BRITISH COLUMBIA

File: 19500-00

March 29, 2000

Major Licensees
Lakes Forest District

Dear Licensee:

This letter serves as formal discussion around the concern about right-of-way seeding identified as Lakes District Cost Driver Initiative Issue #23. The issue to resolve is whether 100% r/w seeding is necessary to prevent siltation, maintain water quality, stabilize cut slopes and assist in the prevention of noxious weed establishment.

Currently, there is no legal requirement to seed all right-of-ways for either noxious weed control or for the purposes of sediment control.

Noxious Weed Control

There is an approved district weed plan, which states that "revegetation of all roads, landings and specified skid trails is a requirement within all areas of timber removal or silviculture activity." There is no legal bearing for the plan so this could be considered a best management practice or guideline. There are two pieces of legislation that pertain to weed control:

The *Forest Practices Code of B.C. Act*, Section 52 states that "subject to an operational plan, a person carrying out a forest practice must, in accordance with the regulations and the standards, carry out the forest practice at a time and in a manner that will limit the spread of noxious weeds to a level of acceptable to the district manager."

Section 2 of the *Weed Control Act* states "Every occupier shall control, in accordance with the regulations, noxious weeds growing or located on land and premises and on any property located on land and premises occupied by him." The MoF is considered to be the "occupier" of Crown land for the application of the *Weed Control Act* and, therefore, is responsible for noxious weed control on Crown land.

Sediment Control

Section 15 of the Forest Road Regulation outlines the legal requirement to re-vegetate all exposed soil after road construction, modification or deactivation and in accordance with the vegetation specifications approved as part of the road, layout and design. These must be re-

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vegetated to the satisfaction of the district manager within two years of completion of construction, modification or deactivation.

In consideration of the above, and in light of discussions I have had with respect to re-vegetation for both weed and sediment control, I have formulated the following opinion:

- The risk with respect to weed encroachment varies within the TSA. Staff has found that incidences of noxious weeds are increasing in the central portions of the TSA (between Babine and Ootsa Lakes). Annual detection and control programs undertaken by the MoF and the Regional District are limiting the increase; however, the eradication of these extremely hardy plants is difficult, at best.

- District staff has not recently monitored the areas north of Babine Lake or south of Ootsa reservoir. It is felt that noxious weed incidence is likely lower because the traffic to and through these areas is reduced in comparison with the rest of the TSA and less variable. I consider the risk to be high in the central part of the TSA and moderate in the outlying parts (subject to revision, after monitoring). It is critical to identify noxious weed sites early and manage them appropriately.

- The greatest benefit in seeding road right-of-ways exists in areas of moderate to fine-textured soils and, particularly, along roads of long uniform slopes (greater than 5%) or shorter, steeper slopes. The benefit increases where roads transect streams and, especially, fish bearing streams. Generally, re-vegetation of ditchslopes and right-of-ways serves to filter and hold back fine-textured sediment and can also act as a slope stabilizer.

- I acknowledge that it is possible to assess the risk for noxious weed establishment and sediment delivery on a site-specific basis and vary the re-vegetation specifications on road, layout and designs in accordance with the risk.

- The cost of applying seed over 100% of exposed soils after completion of construction, modification and deactivation is minor. Estimates range between $12,000 (SBFEP) to $20,000 (Babine/DLFP) per year or .03-.04 cents per cubic meter. The benefits of 100% seed application outweigh the cost.

It is my opinion that adequate management of the forest and range reserve is best served through the application of grass seed on **all** exposed soils after the construction, modification and deactivation of roads. These sites should be re-vegetated within two years after activity completion.

I do, however, acknowledge that deviation from the above is possible with proper risk assessment and adequate noxious weed monitoring programs. Should forest licensees wish to deviate from 100% application, I request that risk assessment procedures and application rates be represented within your operational plans (FDP or SP) or road, layout and design. This is necessary so I may be assured of adequate management (Section 41(1)(b) – FPC) in my approval(s). Where noxious weeds become established through a contravention to FPC Section 52, the responsibility for their control may rest with the licensee.

Staff is hopeful that during the upcoming summer, a weed inventory in the areas south of Ootsa Lake and north of Babine Lake will occur. This will quantify the existing problem and better illustrate the benefits of the seeding program.

If you have any questions regarding noxious weed control, contact Bob Fowler; sediment control, contact Dan Rensby; or the direction provided, contact Mark Vieweg at 692-2200.

Yours truly,

R. A. Murray
District Manager
Lakes Forest District

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