

Like many issues that governments have to deal with, “invasive species know no boundaries.” Ideally, the most effective approach to managing invasive species would be to administer a program for all lands, across jurisdictions. However, a single province-wide approach is unrealistic given the variety of landscapes, multiple jurisdictions, range of species and varied local needs and concerns. To be effective, local governments need to look beyond their boundaries and coordinate their efforts with adjacent jurisdictions by developing invasive species management programs in partnership with affiliated municipalities and/or regional districts, regional invasive plant/species committees, provincial ministries, Aboriginal peoples, industry and other land managers.

Although regulatory authority cannot cross the boundaries of respective jurisdictions, to reduce costs and improve program effectiveness, adjacent local governments, agencies and Aboriginal peoples can establish joint programs for administration, monitoring, enforcement and service delivery – functions that can be delegated between governments. In some cases (such as dealing with invasive plant or animals), municipalities can cede their regulatory authority to the regional district level of governance.

With regard to waste generated from the removal of invasive species, it is often governed on a regional basis with local governments providing direction to private landowners that may be dictated by general Best Management Practices.

### 3.4 Relevant and Enabling Legislation

Local governments can choose to adopt an invasive plant control function through the *Weed Control Act (WCA)*. In addition to their WCA capabilities, or instead of it, regional districts can enact and enforce bylaws under the *Local Government Act (LGA)* and municipalities can establish their programs under the *Community Charter (CC)*. Similarly, when managing for animal species, local governments can choose to adopt an invasive species control function through the *Local Government Act (LGA)* or the *Community Charter (CC)*.

It is important for local governments to review existing and related bylaws when creating or amending any new bylaws as there may be potential for contradiction with existing regulation. For example, some local governments have a bylaw restricting the use of cosmetic pesticides except under certain situations. For landowners required to remove invasive plants from their property, this bylaw may become problematic if it doesn't take into consideration the use of pesticides as a best management tool.

#### Overview of Enabling Legislation

The ***Weed Control Act (WCA)*** is administered by the Ministry of Forests, Lands and Natural Resource Operations and is the overarching legislation concerning invasive plant management and control in British Columbia. The Act places a duty on all land occupiers (including public and private lands) to control the noxious weed species that are listed in its accompanying Regulations and pertains to all land in BC, except federal lands. Section 9 of the Act provides for municipalities or regional districts to appoint local Weed Committees and weed control officers or inspectors (section 10) and gives municipalities the opportunity to enter into an agreement with each other with respect to noxious weed control and associated costs (section 11). The WCA can only be enforced by a weed Inspector appointed by the Minister, or by an inspector appointed by the local government under the Act.

The **Community Charter** (administered by Ministry of Community, Sport and Cultural Development) provides authority for municipalities. Municipalities are authorized to control invasive species within their jurisdiction and to regulate in relation to weeds or animals on public and private property under the broad powers identified in section 8(3). The selection of the appropriate enabling power depends on whether the species is considered to be a threat to the environment or the economy, a nuisance, a public health concern, or whether the troublesome species is a plant or other organism. These are broad powers that give municipalities flexibility in the kinds of regulations they might want to establish for invasive species management. Municipalities can use their bylaw enforcement powers to enforce the regulations. Besides dealing with regulatory authority, the Community Charter also includes broad land management powers to deal with invasive species issues that arise in parks and road rights-of-way, and on other land that the municipality owns and manages. In addition, some Community Charter provisions apply to Regional Districts through cross-references in the *Local Government Act*.

The **Local Government Act** (administered by the Ministry of Community, Sport and Cultural Development) includes enabling powers that apply primarily to regional districts. Under this Act, regional districts can establish a service having invasive species management as one of its purposes. The purpose of the invasive species management program may be to operate an early detection and rapid response program directly, to enforce the *Weed Control Act*, or to implement and enforce regulations within the regional district. As with municipalities' regulatory powers under the Community Charter, the regional districts' full array of bylaw enforcement options is available to enforce its invasive species control bylaws. Municipalities within the regional district can elect to be within the regional district service area (and contribute to the cost of the service), in which case both the regional district's regulations and its services apply within the municipal boundaries.

### **Other Related Legislation for Invasive Plants**

Sometimes the application of an appropriate herbicide is the only effective way to manage or eliminate an invasive plant infestation; this management is not considered "cosmetic" use of pesticide. The **Integrated Pest Management Act** is provincial legislation designed to ensure that pesticides will not cause harm to people or the environment, and that pesticides will be used within an integrated pest management program. The Act presides over the sale, storage, transport and use of pesticides in BC and outlines training requirements, certification, licensing of businesses that sell or apply pesticides for a fee, and requirements for application to public lands, among others. For private property, the pesticide must be registered for the use, and used according to all label directions (as per the *Pest Control Products Act*). Regulatory requirements include pesticide-free zones around waterways, domestic water sources and other sensitive areas; requirements for personal protection and use and storage of equipment; protection of stream banks and slope stability and environmental requirements for pesticide use (e.g. weather conditions). Depending on the size and area of a pest management program, a Pest Management Plan, consultation with Aboriginal peoples and the general public and a Pesticide Use Notice may be required. See Key Resources (Appendix 1) for an example of a local government Pest Management Plan.

As of September 2013, the Ministry of Environment announced that it intends to amend the **Integrated Pest Management Regulation (IPMR)** to ensure that most pesticides used in landscaped areas are applied by trained people. Amendments to the regulation will also change the way Domestic class pesticides are sold, and they will update the schedule of excluded pesticides.

## Other Related Legislation for Invasive Species

The **Controlled Alien Species Regulation (CAS)** (administered by the Ministry of Environment) under the *Wildlife Act* is a regulation that controls the possession, breeding, shipping and releasing of alien animals (e.g. that are not native to B.C.) that pose a risk to the health or safety of people or the environment. Under this Act, the Minister of the Environment has authority to designate species as controlled alien species and to regulate these species. Most of the species that this regulation deals with are of concern because of their potential danger to people (e.g., tigers and poisonous snakes), however in December 2012 the regulation was amended to include a number of potential invasive aquatic species. It is important to note that on a community and local government scale, the *Controlled Alien Species Regulation* is relevant as there continues to be banned substances sold in commercial stores, such as some aquatic invasive species. If municipalities have encouraged voluntary compliance and have not been successful, they could regulate the sale of an invasive species provided it is on a list that they are trying to prohibit. This option could be a potential tool if a Regional District was to appeal to the Ministry for regulation on a regional basis and the associated municipality were in agreement. Some municipalities have additional bylaws that regulate the sale of invasive turtles, rabbits and other species.

For a comprehensive overview of federal, provincial, First Nation, regional, municipal, and private landowner jurisdiction and the associated legislative framework in British Columbia, please see the ISCBC's *Legislative Guidebook* (ISCBC 2007).



Yellow flag iris (*Iris pseudacorus*)  
Photo: J. Leekie