

**NOTICE OF RULEMAKING HEARING
STATE OF NEBRASKA
DEPARTMENT OF AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Nebraska Department of Agriculture (NDA) will hold a rulemaking hearing on November 3, 2022, at 10:00 a.m. CT at NDA, 245 Fallbrook Blvd, Lincoln, Nebraska, for the proposed amendment of Nebraska Administrative Code, Title 25, Chapter 10 entitled Noxious Weed Regulations. The amendment updates the regulations to include only the essential requirements for the noxious weed control programs and expressly allows political subdivisions already using phragmites as a treatment process for treating wastewater to continue such treatment provided the phragmites remain contained.

The hearing will be conducted under Neb. Rev. Stat. §84-907. COPIES OF THE PROPOSED ADOPTION AND REPEALS, AND INFORMATION PROVIDED TO THE GOVERNOR INCLUDING THE FISCAL IMPACT STATEMENT ARE AVAILABLE FOR PUBLIC EXAMINATION at NDA and at the Offices of the Secretary of State, State Capitol, Room 1305, Lincoln, Nebraska 68508 or website (www.sos.ne.gov/rules-and-regs/regtrack/index.cgi).

ALL INTERESTED PERSONS are invited to attend and testify at the hearing. Reasonable accommodations including the appointment of a licensed interpreter will be provided if requested with seven days notice to NDA at (402) 471-2341 (Voice) or the Nebraska Relay System at 711 or 800-833-7352 (TTY) to ask the operator to call NDA or email patricia.moock@nebraska.gov. Interested persons may submit written comments to NDA or e-mail comments to the Secretary of State's website. Comments will be made a part of the hearing record if received by November 2, 2022.

DATED at Lincoln, Nebraska, this 26th day of September 2022.

NEBRASKA DEPARTMENT OF AGRICULTURE
Steve Wellman, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Agriculture	
Title: 25	Prepared by: Ashley Bonebright
Chapters: 10	Date prepared: August 4, 2022
Subject: Noxious Weed Regulations	Telephone: 471-2341

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decrease Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & a Description of Impact:

State Agency:

There would be no fiscal impact on the Department of Agriculture in the amendment of the Noxious Weed Regulations.

Political Subdivision:

No changes.

Regulated Public:

No changes.

If indeterminable, explain why:

NEBRASKA ADMINISTRATIVE CODE

TITLE 25 NEBRASKA ADMINISTRATIVE CODE, CHAPTER 10

NEBRASKA DEPARTMENT OF AGRICULTURE

NOXIOUS WEED REGULATIONS

August 2014, Amendment

NEBRASKA ADMINISTRATIVE CODE

TITLE 25 - NEBRASKA DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT
HEALTH PROTECTION

CHAPTER 10 - NOXIOUS WEED REGULATIONS

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TITLE 25 — NEBRASKA DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT
HEALTH PROTECTION

CHAPTER 10 — NOXIOUS WEED REGULATIONS

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Publication Adopted	§§2-945.01 to 2-966	009

NEBRASKA ADMINISTRATIVE CODE

LAST DATE AMENDED: April 26, 2012

TITLE 25 - NEBRASKA DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT

CHAPTER 10 - NOXIOUS WEED REGULATIONS

001 Definitions

001.01 Act means the Noxious Weed Control Act and these regulations.

001.02 Noxious weed means the plant, seed, or seedlings of the ~~Designation and Publication of Noxious Weeds~~. The following weeds are hereby officially designated and published as noxious: Canada thistle - Cirsium arvense (L.) Scop.; leafy spurge - Euphorbia esula L.; musk thistle - Carduus nutans L.; plumeless thistle - Carduus acanthoides L.; knapweed (spotted and diffuse) - Centaurea (maculosa Lam. and diffusa Lam.); Purple Loosestrife - Lythrum salicaria L. and L. virgatum (including any cultivars and hybrids) saltcedar - Tamarix ramosissima Ledeb.; Japanese knotweed (Fallopia japonica including all cultivars and hybrids); and giant knotweed (Fallopia sachalinensis including all cultivars and hybrids); sericea lespedeza (Lespedeza cuneate G. Don) and phragmites australis, subspecies australis, except phragmites fully contained in an existing waste water treatment system already using phragmites australis which is operated by a political subdivision. To remain exempted from this list, phragmites australis used in a treatment system may be replanted but all phragmites australis must be disposed of in a manner which renders them incapable of dissemination. Noxious weed shall mean the plant, seed, or seedlings of such weeds.

001.03 Pesticide Act means the Nebraska Pesticide Act.

002 Methods and Times to Control of Noxious Weeds.

002.01 The noxious weed control period shall be is when noxious weeds are actively growing.

002.02 The following methods of controlling noxious weeds are hereby approved and adopted by the director, so long as such methods are employed during the noxious weed control period, are if performed at such frequency to prevent the spread of noxious weeds, and have the approval of or meet the control standards of the control authority.

002.02A Mechanical methods. Mechanical noxious weed control methods include mowing, chopping, digging, shredding, and tillage.

002.02B Crop management methods. Crop management weed control methods include crop rotation and crop competition.

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002.02C Herbicide methods. ~~The use of herbicides to control noxious weeds under the guidelines set out in the publication known as EC130 "Guide for Weed Management" published by the University of Nebraska, Cooperative Extension Service, Institute of Agriculture and Natural Resources, a copy of which is attached and incorporated herein by reference and is hereby adopted and promulgated and may be used. Herbicide usage in a manner different from that set out in the aforementioned publication is approved under the following conditions: Herbicide methods may only be used in accordance with the Pesticide Act and applied at a rate in compliance with label directions for effective use.~~

002.02C1 ~~The herbicide used shall be one that is approved or registered by the United States Environmental Protection Agency and the Nebraska Department of Agriculture for use on the noxious weeds to be controlled;~~

002.02C2 ~~The method of applying the herbicide shall be in conformity with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended on the effective date of these regulations, and the federal regulations duly adopted thereunder, and shall be consistent with label directions; and~~

002.02C3 ~~The rate of application of the herbicide shall not be in excess of that specified on the label and shall not be at a rate less than that supported by the efficacy data filed with the Environmental Protection Agency in conjunction with the registration of the herbicide.~~

002.02D Biological methods. ~~Biological methods, including To be deemed acceptable, including the use of livestock, predators, pathogens, and parasites as a method of controlling noxious weeds shall be when as effective as the use of herbicides, as set forth in 002.02C and shall be approved by the control authority may be used.~~

002.03 ~~Any determination made as to the failure of any person to control the spread of noxious weeds on land owned or controlled by him or her including the issuance of individual notices pursuant to Neb. Rev. Stat. §2-955, shall be guided by consideration of the intent and purposes of the Noxious Weed Control Act and these regulations. These factors include, but are not limited to, the following: Factors to use in determining if a person has failed to control the spread of noxious weeds include:~~

002.03A ~~The potential for spread of the noxious weeds to other land;~~

002.03B ~~The potential adverse effect of the noxious weeds and the seed thereof on commodities to be removed from the land; and~~

002.03C ~~The degree of infestation of the noxious weeds. While any noxious weed infestation whatsoever is unacceptable, excessive degrees of infestation necessitates the taking of immediate and definite action. Such action shall be initiated in cases where the quantity of noxious weeds present reasonably indicates that current control methods are not satisfactorily controlling the spread of noxious weeds and that more effective control methods are necessary. Consideration of this factor, as explained above, should not be construed to imply that less than excessive infestations need not be controlled.~~

003 Control Authority Duties and Responsibilities.

003.01 To substantively carry out its duties and responsibilities under the Act and these regulations, each control authority shall will:

003.01A Annually submit the following reports described in 25 NAC 10-007 to the director on or before January 31 of each year:

003.01A1 A weed program personnel information report. ~~Such report shall be in the form prescribed in 25 NAC 10-008.01.~~

003.01A2 A budget report. ~~Such report shall be in the form prescribed in 25 NAC 10-008.02. A control authority need only to file that portion of the budget report which relates to the county weed control program. Such report shall, however, include as a minimum standard those sections of the county annual fiscal report containing information of the current budgeted revenue and expenditures as well as the previous year's revenues and expenditures.~~

003.01A3 Noxious weed control plan. ~~Such report shall be in the form prescribed in 25 NAC 10-008.03 or as is amended by the director. Should the director amend the noxious weed control plan, such plan will supercede 25 NAC 10-008.03 and be distributed to the control authority by November 30 for use in the following year.~~

003.01A4 An infestation report. ~~Such report shall be in the form prescribed in 25 NAC 10-008.04 and shall contain information relative to the amount and type of land infested with noxious weeds, and such other information as the director may prescribe.~~

003.01A5 An activity report. ~~Such report shall be in the form prescribed in 25 NAC 10-008.05 and shall contain information relative to the overall county noxious weed control program.~~

003.01A6 Any other information deemed necessary by the control authority.

003.01B Annually inspect all lands within its jurisdiction in order to determine whether the Noxious Weed Control for compliance with the Act and its regulations have been complied with. The control authority shall document the annual inspection through the use of county road maps, plat books, or other records that have been approved by the Nebraska Department of Agriculture. All noxious weed infestations found during the annual inspection shall be additionally documented with an inspection report containing the information specified in 25 NAC 10-003.01C1. When the control authority determines that the noxious weeds have not been controlled, the control authority shall cause additional inspections to be made at least once during the noxious weed control period specified in 25 NAC 10-002 above until such time as the noxious weeds on said land have been controlled. Prior to the issuance of an individual notice, the control authority shall inspect such lands.

003.01C Execute, and keep for three years, an inspection report for all in conjunction with the performance of any inspection of land found to be infested with noxious weeds: containing the following:

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~~003.01C1~~ The inspection report shall contain the following:

~~003.01C1-003.01C1A~~ The location of the land, including county, township, range, and section.

~~003.01C2-003.01C1B~~ The date of the inspection.

~~003.01C3-003.01C1C~~ The purpose of the inspection, whether it be annual, preliminary to the issuance of an individual notice, or otherwise.

~~003.01C4-003.01C1D~~ If noxious weeds are present, the names thereof, or, if none are present, a statement to that effect.

~~003.01C5-003.01C1E~~ The signature of the person conducting the inspection.

~~003.01C6-003.01C1F~~ The name of the landowner and, if applicable, the tenant, if known or capable of being determined.

~~003.01C7-003.01C1G~~ Number of acres inspected.

~~003.01C8-003.01C1H~~ Number of acres infested.

~~003.01C9-003.01C1I~~ Degree of infestation using the severity guidelines adopted in 25 NAC 10-008.06.

~~003.01C10-003.01C1J~~ Current land use.

~~003.01C1K~~ Any other information deemed appropriate by the control authority.

~~003.01C2~~ Whenever noxious weeds are found to be in growing crops, the control authority may, in addition to the inspection report, issue a crop inspection report as prescribed in 25 NAC 10-008.08. The crop inspection report may be used to prevent the movement or sale of growing crops when the harvest of such crops may result in hay, straw, seed, or grain becoming contaminated with viable noxious weed seeds or other noxious weed plant material capable of reproducing.

~~003.01C3~~ The control authority shall maintain files of inspection reports for a period of at least three (3) years following the date of inspection.
Samples of acceptable inspection forms are contained in 25 NAC 10-008.06.

~~003.01D~~ Publish a general notice on or before May 1 and between August 1 and October 1 of each year as provided in section 2-955 of the Noxious Weed Control Act. Such general notice shall follow, as a minimum standard, the form prescribed in 25 NAC 10-008.07. Published size of the general notice shall be which is at least four inches by six inches or be at least 24 square inches in size. Copies of such notices shall be made and make available to the director for inspection and review within fifteen (15) days following the date of publication.

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003.01E Cooperate with other control authorities in carrying out its duties and responsibilities and in exercising its authority pursuant to the Noxious Weed Control Act and regulations adopted and promulgated under such act.

003.01F Prepare a report indicating the disposition of each individual notice issued by the control authority. Such reports shall be in the form prescribed in ~~25 NAC 10-008.10~~ or contain the same information as is specified in this prescribed form.

003.01G Employ a county weed superintendent who meets applicable requirements standards of the Pesticide Act, Neb. Rev. Stat. §§2-2622 through 2-2659, and is certified as a pesticide applicator in at least the following categories:

003.01G1 Agricultural pest control-plant, and

003.01G2 Right- of-way pest control.

003.01H Make available all books, papers, files, records, and reports documents pertaining to noxious weeds to the director for inspection and review.

003.01I Continually update all information filed with the Department as changes, additions, or deletions are made.

004 Dissemination of Noxious Weeds Through Articles.

004.01 All noxious weeds as designated in ~~25 NAC 10-001~~ are hereby found by the director to be noxious weeds which may be disseminated through articles. The following articles are hereby designated and published by the director as capable of disseminating noxious weeds:

004.01A Machinery and equipment;

004.01B Trucks;

004.01C Grain and seed;

004.01D Hay, straw, and other material of a similar nature;

004.01E Nursery stock;

004.01F Fence posts, fencing, or railroad ties;

004.01G Sod;

004.01H Manure;

004.01I Soil;

004.01J Any other articles determined by the director to have characteristics rendering it capable of disseminating noxious weeds.

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004.02 The director hereby prescribes the following treatment for articles capable of disseminating noxious weeds, when such articles are suspected to have noxious weeds present:

004.02A Machinery and equipment used in the harvesting of crops shall be treated as follows:

004.02A1 Remove all loose material from the top and sides of the machine and all other places of lodgement by sweeping, or the use of forced air, or forced water;

004.02A2 Remove all noxious weeds from shakers, sieves, and other places of lodgement;

004.02A3 Run the machine empty for at least five (5) minutes, alternately increasing and decreasing the speed;

004.02A4 Follow the manufacturer's detailed instructions for cleaning the machine; and

004.02A5 Whenever possible, aforementioned treatments shall be performed Clean while the article is still at the infested area or if that is not possible, at a location which minimizes on the land on which it became infested. If treatment cannot be performed at this location, the location selected shall be such as to minimize the possible dissemination of noxious weeds.

004.02B Treatment for machinery Machinery and equipment other than that used for harvesting of crops including, but not limited to, trucks, tractors, mowers, planters, and other articles, such as railroad ties, fence posts and fencing, shall be treated by is brushing, sweeping, forced air, forced water, physical removal of noxious weeds, or any other method deemed by the control authority to be consistent with the intent and purpose of the Noxious Weed Control Act and this regulation. With respect to the location where treatment is to be performed, the same guidelines as set out in 004.02A5, above, apply shall apply.

004.02C Grain and seed suspected to contain noxious weeds may be transported prior to treatment if done in such a fashion as to prevent the a manner which prevents the dissemination of noxious weeds such as in enclosed trucks, prior to sale or transfer but shall not be sold or transferred to another person prior to treatment. Grain and seed suspected to contain noxious weeds shall be treated treatment is by use of a seed cleaner which is effective in removing the noxious weeds from the grain and seed. Screenings remaining following treatment may not be used are not useable for feed, or for any other purpose which could result in the dissemination of noxious weeds.

004.02D Soil, sod, nursery stock, hay, straw, manure, and other material of a similar nature are articles for which no known acceptable method of treatment exists rendering them inappropriate for movement. Such articles may not be moved from the location at which they initially become infested, but may be utilized at that location for their commonly recognized purpose.

004.02E Manure is an article for which no known acceptable method of treatment exists. Manure may not be moved from the location at which it initially

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~~became infested, but may be utilized at that location for its commonly recognized purposes.~~

~~004.02F Should a new method of treatment be developed for such articles listed in 004.01 through 004.01J, the control authority may allow its utilization if it is found by the director to be consistent with the intent and purposes of the Noxious Weed Control Act and these regulations.~~

~~004.03 The control authority shall make inspection services available to those who request the inspection of inspects articles capable of disseminating noxious weeds. When the control authority is unable to provide requested inspection services, or when information is sufficient all that is needed, the control authority shall make every effort to will advise persons within the county as to the proper treatment of articles capable of disseminating noxious weeds. A sample article inspection form is set out in 25 NAC 10-008.09.~~

005 Procedure to Bring Weed Under or Remove from the County Control Program.

~~005.01 Petition to bring weed under county program. Petitions filed with the director under and by virtue of the provisions of sections 2-954(1)(a) of the Noxious Weed Control Act shall be in the form prescribed in 25 NAC 10-008.11. Such petitions shall, in addition to the requirements of the provisions of the Noxious Weed Control Act, to bring a weed under the county program will contain a statement of agreement by the weed control superintendent of the county with the following:~~

~~005.01A An affirmation by the control authority that adequate resources, including funds, personnel, and equipment are available to control the spread of the petitioned weed.~~

~~005.01B An affirmation by the control authority that the testimony and evidence presented at a public hearing on the petition generally supported the control authority's belief that special weed control problems exist within the county with respect to the petitioned weed.~~

~~005.01C An affirmation by the control authority that the spread of the weed petitioned for can be controlled through utilization of the resources of the control authority.~~

~~005.01D A statement of agreement or specified disagreement by the weed control superintendent of that county with respect to the affirmations of the control authority contained in the petition.~~

005.02 Removal of petitioned weed from county control program.

~~005.02A The control authority may petition the director to remove a previously petitioned weed from the county's control program by submitting a petition in the form prescribed in 25 NAC 10-008.12.~~

~~005.02B The director may remove a petitioned weed from the county control program by notifying the control authority of such in writing. Such removal may only occur upon a determination by the director that such weed is not being controlled by the county's weed control program, or no longer poses a serious or special problem in the county. Such notice shall provide the The county has an opportunity~~

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for a hearing before the director prior to the removal of the weed from the county control program.

006 Department Review of Continuing Education Programs.

006.01 The director shall will review and approve all continuing education programs sponsored by any statewide association of county weed control superintendents or statewide associations of local governments responsible for weed control ~~that the Noxious Weed Control Act requires county weed control superintendents to complete.~~

006.01A A description of any continuing education program ~~shall be~~ is submitted by the sponsoring association to the director at least three weeks prior to the first scheduled day of the continuing education program.

006.01B Any A continuing education program shall will include the following:

006.01B1 A full attendance requirement with at least two roll calls for each eight hours of education.

006.01B2 Examinations which adequately test the participants' comprehension and understanding of the educational material presented in the program.

006.01B3 Passing scores of at least 70 percent on the examinations; and

006.01B4 Adequate procedures for documenting the attendance records, examinations, and examination scores.

006.01C Within three weeks after the last scheduled day of a continuing education program, the sponsoring association shall will provide the director documentation to show the continuing education program was carried out according to the description the association submitted to the director. ~~Such documentation shall include including :~~

006.01C1 Attendance records of all weed superintendents.

006.01C2 Copies of the examinations actually given during the program.

006.01C3 A listing of weed superintendents who have received passing score for the program; and

006.01C4 Evidence that superintendents who did not fully attend the program and who did not receive a passing score for the program were not credited by the association as having completed the program.

007 Forms to be used by the county authorities may be found at https://nda.nebraska.gov/plant/noxious_weeds/weed_control.html

008 Administration. These regulations shall be ~~are~~ administered by the Department of Agriculture, Animal and Plant Health Protection located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94756, Lincoln, Nebraska 68509-4756. The telephone number is (402) 471-2351.

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008 Forms:

008.01 Personnel Report

WEED CONTROL AUTHORITY BOARD ROSTER
(Due January 31 of each year)

_____ County, 20 _____

Section 2-953 of the Noxious Weed Control Act defines the control authority as the county weed district board or the county board.

Control authority is: _____ County Board _____ Weed Board

Title/Name	Mailing Address	Telephone	Board Type	Term Ends	Current Years of Service
Chairperson/Pres:					
V. Chair/V. Pres:					
Secretary:					
Treasurer:					
Member:					
Member:					
Member					
Superintendent			///////// ///////// /////////	///////// ///////// /////////	

* Type: C = City representative, weed board
R = Rural representative, weed board
B = Board member, county commissioner/supervisor

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- NOTE: (1) Roster should reflect current or upcoming members only.
(2) Ex-officio or weed liaison, commissioners, or supervisors designated to receive correspondence in lieu of the chairperson should be indicated.

County Weed Superintendent Signature _____ Date _____

Control Authority Chairperson/President Signature _____ Date _____

008.02 State Budget Report

Nebraska Department of Agriculture
Animal and Plant Health Protection
P.O. Box 94756
Lincoln, NE 68509
(402) 471-2354

Budget Report

(DUE January 31 of each year.)

_____ County, 20____

Current Year Budget:

Available Funds _____

Expenses _____

Prior Year Actual: _____

Revenues _____

Expenses _____

Superintendent Salary _____

County Weed Superintendent Signature _____ Date

Control Authority Chairperson/President Signature _____ Date

008.03 Control Plan

Nebraska Department of Agriculture
Animal and Plant Health Protection
P.O. Box 94756
Lincoln, Nebraska 68509
(402) 471-2351

**NOXIOUS WEED CONTROL PLAN
QUESTIONNAIRE**

(Due January 31 of each year)

_____ County, 20_____

Section 2-954 of the Noxious Weed Control Act requires each control authority to establish a coordinated program for the control of noxious weeds within the county.

On a separate sheet of paper, outline your anticipated noxious weed control plans, including the items listed below for the coming year. Be as specific and detailed as possible. Your completed control plan should then be attached to the control plan questionnaire, along with the completed signature page.

GENERAL

Control authority noxious weed objectives:

1. Provide at least three specific objectives that the county control authority intends to achieve in the coming year.
2. For each objective previously identified, provide the following information:
 - a. Purpose of the objective relative to the Noxious Weed Control Act.
 - b. Resources required to achieve the objective.
 - c. Specific procedures and steps needed to accomplish the objectives.
 - d. Final objective completion dates.

NOXIOUS WEED ENFORCEMENT

1. Which legal notices will be the primary enforcement tool of the county control authority?

10-day 15-day Both

The guidelines that the control authority has established for the weed superintendent to follow prior to the issuance of a legal notice are as follows:

2. Following the issuance of an individual notice, the policy of the control authority is as follows: (Include information on inspections, reports completed, persons notified, and required deadlines.)

3. Following the receipt of a legitimate report of a severe uncontrolled noxious weed infestation on private land, what steps will the control authority take to achieve compliance with the Noxious Weed Control Act? Your answer should be based on the assumption that personal requests have already been made to the landowner to control the infestation. However, those requests have been declined. Your plan should include information regarding inspection reports and type of notification or instructional materials that will be used. Identify persons conducting the enforcement work and persons who will be notified in the situation, such as any county board members, county clerks, sheriff, attorney, etc.

PUBLIC RELATIONS

Voluntary noxious weed control is an essential component of implementing the Noxious Weed Control Act. Public awareness and landowner cooperation is vital to a successful weed control program.

1. What public awareness meetings are planned? (Include approximate dates, type of group targeted, and anticipated topics.)

2. What plans have been made to have a display or to speak at another group's function? (i.e., co-op open house, extension crop meetings, city or countywide "home shows," county fair, or chemical company sponsored meeting.)

3. What type of plans do you have for notifying landowners concerning fall and spring noxious weed control periods? (i.e., mailings, posters, etc.)

4. The newspaper, radio, and television are great media to contact a large number of people. How will you include them in your noxious weed program?

INSPECTIONS

The Noxious Weed Control Act requires that all land within the jurisdiction of the control authority be inspected annually and that these inspections shall be documented as specified in the noxious weed rules and regulations 003.01B.

1. For the coming year, identify the person(s) who will be principally responsible for inspections:

008.04 Infestation Report

NOXIOUS WEED INFESTATION REPORT
(Due January 31 of each year)

_____ County, 20____

Section 2-954(3)(b) Noxious Weed Control Act requires the control authority to examine all land under its jurisdiction and for the superintendent to compile data on infested acres.

Record Acres Infested and Severity for Each Noxious Weed
and Land Use for the Preceeding Year

	Musk Thistle	Plumeless Thistle	Canada Thistle	Leafy Spurge	Knapweed	Purple-Loosestrife	Saltcedar	Pragmites	Japanese Knotweed	Giant Knotweed	Sericea lespedeza
Railroad											
None											
Trace											
Light											
Moderate											
Severe											
Total acres											
Roads											
None											
Trace											
Light											
Moderate											
Severe											
Total acres											
Nonagricultural											
None											
Trace											
Light											
Moderate											
Severe											
Total acres											

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	Musk-Thistle	Plumeless Thistle	Canada Thistle	Leafy Spurge	Knapweed	Purple-Loosestrife	Saltcedar	Pragmites	Japanese Knotweed	Giant Knotweed	Sericea-lespedeza
Pasture/Rang/Idle											
None											
Trace											
Light											
Moderate											
Severe											
Total acres											
Cropland											
None											
Trace											
Light											
Moderate											
Severe											
Total acres											
County Total											
None											
Trace											
Light											
Moderate											
Severe											
Total acres											

* spotted and diffuse

Noxious weeds petitioned by county: _____

Total Acres: _____

County Weed Superintendent Signature _____ Date

Control Authority Chairperson/President Signature _____ Date

008.05 Activity Report

ACTIVITY REPORT

(Due January 31 of each year)

_____ County, 20_____

Month and year weed superintendent started in the position:

For the preceding year, indicate the following:

1. ~~Control authority employees~~

- ~~_____ a. Number of weeks weed superintendent was employed full-time as a weed superintendent.~~
- ~~_____ b. Number of part-time or seasonal personnel employed annually.~~
- ~~_____ c. Number of full-time personnel.~~
- ~~_____ d. Percent of time weed superintendent spent on required noxious weed control activities.~~

2. ~~County noxious weed budget~~

- ~~_____ a. Actual total weed budget spent for the previous fiscal year.~~
- ~~_____ b. Total weed budget most recently adopted and approved (total requirements).~~
- ~~_____ c. Tax dollars required for weed control for last fiscal year (budgeted for current fiscal year).~~

3. ~~Public relations and education~~

- ~~_____ a. Number of public education and informational meetings presented by the control authority.~~
- ~~_____ b. Number of noxious weed articles published based on information provided by the control authority.~~
- ~~_____ c. Number of radio interviews conducted by the control authority regarding noxious weeds.~~

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- ~~_____ d. Number of informational letters or brochures distributed by the control authority regarding noxious weeds.~~
- ~~_____ e. Number of events that informational noxious weed displays were presented by the control authority.~~

~~4. Number of inspections completed and documented with appropriate inspection reports~~

~~Spring Fall~~

- ~~_____ a. Annual Noxious Weed Inspection.~~
- ~~_____ b. Special Noxious Weed Inspection.~~
- ~~_____ c. Complaint Noxious Weed Inspection.~~
- ~~_____ d. Follow-up Noxious Weed Inspection.~~
- ~~_____ e. Crop inspections.~~
- ~~_____ f. Article inspections.~~

~~5. Noxious weed notification and enforcement~~

- ~~_____ a. Number of reports received concerning uncontrolled noxious weed infestations (includes landowner complaints and Nebraska Department of Agriculture (NDA) reports).~~
- ~~_____ b. Number of requests made to individuals or other entities to control noxious weeds (excluding official notices).~~

~~6. Official 15-day notice results~~

- ~~_____ a. Number of 15-day notices issued.~~
- ~~_____ b. Number of 15-day notices which achieved acceptable compliance prior to notice expiration.~~
- ~~_____ c. Number of notices prosecuted.~~
- ~~_____ d. Dollar value of fine notices collected.~~
- ~~_____ e. Number of 15-day notice disposition reports completed.~~

~~7. Official 10-day notice results~~

- ~~_____ a. Number of 10-day notices issued.~~
- ~~_____ b. Number of 10-day notices which achieved acceptable compliance prior to expiration.~~
- ~~_____ c. Number of parcels force controlled by the county.~~

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- ~~_____ d. _____ Number of parcels force controlled by contractors.~~
- ~~_____ e. _____ Total number of acres force controlled.~~
- ~~_____ f. _____ Total number of liens filed for nonpayment.~~
- ~~_____ g. _____ Total number of 10-day notice disposition reports completed.~~

~~8. _____ Weed Superintendent Education and Training~~

- ~~_____ a. _____ Number of regional Nebraska Weed Control Association (NWCA) meetings attended.~~
- ~~_____ b. _____ Number of state NWCA meetings, workshops, or seminars attended.~~
- ~~_____ c. _____ Number of university, state, or federal information or training sessions attended.~~
- ~~_____ d. _____ Number of private industry training sessions attended.~~
- ~~_____ e. _____ Other _____~~

~~9. _____ Number of meetings weed superintendent held or attended with (other than those listed above):~~

- ~~_____ a. _____ Control authority.~~
- ~~_____ b. _____ County attorney.~~
- ~~_____ c. _____ District NDA inspector.~~
- ~~_____ d. _____ Railroad officials.~~
- ~~_____ e. _____ Road departments.~~
- ~~_____ f. _____ Municipalities.~~
- ~~_____ g. _____ Federal officials.~~
- ~~_____ h. _____ Other or miscellaneous _____~~

County Weed Superintendent Signature _____ Date

Control Authority Chairperson/ President Signature _____ Date

008.06A Inspection Report

NOXIOUS WEED INSPECTION REPORT

No. _____

_____ County, 20____

Legal Description (Sec. Twp. Rge) _____

Landowner _____ Address _____

Tenant _____ Address _____

For each inspection, include the following information:

Date: _____ Time: _____

Inspection Type: _____ Severity: _____

Noxious Weeds Found:

Locations: _____

Acres Inspected: _____ Acres Infested: _____ Land Use Category: _____

Control Recommendations: _____

Type of Notification Served: _____

Follow-up Response: _____

Other Comments: _____

Inspector Signature

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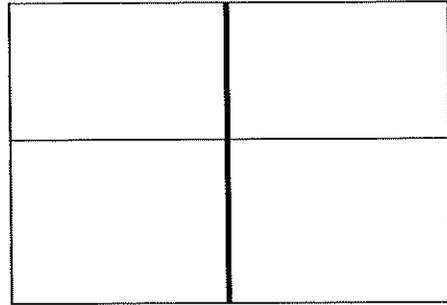
Inspection Types:

- AN = Annual
- SP = Special
- IN = Individual Notice
- FO = Follow-up

Noxious Weed Severity Guidelines:

- N = None
- T = Trace (a few present)
- L = Light (scattered individuals or patches)
- M = Moderate (uniform concentration or scattered severe patches)
- S = Severe (large dense concentrations)

Map size: _____



NOXIOUS WEED INSPECTION
SURVEY METHODS

Noxious weed mapping and inspecting is perhaps one of the most important duties of the county weed superintendent. Regular survey work will identify new and localized weed infestations, monitor yearly changes in existing infestations, and provide background documentation for enforcement efforts.

It is not the intent of this mapping inspection system to require detailed weed counts, but rather to provide a standardized approach using both qualitative and quantitative infestation characteristics. With experience, infestations can be visually estimated.

Survey Method

1. Define the total area of interest in acres, i.e., section = 640 acres.
2. On the map, delineate major land use areas. Indicate points of reference, compass direction (north), etc.
3. For each land use area, indicate noxious weed infestations, estimate acreage, and categorize the severity based on the guidelines provided.
4. The inspection report should serve as both a mapping tool and a documentation of your efforts. Thus, including all information requested at the top of the inspection report is important. Be as detailed and accurate as possible.

Approximating Area

1 acre = 208 ft. x 208 ft. = 100 ft. x 435 ft.

1 acre = approximately 1 football field 100 yds. x 50 yds.

1 acre = ½ mile of roadside 16.5 ft. wide

1 section = 640 acres = 1 mile x 1 mile

NOXIOUS WEED SURVEY AND INSPECTION REPORT ADDENDUM
Ratings

		Annual/Biennial Count	Perennial Count
None	None found	0	0
Trace	Present, but very few found. Enough to reproduce, but not enough to cause immediate economic loss.	Less than 1/acre average	Less than 1 shoot/acre OR less than 1 "small" patch/100 acres
Light	Scattered OR patches of moderate infestations affecting less than 1/5 of the area.	1-500/acre	1-500 shoots/acre, OR 1-2 "small" patches/100 acres
Moderate	Mostly uniform concentration OR scattered severe patches affecting 1/5 to 2/5 of the area.	500-5,000/acre OR 1-10/100 sq. ft.	500-5,000 shoots/acre OR 3-4 patches/100 acres
Severe	Dense uniform concentration or numerous large severe patches affecting more than 2/5 of the area.	Greater than 5,000/acre or Greater than 10/100 sq. ft.	Greater than

Note: A "small" patch is defined as an area less than 100 sq. ft.

Codes

LAND USE CODES

GROWTH STAGE CODE

CL - Cropland	SD - Seed
NA - Nonagricultural	SR - Seedling or Rosette
PT - Pasture/Range/Idle	SE - Sten Elongation/Bolting
RR - Railroad	BD - Bud Stage
RS - Roads	FL - Flower
	MA - Mature

Guidelines for Approximating Area

1 section = 640 acres = 1 miles x 1 mile
 1 acre = 208 x 208 feet = 100 feet x 435 feet = 43,560 square feet
 1 acre = about a football field 100 yards x 50 yards
 1 acre = 1/2 mile of roadside 16.5 feet wide
 1,000 square feet = 31.6 feet x 31.6 feet = 10 feet x 100 feet

008.06B Inspection Report _____ No. _____

NOXIOUS WEED INSPECTION REPORT

County: _____ Date: _____

Legal Description: (Sec. Twp. Rge.) _____

_____ Site Acres: _____

Annual: _____ Special: _____ Random: _____ Follow-up: _____

Landowner Name: _____ Tenant Name: _____

Habitat _____					Habitat _____				
	Trace	Light	Mod.	Severe	Trace	Light	Mod.	Severe	Growth Stage
Musk Thistle									
Plumeless Th.									
Canada Th.									
Leafy Spurge									
Knapweed									
P.Loosestrife									
Saltcedar									
Pragmites									
Japanese Knotweed									
Giant Knotweed									
Sericea lespedeza									

Habitat _____					Habitat _____				
	Trace	Light	Mod.	Severe	Trace	Light	Mod.	Severe	Growth Stage
Musk Thistle									
Plumeless Th.									
Canada Th.									
Leafy Spurge									
Knapweed									
P.Loosestrife									
Saltcedar									
Pragmites									
Japanese Knotweed									
Giant Knotweed									
Sericea lespedeza									

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Follow-up action by:

_____ is requested. A follow-up inspection will be made by the county weed control authority.

Report Copies to:

Landowner _____
Control Authority _____
County Attorney _____

Photographs:

Roll No. _____
Print No. _____

Comments: _____

Inspector Signature: _____

NOXIOUS WEED INSPECTION SURVEY METHODS

Noxious weed mapping and inspecting is perhaps one of the most important duties of the county weed superintendent. Regular survey work will identify new and localized weed infestations, monitor yearly changes in existing infestations, and provide background documentation for enforcement efforts.

It is not the intent of this mapping inspection system to require detailed weed counts, but rather to provide a standardized approach using both qualitative and quantitative infestation characteristics. With experience, infestations can be visually estimated.

Survey Method

1. Define the total area of interest in acres, i.e., section = 640 acres.
2. On the map, delineate major land use areas. Indicate points of reference, compass direction (north), etc.
3. For each land use area, indicate noxious weed infestations, estimate acreage, and categorize the severity based on the guidelines provided.
4. The inspection report should serve as both a mapping tool and a documentation of your efforts. Thus, including all information requested at the top of the inspection report is important. Be as detailed and accurate as possible.

Approximating Area

1 acre = 208 ft. x 208 ft. = 100 ft. x 435 ft.

1 acre = approximately 1 football field 100 yds. x 50 yds.

1 acre = ½ mile of roadside 16.5 ft. wide

1 section = 640 acres = 1 mile x 1 mile

NOXIOUS WEED SURVEY AND INSPECTION REPORT ADDENDUM
Ratings

		<u>Annual/Biennial Count</u>	<u>Perennial Count</u>
None	None found	0	0
Trace	Present, but very few found. Enough to reproduce, but not enough to cause immediate economic loss.	Less than 1/acre average	Less than 1-shoot/acre OR less than 1 "small" patch/100 acres
Light	Scattered OR patches of moderate infestations affecting less than 1/3 of the area.	1-500/acre	1-500 shoots/acre, OR 1-2 "small" patches/100 acres
Moderate	Mostly uniform concentration OR scattered severe patches affecting 1/3 to 2/3 of the area.	500-5,000/acre OR 1-10/100 sq. ft.	500-5,000 shoots/acre OR 3-4 patches/100 acres
Severe	Dense uniform concentration or numerous large severe patches affecting more than 2/3 of the area.	Greater than 5,000/acre OR Greater than 10/100 sq. ft.	Greater than 5,000 shoots/acre OR greater than 5 patches/100 acres

Note: A "small" patch is defined as an area less than 100 sq. ft.

Codes

LAND USE CODES

GROWTH STAGE CODE

CL - Cropland	SD - Seed
NA - Nonagricultural	SR - Seedling or Rosette
PT - Pasture/Range/Idle	SE - Sten Elongation/Bolting
RR - Railroad	BD - Bud Stage
RS - Roads	FL - Flower
	MA - Mature

Guidelines for Approximating Area

- 1 section = 640 acres = 1 miles x 1 mile
- 1 acre = 208 x 208 feet = 100 feet x 435 feet = 43,560 square feet
- 1 acre = about a football field 100 yards x 50 yards
- 1 acre = 1/2 mile of roadside 16.5 feet wide
- 1,000 square feet = 31.6 feet x 31.6 feet = 10 feet x 100 feet

~~008.07 General Notice. Publish on or before May 1 and between August 1 and October 1.~~

NOXIOUS WEEDS MUST BE CONTROLLED

~~You are required to control noxious weeds on your property.~~

~~The noxious weeds are: Musk Thistle, Plumeless Thistle, Canada Thistle, Leafy Spurge, knapweed (spotted and diffuse), Saltcedar, Phragmites, Japanese Knotweed, Giant Knotweed, Sericea lespedeza, _____ and Purple Loosestrife. Notice is hereby given this _____ day of _____, 20____, pursuant to the Noxious Weed Control Act, section 2-955, subsection 1(a), to every person who owns or controls land in _____ County, Nebraska, that noxious weeds being or growing on such land shall be controlled at such frequency as to prevent establishment, provide eradication, or reduce further propagation or dissemination of such weeds.~~

~~Upon failure to observe this notice, the county weed superintendent is required to:~~

- ~~1. Proceed pursuant to the law and issue legal notice to the landowner of property infested with noxious weeds giving such landowner 15 days to control the noxious weed infestation. Conviction for noncompliance may result in a \$100.00 per day fine to the landowner with a maximum fine of \$1,500; or~~
- ~~2. Should more immediate control be required, proceed pursuant to the law and have the weeds controlled by such method as he/she finds necessary, the expense of which shall constitute a lien and be entered as a tax against the land, and be collected as other real estate taxes are collected, or by other means as provided by law.~~

~~The public is also hereby notified that noxious weed seed and propagative parts may be disseminated through the movement of machinery and equipment, trucks, grain and seed, hay, straw, nursery stock, fencing materials, sod, manure, and soil as well as articles of similar nature. Methods of treatment have been prescribed by the Director of Agriculture and may be obtained from the county weed control authority.~~

~~By Order of _____ County Control Authority.~~

008.08 Crop Inspection Report

No. _____

CROP INSPECTION REPORT
(Attach Noxious Weed Inspection Report)

_____ County, Nebraska

The crop, _____ inspected on _____,
growing on _____
(Legal Description)

Section _____ Township _____ Range _____
owned by _____ and controlled by _____

(a) _____ has been inspected and found free of noxious weeds

(b) _____ has been inspected and found to be infested with noxious weeds and is hereby
quarantined and shall not be moved from said premises without written permission of _____

(County Weed Control Authority)

The prescribed treatment is: _____

Weed Control Superintendent Signature Telephone _____ Date _____

Producer Signature Telephone _____ Date _____

Release of Quarantined Crop

The crop growing on the following described land has been effectively treated to prevent the dissemination of noxious weeds and is no longer subject to quarantine.

Legal Description _____

Section _____ Township _____ Range _____

Crop _____

Signature and Title of Releasing Agent (_____) _____
Telephone Date

008.10 Individual Notice Disposition Report

INDIVIDUAL NOTICE DISPOSITION REPORT

County of _____, State of Nebraska, in reference
to individual notice issued on _____, 20____.
Notice type: _____ 15-day _____ 10-day
Method of Delivery _____

RECORD OF INSPECTIONS PERFORMED/EVIDENCE COLLECTED

Date	Report No.	Comments
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Prior to or at expiration of 10- or 15-day period, infestation was:

- ___ Adequately controlled by: _____ (method)
- ___ Partially controlled by: _____ (method)
- ___ Not Acceptable ___ Acceptable for short term
- ___ No evidence of control attempted as of _____

Following expiration of 10- or 15-day period:

10-Day Notice	15-Day Notice
Force controlled _____	Controlled on day # _____
on _____	of fine period _____
by _____	County attorney notified and
method _____	evidence submitted on _____
Landowner notified of charges _____	Court hearing date _____
on _____	Court ruling _____
Register of deeds notified _____	_____
on _____	_____
Payment received on _____	_____
Unpaid for two months expense- certified to county treasurer on _____	_____

008.11 Petition to Designate a Weed Noxious in a County

Section 2-954 of the Noxious Weed Control Act states that whenever special weed control problems exist in a county involving weeds not included in the rules and regulations, the control authority may petition the Director to bring such weeds under the county control program.

PETITION

Date: _____

To: The Director of Agriculture, State of Nebraska

From: The _____ County Control Authority

RE: Petition to have the Director of Agriculture approve of the employment of the forced control provisions of sections 2-953 to 2-955 and 2-958 of the Noxious Weed Control Act against the weed known as:

Common name: _____

Scientific name: _____

The _____ County Control Authority hereby petitions the Director of Agriculture of the state of Nebraska for approval of our employment of the forced control provisions of sections 2-953 to 2-955 and 2-958 of the Noxious Weed Control Act against the weed:

(scientific name)

In support of said petition, we hereby make the following affirmations to the Director of Agriculture:

1. That said weed poses a serious and special problem in this county due to the adverse effect of said weed on crop or livestock production, aesthetic value and/or other adverse impacts which reduce land value and decrease tax revenue.
2. That said weed has not been designated and published by the Director of Agriculture as noxious.
3. That the county board of _____ County has approved of the making of this petition.
4. That the control authority, in cooperation with the county board, held a hearing on the petition on _____ at _____ in _____, Nebraska.
5. That notice of said hearing was given by publication in a newspaper of general circulation in the county at least ten days prior to the hearing, and that a copy of said notice is attached hereto.

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- 6. ~~That a transcript of said hearing has been prepared and a copy thereof is attached hereto.~~
- 7. ~~That the testimony and evidence presented at the public hearing generally supports affirmation number 1.~~
- 8. ~~That _____ County is willing and able to devote adequate resources as defined in 25 NAC 10-005.01A for the control and prevention of said weed.~~
- 9. ~~That said weed can be controlled through utilization of the resources referred to affirmation number 8.~~

County Control Authority Signatures

_____	_____
_____	_____
_____	_____
_____	_____

I, _____, duly certified weed control superintendent for _____ County, Nebraska, have reviewed the above mentioned affirmations of the weed control authority and find them to be accurate to the best of my knowledge, with the following exceptions: (If none, so state) _____

Signed: _____

APPROVAL
County Board Signatures

_____	_____
_____	_____
_____	_____
_____	_____

008.12 Petition to Remove Weed from County Control Program

PETITION

Date: _____

To: The Director of Agriculture, State of Nebraska

From: The _____ County Weed Control Authority

RE: Petition to have the Director of Agriculture approve removal of the employment of the forced control provisions of sections 2-953 to 2-955 and 2-958 of the Noxious Weed Control Act against the weed known as:

Common name: _____

Scientific name: _____

The _____ County Weed Control Authority hereby petitions the Director of Agriculture of the state of Nebraska for approval to remove forced control provisions of sections 2-953 to 2-955 and 2-958 of the Noxious Weed Control Act against the weed:

(scientific name)

In support of said petition, we hereby make the following affirmations to the Director of Agriculture:

1. That said weed no longer poses a serious or special problem in this county.
2. That said weed has not been designated and published by the Director of Agriculture as noxious.
3. That the county board of _____ County has approved of the making of this petition.
4. That the control authority, in cooperation with the county board, held a hearing on the petition on _____ at _____ in _____, Nebraska.
5. That notice of said hearing was given by publication in a newspaper of general circulation in the county at least ten days prior to the hearing, and that a copy of said notice is attached hereto.
6. That a transcript of said hearing has been prepared and a copy thereof is attached hereto.
7. That the testimony and evidence presented at the public hearing generally supports affirmation 1. above.

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County Weed Control Authority Signatures

_____	_____
_____	_____
_____	_____
_____	_____

I, _____, duly certified weed control superintendent for _____ County, Nebraska, have reviewed the above-mentioned affirmations of the weed control authority and find them to be accurate to the best of my knowledge, with the following exceptions: (If none, so state) _____

Signed: _____

APPROVAL
County Board Signatures

_____	_____
_____	_____
_____	_____
_____	_____

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009 Publication Adopted. See Appendix A.

010 Annotation. Neb. Rev. Stat. §§2-945.01 through 2-968.