

6.32: NOXIOUS WEEDS

6.32.010: Purpose.

In an effort to address the statewide threat of noxious weeds, the Colorado State Legislature passed the [Colorado Noxious Weed Act](#) (CO Rev Stat § 35-5.5-101 (2018), (“*The Act*”) and the [Rules Pertaining to the Administration and Enforcement of the CO Rev Stat § 35-5.5-101 \(2018\) Colorado Noxious Weed Act](#) (8 CCR 1206-2) effective 10/30/2020 (PDF) (“*The Rules*”).

The Act directs the Board of County Commissioners (BOCC) of each county in the Colorado to adopt and administer a Noxious Weed Management Plan for all unincorporated land within the county. It also directs the Board of County Commissioners to appoint a local Weed Advisory Board (WAB), whose power and duties include:

- A. Development of a list of noxious weeds to be declared subject to integrated management.
- B. Development of a recommended Weed Management Plan and management criteria for noxious weeds within BOCC jurisdiction. This plan is to be reviewed and amended at least once every three years.
- C. Recommendation to the BOCC that identified landowners be required to submit and follow an integrated weed management plan for managing designated noxious weeds.

The BOCC has sole and final authority to approve, modify, or reject the management plan, management criteria, management practice, and any other decision or recommendation of the WAB.

6.32.020: Noxious Weeds:

The State of Colorado has designated [79 plants as Noxious Weeds](#), and has categorized them into three lists based on priority for management in Colorado. These lists have been named Lists A, B, and C:

- A. [List A](#) plants are newly arrived and/or less common in Colorado and must be eradicated from all lands in the State.

- B. **List B** includes plants whose continued spread in Colorado should be halted; these plants are already present in Colorado and have high potential to cause ecological damage.
- C. **List C** plants are those for which local governments have authority to decide the management strategy.
- D. **Watch List Species** are species that have been determined to pose a potential threat to the agricultural productivity and environmental values of the lands of the state. The Watch List is intended to serve advisory and educational purposes only.

6.32.030 Management Strategy:

The purpose of such categorization is to guide the State and local governments in developing Management Strategies for each weed. The Management Strategy of a particular weed in an area may be one of the following:

- A. **Eradication** (complete elimination of all populations of a weed)
- B. **Containment** (confinement of populations of a weed to a defined area)
- C. **Suppression** (attempt to limit the vigor and spread of populations within a region)

All List A species have been designated by the Colorado Commissioner of Agriculture (“the Commissioner”) for eradication. This means that it is a violation to allow any List A species to produce seed or develop other reproductive means such as roots, shoots and runners. Many List A weeds are not yet present in Colorado, but have become a problem in neighboring states. Others are present in small isolated populations. It is the intent of the Commission to eliminate these species before they become widespread. *The Rules* allow the local governing authority to file for a compliance waiver if it is determined that eradication is not a practical management objective for specific populations.

List B weed species may be designated for eradication, suppression, or containment, depending on the extent of their presence in a particular county. The local Management Strategy for each List B species in each county is determined by the Commissioner (in consultation with the State Noxious Weed Advisory Committee, local governments, and other interested parties). From these local Management Strategies, the Commissioner develops a State-wide noxious weed management plan for each List B species. This Plan is designed to stop the continued spread of List B species, making it a violation to allow any List B species to spread into any un-infested area.

Local governments are left to decide whether to require management of List C weed species, and, if so, whether the Management Strategy will be Eradication, Containment, or

Suppression. State Management Plans for List C weed species developed by the Commissioner are designed to support the weed management efforts of local governing bodies. The goal of such plans is not to stop the continued spread of these species. Rather, they are meant to provide additional education, research,

and biological control resources to jurisdictions that choose to require management of List C species.

D. Declaration of Additional Noxious Weeds

The BOCC may declare additional noxious weeds within its jurisdictional boundaries after a public hearing with thirty days prior notice to the public. Any declaration of additional noxious weeds shall include management objectives, per *The Act* [CO Rev Stat § 35-5.5-101 \(2018\)](#). The integrated management of any additionally declared noxious weed species shall be the responsibility of the landowner, as required by *The Act* and *The Rules*.

6.032.040 Enforcement:

A. Statutory Enforcement Provisions Govern

[The Colorado Noxious Weed Act, CO Rev Stat § 35-5.5-101 \(2018\)](#), et seq., (hereinafter *the Act*) states that certain invasive weeds pose a threat to the continued economic and environmental value of the land in Colorado; designates these weeds as “noxious” in Colorado; and mandates their management by all landowners in the State. *The Act* contains specific provisions empowering the County to enforce its terms, including without limitation §§ 35-5.5-108.5, -109, and -110. This WMP shall be enforced in accordance with those statutory provisions and any other applicable laws.

B. Noxious Weeds Declared a Public Nuisance

The noxious weeds listed by the state of Colorado [here](#). All species at any and all stages, are subject to all the laws and remedies relating to the prevention and abatement of nuisances, including, but not limited to, those set forth in *the Act*.

C. Authorized Agents for Enforcement

Pursuant to [CO Rev Stat § 35-5.5-101 \(2018\)](#), C.R.S., The Pitkin County Land Manager, the Pitkin County Code Enforcement Officer, the Pitkin County Sheriff and their respective designees are hereby designated as “authorized agents,” empowered to enforce *the Act* and this *WMP* in unincorporated Pitkin County, by utilizing those procedures set forth in §35-5.5-108, -108.5, -109, C.R.S and any other applicable local, State and Federal statutes, rules, regulations, and ordinances, including the remaining provisions of this Section.