

INTRODUCTION TO CERTIFIED WEED-FREE FORAGE AND MULCH IN CALIFORNIA



Joanna Clines, Forest Botanist
Sierra National Forest

California Invasive Plant Council 2016 Symposium
Training: Using Certified Weed-Free Forage and Mulch
November 2, 2016 11:00am-5:00pm



*Iconic photo by
Botanist Matt Brown
of the Eldorado National
Forest nicely
demonstrating the
problem*

COURSE DESCRIPTION

Straw mulch is commonly used in restoration projects, but it can introduce weed seeds to the land you manage. So can hay used for horses or livestock. This training will help you understand what it means for a bale of hay or straw to be certified weed-free. **You'll come away with the ability to specify, source, and inspect hay or straw for use in wildlands.** Learn from recent experiences mulching after the Rim and King fires, and ongoing work in National Parks and National Forests with hay for pack stock. Certification is a work in progress in California - - this workshop will bring you up to speed on all the current and evolving resources. Instructors from the US Forest Service, National Park Service, County Agriculture Commissioners and the California Dept. of Food and Agriculture.



Perhaps.....you are attending this course hoping that your confusion about certified weed free forage and mulch in California will be cleared up once and for all, and you just can't wait!

so, let's start with the most exciting slides first.....

2006 MOU, expired 2010

MEMORANDUM OF UNDERSTANDING among

Bureau of Land Management
California Agricultural Commissioners and Sealers Association
California Department of Food and Agriculture
National Park Service
U.S. Forest Service, Region 5

This **MEMORANDUM OF UNDERSTANDING** is hereby entered into by and between the USDA Forest Service, Region 5, Bureau of Land Management, National Park Service, California Agricultural Commissioners and Sealers Association, and the California Department of Food and Agriculture, hereinafter referred to as the Forest Service, BLM, NPS, CACASA, and CDFA. Federal Agencies are directed by the Federal Noxious Weed Act of 1973 (P.L. 93-629)(7 U.S.C. 29-0801 et seq.), the Plant Protection Act and the Carson Policy Act (Public Law 90-583 to cooperate with State, local and other Federal Agencies in the application and enforcement of all laws and regulations relating to management and control of noxious weeds. State agencies cooperate with Federal Agencies in a variety of ways in the management of Noxious Weeds.

OBJECTIVES

1. Identify areas of agreement for agencies to cooperate in implementation of a weed-free hay and straw program.
2. Identify the participants in the program.
3. Identify the role of each participant.

DEFINITIONS

1. "Weed Free Forage" is hay, straw or mulch that is not known to contain propagative plant parts and seeds of noxious weeds.
2. "Propagative Plant Parts" are any part of a plant capable of reproducing itself, including live roots, rhizomes, stolons or any other viable plant part.
3. "Noxious weed" is any one of those species listed by the Secretary in the California Code of Regulations, Title 3, Division 4, Chapter 6, Sub-Chapter 6 Section 4500 (published by Barelays Law Publishers and means any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental or destructive to agriculture, silviculture or native plant communities, and difficult to control or eradicate.

SIGNED IN 2006 BY:

JERRY PRIETO JR. Date
President California Agricultural Commissioners
and Sealers Association

A.G. KAWAMURA Date
Secretary
California Department of Food and Agriculture

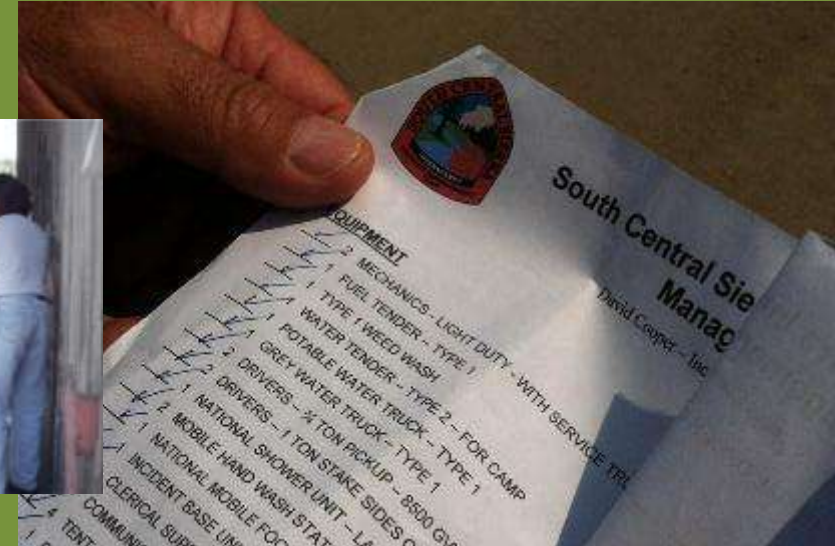
BERNIE WEINGARDT Date
Regional Forester
Pacific Southwest Region
United States Forest Service

JOHN JARVIS Date
Regional Director
Pacific West Region
National Park Service

MIKE POOL Date
California State Director
Bureau of Land Management

Just
kidding

Using / requiring certified weed free forage (= hay & mulch) is one of many weed-prevention practices used in integrated weed management



Yosemite National Park National Park Service U.S. Department of the Interior

Resources Management & Science

Weed-Free Gravel Program

PROGRAM OVERVIEW

MISSION: The primary goal of this program is to prevent the introduction of weed seeds into the park via imported mineral materials. Secondary goals include: creating a straight-forward method for managing weeds in gravel pits; providing assistance to gravel pit operators to develop and update their weed management plans; creating a steady source of weed-free mineral material for regional land managers; and providing incentive and recognition to gravel pit operators that implement good weed management practices.



POINTERS

- Get familiar with CDFA noxious weed list (not memorizing every species!) and how pest ratings differ from simply being on the list. Also, anyone can petition CDFA to add a species to the 4500 list. (Dean's talk)
- Is it straw or hay that you're dealing with? They are NOT the same. In addition, educate yourself about the various types of hay and of straw; get to know your local producers and suppliers, let them know what you need as a customer.
- The more counties that join the NAISMA certification bandwagon, the better for CA – consistency across State borders will be easier, CA can use the NAISMA purple/yellow twine rather than relying on CQC's that could easily be photocopied and misused (Paul's talk)
- You can add species to the list of those to be inspected for – especially for large contracts (Blake's talk)
- Stay on top of the latest resources available to you as a manager, and also for producers and retailers (Dana and Paul's demo)

Ancient history, almost twitter-style:

1998 – USFS and BLM began meeting with the county agriculture commissioners and CDFA about what it would take to meet Forest Service Manual direction:

2081 - MANAGEMENT OF NOXIOUS WEEDS.

FSM 2081.03 - Policy. When any ground disturbing action or activity is proposed, determine the risk of introducing or spreading noxious weeds associated with the proposed action.

1. For projects having moderate to high risk of introducing or spreading noxious weeds, the project decision document must identify noxious weed control measures that must be undertaken during project implementation.
- 2. Make every effort to ensure that all seed, feed, hay, and straw used on National Forest System lands is free of noxious weed seeds. (FSH 6309.12, sec. 42 and 42.1).**
- 3. Where States have enacted legislation and have an active program to make weed-free forage available, Forest Officers shall issue orders restricting the transport of feed, hay, straw, or mulch which is not declared as weed-free, as provided in 36 CFR 261.50(a) and 261.58(t).**

- 1999- The USFS draft Sierra Nevada Forest Plant Amendment proposed very strict requirements that only certified weed free hay or straw could be brought onto NFS lands, and in addition the user (e.g. equestrians that ride on national forests) would have to “purge” their stock for a few days prior to entering public lands.
- This started a wildfire among the equestrian community and ended up being the impetus for holding what seemed like useful and productive stakeholder meetings for several years, trying to create a “program” in California that worked as well as possible for everyone – wildland weed managers like us, equestrians, hay producers, balers, vendors, government agencies responsible for certification. California is a complicated state!

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JOHN JARVIS Date
Regional Director
Pacific West Region
National Park Service

MIKE POOL Date
California State Director
Bureau of Land Management

CDFA SHALL:

1. Develop and distribute procedures for certification of weed free products in compliance with California law and regulation.

CDFA's commitment in the MOU was begun prior to final signing in 2006. In 2005 CDFA added certification procedures to CDFA regulations

11. INSPECTION PROCEDURES OF FIELDS GROWING FORAGE, BALED FORAGE OR OTHER FORAGE PRODUCTS FOR NOXIOUS WEEDS.

The preferred inspection of forage for noxious weeds in the growing field is prior to harvest. Post-harvest inspection of processed forage may be performed at the discretion of the county agricultural commissioner. Authority to certify forage as weed free is permitted under sections 5101 and 5205 under authority of section 403 of the California Food and Agricultural Code.

A Certificate of Quarantine Compliance (CQC) may be issued by a qualified inspector if:

1. No noxious weeds are found after a reasonable and prudent visual pre-harvest field inspection within 10 days prior to harvest.
 - a. The pre-harvest inspection for noxious weeds in cereal crops should follow the walking pattern outline in Q.C. Circular 204, Supplement 2, "Field Inspection Procedure Notes" subsection B "Alternative Field Inspection Walking Patterns," number 1 "Cereal Crops".
 - b. The pre-harvest inspection for noxious weeds in other crops should follow the walking pattern outline in Q.C. Circular 204, Supplement 2, "Field Inspection Procedure Notes" subsection B "Alternative field Inspection Walking Patterns, number 2 "Other Crops".
2. No noxious weeds are found in processed forage (harvested/baled) after a visual inspection of:
 - a. 100% of all visible surfaces of at least 10 bales or 3% of the total number of bales, whichever is greater, taken randomly from the lot.
 - b. If an inspector, after visually inspecting the lot as described in 2.a., suspects that noxious weeds may be present, he may open the bale(s) to inspect or sample for noxious weeds.

Definitions:

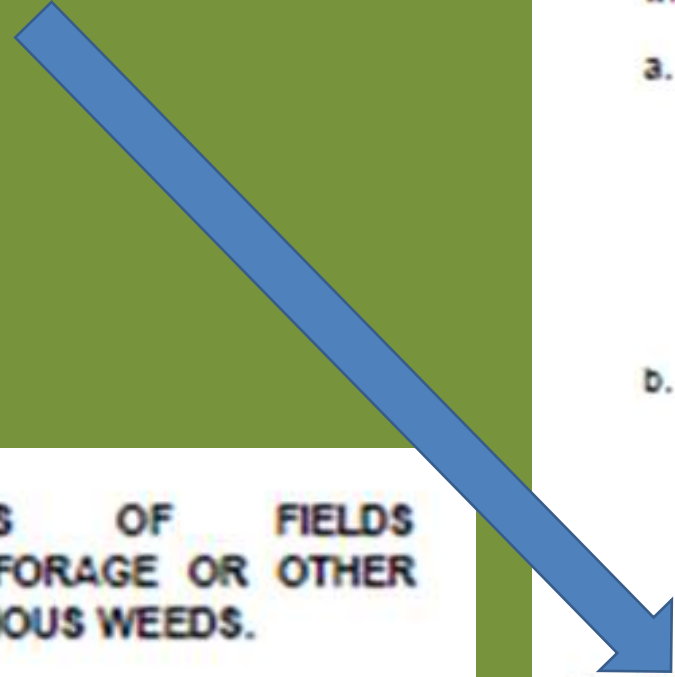
"Noxious weeds" mean propagative plant parts and seeds from plants listed in section 4500, title 3, division 6, subchapter 6 of the California Code of Regulations.

"Propagative plant parts" are any part of a plant capable of reproducing themselves, including live roots, rhizomes, and/or stolons present in the forage to be harvested.

"Forage" includes hay, straw, or mulch and straw watties.

Copies of the CQC must accompany any bill of sale for all portions of the processed forage harvested from a certified field or inspected after harvest to maintain the identity of the forage.

The 2005 certification procedures allowed bale inspections



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 - b. If an Inspector, after visually inspecting the lot as described in 2.a., suspects that noxious weeds may be present, he may open the bale(s) to inspect or sample for noxious weeds.

Around the time the first MOU was set to expire (2010), a “PREVENTION TEAM” was formed by Wendy West and Bobbi Simpson. Wendy assembled a small group of professionals eager to see progress in availability of certified weed free materials – hay, straw, gravel, fill, etc.

The current group is still informal but we’ve accomplished a lot in the past few years.

PG&E 2009 county survey

Summary: Environmental consultant ICF surveyed all 46 counties (100% responded) in PG&E's service territory regarding whether the county offers noxious weed-free certification programs for both straw/hay and gravel/fill materials. There are no standards for certification programs and each county does what works for them. Some county inspections are more rigorous than others, some are offered at no cost to the growers and others charge sizable certification fees (*see detailed summary*).

Straw or Hay: The majority of counties are willing to offer weed-free certification of straw/hay fields (see summary table below). Many have a certification program in place, but have no applicants currently. A few programs have applicants requesting certification yearly and have offered contact information for those growers (*see vendor list*). Some counties do not produce straw/hay crops and others cite lack of demand as a reason why they do not have a program.

Gravel or Fill: All counties but two (Butte, El Dorado) do not have a weed-free certification program for gravel or fill materials because they cited lack of demand for the product. A few are willing to inspect a quarry, gravel pit, etc. if they were asked. Most counties are not willing to take on this extra task due to limited resources, program information, and staff availability.

2012 MOU

NPS Agreement No. G8530120001

MEMORANDUM OF UNDERSTANDING FOR MINIMIZING THE SPREAD OF NOXIOUS WEEDS VIA HAY AND STRAW MULCH

between the
U.S. Department of Interior
National Park Service
and
California Agricultural Commissioners and Sealers Association,
California Association of Resource Conservation Districts,
California Department of Fish and Game,
California Department of Food and Agriculture,
California Department of Transportation,
USDA Forest Service, Region 5,
USDI, California Bureau of Land Management

This Memorandum of Understanding (MOU) is hereby entered into by and between the:

- California Agricultural Commissioners and Sealers Association
- California Association of Resource Conservation Districts
- California Department of Fish and Game
- California Department of Food and Agriculture
- California Department of Transportation
- USDA Forest Service, Region 5
- USDI, California Bureau of Land Management
- USDI National Park Service

Hereinafter referred to as the parties jointly and CACASA, CARCDs, CDFG, CDFA, Caltrans, USFS, BLM, and NPS respectively.

ARTICLE I – BACKGROUND AND OBJECTIVES

A previous version of this MOU originally commenced in 2005 when representatives of CACASA, CDFA, USFS, BLM, and NPS signed the previous version of this document. The final approval signature (NPS) was dated March 8, 2007. The previous MOU was effective through December 31, 2010, at which time it expired. The partner agencies have made progress in carrying out weed-free programs. The intent of this revised MOU is to continue relevant cooperative efforts toward minimizing the spread of noxious weeds via hay, feed, and straw mulch products. The MOU content below is similar to the original document, but reflects the tasks that have been completed, emphasizes the need to move forward with the next phase of weed free forage and straw mulch management, and includes Caltrans, CARCD's, and CDFG as additional signatories.

OBJECTIVES

1. Identify areas of agreement for agencies to cooperate in conducting a weed-free hay and straw program.

This MOU has been the foundation for an informal working group from most signatory agencies working together toward the goal of wide availability of CWFF, increasingly high and consistent quality, updated and easily available information for all parties, and ultimately a dramatic increase in use of certified products as SOP.

CDFA SHALL:

1. Communicate updates to the procedures for certification of weed free products in compliance with California laws and regulations to County Agricultural Commissioners and MOU partners.
2. Post an online list of producers and vendors of Weed Free Forage and Straw and annually update the list.
3. Ensure that the most recent California Noxious Weed List is easily available on the internet.

Good news!

CDFA revised the 2005 inspection procedures dramatically, the new 2013 protocols are available at:

<http://phpps.cdfa.ca.gov/PE/interiorexclusion/CPTM/pdf/CAProceduresforWFF.pdf> (and as a handout you received for today).

- Bale inspections are no longer acceptable
- The procedures for conducting field surveys are better explained,
- The text is realistic about what certification truly means: it is reducing the chance that hay or straw will contain propagative parts of noxious weeds, it is not 100% guaranteed that each bale will be entirely weed free. As we know, “prevention” rarely means exactly that, we acknowledge that we are minimizing weed spread

OTHER WESTERN STATES IMPLEMENTED CERTIFIED WEED FREE HAY/MULCH RESTRICTIONS ON PUBLIC LANDS, AND CA IS SLOWLY WORKING TOWARDS THAT.

ATTACHMENT 1

STATUS OF CERTIFIED WEED FREE FORAGE PROGRAMS ON NATIONAL FOREST SERVICE LANDS IN WESTERN USFS REGIONS

REGION (see map next page)	DATE OF CLOSURE ORDER (S)	NEPA	CERTIFICATION STANDARDS	METHOD OF MARKING/IDENTIFYING WEED FREE PRODUCTS	PRODUCTS INCLUDED IN CLOSURE ORDER	COMMENTS ON COST TO CONSUMER
1 Northern Region	1995 (Idaho and Montana) 1997 (Montana)	None?	Must be certified as being noxious weed free by an authorized State Department of Agriculture Official or designated county official.	Each individual bale or container must be tagged or marked as weed free and reference the written certification (36 CFR 261.58 (t))	Hay, grain, straw, cubes, pelletized feed, or mulch; also seed.	None found.
2 Rocky Mountain Region	2005	None?	NAWMA – list for state of origin + NAWMA weed species	Depends on state: CO = orange & blue twine or galvanized wire; KS, NE, SD = orange bale tags; WY = any of the above.	Hay, hay cubes, straw, grain, and pellets	Q&A (2010) says that cost of certified products is typically 25-30% higher.
3 Southwestern Region	None yet	N/A	N/A	N/A	N/A	NA
4 Intermountain Region	2003	NO NEPA	Must meet the State and/or County standards for certification as weed free.	Each individual bale or container is tagged or marked as weed free, or having original and current evidence of weed free certification documentation. All markings must meet the State and/or County standards for certification as weed free.	Non-pelletized hay, straw, mulch.	None found.
5 Pacific Southwest Region	TBD	TBD	CDFA and County Commissioners certify fields or bales using the Calif. Noxious Weed List (175 species)	Copies of the Certificate of Quarantine Compliance must accompany any bill of sale for all portions of the processed forage harvested from a certified field or inspected after harvest to maintain the identity of the forage	TBD	TBD
6 Pacific Northwest Region	2009	Programmatic EIS covering all aspects of weed management in Region (ROD 2005)	NAWMA – list for state of origin + NAWMA weed species	NAWMA methods, e.g.: WA: white tags, purple and yellow twine, transit certificates.	Hay, hay cubes, straw, grain, or other crop or mulch products (excludes pellets and steam-rolled grains)	Q&A says cost can be somewhat higher. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev2_026441.pdf

ⁱ North American Weed Management Association - <http://www.nawma.org/WFF/WFFStandards.pdf>

Noxious Weeds Toxic to Horses



Leafy spurge



Toothed spurge



Yellow starthistle, causes chewing disease in horses



Tansy ragwort



Hoary alyssum



Viper's bugloss



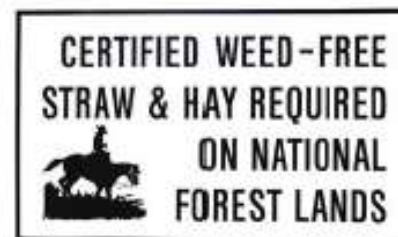
Houndstongue

IDAHO STATE DEPARTMENT OF AGRICULTURE

Noxious Weed Free Forage and Straw Certification Program



Noxious Weeds, Everybody's Concern



For more Information, contact:

Idaho State Department of Agriculture Noxious Weed Free Forage Program: 208.332.8592
P.O. Box 790
Boise, ID 83701
Fax: 208.334.2840
E-mail: dan.safford@agri.idaho.gov
or visit our website at: www.agri.idaho.gov or
Google: "ISDA Weed Free Hay"

Idaho Weed Awareness Campaign: 866.439.3337
Your County Weed Superintendent
Your local Forest Service office

Health Certificates and Coggins, please contact the
Idaho State Department of Agriculture Animal
Program at: 208.332.8540

Brand Inspections: 208.884.7070

Additional ways to prevent spreading Noxious Weeds

- Learn to identify noxious weeds by obtaining a free copy of "Idaho's 57 Noxious Weeds" from the Idaho Weed Awareness Campaign, 866.439.3337
- Wash mud or dirt off your vehicle before going to public lands
- Drive on established roads and stay on designated trails
- Do not camp in infested areas
- Make sure that seeds are not stuck to your clothes or gear

Noxious Weeds, Everybody's Concern

6-4-09

Idaho Noxious Weed Free Forage and Straw Certification Program

What is the purpose of this program? To limit the spread of noxious weeds through forage, straw, or mulch onto United States Forest Service (USFS) and other Idaho lands. Non-certified forage, straw, or mulch may contain noxious weed seeds.



Why should I be concerned about the spread of noxious weed seeds through non-certified forage, straw, or mulch? Noxious weeds displace native plant species which can decrease grazing capacities for wildlife and livestock by 65% to 90%. Most noxious weeds are non-edible to wildlife and livestock.



How does the program benefit me? It prevents the introduction and spread of noxious weeds in your favorite hunting, fishing, riding, and camping areas. It protects natural resources and wildlife habitat.



What do I need to do to be in compliance? Once you enter Idaho USFS land, if you possess any forage, straw, or mulch, it must be Certified Noxious Weed Free. Possessing non-certified forage, straw or mulch on Idaho USFS lands is subject to penalty.

What is considered a forage? Any type of hay, forage cubes, or compressed forage bales.



Certified Forage Cubes

How will I know if I am purchasing Certified Noxious Weed Free Forage and Straw? You will know you are buying Certified Noxious Weed-Free hay or straw bales by the ISDA certification bale tag (made of vinyl) attached to the bale twine.



Or it will have at least one strand of purple and yellow (intertwined) certification twine encircling the bale.



Certified Compressed Forage Bales (twice compressed) can be identified by the yellow binding material with the statement "ISDA NWFFS" and the manufacturer's name printed in purple. In addition, two consecutive vertical purple lines are placed before and after the above statement.



Certified forage cube bags or feed tags will be printed with the ISDA logo and the following required information:



Certified to the North American Standards
ISDA, 208-332-8592 ISDA Forage Mfg. #
North American Weed Free Forage Certification Program

Where can I buy Certified Noxious Weed Free forage and straw? A list of growers (baled hay and straw) can be found at the Idaho Weed Awareness Campaign webpage. In addition, baled hay and straw, forage cubes, and compressed forage bales can be found at most retail feed stores.

What other good stewardship practices can I do to prevent the spread of noxious weeds onto USFS lands? ISDA recommends pre-feeding (this purges the animal's digestive track) your animals Certified Noxious Weed Free Forage 48 hours prior to entering USFS lands. It is also suggested to thoroughly brush and clean hooves to remove potential seeds from your animals before leaving home.



Whom should I contact if I see a noxious or unknown weed? Contact your County Weed Control Superintendent or the Public Land Manager where you are recreating.

EXAMPLE
CLOSURE
ORDER

USFS REGION 6

OREGON
WASHINGTON
&
parts of
CALIFORNIA
AND
IDAHO

OCCUPANCY AND USE

PACIFIC NORTHWEST REGION

Weed Free Hay and Crop Products

Pursuant to 36 CFR 261.50 (a) the following acts are prohibited within National Forest System lands of the Pacific Northwest Region, as described or shown in Attachment A.

1. Possessing, storing or transporting any part of a tree or other plant, as specified in the order.

For the purpose of this order, it is prohibited to possess or store hay or crop products that are not state certified weed free, to include any hay, hay cubes, straw, grain or other crop or mulch product within the boundaries of the National Forest System of the Pacific Northwest Region in the States of Washington, Oregon, California, and Idaho. [36 CFR 261.58(t)]

This regulation does not apply to persons possessing or storing commercially processed feed (feed pellets or steamed, rolled grains) or to persons possessing state certified weed free hay or crop products packaged as bales, containers, or sacks, when also marked using official tags, twine or other identification as required by the product's State of origin, or in possession of the original and current State documents which certify the hay or crop products meet or exceed the North American Weed Management Association (NAWMA) or comparable certification standard.

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer or member of any organized rescue or fire fighting force in performance of an official duty.

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A and Subpart B.

Done at Portland, Oregon, this 10th day of Feb 2009.


Mary Wagner
Regional Forester
Pacific Northwest Region

The Forest Service in CA would ultimately do a “Rule-making” to prohibit non-certified forage and mulch on National Forest System lands (20 million acres of California’s 100 million acres are NFS lands, thus 20% of California)

Restriction on the possession, use, and transportation of materials and feed which have not been state-certified as free of invasive species and/or noxious weeds

Title 36 -- Chapter II -- Part 261

TITLE 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 261—PROHIBITIONS

Subpart C – PROHIBITIONS IN REGIONS

Where the State has legislative authority to certify materials and/or feed as weed-free (or invasive species-free) and has an active State program to make those State-certified materials and/or feed available to the public and others, the possession, use, and transport of materials and/or feed on National Forest System lands within the respective State is prohibited unless proof exists that those materials or feed have been State-certified as weed-free (or invasive species-free).

In accordance with FSM 2903, this restriction applies to only those products (including but not limited to straw, hay, mulch, gravel, forage, seed, or other materials) which are part of an applicable State certification program which includes specific tagging, labeling, containers, or similar marked verification of official certification. Forest Service officers will post information about specific areas affected and which materials and/or feed products are restricted.

The possession, use, and transportation of products and materials which are officially marked as State-certified weed free (or invasive species free) by any State will not be in violation of this restriction, provided that there is a valid State-certification program to make materials available within the State within which the respective Forest or Grassland exists.



- Success will require a phased approach
- Pro-active and ongoing public education will be key



*Gifford Pinchot
National Forest*

Livestock User

State certified weed-free feed hay, hay cubes, straw or grain are required within National Forest System Lands of the Pacific Northwest Region. [36 CFR 261.58(f)]

 Please help stop the spread of weeds 

**CERTIFIED WEED-FREE
STRAW & FEED REQUIRED
ON FEDERAL LANDS**

FR17-1

The point is to protect and conserve our amazing native flora.....

