

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

ITEM DATE: August 13, 2019	ITEM TIME: 2:15 pm
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FROM:	Greg Brown
TODAY'S DATE:	April 10, 2019
AGENDA TITLE:	Leafy spurge control on Iron Springs Ranch

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
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CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:

Routt County has adopted Resolution 2008-002 (attached), which sets forth weed control and enforcement processes. Routt County has also adopted the Routt County 13 Noxious Weeds informational pamphlet (attached). Leafy Spurge (*Euphorbia esula*) has been identified as a noxious weed by Routt County as a weed requiring suppression or management. Leafy Spurge is also on the State of Colorado, Department of Agriculture, noxious weeds inventory appearing on List B.

A Leafy Spurge infestation on the Iron Springs Ranch, owned and operated by Frank Stetson, was first identified and reported to the Routt County Weed Program (RCWP) in August, 2015. A weed control plan was developed and implemented during the 2016 growing season. Both aerial spraying and ground control practices were used in 2016 and 2017 to control the growth of Leafy Spurge on Iron Springs Ranch. No such management or control practices were performed in 2018 or 2019.

New Leafy Spurge patches have been identified and reported on Iron Springs Ranch. Todd Hagenbuch with Routt County/Colorado State University Extension Office has made a visual inspection and has reason to believe that a Leafy Spurge infestation exists on the property. The weeds are visible from County Road 14 and a neighboring property. The public right of way does not contain any Leafy Spurge in the area of the Ranch.

On August 2, 2019, RCWP sent a certified letter to Frank Stetson identifying the concerns related to the noxious weed infestation, providing information related to appropriate weed control practices, and requesting compliance with acceptable weed control practices. As of the date of this submittal, RCWP has not received any written information or correspondence from Mr. Stetson or his ranch. I did have a phone conversation with Mr. Stetson where he made it clear that he does not intend to finance any further action to control the weed.

RCWP has also been in contact with the Yampa Valley Land Trust (YVLT) which “holds” a conservation easement on the subject property. YVLT has confirmed that it is aware of the situation and will work with RWCP to address the weed infestation.

RCWP has contacted the Routt County Attorney’s Office for assistance related to possible legal action if authorized by the Board. As an alternative to court intervention, a property owner may request arbitration pursuant to C.R.S. § 35-5.5-109.

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II. RECOMMENDED ACTION:
It is recommended that the Board authorize the County Attorney's Office to commence legal action to enforce Colorado state laws regarding noxious weed control and Routt County Resolution 2008-002.
III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
<p>The county is not liable for the cost of controlling this leafy spurge infestation and it is the responsibility of the landowner to either complete the work themselves or hire contractor(s) to perform the work. If the County is required to conduct any weed control efforts, the property owner may be charged the actual costs of such efforts including twenty percent for inspection and other incidental costs.</p> <p>If the landowner contracts for or conducts the treatment without involving Routt County, the landowner will only be liable for the costs associated with the control efforts.</p>
PROPOSED EXPENDITURE:
FUNDING SOURCE:
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
Adjacent properties and properties downstream on the Yampa River may be impacted by the Leafy Spurge infestation.
V. BACKGROUND INFORMATION:
VI. LEGAL ISSUES:
Court intervention may be required to gain compliance with state law and the County Resolution.
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
VIII. SUMMARY AND OTHER OPTIONS:

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