



Date: 05/11/2020

To: Chair and Directors, Cariboo Regional District Board

And To: John MacLean, Chief Administrative Officer

From: Emily Sonntag, Invasive Plant Management Coordinator

Date of Meeting: Cariboo Regional District Board_Nov13_2020

File: 5280-03-20/Blue Goose

Short Summary:

Invasive Plant Enforcement Action Against Blue Goose Cattle Company

Voting:

Stakeholder – Weighted, All Electoral Areas, City of Williams Lake, District of Wells

Memorandum:

Background

Blue Goose Cattle Co. (BGCC) is a certified organic cattle ranching operation responsible for the management and stewardship of over 250,000 acres of leased and deeded land within the Central and South Cariboo and Chilcotin regions of the Cariboo Regional District. A portion of that land, primarily the lands within the South Cariboo, has hosted historical infestations of invasive plant species. However, the infestations of the invasive plant species spotted knapweed are particularly concerning.

Spotted knapweed has been identified as a serious threat to the rangelands and forests of western USA and Canada. This is because it reduces forage production and quality and increases management costs and production losses for the agriculture industry. Spotted knapweed also reduces soil fertility and water infiltration into the soil and increases surface water runoff and stream sedimentation. Finally, spotted knapweed reduces wildlife habitat and native biodiversity. In fact, wherever spotted knapweed establishes there is a reduction of species richness and diversity.

Beyond its impacts, spotted knapweed is an extremely aggressive invasive plant able to spread very quickly. There are reports that it can spread at an estimated rate of between 8 to 27% per year. It is also able to dominate a site for a long period of time once established due to the legacy effects of seeds and rooting structures. For these reasons, it is critical that efforts be made to prevent, eradicate, and/or control infestations of spotted knapweed to protect important environmental, economic, and social values from its negative (and potentially lasting) effects.

As such, tremendous efforts have been made within the Cariboo Regional District since inception of its Invasive Plant Management program in 1979 to prevent and control the spread of spotted knapweed. This includes lands within the South Cariboo that are currently under the stewardship of BGCC. As aforementioned, these lands have had historical infestations of knapweed and other invasive plant species. However, the previous landowners and managers worked with the CRD's Invasive Plant Management program to keep infestations under control through participation in our landowner assistance programs and conscientious effort.

Unfortunately, since ownership has changed hands there has been less collaboration and the infestations appear to be steadily increasing in spatial extent and severity. This has prompted members of the local, agricultural, and natural resource management community to raise concerns and lodge complaints with the Invasive Plant Management program over the years. In response, the Invasive Plant Management program has been working to gain cooperation with BGCC for several years. Despite this work, little cooperation has been achieved and little evidence exists that any meaningful efforts have been made on the spotted knapweed infestations. An outline of those communications and responses is provided below.

- Outgoing Letter - May 14, 2012
 - Educational letter issued to BGCC requesting control of invasive plant species.
- Incoming Phone Call - May 29, 2012
 - Contacted by BGCC regarding May 14, 2012 letter requesting further information and initializing contact between CRD and BGCC
- Incoming Email - June 4, 2012
 - Email from BGCC confirming receipt of May 14, 2012 letter and assuring management of invasive plants in collaboration with CRD program will occur
- Incoming Email - August 26, 2014
 - Complaint received against BGCC for spotted knapweed infestations
- Incoming Email - January 1, 2015
 - Complaint received against BGCC for spotted knapweed infestations
- Outgoing Email - April 16, 2015
 - Email sent by CRD IPM Coordinator to BGCC requesting a meeting to discuss complaints and spotted knapweed infestations
- Outgoing Email - May 1, 2015
 - Follow-up email sent by CRD IPM Coordinator requesting to meet with Blue Goose to discuss spotted knapweed infestations and plan because staff received no response from April 16th email.
- Outgoing Email - May 7, 2015
 - Another follow-up email sent by CRD IPM Coordinator requesting an indication that the May 1st email was received and requesting a meeting as no response was received
- Outgoing Letter - August 21, 2015
 - Enforcement letter sent by registered mail –no compliance, contact, or response from them

- Incoming Document (Email) - July 5, 2016
 - Consulting biologist for BGCC submitted the spotted knapweed management plan he had prepared for them
- Incoming Phone Call - July 10, 2020
 - Complaint received against BGCC for spotted knapweed infestations
- Incoming Document - July 15, 2020
 - Inspection by CRD IPM Coordinator conducted – presence of knapweed noted
- Incoming Phone Call - August 10, 2020
 - Complaint received against BGCC for spotted knapweed infestations
- Incoming Email - August 27, 2020
 - Complaint received against BGCC for spotted knapweed infestations
- Outgoing Email - November 3, 2020
 - Email sent by CRD IPM Coordinator to BGCC Ranch Manager notifying him that issue was going to board
- Outgoing Phone Call – November 4, 2020
 - CRD IPM Coordinator phoned Ranch Manager to confirm receipt of email sent November 3rd – no response or answering service available
- Outgoing Email – November 4, 2020
 - Email sent by CRD IPM Coordinator to BGCC Administrator forwarding her the email sent to Ranch Manager on November 3rd
- Incoming Email – November 4, 2020
 - Email received from BGCC Administrator confirming receipt and plans to discuss matter with Ranch Manager

Current Status

Based on the document titled “Spotted Knapweed Management Plan: Infestation Mapping, Biocontrol Presence Survey, and Management Options for the Blue Goose Cattle Company 105 Mile Operations” there was approximately 17.02 hectares or 42.55 acres of spotted knapweed in 2015 on their 111 and 105 Mile, Walker Valley, and Soda Lake properties. To manage these infestations, the Plan recommends incorporation of biological control (the control of a pest by the introduction of a natural enemy or predator), prevention activities, monitoring activities, and mechanical control activities (mowing road- and trail-sides). While there has been some work done on biological controls and monitoring, it has been limited and inconsistent from conversations between the IPM Coordinator and BGCC’s consulting biologist (who is tasked with conducting biological control work). Evidence of the implementation of all other recommended control methods has been non-existent and action taken by the IPM Coordinator to meet with BGCC to discuss their plans and implementation strategies have been ignored.

The inspection completed on July 15, 2020 in response to the complaint received on July 10th, revealed spotted knapweed presence on 14 separate properties owned by BGCC. The 14 properties encompass approximately 15,427 acres in the 108, 105, and 111 Mile areas of the South Cariboo. Some of the properties with infestations also have public roads and trail networks running through them which increases the potential for additional spread. The infestation size is difficult to determine as a comprehensive survey was not conducted.

However, if one was to apply a conservative rate of spread for the knapweed infestations at 14% annually, the 17.02 hectares originally reported in 2015 may (in the absence of management efforts) be approximately 32.77 hectares or 81.93 acres on the properties surveyed in their Management Plan. To provide context to better understand the size of this infestation, the CRD IPM program treats an average of 35 hectares of region-wide land each year with four separate independent contractors and one CRD employed crew. Therefore, this case involves a considerable amount of land, spotted knapweed infestation, and potential for the infestation to spread onto other landowner's properties.

In light of BGCC's apparent lack of success in controlling the spotted knapweed infestations on properties owned and managed by them; their lack of effort in collaborating with the CRD IPM program as requested; and to address community and IPM program concerns regarding the proliferation and spread of these infestations, staff recommend that the CRD proceed with enforcement action. Specifically, IPM staff recommend that the CRD initiate enforcement action with the issuance of a letter requesting that BGCC voluntarily comply to control the spotted knapweed infestations before flower production commences in 2021. If BGCC fails to comply with this request, IPM staff recommend that the CRD proceed with enforcement action through the pursuit of a court-ordered injunction.

Timeline

To proceed forward on this matter, the Invasive Plant Management program is recommending the following timeline:

- November 2020 – Request the Board to approve recommendations from CRD staff to proceed with the enforcement process against BGCC in 2021
- If approval is granted the process would proceed as follows:
 - Winter 2020 - Issue a voluntary compliance letter to BGCC requesting that they voluntarily control spotted knapweed infestations on the 14 properties by a specified date (most likely end of May or June before flower and seed production)
 - The infestation is so large and dense that the letter would most likely request that all road- and trail-sides and property boundary fence-lines shared with an adjacent landowner be given a 10-meter buffer. The request would also include small, satellite infestations and infestations in high-traffic areas be controlled to prevent spread.
 - Winter 2020 or early spring 2021 - Offer opportunities for BGCC to meet with CRD representatives to discuss treatment plan and timelines upon receipt of voluntary compliance letter.
 - Spring 2021 – Inspect properties for evidence of compliance after the deadline specified in the voluntary compliance letter.
 - Spring 2021 - If BGCC has failed to voluntarily comply with the request to manage their spotted knapweed infestations the CRD will invite BGCC to earliest available Board meeting as an opportunity for BGCC to justify why further enforcement actions are not warranted.

- Spring 2021 – If Board deems proceeding with enforcement action is warranted, CRD will proceed through a court-ordered injunction.
- Spring 2021 – Procure a licensed Integrated Pest Management consultant to provide expert recommendation on best management approaches and costs of those approaches to control the infestations in respect of BGCC’s certified organic status.
- Summer 2021 – Upon receipt of the consultant’s report, proceed with obtaining compliance through an injunction by civil proceedings.
- Spring 2022 – Obtain compliance through the injunction

Attachments:

None

Financial Implications:

The Invasive Plant Management program currently has \$54,726 in Capital Reserves and \$72,163 in its Accumulated Operating Surplus. Therefore, the Invasive Plant Management program has sufficient financial resources available within its Capital Reserves and Accumulated Operating Surplus to fund the procurement of an Integrated Pest Management consultant and pursuit of a mandatory injunction by way of a civil proceeding in the BC Supreme Court, should Blue Goose Cattle Company fail to comply voluntarily.

Policy Implications:

None

Alignment with Strategic Plan:

- Communication:** Facilitate communication strategies throughout the entire Cariboo Regional District that meet the needs of residents, community stakeholders, and other levels of government.
- Planning:** Intentionally plan services and activities of the CRD to prepare for future needs of residents and community stakeholders.
- Economic Sustainability:** Foster an environment to ensure the economic sustainability of CRD communities and the region.
- Governance:** Ensure that CRD governance policy and practices are intentional, transparent, and respectful.

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CAO Comments:

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Options:

- 1.) Endorse the recommendation

2.) Receipt and further action as directed by the Board

Recommendation:

That the agenda item summary from Emily Sonntag, Invasive Plant Management Coordinator, dated November 5, 2020, regarding Invasive Plant Enforcement Action against Blue Goose Cattle Company, be received. Further, that the Board approve recommendations to proceed with enforcement action against Blue Goose Cattle Company through a court-ordered injunction, if they fail to comply voluntarily.