

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, February 07, 2017

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Rice, Vice Chairman Den Hartog, Senators Patrick, Bayer, Guthrie, Thayn, Foreman, and Jordan

ABSENT/ EXCUSED: Senator Johnson

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Rice** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

MINUTES APPROVAL: **Senator Thayn** moved to approve the Minutes of January 24, 2017. Seconded by **Vice Chairman Den Hartog**. The motion carried by **voice vote**.

PRESENTATION: **Introduction to Idaho's Noxious Weed Program. Lloyd Knight**, Administrator, Plant Industries Division, Idaho State Department of Agriculture (ISDA), began his noxious weed presentation by pointing out that Idaho Code § 22-2402 for noxious weeds contains considerable detail concerning the agency's roles statewide in regards to noxious weeds. The statute leaves the rules to list the species of noxious weeds and maintain the list (see Attachment 1).

A noxious weed is any plant that has the potential to cause injury to public health, crops, livestock, land or other property. The director is granted authority under the Idaho Code to determine which weeds are noxious, maintaining a list of noxious weeds, and has the authority to make rules. ISDA has authority to consult and coordinate with other agencies statewide as they designate Cooperative Weed Management Areas (CWMA), dealing with the identification of noxious weeds and assisting landowners.

ISDA engages in day to day control operations on aquatic noxious weeds because most of these weeds are on State land. ISDA has the authority to initiate cooperative agreements with other agencies depending on the issue. ISDA has the ability to temporarily designate a weed as noxious for up to 15 months, provided notice is given.

The counties duties and authority are spelled out in Idaho Code § 22-2406, which provides the mechanism by which the county can eradicate noxious weeds on property where a landowner has failed to initiate control. Cost for the control enforcement by the county will be at the expense of the landowner. This section of Idaho Code § 22-2405 the counties use daily when dealing with management of noxious weeds.

There is a line of separation between the role that ISDA and the county play in the daily recommendation for noxious weed control. The day to day interaction superintendents suggest different products, control technology, tools or practices for effective methods of noxious weed control. The county weed superintendents are the experts for pesticides and recommendations for adequate control of weeds in their counties.

The county can issue weed control without cost to the landowner. The superintendents can quarantine land and serve individual notice to landowners. The counties also have authority to levy annually upon taxable property a tax for the control of noxious weeds which shall not exceed .06 percent of the market value of assessment.

The county has the authority to designate weeds as noxious at a county level. When a county designates weeds at a county level, assuming that the weed is not listed on a statewide level, the county assumes all responsibility for the weed being listed within the county. The State would no longer have a role with that particular weed if it is not listed with ISDA. This weed listing scenario just occurred this winter in Blaine County with the listing of Japanese Yew. Then the landowners and citizens have duties and responsibilities to assume the cost of controlling noxious weeds on their property. The rule does provide that a landowner can file a protest with the director of ISDA if they are dissatisfied with the control measures, cost, and notice that they received.

The rules primarily serve as a listing mechanism with four categories: 1) statewide prohibited genera noxious weed list; 2) statewide Emergency Detection/Rapid Response (EDRR) noxious weed list; 3) statewide control noxious weed list; and 4) statewide containment noxious weed list. ISDA does not want EDRR noxious weeds in the State and these weeds shall be eradicated during the same growing season as identified. In most cases ISDA will play a lead role along with coordination with the counties.

Senator Guthrie asked if federal government lands participate in these cooperative weed control agreements. **Mr. Knight** explained that the federal governments involvement in weed management has been problematic. Some of the counties have a real issue with weed control on federal lands, and that is why the CWMA was created. The initiation of the CWMA Program was an effort to try to encourage the federal land management agencies to work with agencies on local levels to deal with particular issues. A few of the CWMA's are encompassed by federal ground such as the Frank Church CWMA located in the Frank Church Wilderness Area. This particular CWMA has provided opportunities at a local level to deal with some control issues with these federal agencies. In some counties the federal agencies contract with the county to do the weed control efforts. Overall, the federal ground is a challenge for the State. The funding that ISDA has received from the federal government has become scarce, but some federal agencies are still contracting with local counties.

Senator Patrick stated that in his district weed control on State lands and county road right of ways are a problem. Asked if CWMA has cooperative agreements for noxious weed control on state lands and county road right of ways. **Mr. Knight** answered ISDA hopes that state and county projects are submitted as part of the CWMA Cost Share Process. The county is responsible for the county roadsides and the Idaho Department of Lands is responsible for control on lands that they manage. The noxious weed program and budget is not set up to direct resources to State agencies for management issues on State lands.

There are times when ISDA has spent resources on control measures for management of a specific species because there was not another mechanism for the control. An example of the specific species action would be in the weed control of the Eurasian Watermilfoil. Everything below the waterline is State land. ISDA took the lead in the eradication of this aquatic weed because of the EPA permitting process for application of herbicides within an aquatic environment.

Chairman Rice asked how many agencies would a county have to deal with if there was an infestation of noxious weeds on federal land. **Mr. Knight** indicated the county could deal with Bureau of Land Management (BLM), Fish and Wildlife Service, Forest Service, and U. S. Army Corp of Engineers depending on ownership of the land in a particular location. CWMA has become the collaborative model for resources and expertise to manage through some of the infestations that have no jurisdictional boundaries. The CWMA's concept is to erase the jurisdictional boundaries and deal with infestation as they occur. The challenge will always be resource availability and the coordination for the eradication of larger infestations.

Mr. Knight discussed the recent issues and media attention of Japanese Yew. Japanese Yew is an ornamental shrub, currently not listed as a noxious weed, which is highly toxic to many animals including wildlife and livestock. The harsh winter conditions this year have pushed wildlife closer to private landowners and wildlife such as elk and antelope have died after ingesting Japanese Yew. Blaine County has listed Japanese Yew on their county noxious weed listing. The listing indicated that eradicating the Yew plants from residential areas will promote public health, safety, and welfare.

The Japanese Yew has been used for quite sometime in landscaping and ISDA does not know how many plants are in the State. Fish and Game along with the media have reached out to the public to increase awareness of the toxicity of this plant. ISDA has received some calls from the public to see if the Yew plant will be listed on their noxious weed list. ISDA is unsure whether the Yew plant will be listed; it is toxic but there are a lot of plants in the landscape that are toxic that are not listed. ISDA listings are statewide and there maybe many urbanites that have an environment where they do not have to worry about wildlife coming onto the property. This plant listing deserves a more in-depth discussion for timing, whether it is appropriate to add to the noxious weed list, listing it at a county level, and how to manage the cost and control issues.

Chairman Rice asked if there is a mechanism that allows for a species to be in certain areas. **Mr. Knight** explained the noxious weed statute does not have the ability to allow permitting or site specific types of mechanisms for listing, but the invasive species rule does have the site specific capability. **Chairman Rice** asked if the plant has the tendency to spread. **Mr. Knight** explained that ISDA did not know the propensity of this plant to spread. This is one of the species in the ornamental that they have not monitored and they do not know whether it spreads.

Idaho was on the forefront of putting the CWMA mechanism together. The CWMA Program consists of 30 offices statewide covering 87 percent of Idaho and drawn without boundaries, some extending into neighboring states. The CWMA Advisory Committee reviews cost share applications for CWMA's in February with preference for State dollars being used within Idaho versus going into other states.

There are two sources of funding for noxious weed control: 1) an ongoing General Fund appropriation of \$900,000 that is used for the control of aquatic weeds primarily for Eurasian Watermilfoil, Hydrilla, and flowering rush, which can be rolled over into terrestrial cost share funding; and 2) ISDA receives \$1 million in on going General Fund appropriations for CWMA terrestrial cost share funding. Historically ISDA has also had cost share funding from the Forest Service and the BLM, but these funds have dried up.

Mr. Knight concluded his presentation by highlighting a few of ISDA's projects. ISDA has been concentrating on two areas of Hydrilla infestations, one in the Bruneau River and the other in a section of the Snake River in Twin Falls County. CWMA commenced treatment and control on the Snake River section in 2015 and continuing into 2016. The Bruneau River project has been in process for seven years.

Since 2013 they have had a 95 percent success rate on the control of Hydrilla population in the river. Eurasian Watermilfoil control projects have occurred in five lakes in northern Idaho and Payette Lake in southern Idaho.

Roger Batt, Coordinator, Idaho Weed Awareness Campaign (IWAC), advised that one of the common questions they received in the noxious weed world is why isn't anyone doing anything about noxious weeds in the State of Idaho. There are a variety of different groups in the State that combat noxious weeds and Idaho is one of the best at fighting noxious weed in the nation. Idaho has 42 county weed superintendents that coordinate weed control across 44 counties along with weed coordinating committee and several associations that network together. In 2001 the Idaho Weed Coordinating Committee developed an education outreach program that educates the public on the devastating impacts of noxious and invasive weeds to Idaho's economy, ecology, and agriculture.

IWAC exists because historically IWAC had a strategic plan for managing noxious and evasive plants that has evolved into Idaho Invasive Strategic Plan. IWAC takes advantage of any media coverage available to reach Idaho households with weed identification and integrated pest management solutions for the control of weeds. The classroom is another avenue of education where IWAC have developed several programs through the conduits of Idaho Agriculture in the Classroom and Idaho Rangeland Resource Commission Project Learning Tree. Development of a children's education video in 2003 with a character name Elwood Elk was the first of its kind in the nation. The video cartoon educated the children about five specific noxious weeds and how they impact the wild lands and habitat for elk and other animals in Idaho.

In partnership with the Idaho Fish and Game the IWAC advertises in all of the Fish and Game regulations across the State. IWAC recently completed a CWMA video that enhances the CWMA concept. Another avenue of engagement with the public is the Weed Awareness Campaign Website which receives about 30,000 hits a month, during the peak season 70,000. These are hits for information on noxious weed identification and control and management efforts.

Senator Jordan observed that IWAC seems uniquely poised to be able to address quickly the emerging issues of this winter's Japanese Yew control rather than rules and legislation. **Roger Batt** stated that the IWAC Advisory Board is discussing the issue with educational information and media coverage. IWAC has been waiting to see if the Japanese Yew would be listed as a noxious weed. That would make it easier to get information out to the media along with any eradication policies.

ADJOURNED: There being no further business, **Chairman Rice** adjourned the meeting at 9:03 a.m.

Senator Rice
Chair

Carol Deis
Secretary