



BIG LAKES COUNTY POLICY

TITLE: Spray Exemption Policy	
POLICY NUMBER: ASB-05	
LEGAL AUTHORITY: Weed Control Act	
APPROVED BY COUNCIL: July 13, 2011	
EFFECTIVE DATE: July 13, 2011	REVISED DATE: March 13, 2019

POLICY STATEMENT

The Big Lakes County recognizes that there may be valid reasons for residents of the County to request that herbicide applications not be performed on or adjacent to their land.

POLICY

Definitions:

"County" shall refer to the Big Lakes County

"Prohibited Noxious or Noxious Weeds" shall refer to those species of vegetation declared under the Weed Control Act(refer to Schedule A).

"Vegetation Bearing Edible Berries" shall refer to the plant species commonly known as Saskatoons, Choke Cherries, Raspberries, Black Currants, Gooseberries, Pin cherries, Cranberries, Strawberries and Blueberries.

County Weed Control:

In accordance with provincial legislation, the County regularly controls Prohibited Noxious and Noxious weeds on roadsides and other municipal lands. In accordance with municipal policy, trees and brush greater than 1.5 metres in height shall be controlled. In implementing control measures, the County shall select the most appropriate control measure based upon an assessment of:

1. The cost effectiveness of the control measure;
2. The environmental impact of the measure;
3. Timelines; and
4. Whether the area has a high aesthetic value, such as vegetation bearing edible berries.



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The County recognizes that the control method which is determined to be the most appropriate based on the above criteria may concern some residents for a variety of reasons. Examples include but are not limited to:

1. The perception that herbicide application used as a control method may negatively impact a farms' "organic" classification.
2. The perception that water run-off from roadside ditches may contain pesticide residues which could enter an adjacent domestic dug-out water supply.

In order to address such concerns, the County provides residents with the ability to request that roadsides adjacent to their land be exempted from the use of herbicides as a weed control measure.

Conditions of Exemptions:

The County will exempt land from herbicide application in adjacent roadsides as a weed control measure, subject to the following conditions:

1. The landowner enters into a signed agreement whereby they commit to adequately perform acceptable measures to control:
 - a. Prohibited Noxious and Noxious weeds; and
 - b. Vegetation and brush taller than 1.5 metres.
2. The landowner enters into a spray exemption agreement which shall individually list each land parcel for which spray exemption is requested. The parcel size of a spray exemption agreement shall not exceed one quarter section (160 acres more or less).

Procedures for Obtaining an Exemption:

Any individual seeking an exemption under this policy shall:

1. Obtain and complete a spray exemption form, which shall individually list each parcel of land for which spray exemption is requested. (Forms are available at the County Administration building).
2. Submit the signed and completed form to the County Administration office.



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3. Ensure that signage, which shall be supplied and installed by Big Lakes County staff, remains clearly visible from the roadway at all times.

Preservation of Edible Berry Patches

The County recognizes that there may be instances in which residents have traditionally picked edible berries from patches located along roadsides. In respect of this tradition, the MD County has established procedures for identifying and preserving edible berry patches from roadside spraying operations. The process shall be as follows:

- 1) The County shall annually advertise in a general public notification, requesting input for identification of edible berry patch locations for spray exemption.
- 2) After the aforementioned notification the landowners shall be given a minimum of one week (five working days) to notify the County of locations of edible berries for which spray exemption is requested.
- 3) Upon receipt of formal notification by either correspondence or telephone, the County shall arrange to mark these locations with appropriate signage or markers.
- 4) The berry patch areas eligible for exemption shall be naturally occurring. Berry patches intentionally planted in the road allowances shall not be considered for spray exemption.
- 5) Berry patches must occupy at least 5 linear meters along the County road allowance with berry plants occurring at a frequency of at least one plant per meter.
- 6) Berry patches retained will be limited to the upper backslope portion of the road, outside of the normal cutting path of the County's roadside mowers.
- 7) In the event that berry patches cause public safety concerns due to significant reduced road traffic visibility, or if berry pickers are routinely interfering with road traffic, or if the berry pickers cause an undesirable presence to nearby landowners, then the County shall proceed with remedial vegetation control measures.
- 8) The County shall make effort to avoid applying herbicide on or adjacent to visible berry patches. In the event that berry patches become infested with Prohibited Noxious or Noxious weeds the County shall undertake the most sparing control measures to adequately remove the weeds while minimizing the



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impact to the berry patches. Weed control measures may include hand picking, manual herbicide application and / or selective mechanical control.

Landholder Default of Agreement:

Reasonable control measures must be completed by no later than July 15th of the current calendar year. Upon inspection if lands under a spray exemption agreement are determined to be in need of remedial vegetation control work, the terms of the agreement shall be deemed to have been breached and the agreement shall become null and void for that calendar year. Subsequently, the County shall take the necessary action to rectify the situation.

A landholder who has breached the terms of an agreement may be permitted to request a spray exemption in the following calendar year. However, in order to qualify for a spray exemption, the landholder shall deposit one hundred (\$100) dollars with the County. The deposit shall be refundable at the end of the calendar year, provided the terms of the existing agreement have not been breached. Should the terms of the existing agreement be breached, the deposit shall be forfeited.

Reeve

Chief Administrative Officer

Date of Final Signature

Part 4 Other Matters

Transitional

16(1) A municipal bylaw made under the *Weed Control Act*, RSA 2000 cW-5, is continued under this Regulation.

(2) For a period of six months after the coming into force of this Regulation, a municipal bylaw made under the *Weed Control Act*, RSA 2000 cW-5,

- (a) is to be read as if a designation of a plant as a restricted weed is a designation as a prohibited noxious weed, and
- (b) despite section 9(4), may be amended without the approval of the Minister to the extent the amendment is
 - (i) amending a designation of a plant as a restricted weed to a designation as a prohibited noxious weed, or
 - (ii) repealing a designation of a plant as a nuisance weed.

(3) A licence under the *Seed Cleaning Plant Regulation* (AR 15/2003) is continued under this Regulation.

Repeals

17 The following regulations are repealed:

- (a) the *Weed Regulation* (AR 171/2001);
- (b) the *Seed Cleaning Plant Regulation* (AR 15/2003).

18 Repealed AR 125/2016 s2.

Coming into force

19 This Regulation comes into force on the coming into force of the *Weed Control Act*, SA 2008 cW-5.1

Schedule

1 The following plants are designated as prohibited noxious weeds in Alberta:

autumn olive — *Elaeagnus umbellata* Thunb.
balsam, Himalayan — *Impatiens glandulifera* Royle

barberry, common — *Berberis vulgaris* L.
bartsia, red — *Odontites vernus* (Bellardi) Dumort
buckthorn, common — *Rhamnus cathartica* L.
cinquefoil, sulphur — *Potentilla recta* L.
crupina, common — *Crupina vulgaris* Pers. ex Cass.
dyer's woad — *Isatis tinctoria* L.
Eurasian water milfoil — *Myriophyllum spicatum* L.
flowering rush — *Butomus umbellatus* L.
garlic mustard — *Alliaria petiolata* (M. Bieb.) Cavara & Grande
goatgrass, jointed — *Aegilops cylindrica* Host
hawkweed, meadow — *Pilosella caespitosa* Dumort.
hawkweed, mouse-ear — *Pilosella officinarum* L.
hawkweed, orange — *Pilosella aurantiaca* L.
hoary alyssum — *Berteroa incana* (L.) DC.
hogweed, giant — *Heracleum mantegazzianum* Sommier & Levier
iris, pale yellow — *Iris pseudacorus* L.
knapweed, bighead — *Centaurea macrocephala* Puschk. ex Willd.
knapweed, black — *Centaurea nigra* L.
knapweed, brown — *Centaurea jacea* L.
knapweed, diffuse — *Centaurea diffusa* Lam.
knapweed, hybrid — *Centaurea* × *psammogena* Gayer
knapweed, meadow — *Centaurea* × *moncktonii* C. E. Britton
knapweed, Russian — *Rhaponticum repens* (L.) Hidalgo
knapweed, spotted — *Centaurea stoebe* L. ssp.
micranthos (Gugler) Hayek
knapweed, squarrose — *Centaurea virgata* Lam. ssp.
squarrosa (Willd.) Gugler
knapweed, Tyrol — *Centaurea nigrescens* Willd.
knotweed, giant — *Fallopia sachalinensis* (F. Schmidt Petrop.)
Ronse Decr.
knotweed, hybrid Japanese — *Fallopia* × *bohemica* (Chrtek
& Chrtková) J. P. Bailey
knotweed, Japanese — *Fallopia japonica* (Houtt.) Ronse Decr.
loosestrife, purple — *Lythrum salicaria* L.
medusahead — *Taeniatherum caput-medusae* (L.) Nevski
nutsedge, yellow — *Cyperus esculentus* L.
puncturevine — *Tribulus terrestris* L.
ragwort, tansy — *Jacobaea vulgaris* Gaertn.
rush skeletonweed — *Chondrilla juncea* L.
saltcedar — *Tamarix ramosissima* Ledeb.
saltlover — *Halogeton glomeratus* (M. Bieb.) C.A. Mey.
St John's-wort, common — *Hypericum perforatum* L.
starthistle, yellow — *Centaurea solstitialis* L.
tamarisk, Chinese — *Tamarix chinensis* Lour.
tamarisk, smallflower — *Tamarix parviflora* DC.
thistle, marsh — *Cirsium palustre* (L.) Scop.
thistle, nodding — *Carduus nutans* L.
thistle, plumeless — *Carduus acanthoides* L.

2 The following plants are designated as noxious weeds in Alberta:

baby's-breath, common — *Gypsophila paniculata* L.
bellflower, creeping — *Campanula rapunculoides* L.
bindweed, field — *Convolvulus arvensis* L.
blueweed — *Echium vulgare* L.
brome, downy — *Bromus tectorum* L.
brome, Japanese — *Bromus japonicus* Thunb.
burdock, great — *Arctium lappa* L.
burdock, lesser — *Arctium minus* (Hill) Bernh.
burdock, woolly — *Arctium tomentosum* Mill.
buttercup, tall — *Ranunculus acris* L.
chamomile, scentless — *Tripleurospermum inodorum* (L.) Sch. Bip.
clematis, yellow — *Clematis tangutica* (Maxim.) Korsh.
cockle, white — *Silene latifolia* Poir. ssp. *alba* (Miller) Greuter & Burdet
daisy, oxeye — *Leucanthemum vulgare* Lam.
dame's rocket — *Hesperis matronalis* L.
henbane, black — *Hyoscyamus niger* L.
hoary cress, globe-podded — *Lepidium appelianum* Al-Shehbaz
hoary cress, heart-podded — *Lepidium draba* L.
hoary cress, lens-podded — *Lepidium chalepense* L.
hound's-tongue — *Cynoglossum officinale* L.
mullein, common — *Verbascum thapsus* L.
pepper-grass, broad-leaved — *Lepidium latifolium* L.
scabious, field — *Knautia arvensis* (L.) Coult.
sow thistle, perennial — *Sonchus arvensis* L.
spurge, leafy — *Euphorbia esula* L.
tansy, common — *Tanacetum vulgare* L.
thistle, Canada — *Cirsium arvense* (L.) Scop.
toadflax, Dalmatian — *Linaria dalmatica* (L.) Mill.
toadflax, yellow — *Linaria vulgaris* Mill.