



Brian Schweitzer
Governor

Ron de Yong
Director

July 16, 2010

TO: Interested Persons

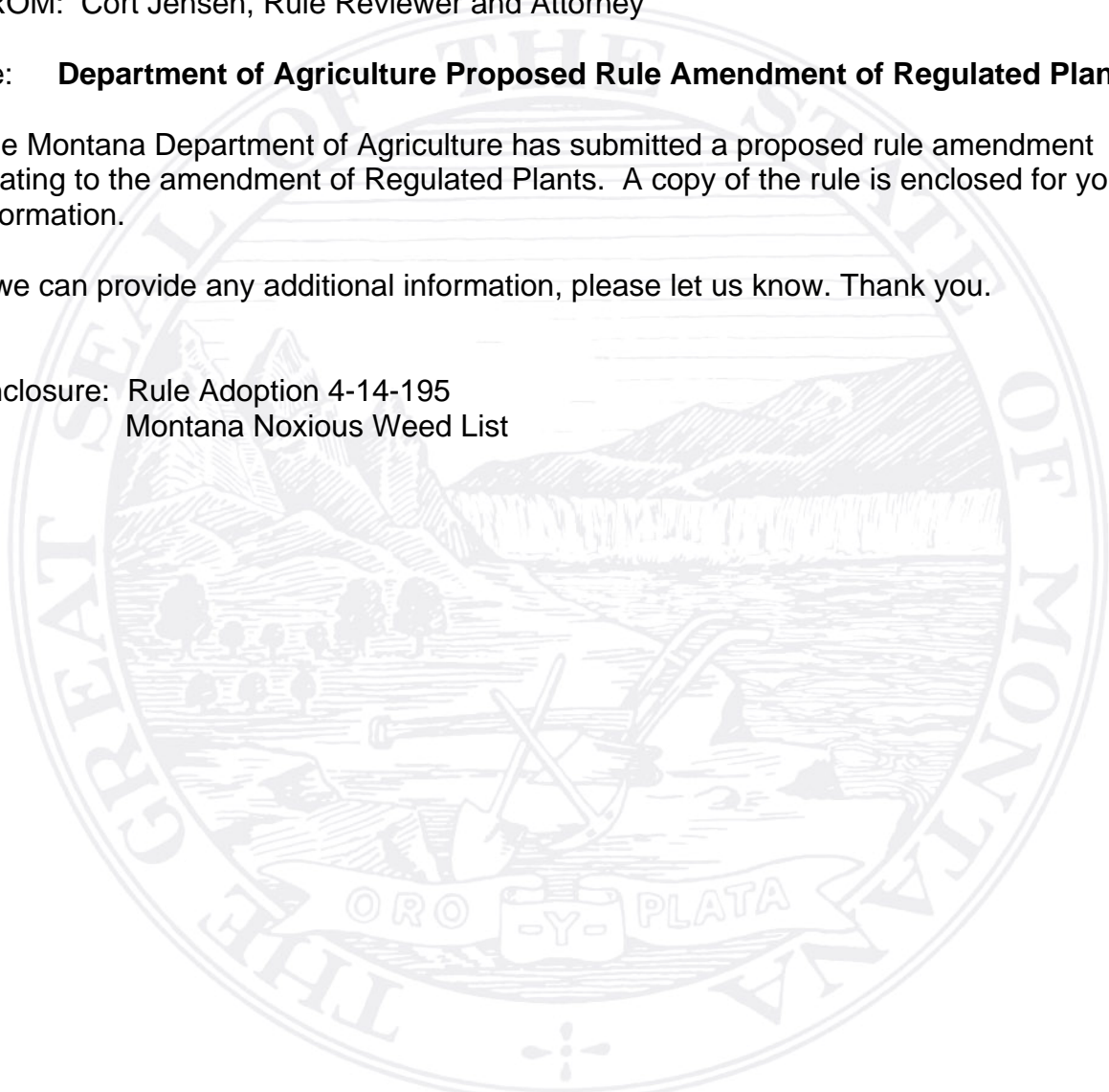
FROM: Cort Jensen, Rule Reviewer and Attorney

Re: **Department of Agriculture Proposed Rule Amendment of Regulated Plants**

The Montana Department of Agriculture has submitted a proposed rule amendment relating to the amendment of Regulated Plants. A copy of the rule is enclosed for your information.

If we can provide any additional information, please let us know. Thank you.

Enclosure: Rule Adoption 4-14-195
Montana Noxious Weed List



BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
4.5.210 relating to priority 3 regulated) PROPOSED AMENDMENT
plants)

TO: All Concerned Persons

1. On August 5, 2010, at 10:00 a.m. the Montana Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, 303 N. Roberts at Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on July 29, 2010, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; phone: (406) 444-3144; fax: (406) 444-5409; or e-mail: agr@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

4.5.210 PRIORITY 3 REGULATED PLANTS (NOT MONTANA LISTED NOXIOUS WEEDS) (1) through (b) remain the same.
(c) Russian Olive (*Elaeagnus angustifolia*).

AUTH: 80-7-802, MCA
IMP: 7-22-2101, MCA

REASON: MDA received a petition from the Montana Native Plant Society requesting that Russian Olive (*Elaeagnus angustifolia*) be considered for listing as noxious. MDA had received petitions for Russian olive in the past, but had no practical system by which to address the plant. Priority 3 provides special management for Russian olive. MDA also conducted a survey to County Commissioners and County Weed District Coordinators requesting their input whether it should be listed or not. The results of the survey showed support for a Priority 3 listing.

FINANCIAL IMPACT: Initially, prohibiting sale of Russian olive might result in a small loss for the nursery industry, but this will be short-lived as non-invasive plants are substituted. The cost to the state by uncontrolled aquatic and riparian invaders is estimated to be far more injurious than the loss of revenue for current trade.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; telephone (406) 444-3144; fax: (406) 444-5409; or e-mail: agr@mt.gov. and must be received no later than August 12, 2010.

5. The Department of Agriculture maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; fax: (406) 444-5409; or e-mail: agr@mt.gov or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

6. An electronic copy of this Notice of Proposed Amendment is available through the department's web site at www.agr.mt.gov, under the Administrative Rules section. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong

Ron de Yong, Director

/s/ Cort Jensen

Cort Jensen, Rule Reviewer

Certified to the Secretary of State, July 6, 2010.

Montana Noxious Weed List

Priority 1A	<p>These weeds are not present in Montana. Management criteria will require eradication if detected; education; and prevention.</p> <ul style="list-style-type: none"> - Yellow starthistle (<i>Centaurea solstitialis</i>)
Priority 1B	<p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education.</p> <ul style="list-style-type: none"> - Dyer's woad (<i>Isatis tinctoria</i>) - Flowering rush (<i>Butomus umbellatus</i>) - Japanese knotweed complex (<i>Polygonum spp.</i>) - Purple loosestrife (<i>Lythrum spp.</i>) - Rush skeletonweed (<i>Chondrilla juncea</i>) - Eurasian watermilfoil (<i>Myriophyllum spicatum</i>) - Scotch broom (<i>Cytisus scoparius</i>) - Curlyleaf pondweed (<i>Potamogeton crispus</i>)
Priority 2A	<p>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.</p> <ul style="list-style-type: none"> - Tansy ragwort (<i>Senecio jacobaea</i>) - Meadow hawkweed complex (<i>Hieracium spp.</i>) - Orange hawkweed (<i>Hieracium aurantiacum</i>) - Tall buttercup (<i>Ranunculus acris</i>) - Perennial pepperweed (<i>Lepidium latifolium</i>) - Yellowflag iris (<i>Iris pseudacorus</i>) - Blueweed (<i>Echium vulgare</i>) - Hoary alyssum (<i>Berteroa incana</i>)
Priority 2B	<p>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.</p> <ul style="list-style-type: none"> - Canada thistle (<i>Cirsium arvense</i>) - Field bindweed (<i>Convolvulus arvensis</i>) - Leafy spurge (<i>Euphorbia esula</i>) - Whitetop (<i>Cardaria draba</i>) - Russian knapweed (<i>Centaurea repens</i>) - Spotted knapweed (<i>Centaurea stoebe</i> or <i>maculosa</i>) - Diffuse knapweed (<i>Centaurea diffusa</i>) - Dalmatian toadflax (<i>Linaria dalmatica</i>) - St. Johnswort (<i>Hypericum perforatum</i>) - Sulfur cinquefoil (<i>Potentilla recta</i>) - Common tansy (<i>Tanacetum vulgare</i>) - Oxeye daisy (<i>Chrysanthemum leucanthemum</i> or <i>Leucanthemum vulgare</i>) - Houndstongue (<i>Cynoglossum officinale</i>) - Yellow toadflax (<i>Linaria vulgaris</i>) - Saltcedar (<i>Tamarix spp.</i>)
Priority 3	<p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)</p> <p>These regulated plants have the potential to have significant negative impacts. The plant 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 the regulated plant.</p> <ul style="list-style-type: none"> - Cheatgrass (<i>Bromus tectorum</i>) - Hydrilla (<i>Hydrilla verticillata</i>) - Russian olive (<i>Elaeagnus angustifolia</i>)