hydrilla
- Unexpended funds can be utilized for cost-share funding
- Survey and treatment led by ISDA
- CWMA Cost Share Funding
- \$1,000,000 ongoing General Fund appropriation
- USFS Grant – nearly spent out (~\$6,000 in 2017 funding cycle)

Hydrilla

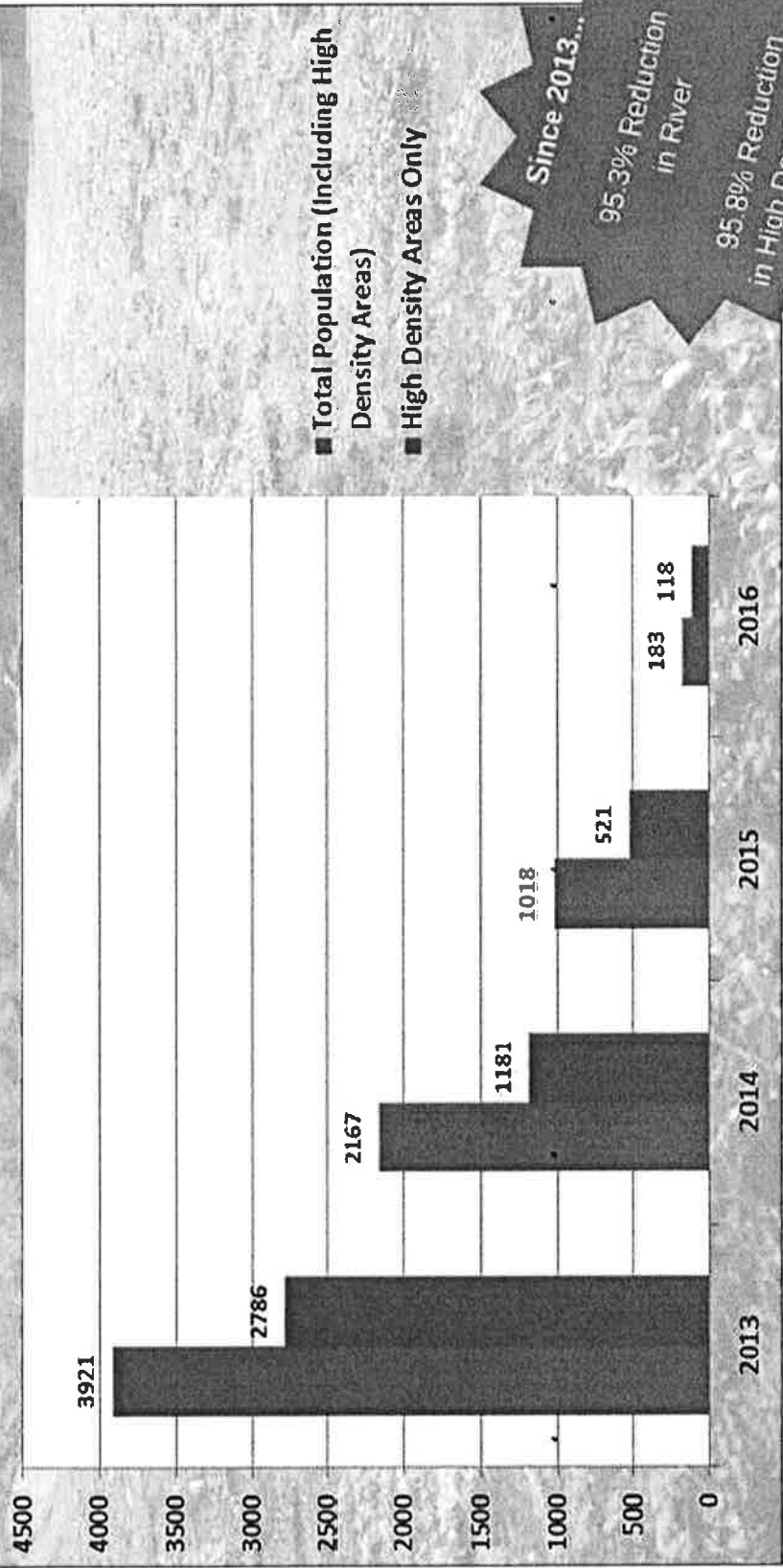
- Snake River – Twin Falls County
- New infestations found through survey in 2015
- Collaboration with county weed control and landowners
- Treatment and control efforts implemented, scientific review
- Bruneau River
- 2016 – 7th year of eradication project
- Area of known infestation surveyed, all plants removed
- 183 plants total in areas of known occurrence
- 95% decrease in population since 2013
- Focus on upper reaches of infestation to stop at source



Idaho State Department of Agriculture

RESULTS: BRUNEAU RIVER

Total Hydrilla Present in the Bruneau River for 2013 to 2016



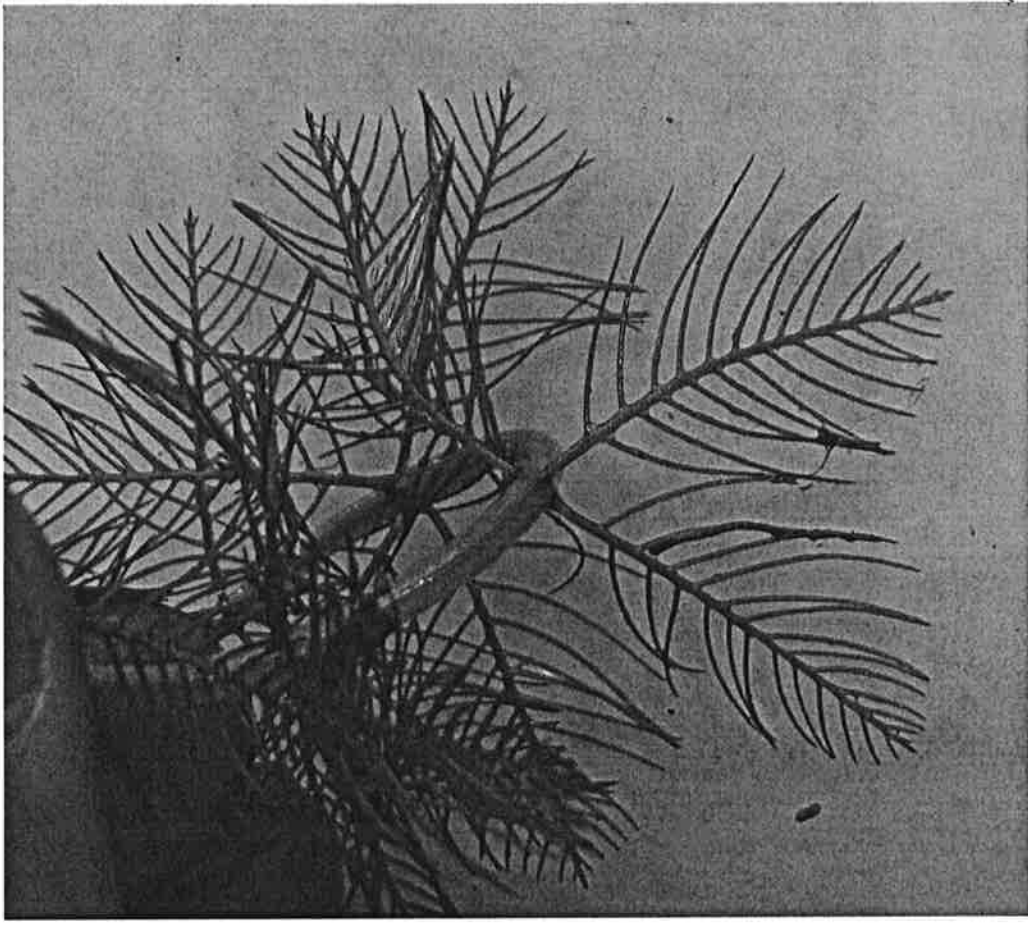
Since 2013...
95.3% Reduction in River
95.8% Reduction in High Density Areas

Eurasian Watermilfoil 2016

- Diver Removal
- Priest Lake.
- Hayden Lake.
- Lake Coeur d'Alene.
- Payette Lake.
- Cocolalla Lake
- Herbicide Treatment (180 acres)
 - 79 acres Hayden.
 - 12.5 acres Priest Lake.
 - 89 acres Cocolalla.

Hybrid Milfoil

- Hybrid between Eurasian and Northern milfoil.
- Difficult to identify.
- Difficult to kill.
- Any doubt, contact County Noxious Weed Supervisor, ISDA, or WA Ecology.
- Genetic analysis.



Milfoil Treatment Plans - 2017

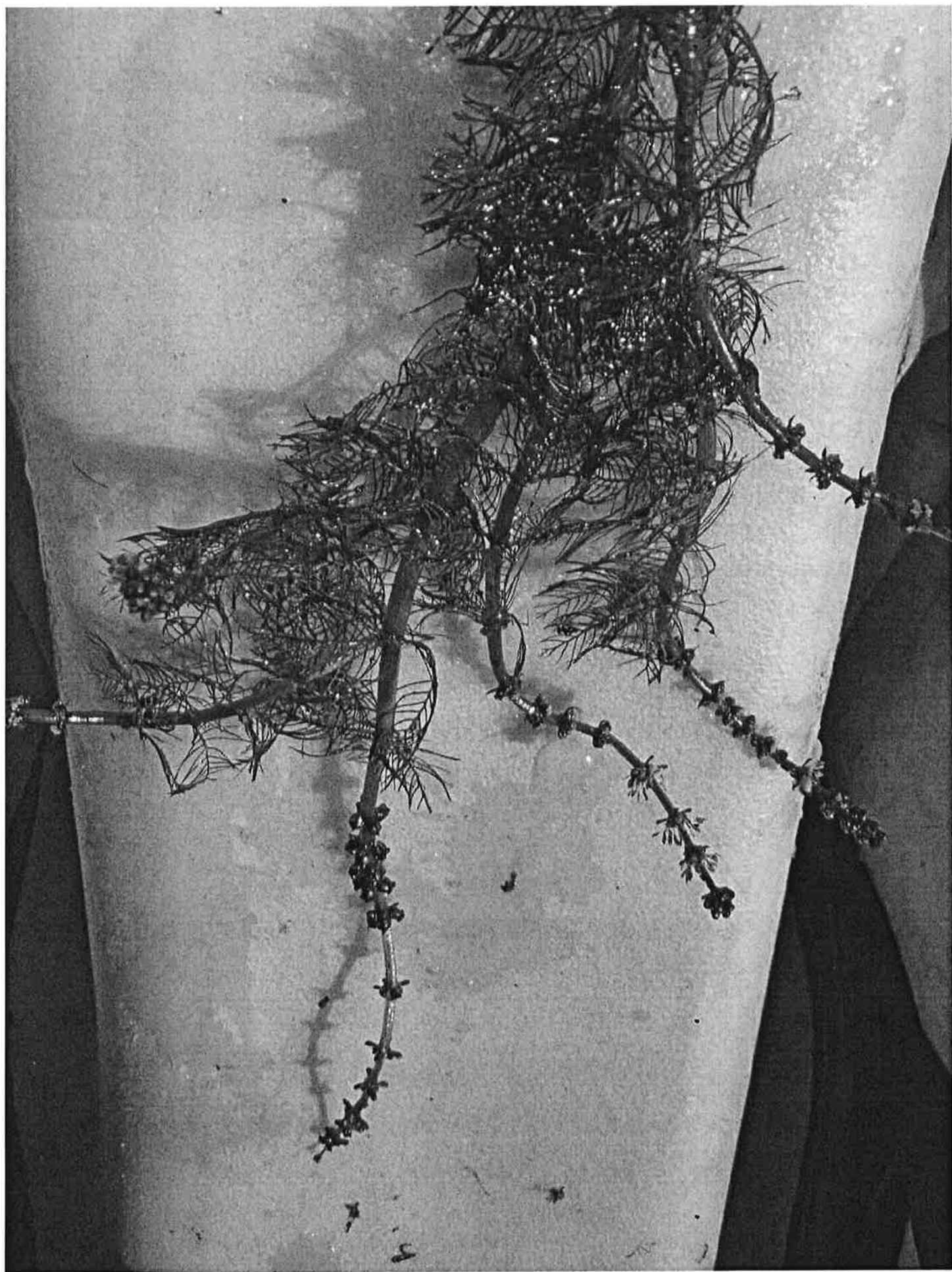
Herbicide Treatment:

- Hayden Lake:
100 acres.
- Pend Oreille:
115 acres.
- Cocolalla: 20
acres.

Diver Removal:

- Priest Lake.
- Payette Lake.
- Coeur d'Alene
Lake.
- Cocolalla Lake.





Idaho Milfoil Hybrids

- Analysis by Montana State. Dr. Ryan Thum.
- Found in CDA, Hayden, Cocolalla and Pend Oreille.
- All are different.
- CDA: 5 hybrid genotypes identified.
 - One dominant in treated areas.

