Noxious weeds control – A Cowboy State priority

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Noxious weed control in Wyoming has been a priority for more than 50 years.

In its inception, the control was done by the private landowner, and there were scattered counties with established Boards of Directors. Most of the weed control done was to stem the tide of Leafy Spurge in the early to mid 1930’s. It wasn’t until the legislature enacted the Wyoming Weed and Pest Control Act in 1973, that 23 Districts were established. The 1973 legislation provided for a uniform method of weed and pest control statewide.

Under the Wyoming Weed and Pest Control Act, a designated and prohibited list of noxious weeds was adopted. Currently there are 19 weeds including Field bindweed, Canada thistle, leafy spurge, perennial sowthistle, quackgrass, hoary cress, perennial pepperweed, ox-eye daisy, skeletonleaf bursage, Russian knapweed, yellow toadflax, dalmation toadflax, scotch thistle, common burdock, plumeless thistle, dyers woad, houndstongue, and spotted knapweed. Noxious weeds listed as prohibited in another state are also considered prohibited in Wyoming.

Each district has the opportunity to have a weed or pest not on the statewide list, declared as a locally noxious weed or pest. In Crook County the locally designated list includes Russian wheat aphid, grasshoppers, mormon crickets, mountain pine beetle, dogs, ground squirrels, and wild licorice.

As a part of the Weed and Pest Control Act, provisions were made for a County Weed and Pest Control District Board of Directors of 5 to 7 members, and a mill levy to fund the program.

An integral part of the program is a provision for a cost-share plan. Each district is allowed to set the amount of cost-share allowed to the taxpayer landowner. In Crook County for instance, a cost-share of 70 percent is paid by the district for chemicals, up to $3,500 per year.

In an effort to stem the expanding leafy spurge infestation, the legislature established the Leafy Spurge Act, with an additional mill levy funding in 1978. There were also provisions or general fund appropriations for this program.
Here again, the cost-share provisions were an integral part of the program. Each district levying the full one mill was eligible for funding through the Wyoming Department of Agriculture Leafy Spurge Control Program appropriation. In the beginning there was up to a million dollars available for leafy spurge control per biennium. This has been reduced to $265,000 in the last few years, but efforts are under way to increase this funding.

The cost-share participation for this program was set at no less than 80-20 by the legislation, to include both chemicals and labor. In Crook County, a landowner doing his own application work, receives the chemical at no cost, and is required to pay only a 5 percent administration fee.

This legislation was set up for a six year period, with provisions for six year extensions, and the second six year program was approved in 1984.

In 1990 the Leafy Spurge Act was changed to the Special Management Program. This change was made to allow the weed and pest control districts to establish special management program districts, for any weed or pest on the designated and prohibited list.

Under the special management program, the general fund appropriation is still made, with the funds being allocated on a priority basis for leafy spurge control. It is hoped that through the use of a chemical registration surcharge, that this program will become self-sufficient, with no need for general fund appropriations.

The statutory provisions of the law place enforcement with the individual weed and pest control districts, and any cases not resolved the hearing process by the board of directors, are placed under the jurisdiction of the district courts for disposition. This procedure is not often used since the court costs and attorneys’ fees are borne by the weed and pest control district program funding. Budgets are tight enough without spending the control program funds in this manner.

Under the special management program, the districts are encouraged to use the integrated weed and pest management system. This allows the latitude for innovative plans that include biological insect, sheep and goats, and competitive grass seeding in addition to the usual chemical and cultural control practices for leafy spurge control and suppression.

With the county mill levy valuations being reduced, more of the innovative control methods are becoming the rule, rather than the exception. It’s estimated that 2.9 million dollars are spent annually by the weed and pest districts for chemical purchases in Wyoming. With districts Crook and Campbell counties spending $225,000 to $230,000 on chemicals annually.

The special management program statutes require all state agencies controlling lands to follow the same laws as private landowners. This part of the statute may be tested in the coming year, because of a funding cut of 86 percent for weed and pest control during the next biennium, by the Director of School Trust Lands. There has been a decision recently, to sell any leafy spurge infested lands to the lessee, and make these infested acres become the responsibility of private landowners.

An estimated 70,000 acres of leafy spurge infested land occur in Wyoming. Of this total, 35,000 acres are in Crook County. These acres include private, state and federal
land. The federal lands are divided between three separate agencies, the National Forest Service, the National Park Service, and the Bureau of Land Management.

Compliance under the Carlson-Foley Act has been a nightmare. Each federal agency has its own philosophy, policy, and procedures. For example, one agency in 1991, decided to use the money budgeted for weed control, to inventory the weed species on 1340 acres under its jurisdiction. Consequently the leafy spurge was allowed to flourish and send an abundant crop of seeds down the Belle Fourche River, to add to the problem headaches of landowners down stream. Thanks to this decision, new infestations were found along the river this year, in Wyoming, and in an irrigated area of western South Dakota.

Hopefully, the memorandum of understanding being developed under the National Undesirable Plants Management Act passed by congress in 1990, will preclude the occurrence of this scenario in the future.

In conclusion, despite some of the pitfalls and stumbling blocks, Wyoming has one of the strongest Weed and Pest Control Laws, and “NOXIOUS WEED AND PEST CONTROL,” is a “COWBOY STATE PRIORITY!”