



**REPORT TO PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 28, 2012**

SUBJECT **REGIONAL DEER MANAGEMENT STRATEGY RESULTS OF INTER-JURISDICTIONAL PARTNERS MEETING**

PURPOSE

To provide results of the Inter-jurisdictional Partners meeting on the Citizens' Advisory Group's (CAG) recommended Regional Deer Management Strategy (RDMS).

BACKGROUND

At the September 5, 2012 Planning, Transportation and Protective Services Committee special meeting, the Committee directed staff to convene a meeting with staff representatives from CRD municipalities, electoral areas, the provincial and federal governments and First Nations to determine how to partner on implementing the recommended management options and report back to the Committee this fall.

The recommended management options were discussed amongst provincial agencies and municipalities (federal agencies and First Nations were invited but unable to attend) at a meeting held on October 3, 2012. The CAG's recommendations were introduced to the group of partners for their input along with a brief summary of relevant background information. Resulting comments of partnered agencies are summarized in Attachment 4 and comprehensive meeting notes form Attachment 5.

ALTERNATIVES

1. Receive Report No PPS/RP 2012-29 for information and authorize staff to present the CAG recommendations and this report to municipal councils for their consideration and feedback to Committee.
2. Receive Report No PPS/RP 2012-29 for information and advance to the Board, recommending that the CAG recommendations and this report be referred to municipal councils for their consideration and feedback to the Board.

SUMMARY OF DISCUSSIONS:

The partnered agencies provided insight into the potential for the recommendations to be implemented by the appropriate bodies. This was based on existing local, regional, provincial and federal authority and the experience of the partners working within their mandates according to best practice. Views on public perception and the level of awareness and understanding of limitations associated with management options were also expressed.

The recommended management option categories identified by the CAG require different levels of approval in order to move forward. Decisions by local governments are initially required for the majority of the management options to be implemented. For some options, local governments can fully implement the recommendation however for others provincial approval is ultimately required. For example:

- Municipal governments have the authority to implement conflict reduction measures such as fencing and feeding bylaws.

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- Provincial approval is required for population reduction measures. However, locally initiated conflict reduction measures need to be in place prior to qualifying for such approval.
- Deer-vehicle collision mitigation needs municipal and provincial action in order to move forward as these are the road authorities in the region.
- Public education can be initiated at all levels of government to help guide behaviour changes.

Building on the original CAG recommendations and the meeting with the inter-jurisdictional partners, staff has organized the management options into two tables. Those recommendations that have potential to be implemented (Attachment 1) were separated from those recommendations that were considered impractical or not feasible (Attachment 2). Many of the concerns that made recommendations impractical or not feasible relate to public safety and resource availability.

For those recommended options with potential for implementation (Attachment 1), the table outlines next steps including the different roles for each level of government (including First Nations) and the type of action needed to begin implementing those options. Conflict reduction measures that are prerequisites to population control measures are identified by the use of asterisks in the table.

Attachment 3 addresses local government “who does what” considerations for implementation, further outlining timing aspects and what role(s) the region may take on.

NEXT STEPS

Given that the implementation of a deer management strategy will require action by municipal government, the necessary next step would be to provide the CAG recommendations and this report to municipal councils for their consideration. Feedback on their support for the recommended deer management measures, their willingness to undertake local measures over which they have jurisdiction and their preferences with respect to what functions (if any) the region might undertake will inform the next steps in implementation.

Alternative 1 recommends that the CAG recommendations and this report go to the municipal councils for consideration prior to going to the Board. This would permit the Planning, Transportation and Protective Services Committee the opportunity to consider municipal feedback prior to making its recommendations on the matter to the Board. Alternative 2 recommends that this report be referred to the Board prior to presenting it and the CAG recommendations to municipal councils. This alternative would enable delegations to appear before the Board prior to the materials being considered by the municipalities. Under this alternative, municipal feedback would go directly to the Board. Staff recommends Alternative 1 as it permits the Committee to consider municipal feedback prior to making final recommendations on a deer management strategy to the Board.

SUMMARY

Following the September 5, 2012 special Committee meeting, staff met with local and provincial government representatives to gather feedback on the CAG’s proposed recommendations. Staff recommends that the CAG recommendations and this report be shared with municipalities to obtain feedback regarding their support for the recommendations, their willingness to undertake actions over which they have jurisdiction and what the ongoing role of the region would be, if any.

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RECOMMENDATION

That the Planning, Transportation and Protective Services Committee receive Report No. 2012-29 for information and authorize staff to present the Citizens' Advisory Group recommendations and this report to municipal councils for their consideration and feedback to Committee.

****ORIGINAL SIGNED****

Jeff Weightman
Planning Analyst

Marg Misek-Evans, MCIP
Senior Manager
Regional & Strategic Planning
Concurrence

Robert Lapham, MCIP
General Manager
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Concurrence

- Attachment 1: Next Steps for CAG Recommended Management Options
- Attachment 2: Implementation Concerns with Recommended Management Options
- Attachment 3: Local Government Considerations
- Attachment 4: Summary of Discussion of Implementation of Recommended Management Options
- Attachment 5: Regional Deer Management Strategy Inter-jurisdictional Staff Meeting Notes

Attachment 1

Next Steps for CAG Recommended Management Options

Management Options & Measures	Role	Next Steps
Conflict Reduction		
*Fencing	Municipal Municipal/Region	Municipal bylaw – new or amended Advocate to the Province to provide funding to subsidize fencing for agricultural operations
*Landscaping Alternatives	Municipal/Region	Promotion and education to residents
*Anti-feeding bylaw	Municipal	Municipal bylaw – new or amended
*Repellants	Municipal	Promotion and education to residents, including promoting commercial suppliers who administer discounts directly to customers
Population Control		
Controlled Public Hunt	Municipal/Regional	Municipal/Regional request – introduce specific changes to hunting regulations as per CAG recommendations (except for reduced firearms and bow discharge distance separation reduction)
	Provincial	Provincial discussion, negotiation, consultation and approval
	Municipal/Region/First Nations	Request greater First Nations participation
Crop Protection	Municipal/Regional	Municipal/Regional request – introduce specific changes to hunting regulations (except for reduced firearms and bow discharge distance separation reduction)
	Provincial	Provincial discussion, negotiation, consultation and approval
	Municipal/Region/First Nations	Request First Nations participation
Capture and Euthanize	Municipal/Regional	Municipal/Regional request to Province – once conflict reduction measures agreed to
	Provincial	Provincial discussion, negotiation and approval

Management Options & Measures	Role	Next Steps
Deer- Vehicle Collision Mitigation		
Infrastructure	Municipal/Provincial	Municipal and Ministry of Transportation and Infrastructure (MoTI) changes to right of way planning and increased right of way brushing
Administrative	Municipal/Provincial	Municipal and MoTI changes to lower speed limits and add additional warning signs
	Municipal/Region/ICBC	Municipal/Regional approach to ICBC to partner on driver training for wildlife avoidance
Public Education		
Public Education	Provincial, Regional and/or Municipal	Coordinated public education at the Provincial, Regional and/or Municipal levels
*Prerequisite to population control		

Attachment 2

Implementation Concerns with Recommended Management Options

Management Options & Measures	Concerns
Fencing	<p>Urban fencing bylaw changes unlikely for height increases and fencing of front yards not recommended due to public safety concerns associated with obstruction of sight lines and for aesthetic reasons.</p> <p>Fencing Right of Way in rural and agricultural areas would result in added liability to the owner of the fence and municipality and therefore, is not recommended.</p> <p>Across all municipalities, it was indicated that there are no resources to enforce contravention of height restrictions.</p> <p>Fencing subsidies in urban areas considered unsupportable use of tax dollars.</p>
Landscaping Alternatives	<p>Wildlife corridors were considered possible to create, but difficult to maintain, and therefore unfeasible.</p> <p>Limiting types of plants sold and enforcing deer resistant plantings was also considered unfeasible.</p> <p>Regulations can be put in place for new developments to require deer resistant plantings however, there is no mechanism to ensure that these are maintained by property owners.</p> <p>Perceived conflict in local government objectives between promoting deer resistant plantings and also promoting more local food production.</p>
Repellants	<p>There was no support for bulk purchase of repellants at the municipal level.</p>
Delegation of Authority to deal with Aggressive Deer	<p>Seen as a form of provincial downloading by municipal partners.</p> <p>Delegation of such authority would come with added insurance, liability, firearms, staff training and other issues that municipalities are unlikely to willingly assume.</p>
Professional Sharpshooting	<p>Considered unfeasible due to safety risks.</p> <p>No support by provincial or municipal staff for reducing firearm and bow discharge distance regulations.</p> <p>Considered socially unacceptable.</p>
Controlled Public Hunt	<p>No support by provincial or municipal staff for reducing firearm and bow discharge distance regulations.</p>
Crop Protection Program	<p>No support by provincial or municipal staff for reducing firearm and bow discharge distance regulations.</p> <p>Changes to the current bag limit (5 deer) considered unlikely by provincial staff.</p>

Attachment 3

Local Government Considerations

Conflict reduction management options, including fencing, landscaping alternatives, anti-feeding bylaws and repellants appear to be best addressed at the municipal level due to jurisdictional authority in consideration of the recommended changes. Similarly, as municipalities are the controlling jurisdiction over local roads, they are best positioned to adopt recommended infrastructure and administrative recommendations to address deer-vehicle collision mitigation.

Due to the distributed nature of the deer population and associated conflicts across the region, it is also appropriate for the decision on the option of capture and euthanize to be made at the municipal government level. It is possible that the CRD could assist in coordinating the provincial approvals required for those municipalities that choose to apply this option.

Recommended changes to the population control options of controlled public hunt and crop protection could be initiated with a request by the CRD to the province. Following the request, it is understood that discussions with the Province will be required as well as consultations with select audiences prior to any change in regulations and programs. The provincial requirement to conduct consultation will add additional time before the recommended changes to these options can be implemented, so the request should be made without delay. Corollary changes to municipal firearms discharge bylaws could be coordinated after changes to provincial regulations and programs are agreed to.

As noted at the inter-jurisdictional meeting, there are other ways that the CRD could be instrumental in implementing the recommended management strategy, most notably as the information provider to municipalities on implementing deer management measures, i.e. best practices research and as the provider of public education materials to the public. The region could also take on the monitoring, reporting and evaluation functions, including administering the recommended oversight committee. The CRD could also coordinate requests to:

- First Nations for greater participation in the public hunt and the crop protection program,
- ICBC for enhanced driver training opportunities for wildlife avoidance, and
- The province for public education on Lyme disease, uptake of CAG recommendations regarding deer-vehicle collision mitigation on provincial highways and new provincial fencing subsidy program for agricultural operations.

This work will have a cost and the CRD does not have a specific service to coordinate wildlife management. There are a number of initiatives underway that support specific CRD operations such as Bull Frog control within the watershed and parks, bird control at the Landfill as well as efforts to manage geese in parks.

Attachment 4

Summary of Discussion on Implementation of Recommended Management Options

Management Options	Implementation Measures/Tools	Comments
CONFLICT REDUCTION		
Fencing	<p>Regulatory Tool: Municipal Bylaw</p> <p>Current status: controls height, placement, openings, electrification</p> <p>Recommended:</p> <ul style="list-style-type: none"> • minimum height of 8 feet; • placement <ul style="list-style-type: none"> ○ all yards; ○ rights of way; ○ municipal road allowance • electric fencing permitted in agricultural areas 	<p>Local Government:</p> <p>Bylaws often control height of wooden fences at the property line, but not metal fences around areas within the property</p> <p>Allowing fencing of the public right of way would result in additional liability to the municipality and fence owner</p> <p>Living fences such as laurel usually are not height-restricted in bylaws</p> <p>Some municipalities such as Oak Bay allow for 8' deer fence; has proven ineffective in most cases</p> <p>No resources for enforcing existing contraventions of height restrictions</p> <p>Concerns regarding Crime Prevention Through Environmental Design (CPTED) implications of fencing</p> <p>Fencing urban front yards was not seen as a possibility due to safety concerns associated with obstructing sight lines and for aesthetic reasons</p> <p>In urban areas the height restriction would be almost impossible to lift, even to six feet</p>
	<p>Voluntary tool: Incentive/Subsidy Program</p> <p>Current status: none available</p> <p>Recommended:</p> <ul style="list-style-type: none"> • reinstatement and expansion of federal and provincial programs for agricultural geography, i.e. Environmental Farm Plan • new provincial, regional or municipal programs for agricultural and urban geographies 	<p>Provincial Government:</p> <p>Ministry would like to see shared funding opportunities through these programs return, with an existing plan in place</p> <p>Province might consider wildlife conflict to partly fund programs, e.g. "Deer Smart"</p> <p>Municipal representatives did not think locally sponsored fencing subsidies would be supportable especially in urban areas</p>

Management Options	Implementation Measures/Tools	Comments
Landscaping Alternatives	<p>Regulatory tool: Municipal Bylaws, Development Permits and Design Guidelines</p> <p>Current status: regulation of development site configuration, site design and landscaping</p> <p>Recommended:</p> <ul style="list-style-type: none"> review of bylaws, development permits and design guidelines for rural and urban geographies to consider impacts on wildlife and provide for wildlife corridors, deer resistant plantings, etc. 	<p>Wildlife corridors are covenanted, but not fenced; requires up to 5 years to implement</p> <p>City of Calgary tried wildlife corridors with parks crossing the city to the river, but found that wildlife spread out from the corridors</p> <p>Requires a regulatory framework to support land expropriation, not a lot of tools to keep corridors functioning after development has been built</p> <p>Nurseries are still selling invasive plants and municipalities have no control over what nurseries sell, so additional public education is required</p> <p>Bylaw enforcement of deer resistant plantings is difficult</p> <p>Educating parks staff, developers, institutions and capital works planners should be part of the public education program</p> <p>Regulating deer resistant plantings may be effective for larger development sites, zoning, development permits, although there is no guarantee that individual property owners would maintain these plantings</p> <p>Conflict with the current focus on local food production and edible landscaping and the apparent contradiction between supporting more food production in urban areas and promoting deer resistant plantings</p>
Repellants	<p>Voluntary Tool: Incentive/Subsidy Program</p> <p>Current Status: none available</p> <p>Recommended:</p> <ul style="list-style-type: none"> municipal bulk purchase and distribution of repellants at low cost for urban geography 	<p>A food garden at North Saanich municipal hall and the use of fencing and motion-activated sprinklers are fairly effective at keeping the deer away</p> <p>No support for bulk purchasing of repellants at municipal level (administration, storage and handling of the repellants would be expensive)</p> <p>Voluntary – no government role aside from education</p> <p>Municipality could promote commercial suppliers who administer discounts directly to customers</p>

Management Options	Implementation Measures/Tools	Comments
Other: Deer Feeding	<p>Regulatory Tool: Municipal Bylaw</p> <p>Current status: prohibit feeding of wildlife, including deer</p> <p>Recommended:</p> <ul style="list-style-type: none"> • all urban municipalities adopt prohibitions on feeding deer • aggressively enforce bylaws 	<p>The Province has banned feeding dangerous wildlife except for use with baiting for hunting or capture and euthanize</p> <p>Bylaw enforcement tends to be expensive and requires the right staff to enforce</p> <p>Major challenge would be convincing people who are already feeding of the need to stop</p> <p>Would benefit greatly from public education</p> <p>A Bylaw prohibiting deer feeding would be a requirement before any population reduction permits would be issued by the Ministry</p>
Other: Delegation of Authority to Deal with Aggressive Deer	<p>Regulatory tool:</p> <p>Current status: Provincial jurisdiction, however, only two Conservation Officers to serve area of Vancouver Island south of Duncan</p> <p>Recommended:</p> <ul style="list-style-type: none"> • Provincial delegation of authority to municipalities to address aggressive deer complaints 	<p>Municipal staff can be made special constables within the scope of the <i>Community Charter</i> and the <i>Wildlife Act</i></p> <p>Peace officers and conservation officers can both shoot animals if needed</p> <p>This is seen as a form of provincial downloading (staff, training, resources, requests, liability, use of lethal force not desired for municipal employees)</p> <p>Aggressive deer are generally only seen in the fall due to the rut</p> <p>Delegation of authority is not impossible from the province's perspective but that it would require staff training and they would be open to discussing how this might be facilitated</p> <p>Delegation of such authority would come with attendant insurance, liability, firearms and other issues that municipalities are unlikely to want to assume (authority already delegated for squirrels and raccoons)</p>

Management Options	Implementation Measures/Tools	Comments
POPULATION REDUCTION		
Controlled Public Hunt	<p>Provincial regulatory tool: <i>Wildlife Act; Firearm Act</i></p> <p>Current Status: established hunting seasons, bag limits, size of hunting area, methods of take, antlerless harvest regulations, hunter qualifications</p> <p>Recommended:</p> <ul style="list-style-type: none"> • increase bag limit • extend hunting season with longer antlerless season • reduced costs for antlerless hunts • increase incentives for hunters, i.e. quota hunts • decrease restrictions for firearms discharge, i.e. distance from property lines, buildings/structures • inclusion of archery (bow) seasons • permission to donate meat • increase geographic areas where hunting is allowed <p>Municipal Regulatory Tool: Firearms Discharge Bylaws</p> <p>Current status: possession and discharge of a firearm, distance requirements for discharging a firearm, purpose of discharge, permits</p> <p>Recommended:</p> <ul style="list-style-type: none"> • permit discharge of firearms in accordance with recommended changes to provincial legislation and regulations noted above 	<p>Changes to bag limit, hunting season, archery, antlerless season can be initiated through a letter from regional or municipal government, requires consultation process prior to change</p> <p>Many of these recommendations could be acted upon, with the exception of reducing the distance separation requirements for discharging a firearm or bow</p> <p>Changes to hunting regulations are made in consultation with a multi-stakeholder hunting advisory committee</p> <p>Less useful in urban areas</p> <p>Hunting can only happen where it is safe and another attendee noted that hunting pressure near Banff had moved more animals into the town</p> <p>First Nations are not restricted by hunting season provided they are within their traditional hunting area, no bag limit restrictions</p> <p>The importance of First Nations involvement, and relationship building was noted</p>

Management Options	Implementation Measures/Tools	Comments
Crop Protection	<p>Provincial Regulatory Tool: Provincial Permit in accordance with <i>Wildlife Act</i> and <i>Firearm Act</i></p> <p>Current Status: permits hunting of nuisance wildlife on agricultural property during open or closed hunting season for purposes of reducing damage to crop/livestock. Farmer may hunt or may designate a qualified hunter to hunt; annual bag limit of five deer per property; deer meat may be used only if taken during regular hunting season. First Nations can assist with this program, but are not bound by provincial or municipal firearms and hunting regulations.</p> <p>Recommended:</p> <ul style="list-style-type: none"> • increase bag limit • permit meat to be used by farmer or hunter or donated, regardless of hunting season limits • relax distance separation requirements for firearms discharge • explore opportunities to support and expand First Nations harvest 	<p>Increases to Crop Protection bag limit permits encourages hunting by farmers and authorized third parties, but are best achieved through fostering relationships with First Nations</p> <p>Third parties eligible to take the meat are defined on the crop protection permit and could include a food bank, liability for the meat rests with the receiving party</p> <p>Increases to bag limit requires a change to <i>Wildlife Act</i> which is unlikely</p> <p>Only undressed meat can be provided to food bank and First Nations, for food bank donations provision can be made on the permit</p> <p>Changes to the crop protection program would need to be proposed to the ministry</p> <p>Allowing the farmer or hunter to retain the meat might incite them to remove more deer</p> <p>Distance requirements when hunting cannot be changed, due to public safety requirements</p>
Professional Sharpshooting	<p>Regulatory Tools: <i>Wildlife Act</i>, <i>Firearm Act</i>, Municipal Firearms Discharge Bylaws</p> <p>Current status: Provincial approval required</p> <p>Recommended:</p> <ul style="list-style-type: none"> • explore approval requirements of Province • amend municipal firearms discharge bylaws to permit • allow for meat to be used or donated • could be applied in any geography 	<p>100m limit for firearms discharge away from most structures meant that this option was not practical in urban areas</p> <p>It is possible to extend permission to add deer to nuisance animal permits</p> <p>Rabbit permits allowed for reduction of distance separation discharge (e.g., Kelowna and Victoria General Hospital)</p> <p>Some US communities baited deer into specific areas and shot them there</p> <p>Any shooting would require an ideal location for both baiting and shooting</p> <p>Challenge with social acceptance of this management option likely makes it unrealistic</p>

Management Options	Implementation Measures/Tools	Comments
Capture & Euthanize	<p>Regulatory Tools: <i>Wildlife Act, Firearm Act</i>, Municipal Firearms Discharge Bylaws</p> <p>Current status: Provincial approval required</p> <p>Recommended:</p> <ul style="list-style-type: none"> • explore approval requirements of Province • amend municipal firearms discharge bylaws to permit • allow for meat to be used or donated • recommended for application in rural and agricultural geographies 	<p>Use of meat would be a challenge as an economical way to process is needed</p> <p>Capture & Euthanize was done with net and bolt rather than firearms and further noted that it could work at CRD level if consensus was reached</p> <p>Municipality comes to province with this management option as part of a multi-pronged management strategy</p> <p>By law prohibiting deer feeding would be a prerequisite to provide approval for capture and euthanize</p> <p>Numbers of deer culled are determined at the local level; considered to be a localized management option</p> <p>This option would require ongoing maintenance</p>
DEER-VEHICLE COLLISION MITIGATION		
Infrastructure	<p>Tools: Provincial and Municipal Road Capital and Operating programs</p> <p>Current status: established road network; limited opportunity to re-design roads; limited plans for new road construction</p> <p>Recommended:</p> <ul style="list-style-type: none"> • consider designs to minimize deer-vehicle collisions in capital infrastructure planning for road re-construction and new roads • increase and extend right-of-way brushing in high collision areas as identified by ICBC collision map 	

Management Options	Implementation Measures/Tools	Comments
Administrative	<p>Tools: Provincial and Municipal regulations for signage and speed limits</p> <p>Current status: existing wildlife signage and some speed limit reduction for wildlife avoidance</p> <p>Recommended:</p> <ul style="list-style-type: none"> • increase effectiveness of deer signage • explore partnerships with school districts to create more innovative signage • partner with ICBC to increase driver education on deer-vehicle collision avoidance • revise speed limits in areas of high deer/vehicle collision as per ICBC collision map • Region to incorporate deer-vehicle collision mitigation measures into the Regional Transportation Plan 	<p>Despite deer warning signs and lowered speed limits, drivers continue to speed on roads</p> <p>Colwood had developed unique “Oh Deer” warning signs</p> <p>Might be potential for financial support from ICBC</p>
PUBLIC EDUCATION		
Public Education	<p>Tool: Public Education and Outreach; Incentive or Subsidy programs; Monitoring</p> <p>Current status: none available specific to deer</p> <p>Recommended:</p> <ul style="list-style-type: none"> • Pursue compensation program for crop loss with federal and/or provincial governments • Public education regarding deer resistant plantings, fencing, repellants, etc. aimed at all geographies as appropriate • Establish regional monitoring and reporting program to measure effectiveness of selected options • Establish a permanent oversight body at regional level for monitoring and recommending changes to the management options over time • Region to engage with First Nations on recommendations for deer management • Engage provincial and regional health care providers to increase public health awareness of Lyme disease 	<p>Province is piloting a new program dealing with wildlife conflict where a community could tailor the content to their own conflicts</p> <p>Piloted through BC Conservation Foundation and the Columbia Basin Trust is funding a deer module for this program</p> <p>Participants felt that Public Education was a key component that the region could take on</p>

Attachment 5

Regional Deer Management Strategy Inter-jurisdictional Staff Meeting

Meeting Notes

October 3, 2012

12:00 – 3:00 PM

Burnside Gorge Community Centre
471 Cecelia Road Victoria BC

Attendees:

Bill Brown, Esquimalt
James Davidson, View Royal
June Klassen, Juan de Fuca
Mike Badry, Ministry of Environment
Alan Haldenby, Colwood
Mark Hayden, Victoria
Norm Doerksen, Central Saanich
Tina Neurater, Highlands
Lorne Fletcher, Langford
Brian Robinson, North Saanich
Roy Thomassen, Oak Bay
Laura Byrne, Sooke
Mike Vanderlinden, Sidney
Kristin Aasen, Islands Trust
Billy Wilton, Ministry of Forest, Lands and Natural Resource Operations
Mike Stalberg, Ministry of Forest, Lands and Natural Resource Operations

Bob Lapham, CRD
Marg Evans, CRD
Jeff Weightman, CRD
Corey Burger, CRD

B. Lapham thanked the attendees for attending and introduced the CRD team. B. Lapham provided a brief overview of the issue, which came to the CRD in early 2011, including discussion with the Province over jurisdiction and the establishment of Terms of Reference for the Regional Deer Management Strategy (RDMS) and the Citizens Advisory Group (CAG). The CAG's report has now been tabled and the next steps include this discussion with inter-jurisdictional staff about the management options recommended by the CAG with particular focus on implementation requirements. B. Lapham indicated that the results of today's discussion would be provided to the CRD Planning & Protective Services Committee for their continued deliberations on a deer management strategy.

J. Weightman, Project Manager, started by stating that the CAG recommendations came from the Ministry of Environment's Urban Ungulate Conflict Analysis Report (2010) by biologist Gayle Hesse. That report identified a number of possible management options, of which the CAG evaluated 12, including Status Quo and Crop Protection, which they added on their own. Crop Protection refers to an existing programme wherein farmers acquire permits from the Province to remove up to 5 deer per farm property per year. J. Weightman explained that the CAG evaluated each of the 12 options on a desirability scale against a matrix of evaluation criteria and that their discussion process was assisted by a facilitator.

M. Misk-Evans, Senior Manager of Regional & Strategic Planning, then gave an overview of the timelines for the recommendations, with immediate or short-term being this year, medium term as 5 years, and long term as 10+ years. M. Misk-Evans noted that options recommended for the medium and long-term would be based on the outcome of monitoring short-term

measures and the possible addition of new management options as they become available. M. Misek-Evans gave the attendees an overview of the various options, including specific recommendations for the various geographies.

A question was asked as to whether the intended audience for the RDMS was local staff or councils, given that changes to bylaws or Official Community Plans require council approval. M. Misek-Evans stated that the CRD was looking for initial input from staff as a first step in identifying implementation requirements of the various recommendations. B. Lapham noted that before councils are approached, the Planning, Transportation & Protective Services Committee (PT&PSC) expressed an interest in obtaining input on implementation at the staff level from inter-jurisdictional partners.

A question was asked about management options that weren't being discussed, such as Capture & Relocate. M. Misek-Evans noted that the CRD is only looking for feedback on management options recommended by the CAG, and as the CAG did not recommend options such as Capture & Relocate and Immunocontraceptives, they are not being discussed here. M. Misek-Evans further noted that the Province is unlikely to issue a permit to implement Capture & Relocate due to the significant stress caused by this option on the deer.

A question was asked if a legal opinion had been sought. B. Lapham noted that a legal opinion would likely be sought as the next step and noted that the CAG was supported by the Expert Resources Working Group (ERWG), citing the example of ERWG-information about Capture & Relocate and how that led to the CAG not recommending that option.

One of the attendees commented on Capture & Relocate, noting that elk are relocated regularly. One of the Ministry of Forest, Lands and Natural Resource Operations representatives noted that Columbian Black-tailed Deer do not relocate as well as elk or moose.

A question was asked about establishing a population benchmark and M. Misek-Evans stated that on the advice of the Ministry of Forest, Lands and Natural Resource Operations, rather than a census, existing metrics could be used. J. Weightman expanded, saying that existing metrics such as number of deer/vehicle collisions and public complaints received could be used. J. Weightman further noted that an urban count is next to impossible and using volunteers is not recommended.

One of the attendees said that in their municipality, one of their major issues is deer/vehicle collisions and that complacency towards signs is a big problem. An attendee said that the region contains large farms, many of which have separate legal parcels, which may provide for a high number of deer taking under the Crop Protection programme. The attendee suggested an example of a farm with 10 legal parcels that could, in theory, take 50 deer each year. J. Weightman noted that, with restrictions on where firearms can be discharged, only a limited area of each property is actually available to shoot in and this area may be quite small and may not be where deer pass or congregate.

Fencing

M. Misek-Evans said they would now move into facilitated discussion, starting with the Fencing management option. M. Misek-Evans said that CAG recommendations included the possibility of lifting height limits and allowing fencing in the road right of way. One of the attendees noted that bylaws often control height of wooden fences at the property line, but not metal fences around areas within the property. Another attendee said that allowing fencing of the public right of way would transfer liability to the municipality.

A question was asked about right of way, noting that agricultural producers are often already farming this area and wondered about the licensing and permitting of such allowances, noting specific issues such as snow clearing damaging a fence in the right of way and who would pay for the repairs. One of the attendees said that utility corridors are another area that cannot be fenced and there would be a liability issue if somebody were to collide with a fence in the public right of way. An attendee also noted that living fences such as laurel usually are not height-restricted in bylaws.

An attendee noted that in urban areas the height restriction would be almost impossible to lift, even to six feet, especially with regards to the negative public response to fencing front yards. The attendee also noted that beyond sightlines, living fences generally have no height restrictions.

One of the attendees said that fence height restrictions become a values debate. The attendee also noted that they have almost no resources for enforcing existing contraventions of height restrictions.

The representative from Oak Bay said that their bylaws allow eight feet maximum, but that staff still receives complaints about deer. One of the attendees suggested that property owners could fence smaller areas in backyards that they wished to protect. Another of the attendees suggested the issue was the difference between local food production and ornamental gardening, with many residents wanting to protect flower gardens. B. Lapham noted that higher fences bring new issues such as view corridors and one of the attendees expanding by saying that shadowing, safety and sightline considerations were also important. Fencing urban front yards was not seen as a possibility as a result of these considerations.

M. Misek-Evans asked about voluntary tools such as a subsidy or incentive program to assist property owners with installing fencing, such as the Environmental Farm Plan (EFP) or fencing kits that municipalities could provide for a subsidized cost. One of the attendees wondered who would pay the cost for fencing the large agricultural properties and M. Misek-Evans noted that who provided the subsidy was a question for discussion. The Ministry of Environment noted that an existing program called BearSmart already exists and the Ministry would like to see shared funding opportunities through these programs return. One of the attendees noted that the Agricultural Land Commission is charged with agricultural lands and was getting stronger in its mandate and could potentially take on a crop protection role by offering fencing assistance. The attendee further noted compensation could be paid for deer damage, much as happens with wolves who take livestock.

One of the attendees asked about *Farm Practices Protection (Right to Farm) Act*, and whether that would supersede all municipal bylaws as they pertained to fence height. One of the attendees noted that although there might be support in agricultural and rural areas to subsidize fencing, there would be none in the urban areas. One of the attendees wondered if ICBC might be willing to help fence near high collision sites. Another of the attendees asked about Elk and Caribou fencing along highways and M. Misek-Evans noted that the fencing was installed by the Ministry of Transportation and Infrastructure.

Landscaping Alternatives

There was a question about wildlife corridors and one of the attendees noted that wildlife corridors are covenanted, but not fenced. One of the attendees said that Whistler tried this concept, but noted that it needs a biologist, not a geographer. One of the attendees noted that the City of Calgary tried wildlife corridors with parks crossing the city to the river, but found out that wildlife spread out from the corridors. One of the attendees noted that even though wildlife corridors can be established with new development, there are not a lot of tools to keep the corridors functioning after the development has been built.

One of the attendees noted that the nurseries are still selling invasive plants and that municipalities have no control over what nurseries sell, so additional public education is required. The attendee also noted that in rural areas, bylaw enforcement is difficult and another attendee noted that the same remains true in urban areas. The attendee further noted that information is a real value, such as a voluntary tool, rather than changing the regulations.

A Ministry of Forest, Lands and Natural Resource Operations representative noted that deer are selective grazers but will generally eat whatever is available if food is scarce. One of the attendees wondered if educating parks staff, developers and capital works planners would be part of the public education programme as a targeted approach may yield better results. One of the attendees noted that in Whistler the BearSmart program recommended against planting berries but there was a public backlash due to people wishing to have food-bearing plants on their properties. The Ministry of Environment representative noted that Whistler was successful in removing mountain ash from town as it was an attractant. One of the attendees noted that regulating deer resistant plantings may be effective for larger development sites, although there is no guarantee that individual property owners would maintain these plantings.

Another of the attendees noted the current focus on local food production and edible landscaping and the apparent contradiction between supporting more food production in urban areas and promoting deer resistant plantings. M. Misek-Evans noted that the CAG had identified this contradiction as a challenge as well. One of the attendees noted that Vancouver is now promoting planting fruit trees in public parks.

Repellents

One of the attendees asked about toxic versus non-toxic repellents and J. Weightman explained that most repellents contain bloodmeal but that only repellents containing sterilized bloodmeal can be applied to food crops. The North Saanich attendee noted that there is a food garden at North Saanich municipal hall and the use of fencing and motion-activated sprinklers were fairly effective at keeping the deer away. M. Misek-Evans asked about the acceptability of municipal bulk purchase of repellents for distribution to residents and one attendee said that they didn't see that as their role, and that they would prefer to promote public education. The attendee further explained that there are just as many who do want deer as those who don't and it would be hard to subsidize repellents using tax dollars. Another attendee also noted the administration, storage and handling of the repellents would be expensive. An attendee suggested that the municipality could promote commercial suppliers who administer discounts directly to customers.

Deer Feeding

M. Misek-Evans noted that some municipalities have bylaws prohibiting the feeding of deer while others do not. One attendee noted that CRD has banned pesticide use and as a result, clover, a favourite food for Columbia Black-tailed Deer, has proliferated. A Ministry of Forest, Lands and Natural Resource Operations representative noted that it is illegal to intentionally

feed or attempt to feed dangerous wildlife (cougar, coyote, wolf and bear) except when lawfully engaged in hunting or trapping where baiting is authorized.

An attendee noted that provincial government employees and contractors are exempt from this law, as they would be from any municipal bylaw. Another attendee noted the bigger issue is that bylaw enforcement tends to be expensive and requires the right staff to enforce. Another attendee noted that a major challenge would be convincing people who are already feeding of the need to stop. M. Misek-Evans noted that this is primarily an urban issue, not an agricultural one. An attendee said that this was an educational issue, not an enforcement issue and another attendee confirmed that any bylaw has a strong educational component. The Ministry of Environment representative noted that a bylaw prohibiting deer feeding would likely be a requirement before any population reduction permits would be issued by the Ministry. An attendee asked about the feeding of bears and a Ministry of Forest, Lands and Natural Resource Operations representative said that the *Wildlife Act* specifically prohibits feeding of predators such as bears, not prey animals such as Columbian Black-tailed Deer.

Delegation of authority to deal with aggressive deer

M. Misek-Evans asked if the provincial representatives felt that it was possible to delegate authority for managing aggressive deer to municipalities and further asked the municipal staff whether this is a role that they could support. An attendee noted that municipal staff can be made special constables within the scope of the Community Charter and the *Wildlife Act*. One of the Ministry of Forest, Lands and Natural Resource Operations representatives noted that peace officers and conservation officers can both shoot animals if needed. An attendee asked about equipment and training costs and another attendee asked if this was a form of provincial downloading of responsibilities. One attendee noted that aggressive deer are generally only seen in the fall due to the rut. Another attendee asked about liability of the municipal employees who would be dealing with the deer. Another attendee noted that municipal use of lethal force was unlikely to be popular. The Ministry of Environment representative noted that delegation is not impossible from the province's perspective but that it would require staff training and they would be open to discussing how this might be facilitated. They further noted that delegation had already been done with squirrels and raccoons, which are now dealt with by private contractors. Delegation of such authority would come with attendant insurance, liability, firearms and other issues that municipalities are unlikely to want to assume.

Controlled Public Hunt

M. Misek-Evans reviewed the CAG recommendations regarding public hunting. A Ministry of Forest, Lands and Natural Resource Operations representative noted many of these recommendations could be acted upon, with the exception of reducing the distance separation requirements for discharging a firearm. They further explained that changes to hunting regulations are made in consultation with a multi-stakeholder hunting advisory committee. An attendee noted that hunting can only happen where it is safe and another attendee noted that hunting pressure near Banff had moved more animals into the town. An attendee noted that First Nations are already quite active in goose management in the region and there is an opportunity in deer management as well. A Ministry of Forest, Lands and Natural Resource Operations representative noted that First Nations are not restricted by hunting season provided they are within their traditional hunting area. An attendee asked about expanding the number of animals that could be taken on a Crop Protection permit.

A Ministry of Forest, Lands and Natural Resource Operations representative noted that Crop Protection permits encourages hunting by First Nations and other authorized third parties but that it is a challenge to find qualified third parties that can take undressed animals. The representative further noted that third parties eligible to take the meat are defined on the crop

protection permit and could include a food bank. The Ministry rep added that the liability for that meat rested with the receiving party. M. Misek-Evans asked about the potential for any changes to the Crop Protection program, based on the CAG recommendations. The Ministry of Forest, Lands and Natural Resource Operations representative said that the CRD would need to bring a proposal forward, although program changes would need to consider conflict of interest so that the program would not be exploited. An attendee noted that allowing the farmer or hunter to retain the meat might incite them to remove more deer. M. Misek-Evans asked how the Ministry had arrived at a permitted limit of 5 deer and a Ministry representative indicated that the limit was the number all stakeholders could live with. M. Misek-Evans asked whether the distance requirements could be relaxed for the Crop Protection programme and the Ministry representative said it would not be considered due to public safety requirements.

Professional Sharpshooting

One attendee said that the 100m limit away from most structures meant that this option was not practical in urban areas. The Ministry of Environment representative noted some US communities baited deer into specific areas and shot them there. An attendee asked about nuisance trappers, which can shoot squirrels. A Ministry of Forest, Lands and Natural Resource Operations representative said that the contractors generally use small caliber or pellet rifles, and further that nuisance permits don't usually include deer. The closest existing animal control via contractors would be rabbits shot at night. An attendee asked if it would be reasonable for the Province to identify deer as nuisance, which would allow contractors to get trained and permitted. A Ministry of Forest, Lands and Natural Resource Operations representative said that this proposal would be new and would only be possible if it was deemed necessary for the management of the deer as a wildlife resource.

The Ministry of Environment representative noted that Cranbrook needed a new template for their deer cull. M. Misek-Evans asked about use of Professional Sharpshooting in BC and the Ministry of Environment representative said currently it was not conducted. An attendee noted any shooting would require an ideal location for both baiting and shooting. Another attendee noted the permit was used to remove rabbits at Victoria General Hospital and another attendee said that Kelowna had used a pellet gun for rabbit control. A Ministry of Forest, Lands and Natural Resource Operations representative said the challenge with social acceptance of this management option likely makes it unrealistic.

Capture & Euthanize

An attendee asked if this was recommended by the CAG as an urban solution and M. Misek-Evans said that it was. One of the Ministry of Forest, Lands and Natural Resource Operations representatives said that finding an economical way of having the animals processed, including the proper inspections, so that the meat is suitable for distribution to the public is challenging. Conversely, there are concerns with conflict of interest and finding willing parties if euthanized animals are distributed to individuals.

The use of meat was going to be a challenge as they would need an economical way to process. An attendee asked about commercial sale of venison and the Ministry of Environment representative said native Columbian Black-tailed Deer could not be sold, only non-native Fallow Deer. An attendee noted that the deer population culled on Sidney Island consists of fallow deer. The Ministry of Environment representative noted that Capture & Euthanize was done with net and bolt rather than firearms and further noted that it could work at CRD level if consensus was reached. M. Misek-Evans asked what would be required in terms to implement this option. The Ministry of Environment representative said the municipality comes to province with this management option as part of a multi-pronged management strategy. On the matter of the existing culls in BC, the Ministry of Environment representative noted that the Kimberly cull

was successful and the Invermere cull solved some of the issues there. They further noted that the neighbourhood where the dog had recently been attacked in Invermere there had been no cull, as only specific neighbourhoods had culls conducted in them. M. Misek-Evans asked how the total number of deer to be culled for the permit was arrived at and the Ministry of Environment representative noted that this was decided at the local committee level, in discussion with the Ministry. The Ministry of Environment representative noted that population control without conflict reduction requires continuous culls. A Ministry of Forest, Lands and Natural Resource Operations representative noted that Nanaimo's feeding bylaw has changed behaviour in that municipality.

An attendee asked about outcome measures and problem statements in the RDMS. M. Misek-Evans said that in the rural and urban geographies, the CAG found that creating an outcome measure or problem statement was more challenging, as the agricultural geography had the relatively obvious metric of crop loss, while rural and urban statements relied on tolerance levels. An attendee noted that the deer problem could be split into two major issues: deer predation of food crops in the agricultural geographies, and nuisance deer in the rural and urban geographies. M. Misek-Evans added that deer predation of food crops was a problem in all three geographies. An attendee also noted that deer/vehicle collisions were a problem, and another attendee added aggressive deer, especially with pets. It was noted that in some areas of the region, deer complaints were not being registered. M. Misek-Evans noted that it is likely that management options would only be applied in areas with specific issues or high numbers of complaints.

Deer/Vehicle Collision Mitigation

M. Misek-Evans asked for comments on this specific option. An attendee asked if best practices for the administrative options had been developed so that municipal staff would not have to create those and M. Misek-Evans noted that might be a role the region could fulfill. An attendee asked if ICBC had maps with problem areas and it was confirmed that a map was included in the RDMS appendices. One of the attendees said that their municipality already had deer crossing signs and they had issues with open ditches and deer jumping up onto the road. Another attendee asked if deeper ditches might mitigate the problem and the previous speaker said that such a solution was probably impractical. Another attendee further noted that despite deer warning signs and lowered speed limits, drivers continue to speed on their roads. The attendee continued, noting that the police had recently shot two wounded deer and they wondered if the meat from the animal was no longer edible due to the stress the animal had been subjected to. One of the Ministry of Forest, Lands and Natural Resource Operations representatives said there is anecdotal evidence that lactic acid released when the deer is injured makes the meat unpleasant to eat, but had no further information. Another of the attendees noted Colwood had developed unique "Oh Deer" warning signs and the Ministry of Environment representative said the Urban Ungulate Conflict Analysis report had specifically suggested developing such signs. One of the attendees said they had found signage in urban areas not all that useful.

An attendee asked about roads with ditches and if there might be financial support from ICBC or others to deal with ditches differently. Another attendee noted that they had areas with and without ditches and the severity of the problem was more likely due to other factors such as nearby fencing or land use rather than ditches.

M. Misek-Evans asked about speed limit reduction and an attendee noted drivers tend to speed regardless. Another attendee asked if ICBC could play a role by only paying for accidents where the driver was not speeding. In reply, another attendee said it would be hard to calculate and that their residents speed on the straight roads in their area all the time.

Public Education

The Ministry of Environment representative noted that the province is piloting a new program dealing with wildlife conflict where a community could tailor the content to their own conflicts. The program is being developed and piloted through BC Conservation Foundation and the Columbia Basin Trust is funding a deer module for this program. M. Misek-Evans asked about compensation for deer damage to crops and the Ministry of Environment representative said that any new program would be run by the Ministry of Agriculture, not the Ministry of the Environment. M. Misek-Evans noted that the CAG felt that Public Education was a key component that the region could take on and one of the attendees agreed, saying it makes sense to have a consistent message. Another attendee noted the existing CRD public education campaigns around reduction in pesticide use and water conservation were successful.

Next Steps

An attendee asked about next steps. M. Misek-Evans said staff would compile comments from today for a further report to the PT&PSC, which will be shared with today's participants. M. Misek-Evans further noted that the chair of the PT&PSC felt it was important to have a strategy in place particularly for the agricultural community for the following growing season.