

**SOUTH DAKOTA WEED and PEST CONTROL
COMMISSION
POLICY STATEMENTS**

RE-ADOPTED APRIL 4, 2016

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SOUTH DAKOTA WEED and PEST CONTROL COMMISSION POLICY FOR THE ADMINISTRATION OF THE STATE WEED and PEST PROGRAM

INTRODUCTION:

The South Dakota Weed and Pest Control Commission, hereafter referred to as the Commission, is charged by SDCL 38-22 with developing a program for the prevention, suppression, control and eradication of weeds and pests in South Dakota. Carrying out this statutory function requires that the Commission interact with many different entities, make determinations regarding effective control methodology and insure uniform program implementation in each county while, at the same time, allowing for local specific needs and priorities to be addressed. To guide the development and implementation of the State Weed and Pest Program, the Commission has adopted the policy which follows.

The policy is contained in five statements which address the essential components of the State Weed and Pest Program - the Commission itself, control, county programs, enforcement actions and education and research.

This policy is a part of the Noxious Weed and Declared Pest Handbook which more fully describes the implementation of the statutes, administrative rules and this policy.

POLICY STATEMENT 1

FUNCTIONS OF THE COMMISSION AS A WHOLE AND AS INDIVIDUAL MEMBERS

The Commission shall formulate and cause to be implemented a program for the prevention, eradication and suppression of designated weeds and pests in South Dakota.

- 1. Development of policies and goals.** The Commission shall develop and annually review policy and long-range goals. The Commission shall also develop an annual work plan which would establish strategies, priorities, and short-term goals.

The Commission will cooperate with other states, with agencies and organizations, and with counties in the development of policies and goals.

- 2. Annual review of inspection for weeds and pests.** The Commission, working as a group or as subcommittees, will make an annual inspection of weeds and pests. The inspection will focus on problems, specific geographical areas, specific weeds or pests, special projects or reviews of county inventories.

The Commission shall maintain a statewide inventory of noxious weeds and declared pests.

3. **Designation of noxious weeds and declared pests.** The Commission shall make designation of noxious weeds and declared pests based on the following specific criteria:
 - A. Noxious Weeds
 - (1) Must be a perennial,
 - (2) Capable of spreading by underground parts as well as by seed dispersal,
 - (3) Not controllable by normal management operations and requires special chemical and cultural practices,
 - (4) Capable of materially reducing the production of crops or livestock, and
 - (5) Capable of decreasing land value and impeding the general welfare of the people of the state.
 - B. Declared Pests
 - (1) Must be capable of spreading rapidly by natural means in a previously uninfested area,
 - (2) Not controllable by normal management operations and requires special chemical and cultural practices, and
 - (3) Capable of materially reducing the production of crops and livestock or impeding the general welfare of the people of the state.
4. **Annual designation.** The state designations for noxious weeds and declared pests will be reviewed annually. Designations should not be affected by the currently available control measures.
5. **Emergency designation.** Because of the unpredictability of some pests, an emergency designation of a declared pest for a 180-day period is necessary.
6. **Locally noxious weeds and locally declared pests.** The Commission shall make designation of locally noxious weeds and locally declared pests based on the following criteria:
 - A. Locally Noxious Weeds:
 - (1) Must be a biennial, perennial, or a pernicious annual,
 - (2) Capable of spreading rapidly,
 - (3) Not controlled by normal management operations and requires special chemicals and cultural practices,
 - (4) Capable of materially reducing the production of crops and livestock, and

- (5) Capable of decreasing the value of land and impeding the general welfare of the people of the county.

B. Locally Declared Pest:

- (1) Capable of spreading rapidly by natural means in a previously uninfested area,
- (2) Not controllable by normal management operations and requires special chemical and cultural practices, and
- (3) Capable of materially reducing the production of crops and livestock or impeding the general welfare of the people of the state.

7. Designation as locally noxious or locally declared. Local designations will be limited to a total of eight per county and to a renewable five-year period. Each designation will expire on the last December 31st of the five-year period and the Commission will act on new requests at their next annual meeting.

8. Commission responsibilities as a district or agency representative. Commissioners will actively participate in district and county affairs to be a conduit for information between local boards and the Commission. They should present the Commission's policies and goals to their district and assess the district's needs. Commissioners should also attend each county's annual meeting as time and budget allow.

9. Commissioner Authority. The Commission's authority lies in their statutory authority to make policy decisions as a group. Commissioners do not have individual decision-making or enforcement authority.

10. Commission meetings; number, purpose. The Commission will have an annual meeting and special meetings as necessary each year.

The purpose of the annual meeting is to hear agency and district reports, consider recommendations for new weed and pest designations, approve an annual work plan, hold elections, evaluate the weed and pest program and project program needs.

Special meetings should be held to address specific issues and only those issues. Scheduling of meetings should not be based solely on other activities/meetings taking place at the same time.

11. Review and critique of the department's administration of the weed and pest program. The Commission will, possibly by subcommittee, provide an annual review of the Department's administration of the weed and pest bill. The review should include policies, budgeting, training, enforcements, and support to local boards. The review would evaluate the department's responsiveness in carrying out commission policy. The review and any recommendations will be submitted in written summary to the Secretary.

- 12. Review, propose, support or oppose legislation or other authority affecting weed and pest programs.** The Commission will develop, propose, and actively support legislation, rules or policy which would enhance the weed and pest control effort. The Commission shall also actively oppose legislation, rules, or policy which would be detrimental to the weed and pest control efforts. Individual commissioners will work with their local county boards, agencies and legislators to seek support or opposition on the Commission's behalf.
- 13 Weed and Pest Funds—Application, Prioritization, and Expenditure.** All applications for monies from the Weed and Pest Control Fund shall be made on forms approved by the Commission for that purpose. In considering applications the Commission shall evaluate and prioritize funding requests based on:
- A. Compatibility of the project with Commission policies and goals,
 - B. Applicant's other commitments and resources made available for weed and pest control,
 - C. Accomplishments made by the applicant within the previous three years, and
 - D. Needs of the applicant and the project area.

All expenditures from the Weed and Pest Control Fund shall be made pursuant to the provisions of Chapter 4-7.

POLICY STATEMENT 2

WEED AND PEST CONTROL

The Commission shall facilitate control through prevention, eradication and suppression, or maintenance those weeds and pests which are severely detrimental or potentially detrimental to be designated as a noxious weed or declared pest. Each noxious weed or declared pest shall be evaluated separately and each could require different levels of control in the same area. However, the level of control required for a specific weed or pest should be the same for all landowners in each designated area.

- 1. Definitions.** The Commission shall, for the purposes of the weed and pest control program, adhere to the following definitions:
- A. "Eradication," a control measure which totally eliminates a weed or pest from a designated area.
 - B. "Control," the eradication, prevention or suppression of weeds or pests.
 - C. "Suppression," a control measure which severely reduces weed or pest populations to below non-economic levels and stops or greatly reduces spread

- D. "Prevention," a control measure which stops weeds or pests from becoming established in non-infested areas.
2. **Prevention.** The Commission shall take the following steps in preventing the introduction and movement of new weeds or pests into uninfested areas:
- A. Annually review the status of new weeds or pests with the potential for introduction and establishment in South Dakota and take all practical measures to prevent their introduction.
 - B. Annually review the status of noxious weeds or declared pests already in the state and aggressively oppose their non-natural spread through interior quarantines and other legal means.
3. **Eradication.** The Commission shall consider the following conditions when requiring eradication of noxious weeds or declared pests:
- A. The eradication must be biologically feasible and environmentally sound.
 - B. The location must clearly be outside of the leading edge of the naturally spreading infestation.
 - C. The eradication must clearly be the most cost effective control measure. A determination of cost effectiveness will take into account all costs incurred if the infestation is allowed to exist and spread.
4. **Suppression.** The Commission shall require suppression of noxious weeds and declared pests when the following conditions exist:
- A. The infestation is on the leading edge of a naturally spreading infestation, or
 - B. The infestation is ahead of the leading edge of a naturally spreading infestation and cannot be eradicated, or
 - C. The infestation is within a generally infested area and the population is above economic levels and that population level is spreading.
5. **Methodology of control.** The Commission shall require the methodology which will best accomplish the control objective to be environmentally acceptable, economically feasible and legal. The typical methodology recommendation shall be:
- A. Prevention: Quarantine and other legal controls.
 - B. Eradication: Chemical, cultural and legal controls.
 - C. Suppression: Chemical, cultural, biological control, and more than normal management operations
6. **Integrated weed and pest management.** The Commission shall also encourage the use of integrated weed and pest management approaches. However, the integrated

approaches must obtain the desired level of control. A statement of intent or initiation of any specific control method does not negate requirements to prevent spread.

7. **Biological control.** The Commission shall determine basic policy concerning biological control integration into weed and pest control philosophy. They will provide for public input into biological control programs, needs, and direction and work to secure authorization and funding.

POLICY STATEMENT 3

COUNTY WEED & PEST PROGRAMS

All counties shall have an organized and active weed and pest board that carries out its duties and powers as required by SDCL 38-22 AND ADMINISTRATIVE RULES Article 12:62. In implementing its weed and pest program and the policies of the Commission, County Boards shall do so using the Locally Noxious Weed and Declared Pest Control Handbook as its guide and source of commission approved procedures and forms.

1. Nature of the County Program

- A. Within statutory (SDCL 38-22) and Administrative Rule (12:62) requirements each county weed and pest board shall be required to develop and implement a program based on local needs to provide for the prevention, suppression, and eradication of weeds and pests in the county. The county program should be part of the overall statewide program formulated by the Commission for the same purpose statewide.
- B. County boards are encouraged to develop and implement programs involving multiple landowners and counties as well as participate in statewide coordinated efforts to help insure effective weed and pest control is achieved. Financial incentives should be explored and considered to promote participation in the programs in situations where such incentives are applicable.
- C. Active involvement and commitment of all landowners and governmental entities in the process of noxious weed and declared pest control, from education in the need to control through the methods of how to control, should be each county board's goal to that these weeds and pests can be controlled.

2. Funding

- A. While the funding level of its county weed and pest program's activities is a decision each county must determine individually, it is recommended the budget be sufficient to carry out the county board activities outlined in SDCL 38-22 and Article 12:62 and adequately provide for/promote control of noxious weeds and declared pests in the county based on survey data of infestation levels in the county and the expressed needs of the citizens of the county.

- B. Any source of financial assistance from the Commission to the counties shall be based first upon need, probability of success, conformation to statewide program goals and objectives and local contribution to the program with other factors as may become evident also being used to determine level of assistance. One of the first priorities for the use of available funds will be to provide training and on-site assistance to county personnel.

3. County Weed and Pest Supervisor

- A. Employment of a weed and pest supervisor as a full-time employee is encouraged. Those counties unable to fund such full time employment are encouraged to explore combining the supervisor's duties with another county department. Regardless of term of employment, all supervisors should hold minimum job competency and are required to attend regular training sessions as scheduled by the Commission and provided by the South Dakota Department of Agriculture and SDSU Extension Service.

POLICY STATEMENT 4

USE OF ENFORCEMENT PROCEDURES (Forced Compliance)

Any necessary enforcement action will be accomplished with strict adherence to statutory and administrative rule requirements and shall be in accordance with the Commission approved procedures outlined in the Noxious Weed and Declared Pest Control Handbook

1. Implementation and use of the enforcement actions to control noxious weed and declared pest infestations:

- A. The goal of the South Dakota Weed and Pest Control Commission, county weed and pest boards, and the South Dakota Department of Agriculture in implementing and carrying out the tasks of prevention, suppression, control and eradication of designated and locally designated noxious weeds and declared and locally declared pests in South Dakota is to do so by encouraging voluntary compliance with the provisions of the state weed and pest statute and regulations.
- B. Only when it becomes apparent that voluntary compliance with the provisions of the weed and pest statute and regulations is not attainable within a reasonable length of time or in the case of emergency situations should remedial action and/or protective operations be initiated.
- C. Every owner/operator of real property included in weed and pest districts throughout the state; whether private individual, corporation or governmental agency or subdivision; shall be treated equally with respect to provisions of the state weed and pest law, regulations and programs.
- D. In so far as possible, personal contact with the person(s) owning/operating infested land shall be made before remedial action or protective operations are

initiated toward the end that voluntary compliance can be attained within a reasonable amount of time.

- E. When remedial action and/or protective operations are necessary, every effort should be made to attain acceptable owner/operator compliance with the weed and pest control statute, rules and programs within four treatment seasons as evidenced by:
1. Filing of and adherence to a written control plan developed in cooperation with the area or county weed and pest supervisor and the county agricultural extension educator,
 2. Timely, effective voluntary treatment of the infested property,
 3. Reduction of infestation level(s), and
 4. A commitment to continue control of weeds or pests after release from county or state jurisdiction with eradication of the infestation as the ultimate goal.

2. Department assisting the county weed and pest boards with enforcement actions:

- A. Each request for initiation of Protective Operations may be reviewed by the South Dakota Department of Agriculture for compliance with statutes, administrative rules, and policies.
- B. Requests not meeting such requirements will be referred back to the requesting county for correction of deficiency(ies) and resubmission. Those requests that are judged as able to be adequately resolved at the county level will be referred back to the requesting county for further action.
- C. The Department will assist the county as necessary as it carries out the remedial action. The Department should only become involved when it is apparent the action requested is beyond the scope of the county's abilities to proceed or that special circumstances dictate an outside party carry out the action.
- D. The Department shall limit its acceptance to the number of protective operations which it can adequately service due to budgetary and personnel constraints.
- E. It will be the responsibility of the county to cooperate as it is able to assist Department personnel in successfully completing the protective operation or other action allowed by SDCL 38-22.
- F. Once the Department has accepted a noncompliance case at the request of a county weed and pest board, the Department shall retain jurisdiction until the Department, through recommendation from its inspectors or the state weed and pest coordinator determines release from Departmental supervision is justified.

POLICY STATEMENT 5

EDUCATION AND RESEARCH

The Commission believes education and research are the basis upon which effective, voluntary weed and pest control is achieved. The Commission shall therefore involve itself directly in the activities to insure its charges are accomplished.

1. **Education.** The Commission shall cooperate with and assist educational entities in developing and carrying out effective and appropriate informational programs that will help all citizens become more knowledgeable about weed and pest problems. The Commission shall evaluate educational programs to determine their effectiveness in reducing weed and pest problems in South Dakota.

The Commission shall act in an advisory role capacity to the Cooperative Extension Service in all matters relating to education.

- A. The Commission shall identify educational needs. It should further provide leadership to encourage, prioritize, support and facilitate educational programs that meet identified needs.
 - B. The Commission shall identify sources and means for funding weed and pest control educational efforts. The Commission shall ensure that funds appropriated to carry out the educational programs for the state weed and pest control program are efficiently and effectively utilized. Special funding requests should be reviewed and prioritized, when practical, by the Commission and shall meet the criteria established to meet identified educational goals and objectives.
 - C. The Commission shall on an annual basis identify educational needs and priorities. The Commission shall also evaluate educational programs statewide to ensure that priorities are being addressed.
 - D. Within budget limitations, the Commission must ensure that all affected groups are targeted for weed and pest education. Furthermore, the Commission shall prioritize efforts targeted at various groups. Target groups, at a minimum, include: federal, state and municipal land managers and the general public.
2. **Research.** The Commission shall cooperate and assist research entities in identifying researchable problems and establishing priorities in areas of weed and pest control.

The Commission shall act in an advisory capacity to the Agricultural Experiment Station in all matters related to research.

- A. The Commission shall be responsible for prioritizing weed and pest problems needing research and identifying research problems that more effectively, efficiently or safely control weeds or pests. Furthermore the Commission shall communicate to public agencies the identified needs and seek the means for initiating such priorities.

- B. The Commission shall identify and seek funding sources which can support research priorities. Such funding may include sources other than conventional legislative appropriated support. Funded research priorities should be publicized to exemplify the benefits and appropriateness of the use of the state research dollars in areas of weed and pest research.

- C. Given the limited number of research dollars, the Commission shall identify and prioritize research needs. The Commission shall continue to actively seek grassroots input through Association of County Weed and Pest Board district weed and pest meetings to determine local research priorities and needs. The Commission should annually evaluate priorities to ensure that needs are being met.