

CRD Regional Deer Management Strategy Citizens Advisory Committee Meeting

Wednesday, July 24, 2012 – 4:00pm

Activity Room, Burnside-Gorge Community Centre, Victoria

Meeting Notes

Present:

Robert Moody (Vice Chair)
Richard Christiansen
Wendy Fox
Glenn Jim
Lisa Kadonaga
Sol Kinnis
Terry Michell
Patrick O'Rourke

Regrets:

Jocelyn Skrlac (Chair)
Phil Tom

Staff:

Jeff Weightman (Deer Management Project Manager, CRD Regional Planning)
Marg Misek-Evans (Senior Manager, CRD Regional Planning)
Corey Burger (Recording Secretary, CRD Regional Planning)
Graeme Jones (CRD Regional Planning)

1. Approval of Agenda

The agenda was unanimously accepted as presented.

CARRIED

2. Review and Discussion of Minutes of July 18, 2012

P. O'Rourke moved approval of the minutes. T. Michell seconded

CARRIED

3. New Appointment to CAG

M. Misek-Evans introduced Glenn Jim and reported that at the July 11 CRD Board meeting, G. Jim was appointed to the CAG as an additional First Nation representative. M. Misek-Evans noted that G. Jim has been an Expert Resources Working Group (ERWG) member and, therefore been involved in the process since the beginning.

G. Jim introduced himself and spoke to his thoughts and considerations on deer management. He mentioned that he has limited time to contribute to the CAG's work due to other commitments, but will stay involved as much as possible. G. Jim stated that although he is a member, resident and councilor of the Tseycum First Nations, he sits on the CAG as an individual representative and does not represent the Tseycum Council or any other First Nations groups in the region. G. Jim noted he has personal experience with hunting and the Douglas Treaty rights that are granted to local First Nations. G. Jim elaborated on the issue of First Nations' capacity to process deer and distribute amongst community members. G. Jim noted an awareness regarding the contentious nature of hunting. G. Jim spoke to the concerns around anecdotal evidence expressed in previous minutes and submissions noting that the oral tradition of First Nations, and intergeneration practical teachings may be considered anecdotal, however, from the First Nations point of view, these perspectives and teachings were as important as empirical based knowledge and were often times proven successful by empirical study. G. Jim mentioned that he believes that such anecdotal evidence can carry as much weight as scientific evidence.

4. Vice-Chair's Remarks

R. Moody welcomed G. Jim, acknowledging that he has worked with First Nations in the past and understands the importance of traditional knowledge of First Nations.

5. Correspondence

J. Weightman mentioned that the ERWG member representing the Ministry of Forest, Lands and Natural Resource Operations' Wildlife Branch has provided an email and re-sent the fact sheet on Capture & Relocate (or translocation) as per the CAG's request prior to validation. J. Weightman read from the email response outlining the challenges of Capture & Relocate and that any program would be done on an experimental basis.

6. Facilitated Discussion

J. Weightman started by asking the CAG to validate Capture & Relocate. The CAG noted that with the new information from the ERWG, a footnote was required that states the province's position on the challenges and need to issue a permit to allow for relocation. The CAG also observed the two footnotes that noted the potential use of volunteers for this option would need to be struck given the potential safety and liability issues outlined in the Ministry of Forest, Lands and Natural Resource Operations' factsheet. The CAG noted that the Time criteria would be negatively impacted by provincial requirements for permits. The CAG also wanted to note the safety risks for handlers and the potential need to tranquilize animals to reduce that risk. The CAG discussed the Support & Enthusiasm criteria and how the public may perceive the Capture & Relocate as a relatively easy option to implement but the result would be a

lower score for Support & Enthusiasm as the mortality rates of relocated deer became more publicly understood. The CAG discussed Capability and Negative Community Impacts criteria, noting that both are impacted by the new information from Ministry of Forest, Lands and Natural Resource Operations. The CAG agreed to lower the score for Capability in all geographies to 1. The CAG discussed the Feasibility/Capacity criteria and how they had originally scored Feasibility/Capacity based on the difficulty of trapping animals and not the issues with the relocation that were raised in the latest information from Ministry of Forest, Lands and Natural Resource Operations. The CAG then agreed to rescore Feasibility/Capacity criteria for all geographies as 1.5. The CAG noted that deer would be stressed from the capture regardless of the geography. The CAG discussed Effectiveness for the Individual and Effectiveness for the Broader Impact and noted that Capture and Relocate is broadly effective in reducing deer-human conflict as deer can be captured but that given the likely mortality rates, it was not a humane option. The CAG also discussed Support & Enthusiasm, noting again the issue that Support & Enthusiasm would likely be high for an initial capture but once the mortality numbers became known, further captures would garner less support. The CAG also discussed the recent news story regarding sanctuaries that hold relocated UVic rabbits not receiving as much financial support as they required once the issue was no longer prominent. The CAG then agreed to a score of 1.5 for Support & Enthusiasm in all geographies.

The CAG validated the Repellent management option, noting that the Feasibility/Capacity criterion score was lower in the rural geography and discussed if that was due to property size and agreed to a score of 2.5. The CAG discussed the differences between Negative Community Impacts and Capability for organic farming and repellent use.

J. Weightman mentioned that Capture & Relocate and Repellents will now go online for public input and that public response numbers have been quite varied but generally have been falling.

J. Weightman drew the group's attention to the large consensus maps (combined evaluations of all the criteria for all geographies on all management options) and noted the shaded cells where CRD staff had harmonized the scores to use the same evaluation method for all management options (some criteria had been inversely scored) and wanted to re-check these with the CAG to ensure correct interpretation. The CAG then discussed the score of Cost criteria for the Hazing & Frightening option in the agricultural geography and noted a change to 3. G. Jones read from the June 12 minutes where the CAG discussed the Hazing & Frightening option. The CAG then noted that the score was 3 for the Cost criterion on the Hazing and Frightening option in the rural and urban geography but 1 in agricultural geography. The CAG noted that the score for the Cost criterion on Hazing and Frightening should be 3 for all geographies. The CAG asked if the large consensus maps could be edited to show which of the major headings of management options the 11 measures belonged to.

The CAG discussed Fencing and noted that the score should be changed to 1, not 3 as currently indicated for the Cost criteria.

ACTION: CRD staff to change consensus maps based on CAG input for next meeting

M. Misek-Evans then went over the process to date and confirmed with the CAG which steps in the Regional Deer Management Strategy Terms of Reference were considered complete. M. Misek-Evans introduced ERWG member R. Kline from the Ministry of Agriculture who was present to act as a resource on questions concerning agriculture.

M. Misek-Evans then asked the CAG if they felt that the development of Principles, Objectives and Goals was complete and the CAG agreed that it was. M. Misek-Evans then asked for confirmation that the CAG understood all the management options and the CAG agreed that they have.

M. Misek-Evans then asked the CAG if they had identified all the information gaps they wished to and the CAG noted that while they have identified some gaps, they may identify additional gaps as the deer management report is drafted.

M. Misek-Evans requested the CAG consider the development of the evaluation criteria to be complete and the CAG agreed that they were satisfied with the evaluation criteria they were using.

M. Misek-Evans then asked the CAG if they wished to identify any additional management options and the CAG asked about Crop Protection as a standalone management option. It had been previously considered as part of the Controlled Public Hunt management option. One of the agricultural representatives noted how crop protection currently works, including the per-property bag limit of 5 deer.

R. Kline also noted that there is Production Insurance for forage and cereals but not specific to deer, as O. Schmidt of the Ministry of Agriculture noted in his presentation of June 5. R. Kline noted that some tree fruits are covered by insurance provided the properties are already fenced and that the insurance is designed to cover crop loss from animals bypassing the fencing. One of the agricultural representatives asked if Controlled Public Hunt included Crop Protection. In answer, one of the other agricultural representatives said that Controlled Public Hunt didn't fully cover the existing Crop Protection. R. Kline noted that Crop Protection is currently in use for the CRD Goose Management Strategy. The CAG discussed terminology and one of the agricultural representatives noted that Crop Protection was difficult to use and implement given existing firearms bylaws. The result is that there are limited locations where firearms discharge is not permitted, including properties under 5 acres in certain jurisdictions, provincial regulations dictate that all gun discharge must occur over 100m from structures.

R. Kline noted that O. Schmidt had mentioned during his presentation that the Ministry of Agriculture works in the Kootenays with connecting hunters with farm owners, the same way the procedure works with the CRD's Goose Management Strategy and that which is currently used in the Interior with elk. The CAG discussed whether the Controlled Public Hunt management option should be renamed just Controlled Hunt. One of the agricultural representatives noted that with a Crop Protection permit, the landowner or lessee can allow as many hunters to use it as they wish, provided they stay under the limit of 5 deer per property. The agricultural representative also noted the local police have to run a background check for each hunter. The agricultural representative noted that their experience covered Central Saanich only and they did not know about the process in other municipalities. The province assigns the permit to the land owner or lessee and that it is renewed each year. The agricultural representative also noted the permit does not limit which days the hunting takes place. The CAG asked the ERWG for further information about Crop Protection, noting that it was an existing management option that only applied to the agricultural geography.

ACTION: CRD staff to ask the ERWG if they felt that Crop Protection was a subset of Controlled Public Hunt or should be evaluated separately.

The CAG discussed the difference between Controlled Public Hunt, which would cover a larger geographic area, and Crop Protection, which covered specific properties. The CAG also noted that First Nations hunters also negotiate with land owners to hunt on land throughout the Peninsula and Cowichan Valley and that the Douglas Treaty allowed this type of hunting without requiring permits or other provincial permissions. The CAG discussed whether to evaluate First Nations hunting as a separate option but noted that the CAG doesn't have the purview to cover First Nations issues given the treaty rights of First Nations. The CAG agreed to include the information in the background portion of the RDMS.

The CAG noted that there is a distinction between hunting and sharpshooting. On the issue of the First Nations, the CAG also mentioned that First Nations have an existing agreement with Parks Canada to allow hunting in the Gulf Islands National Park Reserve, including on Sidney and Saturna islands. Most First Nations usually informed authorities if hunting out of season, as safety is a primary concern. One of the agricultural representatives noted that many of the First Nations hunters are using bows and thus there is little noise concern.

The CAG then discussed the Status Quo option and requested that they be able to evaluate a 'do nothing' option. The CAG discussed whether or not it fell under Public Education but agreed that it should remain a standalone option. The CAG discussed how to evaluate the Status Quo management option and M. Misk-Evans requested that the CAG evaluate the option individually and send their evaluations to CRD staff in preparation for discussion at the next meeting.

ACTION: CAG to individually evaluate the Status Quo management option and send their evaluations to CRD staff by Monday for compilation and discussion at the next meeting.

M. Misek-Evans then suggested the CAG discuss implementation requirements for management options. When asked about scoping geographic areas, the CAG noted that while they have identified 3 macro geographies, they have not yet associated those geographies to specific local areas in the region.

7. Break for dinner from 6:00pm to 6:30pm

8. Facilitated Discussion Continued

M. Misek-Evans asked the CAG to identify management option requirements and to scope the geographic area as the RDMS Terms of Reference. M. Misek-Evans noted that some options might include partnership implementations between various levels of government and other stakeholders. The CAG identified levels of government, including First Nations, federal, provincial, regional and municipal as well as other stakeholders with a regulatory and implementation role. M. Misek-Evans asked the CAG to consider the most likely authority required for implementing the RDMS recommendations. She used the example of Immunocontraceptives and how the Canadian Food Inspection Agency (CFIA) would need to approve any drugs prior to widespread use of this option.

M. Misek-Evans noted that framing recommendations should be by geographic area and CRD-wide. Uptake of the recommendations may vary as the deer-human conflict issue is concentrated more in some areas than others. She used the specific example of Juan de Fuca Electoral Area, noting that few issues with deer-human conflict are known in that area, so several recommendations may not apply in favour of the inclination to maintain the status quo. M. Misek-Evans also noted that Oak Bay has a large number of complaints compared to Esquimalt, so despite their similar geographies, the CAG's recommendations may be received differently in these two municipalities. The recommendations for agriculture may only be of interest to the Peninsula municipalities. It will be important to understand which level of government needs to be involved in the implementation of the management options.

The CAG discussed how management options would take a multi-prong approach and which specific government level had jurisdiction over various aspects. The CAG noted that the province legally owns all deer as per the *Wildlife Act* and that various municipal bylaws restrict management options such as fencing or the various population control options. The CAG discussed the Hazing & Frightening's option's regulatory regime, noting that a provincial permitting requirement in addition to municipal bylaws that would limit the use of noise-based frightening devices.

The CAG discussed Repellents and noted the federal government is responsible for licensing of various chemicals, as well as the CRD model bylaw for pesticide bans which has been adopted by municipalities. The CAG discussed spraying of crops with repellents and one of the agricultural representatives noted that pesticides are classified by the province, and fall into controlled and non-controlled categories, but that repellents are not part of that classification scheme.

The CAG discussed organic certification and the local authorities Island Organic Producers Association (IOPA) and Island Natural Growers that are the delegated authority for BC Organic certification. The CAG also discussed federal regulatory bodies such as the Canadian Food Inspection Agency (CFIA) and the federal role in pesticide regulation. R. Kline mentioned that the federal government has the sole responsibility for pesticide regulation, but that regulation can vary from province to province. R. Kline also noted that, for noise, the CRD has regulatory control in the Electoral Areas.

The CAG discussed Fencing, and noted the Environmental Farm Plan (EFP) program has ended. R. Kline said that the EFP was a provincial-federal cost sharing program that ended a few years before. R. Kline noted that not all EFP money was spent on fencing, especially if the farm's EFP identified more pressing environmental issues. One of the agricultural representatives noted the provincial *Farm Practices Protection (Right to Farm) Act* and wondered if it might override municipal fencing height bylaws. R. Kline noted that fences are identified as structures according to the Central Saanich bylaw and that municipalities have the right to regulate structures. R. Kline also noted that Central Saanich recently changed their fencing bylaw to remove some height restrictions. R. Kline noted that the CAG can recommend lobbying the provincial government to reintroduce the EFP and that there is currently a Ministry of Transportation and Infrastructure program in the interior of BC to fence primary and secondary highways primarily to exclude livestock from the highway right of way. R. Kline noted that North Saanich does not have a fencing height bylaw and that *Farm Practices Protection (Right to Farm) Act* has not yet been tested in court to see if applies to fencing height restriction bylaws.

The CAG discussed Deer/vehicle Collision Mitigation and noted that the province and the municipalities are responsible for signage on roadways. The CAG also noted the ICBC should be involved given insurance rates may be affected by the number of deer/vehicle collisions and ICBC funds road safety programs. The CAG discussed police forces and noted that the RCMP in BC are considered either municipal or provincial police depending on community or area of the province.

The CAG discussed Landscaping Alternatives and C. Burger noted that public boulevards have plant height restriction bylaws. The CAG noted that it wasn't practical to have a bylaw that specifies specific plants. The CAG also discussed the differences between new developments and tying new development permits to a controlled plantings

list for deer resistant plantings. J. Weightman noted that the CRD has no authority to regulate land use in most of the local jurisdictions but does possess some authority to regulate storm water best practices. The CAG discussed the storm water management example and noted that in the Juan de Fuca Electoral Area a stormwater management plan is required and that a similar program could be developed for deer plantings. The CAG further noted that the stormwater plan was registered against the title of the property and continued as ownership of the parcel changed. The CAG also noted that enforcement was done through bylaw officers. The CAG discussed bylaws and policy, noting that the practicality of such enforcement depended on location and that for jurisdictional purposes this included the CRD and Islands Trust for the various electoral areas. The CAG also noted that provincial and federal governments have regulation regarding invasive species that may impact any deer plantings list.

The CAG discussed Controlled Public Hunt and the various jurisdictions responsible, including the province and municipalities. The CAG discussed firearms discharge bylaws and asked if the electoral areas have firearms discharge bylaws. C. Burger noted that the Juan de Fuca Electoral Area was included in the hunting and firearms discharge bylaw summary created by CRD staff but the two Gulf Islands electoral areas were not.

ACTION: CRD staff to investigate firearms discharge regulations in the Salt Spring Island and Southern Gulf Islands Electoral Areas.

The CAG discussed Sharpshooting and noted that many of the regulatory jurisdictions are similar to Controlled Public Hunt. The CAG noted that the federal government required a firearms license and any meat would need to meet CFIA regulations. R. Kline noted that the provincial centre for disease control may also have jurisdiction, and that meat inspection was regulated by both the province and federal government depending on whether the meat stayed within the province. The CAG noted that First Nations hunters are self-regulated for food safety and provincial regulations for food safety do not apply. R. Kline also noted that the rights of First Nations to hunt are constitutional rights, and not exclusively from the Douglas Treaty, so the rights apply to all CRD First Nations, not just those that are party to the Douglas Treaty.

The CAG discussed the Capture & Relocate management option and noted that the province would need to approve any relocation. The group also noted the approval from the region or local government where the animals were relocated to. J. Weightman noted that any relocation would likely go to unincorporated areas and that the province would determine the re location area. The CAG discussed the capture aspect and whether or not municipalities would need to give legal permission to capture within their borders. J. Weightman added that additional private land owner permission would be required and that private land would need to be used given the scarcity of public land in the CRD. M. Misek-Evans noted that the CRD has no service for deer management. The CAG further discussed municipal permission requirements and whether or not municipalities can legally stop a capture program if they saw fit. J. Weightman again

noted that with the Capture & Relocate option the CRD could only recommend the option and the province would be the agency responsible for operating or contracting out a program.

The CAG discussed the related issue of conservation officers relocating cougars and if municipal permission was required for that relocation. The CAG also noted that with the recent deer incident in Centennial Square where the conservation officers euthanized an injured deer, Victoria Police Department invited the conservation officers into Victoria. The CAG discussed if the SPCA would be involved given their provincial mandate to deal with animal welfare. M. Misek-Evans noted that there is a difference here between who has the authority, in this case the province, and who would best make the decision. The CAG discussed the decision making process and that the municipalities lack the authority to tell the province to implement any program, only that they can ask.

The CAG discussed the Capture & Euthanize management option and noted that the jurisdictional issues were again broadly similar to the Capture & Relocate option, Controlled Public Hunt option and Sharpshooting option due to the capturing of deer, firearms discharge and final use of meat. The CAG discussed disposal of carcasses if they were rendered unfit for human consumption, noting that chemically-euthanized deer fell into this category. R. Kline noted that CRD has landfilled carcasses in Hartland Landfill although those were farmed animals and he was uncertain about disposal of wild animals. R. Kline also noted that deer unfit for human consumption might be fit for animal consumption including use in dog food. R. Kline said he would look further into the issue and get back to the CAG. The CAG also noted that the Capture & Euthanize option can also use a bolt gun rather than chemical euthanization, which would make the meat fit for human consumption.

ACTION: R. Kline to investigate carcass disposal including landfill and use for pet food

The CAG discussed Immunocontraceptives, again noting the issue of provincial ownership over deer as per the *Wildlife Act*.

The CAG discussed Public Education, noting that the only jurisdictional issue is responsibility for cost of the education programs.

M. Misek-Evans thanked the CAG for completing the jurisdictional matrix and noted that the matrix allows the CAG to see which authorities come into play in implementing any deer management recommendations. M. Misek-Evans again noted that there may be a difference between who has jurisdictional authority and who is best positioned to implement the recommendation. The CAG also noted that major private land owners such as UVic or the Victoria Airport Authority might be involved in implementation. The CAG noted that the management options are split between those that can only be implemented by private land owners and those that the government could facilitate the implementation of or reduce the barriers to implementation.

The CAG noted that the options where the activities are done by individuals include Hazing & Frightening, Repellents, Fencing and Landscaping Alternatives while only government would be able to implement the other options: Deer/vehicle Collision Mitigation, Public Sharpshooting, Controlled Public Hunt, Capture & Euthanize, Capture & Relocate, Immunocontraceptives and Public Education. The CAG noted that a small role remained for the government in management options implemented by individuals, citing the example of fencing. The CAG also noted that for the Controlled Public Hunt option, the CRD may remain involved to develop a plan that the province would approve. M. Misek-Evans mentioned that any management option implementation by governments would likely be partnerships between various levels of governments.. The CAG discussed the Immunocontraceptives option and noted that implementation would be shared between the CRD or local government and the province, and require federal approval. The CAG also noted that Immunocontraceptives starts with capturing deer, much as with Capture & Euthanize and Capture & Relocate and that this would need provincial authority. The CAG asked about why Immunocontraceptives need to be piloted and J. Weightman mentioned that it was due to the need to determine if there were any long-term negative effects that may affect wide-scale use of the drugs.

M. Misek-Evans asked about First Nations role in implementation of various deer management options and one of the CAG members noted that the First Nations support and capacity could be useful with Capture & Relocate, Capture & Euthanize, Professional Sharpshooting or Controlled Public Hunt as the First Nations' have experienced members to provide assistance but that with the other management options, there was less First Nations capacity. The CAG asked about capacity for First Nations to process deer and one CAG member noted that the Tseycum First Nation were well organized with regards to processing deer but cannot speak to the capacity of the other First Nations. It was further noted that the education programs in the Tseycum First Nation educate band members on all aspects of deer hunting and processing. This education includes firearms safety and traditional practices regarding deer. The CAG noted that First Nations have existing relationships with Parks Canada and the Salis Group, the private land owner on Sidney Island, resulting from the Sidney Island European Fallow deer cull. Based on that experience, advance notice would be required for the Tseycum First Nation to organize for maximum capacity of processing, although the capacity can fluctuate based on the time of year.

In closing, M. Misek-Evans also noted that the CAG need to agree on the format and content of the RDMS, further noting that the format flowed from the RDMS Terms of Reference and previously outlined Table of Contents. M. Misek-Evans asked the CAG to think about back-casting as previously brought up by a CAG member and what bundles of management options they might want to recommend. M. Misek-Evans asked the CAG what process they would like to follow and used potential examples that they may wish to follow, including breaking into sub-groups, crafting the recommendations individually and then coming together for discussion or discussion in a round-table format. M. Misek-Evans noted that the process was approaching conclusion and few meetings remained.

The CAG discussed the methods, noting that they would need to discuss the recommendations as a complete group regardless of the method chosen. The method used previously in the process was a roundtable discussion. The CAG also noted that discussion moved faster once they had a specific set of ideas compiled from their individual work submitted prior to the meetings.

M. Misek-Evans discussed the remaining schedule, stating the CAG would meet the week of July 30, then break the week of August 6 due to the civic holiday and come back the week of August 13 and 20 for the two final meetings to finalize the report and their recommendations.

One CAG member noted that he will be away for a short period until the end of August and wanted to share his thoughts with the group before departing. The CAG member noted that Public Education is a key piece of any successful strategy and that without it any other management option was going to be less effective. The member further noted that deer management is a contentious topic but that deer populations are still increasing and thus so are incidents of deer-human conflict. The CAG member noted that the June 5 presentation of K. Brunt of the Ministry of Forest, Lands and Natural Resource Operations talked about the challenges of doing an accurate census of deer due to the complexities of the deer habits. The CAG member went on to note that deer were prey animals and successful in survival techniques, changing their behaviour in response to hunting. The CAG member noted that without population control, deer population and thus incidents of deer-human conflict would inevitably increase as deer have not yet reached their biological carrying capacity, in the member's opinion. The member went on to state that in other locations where population reduction was chosen the food banks received venison from the culls. He further noted that, based on information from the ERWG on the Capture and Relocate option, Capture & Relocate is difficult. In his opinion, Immunocontraceptives use (particularly in the short term) is unlikely given the federal requirement for legalizing the necessary drugs.

As homework, M. Misek-Evans asked the CAG to evaluate the Status Quo or "do nothing" approach and send their evaluations to CRD staff. M. Misek-Evans also asked the CAG to frame up their draft recommendations based on the information and discussions to date and that staff will look into the various questions that the CAG have regarding jurisdictional issues especially those surrounding the CRD and municipalities.

9. Project Manager's Remarks

J. Weightman noted that the CAG can expect the first part of a draft report by Friday. J. Weightman noted that members should read the content to ensure thoughts, opinions and caveats have been captured as intended from the CAG's discussion. The CAG asked about their role in editing and J. Weightman replied that the CAG is welcome to edit the report for content and layout as they see fit, but that given the draft nature not to wordsmith in the interest of time .

J. Weightman also noted that L. Kadonaga had written a paper on environmental monitoring and indicators that was shared with the CAG.

J. Weightman noted that in correspondence he received a reply back from Saanich Police regarding Blenkinsop Road and the Deer/vehicle Collision Mitigation methods that have been implemented in the agricultural areas including deer warning signs. J. Weightman said that Saanich has been monitoring since 1998 and they have seen an increase in deer/vehicle collisions since that time despite these measures being in place and do not consider them useful.

10. Next Steps and Outstanding Items

11. Next Meeting

The CAG agreed to meet Wednesday, August 1, 2012 at Burnside Gorge Community Centre, pending availability.