

Fort Belknap Indian Community

# Noxious Weed Management Strategic Plan

2013 – 2018



Submitted by  
Center for Invasive Species Management  
Department of Land Resources and Environmental Sciences  
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## LIST OF ABBREVIATIONS

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AIS	Aquatic invasive species
AOP	Annual operating plan
APHIS	Animal and Plant Health Inspection Service
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
EDDMapS West	Early Detection and Distribution Mapping System for the West
FBICC	Fort Belknap Indian Community Council
FBIC	Fort Belknap Indian Community
MDT	Montana Department of Transportation
NRCS	Natural Resources Conservation Service
USDA	United States Department of Agriculture

## EXECUTIVE SUMMARY

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The Fort Belknap *Noxious Weed Management Strategic Plan* reviews the known distribution and abundance of noxious weeds on the Fort Belknap Indian Reservation. It outlines strategies for the prevention, early detection, eradication, education, and control or containment of noxious weeds.

Noxious weeds are non-native plants that may invade habitats and then spread, outcompeting and displacing native plants and animals. Noxious weeds can reduce grazing land and impact wildlife habitat.

The goal of the plan is to help conserve native plants and habitats through natural resource stewardship and noxious weed management. The overall objectives focus on preserving healthy habitat and improving the condition of impaired lands:

**Weed-free areas or healthy land with low levels of weeds** conserve habitat while balancing conservation and use. Sustaining healthy habitat can be successful and cost effective as it often only requires low levels of weed control and reducing stressors caused by man, such as heavy grazing by livestock.

**Degraded areas with weed problems** control infestations and restore habitat. This may require extensive resources and long-term management, including rehabilitation to prevent further degradation.

This management plan aims to deliver five objectives and associated tasks:

1. Prevent new infestations through interrupting or reducing movement and reducing invasion potential.
2. Detect and map small infestations by frequently surveying high-risk sites for weeds and establishing passive detection networks.
3. Eradicate small infestations through persistent follow-up, ATV spray programs, and “adopt a patch” initiatives with reward and recognition systems.
4. Educate the tribal community by designing projects based on local knowledge and concerns, and protecting cultural and natural heritage resources.
5. Map and control established infestations by employing weed-specific protocols.

## Introduction

The purpose of the Fort Belknap *Noxious Weed Management Strategic Plan* is to provide weed management goals and objectives that will help conserve the tribes' native grasslands, shrublands, and other habitats against the impacts and spread of noxious weeds. Noxious weeds are non-native plants that can invade native habitats and then persist and spread. They may outcompete and displace native plants and animals, reducing grazing land and impacting habitat. Implementing the plan is anticipated to result in:

- Improved condition of the land, wildlife habitat, and forage;
- Relationships built through cooperation and coordination;
- A healthy, productive environment for the tribal community;
- Conservation of abundant vegetation and wildlife and healthy watersheds;
- Increased awareness of natural resource stewardship among the youth;
- Youth who are prepared for employment opportunities in natural resources;
- An abundance of resources for the children of the tribal community;
- Increased likelihood that future generations will be able to experience cultural recreational activities such as horseback riding, camping, hunting, fishing, gathering, and hiking; and
- Conservation of culturally significant plants.

This plan was developed in consultation with the Bureau of Indian Affairs (BIA), Fort Belknap Reservation Extension Service, Indian Nations Conservation Alliance, producers, community members, and representatives from the Fort Belknap Indian Community (FBIC) Conservation District, the Community Economic Development Committee, and the following Tribal Departments: Roads Maintenance, Environmental, and Fire Management. This plan outlines a number of actions designed to reduce spread, contain existing infestations, and minimize current and potential impacts of noxious weeds on tribal lands. These actions are supported by consultation with stakeholders during community workshops and field tours held in June 2013 (Appendix A).

## Fort Belknap Indian Reservation

### History

The Fort Belknap Reservation is located in north-central Montana (Figure 1). It was created in 1888 as the homeland for the Gros Ventre (Aaniiih) and the Assiniboine (Nakota) Tribes. The following excerpt is from *Fort Belknap History* (FBIC 2012):

“The Gros Ventre people call themselves ‘Ah-ah-ne-nin,’ meaning ‘the White Clay People.’ They believed that they were made from the white clay that is found along the river bottoms in Gros Ventre country. Early French fur trappers and traders named this tribe ‘Gros Ventre’ because other tribes in the area referred to them as ‘the Water Falls People.’ The sign for water fall is the passing of the hands over the stomach and the French thought the Indians were saying big belly so they called them ‘Gros Ventre’ meaning ‘big belly’ in the French language.

The Assiniboine people refer to themselves as ‘Nakoda,’ meaning the generous ones. This tribe split with the Yankonai Sioux in the 17th Century and migrated westward onto the northern plains . . . ‘Assiniboine’ is a Chippewa word meaning, ‘one who cooks with stones.’ The Assiniboine were one of the strongest plains tribes before the smallpox epidemic drastically reduced their numbers.

Today, the two tribes are united as one government called the Fort Belknap Indian Community. Together, the tribes have formed and maintained a community that has deep respect for its land, its culture, and its heritage. Fort Belknap derives its name from the original military post that was established on the Milk River, one mile southwest of the present town of Chinook, Montana. The fort, named for William W. Belknap, who was the Secretary of War at that time, was a military fort combined with a trading post. It became a government agency for the Gros Ventre and Assiniboine Indians living in the area.”

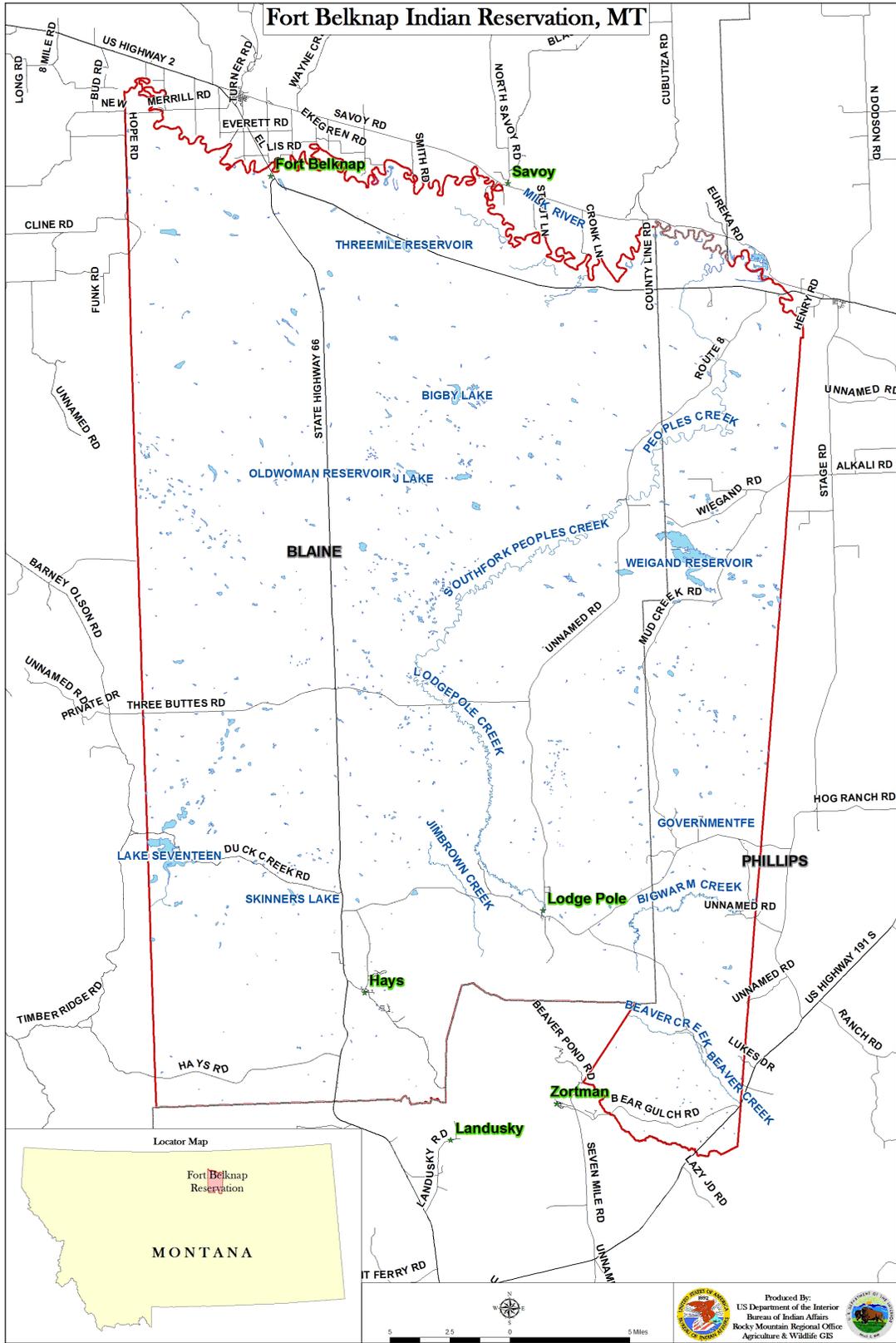


Figure 1. Fort Belknap Indian Reservation

## Community

The Fort Belknap Indian Reservation is divided into three communities. Fort Belknap Agency is the capital and primary community, and is located four miles southeast of Harlem at the northwestern end of the reservation. The Aaniiih Nakoda College, a Native American tribal community college and land grant institution, is located in Harlem. Hays and Lodge Pole are the other two communities, which are located at the southern end of the reservation. The reservation is divided among trust land and fee land. Indian trust land is owned by an individual (allotted) or the tribe and the BIA holds legal title in trust. Fee land is owned by an individual or the tribe and they hold legal title.

The population of the reservation is estimated at 2,401, based on the number of people living in Fort Belknap Agency (1,293), Hays (843), and Lodge Pole (265) (US Census Bureau 2010). As of 2012, the number of enrolled tribal members living on and outside the reservation is estimated at 6,900 (FBIC 2012).

## Climate and land use

The climate of the reservation is typical of the semiarid Great Plains region, having long, cold winters and short, warm summers. Yearly precipitation averages 12 inches. Elevations within the reservation range from 2,300 to 5,000 feet. The area within the reservation boundaries is approximately 620,086 acres (Montana State Library, Geographic Information).

Approximately 102,125 acres are used for dryland crops and pastures; 18,265 acres are used for irrigated crops and pastures; and 26,830 acres consists of forested land (Natural Resources Conservation Service [NRCS] 2006). The remaining land (approximately 472,870 acres) consists of Glaciated Plains represented by northern mixed grass prairie.

## Major landforms and land cover

The Milk River Valley, Little Rocky Mountains, and glaciated plains comprise the dominant landforms of the reservation.

The Milk River Valley is a broad, flat floodplain bounded by low bluffs rising to the glaciated plains (Figure 2). The four principal tributaries of the Milk River that are located on the reservation include: Three Mile, White Bear, Peoples, and Beaver creeks. Approximately 123 miles of perennial streams and river reaches provide the surface water on the reservation.

The Little Rocky Mountains (Figure 3) are one of several “island mountain ranges” that rise above the northern Great Plains. Forested land is dominated by Douglas fir (*Pseudotsuga menziesii*) and lodgepole pine (*Pinus contorta*) and comprises approximately four percent of the reservation.

Most of the reservation (approximately 76 percent) consists of flat land or gentle rolling hills of the Glaciated Plains (Figure 4), which is best suited for raising livestock. The dominant vegetation is northern mixed grass prairie, commonly represented by western wheatgrass (*Pascopyrum smithii*), blue grama (*Bouteloua gracilis*), and needle and thread (*Hesperostipa comata*). Dominant forbs include scarlet globemallow (*Sphaeralcea coccinea*), woolly plantain (*Plantago patagonica*), and American vetch (*Vicia americana*). Dominant shrubs include silver



Figure 2. The Milk River Valley is located in the northern part of the reservation. Photo courtesy of Tim Whitney.



Figure 3. A herd of horses on the north side of the Little Rocky Mountains near Lodge Pole. Photo courtesy of Tim Whitney.



Figure 4. The Glaciated Plains were formed from sediment deposited beneath a moving glacier, which left behind a gently rolling landscape. *Photo courtesy of Donnie Sexton.*



Figure 5. Lake 17 with Three Buttes in the background. *Photo courtesy of USDA NRCS.*

sagebrush (*Artemisia cana*) (NRCS 2006).

The native grasslands and shrublands of the reservation support abundant and healthy big game populations of pronghorn antelope (*Antilocapra americana*), white-tailed deer (*Odocoileus virginianus*), mule deer (*Odocoileus hemionus*), an expanding elk (*Cervus elaphus*) population, and an approximately 450-head herd of American bison (*Bison bison*), managed by the Tribal Fish and Game Department. This area also sustains many non-game wildlife populations which are in decline throughout much of their range, including black-tailed prairie dogs (*Cynomys ludovicianus*), black-footed ferrets (*Mustela nigripes*), and several listed grassland bird species or those of concern, such as Sprague's pipit (*Anthus spragueii*), Baird's sparrow (*Ammodramus bairdii*), chestnut-collared longspur (*Calcarius ornatus*), McCown's longspur (*Calcarius mccownii*), ferruginous hawk (*Buteo regalis*), mountain plover (*Charadrius montanus*), Brewer's sparrow (*Spizella breweri*), loggerhead shrike (*Lanius ludovicianus*), long-billed curlew (*Numenius americanus*), greater sage-grouse (*Centrocercus urophasianus*), and burrowing owl (*Athene cunicularia*) (Montana State Library, Natural Resource Information System).

The major lakes and reservoirs that occur on the reservation include Snake Butte Reservoir, Bigby Lake, Lake 17, and Weigand Reservoir. Snake Butte Reservoir is approximately five acres. It is a recreational area for fishing, picnicking, berry picking, and canoeing. Bigby Lake is 145 acres and surrounded by agricultural fields. It is the largest prairie pothole on the reservation and a stopping point for migratory waterfowl. Lake 17 is 415 acres. It was created in the 1970s to provide water for livestock, and is used by migratory waterfowl for breeding (Figure 5). Weigand Reservoir is approximately 1,000 acres. It was created in the early 1950s to impound water from Mud Creek for the Fort Belknap Irrigation Project. In 2005, the occurrence of 279 species of birds was documented across these waterbodies and wetlands, including oxbows and prairie potholes, using bird species survey data and actual observations in partnership with the Montana Fish, Wildlife and Parks Department (Longknife 2005).

### Regulatory Authority

The FBIC is responsible for the identification, prevention, and control of noxious and invasive weeds in accordance with the federal laws and tribal ordinances set out in: US Executive Order 13112; Federal Noxious Weed Act of 1974 (7 USC § 2801 and 7 USC § 2814); Carlson-Foley Act of 1968 (43 USC § 1241); National Environmental Policy Act (42 USC § 4321); Plant Protection Act of 2000 (7 USC § 7701); Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136); National Invasive Species Act of 1996 (16 USC § 4701); Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 USC § 4701); and Aquatic Resource Protection Ordinance of the Fort Belknap Indian Community (CWA §104(b)(3) Wetlands Program).

The Montana County Weed Control Act (7-22-21, MCA) does not have authority on Indian trust land.

### Background

In 2006, the FBIC Conservation District (known locally as the Tribal Conservation District), BIA, and NRCS completed a rangeland and grassland inventory on approximately 351,600 acres of the reservation (NRCS 2006). The purpose of the inventory was to assess the production and stocking capacity of the range management units,

evaluate the ecological condition of the rangeland, and identify areas of noxious weeds. The inventory characterized these attributes by management unit to allow for the development of an Agricultural Resource Management Plan. In 2012, a draft version of the plan was completed by the Agricultural Resource Management Plan Coordinator, Douglas Stuart of Rose Community Development in Harlem, Montana, and submitted to the Tribal Council. Collecting and evaluating public input and developing environmental impact documents will assist in the final development of the plan.

In 2009, the BIA Rocky Mountain Regional Office established policy in the form of goals and standards to prevent and control noxious weeds (Appendix B). The weed management strategies outlined in this plan are designed to be compatible with the 2009 BIA policy and the Aquatic Resource Protection Ordinance (FBIC 2003), which regulates the protection of aquatic resources. In terms of weed control, this ordinance (Section 601; Appendix C) provides for water quality protection by authorizing an integrated approach to weed control and mandating the careful handling and application of pesticides to prevent entry into water. The strategies outlined in this plan are also compatible with the Phillips and Blaine County weed management plans and the Montana Weed Management Plan (Montana Weed Summit Steering Committee 2005).

Since 2010, the BIA Rocky Mountain Regional Office has provided approximately \$6,900 annually to the Blaine County Weed District to manage weeds on certain sites of the reservation through an annual cooperative assistance agreement. These sites are listed below, along with the primary weed control target(s) on each site. The 2012 cooperative assistance agreement is provided as Appendix D.

- Tucker Gravel Pit area: spotted knapweed (*Centaurea stoebe*). The gravel pit is located north of Lodge Pole; the pit is closed and reclaimed, but it is still treated for knapweed
- White Bear Dam, Main C Canal, and Lateral 9C5 of the Fort Belknap Irrigation Project: leafy spurge (*Euphorbia esula*)
- Route #8: leafy spurge and spotted knapweed
- Lodge Pole area and extending onto Route #11: all noxious weeds
- Hays area and extending onto Route #1: spotted knapweed
- Bear Gulch Road: spotted knapweed and Canada thistle (*Cirsium arvense*)
- Gravel pit located in Range Unit 103: spotted knapweed
- Milk River and related waterways near Fort Belknap Agency: all noxious weeds
- Three Buttes East and West roads and Valley Road: follow-up noxious weed control
- Indian trust land along the Milk River: follow-up saltcedar (*Tamarix* spp.) control.

The Montana Department of Transportation (MDT) provides an annual sum of \$8,000 to the Blaine County Weed District through an agreement (Appendix E) to manage weeds in the right-of-way of US highways and primary state highways that are located in Blaine County. These highways include US Highway 2, Montana Highway 66, and Montana Routes 240, 241, 325, 338, and 529. Approximately 25 miles of US Highway 2 and 40 miles of Montana Highway 66 occur on the reservation. Based on the proximate length of 65 miles, it is estimated that \$6,000 is expended annually by MDT for noxious weed control within the reservation boundary (M. Miller, personal communication with Kim Goodwin, July 23, 2013).

To protect native plant and grassland species from invasion, an August 2012 tribal resolution authorized the development and implementation of a noxious weed management plan (Resolution No. 173-2012; this plan). In November 2012, the Center for Invasive Species Management at Montana State University provided *pro bono* assistance with the development of a Montana Noxious Weed Trust Fund grant proposal for the FBIC entitled, "The Fort Belknap Noxious Weed Education Program." In April 2013, the FBIC was awarded \$15,000 through October 2014 to hire a tribal weed manager and conduct education projects in cooperation with the Montana Noxious Weed Education Campaign (see additional details in the Goals and Objectives section of this document).

Through a 2013 cooperative assistance agreement (Agreement No. 13-8530-1556-CA INCA\_BC), the Billings office of the US Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) is currently working with the Indian Nations Conservation Alliance and FBIC Conservation District to conduct a leafy spurge biocontrol project in the northeastern portion of the reservation. Through September 2013, the Indian Nations Conservation Alliance will work with APHIS to hold meetings with producers and land managers, identify key cooperators, inventory infestations, determine potential and past release sites, and make collections and releases of leafy spurge biocontrol agents.

## Current Direction

As of July 2013, the establishment of the Fort Belknap weed program is planned for initial development under the Fort Belknap Reservation Extension Service. The Extension agent will request Tribal Council approval of this strategic plan and introduce a tribal resolution to authorize the development of a weed program on tribal lands. The weed program would also pertain to allotted lands, which will be acknowledged in writing by the BIA.

A Fort Belknap Weeds Committee will be created in August 2013 to provide guidance and foster regular and collaborative decision-making among key stakeholders with a diversity of views. Meetings will be organized and led by Extension. The Committee will include tribal members and representatives from the BIA, NRCS, Bureau of Land Management (BLM), and the following tribal programs, institutions, and interest groups: Environmental Department; Forestry / Fire Management Department; Fort Belknap Reservation Extension Service; Montana State University; Fish and Game Department (and guides); Historic Preservation / Cultural Resources; Housing Department; Land Department; Roads Maintenance Department; Water Resources Department (irrigation); Aaniiih Nakoda College; Center for Invasive Species Management; and Indian Nations Conservation Alliance, White Clay Society, and Buffalo Chasers Society.

Consultation and planning with stakeholders during the June 2013 community meetings (Appendix A) provided an opportunity to identify and prioritize short-term activities that support this strategic plan. These activities are described in a draft of the Annual Operating Plan (AOP) for 2013 (Appendix F), which is evolving and subject to frequent adjustments. Each year, progress towards the priorities of the strategic plan will be assessed and a new AOP will be created.

## Summary of Noxious Weeds

The Montana County Weed Control Act (7-22-21, MCA) designates noxious weeds as priority plants for control by rule of the Montana Department of Agriculture or a county weed district. The Montana noxious weed list is included as Appendix G. A noxious weed is a plant that meets the following criteria: is nonnative or exotic to Montana; and when introduced, may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses, or may harm native plant communities.

Some noxious weeds are invasive under certain situations, such as the type and condition of the habitat. They invade native habitats and then spread, outcompeting and displacing native plants, and often forming monotypic stands. The displacement of native plants can impact the natural processes of the environment, and reduce grazing land and food and habitat for fish and wildlife. For example, the Montana noxious weeds that are invasive on grasslands include spotted knapweed and leafy spurge. The noxious weeds Canada thistle and field bindweed, however, are not invasive on grasslands.

Weed data has not been actively compiled for the reservation; however, some noxious weed survey data have been collected by NRCS as part of the rangeland inventory they conducted in 2006. Weed data have also been collected by the Blaine County Weed District as treatment records under the weed control agreements with the BIA and MDT. As an activity of the AOP for 2013 (Appendix F), a request for the Blaine and Phillips County weeds datasets and the weeds data from the Helena office of the NRCS will be made and maps will be printed. This will determine current weed data for the reservation and weed threats by way of presence on sites outside the reservation.

Consultations and discussions with agency representatives and other stakeholders indicate the following noxious weed species are: present on the reservation; likely to occur on the reservation; or likely absent on the reservation but present on nearby sites. Management goals are included below. For details on management, see the Noxious Weeds Control Strategies section of this document.

**Leafy spurge** (*Euphorbia esula*) occurs on thousands of acres on the Milk River floodplain, and on pastures and croplands in the northeastern part of the reservation. The plant is becoming more common along Peoples Creek. It occurs as scattered plants along major roads throughout the reservation. *Overall distribution and management goal:* widespread distribution targeted for control and containment.

**Spotted knapweed** (*Centaurea stoebe*) occurs in the southern part of the reservation, mainly in the streets, alleys, and yards of Lodge Pole and Hays, and in the Mission Canyon. It also occurs south of the reservation in the town of Zortman and the larger surrounding area, which is predominately comprised of BLM lands. It occurs as scattered plants along major roads throughout the reservation. *Overall distribution and management goal:* discrete distributions on the reservation targeted for eradication.

**Houndstongue** (*Cynoglossum officinale*) occurs as small patches on the reservation. It is known to occur in the southeastern corner of the reservation along Beaver Creek and near Bear Gulch Road. *Overall distribution and management goal:* discrete distributions targeted for eradication.

**Canada thistle** (*Cirsium arvense*) is scattered throughout the reservation. The effects of this plant on rangelands can be relatively minor. *Overall distribution and management goal:* distribution and priority for management should be determined.

**Field bindweed** (*Convolvulus arvensis*) occupies approximately 1,000 acres of cropland sites. The management priority of this plant may be low as it does not have measurable negative impacts on rangelands. *Overall distribution and management goal:* distribution on croplands, thus not targeted for management under this plan.

**Saltcedar** (*Tamarix* spp.) was recently discovered in small patches along the Milk River and irrigation ditches and was eradicated. It is not currently known to occur on the reservation but it is known to occur on upstream sites. *Overall distribution and management goal:* absent distribution; weed is targeted for detection and eradication.

**Diffuse knapweed** (*Centaurea diffusa*) and **Russian knapweed** (*Acroptilon repens*) are expected or known to occur on the Milk River floodplain. *Overall distribution and management goal:* unknown distributions targeted for survey and mapping and perhaps eradication.

**Dalmatian toadflax** (*Linaria dalmatica*) is not known to occur on the reservation. It occupies approximately 20,000 acres of the Bears Paw Mountains, approximately 30 miles to the west. *Overall distribution and management goal:* likely absent distribution; weed is targeted for detection and eradication.

**Aquatic noxious weeds** (and aquatic invasive animals) are not known to occur on the reservation. *Overall distribution and management goal:* likely absent distribution; an aquatic invasive species plan is needed.

### **Aquatic invasive species**

Aquatic invasive species (AIS) are non-native aquatic plants and animals (for example, quagga and zebra mussels [*Dreissena bugensis*, *D. polymorpha*]) that invade rivers, streams, lakes, ponds, and wetlands. After introduction to a waterbody, they may spread and then outcompete and displace native plants and animals, causing significant environmental and economic impacts. The aquatic invasive species on the Montana noxious weed list (Appendix G) are: flowering rush (*Butomus umbellatus*), purple loosestrife (*Lythrum* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), curlyleaf pondweed (*Potamogeton crispus*), and yellowflag iris (*Iris pseudacorus*).

The presence and absence of AIS on the reservation has not been documented. Although many factors may facilitate colonization of AIS in waterbodies, invasion success ultimately relies on the transport of an aquatic invader to a waterbody. The spread of AIS to new waterbodies occurs mostly through human activities, such as boating, angling, and aquarium releases, and sometimes by overland movement of ducks and other wildlife. An AIS management plan is needed to protect water habitats against invasion. This plan should estimate the invasion susceptibility of aquatic ecosystems of the reservation, prioritize and direct habitat surveys for AIS, and guide strategies to reduce and manage risk of invasion.

### **Goals and Objectives**

The goal of this plan is to conserve native habitats through natural resource stewardship and noxious weed management. The overall objectives focus on preserving healthy habitat and improving the condition of impaired lands.

**Weed-free areas or healthy land with low levels of weeds** conserve habitat while balancing conservation and use. Sustaining healthy habitat can be successful and cost effective as it often only requires low levels of weed control and reducing stressors caused by man, such as heavy grazing by livestock.

**Degraded areas with weed problems** control infestations and restore habitat. This may require extensive resources and long-term management, including rehabilitation to prevent further degradation.

The management strategy aims to deliver five objectives and associated tasks:

1. Prevent new infestations
  - a. Interrupt or reduce movement
  - b. Reduce invasion potential

2. Detect and map small infestations
  - a. Frequently survey high-risk sites for weeds
  - b. Frequently survey “hot spots” of culturally significant plants
  - c. Periodically survey low-risk sites for weeds
  - d. Map large, weed-free areas to define a baseline for protection
  - e. Establish passive detection networks
  - f. Implement a mapping program using EDDMapS West
3. Eradicate small infestations
  - a. Employ weed-specific and site-specific protocols for eradication
  - b. Develop an “adopt a patch” eradication program with reservation youth
  - c. Develop a spotted knapweed eradication program using ATVs
4. Educate the tribal community
  - a. Gather information from producers and tribal members
  - b. Design a weed education program
  - c. Engage tribal members and encourage youth involvement
5. Map and control established infestations
  - a. Prioritize sites for control or containment
  - b. Map infestations using EDDMapS West
  - c. Employ weed-specific protocols for control or containment.

**Objective 1. Prevent new infestations**

To reduce weed introductions, prevention measures focus on human-related pathways on the reservation. These include transportation corridors, recreation, and contaminated materials.

- A. Interrupt or reduce movement
  1. Restrict travel by vehicles and ATVs to established roads and trails so weed seeds that establish can be easily detected
  2. Request that hunters use certified weed-free forage or pelletized feed for pack animals
  3. Use weed-free materials, such as hay, soil, and gravel
  4. Ensure ground-disturbing equipment and fire suppression vehicles are clean before entering the reservation, especially those that come from new regions or travel between reservations
  5. Control or contain infestations to reduce spread to new sites
  6. Design prevention strategies for aquatic noxious weeds
    - (a) Identify known locations near the reservation
    - (b) Identify mechanisms of spread

Low to moderate grazing by cattle supports the reproductive and growth potential of native grasses and therefore, their competitive ability to use soil resources (soil moisture and nutrients) and suppress weed invasion and growth. Excessive grazing, however, can degrade native vegetation and encourage invasion. Heavy grazing along streams can also cause invasion, as well as erosion and poor water quality.

- B. Reduce invasion potential
  1. Avoid heavy grazing to improve the ability of native plants to suppress invasion
  2. Prevent heavy grazing along streams to hinder invasion and protect water quality
  3. Minimize soil disturbance and revegetate disturbed areas, if necessary, to reduce weed establishment.

**Objective 2. Detect and map small infestations**

Roadsides, waterways, campgrounds, and fishing access sites are at a high risk for weed invasion. These sites require frequent monitoring because they can be exposed to multiple weed introductions and the vegetation at these sites is often disturbed. Surveys should extend into areas beyond the weed entry point and surveyors should anticipate repeated removal of new weeds over time.

- A. Frequently survey high-risk sites for weeds
  1. Disturbance corridors: roads, hiking trails, ATV routes, and waterways
  2. Developed sites: campgrounds, trailheads, fishing access sites, and pow-wow grounds

3. Areas near known weed seed sources
  4. Areas where at-risk material was used: forage, soil, gravel, and so on
  5. Areas visited by natural gas exploration equipment
  6. Livestock and wildlife trails, especially along fence lines, and areas of livestock concentration
  7. Clean out areas for livestock shipping trailers
  8. Disturbed areas, particularly when located near pathways (such as utility corridors located near roads)
- B. Frequently survey “hot spots” of culturally significant plants. Hot spots are areas having a high diversity of plants with cultural significance
1. Contact the White Clay Society and the Buffalo Chasers Society
  2. Identify hot spots and develop a monitoring plan to protect sites against invasion

Interior grasslands, distant from roads or intense human activity, are likely at a lower risk of invasion because they are less disturbed and experience a lower frequency of weed introductions. Monitoring low-risk sites—remote areas with low human activity—is important in order to locate weeds in areas with low probability of invasion, as well as to map large, weed-free areas and define a baseline for protection against weed invasion.

- C. Periodically survey low-risk sites for weeds
- D. Map large, weed-free areas to define a baseline for protection

The weed program can improve weed detection by encouraging personnel, guides, producers, and other tribal members and user groups to report invasions while conducting their normal activities. This is known as passive searching.

- E. Establish passive detection networks
1. Determine priority weeds that should be reported
  2. Identify tribal personnel in the following departments that might encounter new weeds
    - (a) Environmental Department
    - (b) Extension Service
    - (c) Forestry / Fire Management Department
    - (d) Fish and Game Department (and guides)
    - (e) Historic Preservation
    - (f) Housing Department
    - (g) Land Department
    - (h) Roads Maintenance Department
    - (i) Water Resources Department
    - (j) BIA irrigation project
    - (k) BIA and other federal government
  3. Designate a weed detection network of these personnel and train them to identify and report priority weeds via the Early Detection and Distribution Mapping System for the West (EDDMapS West). EDDMapS West is a free, web-based database system that collects, stores, maintains, and distributes weed locations. Users can report invasions via desktop computer or instantly from the field via tablet computer or smartphone
    - (a) To encourage reporting, design targeted messaging in terms of attitudes and motivation, and reward and recognition systems
  4. Identify tribal members and user groups that might encounter new weeds
    - (a) Producers, hunters, anglers, and other recreationists
  5. Develop a weed detection network by creating a “call to action” campaign for tribal members and user groups to report priority weeds via EDDMapS West
    - (a) Include photos of priority weeds with key identification points
    - (b) To encourage reporting, design targeted messaging in terms of attitudes and motivation, and reward and recognition systems
  6. Develop a program to respond to reports of invasions

Weed mapping allows for the locations of weeds and the locations of weed-free areas to be displayed for man-

agement and educational purposes. Weed maps allow managers to prioritize weeds, develop control strategies, inform stakeholders about weed problems, and promote the conservation of weed-free areas.

- F. Implement a mapping program using EDDMapS West
  - 1. Weed program personnel and others map weeds using EDDMapS West.

### **Objective 3. Eradicate small infestations**

Eradication can prevent future weed problems and slow the spread of weeds to new sites. Removing small patches of weeds before they become too large to control can be easy and inexpensive. Eradicating relatively large sites usually require large, but short-term investments.

- A. Employ weed-specific and site-specific protocols for eradication
  - 1. Prioritize weed species and sites for eradication
  - 2. Manage infestations with frequent treatments to prevent reproduction
  - 3. Employ persistent follow-up to control regrowth or overlooked weeds
  - 4. Monitor effectiveness of control
- B. Develop and implement an “adopt a patch” eradication program with reservation youth
  - 1. Engage the youth to help eradicate small patches of weeds
  - 2. Twice per month: a member hand pulls weeds and bags the material
  - 3. Develop an appropriate reward and recognition system
- C. Implement a spotted knapweed eradication program using ATVs
  - 1. Identify tribal members in Hays and Lodge Pole who have ATVs and are willing to get certified and spray knapweed for a couple of hours, several days each week
  - 2. Purchase equipment and herbicides
  - 3. Offer monthly stipends or reimbursement incentives.

### **Objective 4. Educate the tribal community**

The tribal community plays a critical role in achieving the goals of this plan. Education will help make weeds an important issue on the reservation and encourage tribal members to become involved (for instance, by reporting invasions and helping to eradicate infestations).

- A. Gather information from producers and tribal members
  - 1. Determine local knowledge and concerns about weeds
  - 2. Determine weed locations and local resources
  - 3. Identify local priorities and gather recommendations for local solutions
  - 4. Identify strategic management areas and associated objectives
- B. Design a weed education program
  - 1. Hinder invasion and encourage community acceptance by building education strategies based on
    - (a) Natural resource stewardship, especially among the youth
    - (b) Environmental protection
    - (c) Protection of cultural and natural heritage resources
    - (d) Local knowledge and concerns
  - 2. Improve community awareness of impacts, weed identification, and the local level role members play, and promote early detection
  - 3. Develop outreach materials and inform members of who they can contact to get help
  - 4. Increase visibility of the weed program to build advocacy
  - 5. Develop a collection of pressed weed specimens of the species that occur on or near the reservation to accompany the vascular plant reference collection (currently 120 plant species)
- C. Engage tribal members and youth involvement
  - 1. Design and implement activities and hands-on learning opportunities with the Aaniiih Nakoda College
  - 2. Plan community meetings as one-day seminars with credit to be held at the Aaniiih Nakoda College with the natural resource class
  - 3. Establish passive detection networks with incentives (see Objective 2E)

4. Establish an “adopt a patch” program with incentives (see Objective 3B).

### Objective 5. Map and control established infestations

Large-scale, established infestations may not be feasible to eradicate. When eradication is not possible, controlling or containing the population may be the only option. Control involves managing the entire population to reduce the number of plants and the impacts of the weed on the site. Containment involves managing the edge of the population to limit further spread from the site. Control and containment can be performed singularly or together on a site. Management will require planning, prioritizing, and identifying resources for different management objectives.

- A. Prioritize sites for control or containment
- B. Map infestations using EDDMapS West
- C. Employ weed-specific protocols for control or containment.

### Integrated Weed Management Options

Effective weed management requires an integrated approach. Integrated weed management provides strategies to improve weed control by combining multiple methods, such as cultural practices, mechanical and biological techniques, and the selective use of herbicides. Ideally, integrated weed management addresses the whole system by applying knowledge of how the human and environmental factors of a habitat interact to favor native plants. For instance, preventing excessive livestock grazing can improve the ability of native plants to suppress the growth and spread of weeds.

The integration of management options depends on the management objectives and relative cost and effectiveness of the control techniques, which varies based on the weed species and site characteristics, including access.

### Preventative and cultural control

Cultural control refers to the manipulation of the environment or land use practices to achieve management goals. The functional mechanisms of these practices may differ depending on management goals in terms of the level of weed infestation.

On lightly infested sites, management usually involves small-scale physical and chemical control. These sites recover quickly with natural revegetation when desired plants are present for recovery. On sites with low levels of weeds, cultural control techniques that modify land use practices have long lasting benefits. For instance, preventative measures, such as avoiding heavy grazing, can be coupled with education programs which encourage the youth to report invasions and to adopt a weed patch. By preventing overuse by livestock, cultural control hinders weed invasion along streams by encouraging the growth of native plants and a dense canopy cover (Figures 6 and 7).

On heavily infested sites, cultural control techniques may include sheep grazing and revegetation on areas with inadequate native plants. If sheep are grazed at sufficient and proper intensity and at the right time, they can deplete the root density of Canada thistle and leafy spurge, diminishing the ability of the infestation to withstand the effects of herbicides. For leafy spurge, a grazing program that includes a minimum of two grazing periods in a season, each followed by a rest period, is more effective than season-long grazing.



Figure 6. Peoples Creek is a perennial stream that drains north to the Milk River. *Photo courtesy of Dennis Longknife, Jr.*



Figure 7. Tribal members collecting data to assess the stream habitat of Peoples Creek. *Photo courtesy of Dennis Longknife, Jr.*

## Physical or mechanical control

Physical control techniques remove the entire plant, or reduce or disturb the plant to the point where it will perish. Manual control involves hand pulling or using hand tools, such as a shovel, to remove plants. Hand pulling is appropriate for small infestations and involves the removal of the tap root with the root crown. Rhizomatous weeds like leafy spurge and Canada thistle may respond to hand pulling once or twice a month if the infestation is young and has not yet developed an extensive root system. Frequent removal each month for many years may be required to completely deplete root reserves. Many weeds may survive if they are severed by hand pulling but the roots are left in contact with the soil.

## Chemical control

The selective use of herbicides, in combination with cultural and mechanical control, can result in the most effective levels of weed control. The chosen herbicide should produce a high level of mortality with a minimal need for re-treatment, while having minimal effects on non-target terrestrial and aquatic plants and animals. The effectiveness of herbicides can vary with plant species and local site conditions. On heavily infested sites, small-scale trials may be a first step to determining relative efficacy and non-target impacts. Herbicide selection and timing should be advised by an expert; contact the Fort Belknap Reservation Extension Service.

Chemical control is most effective when applied under optimal conditions and at optimal times of the year, such as when healthy, non-stressed plants are actively taking up nutrients. Hand applications and spot treatments minimize off-target damage to native plants. Broad-scale applications may impact non-target plants, so broadcast spraying is limited to dense stands of weeds. Section 601 of the Aquatic Resource Protection Ordinance (FBIC 2003) mandates the careful handling and application of herbicides to prevent entry into water (Appendix C).

## Biocontrol

Biocontrol involves the use of exotic herbivorous insects and fungi to reduce the impact or abundance of weed populations that are dense or widespread. Most biocontrol agents stress weeds, reducing their competitive ability and dominance, or limiting seed production enough to slow spread; but they do not *kill* the plants. The goal of biocontrol, therefore, is to reduce weed abundance or prevent the weed problem from getting worse, rather than eradication. Although biocontrol agents are available for some weeds, control takes place slowly and effectiveness varies with the biocontrol agent and its population size, site conditions, and climate.

## Noxious Weed Control Strategies



### *Leafy spurge*

Leafy spurge is a rhizomatous, perennial weed that infests approximately 800,000 acres of land in Montana (MWSSC 2005). This plant has adapted to many habitat types that range from riparian sites to dry hillsides, and it can invade rangeland in excellent condition. Leafy spurge is most aggressive in dry sites where plant competition is less intense.

Leafy spurge reproduces by vegetative shoots and seeds. It primarily reproduces vegetatively with an extensive lateral root system that is capable of producing adventitious buds. Roots can spread laterally 15 feet per year and reach nearly 30 feet in depth. The extensive root system of leafy spurge stores large nutrient reserves. These reserves can sustain the plant for years, enabling it to survive drought, grazing stress, and herbicide

treatments. It is important to eradicate new invasions early, before mature root systems develop.

Leafy spurge is widespread in the northeastern portion of the reservation, but documentation of the extent and spatial pattern of the population. The plant is also scattered along some roads and occurs in both small and relatively large patches along the Milk River, irrigation canals, and other waterways on the reservation. Leafy spurge was introduced to the northeastern portion of the reservation during the 1950s as a result of contaminated hay shipped from North or South Dakota.

By the late 1980s, this area was heavily infested. Dan Spencer (retired BIA) and others were responsible for releasing biocontrol agents from 1989 to 1997 and organizing a sheep grazing program. Biocontrol successfully reduced leafy spurge abundance (Figure 8), but the biocontrol population crashed in 2011 and 2013 as a result of changes caused by flooding. *Aphthona* flea beetles will be re-released in 2013. The plant is widespread in this area



Figure 8. Leafy spurge infested site near Route 8 (left). The same site several years after the release of *Aphthona* flea beetles (right). Photos courtesy of Dan Spencer, BIA (retired).

and plants are frequently observed growing in hay fields. Producers may be transporting seeds with hay shipments to many sites on and off the reservation.

The following objectives will allow for effective management of leafy spurge:

1. Develop a leafy spurge cooperative weed management area and management strategy to secure funding in order to limit further spread
2. Annually conduct a leafy spurge management training program with a field tour and barbecue in the northern part of the reservation. Include identification training on the other weeds expected or known to occur on the Milk River floodplain
3. Determine the potential for leafy spurge spread in hay
  - a. Hold a meeting to open up discussions about buying and selling contaminated hay
  - b. Find out if producers notify buyers that the hay may contain spurge seeds
  - c. Identify where most of the hay is going (local vs. regional, feedlots vs. pastures)
4. Interrupt movement and establishment of leafy spurge
  - a. Educate buyers about monitoring sites where questionable hay is used
  - b. Identify incentives or cost-share programs to produce weed-free hay in this region
  - c. Control leafy spurge along roads and waterways, including irrigation canals
  - d. Collaborate with the Fort Belknap Irrigation Project to map and control leafy spurge and other weeds along irrigation canals
  - e. Prevent excessive grazing along streams and on grasslands to encourage the growth of native plants and suppress invasion
5. Frequently survey high-risk sites and map and eradicate new invasions
  - a. High risk sites: roads, trails, waterways, campgrounds, pow-wow grounds, and areas near known seed sources
6. Encourage tribal personnel and community members to look for and report new invasions of spurge using EDDMapS West
7. Control and contain leafy spurge to the northeastern portion of the reservation
  - a. Map the boundary of the population, or the population front, with GPS and examine the use of remote sensing to define the extent of the population
  - b. Contain the population: use herbicides to eradicate small infestations that are located outside the population boundary
  - c. Control the population: continue the biocontrol project using *Aphthona* flea beetles and *Oberea* stem-boring beetles
8. Control leafy spurge along the Milk River
  - a. Partner with the Blaine and Phillips County Weed Districts
  - b. Partner with the Milk River Watershed Alliance and encourage landowner participation in the 50 percent cash match grant program

9. Promote the FBIC's efforts to manage leafy spurge to the public
  - a. Fort Belknap Reservation Extension Service will request that the MSU News Service write a press release on the new biocontrol project.



Adrienne Peterson

### ***Spotted knapweed***

Spotted knapweed is a tap-rooted perennial weed that infests approximately 2.7 million acres of land in Montana (MWSSC 2005). This plant has an average life span of three to five years and reproduces solely by seed. It has only invaded a small proportion of its potential range on the reservation. Spotted knapweed is a priority for control based on its invasiveness in grasslands and its impacts to rangeland productivity.

Spotted knapweed occurs mostly in the southern part of the reservation, in the community areas of Lodge Pole and Hays, and in the Mission Canyon. These infestations are likely source populations that are fueling expansion throughout the reservation, mostly along roads where the plant occurs as scattered individuals. Biocontrol as a management

strategy is not appropriate because the likelihood is high that spotted knapweed can be eradicated using herbicides in combination with hand pulling. Consistent herbicide spot treatments and hand pulling over time might eliminate spotted knapweed in Hays and Lodge Pole, and reduce spread and colonization along roads and adjacent grasslands throughout the reservation.

The following objectives will allow for effective management of spotted knapweed:

1. Develop and implement a spray program using ATVs in Hays and the Mission Canyon as a pilot project, and then expand the program to Lodge Pole
  - a. Identify two tribal members with ATVs that are willing to get certified and spray spotted knapweed for a couple of hours several days each week
  - b. Purchase equipment and herbicides and offer monthly stipends or reimbursement incentives to them
2. Develop and implement a spotted knapweed hand pulling project with reservation youth in Hays and Lodge Pole
3. Annually conduct a weed and herbicide training program for producers in combination with a weed pull and barbecue. Alternate the program between Hays and Lodge Pole each year
4. Interrupt movement and establishment of spotted knapweed
  - a. Control spotted knapweed along roads
  - b. Prevent excessive grazing to encourage the growth of native plants and suppress invasion
5. Frequently survey high-risk sites and map and eradicate new invasions
  - a. High risk sites: roads, trails, waterways, campgrounds, pow-wow grounds, and areas near known seed sources
6. Encourage tribal personnel and community members to look for and report new invasions of spotted knapweed using EDDMapS West.



Mary Ellen (Mell) Harte, Bugwood.org

### ***Houndstongue***

Houndstongue is a biennial or short-lived tap-rooted perennial weed. It forms a rosette in its first year of growth and produces a stem, flowers, and seeds during its second year and then dies. The rosette is composed of large leaves that are rough to the touch, resembling a hound's tongue. Flowers are reddish-purple and produced on a stout, heavy stem that can reach four feet tall. The seeds are distinctive, prickly, adhesive nutlets. Houndstongue has a thick, black, woody taproot that can reach three feet deep. Houndstongue contains alkaloids that are toxic to grazing animals, especially cattle and horses. Standing plants are not palatable, but become more palatable when dried or after herbicide treatment. Livestock are most likely to consume houndstongue in contaminated hay.

This plant has limited presence on the reservation. It occupies a portion of the Matador Ranch, which is located outside the southeastern border of the reservation near Beaver Creek. Plants are escaping control and spreading to the reservation.

The following objectives allow for planning and effective management of houndstongue:

1. Include training on the identification of this plant during weed meetings and training programs
2. Use the spotted knapweed hand pulling projects in Hays and Lodge Pole with tribal youth as pilot projects to demonstrate the usefulness of a potential houndstongue hand pulling project on the Matador Ranch
3. Prevent excessive grazing to encourage the growth of native plants and suppress invasion
4. Frequently survey high-risk sites and map and eradicate new invasions
  - a. High risk sites: roads, trails, waterways, campgrounds, pow-wow grounds, and areas near known seed sources
5. Encourage tribal personnel and community members to look for and report new invasions using EDD-MapS West.



Steve Dewey, Utah State University, Bugwood.org

### **Saltcedar**

Saltcedar is a deciduous, loosely branched shrub or small tree. It is a long-lived plant that can reach heights of 20 feet or more. It commonly establishes on floodplains, salt flats, wetlands, and along lake margins, streams, and rivers.

Saltcedar displaces native stands of wetland and riparian vegetation. It provides low wildlife habitat value. The accumulation of leaf litter increases the salinity of surface soil and renders the soil inhospitable to native plants.

Saltcedar grows in dense stands. This widens floodplains and increases sediment deposition by clogging stream channels. Saltcedar is intolerant of shade. Shaded plants have altered morphology and reduced reproduction. Maintaining a dense canopy cover

will hinder saltcedar growth and establishment.

Small patches of saltcedar have been discovered and eradicated along the Milk River and irrigation ditches. The following objectives allow for protection against saltcedar invasion and establishment:

1. Partner with Blaine and Phillips County Weed Districts and Milk River Watershed Alliance on weed projects
2. Include training on the identification of this plant during weed meetings and training programs
3. Prevent excessive grazing along waterways to suppress invasion
4. Frequently survey high-risk sites and map and eradicate new invasions
  - a. High risk sites: waterways, lakes, reservoirs, and wetlands
5. Encourage tribal personnel and community members to look for and report new invasions using EDD-MapS West
6. Develop a strategy with a bounty program where early detection is a high priority.



Eric Coombs, Oregon Dept. of Agr., Bugwood.org



Steve Dewey, Utah State University, Bugwood.org

### **Diffuse knapweed and Russian knapweed**

Diffuse knapweed (*left*) is a tap-rooted biennial or short-lived perennial weed and Russian knapweed is a rhizomatous perennial weed. Diffuse knapweed plants reproduce solely by seed and plants usually die after reproduction. The seed heads of diffuse knapweed remain closed until the plant dries up and breaks off at ground level. Dead diffuse knapweed plants act like tumbleweeds, with seeds dispersed over long distances. Russian knapweed (*right*) reproduces by adventitious buds. This allows rapid spread into closed grasslands, covering a 40

square-foot area within a couple of years.

Diffuse knapweed and Russian knapweed are discussed together here because they are both knapweeds and they are expected or known to occur along the Milk River.

The following objectives allow for planning and effective management of diffuse and Russian knapweed:

1. Partner with Blaine and Phillips County Weed Districts and the Milk River Watershed Alliance on weed projects
2. Detect and eradicate new infestations on upland sites near the Milk River
3. Include training on the identification of these weeds with the annual leafy spurge management training program

4. Prevent excessive grazing to encourage the growth of native plants and suppress invasion
5. Frequently survey high-risk sites and map and eradicate new invasions
  - a. High risk sites: roads, trails, waterways, campgrounds, pow-wow grounds, and areas near known seed sources
6. Encourage tribal personnel and community members to look for and report new invasions using EDD-MapS West.



Utah State University Archive, Bugwood.org

### ***Dalmatian toadflax***

Dalmatian toadflax is a rhizomatous, perennial forb with bright yellow snapdragon-shaped flowers. Mature Dalmatian toadflax plants have one to 25 erect floral stems and grow two to three feet or taller. Leaves and stems are waxy with a whitish to bluish shade of green.

Dalmatian toadflax can adapt to a wide range of environmental conditions. Dalmatian toadflax favors disturbed ground, but it frequently occurs in rangeland that is in excellent condition. Established Dalmatian toadflax is an intense competitor for limited soil resources. The plant reproduces by vegetative shoots and seeds. Vegetative shoots are not dependent on soil moisture and resist competition from native plants. Native plant community condition, therefore, may be ineffective in slowing Dalmatian toadflax expansion. It is important to locate new invasions early.

Dalmatian toadflax is not known to occur on the reservation, but it occupies approximately 20,000 acres nearby on the Bears Paw Mountains to the west. If the plant does not already occur on the reservation, it might be only a matter of time before it does. Dalmatian toadflax is difficult to control once mature root systems develop, but it can be easy to eradicate if plants are found early.

The following objectives allow for protection against Dalmatian toadflax invasion and establishment:

1. Include training on the identification of this plant during weed meetings and training programs
2. Prevent excessive grazing to encourage the growth of native plants and suppress invasion
3. Frequently survey high-risk sites, especially those on the western portion of the reservation, and map and eradicate new invasions
  - a. High risk sites: roads, trails, waterways, campgrounds, pow-wow grounds, and areas near known seed sources
4. Encourage tribal personnel and community members to look for and report new invasions using EDD-MapS West
5. Develop a strategy with a bounty program where early detection is a high priority.

### **Monitoring and Evaluation**

Follow-up and monitoring provides information on the effectiveness of control methods and particular combinations, allowing for adaptive management. Long-term monitoring on specific sites can help determine the effectiveness of control methods to use in a given area and their potential impacts. Follow-up treatment is necessary to prevent weeds from reestablishing or to locate overlooked weeds. On eradication sites, increased monitoring is needed as eradication progresses to maintain high levels of control. Proactive maintenance of weed-free sites relies on monitoring over time to detect and remove new invasions.

Monitoring to evaluate the performance of weed programs relies on indicators that are locally applicable and relevant. Short- and long-term indicators will include the following measures: organizational performance; relationship building; governance; social impact; communication; strategic planning; and stakeholder satisfaction and commitment.

### **Stakeholder Roles and Responsibilities**

The effective implementation of this plan requires the involvement of a range of stakeholders and partnerships within and between community and government. Some responsibilities may be optional while others are required by policy. Suggested responsibilities to assist in achieving the objectives of this plan include:

**Fort Belknap Tribal Council:** (1) Provide governance processes for the effective delivery of the weed program;

and (2) Promote the importance of environmental protection and weed management.

**Fort Belknap Tribal Programs:** (1) Incorporate weed management objectives in relevant plans / policy and monitor implementation; (2) Establish local policies to contribute to strategic control, containment or protection objectives; and (3) Incorporate a weed management line item in the budget of grant proposals that are submitted by natural resource departments.

**BIA:** (1) Incorporate weed management objectives in relevant plans / policy and monitor implementation; and (2) Establish local policies to contribute to strategic control, containment, or protection objectives.

**FBIC Conservation District:** (1) Support weed program efforts to conserve and restore reservation lands against the impacts of weeds; (2) Provide assistance to landowners / users and managers in the prevention and control of weeds; and (3) Coordinate assistance for weed prevention and control from the NRCS and other federal, state, local and private sources.

**Interest groups** (Indian Nations Conservation Alliance, White Clay Society, Buffalo Chasers Society, Intertribal Agriculture Council): (1) Contribute local and regional cultural perspectives to weed management efforts; (2) Contribute to the development, implementation, and review of weed projects; (3) Promote and contribute to weed projects and initiatives; (4) Support weed management funding submissions; and (5) Improve community awareness of impacts and identification, and promote early detection.

**Tribal members:** (1) Improve knowledge of the identification, impacts, and best practice management of weeds; (2) Identify priority weeds and report new invasions; (3) Promote and participate in weed program-sponsored events; and (4) Advocate for the weed program.

**Fort Belknap Reservation Extension Service:** (1) Facilitate the development of the Fort Belknap Weed Program and the Fort Belknap Weeds Committee; (2) Facilitate communication among committee members and with other tribal programs; (3) Organize coordination between key players with a diversity of views; (4) Promote consistency and understanding of stakeholder roles with memorandums of understanding; (5) Provide guidance and direction through the delivery of the weed program and the weed plan; and (6) Monitor the implementation of the plan.

**Fort Belknap Weeds Committee:** (1) Regular meetings organized and led by reservation Extension; (2) Provide a mechanism for identifying and resolving weed issues; (3) Foster regular and collaborative decision making among key players; (4) Provide planning and coordination of the implementation of the weed plan with annual operating plans; (5) Oversee the implementation of the activities described in the strategies; and (6) Help integrate the weed program with other tribal natural resource and recreation programs, such as trails, wetlands, energy, and so on.

**Other federal government:** (1) Provide source funding and / or contribute to strategic projects or programs; (2) Ensure access is available for potential resources through funding initiatives; (3) Provide governance processes for the effective delivery of the weed program; (4) Participate in the Fort Belknap Weeds Committee; and (5) Identify funding sources, provide technical support, and support funding submissions.

## **Funding Sources**

Because there is no tax base for the reservation, the majority of weed management funding comes from MDT to treat highways, and the BIA, which has a small budget for weed control. A lack of suitable, long-term funding drives inconsistent (and unsuccessful) weed control, allowing for continued spread and uncontrolled colonization. Long-term funding is needed to hire a tribal weed manager and cover operating costs of the weed program to ensure the implementation of this weed management plan. The following are potential agencies and organizations for grant funding: BIA, BLM, Environmental Protection Agency, Montana Fish Wildlife and Parks, Montana Noxious Weed Trust Fund, NRCS, and private foundations (such as the Rocky Mountain Elk Foundation).

However, grant funding is neither dependable nor sustainable. Therefore, the development of a funding model to generate revenue and achieve self-sustaining operation of the weed program is planned and listed as an activity of the AOP for 2013 (Appendix E).

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## APPENDIX A. Fort Belknap's War on Weeds Meeting Report

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Submitted by Kim Goodwin, Center for Invasive Species Management, Montana State University  
July 15, 2013

A report of the following meetings and field tours:

- June 20, 2013: meeting at Tribal Planning Conference Room, Fort Belknap Agency, Montana, and leafy spurge field tour of the Milk River Valley and the northeastern portion of the reservation
- June 21, 2013: meeting at Kills at Night Center, Hays, Montana, and spotted knapweed field tour of the Hays area

### Participants

Jared Azure, Reynolds "Frenchy" Weigand, Shayne Galford, Kim Goodwin, John Hawley, Gerald Hockhalter, Don "Duck" Horn, Harvey King, Joey Kill Eagle, Byard Lame Bull, Mena Limpy-Goings, Dennis Longknife, Tim Pankrat, Dan Spencer, Bud Walsh, Rick Weasel, Marlene Werk, and Gail Whiteman.

### Objectives of the meetings and field tours

Develop a better understanding about the noxious weed situation on the Fort Belknap Indian Reservation. Gather feedback and input on the draft noxious weed management plan. Determine issues and concerns and consult with stakeholders in setting priorities and identifying local solutions and funding to develop a long-term noxious weeds program.

### Current Situation

Weed data has not been actively compiled for the reservation. Weed maps are needed to define the weed situation, develop control strategies and inform stakeholders.

Action items:

1. Request weed treatment records in the form of GPS data from the Blaine County Weed District. Bureau of Indian Affairs (BIA) Fort Belknap Agency or Rocky Mountain Region may also have some data that was originally submitted by the weed district.
2. Transfer GPS data to BIA and to Rick Weasel (Fire Management Department). Rick mentioned his GIS group can print weed maps for the group. Matt Lopez of BIA Rocky Mountain Region can also print maps, if needed.

**Leafy spurge** is widespread in the northeastern portion of the reservation, but the extent and spatial pattern of the population is unavailable. The plant is also scattered along some roads and occurs as small and relatively large patches along the Milk River, irrigation canals, and other waterways on the reservation. Leafy spurge was introduced to the northeastern portion of the reservation during the 1950s. By the late 1980s, this area was heavily infested. Dan Spencer (retired BIA) and others were responsible for releasing biocontrol agents from 1989 to 1997 and organizing a sheep grazing program. Biocontrol successfully reduced spurge abundance, but the population crashed in 2011 and 2013 as a result of changes caused by flooding. The Indian Nations Conservation Alliance (Mena Limpy-Goings), in partnership with APHIS, will conduct a biocontrol project and release agents in July 2013.

Action items:

1. Obtain a brief historical account of the leafy spurge biocontrol efforts from APHIS
2. Contact the MSU News Service and request that they write a press release on the biocontrol project as a means of promoting the Fort Belknap weed program and Extension
3. Examine the use of remote sensing to define the extent of the leafy spurge population
4. Map the southern and western edge of the population with GPS
5. Develop a leafy spurge cooperative weed management area and management strategy to secure funding and to limit further spread
6. Address potential weed spread in hay (see Dispersal Pathways section).

**Spotted knapweed** occurs mostly in the southern part of the reservation. Knapweed occurs in the community areas of Hays and Lodgepole. These infestations are likely source populations that are fueling expansion throughout the reservation, mostly along roads where the plant occurs as scattered individuals. Biocontrol as a management strategy is not appropriate in these communities, as knapweed is not dense in these areas and because it can still be eradicated. Consistent herbicide spot treatments over time can eliminate knapweed in Hays and Lodgepole, therefore reducing spread and colonization along roads throughout the reservation.

Action items:

1. Develop and implement an ATV spray program in Hays, and then Lodgepole
  - a. Identify two tribal members with ATVs that are willing to get certified and spray knapweed for a couple hours several days each week
  - b. Purchase equipment and herbicides
  - c. Offer monthly stipends or reimbursement incentives.

**Houndstongue** has limited presence on the reservation. It occupies a portion of the Matador Ranch, which is located outside the southeastern corner of the reservation. Plants are escaping control and spreading to the reservation.

Action items:

1. Request and review the noxious weed management plan and maps for houndstongue from The Nature Conservancy, ensuring strategies are in place and consistently implemented to stop spread into the reservation.
2. Encourage The Nature Conservancy to hire reservation youth to pull houndstongue rather than paying Montana Conservation Crew members up to \$10,000 per year to do this.
3. Demonstrate the usefulness of a hand-pulling project involving reservation youth with a knapweed pilot project conducted by Extension on the reservation.

**Dalmatian toadflax** is not known to occur on the reservation, but it occupies approximately 20,000 acres nearby on the Bears Paw Mountains to the west. If the plant does not already occur on the reservation, it might be only a matter of time before it does. It is very aggressive and difficult to control, but easy to identify and eradicate early.

Action item:

1. Develop a strategy with a bounty program where early detection is a high priority.

**Saltcedar and Russian knapweed** were not discussed explicitly during the meetings, but it is worth mentioning that small patches of saltcedar have been discovered and eradicated along the Milk River and irrigation ditches. Russian knapweed is likely present on the Milk River floodplain.

Action items:

1. Survey for and map Russian knapweed infestations.
2. Develop a saltcedar strategy with a bounty where early detection is a high priority.

**Roads:** The Tribal Road Department sprays a soil sterilant around the delineators and guardrails to reduce vegetation control work and improve right-of-way mowing efforts. They do not spray weeds in the right-of-way as their tank mix creates bare ground and does not usually kill the weeds. A separate spray program is needed for noxious weed control along roadsides. The BIA provides approximately \$7,000 per year to Blaine County Weed District to spray weeds on certain tribal roads and sites. Montana Department of Transportation (MDT) likely provides funding to Blaine County to spray weeds on the reservation along state highways.

Action items:

1. Stakeholders are unsure certain sites are getting treated by Blaine County. The weed district should give notice of their treatment schedule several days in advance.
2. Contact Montana Department of Transportation and request treatment records and a copy of the contract or agreement that accomplishes weed spraying along State Highway 2 and Highway 66.

**Contaminated construction equipment and vehicles:** Spotted knapweed was introduced to gravel pits on the reservation from contaminated BIA transportation equipment operating on other reservations. BIA equipment and vehicles are shared between reservations, including the Wind River Indian Reservation in central Wyoming.

Action items:

1. Determine if there is an ordinance in place to clean ground-disturbing construction equipment and fire suppression vehicles before entering the reservation, especially those that come from new regions or that travel between reservations.
2. The fiber optic project planned along Highway 2 is currently under the NEPA review process. It is not clear if the company is required to clean their equipment.
3. If an ordinance is not in place, Rick Weasel (Fire Management Department) offered to introduce a resolution with a request of Environmental Department enforcement.

### **Weed Management Responsibility**

Weed management responsibility on the reservation has been sometimes difficult to define. In most cases the landowner is responsible for weed control. On leased land, the lessee is responsible for weed control. This is stated in the lease agreement but it is often difficult to enforce. It was mentioned that some believe weed control is BIA's responsibility because "they have more money," but these limited resources are usually committed to programs for education, economic development, roads, and social services rather than natural resources. The development of a weed control program will centralize weed management and direct the responsibility for weed control on the reservation.

Action items:

1. Introduce a resolution to authorize the development of a weed control program on tribal lands that could pertain to allotted lands, which should be acknowledged in writing by BIA
2. Through the resolution, responsibility of weed control on the reservation is vested in the weed control program
3. Request Tribal Council approval of the Fort Belknap Indian Community Noxious Weed Management Plan
4. Initially develop the weed program under the reservation Extension office and create a weed program line item in the Extension budget
5. Define main duties of weed program
  - a. Assign weed control responsibility on land ownership status and use
    - i. Indian trust land: an individual (allotted) or the tribe owns the land and BIA holds legal title in trust
    - ii. Fee land: an individual or the tribe owns the land and holds legal title
    - iii. Leased land: lessee is responsible for weed control
  - b. Propose changes to declarations and BIA lease agreements to define weed control responsibility and increase fees or funding for weed control
  - c. Who will enforce weed control responsibility? Tribal entities can enforce resolutions and ordinances on tribal lands but not on allotted lands. If the land is under a lease, BIA should enforce
  - d. Educate the community about weeds
  - e. Implement and coordinate weed control strategies
  - f. Secure funding to implement weed program and weed management strategy
6. Identify weed control responsibilities along irrigation canals
7. Identify the responsibilities of the Blaine County Weed District to producers that pay county taxes (fee lands), but where the district does not spray the area on the reservation that they own or lease.

### **Education and Communication**

Education and communication will help make weeds an important issue. This requires stakeholder involvement and partnerships between tribal programs.

Action items:

1. Get on the agenda for the January 2014 tribal orientation meeting. Create a booklet for each council member that includes the executive summary of the weed plan
2. Contact and begin attending the meetings of the tribal programs that deal with natural resources and weeds. Personally invite them to attend weed meetings
  - a. Fish and Game: personnel / guides / hunters should know and report weeds
  - b. Environmental

- c. Forestry / Fire Management
  - d. Housing: knapweed control in lawns of Hays and Lodgepole via tax credit
  - e. Land: appraisers should adjust land value based on presence of weeds
  - f. Natural Resources Conservation
  - g. Roads Maintenance
  - h. Water Resources: irrigation canals
3. Build a website to deploy communications needed to ensure a flow of information within the weed group and across tribal programs
  4. Hold a one-day training program with a weed pull and barbecue
    - a. Weed identification and folder / packet of information to take home
    - b. Offer free backpack sprayers, herbicides, and calibration
    - c. Demonstration and free calibration of ATV sprayers
  5. Create a student intern program with the Aaniiih Nakoda College
    - a. Certification to spray and operate ATVs for 2014 summer work
    - b. Weed mapping of the reservation using GPS and GIS technology
    - c. Identify other ways students could get real-world experience, encourage community acceptance, and help the weed effort.

### **Future Funding**

#### Action items:

1. Create a funding model to generate revenue and achieve self-sustaining operation of the weed program
2. Authorize BIA and MDT funding to the weed program rather than to Blaine County for weed treatment projects. This will require:
  - a. A truck with a slide-in spray unit
  - b. Training the tribal weed manager and one seasonal crew member
3. Identify Tribal revenue that helps (or should) fund range improvements, for instance TERO money, settlement funds, and lease rentals
4. Stay updated on the Keepseagle settlement as \$300 million is expected to be distributed to tribes via grants.
5. Develop grant proposals
  - a. Look into Russian olive biofuel funding via EPA energy grant through community development to heat the recreation facility
6. Ensure grants submitted by natural resource departments have a line item in the budget for weed control
7. Develop shared funding mechanisms among natural resource departments whereby they each contribute some funding to the weed program
8. Increase fees in agricultural and pasture leases, including land served by BIA's irrigation program, and grazing permits to fund weed control
9. Increase Fish and Game conservation fees to protect habitat against weed spread
  - a. Identify the purpose of conservation fees (habitat protection?) and determine where these fees get spent by Fish and Game
  - b. Partner with Fish and Game to increase conservation fees to \$7.00 for members and \$10.00 for non-members (currently \$5.00 for both groups) with the difference going to the weed program
  - c. Request fees are submitted directly from Fish and Game each month rather than from the general fund to ensure funds reach the weed program
10. Partner with the community economic development committee to host a statewide or regional raffle for a buffalo hunt
11. Provide private weed spraying services
12. Request donations from herbicide companies
13. Contact Kristy Bly with the World Wildlife Fund regarding funding opportunities to the reservation, which was discussed at a recent Fort Belknap NRCS technical services meeting.

## **APPENDIX B. BIA Rocky Mountain Region, Noxious Weed Prevention and Treatment Policy**

Bureau of Indian Affairs, Rocky Mountain Region  
Noxious Weed Prevention and Treatment Policy  
Larry Beneker, 2009

Noxious weeds are exotic or foreign plants that have invaded pastures, rangelands, timberlands, road rights-of-way, irrigation systems, waterways, and waste areas on Indian Reservations in the Rocky Mountain Region. The noxious weeds found on reservations in the Rocky Mountain Region are altering ecosystems, reducing rangeland and cropland production, impacting wildlife habitat, impacting facilities operation and maintenance, and threatening the survival of native and cultural plants.

Several federal laws requiring prevention / management of noxious (invasive) weeds include Executive Order 13112 signed into law in February of 1999, the Federal Noxious Weed Act of 1974, and the Carson-Foley Act of 1968. The National Environmental Policy Act (NEPA) also applies, requiring disclosure of all environmental impacts (including potential noxious weed introduction or expansion) associated with a proposed federal action prior to implementation of the action.

Executive Order 13112 was enacted “to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.” Federal agency duties include:

1. Prevent the introduction of invasive species;
2. Detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;
3. Monitor invasive species populations accurately and reliably; and
4. Provide for restoration of native species and habitat conditions in ecosystems that have been invaded.

This Executive Order is referenced in Item #11 of the updated “Categorical Exclusion Exception Checklist for Extraordinary Circumstances” and will be complied with by the BIA.

Therefore, the BIA Rocky Mountain Region is establishing policy (goals and standards) regarding the prevention and treatment of noxious weeds. Many noxious weeds produce seed which can remain viable in the soil for years. Follow up weed treatment may need to be completed for a number of years, until the seed bank is depleted and competitive, desirable vegetation occupies the site. Disturbance of areas where weed infestations have occurred in the past can open soil to new weeds as well as bring old weed seeds to the soil surface for germination.

Goals for the Rocky Mountain Region’s Noxious Weed Prevention and Treatment Policy are:

1. Prevent noxious weed introduction;
2. Prevent noxious weed spread from existing infestations; and
3. Treat existing noxious weed infestations for control (stopping the spread and reducing weed densities) or, as possible, eradicate noxious weed infestations.

Standards for implementing goals on soil / vegetation disturbing project areas will be as follows:

1. Survey proposed project area for presence / absence of noxious weeds
2. If noxious weeds are present:
  - a. Map weed locations by GPS (or other approved method), incorporating the field data into a GIS coverage compatible in ArcMap ESRI GIS software
  - b. Identify and document weed(s) by common name
  - c. Determine acreage and density of infestation(s)
3. Complete applicable NEPA documentation for the soil / vegetation disturbing project incorporating noxious weeds as a component of planning
4. Develop weed treatment / revegetation plans and implement—regional and local noxious weed coordina-

tors may help with this activity, as needed.

Standards for implementing goals on resource areas under the responsibility of BIA branch or division such as Irrigation with BIA Irrigation Project rights-of-way and Division of Transportation with BIA Road rights-of-way (reference 25CFR Part 170, Subpart G, Appendix A) will be the same as above with the following modifications:

1. Before November 15, 2009, the responsible branch or division will conduct a cursory survey of their resource area to identify the three most critical noxious weed infested areas for treatment / control as well as developing a treatment plan for each (assistance with treatment plans can be received from local or regional noxious weed coordinators and matching funds for treatment costs are available using Noxious Weed funds through a competitive process).
2. Before October 15, 2010, the responsible branch or division will conduct a more comprehensive survey of their entire resource area for the presence of noxious weeds; documenting all sites as listed in project area standards above. If the survey involves more than noxious weeds such as broadleaves or brush, these need to be documented as such..
3. Revegetation of treatment sites may not always be necessary based on the vegetation at the site.

#### Noxious Weed Prevention / Treatment Policy Development:

1. Agency Superintendents and Regional program directors will appoint an employee to act as the contact / coordinator for noxious weed control projects and activities for the reservation or program activity. The name of each appointed noxious weed contact will be submitted to the Regional Director by September 18, 2009.
2. Each program activity managed at the regional level (including Division of Transportation, Safety of Dams, and Housing / HIP) and Agency Superintendents will develop and submit to the Regional Director, a plan for meeting Noxious Weed Prevention and Treatment goals and appropriate standards. Other branches or activities to be involved in this planning process include: irrigation projects, forestry and fire activities (including roads to access forested sites), facilities management, and leasing / permitting. Plans for meeting Noxious Weed Prevention and Treatment goals and standards will be submitted for review and approval by the Regional Director by December 1, 2009.
3. Appropriate NEPA documentation will be completed for all appropriate actions / activities on Indian trust lands including impact on the introduction or spread of noxious weeds.
4. An Integrated Weed Management Plan will be developed at the reservation level for each reservation and updated, at least, every three years. GIS maps of GPS field data of the noxious weed infested areas are to be included in the Reservation specific Integrated Weed Management Plan. Assistance will be provided by the Regional Office, as requested. The initial Integrated Weed Management Plan will be completed by December 31, 2009.
5. All branches or activities involved in disturbance of soil / vegetation or having noxious weeds in properties or resource areas under their jurisdiction will participate in noxious weed treatment in those areas including funding, as available, to mitigate loss of affected resources on an annual basis.
6. All noxious weed prevention / management activities for the year will be reported to the Regional Weed Coordinator by December 1st of each year.
7. Recommended treatment strategies can be developed based upon the noxious weed(s) found, acreage and location involved, and management goals for the location. Assistance with recommended treatments can be provided by the regional or agency noxious weed coordinator or the local County Weed District Coordinator.

## APPENDIX C. FBIC Aquatic Resource Protection Ordinance, Section 601

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### Section 601. Hazardous Substances

#### I. General

- A. Know and comply with regulations governing the storage, handling, application (including licensing of applicators), and disposal of hazardous substances.
- B. Do not transport, handle, store, load, apply, or dispose of any hazardous substance or fertilizer in such manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants, and animals.
- C. Do not store, mix, or rinse hazardous below the high-water mark or where they might enter tribal waters.
- D. Develop a contingency plan for hazardous substance spills, including clean up procedures.

#### II. Pesticide and Herbicide

- A. Use an integrated approach to weed and pest control, including manual, biological, mechanical, preventative, and chemical means.
- B. To prevent the entry of hazardous substances into surface waters:
  1. Chemical treatments within the streamside management zone (SMZ) shall be by hand and shall be applied only to specific targets.
  2. Leave a 25 foot buffer along surface waters when chemicals are being applied through ground application with power equipment.
  3. For aerial application, leave at least a 50 foot buffer along live water and do not spray in the SMZ.
  4. Always refer to chemical label instructions for additional guidance on use near water and required buffer zones.
- C. To enhance effectiveness and prevent transport into stream, apply chemicals during appropriate weather conditions (see "Pesticide Ruling, A. Label Statement Guidance").

##### **Pesticide Ruling: *Label Statements for Spray Application***

The Fort Belknap Indian Community Council (FBICC) has developed a set of labeling statements as guidance for use on agricultural, home lawn and garden, and other outdoor use product labels. FBICC considers these statements to be generally appropriate for all pesticides affected by this code. These mitigation measures generally can be implemented for most products, regardless of the active ingredient and formulation chemistry. However, FBICC acknowledges that this guidance may not be appropriate for all products and their uses and that for certain products there may be exceptions to the wording of these statements in which some part(s) should not apply and/or other wording may be more appropriate. For example, while this code applies to bio-pesticides applied as sprays or dusts, label statements will be determined on a case-by-case basis due to their usual low risk characteristics.

#### III. Label Statement Guidance

- A. Products Applied as Sprays — All Affected Products, Except Home and Garden Products:  
"Do not allow spray to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals.

For ground boom applications, apply with nozzle height no more than 4 feet above the ground or crop canopy and when wind speed is 10 mph or less at the application site as measured by an anemometer.

Use \_\_\_\_\_ (registrant to fill in blank with spray quality, e.g. fine or medium) or coarser spray according to ASAE 572 definition for standard nozzles or VMD for spinning atomizer nozzles.

For aerial applications, the boom width must not exceed 75% of the wingspan or 90% of the rotary

blade. Use upwind swath displacement and apply only when wind speed is three to 10 mph as measured by an anemometer. Use \_\_\_\_\_ (registrant to fill in blank with spray quality; e.g., fine or medium) or coarser spray according to ASAE 572 definition for standard nozzles or VMD for spinning atomizer nozzles. If application includes a no-spray zone, do not release spray at a height greater than 10 feet above the ground or the crop canopy.

For overhead chemigation, apply only when wind speed is 10 mph or less.

The applicator also must use all other measures necessary to control drift."

**B. Products Applied as Dusts—All Affected Products, Except Home and Garden Products:**

"Do not allow dust to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals.

For ground rig applications, apply product no more than four feet above the ground or the crop canopy and only when wind speed is 10 mph or less at the application site as measured by an anemometer.

For aerial applications, use upwind swath displacement and apply only when wind speed is three to 10 mph as measured by an anemometer. If application includes a no-spray zone, do not release dust at a height greater than 10 feet above the ground or the crop canopy.

The applicator also must use all other measures necessary to control drift."

**C. Hand-applied Products, Including Home and Garden Products, to be applied as Sprays or Dusts:**

"Do not allow spray (or dust) to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals. Apply only when wind speed is not more than 10 mph. For sprays, apply largest size droplets possible."

**IV. Possible Additional Product-Specific Labeling**

Other labeling statements may be appropriate for certain products depending on the potential risks from the labeled uses to humans, plants, and wildlife or contamination of surface water. FBICC will consider the available information on a pesticide's incident history, current uses, and estimated exposures and risks, including estimates of deposition from available models, to determine the need for additional drift mitigation measures. Examples of such measures include limiting application height, spray quality (droplet size), use of no-spray zones, and prohibition of an application method.

If FBICC determines that a no-spray zone is necessary for a product, the following label statement will be used:

"Do not apply this product within \_\_\_\_\_ (distance to be determined) of \_\_\_\_\_ (sensitive areas to be determined for the product). Under no circumstances apply this product within \_\_\_\_\_ (distance to be determined) of people or these areas."

FBICC may find that the addition of no-spray zones to the above labeling statements is prudent as an additional drift management tool for applicators to protect people and sensitive areas from drift. FBICC in its risk management decisions will determine whether one or more no-spray zones and their distance(s) are necessary for products using available information about the pesticide's uses and risk assessments.

**APPENDIX D. Cooperative Assistance Agreement between the BIA and Blaine County  
Weed District**

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**BIA AGREEMENT NO:** A12MA00036  
**CHARGE CODE** C00462-2012/2013-N3C00-252R \$3,440.00  
**AND FUNDING:** C55463-2012/2013-N9B10-252R \$3,440.00  
**TAFS (Treas. Approp. Fund Symbol):** 142/32100  
**CFDA NUMBER:** 15.034  
**CFDA TITLE:** Agriculture on Indian Lands  
**DUNS:** 010376671  
**PROJECT:** Noxious Weeds Treatment Projects-Fort Belknap Reservation

## **COOPERATIVE ASSISTANCE AGREEMENT**

Between

U.S. Department of the Interior  
Bureau of Indian Affairs  
Rocky Mountain Regional Office  
316 North 26<sup>th</sup> Street  
Billings, MT 59101

And

**Blaine County Weed District, Montana**

Grants, Cooperative Assistance Agreements, and Technology Investment Agreements are financial assistance instruments, rather than acquisition instruments, used by the Department of the Interior (DOI) to transfer money or property to a recipient to accomplish a public purpose authorized by Federal statute.

### **1. COOPERATIVE AGREEMENT RECIPIENT**

Blaine County Weed District  
P.O. Box 1212  
Chinook, Montana 59523

Email: [ppula@co.blaine.mt](mailto:ppula@co.blaine.mt) Phone: 406-357-2340 Fax: 406-357-2199

Recipient Class: [Local County Government](#)

### **2. STATEMENT OF JOINT OBJECTIVES**

A. **Purpose.** This Agreement is made and entered into by the Bureau of Indian Affairs, [Rocky Mountain](#) Regional Office, an executive agency of the U.S. Department of the Interior, hereinafter referred to as the “BIA” and [Blaine County Weed District](#) hereinafter referred to as the Weed District.

B. **Authority.** The B.I.A. enters into this Cooperative Agreement pursuant to the authority provided by: 23 U.S.C 101(a), 120(j) & (k), 202, 204, 43 U.S.C. 1457b; and 25 U.S.C. 47. [Federal Noxious Weed Act, P.L. 93-629, Section 15](#), which states “In general – Federal agencies, as appropriate, shall enter into

cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal Lands.”

C. Scope of Project. The BIA and the Blaine County Weed District agree that the scope of the project is for the control of noxious weeds (including, but not limited to spotted knapweed, leafy spurge, Canada thistle, and Russian knapweed) on the Fort Belknap Reservation. This project commonly referred to as [the Noxious Weeds Treatment Projects – Fort Belknap Reservation](#).

D. Benefits. The activity to be undertaken through this agreement is in furtherance of the recipient’s and BIA’s mission by the providing the following benefits:

1. [Reduce the impact that noxious weeds pose to natural resource ecosystems on the Fort Belknap Reservation.](#)
2. [Improve the economic return of agriculture resources on the Fort Belknap Reservation through control of noxious weeds.](#)

### **3. DEFINITIONS**

A. Agreement: This is a cooperative agreement or grant. The term grant is defined as all Federal financial assistance that provides support or stimulation to accomplish a public purpose. Use of the term “grant” includes grants or cooperative agreements awarded by the Federal Government to eligible recipients.

B. Contracting Officer (CO): The BIA’s Contracting Officer. The CO is the only individual authorized to obligate funds, award, modify or terminate an agreement.

C. Project Officer (PO): The Project Officer. The PO will be designated for the purpose of administering the technical aspect of an agreement. The PO is authorized to clarify technical requirements, and to review and approve work which is clearly within the scope of the work specified in an agreement. The PO is not authorized to issue changes or in any other way modify an agreement.

D. Award Recipient: The Award Recipient is the recipient’s individual who is authorized to act for the applicant and to assume the obligations imposed by the Federal laws, regulations, requirements, and conditions that apply to grant applications or grant awards.

E. The Bureau of Indian Affairs (BIA). May also be referred to as Bureau.

F. Blaine County Weed District (Weed District). The award recipient may be referred to as Cooperator.

G. The Code of Federal Regulations (CFR).

H. Financial Status Reports (FSR)

I. Fiscal Year (FY): The Federal fiscal year which extends from October 1 of one year through September 30 of the following year.

J. Not-to-Exceed (NTE) Amount: The maximum Federal funding amount.

K. The Office of Management and Budget (OMB). All OMB Circulars and Standard Forms that apply to this agreement may be found on the OMB website at: [www.whitehouse.gov/omb/grants/index.html](http://www.whitehouse.gov/omb/grants/index.html).

L. Project Officer (PO): The BIA's project officer is the individual designated for the purpose of administering the technical aspect of this agreement. At the time of award, a BIA employee(s) will be appointed as the PO. The appointed PO will be responsible for providing on-site inspection of the work. The PO will work closely with the Project Manager and is authorized to clarify technical requirements, review and approve work which is clearly within the scope of the work specified in this agreement. The PO will review FSRs, payments and performance reports and recommend approval to the GMO. The PO will not be authorized to issue changes or in any way modify the agreement or obligate the Government in any way.

M. Project Manager: The recipient's Project Manager.

N. Recipient's Project Officer (RPO): Is the recipient's technical leader who is authorized to act for the recipient's organization and commit and direct the project or activity being supported by the grant. The PD/PO is responsible and accountable to the recipient and BIA for the proper conduct of the project or activity and to comply with the terms and conditions of this agreement.

O. Financial Assistance Administrator / Grants Management Officer (GMO): The GMO is the only individual in BIA who is authorized to obligate funds, award, amend, terminate and administer this agreement. These responsibilities may in some cases be performed by the Contracting Officer.

#### **4. DETERMINATIONS AND FINDINGS**

The determination has been made, that this cooperative agreement is consistent with the requirements of 31 USC 6305 and that a copy of the documentation has been placed in the agreement file.

#### **5. PROJECT MANAGEMENT**

##### **PROJECTS:**

1. Tucker Gravel Pit Area – As a follow up treatment, treat noxious weeds in and adjacent to the gravel pit and along the road into the pit area. Spotted knapweed is the major concern in this project area.
2. White Bear Dam, Main C Canal, and Lateral 9C5 – Follow up treatment of leafy spurge along the White Bear Dam, the Main C Canal, and the Lateral 9C5. These sites are under the Fort Belknap Irrigation project and due to water issues would be treated in the spring and fall with OptiAmine. National Pollutant Discharge Elimination System (NPDES) requirements and herbicide label requirements need to be followed.
3. BIA Route 8 - Spot treat noxious weeds within the rights-of-way (ROW) of Route #8 starting at

Highway 2 and going south to the County line. This project portion is approximately 7 miles long and the major noxious weed is leafy spurge. Also, spot treat noxious weeds within the ROW of Route #8 starting at the Phillips County line to the junction of Route #11 at Lodge Pole. This project portion is approximately 23.5 miles long. The major noxious weed is spotted knapweed which is scattered throughout the ROW and in places is spreading into adjoining fields along the ROW.

4. Lodgepole and Vicinity/Route #11 - Spot treat noxious weeds where project disturbance has occurred around the Lodgepole Community and in the vicinity extending onto Route #11 east and west of Lodgepole. Judicious and careful use of herbicides in the Lodgepole Community must be practiced.

5. Route #1 from Route #66 to Star Hill Road Turnoff including Hays Community - Spot treat noxious weeds, especially spotted knapweed, along Route #1 between Route #66 and the Hays Community to the Star Hill Road turnoff. Treat noxious weeds within the Road ROW and any adjacent disturbed areas. This project is approximately 3 miles long. Do not use herbicides in the biological control release sites. Judicious and careful use of herbicides in the Hays Community must be practiced.

6. Bear Gulch Road – Spot treat noxious weeds within the ROW portion of Bear Gulch Road on the Fort Belknap Reservation. This road section is approximately 6 miles long. The major noxious weeds include spotted knapweed and Canada thistle.

7. Range Unit 103 – Spot treat spotted knapweed within the existing gravel pit in Range Unit 103.

8. As needed, treat noxious weeds which grow from log piles pulled from the Milk River and related waterways near Fort Belknap Agency in/near section 31, Township 32 North, Range 23 East.

9. As funds are available, follow up treatment on any remaining noxious weeds along the Three Buttes East and West Roads and along the Valley Road as well as all remaining saltcedar on Indian trust land along the Milk River.

For this fiscal year 2012 Agreement, complete only as much Project work as funds will allow, beginning at the highest priorities. When the \$6,880.00 in this Agreement is expended, project work will stop regardless of how many of the Projects are completed.

Coordinate overall noxious weed treatment, including location of treatment areas and biocontrol sites and establishment of priorities with Gerald Hockhalter, BIA- Fort Belknap Agency- Soil Conservationist, at 353-2901.

## **A. WEED DISTRICT RESPONSIBILITIES**

1. Provide services resulting in weed control on the Fort Belknap Reservation including purchase of herbicides and additives. The weed control applicator will have a valid/appropriate license as required by the State of Montana, Department of Agriculture. The Weed District will provide labor, vehicles, application equipment, and any miscellaneous items needed to maintain equipment and vehicles.
2. The weed control applicator will provide treatment of noxious weeds (within the above-listed projects) including, but not limited to, spotted knapweed, leafy spurge, Canada thistle, and Russian knapweed. Since the project allocations are estimates, excess funds for a given project need to be reprogrammed after consultation with BIA. Blaine County Weed District will charge \$50/hour for truck, \$30/hour for UTV, \$25/hour for ATV, \$30/hour for two man crew, and \$15/hour for one man crew for the project work.
3. Follow label requirements for each herbicide used in the noxious weed treatments.
4. Provide BIA with treatment records using Global Positioning System (GPS) data for all projects listed above. Also, provide copies of daily herbicide application logs for each project.
5. Submit invoices to BIA for herbicide purchases, contract support, and weed control services.
6. Use a temporary colorant as necessary to promote the accurate and efficient use of herbicides.
7. Comply with state and federal regulations and guidelines including any Environmental Assessments regarding the environmentally safe application of pesticides on the Fort Belknap Reservation and the new NPDES requirements regarding pesticides and U.S. waters.
8. Ensure that individuals performing tasks under this agreement meet all State, Federal, County and Tribal requirements for fees, licensing or bonding. For example, contractors performing work within the boundaries of the Indian Reservation must be certified with the Tribe and comply with all Tribal Employment Rights Ordinances, including but not limited to fees and employment requirements.

## **B. BIA RESPONSIBILITIES**

1. Provide payment of up to \$6,880.00 for control of noxious weeds within the above-listed Projects. Initial project costs for fiscal year 2012 are estimated as follows:
  - a) Tucker Gravel Pit Area – 4 acres @ \$27 per acre for herbicides and \$60 per acre for labor. Allocation for this project - \$348.
  - b) White Bear Dam, Main C Canal, and Lateral 9C5 – 26 acres (13 acres X 2 treatments per year) @ \$22 per acre for herbicides and \$60 per acre for labor. Allocation for this project - \$2,132.

c) BIA Route 8 – 18 acres @ \$27 per acre for herbicides and \$60 per acre for labor. Allocation for this project - \$1,566.

d) Lodge Pole and Vicinity/Rte#11 –5 acres @ \$27 per acre for herbicides and \$60 per acre for labor. A conservative approach needs to be taken when treating the noxious weeds in this project area due to the site location. Allocation for this project - \$435.

e) Route #1 from Route #66 to Star Hill Road Turnoff including Hays Community – 19.4 acres @ \$27 per acre for herbicides and \$60 per acre for labor. A conservative approach needs to be taken when treating the noxious weeds in this project area due to the site location. Allocation for this project - \$1,688.

f) Bear Gulch Road – 6 acres @ \$27 per acre for herbicide and \$60 per acre for labor. Allocation for this project - \$522.

g) Range Unit 103 – 1.2 acres @ \$27 per acre for herbicide and \$60 per acre for labor. Allocation for this project - \$104.

h) Log piles near Fort Belknap Agency - 1 acres @ \$27 per acre for herbicide and \$60 per acre for labor. Allocation for this project - \$87.

i) As funds are available, follow up treatment on any remaining noxious weeds along the Three Buttes East and West Roads and along the Valley Road as well as all remaining saltcedar on Indian trust land along the Milk River.

Continue to treat noxious weeds until funds are expended within each project area.

2. Provide adequate maps for road rights-of-way and any project treatment sites as needed to clarify treatment sites. Also, provide priorities of treatment sites within each project area as needed.

3. Assist in gaining access to treatment sites as requested by the Weed District.

4. Coordinate biological control treatment areas with all herbicide treatment projects on the reservation to insure retention of successful biological control sites.

5. Assume the liability for treatment of noxious weeds within the above-listed project areas according to herbicide label directions, unless gross negligence is involved.

## **6. TERMS OF AGREEMENT.**

A. This agreement shall become effective on the date of signature of the BIA GMO and shall remain in effect upon final completion of the Project or unless terminated or modified in accordance with the provisions of 43 CFR, Subpart F, Section 12.961 and 43 CFR, Subpart C, Section 12.83 and 12.84. The BIA will consider continued funding for the project upon (a) the recipient showing progress satisfactory

to the BIA toward program goals and the determination by the BIA that continuation of the program would be in the best interest of the Government or (b) the availability of funds.

B. A request to extend the project and/or budget period shall be requested by the recipient and submitted to the GMO at least 30-days prior to the expiration date of the project and/or budget period. The recipient shall include in the request the cause of the needed extension, a description of the remaining work to be completed, the proposed date of completion, the amount of funds remaining and a revised budget for the remaining funds. If all funds have been disbursed to the recipient, this must be indicated in the request.

C. If the project has not been completed and approved by December 31, 2013 this agreement will be terminated and all funds will be de-obligated. A request for an extension that is received by the GMO after the expiration date will not be honored.

D. This agreement may be terminated in accordance with the provisions of 43 CFR, Subpart C, Section 12.84 for State, Local and Indian Tribal governments for Subpart F, section 12.961 for institutions of higher education, hospitals, other non-profit and all other organizations.

## **7. FUNDING RESPONSIBILITIES**

- A. The Weed District estimates the BIA portion of this project to be \$6,880.00.
- B. The BIA agrees to obligate funds to this project until December 31, 2013. If the project has not been completed by December 31, 2013, this agreement may be extended to accommodate project completion.
- C. Funding. This agreement shall be funded each FY for no more than 5-years based on the availability of BIA funding.
- D. FY Carryover. Funds obligated but not expended in one FY can be carried forward and expended in the subsequent FY for this award, not to exceed FY 2014.
- E. Maximum Obligations. The total obligations, including amendments, represent the amount for which the BIA will be responsible for under the terms of this agreement. The amount cited above is a Not to Exceed (NTE) amount. The BIA shall not be responsible to pay for nor shall the recipient be responsible to perform any effort that will require the expenditure of Federal funds above the current obligated amount.
- F. Cost Sharing. Cost sharing for this agreement shall be in accordance with 43 CFR, Subpart C, Section 12.64 for State, local and Indian tribal governments or Subpart F, Section 12.923 for institutions of higher education, hospitals, other non-profit and all other organizations.
- G. Program Income. Program income generated by this agreement shall be in accordance with 43 CFR, Subpart C, Section 12.65 for State, local and Indian tribal governments or Subpart F, Section 12.924 for institutions of higher education, hospitals, other non-profit and all other

organizations.

## **8. PAYMENTS**

A. All Payment under this agreement will be made by the Government by electronic funds transfer (through the Treasury Fedline Payment System (FEDLINE)).

B. Invoice Submission. The County will submit an official invoice to the Branch of Accounting – Attention: Payments, Rocky Mountain Regional Office, 316 North 26<sup>th</sup> Street, Billings, MT 59101. After the invoice is reviewed and approved, payment will be processed. Invoices will be based on and accompanied by Daily Application Records of treatments and associated GPS-based data (maps) of the treatment sites within the above-listed projects. Invoices should not be submitted more than once a month.

C. Advance Payments. Payments under this agreement will be made electronically by the United States Department of Treasury within 7-days after the request has been submitted; there should be a minimal need for advance payments.

D. Drawdown. Treasury Circular 1075 (31 CFR 205) requires that draw downs to a recipient organization shall be limited to minimum amounts needed and must be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purposes of the approved program or project. The timing and amount of cash advances must be as close as administratively feasible to the actual disbursements by the recipient organization for direct program or projects costs and the proportionate share of any allowable indirect costs.

E. All payments will be deposited in the banking information designated by the County in Central Contractor Registration (CCR).

## **9. PROPERTY MANAGEMENT AND DISPOSITION**

Any BIA property used or other property acquired under this agreement, including intangible property such as copyrights and patents shall be governed by the provisions of 43 CFR, Subpart C, Section 12.71 through 12.73 for State, local and Indian tribal governments or Subpart F, Section 12.930 through 12.937 for institutions of higher education, hospitals, other non-profit and all other organizations. The BIA assumes no liability for any actions or activities conducted under this agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act [28 U.S.C. 1346(b), 2401(b), 2671 - 2680, as amended by P.L. 89-506, 80 Stat. 306]".

## **10. OWNERSHIP OF DOCUMENTS**

To the extent permitted by law, all data prepared under this agreement shall be made available to the Weed District without restriction or limitation on their further use, with exception of any documents or information which would be considered attorney/client privileged by the BIA and the Tribe.

## **11. KEY OFFICIALS**

All notices to any party by any other party, required under this agreement, shall be delivered personally, by official e-mail, or sent by U.S. Mail, addressed to such party at the following respective addresses:

### **COUNTY**

Blaine County Weed District  
Attn: Weed Coordinator  
P.O. Box 1212  
Chinook, Montana 59523  
Phone (406)357-2340  
Fax (406)357-2199  
ppula@co.blaine.mt.gov

### **BIA**

Bureau of Indian Affairs  
Attn: Regional Soil Conservationist  
Rocky Mountain Region  
316 North 26<sup>th</sup> Street  
Billings, Montana 59101  
Phone (406)247-7925  
Fax (406)247-7990  
larry.beneker@bia.gov

## **12. SPECIAL TERMS AND CONDITIONS**

### **A. Standard Award Terms and Conditions.**

#### **1. Administrative and National Policy Requirements:**

##### **a. Office of Management and Budget (OMB) Circulars**

By accepting Federal assistance, your organization agrees to abide by the applicable OMB Circulars in the expenditure of Federal funds and performance under this program.

<http://www.whitehouse.gov/omb/circulars/>

2 CFR Part 220 (OMB Circular A-21) - Cost Principles for Educational Institutions

2 CFR Part 225 (OMB Circular A-87) - Cost Principles for State, Local and Indian Tribal Governments

2 CFR Part 230 (OMB Circular A-122) - Cost Principles for Non-Profit Organizations

2 CFR Part 215 (OMB Circular A-110) - Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations

OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

#### **2. General Provisions.**

This agreement incorporates the Standard Award Terms and Conditions found at the following Department of the Interior website as if they were given here:

<http://www.doi.gov/pam/TermsandConditions.html>. Upon request, the CO will provide the recipient a

copy.

a. Acceptance of a Federal Financial Assistance award from the Department of the Interior (DOI) carries with it the responsibility to be aware of and comply with the terms and conditions of award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means.

Awards are based on the application submitted to, and as approved by DOI and are subject to the terms and conditions incorporated either directly or by reference in the following:

- Program legislation/regulation.
- Special terms and conditions.
- Code of Federal Regulations/Regulatory Requirements, as applicable (Contact your program officer with any questions regarding the applicability of the following ):

2 CFR Part 175 Trafficking Victims Protection Act of 2000

43 CFR 12(A) Administrative and Audit Requirements and Cost Principles for Assistance Programs

43 CFR 12(E) Buy American Requirements for Assistance Programs

43 CFR 12(C) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local

43 CFR 12(F) Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, other Non-Profit and Commercial Organizations

43 CFR 43 Government-Wide Requirements for a Drug-Free Workplace

2 CFR Part 1400 Government-Wide Debarment and Suspension (Non-procurement)

43 CFR 18 New Restrictions on Lobbying

### **3. Opposition to Any Legislation.**

In accordance with the Department of the Interior, Environment, and Related Agencies Act, 2006, Title IV, Section 402, No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

### **4. Endorsements.**

Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service, or position which the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services.

All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer:

The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.

Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific text, layout photographs, etc. of the proposed release must be submitted with the request for approval.

A recipient further agrees to include this provision in a sub award to and subrecipient, except for a sub award to a State government, a local government, or to a federally recognized Indian tribal government.

#### **5. Retention and Access Requirements for Records.**

All recipient financial and programmatic records, supporting documents, statistical records, and other grants-related records shall be maintained and available for access in accordance with 43 CFR Subpart C, Section 12.82 for State, local and Indian tribal governments or Subpart F, Section 12.953 for institutions of higher education, hospitals, other non-profit and all other organizations.

IG's Office Access to Records - Recipients shall provide additional access for the Inspector General's office to examine recipient's records and to interview officers/employees of recipient.

#### **6. Increasing Seat Belt Use.**

Recipients of grants/cooperative agreements and/or sub-awards are encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

#### **7. Prohibition on Text Messaging and using Electronic Equipment supplied by the Government while Driving.**

Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, was signed by President Barack Obama on October 1, 2009 (ref.: <http://edocket.access.gpo.gov/2009/pdf/E9-24203.pdf>) This Executive Order introduces a Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment.

Additional guidance enforcing the ban will be issued at a later date. In the meantime, please adopt and enforce policies that immediately ban text messaging while driving company-owned or rented vehicles, government-owned or leased vehicles, or while driving privately-owned vehicles when on official government business or when performing any work for or on behalf of the government.

In accordance with Executive Order 13513, Recipients of grants/cooperative agreements and/or sub-awards are encouraged to adopt and enforce their own policies that ban employees from texting while driving when performing work for, or on behalf of the Government. You are also encouraged to educate your employees and to urge voluntary compliance with a texting ban for off duty employees.

#### **8. Order of Precedence.**

Any inconsistency in the agreement shall be resolved by giving precedence in the following order: (a) Any national policy requirements and administrative management standards; (b) 43 CFR Part 12; (c) requirements of the applicable OMB Circulars and Treasury regulations; (d) special terms and conditions; and (e) all agreement sections, documents, exhibits, and attachments .

#### **9. Amendments.**

The agreement may be amended by written agreement signed by both the recipient's Authorized Representative and the CO. Administrative changes (i.e. CO name change, etc.) which do not change the Scope of Project, NTE amount, etc. or otherwise affect the recipient may be signed unilaterally by the CO. Additionally, a unilateral amendment may be utilized if it should become necessary to suspend or terminate the agreement in accordance with 43 CFR, Subpart C, Section 12.83 for State, local and Indian tribal governments or Subpart F, Section 12.961 for institutions of higher education, hospitals, other non-profit and all other organizations.

All other changes shall be made by means of a bilateral amendment to the agreement. No oral statement made by any person, or written statement by any person other than the CO, shall be allowed in any manner or degree to amend or otherwise effect the terms of the agreement.

All requests for amendment of the agreement shall be made in writing, provide a full description of the reason for the request, and be sent to the attention of the CO. Any request for project extension shall be made at least 30 days prior to the expiration date of the agreement or the expiration date of any extension period that may have been previously granted. Any determination to extend the period of performance or to provide follow-on funding for continuation of a project is solely at the discretion of the BIA.

#### **10. Audit Requirements.**

Non-Federal entities that expend \$500,000 or more during a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133, which is available at [http://www.whitehouse.gov/omb/grants/grants\\_circulars.html](http://www.whitehouse.gov/omb/grants/grants_circulars.html).

Federal awards are defined as Federal financial assistance and Federal cost-reimbursement contracts that non-Federal entities receive directly from Federal awarding agencies or indirectly from pass-through entities. They do not include procurement contracts, under grants or contracts, used to buy goods or services from vendors. Non-Federal entities that expend less than \$500,000 for a fiscal year in Federal awards are exempt from Federal audit requirements for that year, except as noted in A-133, §\_215(a), but

records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

Audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. Additional audit requirements applicable to this agreement are found at 43 CFR 12.66 or 43 CFR 12.926, as applicable. General guidance on the single audit process is included in a pamphlet titled, "Highlights of the Single Audit Process" which is available on the internet at <http://www.dot.gov/ost/m60/grant/sincontact.html>. Additional information on single audits is available from the Federal Audit Clearinghouse at <http://harvester.census.gov/sac/>.

#### **11. Officials Not to Benefit.**

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share of this agreement, or to any benefit arising from it. However, this clause does not apply to this agreement to the extent that this agreement is made with a corporation's general benefit.

#### **12. Indian Preference Program**

In accordance with DIAR Part 1426 – Other Socio-Economic Programs, it is the BIA policy to place a fair share of purchases with Indian Owned Business Firms. The BIA is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. Positive efforts shall be made by recipients to utilize Indian owned businesses whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal:

- a. Ensure that Indian owned businesses are used to the fullest extent practicable.
- b. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by Indian owned businesses.
- c. Consider in the contract process whether firms competing for larger contracts intend to subcontract with Indian owned businesses.
- d. Encourage contracting with consortiums of Indian owned businesses when a contract is too large for one of these firms to handle individually.
- e. Use the services and assistance, as appropriate, of such organizations as the Small Business Development Agency in the solicitation and utilization of Indian owned.

#### **13. Central Contractor Registration (CCR).**

Prior to award the Cooperator shall register and maintain their own information with Dun & Bradstreet and the Central Contractor Registration System.

Obtain a valid Dun & Bradstreet Number (D&B) from Dun & Bradstreet @ <http://www.dnb.com/> or by calling them at 800-333-0505.

Register on the Central Contractor Registration System (CCR) @ <http://www.ccr.gov>

**14. Monitoring.**

The BIA may make site visits as warranted by program needs. In addition, the BIA has the right of timely and unrestricted access to any books, documents, papers, or other records of the Recipient's that are pertinent to the award, in order to make audits, examinations, excerpts, transcripts and copies of such document. This right also includes timely and reasonable access to Recipient personnel for the purpose of interview and discussion related to such documents.

**APPROVED BY:**

BLAINE COUNTY WEED DISTRICT

\_\_\_\_\_  
Chairman Date

BLAINE COUNTY COMMISSIONERS

\_\_\_\_\_  
Chairman Date

BUREAU of INDIAN AFFAIRS

\_\_\_\_\_  
Superintendent, Fort Belknap Agency Date

\_\_\_\_\_  
Director, Rocky Mountain Region Date

\_\_\_\_\_  
Contracting Officer Date

## **APPENDIX E. Noxious Weed Control Agreement between the MDT and Blaine County Weed District**

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## NOXIOUS WEED CONTROL AGREEMENT

This agreement is entered into this 30th day of May, 2013, by and between the Montana Department of Transportation (hereafter-MDT), and the Blaine County Weed District (hereafter-Applicator).

- I. **PURPOSE.** The purpose of this agreement is to set forth the term and conditions for the control of noxious weeds within the limits of the rights-of-way on the following state highways: US-2; MT-66; S-240, S-241, S-338 and S-529 under the jurisdiction of MDT.
- II. **PAYMENT.** MDT agrees to pay Applicator the annual sum of \$8,000, which shall be paid upon submission of an itemized billing from Applicator setting forth the dates, place, equipment, supplies and time spent by applicator for control of noxious weeds. At a minimum, itemized billing submissions shall be submitted to MDT for payment no later than June 30<sup>th</sup> for spring treatments and no later than October 30<sup>th</sup> for summer and fall treatments. Applicator will provide daily weed control report forms supporting the billing to the MDT contact person.
- III. **APPLICATOR DUTIES AND RESPONSIBILITIES.** The Applicator agrees that payment by MDT is due only upon acceptable performance of the following:
  1. Applicator shall be licensed or a licensed applicator will be in direct charge and supervision of all spray crews performing work under this agreement.
  2. Spraying by Applicator will be noxious weed control only. Continuous spraying of the right-of-way or boom spraying will not be permitted unless preauthorization is given by the district maintenance chief and then only in accordance with the environmental impact statement and policy established thereunder.
  3. Applicator will use chemicals only in accordance with the manufacturer/suppliers' directions on use and spraying techniques and only chemicals registered with the Environmental Protection Agency (EPA) and the State of Montana may be used.
  4. Applicator agrees to notify the area maintenance chief prior to initiating spraying season.
  5. Applicator agrees that spraying will be done in such a manner as to most effectively prevent damage to residential areas, plants, gardens, berries, orchards, vineyards, farm years, farm crops, or any threat to livestock or persons in the area.
  6. Applicator will provide all necessary equipment, tools, chemicals, supplies, personnel and safety equipment so as to perform the work contemplated herein in a timely, effective and professional manner. Applicator agrees that he assumes sole responsibility to perform the work safely, effectively, and professionally, as MDT personnel will not directly supervise Applicator's work.
  7. Applicator agrees to provide liability insurance in an amount of no less than \$750,000. Applicator further agrees to indemnify, protect, defend and otherwise hold harmless MDT, the State, and its officers and employees from any claim, damage, loss or injury due to or allegedly due to the services and acts or omissions of Applicator and its employees performed under this agreement.

8. Applicator and MDT agree that Applicator is an independent contractor and not an employee or agent of the State or MDT. Applicator agrees to provide to MDT proof of workers' compensation coverage or statutory exemption prior to initiating any spraying under the terms of this agreement.
9. Applicator understands that it must comply with all applicable federal and state nondiscrimination provisions, as stated in the attached NOTICE, which is part of this agreement.
10. Applicator agrees that the Department has the right to review, inspect and audit all of Applicator's documents and records regarding its performance of the work under this agreement. Applicator will make all documents and records available for review, inspection or audit to any representative of the Department upon request during the period of the performance of the work under this agreement, and for a period of three (3) years after the work's completion. Applicator agrees that it will retain those records for at least that period.

**IV. MDT DUTIES.**

1. MDT will remit payment per the agreement within thirty (30) days of submission of the itemized billing statement from Applicator.
2. MDT agrees to provide prompt response to any questions from Applicator as to spraying equipment, materials or locations and any limitations regarding chemicals used or area to be sprayed.
3. MDT will promptly provide the name, address and phone number of the maintenance chief assigned as the contact person for the application.

**V. VENUE.** In the event of litigation over any part of this agreement, the parties agree that venue will be in the First Judicial District, Lewis and Clark County, Montana.

**VI. TERM.** This agreement shall be in effect from the date of execution and shall terminate on June 30, 2014 unless otherwise agreed by the parties in writing.

DATED this 04 day of June, 20113.

  
\_\_\_\_\_  
APPLICATOR  
(If a corporation, please attach proof of authority to sign.)

\_\_\_\_\_  
DISTRICT ADMINISTRATOR  
For the Department of Transportation

APPROVED FOR LEGAL CONTENT: The Legal Services Unit of MDT previously drafted and approved this standard agreement.

### NON-DISCRIMINATION NOTICE

During the performance of this Agreement, the Blaine County Weed District (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

#### A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations, Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
  - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
  - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the

Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

**B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, §49-3-207, MCA**

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

**C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed captioned.

**D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR §26**

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

**The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.**

## APPENDIX F. 2013 Annual Operating Plan (Draft)

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Submitted by Kim Goodwin, Center for Invasive Species Management, Montana State University  
July 22, 2013

The draft 2013 annual operating plan (AOP) is a schedule of short-term activities based on stakeholder priorities and local resources that strive to support the Fort Belknap Indian Community's Noxious Weed Management Strategic Plan. The draft AOP is supported by the weed plan, legislative and policy requirements, and consultation and planning with stakeholders. Community meetings and field tours held on June 20 and 21, 2013, provided stakeholder involvement in identifying, analyzing, and prioritizing weed issues and local solutions. The notes of these meetings are provided as Appendix A.

In response to the June meetings, a conference call was held on July 12, 2013, to determine 2013 action items and lead persons. The draft AOP is evolving, and costs and deadlines will be determined for each action item. The participants of the July 12 conference call were Dennis Longknife, Mena Limpy-Goings, Kim Goodwin, Gail Whiteman, and Donna Young.

### ACTION ITEMS FOR THIS YEAR

#### Weed management responsibility

1. August 7, 2013: Introduce a resolution to authorize the development of a weed control program on tribal lands that could pertain to allotted lands, which should be acknowledged in writing by the BIA. (*Gail Whiteman, Fort Belknap Reservation Extension*)
2. August 7, 2013: Request Council approval of the weed management strategic plan. (*Gail Whiteman*)
3. Initially develop the weed program under the reservation Extension office and create a weed program line item in the Extension budget. (*Gail Whiteman*)
4. Create a Fort Belknap Weeds Committee to provide guidance to the weed program and ensure implementation of the weed plan and annual operating plan. (*Gail Whiteman*)
5. Develop a draft strategy to create the weeds committee. (*Kim Goodwin, CISM-MSU*)
6. Develop the search committee which will lead the hiring process for the weed manager position. (*Gail Whiteman*)

#### Collect and present data for weed management

7. Request the Blaine and Phillips County weeds datasets and weed data from USDA-NRCS (Cathy Maynard, Helena, MT) collected as part of the 2006 rangeland inventory. (*Kim Goodwin*)
8. Transfer datasets to the Billings office of the BIA and the GIS section of the Fire Management Department to print weed maps of the reservation and surrounding area. (*Kim Goodwin*)
9. Request leafy spurge biocontrol release data on the reservation beginning in late 1980s and reports from the Billings office of USDA-APHIS and document leafy spurge biocontrol efforts to date on the reservation. (*Kim Goodwin*)
10. Examine the use of remote sensing to define the extent of spurge in the northeastern portion of the reservation. (*Kim Goodwin*)
11. Determine certification needed for tribal members to operate ATVs and spray herbicides. (*Donna Young, Fort Belknap Environmental Department*)
12. Determine monthly stipends or reimbursement and equipment needed for two tribal members to spray spotted knapweed in Hays using ATVs. (*Marlene Werk, Fort Belknap Community Economic Development Committee*)
13. Contact Milk River Watershed Alliance and request emails be sent to a predetermined list of stakeholders to ensure correspondence is reaching the right people. (*Kim Goodwin*)
14. Identify the responsibilities of the Blaine County Weed District to individuals that pay county taxes (fee lands), but where the district does not spray the area on the reservation that they own. (*Kim Goodwin*)

## Education and communication

15. Conduct a weed and herbicide training program with a weed pull and barbecue in Hays on August 8, 2013. *(Kim Goodwin will submit plan to group)*
16. Conduct a multi-year spotted knapweed hand pulling pilot project with reservation youth in Hays and Lodge Pole. *(Gail Whiteman)*
17. Request MSU News Service write a press release on the new biocontrol project in the northeastern portion of the reservation to promote the weed program. *(Kim Goodwin)*
18. August 7, 2013: Request Council approval for MSU News Service to write a story. *(Gail Whiteman)*
19. Get on the agenda for the January 2014 tribal orientation meeting and create a weed program booklet for each council member that includes information on the strategic plan. *(Gail Whiteman)*
20. Create a master list of landowners/ users and managers and representatives of the federal government, institutions, and interest groups that have responsibilities and interests in weed management, and then submit the list to Gail Whiteman. *(Mena Limpy-Goings, Indian Nations Conservation Alliance)*
21. Create a communication plan to announce the weed committee and its activities, and to regularly communicate with community members, Council members, and other committees. *(Kim Goodwin will submit a draft plan)*

## Equipment and Supplies

22. Determine who has the two ATVs purchased with weed monies and request their return to the weed program. *(Dennis Longknife, Fort Belknap Environmental Department)*  
Update (July 29): Kim Goodwin contacted Harold Hepner (406-353-2607) per Dennis. Harold said one ATV was purchased (not two) by the college for a weed mapping project in the early 1990s. The ATV was used for a couple years and since then it has been held in storage with broken linkage. The weed program might be able to fix and use the ATV upon written request to the college president.
23. Obtain a nurse truck to haul ATVs and water and / or a truck with a slide-in spray unit via federal excess property or MDT. *(Gail Whiteman)*
24. Ask Pete Bishop and Ronnie Speak Thunder to screen for trucks and equipment. *(Gail Whiteman)*
25. Identify herbicide sales representatives and create and submit emails requesting herbicide donations. *(Kim Goodwin and Gail Whiteman)*

## Funding

26. Submit a budget modification to the FWP trails program to use the remaining \$3,000 on weed control in terms of Kid Curry and Snake Butte trail maintenance. *(Dennis Longknife)*
27. Create a funding model to generate revenue and achieve self-sustaining operation of the weed program. *(Kim Goodwin)*
28. Identify landowners or producers that are interested in participating in the Milk River Alliance grant and sign them up for 2014 cost-share opportunities. *(Mena Limpy-Goings)*  
Update (July 29): Kim contacted John Allen (406-353-2602). John will talk with the tax credit and HUD managers to determine if funding is available for this.
29. Stay updated on the Keepseagle settlement as \$300 million is expected to be distributed to tribes via grants. *(Gail Whiteman)*
30. Ensure grants submitted by natural resource departments have a line item in the budget for weed control. *(Gail Whiteman and members of the Weeds Committee)*
31. Determine the process for increasing fees or operation and maintenance charges in agricultural and pasture leases, including land served by BIA's irrigation program, and grazing permits to fund weed control. *(Kim Goodwin)*
32. Contact Kristy Bly with the World Wildlife Fund regarding funding opportunities available to Fort Belknap. *(Kim Goodwin)*

## APPENDIX G. Montana Noxious Weed List

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Updated in September 2010

**Priority 1a.** These weeds are not present in Montana. Management criteria will require eradication and education and prevention efforts if detected.

Yellow starthistle (*Centaurea solstitialis*)

**Priority 1b.** These weeds have limited presence in Montana. Management criteria will require eradication or containment and education.

Curlyleaf pondweed (*Potamogeton crispus*)

Dyer's woad (*Isatis tinctoria*)

Eurasian watermilfoil (*Myriophyllum spicatum*)

Flowering rush (*Butomus umbellatus*)

Japanese knotweed complex (*Polygonum* spp.)

Purple loosestrife (*Lythrum* spp.)

Rush skeletonweed (*Chondrilla juncea*)

Scotch broom (*Cytisus scoparius*)

**Priority 2a.** These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.

Blueweed (*Echium vulgare*)

Hoary alyssum (*Berteroa incana*)

Meadow hawkweed complex (*Hieracium* spp.)

Orange hawkweed (*Hieracium aurantiacum*)

Perennial pepperweed (*Lepidium latifolium*)

Tall buttercup (*Ranunculus acris*)

Tansy ragwort (*Senecio jacobea*)

Yellowflag iris (*Iris pseudacorus*)

**Priority 2b.** These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.

Canada thistle (*Cirsium arvense*)

Common tansy (*Tanacetum vulgare*)

Dalmatian toadflax (*Linaria dalmatica*)

Diffuse knapweed (*Centaurea diffusa*)

Field bindweed (*Convolvulus arvensis*)

Houndstongue (*Cynoglossum officinale*)

Leafy spurge (*Euphorbia esula*)

Oxeye daisy (*Chrysanthemum leucanthemum*)

Russian knapweed (*Centaurea repens*)

Saltcedar (*Tamarix* spp.)

Spotted knapweed (*Centaurea stoebe*)

St. Johnswort (*Hypericum perforatum*)

Sulphur cinquefoil (*Potentilla recta*)

Whitetop (*Cardaria draba*)

Yellow toadflax (*Linaria vulgaris*)

**Priority 3.** Regulated plants (not Montana-listed noxious weeds) have the potential to cause significant negative impacts. These plants may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education, and prevention to minimize the spread of regulated plants.

Cheatgrass (*Bromus tectorum*)

Hydrilla (*Hydrilla verticillata*)

Russian olive (*Elaeagnus angustifolia*)

