

NOXIOUS WEEDS COST SHARE ABATEMENT PROGRAM

**Nevada Department
of Agriculture**
Noxious Weed Program
405 South 21st Street
Sparks, NV 89431

I. PURPOSE AND SCOPE

The purpose of this document is to identify the roles and responsibilities of all parties as they relate to achieving noxious weed control in Nevada. This document will outline the relationships between all parties necessary to enforce the regulations of noxious weed control for the State of Nevada found in Nevada Revised Statutes (NRS) chapter 555 and to conduct noxious weed abatements under said statutes.

II. PROBLEM/NEED

Noxious weeds cause numerous negative impacts on lands across Nevada. These invasive plants can cross property lines and will spread great distances if left uncontrolled. Problems arise when not all landowners perform necessary treatments to achieve containment and/or reduction in infestations.

Since jurisdictions and responsibilities of both the Nevada Department of Agriculture (NDA) and Nevada's Counties overlap, it is imperative that all parties work together to accomplish successful noxious weed control.

When landowners fail or refuse to control the noxious weeds on their land, an abatement action may become necessary. This document will address the roles of all parties involved in conducting such abatements.

III. NDA and COUNTY RESPONSIBILITIES

The following aspects of the relationship between the NDA and the county are understood.

A. The NDA will not infringe upon the county's ability to conduct internal, local regulatory procedures regarding noxious weed control.

1. The NDA will not keep record of landowners and properties that the county contacted and gained treatment compliance on with internal procedures. Those records are housed by the county.

2. The NDA will not become involved in these procedures unless additional state level support is requested from the county to gain compliance¹ or a complaint/report is made to the NDA regarding a property within the county.

B. If an infestation is reported to the NDA or found by NDA staff the NDA will contact the county to confirm the status of the infestation within the county regulatory system.

1. If an infestation has not been controlled or the county requests assistance and action from the NDA, a preliminary site visit² will be conducted.

2. Once basic documentation of an infestation is obtained, the NDA will send by certified mail a first notice regulatory letter to the landowner and, if applicable, occupant. The letter will state landowner or occupant duties per statutes, the appropriate treatment measures based on the best available science, and a deadline for response and compliance.

a. After the landowner or occupant contacts the NDA and agrees to comply with statutes, additional site visit(s) will be conducted to confirm that treatments as required are being conducted and to discuss future treatments (if necessary) with landowner.

3. If the landowner or occupant fails to contact the NDA within specified time frame or refuses to control or treat noxious weeds in the specified manner by the first notice, the NDA will send by certified mail a second notice regulatory letter. The second letter will state the landowner or occupant duties per statutes, the appropriate treatment measures, and a deadline for response and compliance. Additionally, it will be noted that if the landowner or occupant fails to contact the NDA within specified time frame or refuses to control or treat noxious weeds in specified manner of the notice, the NDA *shall* notify the county which in turn may follow the abatement process per NRS 555.170(2).

NRS555.170 Neglect of owner or occupant to eradicate weeds after notice; action by county commissioners; payment of costs by county.

2. Upon notice as provided in subsection 1, the board of county commissioners concerned shall proceed to have cut, destroyed or eradicated the weeds in question in accordance with the requirements of the notice served upon the owner or occupant of the land in question, paying for such cutting, destruction or eradication out of county funds.

C. If an abatement is necessary the county can choose to participate in the NDA Noxious Weeds Cost Share Abatement Program.

¹ "Compliance" is defined as - noxious weeds are controlled in a accepted manner by the NDA that prevents further spread and shows reduction in infestation area and density.

² "Site visit" can be performed by either NDA noxious weed program staff or county weed control staff and will include obtaining photo documentation and/or GPS location of infestation.

1. If the county chooses to participate in the MOU offered pursuant to this cost share program, the NDA will provide up to 80 percent of the initial cost of the abatement with the agreement by the county files a lien against the property to recover all costs. Upon collection, the county will then reimburse the funds advanced by the NDA and a percentage of any interest collected equal to the percentage of funding provided.
2. Abatements will be conducted on a per treatment need basis. The NDA and the county will agree upon the terms in a signed Memorandum of Understanding. The county agrees to proceed with the abatement at the earliest practical opportunity.

IV. ABATEMENT REQUIREMENTS

Pursuant to NRS 555.70(1) An abatement of noxious weeds may be conducted if any one of the following criteria are met:

1. After being notified by the NDA to control noxious weeds, the landowner or occupant refuses to perform required control of noxious weed infestation on their land.
2. After being notified by the NDA to control noxious weeds, the landowner or occupant fails or neglects to perform treatments in manner or time specified.
3. After being notified by the NDA to control noxious weeds, little to no reduction in noxious weeds has been observed over a time frame appropriate for the infestation observed.

NRS555.170 Neglect of owner or occupant to eradicate weeds after notice; action by county commissioners; payment of costs by county.

1. If any owner or occupant of the lands described in the notice served, as provided in NRS 555.160, shall fail, neglect or refuse to cut, destroy or eradicate the weeds designated, upon the land described, in accordance with the requirements of the notice, the State Quarantine Officer may notify the board of county commissioners of the county or counties in which the land is located of such failure, neglect or refusal.



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