



Legislative Audit Division

Performance Audit Summary

Noxious Weed Management on State Lands

March 2003

Introduction

At the request of the Legislative Audit Committee (LAC), the Legislative Audit Division conducted a limited scope performance audit of noxious weed management activities on state lands. The majority of state lands is designated as school trust lands. Revenue generated from leasing for grazing, agriculture, minerals and forest harvesting on these lands is used to support schools funding. Land administered by five agencies was included in our review:

- Natural Resources and Conservation (DNRC)
- Montana Department of Transportation (MDT)
- Department of Fish, Wildlife, and Parks (FWP)
- Department of Corrections (DOC)
- The University System

Agreement and Plan Requirements

According to section 7-22-2151, MCA, noxious weed management in Montana is administered through cooperative agreements between state agencies and weed boards. These agreements should include:

- Six-year integrated noxious weed management plan.
- Noxious weed management goals statement.
- Plan of operations for biennium, including budget.
- A biennial performance report from the weed board to the state weed coordinator in the Montana department of Agriculture (MDA).

Conclusion: Agencies are in compliance with Written Agreement and Six-year Plan Requirements.

Written agreements were in place. Six-year plans included a goals statement and made reference to budget requirements.

Biennial Performance Reports

The majority of biennial performance reports was generic and did not provide an indication of specific weed control activities. There was no attempt to consolidate reports or to generate a statewide assessment. The current contents of biennial reports do not provide an assessment of effectiveness. As a result, the weed district biennial reports are not used. A consolidated report reflecting an assessment of weed management effectiveness on state lands would be more useful. **We recommend MDA:**

- Develop biennial report criteria and format to assess the status of noxious weeds on state lands in each county.**

- Establish procedures for joint weed districts and state agency report preparation, coordination, and submission.**

- Consolidate weed district biennial reports into a statewide state lands noxious weed report for submission to the legislature and governor.**

Noxious Weeds on Trust Lands

The Montana Weed Management Plan indicates 9 percent of state lands are infested with noxious weeds. Since “infested” was not defined in the plan, we assumed infestation meant some level of noxious weeds compared to total vegetation. To develop an indicator of the infestation level, we accompanied weed coordinators in 20 counties to 119 randomly selected parcels of leased trust lands. We asked weed coordinators to rate the percent of noxious weeds visible compared to total vegetation. Coordinators rated 43 percent of the parcels as zero noxious weeds visible and 36 percent as 1 to 9 percent of the vegetation. In the remaining 21 percent of the parcels, noxious weeds accounted for 10 to 100 percent of total vegetation. **Using this assessment indicator, we conclude noxious weed infestation on state lands could be higher than the 9 percent figure identified in the state management plan.**

If the percent of infested parcels increases and/or the level of infestation on parcels increases, then carrying capacity is reduced and less revenue is available to the school trust. If infested parcels and/or the level of infestation decreases, carrying capacity and trust revenue can increase.

Alternatives for Grazing Lease Incentive

Historically, the department has relied on lessees for noxious weed control. According to state law if a weed district conducts noxious weed control on leased state lands, the lessee is responsible for the bill. In addition, the lessees are to keep the land free of noxious weeds at their own cost. The conditions of the lease agreement also designate the lessee as responsible for weed control. This contractual agreement is important, because it not only designates the lessee responsible for weed control, but also implies the department is responsible for oversight.

Establish an Incentive for Noxious Weed Control on Grazing Lands

The results of our state lands parcel assessment indicate noxious weeds are a more significant problem on grazing

lands than on agricultural lands. We attribute this in part to the incentive provided by the rental rate determination for agricultural lands, which is based on production. The formula for grazing leases does not appear to provide a similar incentive. **We recommend DNRC:**

- A. **Review alternatives for establishing a grazing lease incentive for weed management.**
- B. **Make recommendations to the State Board of Land Commissioners and seek legislation as appropriate.**

Monitoring Priority Weed Infestations?

The Trust Land Management Division processes about 1,000 lease renewals each year. Leases are renewed every five or ten years depending on the term of the lease. Prior to renewal staff conduct assessments, including a forage inventory. When the department identifies a weed concern during renewal, staff can attach stipulations to the lease agreement requiring supplemental weed management. Stipulations and supplemental plans are used for five percent of the leases renewed each year.

Current Process Does Not Assure Priorities are Identified or Monitored

The current process allows for identification of noxious weed concerns on trust lands every five or ten years. Infestations of existing or new noxious weeds can become well established within five years. While the use of a standard lease weed clause, stipulations, and supplemental weed plans indicates DNRC recognizes the need for weed management, department officials do not have assurance they are managing the highest priority noxious weed concerns. **To optimize the return to the school trust by reducing noxious weeds, we recommend DNRC:**

- A. **Identify significant noxious weed infestations on state lands.**
- B. **Monitor priority noxious weed infestations and weed management compliance.**

Enforcement Alternatives

There is a reliance on weed districts for enforcement of weed management requirements. If the lessee remains uncooperative, the expectation is the weed district will use its enforcement authority to resolve the problem. Currently, if a lessee does not manage weeds, the only alternative to weed district enforcement is to invoke the lease cancellation clause. Staff expressed reluctance to use the lease cancellation authority, because many state parcels are inaccessible, except through the current lessee's property. Lease cancellation can make access for weed control by DNRC staff or a new lessee difficult.

The state is responsible for optimizing the trust. Therefore, monitoring weed management compliance, which impacts trust revenue, should not be left to weed

districts. **To improve noxious weed control and optimize return to the trust, we recommend DNRC:**

- A. **Verify compliance on leased parcels.**
- B. **Evaluate alternatives for enforcement of noxious weed management requirements.**
- C. **Make proposals to the State Board of Land Commissioners as appropriate.**

Weed Project Involvement

Some district weed coordinator comments acknowledged DNRC involvement in weed control projects on leased lands and department contributions to local cooperative projects. Most however, reflected minimal DNRC involvement. In our survey of lessees, we asked lessees to describe DNRC involvement in weed management on leased trust lands. Respondents indicated DNRC:

- Assists with inventory/mapping -- 14 percent
- Assists with weed management plan -- 3 percent
- Assists with weed control -- 9 percent
- Does not provide assistance -- 74 percent

DNRC Weed Management Funding

Department noxious weed management funding for fiscal year 2002 included:

- \$31,000 from the resource development account to be used by DNRC's Trust Land Management Division.
- \$5,000 from the recreational use account.
- Approximately \$90,000 expended by the Forest Management Bureau for timber lands.
- A portion of staff time (5 to 15 percent) at land/field offices (assessing, spray herbicides, bio-controls, etc).

Department Weed Management Priorities

The DNRC approach does not necessarily identify weed priorities for trust lands, whether leased, un-leased, agriculture, grazing, or timber. The approach relies on lessees for weed management. Therefore, DNRC does not request weed management funding based on state-wide priorities. Officials use the amount approved in previous years as the basis for succeeding budget requests. The department should establish a more formal process recognizing a level of responsibility for participation in weed management on trust lands. **We recommend DNRC:**

- A. **Identify land/unit office weed management projects warranting involvement by the department.**
- B. **Consolidate DNRC weed management projects and develop budget proposals for executive and legislative consideration.**

For a complete copy of the report (02P-12) or for further information contact the Legislative Audit Division at 406-444-3122; e-mail to lad@mt.gov; or check the web site at <http://leg.mt.gov/audit>.