



A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO TO ADOPT A OURAY COUNTY NOXIOUS WEED MANAGEMENT PLAN

WHEREAS, according to the Colorado Noxious Weed Act, Title 35, Article 3.5, requires that the Board of County Commissioners of each county in the state to adopt a noxious weed plan for all of the unincorporated lands within each county; and

WHEREAS, the Ouray County Board of County Commissions accepts and supports the intent, guidance, and goals of the Colorado Noxious Weed Act; and

WHEREAS, the Ouray County Board of County Commissioners recognizes the need to protect the public health, safety and welfare by managing all noxious weeds within the unincorporated lands of Ouray County as set forth in the Ouray County Noxious Weed Management Plan (*attached hereto as "Exhibit A"*); and

WHEREAS, the Ouray County Weed Board met and voted to recommend approval of the Ouray County Noxious Weed Management Plan.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. The Board of County Commissioners hereby repeals any prior Ouray County Noxious Weed Management Plans for to minimize conflicts between various versions of the Plan.
2. The Board of County Commissioners herby adopts the Ouray County Noxious Weed Management Plan attached hereto as "*Exhibit A.*"

APPROVED AND ADOPTED THIS 26th DAY OF April, 2022.

Voting for: Commissioners Padgett, Niece, & Tisdell
Voting against: None



BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO

Lynn M. Padgett, Chair

Jake Niece, Vice-Chair

Ben Tisdell, Commissioner Member

Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board



OURAY COUNTY NOXIOUS WEED MANAGEMENT PLAN

I. Introduction

The Colorado Noxious Weed Act, Title 35 Article 5.5, requires that the Board of County Commissioners (BOCC), of each county in the state shall adopt a noxious weed plan for all of the unincorporated lands within a given county. These plans shall by reference or incorporation include all of the requirements and duties set forth in the Colorado Noxious Weed Act.

The Ouray County BOCC accepts and supports the intent, guidance, and goals of the Colorado Noxious Weed Act and a copy is attached as support for the Ouray County Noxious Weed Management Plan. The Colorado Noxious Weed Act is hereby incorporated by reference as an integral part of the Ouray County Noxious Weed Management Plan. Any questions, ambiguities, disputes, or challenges that may arise from attempts to enforce the Ouray County Noxious Weed Management Plan will be settled by reference to the Colorado Noxious Weed Act under guidelines set forth in section 35-5.5-109, subsections 4-7.

The Ouray County Noxious Weed Management Plan is intended to govern weed management activities on unincorporated lands within Ouray County. Incorporated municipalities within the county are required by the Colorado Noxious Weed Act to develop and enforce their own weed management plans. Any municipality that fails to develop and enforce a weed control plan, or relevant ordinance is in violation of section 35-5.5-106 of the Colorado Noxious Weed Act and by reference the Ouray County Noxious Weed Management Plan.

Private landowners within the unincorporated portions of Ouray County are responsible for noxious weed management on their lands as specified in section 35-5.5-109 of the Colorado Noxious Weed Act and by reference the Ouray County Noxious Weed Management Plan.

State boards, departments, divisions, and agencies are required by the Colorado Noxious Weed Act and the Ouray County Noxious Weed Management Plan to manage noxious weeds on lands under their jurisdiction as specified in section 35-5.5-110 of the Colorado Noxious Weed Act.

At least once every three years as specified in section 35-5.5-107 of the Colorado Noxious Weed Act the Ouray County Weed Board, Board of County Commissioners and concerned citizens will review the Ouray County Noxious Weed Management Plan for modification. At that time weed management plans will be requested from local, state and federal entities that manage public lands for review by the Ouray County Weed Board and/or the Board of County Commissioners.

The BOCC may enter into cooperative agreements with federal land management agencies as specified in section 35-5.5-111 of the Colorado Noxious Weed Act to facilitate or compel effective noxious weed management on the substantial land base managed by federal agencies within Ouray County.

The BOCC shall establish and maintain a local advisory board as specified in section 35-5.5-107 of the Colorado Noxious Weed Act.

The BOCC recognizes the need for and agrees to effectively engage in the management of all noxious weeds appearing on the Ouray County Noxious Weed List. Species or class upgrades or changes in classifications of noxious weeds may be added to the list after giving 30-day's notice and holding a public meeting to gain citizen input on the proposed new listing as specified in section 35-5.5-108 of Colorado Noxious Weed Act.

Noxious weeds are presently known to exist in Ouray County. Weeds are classified according to a state noxious weed priority list: A: Eradication is a must. B: Manage and control the spread of these species. C: Support the use of integrated management methods and provide educational, research and biological control resources.

A prioritization list may be established and may be amended or modified as necessary. A local governing body may adopt eradication, containment, or suppression standards that are more stringent than the standards adopted by the state. CRS 35-5.5-108 (2)(III)(b).

Following are the weed species that are present or are of concern to Ouray County.

Ouray County Weeds of Concern

Common Name	Scientific Name	State Class.	County Class
Meadow Knapweed	<i>Centaurea nigrescens</i>	A	A (priority)
Myrtle Spurge	<i>Euphorbia myrsinites</i>	A	A (priority)
Purple loosestrife	<i>Lythrum salicaria</i>	A	A
Yellow Starthistle	<i>Centaurea solstitialis</i>	A	A (priority)
Absinth wormwood	<i>Artemisia absinthium</i>	B	B (priority)
Black henbane	<i>Hyoscyamus niger</i>	B	B
Bull thistle	<i>Cirsium vulgare</i>	B	B
Canada thistle	<i>Cirsium arvense</i>	B	B
Chinese Clematis	<i>Clematis orientalis</i>	B	B (priority)
Common tansy	<i>Tanacetum vulgare</i>	B	B
Dame's rocket	<i>Hesperis matronalis</i>	B	B (priority)
Diffuse knapweed	<i>Centaurea diffusa</i>	B	B (priority)
Hoary cress	<i>Cardaria draba</i>	B	B
Houndstounge	<i>Cynoglossum officinale</i>	B	B
Jointed goatgrass	<i>Aegilops cylindrica</i>	B	B
Leafy Spurge	<i>Euphorbia esula</i>	B	B (priority)
Musk thistle	<i>Carduus nutans</i>	B	B
Oxeye daisy	<i>Leucanthemum vulgare</i>	B	B
Perennial pepperweed	<i>Lepidium latifolium</i>	B	B
Plumeless thistle	<i>Carduus acanthoides</i>	B	B
Russian knapweed	<i>Acroptilon repens</i>	B	B
Salt cedar	<i>Tamarix chinensis, parviflora, ramosissima</i>	B	B
Scotch thistle	<i>Onopordum acanthium, tauricum</i>	B	B
Spotted knapweed	<i>Centaurea stoebe</i>	B	B (priority)
Sulfur cinquefoil	<i>Potentilla recta</i>	B	B
Yellow toadflax	<i>Linaria vulgaris</i>	B	B
Common burdock	<i>Arctium minus</i>	C	B
Common mullein	<i>Verbascum thapsus</i>	C	B
Downy brome	<i>Bromus tectorum</i>	C	B
Poison hemlock	<i>Conium maculatum</i>	C	B
Russian Thistle	<i>Salsola kali</i> (Goosefoot family)		C

II. Physical and Cultural Setting

Ouray County is situated on the northern side of the western San Juan Mountains in Southwest Colorado. Ouray County encompasses the headwaters of the Uncompahgre River, which is a major tributary of the Gunnison River and thence the Colorado River. Portions of four major ecological zones (not to be confused with the land use and building code zones) are present in Ouray County with elevations that range from 6,320' to 14,150'. These include the foothill and valley zones from approximately 6,320' to 7,000'; the montane zone from approximately 7,000' to 9,500'; the subalpine zone from approximately 9,500' to 11,500'; and the alpine zone from approximately 11,500' to 14,150'. Within this broad and variable range of ecological zones many habitat types exist that each support their own native plant communities as well as numerous invasive, non-native plants, many of which are now viewed as noxious weeds.

III. Integrated Management of Noxious Weeds

It is widely accepted by noxious weed control professionals that an integrated management approach to weed infestations provides the greatest level of success. Complete reliance on a sole method of noxious weed management can result in outright failure of the effort or in damage to non-target organisms and the environment. The Colorado Noxious Weed Act requires that both government entities and private landowners develop integrated noxious weed management plans. Broadly speaking, there are five primary

management options included in an integrated management plan:

1. Preventative

Prevention is the first and perhaps the most important step in a weed control program. In addition, preventative measures are probably the most cost effective method of weed control. Preventative weed control includes (among others) weed-free crop seed, weed-free manure and hay, clean (weed-free) harvesting and tillage equipment and the elimination of weed infestations in areas bordering cropland, irrigation ditches and canals. Cleaning is recommended for 4 wheel drive vehicles, ATVs, and other equipment, which may have been exposed to weed areas.

2. Cultural

Including, but not limited to; establishing and managing an adequate population of desirable vegetation to compete with the weeds, utilizing livestock when possible (cattle, goats, sheep), mulching, and burning when appropriate.

Many of the noxious weed infestations in Ouray County are established on disturbed ground of some sort. Land use activities that limit the amount of ground disturbed at a given time, or that limit the amount of time ground remains disturbed without reestablishing a native vegetative cover, would result in fewer and less severe noxious weed infestations. All disturbed areas shall be reseeded as soon as possible after the disturbance.

3. Mechanical

Including but not limited to; hand pulling, hoeing, mowing and tillage.

4. Biological

Biological weed control involves the utilization of natural enemies for the control of specific weed species. Biological weed control is never a hundred percent effective and can take 5 to 10 years for partial control. Biological weed control is not acceptable as the sole control method for any particular or specific weed species targeted for eradication.

5. Chemical

Always **read the label** before using any herbicide. Weed control with herbicides is an effective tool for many target weed species. However, there are several aspects to consider when choosing a chemical program. These include; herbicide selection, timing of application, target weed, desirable crops or plant species being grown or that will be planted, number of applications per year and number of years a particular species will need to be treated for desired control. Also important are the health and safety factors involved, and the need to consider undesirable impacts.

All of these management options will be considered when evaluating a noxious weed infestation in Ouray County.

IV. Revegetation

As a noxious weed preventative measure Ouray County will, through its relevant officials, agents, employees, permittees, and contractors, establish as a policy, the practice of reestablishing a stable community of native or other appropriate plants, primarily grasses, in all areas of the unincorporated County where County related or permitted projects disturb ground. This will include all areas where efforts to control and manage noxious weeds have left barren ground.

All permitted individuals and entities will also be held to reasonable revegetation standards whenever their activities disturb ground. Incorporated municipalities and Federal land management agencies will be encouraged by the County to incorporate similar provisions into their noxious weed management plans.

The BOCC may require weed control and revegetation bonds or other security from developers as well as weed management and revegetation plans for their projects.

The Ouray County Weed Control Manager, may advise the BOCC with guidelines on the appropriateness of seed mixtures proposed within the various ecological zones of the County. The Weed Control Manager will also inspect revegetation sites and determine the rates of success and make recommendations regarding bond release or forfeiture.

V. Herbicides

The careful and appropriate use of herbicides will continue to be a primary management option for the foreseeable future. In most large-scale infestations and for certain species of noxious weeds, herbicides are the only effective option.

The Ouray County Noxious Weed Control Manager will adhere strictly to all health, safety, and environmental instructions and precautions for any and all herbicides that may be used.

Guidelines for avoiding health and environmental risks are available from manufacturers and government agencies. All herbicides will be applied according to manufacturer's label instructions and state law.

VI. Duty to Manage Noxious Weeds

As stated in section 35-5.5-104 of the Colorado Noxious Weed Act and by reference the Ouray County Noxious Weed Management Plan, "It is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners." As used herein and in the Colorado Noxious Weed Act, "persons" means an individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or right-of-way, including any city, county, state, or federally owned or controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral. Weeds do not respect political, jurisdictional, or personal boundaries, they occur wherever opportunity exists. To effectively manage noxious weeds across such boundaries, a central weed authority must exist. Section 35-5.5-105 of the Colorado Noxious Weed Act effectively establishes the BOCC as that central authority regarding weeds in unincorporated Ouray County.

The BOCC may consider any ordinance, rule, or regulation that would improve compliance with the Ouray County Noxious Weed Management Plan and by reference the Colorado Noxious Weed Act. Noxious weeds, if left to spread without effective integrated management, threaten to cause material damage to indigenous flora and fauna and to all neighboring landowners. Any effective action by the BOCC designed to improve compliance with the Colorado Noxious Weed Act, and the Ouray County Noxious Weed Management Plan, would necessarily have applicability across the range of land ownership categories found in the unincorporated portions of Ouray County. Ouray County will cooperate and assist municipalities in developing their Weed Management Plans so that there will be an effective Countywide plan.

VII. Goals of the Ouray County Noxious Weed Management Plan

The Ouray County Noxious Weed Management Plan has been developed to comply with the Colorado Noxious Weed Act and to provide guidance and support for the long-term effort of effective control of noxious weeds in Ouray County. It is clearly understood that noxious weeds will never be fully eradicated from Ouray County.

The Ouray County Noxious Weed Management Plan is intended to guide this and future generations in what will hopefully become a unified and concerted effort to bring these exotic invasive plants under the control of an effective management program. Citizen awareness of the value of native biodiversity is the key to success for this program.

The following are the general 10-year goals of the Ouray County Weed Management Plan: 2022 to 2032

- Eradication of "priority" species indicated as weeds of concern for Ouray County.
- Control of noxious weeds to manageable levels of scattered occurrences.
- Restoration and enhancement of native rangeland with native or other appropriate seed/plants.
- Maintain the native biodiversity.
- Conduct educational and public awareness programs.
- Find additional sources of funding
- Enhance carbon sequestration, wildlife habitats, climate resiliency, soil and watershed health, wildfire mitigation, and increase ecosystem functions.

Serious infestations will be monitored on an annual basis. Weeds of lesser concern will be generally noted as time and resources permit with citizen volunteers encouraged to participate.

Accomplishment of these broad general goals will require a significant effort on the part of a great many individuals, agencies, and organizations. The coordination of the combined efforts of the Ouray County BOCC, Weed Advisory Board, County Weed Manager, private citizens, municipalities, corporations, and land management agencies will not be a simple task. Increasing diversity in the local human community and a general lack of connection to a land based economy may increase the difficulty of managing this task. If, however, maintenance of a high level of native biodiversity becomes, and remains, a significant element of the local human culture then the task will be managed influencing the human community to

adapt such cultural traits.

VIII. Individual Management Plan and Enforcement

In an effort to support and accomplish goals of the Ouray County Noxious Weed Plan, most specifically goals 1 and 2, individuals may be required to comply with an "Individual Management Plan". Those who may be required to comply with an individual management plan are:

1. Properties infested with noxious weeds that threaten productive agriculture.
2. A complaint filed with the Ouray County Weed Manager from an adjacent property owner that noxious weeds are infesting or have the potential to infest their non- agricultural property.
3. Infestations of State listed "A" species noxious weeds or noxious weeds declared as "priority" species by the County.
4. Infestations of any noxious weed encroaching on county roads rights-of-way.

After formal notification by the County that noxious weeds are present, the landowner of such property shall be deemed to be responsible for an individual management plan. The primary component of this plan is to institute integrated management of the weeds on the property such that the following two objects are met annually:

The weeds shall not be allowed to produce seed or develop other reproductive propagules. The population of the weeds is diminished each year.

In the event a landowner fails to proceed with an individual management plan and/or fails to meet the two objectives, the County has and may exercise the authority to cause the objectives to be met and may assess the whole cost including up to 20% for inspections and other incidental costs to the landowner pursuant to C.R.S. 35-5.5-109(5)(a)(II).

The specific process to be followed by the County, requiring an individual management plan and the rights of appeal for the landowner are as outlined in 35-5.5-109 C.R.S., as may be amended from time to time.

As the State Commissioner develops rules and regulations pertaining to the management of weeds, the more stringent standard or that standard more likely to achieve the desired results, in the event of a conflict between State law and County Weed Management Plan, shall be the governing rule or regulation.