

A Brief History of Weed and Pest Control in the State of Wyoming, Evolution of Our Present Weed & Pest Law, Analysis of Legislative Intent for the Statute, and an Examination of the Use of the Present Law to Force Weed Control Actions upon the Landowners of Fremont County.

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This paper was originally written in 1991 for a class in the MPA program at the University of Wyoming. I have modified it a little to bring it up to date and make it more useful to the FCWP Board of Directors as back ground for our present operations.

One of the great challenges of enforcing any law is to determine what we are supposed to do. Examination of the statutes that establish a government enterprise should be a good beginning for the understanding. In his book, Reason in Law, Lief Carter considers the techniques available to determine the purpose of a law, relative to making judgements in court regarding the reasonableness of the actions of those both violating and enforcing it. He argues that while the words themselves are important, they are often vague and their meaning becomes subject to interpretation and change over time. Examining precedent in case law may be subject to the same weaknesses. Another way to try to understand what the framers intended is to examine the legislative debate at the time of passage, but that will not be a true picture either due to the processes of the legislature. In many cases the “debater” is nearly alone on the floor and his remarks are intended for his constituents rather than other legislators. Often he doesn’t even read them in, but instead moves to include them in the record. His vote is seldom recorded by roll call and often what he said and what he did are two different things. While the debate, case law and works can’t be dismissed, Carter suggests that a study of the problem that the legislature was trying to address can go along way in helping us to understand the words. Like wise, uncovering the real purpose for the existence of a government agency will aid substantially in the rational execution of the law by agency employees and administrators.

A search for an intelligible purpose for the Wyoming Weed and Pest Act of 1973 is a task complicated in several ways. There is no record of the debate surrounding its passage. Wyoming has been passing and amending weed and pest control laws since 1905, and the present law is a mixture of new and old wording. With all of that legislating, there have only been two court tests in all that time. Wyoming is maybe the only state in the United States where no record of legislative debate is kept. The fact that the 1973 law was amended over 100 times on the floor when it was brought up for recodification in 1979 is only a memory for those who were agonizingly present. Few to none of those legislators are still serving, nor are there many Weed and Pest employees who were witnesses. Thus there is no institutional memory of the issues leading to legislative change.

The 1973 law has only gone to court on two occasions, neither time involving forced control of weeds or pests. In 1975, Albany County Weed and Pest Control District sued the Albany County Commissioners. The county commissioners refused to approve the Districts budget on the grounds that they were spending too much money. The District argued that the Commissioners had no authority over the program since the District held a separate budget hearing and is outside the county 12 mill limit. They demanded that the Commissioners deliver the requested funds. The Wyoming Supreme Court ruled that since the County Commissioners appointed the District Board, as opposed to being elected, they had the ultimate fiscal responsibility and could oversee weed and pest district funding as long as they did not eliminate the program which was established by law. In another case, Weston County Weed and Pest was sued for damages they had caused to a landowner. The land owner served Weston County Board of Commissioners instead of the weed and pest board. The suit was filed on the last possible day under the Governmental Claims Act. The weed and pest board claimed they were not served in time. The Wyoming Supreme Court agreed finding that the filing could not be effected through the county commissioners as they were separate entities. That was an argument the Albany Co. Commissioners used to try and stop the law suit with Albany County Weed and Pest claiming that the weed and pest board was part of county government and you can’t sue yourself. The only other test of weed and pest laws in Wyoming came in 1905 when the Supreme Court ruled that the seizure and destruction of diseased nursery stock without compensating the owner was within the police powers of the state.

The control of weeds and pests has been a topic of legislation since 1905 when the Horticulture Act was passed. Bees were regulated in 1907. Changes in weed and pest related legislation can be found in the Session Laws of Wyoming for the years 1923, 1925, 1927, 1931, 1937, 1945, 1953, 1955, 1957, 1961, 1973, 1978, 1979, 1983, and 1990. Attempts to amend the act failed in 1989, 1991, and 1992. Additionally, bills are introduced almost every year that would indirectly impact weed and pest operation and in some cases totally alter them like Cale Case's legislation that would require the weed and pest mill levy to be voted on every four years. Actually few sessions of the Wyoming Legislature have not had seen some attempt to alter the program. The constant change seldom allows implementation of the new program before it changes again.

The changes in the law are a kind of legislative history, even though the debate is absent, which could lead us to an understanding of legislative intent. The state archives might have records of administrative actions by state officials which might indicate the problems the legislation was designed to remedy. We could also look at the minutes of county commissioner and weed and pest district meetings. The proceedings of the Wyoming Weed and Pest Council and the Western Society of Weed Science contain references to cooperative control efforts, weed and pest inventories, grasshopper and Mormon cricket control programs over the years and the developing technology of weed and pest control.

An analysis of these historical records is interesting from many aspects. Some of the strange sounding wording of the 1973 law is a hold over from the 1920 passages; the wording carefully preserved, the meaning just as obscure. Incredible power was given to weed and pest boards to "seize" infested lands and destroy crops growing there without compensation. There were changes in personnel policy, funding, police powers, and relationship between the county programs and the State of Wyoming through the years to meet the needs of a growing agricultural industry in the state and advent of new technologies.

There can be little doubt about the power of district boards to hire personnel and set the conditions of employment in our current law.

"supervisor" means the person appointed or employed by the district board for the purposes of carrying out this act within a district; " (W.S. 11-5-102(a)xxi);

"The district board shall"...Employ certified supervisors and if certified personnel are not available, employ an acting supervisor who shall become certified within twenty-four (24) months from the initial date of employment;" (W.S. 11-5-105(a)iv);

"the district board of each district may"...Employ personnel and determine duties and conditions of employment;" (W.S. 11-5-105(b)11);

"the supervisor shall receive a salary and expenses as approved by the district board." (W.S. 11-5-105 (c)).

And "Board of Certification; duties. A board of certification is established consisting of the director, a University of Wyoming weed and pest specialist appointed by the dean of the college of agriculture, two (2) certified supervisors and a district board member appointed by the Wyoming Weed and Pest Council. The board of certification shall promulgate rules and requirements for certification of supervisors and shall certify all personnel meeting the established requirements. All inspectors certified as of February 10, 1973 are deemed certified supervisors without any further actions of the board of certification." (W.S.11-5-106)

While the personnel practices of the board are pretty clearly enumerated in the present law, it is interesting and useful to review the history of the position of inspector and supervisor since 1907. Bee inspection was initiated in 1907 in response to a call from Wyoming beekeepers to deal with an epidemic of foul brood, a highly contagious disease that ultimately destroys the hive. Whenever five beekeepers in a county petitioned the county commissioner for a bee inspection district, the commissioners were to hire or appoint a bee inspector for the county. He was to be paid out of county funds at a rate set by the commissioners.

Session Laws of 1923 empowered county commissioners to establish pest control districts that were initiated by petition similar to the bee inspection districts. This was stimulated by a major outbreak of Mormon crickets in Big Horn County. Commissioners could appoint a competent person to oversee the spreading of poison and carry out the orders of the county commissioners in the event that a landowner would not do his share. This person was to be paid out of a tax levy against the affected area.

Also in 1923, the Professor of Entomology at the University of Wyoming was designated to be the State Bee Inspector and the State Horticultural Inspector, and was charged with supervising county bee and horticultural inspectors. Each county was to have a bee inspector and deputies as needed. They were to be paid no less than \$5.00, nor more than \$10.00, per day plus expenses. The maximum cost to each county was limited to \$2500.00.

In 1925, the Professor of Entomology of the University of Wyoming became the State Entomologist and was a joint employee of three institutions. He was to conduct research under the Director of the State Experiment Station, extension work under the Director of Extension of the University of Wyoming, and regulate bee keeping, horticultural importation, and pest control under the State Board of Agriculture. He was paid by the Wyoming Board of Agriculture and his mission was to prevent the spread of disease and pests detrimental to agriculture in the state. This law recognized the need for training of personnel, research, and education as important tools in pest control programs. All bee inspection, horticulture, and pest control districts were consolidated, as were the county inspectors. The State Entomologist was charged with the supervision of county pest inspectors. He was to examine them and any deputies for competency and issue them certificates of qualification. The certificate was renewed every two years and could be revoked for incompetence and neglect of duty. Interestingly, no doubt as a concession to local control advocates, the inspector was actually appointed by the county commissioners and paid out of their general funds, an amount not to exceed \$8.00 per day plus expenses, for no more than 5 months a year. The costs could be recovered by a levy against all property in the county not exceed 1 mill.

In 1931, the State Entomologist was separated from the University of Wyoming completely. His duties were to be strictly supervisory and regulatory. His role with county pest inspectors remained the same, but a new position of State Bee Inspector was created in the Dept of Agriculture to supervise a staff of state bee inspectors.

In 1937, a significant change was made in the administration of county pest control districts. The county commissioners were empowered to appoint a board of pest control commissioners who were to run the county pest control district. However, the county inspector was still hired by the county commissioners and supervised by the State Entomologist. In 1939, the per diem for county pest inspectors was reduced from \$8.00 to \$6.00 per day, no doubt as a result of the depression.

In 1939, Fremont County established its first pest control district and three landowners were appointed to serve as commissioners. Minutes are available beginning in July of 1939. The State Entomologist meet with the board on a regular basis while the district was set up and an inspector was hired. There are no minutes from 1941 until 1949. The pest control commissioner retained their seats for the duration, but I believe the district did not operate during WWII and for several years afterward. The man hired to be the Fremont County Pest Inspector in 1941, moved on to become the State Entomologist by 1949 and soon after that he was appointed to be the Commissioner of Agriculture.

One of the duties of the weed and pest inspector was to file a monthly report with the State Entomologist on his activities. The operations of the District included a summer program of clean cultivation and chemical treatment of weed infested areas of the county, a quarantine against the movement of infested farm products, and the inventory of selected weeds and pests. Inspectors issued orders of control work that needed to be done to landowners who had uncontrolled weeds or pests. If action was not taken by a given date, the offenders were turned over to the State Entomologist who ordered the necessary control work to be done by a state run spray truck and or mowing machine. The District had no authority to act on its own.

In 1952, the new State Entomologist, Everett Spackman, came to Fremont County to meet with the County Commissioners. He came to fire Sam Hayes, the county inspector. He charged him with padding his expense account, gross incompetence, and stated the Fremont County program was the worst in the state. The Commissioners fired Hayes on the spot. The Board of Weed and Pest Commissioners was not consulted, but were highly insulted. Mr. Hayes did not have an expense account to pad. They liked the program they were running. They wrote letters to the Governor and invited the local legislators to their meetings, all to no avail.

Applications were taken for a replacement and three were forwarded to the State Entomologist for his approval. None were satisfactory. It took nearly two years to hire a new inspector. Spackman met with the pest commissioners monthly for all that time. He demanded they hire an inspector and control the weeds in the county, but rejected every applicant for the job. Finally, Howard Milsap, a local farmer took the job, sold his farm equipment, and served about 15 years. After a few years the paper work grew and the county commissioners allowed Howard to employ his wife as secretary. That lasted about ten years and then for reasons not stated in meeting minutes Howard was fired because he had his wife on the payroll. There were probably some nepotism rules that came into play about that time, but they must have been a handy excuse to change the staff. Howard actually served for several years on a seasonal basis after he was fired, until he was replaced.

The weed district had a new inspector almost every summer through the late 60s. The old correspondence file in the present office are full of letters from Everett Spackman to the county inspector, with carbon copies to the weed and pest commissioners and the county commissioners. He complained that the monthly reports were late again, his pay vouchers had not been executed properly, or that Spackman had been in the county for two days during previous week but was unable to find the inspector to meet with him, but could find lots of weeds. The letters were always abusive and authoritarian in tone.

In 1953, in partial response to this constant conflict between the State Entomologist and the local districts, a law was proposed and by the Fremont County legislative delegation and passed by the Wyoming Legislature. It allowed the establishment of special independent weed and pest districts by county election on the same basis as other special assessment districts. These districts were to be completely separate from state regulation, thus cutting off the State Entomologist from oversight responsibility. However, the legal requirements for the special election were so hard to meet that no special weed districts were ever established. In 1972, the Wyoming Department of Agriculture proposed a law taxing every county one mill for the support of statewide weed and pest control work. The funds would be collected and sent to Cheyenne. All current pest inspectors were to become state employees and the local districts were to be dissolved. This effort met with great opposition from the counties across Wyoming. Every county had been beat up by the State Entomologist and as a result favored local control. In 1973, that bill was reworked to create an independent weed and pest control district in every county in the state, funded by the one mill property tax. The position of State Entomologist was abandoned and all previous weed control laws were repealed.

One might feel that that any program that has been the subject of so much legislative activity must be of some significance, but a comparative examination of the regulatory clauses in the various laws indicates something else. In 1905, a fine of \$200 would represent a sizable penalty. The pest inspector could be paid no more than \$5.00/day. A fine might represent a half a month's pay. Today the criminal penalty is a \$100.00 fine, less than a day's pay for many.

The regulatory clauses have been regularly amended. From 1907 to 1973, when a person failed or refused to control weeds or pests as required by law, the state could do what was needed and bill the landowner for the full cost. Debts were applied to the tax rolls and collected at action if needed. There was no limit to the amount. Weed districts were even empowered to "seize all lands infested with weeds and pests", destroy crops in the field, remove fences, ditches and roads as needed, and destroy the weeds or pests. Once the land was cleaned up it was returned to the original owner, but he was billed for the work.

The 1973 act still had regulatory clauses, but the amount of work that could be done was limited to \$1,000.00 not to exceed 1% of the assessed valuation of the property. Now, \$1,000.00 looks like a lot of

money, and so does 1% of the market value of the land, but in 1973 agricultural land was assessed at 6% of the 1966 market value. That meant that the amount of control work that could be forced upon a recalcitrant landowner might be as much as \$10.00 for four to five hundred acres of land. Along with the \$100.00 fine, he might be liable for \$110.00. In most cases the cost of weed control on one acre of land would be more than \$10.00.

In 1978, the legislature addressed this problem with major changes to the law. A new civil penalty was developed following the pattern of pollution or nuisance abatement legislation. The district board was empowered to act as a court under the Wyoming Administrative Procedures Act and could assess penalties of up to \$50.00 per day for failure to meet the requirements of the board to control weeds or pests. There was a limit of \$2,500.00 per year. That sounds pretty good with exception of one clause which entitles any person accused under the law to a jury trial. Since there is no provision for a jury trial under the Administrative Procedures Act, and there is no provision for a jury trial for a \$100.00 misdemeanor one wonders how that might work. Whenever a forced control effort is initiated by a district in Wyoming, it becomes waylaid in the county Attorney's office due to all the ambiguity in the statute and the fact that "weeds going to seed" seems so inconsequential in comparison to their felony case load.

Add to this the fact that all fines collected go, not to the district, but to the local school district and can no longer be added to the landowner's tax bill. If the landowner refuses to pay the fine, the District's only recourse is to sue in District Court, another anomaly for an agency operating under the Administrative Procedures Act.

Inspection powers of the districts and its agents were also changed. In the early 1930's, the pest inspector could enter any land or buildings, and stop vehicles in transit to inspect for pests. Penalties were established for any person who obstructed a weed and pest inspector while in the course of his duties. In 1978, new procedures were established for entry. Landowners could be notified by registered mail sent to their last known address, and after 5 days, the board or its agents could enter to inspect for weeds and pests using "lawful entry procedures". There is no legal explanation or understanding for that statement. The situation does not require a search warrant in the opinion of the Wyoming Attorney General, but neither the AG nor any other attorney will hazard a guess as to what action beyond simply getting permission will meet the conditions of the law. The forced control sections of the law have never been tested in court. A number of districts have written a letter demanding action which might lead to further legal action; so far those so notified have simply complied.

The conclusion that I have come to is that the legislature has always thought weeds and pests were worth pursuing, but that the penalties were never intended to put anyone out of business. We have resources for other approaches to weed control such as education, technical support, treatment and cost sharing. The changes in weed and pest funding over the years illustrate the point. Prior to 1925, weed and pest control cost was borne by the county general fund and had to compete with the fair, libraries, and roads for funding. In 1925, a provision was instituted for counties to recover funds spent for weed and pest control work with a one-mill levy. But, that was after the fact and did not help with cash flow. Economically impoverished counties simply never had the funds to tackle a major grasshopper outbreak. There was also some confusion as to whether that mill was included with the counties basic 12-mill limit or in addition to it. That was clarified in 1945, when the weed and pest funding was clearly placed within the counties 12 mills. That was not a problem for wealthy counties, but the poorer counties simply did not have a weed and pest program. In 1973, the mill levy was specifically separated from the counties twelve mills.

In 1978, in response to the rapid spread of leafy spurge in surrounding states, a special program for the control of this weed was added to the base program. It provided for increased penalties and added up to a full mill to the districts taxing authority. The additional money was used to finance a cost share program on private land of at least 80% of the treatment cost. The penalty of \$100.00 per day was to be assessed in with the same ambiguous mechanism as the general program.

In 1990, the leafy spurge act was repealed and replaced by a special weed and pest management program. The penalties were reduced to \$50.00 per day, but the second mill was still available. The major differences were that other weeds and pests could be considered and districts were to use an integrated

approach addressing issues of education, research, planning, training, and biological control. The money could be used on any phase of weed control work, not just chemical cost share. To me it appears that the intent of the legislature was to help control weeds and pest and reduce their economic impact via education and funding using regulatory authority only as a last resort. Additional support for this view can be derived from the minutes of the Fremont County Weed and Pest board meeting from 1939 to date. In spite of a total regulatory philosophy toward weed control in the first few years of the district, the annual report shows a growing number of infested acres each year and a flat control effort. In 1939 and 1940, about 600 acres of weeds were treated in some manner out of the mapped 3500 acres in the county. Part of the problem was insufficient funding and manpower to control the weeds once identified. Available control measures at the time did not really kill any weeds. So the same old patches had to be treated every year with little opportunity to expand the effort to new areas. They were confronted with the problem of forcing people to agree to a county administered program that the district could not actually provide. Weed control seemed to be forgotten during World War II. There are no minutes from 1941 until 1948 when district operations resumed. During that time the weeds has spread across many thousands of new acres, more than could even be surveyed. The forced control approach still prevailed with the only change being that the district no longer pretended that it could actually provide control services. The district sold all their equipment and resorted to a police type regulatory effort where tickets were issued, hopefully forcing land owners to accept responsibility for their own weeds.

One weakness of the regulatory effort was the lack of time to really prosecute violations of the law. The employees were all temporary summer help who were busy filling out weed inventory records and writing control plans for people. The actual date for full control was in the future, but before seed set on Canada thistle which was around the 1st of July. Then the inspectors retraced their steps to see that the prescribed work had been carried out. The few cases that were attempted were poorly executed and after the fact. A good example was a farmer west of Pavillion, WY, where the soil conditions are so poor that I doubt that any person has ever made a profit on the ground since it was broken out. Every few years a new farmer would take over the place and pour his life savings into it until he was broke and moved on. On this land Homar Fike had a solid 80 acres stand of Canada thistle. In June, the board had ordered him to control the weeds and on July 10th, they declared him in violation. The state spray truck came to the county and sprayed the weeds. Mr. Fike was charged with a misdemeanor and billed for the control costs. He was to appear in court on the 24th of July. At the appointed time he requested a postponement so that he could get an attorney. The case was postponed until August 20th, at which time he appeared with his attorney who asked for a delay to prepare the case. A trial date was set for December 6th. On that day, Mr. Fike asked for a dismissal on the grounds that he did not own the land described in the complaint and the case was over. A lien for the cost of the spraying had been filed against the wrong land as well. The land that had been sprayed did belong to Mr. Fike, but had been sold since the control action was taken leaving the District without recourse for collection. The now famous Jerry Spence of Jackson, who then served as the Fremont County Attorney, not so carefully guided the District board through the morass of the law.

In 1960, the board tried again to enforce the law against an individual whose last name was Washakie, a grandson of the famous Shoshone chief. It only took a couple of days once the papers were served on Washakie for the District to learn that the state weed and pest laws did not apply on the Wind River Indian Reservation. The United States Attorney in Cheyenne and a Federal District Court Judge were both quite plain in their correspondence to the board in that regard. Thus any kind of regulatory action on about 60% of the county was precluded, making equal protection and fair treatment an issue on adjacent lands. If you can't make people on tribal and trust lands on the reservation treat their weeds, how can you use forced control on adjacent fee lands?

Both of these cases really died from a lack of prosecution. Weed and Pest officials were not versed in the law to the degree that they could even determine the elements of the crime, or their authority to prosecute it. The county attorney was not interested in the case and failed to adequately prepare. Various parties blamed each other for the failure, including the state department of Ag, the local board, the county attorney, the legislature, the State Entomologist, the tribes, the federal government, and anyone else that was standing around. Minutes reflect bitterness and the board's time was consumed trying to force cooperation between the county attorney, sheriff, Department of Ag, etc in the regulatory effort. Local legislators, the County Commissioners, and County Attorney were frequent guest at board meetings where the same

complaints were discussed over and over. The real weakness was in the board's expectation of what could be reasonably accomplished. Our weed and pest problems are largely a result of irrigated agriculture in the desert. Plants that normally would not grow here are able to flourish in the cool climate under conditions of ample water. People often blame the irrigation system for the weeds on their land. If it was not for the ditches transporting weed seeds they would not have weeds on their own lands. However, without the ditches there would not be farms either. People need to realize that they are part of the problem instead of just blaming others. The value of a Weed and Pest District is in its ability to develop a coordinated, integrated response to weed and pest problems. An examination of historical weed control techniques will illustrate the point.

Weed control efforts well into the 50's were primitive at best. University research dealt with burning strategies, clean cultivation and soil sterilants. Several years of research was devoted to the evaluation of various kinds of weed burners examining intensity of flame, duration of the flame, and frequency of burning. While burning can have good impact on annual weeds with proper timing and cosmetically impacts the landscape, researchers quickly learned that fire had little effect on tough perennial weeds like Canada thistle which has an extensive underground root system. It stands to reason that if you keep cutting off the plant, it will eventually die. But is it best to cultivate two inches deep, or four inches, or even six? Is it better to cultivate once a week, or every other week? Clean cultivation means to till the soil in some way on a weekly basis for the duration of the growing season. It will reduce stands of weeds to manageable levels, but precludes a crop during that time. So the cost is labor, machinery and lost opportunity. The weed and pest district owned several small tractors with cultivation equipment that traveled around the county, clean cultivating patches of Canada thistle in crop fields. Ed Bogacz, who worked for the district for many years in the Dubois area, actually drove one of those tractors as one of his first jobs when he came to Riverton.

Another approach was to use chemicals. Even today some people tell me they are headed out to poison some weeds, or come into the office to get some more weed poison. It is a hold over from those early days when the products available were really poisonous. Most weed killers contained arsenic in some form and were as toxic to the user as the weeds. Several soil sterilants in use in the 1950's required application rates of 2000 pounds of active ingredient per acre. There are records in the office showing the purchase of polyborchlorate in bulk, by the freight car. The way it worked was to simply increase the salinity of the soil to the point that plants could not extract water and burned up. It was highly water soluble. For several years nothing would grow, and then as the chemical was leached out with irrigation water, the first thing that came back was the weeds. Other chemicals in use were some of the soil fumigants, liquids that would turn into a toxic gas after being injected into the soil, like carbon disulfide. Not only was it acutely toxic to the users, it was dangerously explosive. All of these techniques were very labor intensive and expensive with control costs running over \$40.00 per acre on land that could be purchased for \$6.00 at the time. Not only did these tools exhaust weed control budgets in a hurry, they also failed to control the weeds in the long run or result in increased productivity. No wonder people had to be forced into controlling weeds.

On the pest side of the issue were the grasshoppers and Mormon crickets. These guys ate your crops right before your eyes and always generated a lot of excitement just like they do today. Grasshopper bait was mixed by hand using Paris Green (copper arsenate), banana oil and saw dust. It killed hoppers pretty well, but on a limited geographical basis. During an outbreak there might be as many as 100,000 acres in need of treatment. If every person in the county turned out, they could not spread enough bait to make a dent in the onslaught or save their crops from destruction. There are photos of people erecting short fences out of sheet metal at the edge of fields next to a ditch, which was filled with fuel oil and ignited to stop migrating bands.

As hard as people worked, they could not stop the invasion. More land was lost from production every year, either from the pests or the control measures. New strategies based on integrated technologies were needed to bring change to the system. The post war years brought two major developments to agriculture. Man made fertilizers and growth regulating herbicides became widely available by 1950. There are two major bumps in corn yields in the United States. About 1950, yields doubled due to nitrogen fertilizer and ten years later they doubled again as the result of wide spread adoption of pre-plant corn herbicides like atrazine. Cultivation fell to the way side as did crop rotation. In the 60's it was widely believed that corn

could follow corn indefinitely. Whatever nutrients the crop needed could be supplied with the fertilizer spreader and the weeds could be eliminated with new herbicides. By 1975, when I came to work, it was obvious that corn depleted the soil and there were some real weed problems with grasses from the continuous use of atrazine.

I started working for the District in 1975. Ron Cunningham was the supervisor and I was the assistant. We used to joke that there were about 6 million acres in the county, 3 million for him and 3 million for me. The main office was in the basement of the courthouse and there was a metal shed in Riverton for chemical storage and vehicles. There was a small office in that building out of which I operated. Basically, Ron handled all of the public agency contacts and contacted farmers across the reservation and west of Pavillion all the way to Dubois. I handled all the farmers north of the Wind River. At that time the District owned 6 half-ton pickup trucks, all low mileage. For tools, each truck had a handyman jack, a pair of pliers, a small crescent wrench and a screwdriver. They were not allowed to even carry herbicide in their trucks, let alone use it. The county agent Lyle Bang was adamant that weed and pest personnel not provide any weed control advice, which was his job. They could write tickets and push people into more aggressive control programs, but not tell them how. In a similar vein, Bruce McMillan, who owned Farmer's Exchange, complained bitterly that the District was taking food out of his mouth by using tax dollars to compete with his enterprise. He lectured me every chance he got about how the weed district concept was flawed. In his mind, if a person felt it was necessary to treat weeds, he would do it himself. It was in his own interest to do so. If the weeds put him out of business, so be it. A better farmer might take his place. It should not be the place of government to dictate how a person managed his property.

Prior to my arrival the weed process was pretty simple. In May, the District would hire summer hands, who were mostly retired farmers or school teachers. They would carve up the county and hit the road trying to visit every farmer in their area. They asked about weeds, filled out a form, sometime drew a small map on ¼ inch grid paper and got commitments for future control. If the weeds were real bad on a piece of land they gave the operator an atrazine permit. The permit allowed cost sharing on atrazine with the state. The Department of Ag at that time had a state weed allocation which was used to reimburse local Districts at some percentage for herbicide cost share. They did not cost share on atrazine because it was primarily an annual weed control product for corn. But, in Fremont County it worked on Canada thistle because our high soil pH made it leach into the root zone. Around Wheatland, where the soils are more acid, it did not leach and did not control perennial weeds. In Fremont County we wrote the permit to verify the presence of noxious weeds and thus qualify for the state cost share. While a lot of weeds were controlled in that way, it was really pretty coercive. It was like the weed inspector had two pieces of paper, a ticket for a criminal offence of failure to control, or an atrazine permit, take your pick. As I would visit farmers and try to get acquainted, they would frequently tell me that there was not too much I could do for them as half the farm was already planted to corn. I did not know the earlier process and was puzzled by this common response for a couple of years until I gained the confidence of a few individuals who explained their concerns. I am still amazed at how little else was ever tried.

For two summers, I occasionally picked up Roy Walker, one of the old weed inspectors and took him for a ride to find weeds. He knew about several patches of Leafy Spurge. He told me about the day that the District windrowed a field of barley near Morton Lake. The land actually belonged to an Indian by the name of Swallow. He had it rented to a non-Indian. The field was full of Canada thistle and was about to blow. The sheriff and a couple of deputies were parked at one end of the field, the farmer and his sons were parked at the other end of the field a quarter of a mile away. Both sides, guns at the ready, watched while the field was cut by a third party, about two weeks before it was ready for harvest as grain. I think the farmer baled it for hay. It was a tense moment. There is no record of this control effort in board minutes. The field is still pretty weedy although today it is irrigated with a center pivot sprinkler and is planted to alfalfa. At least the thistle is being cut and used as forage. It actually looks like a hay field from the road.

In 1975, Roy and I sprayed weeds for the first time in about 20 years. Ralph Urbigkeit, a Crowheart rancher, was on the board for 24 years. Out behind his barn is one of the first weed sprayers in Fremont County. The tank was made of wood slats like a barrel. It probably held 300 gallons and had a wagon steering gear. The pump was a big piston job powered by a gasoline engine. Ralph says he bought it from

the weed district at an auction when they sold all their equipment in the 1950's. I don't think he ever used it and that was the last weed control equipment the District ever owned. Roy and I went after the Leafy Spurge in Haymaker Draw. We did not have a sprayer, not even a hand sprayer. So, we got an old water heater and chained it into the back of the truck. We poured chemical and water into the top through a ¾ inch fitting and pressured the tank with a propane bottle. We sprayed using a garden hose and hand nozzle. I used the same rig to do a lot of demonstration plots and learned a lot about killing perennial weeds. That little bit of work showed the potential for a more active weed control program in the county and in 1976, the district bought a used ¾ ton 4x4 pickup and we mounted a sprayer in the back. We used it all over the county to treat leafy spurge and other noxious weeds in pastures and on ditch banks. I worked hard to get Midvale Irrigation to spray weeds on their ditches after doing nothing for 4 or 5 years. The Pilot Canal right of way, from the water's edge to the fence, was solid Canada thistle from the dam all the way to Hidden Valley. The other irrigation companies around Riverton were as bad. They all had equipment, but no one to actually run the trucks day after day. Anybody who showed any talent was moved to a backhoe or a dump truck. In 1977, we added another truck and ran one in Riverton and one in Lander.

In 1978, Ron Cunningham took a job as the Associate County Extension Agent in Fremont County and I, Lars Baker, became the Supervisor. That was a really hard year because the legislature had passed the Leafy Spurge Act that spring. Each county was expected to have a program in place that same year in spite of the fact that no funding would be come available until December when tax money would come in. We used registered warrants at the bank and paid interest. We added several crews in Lander to do all the work that the 80% cost share generated. Treating Leafy spurge suddenly became affordable. Inflation was a problem at that time and in three years the price of Tordon went from \$30/gal to over \$70. Fuel went from \$0.40/gallon to over \$1.00. It was impossible to budget, but the assessed valuation of the county was going up at the same time and we never had to go into the second mill to run the Leafy spurge program. By 1980, the District had contracts for weed spraying with the Bureau of Land Management, Wyoming Highway Department, Midvale Irrigation, and Wyoming State Lands. There were over 300 private customers under the Leafy Spurge program. The District was administered by just three permanent employees, Lars Baker as Supervisor, Jim Moore as Assistant Supervisor in Lander and Mary Jo Williams was secretary/bookkeeper working less that ¾ time. During the summer we hired six to eight hands in Lander, a Deputy in Dubois, and four hands in Riverton. We all worked 60 to 70 hours a week until school started and our kids started to go back to school. By 1986, we had a full time mechanic, Elmer Witzel, and we kept one or two hands on all winter to repair equipment. Repairs were a major element of the spray program because we always bought used pickups for spray rigs and many had over 100,000 miles on them when we bought them. The permanent staff worked weeds until snowfall and again in the spring before school got out. We relied heavily on college students and teachers for summer help, and we still do. In 1994, the District started buying new vehicles because we could get them on bid with fleet discounts for only a little more than used trucks. The resulting decline in repair costs and down time has made the District more efficient, billing more twice as many hours and treating more weeds with only a few more hands.

In 1981-2 the bottom dropped out of the assessed valuation for the county falling from \$514,000,000 to \$230,000,000. One mill of that was \$230,000. A major part of the tax base for the county was founded in mineral extraction and in just a few years the uranium mines and the iron ore mine all closed. Since the District had been operating under 1 mill before, we could move into the second mill allowed under the Leafy Spurge Act and not suffer any program degradation. Fremont County government was in bad shape however and we took over the cost of running the weed program on the county roads, which has cost the District about \$40,000 to \$70,000 annually ever since. The assessed valuation has slowly recovered due to increased prices for gas and oil and the steady increase in gas production in the Lysite area. In 2002, one mill generated \$566,000 and the District operates on closer to 1 mill than 2.

In 1978, the first biological control of weeds agent was released. *Rhinocyllus conicus*, the Musk Thistle Seed Head Weevil, has reduced musk thistle from over 11,000 acres to around 600 acres infested since that time. Many other agents were released, as they became available. By 2006 there are agents released on Leafy spurge, Canada thistle, Musk thistle, Dalmatian toadflax, Russian knapweed, and Field bindweed. Musk thistle and Leafy spurge agents are the most effective to date and since 2000 the District employees a person to redistribute and monitor these agents countywide and support biological control statewide.