

## Noxious Weed Trust Fund Act Administrative Rules

**4.5.101 DEFINITIONS.** When used in these rules, unless a different meaning clearly appears from the context:

- (1) "Department" means the department of agriculture provided for in [2-15-3001](#), MCA.
- (2) "Weed management" or "control" means the planning and implementation of a coordinated program for the containment, suppression, and where possible, eradication of noxious weeds.
- (3) "Advisory council" means the noxious weed management advisory council provided for in [80-7-805](#), MCA.
- (4) "Project" means a planned undertaking which involves one or more renewable resources at an identified site or geographic location in Montana.
- (5) "Project sponsor" means the local state or national organization, either public or private, supporting a project.
- (6) "Renewable resource" means all land used for domestic livestock grazing, timber, or crop production, recreation, or wildlife and all water resources.
- (7) "Public benefits" means those benefits that accrue to persons other than the grant recipient and enhance the common well-being of the people of Montana.
- (8) "Tangible returns" means either monetary or non-monetary returns that will accrue to the state.
- (9) "Community group" means three or more private landowners or federal, state, or local entities working together to control noxious weeds.
- (10) "Noxious weed emergency" means a new and potentially harmful noxious weed growing in the state that has been verified by the department and declared an emergency as provided for in [80-7-815](#), MCA.

(History: Sec. [80-7-802](#), MCA; IMP, Sec. [80-7-801](#) & [80-7-811](#), MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86.)

**4.5.102 APPLICATION PROCEDURE.** (1) The department will specify funding cycles and application deadlines as necessary.

(2) The department may return an insufficient or incomplete proposal for correction or completion. The department may provide the applicant with reasons for the proposal's return and a brief description of the information required in order to make the proposal correct or complete, or both. If these corrections or completions, or both, are not made, the proposal will not be evaluated.

(3) Proposals which more closely fit the legislative authority of another loan or grant program within state government will be referred to that program for review.

(4) The applicant may request assistance from the department in completing the application. The department will provide such assistance, the level of which will be determined by availability of staff and funds.

(5) Advisory council will review, rank and recommend proposed projects and funding according to the guidelines and criteria described in ARM [4.5.108](#). Advisory council recommendations will be submitted to the department for final review and determination of funding. The applicant will

receive written notification from the department of the action taken on the proposal. (History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86; AMD, 1998 MAR p. 2472, Eff. 9/11/98.)

**4.5.103 APPLICATION CONTENT FOR GRANTS** All applications for grants shall contain:

- (1) Name, address, and telephone number of the project sponsor, project manager and liaison (if different than manager).
- (2) Title or name of the proposed project.
- (3) Location of proposed project.
- (4) A brief description of the history and background of the project.
- (5) A discussion of the need and urgency for the project and why it is best means to achieve the desired results.
- (6) Objectives of the project and desired accomplishments.
- (7) Discussion of the projects technical feasibility.
- (8) Amount of money to be requested for a grant. A statement indicating the amount of funding available from other sources. If no other funding is available, the applicant must give the reasons.
- (9) Proof, where appropriate, the applicant has the cooperation of all landholders within the project area including federal, state, and private entities.
- (10) A statement indicating both public and tangible benefits which would accrue as a result of the proposed project.
- (11) An evaluation of the project as required in ARM [4.5.105](#) and [4.5.106](#).
- (12) A statement that the project sponsor, if the grant receives department approval, is willing to enter into a contract with the department for utilization of grant funds.

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86.)

**4.5.104 TECHNICAL, FEASIBILITY OF PROJECTS.** Technical data and information to be provided in the proposal shall include but is not limited to the following:

- (1) A thorough discussion of the work plan including the purpose, location and schedule of major project phases.
- (2) A listing of herbicides, biological control agents, or cultural methods used for weed control within the project area, where appropriate. This description may include prior field investigations and research information to support the proposal.
- (3) Educational programs that will be conducted in conjunction with the project to increase weed awareness and improve weed control techniques of county residents.
- (4) Maps, drawings, charts, tables, etc., used as a basis for project planning and implementation.
- (5) A map showing land ownership associated with the project; and

(6) Description of other management alternatives and applicants consideration of those alternatives.

(7) The department may request any additional information deemed necessary to document technical feasibility.

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86.)

**4.5.105 PROJECT EVALUATION.** (1) All project sponsors shall document the results of the project and the impact on the state and/or renewable resource. The amount of information required for evaluation of the technical, economic, environmental, financial and other factors may vary depending on the size and complexity of the project. The department may advise the applicant of the amount of documentation and evaluation necessary.

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86.)

**4.5.106 ECONOMIC ASSESSMENT OF PROJECTS.** (1) The projects which receive funding shall demonstrate tangible return to the state of Montana or its citizens.

(2) The applicant shall document current benefit and cost data. (History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86.)

**4.5.107 LEGAL REQUIREMENTS.** (1) The applicant is required to follow all statutory and regulatory standards.

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86.)

**4.5.108 EVALUATION OF PROJECTS.** (1) The advisory council shall review and rank all projects as high, medium or low and by majority vote recommend to the department those projects which meet appropriate criteria for the project and the program.

(2) The advisory council shall consider the following criteria in recommending projects for funding:

(a) Projects which meet requirements specified in [80-7-814](#), MCA, of the Noxious Weed Trust Fund Act.

(b) Projects that involve community groups, weed districts, reservations or conservation districts.

(c) Projects which can be utilized statewide and will provide the most tangible returns to the county or state.

(d) Projects in areas where county weed district funding sources for noxious weed control are limited.

(e) Projects which include educational programs to increase weed awareness and improve weed control techniques.

(f) Projects which involve an integrated weed management plan including biological, cultural, and chemical control.

(g) Projects which will enhance the renewable resources.

(h) Projects which include matching funds (including in-kind services) from private, state, and/or federal entities.

(i) Projects which have not previously received funds from the program.

(j) Projects whose results will provide public benefits.

(k) Projects with a long term effect on natural resources.

(l) Projects which involve noxious weed emergencies.

(3) The advisory council evaluations and recommendations will be submitted to the department for final review and determination of funding for grant requests.

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86; AMD, 1998 MAR p. 2472, Eff. 9/11/98.)

**4.5.109 REPORTING AND MONITORING PROCEDURES.** (1) The project sponsor or project manager shall monitor the progress and results of the project and evaluate its overall effectiveness. The project sponsor shall submit to the department fiscal reports and written progress reports as determined by contract. If the department determines through field or office evaluations that improper progress or fiscal reports have been filed, the project sponsor shall initiate necessary corrective action.

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-814](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86; AMD, 1992 MAR p. 1861, Eff. 8/28/92; AMD, 1997 MAR p. 974, Eff. 7/22/97.)

**4.5.110 NOXIOUS WEED LIST.** (IS HEREBY REPEALED)

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-801](#)(3) and [80-7-812](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86; REP, 1988 MAR p. 268, Eff. 2/12/88.)

**4.5.111 NOXIOUS WEED IDENTIFICATION AND VERIFICATION.**

(1) The department will identify new and potentially harmful noxious weeds based on characteristics which make the plant undesirable, troublesome, and/or difficult to control in cropland, rangeland, forestry, industrial, recreational or non-crop sites.

(2) The department shall verify the existence of a noxious weed in Montana using any one or a combination of methods set forth below:

(a) Verification of location of the infestation based on herbarium records.

(b) Scientific identification of the plant by a botanist or weed scientist and by the concurrence of another botanist or weed scientist, or

(c) Submission of a plant by any person which is scientifically identified by the scientists of the Montana state university or university of Montana herbarium.

(History: Sec. [80-7-802](#) MCA; IMP, [80-7-815](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86; AMD, 1998 MAR p. 2472, Eff. 9/11/98.)

**4.5.112 NOXIOUS WEED MANAGEMENT COUNCIL.** (1) The members of the noxious weed management advisory council appointed by the director serve two-year terms. Members may serve for a maximum of three consecutive two-year terms.

(History: Sec. [80-7-802](#) MCA; IMP, Sec. [80-7-805](#) MCA; NEW, 1986 MAR p. 651, Eff. 4/25/86; AMD, 1992 MAR p. 1861, Eff. 8/28/92; AMD, 1997 MAR p. 974, Eff. 7/22/97.)

**4.5.113 DEALER RECORD REQUIREMENTS.** (IS HEREBY REPEALED)

(History: Sec. [80-8-105](#) and [80-7-802](#) MCA; IMP, Sec. [80-7-812](#) MCA; NEW, Eff. 7/5/76; TRANS from ARM [4.10.504](#)(5)(b), Eff. 12/31/88; REP, 1997 MAR p. 974, Eff. 7/22/97.)