



**REPORT TO PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE  
MEETING OF WEDNESDAY FEBRUARY 27, 2013**

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**SUBJECT**      **REGIONAL DEER MANAGEMENT STRATEGY UPDATE**

**PURPOSE**

To report on the implementation of the Regional Deer Management Strategy (RDMS) at the municipal, regional and provincial levels.

**BACKGROUND**

At the December 12, 2012 Capital Regional District (CRD) Board meeting, the Board supported recommendations from report PPS/RP 2012-37, adopting a framework of roles for municipal, regional and provincial partners. Staff was directed to share the framework with municipalities, electoral areas and the Islands Trust to gain their concurrence regarding matters within their jurisdiction. Further, staff was directed to focus on the Peninsula municipalities in order to try and mitigate the impact of deer on this year's crop.

**PROGRESS TO DATE**

**Initiatives to Address Agricultural Issues:**

CRD staff has met with staff from the municipalities of Saanich, Central Saanich and North Saanich, each on their own as well as jointly, to discuss the best way to move forward, with emphasis on first addressing deer mitigation on farms. Staff also met with the Ministry of Forest, Lands and Natural Resource Operations (FLNRO), Ministry of Agriculture and Ministry of Environment staff to confirm expectations, roles, resources and interpretation of legislation. The meeting with FLNRO yielded additional clarity on provincial and municipal roles and opportunities regarding population reduction measures; this is summarized in Attachment 1. From these meetings came the proposal to hold a workshop for farmers and hunters to further explore available deer management measures and encourage farmer/hunter relationship building.

The workshop is scheduled for March 1, 2013, and will be hosted by Peninsula Agriculture Commission (PAC) at the Saanich Fairgrounds. The agenda is attached as Attachment 2; the Nuisance Wildlife permitting and evaluation process (more commonly referred to as the Crop Protection program), led by Ministry of FLNRO staff will form the bulk of the morning session that is dedicated to farmers. Hunters are invited to attend the afternoon session (with the farmers); the afternoon session will focus on an overview of the Outdoor Passport program from BC Wildlife Federation. This program further qualifies hunters in safe hunting practices and helps give assurance to farmers and property owners of the hunter's qualifications. A Ministry of Environment Conservation Officer Service will also be on hand to provide an overview of sound hunting practices from their perspective. A key element of the workshop is to serve as an opportunity to match farmers looking for hunters and hunters looking to help farmers. First Nations communities on the Peninsula have been invited by District of Central Saanich staff to attend both morning and afternoon sessions.

As a follow-up to the March 1 workshop, CRD staff has reserved a booth for the upcoming Farmer2Farmer Conference to be held on March 7, 2013 at the Saanich Fairgrounds. This booth will provide information regarding the Nuisance Wildlife Permit Program, BC Outdoor Passport Program and CRD staff will be on hand to answer questions (Ministry of FLNRO staff have also been requested to staff the booth).

Questions arising from meetings between regional, municipal and provincial staff included the effect of the *Farm Practices Protection Act (FPPA)* on the Nuisance Wildlife Permitting process. A legal opinion has been obtained in answer to the following questions:

- whether the *FPPA* supersedes a local government bylaw requiring a farmer/property owner to seek local police permission prior to obtaining a Nuisance Wildlife Permit for crop protection from Ministry of FLNRO; and
- an interpretation of the *FPPA* relative to firearms discharge regulations in the *Wildlife Act* and local bylaws and specifically whether local or provincial distance separation requirements apply for the purposes of crop protection.

The opinion states that the *FPPA* can supersede a municipal bylaw that requires a local police permit prior to obtaining a Nuisance Wildlife permit, provided the individual meets the criteria for the definition of farmer in the *FPPA*. Thus a farmer seeking a Nuisance Wildlife Permit does not need to obtain a local government approval in order to proceed in the provincial permitting process. Further, no legislation could be found in the *FPPA* or otherwise to suggest that the firearms discharge distance separation requirements under the *Wildlife Act* do not apply to those operating under a Nuisance Wildlife Permit.

#### Attendance at Council Meetings:

CRD staff presented to a special meeting of the District of Central Saanich Planning and Development Committee on Tuesday February 12, 2013, where a multi-part resolution was passed for their Council's consideration at the meeting on Monday February 18, 2013. Council resolutions will be shared with Committee.

The District of North Saanich staff are bringing a report to Council on February 25, 2012 and have invited CRD staff to attend and present. Staff from the District of Saanich are in the process of drafting their own Committee/Council report; offers to support and present have been made by CRD staff.

The remaining municipalities and Islands Trust have been circulated RDMS materials, including recent CRD reports and the information from the meeting with FLNRO. Follow-up is underway to arrange staff level meetings and offer CRD presentations at Council meetings.

#### **CONCLUSION**

CRD staff has undertaken a number of activities to further the implementation of the RDMS recommendations with a focus on the Peninsula municipalities. Actions that resulted from the meetings with Peninsula municipalities, Ministry of FLNRO, Ministry of Agriculture and Ministry of Environment include a PAC hosted workshop for farmers and hunters on the Nuisance Wildlife permit process, Outdoor Passport program and Conservation Officer perspectives on

March 1. Following from this, CRD staff will host a booth at the Farmer2Farmer conference on March 7. In addition, a presentation has been made to the District of Central Saanich Planning and Development Committee and another is planned for the District of North Saanich Council on February 25. Materials have been distributed to other municipalities and Islands Trust to review prior to staff level meetings and an offer will be made to attend Council meetings. A legal opinion has been obtained in response to differing interpretations regarding the interaction of the Nuisance Wildlife Permitting process and the *FPPA* confirming that the *FPPA* supersedes local bylaws requiring local police permission and more stringent distance separation than the *Wildlife Act*.

**RECOMMENDATION(S)**

That the Planning, Transportation and Protective Services Committee receive report PPS/RSP-2013-01 regarding Regional Deer Management Strategy Update for information.

**\*\*ORIGINAL SIGNED\*\***

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Jeff Weightman  
Planning Analyst

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Marg Misek-Evans, MCIP, RPP  
Acting General Manager  
Planning and Protective Services  
Concurrence

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Robert Lapham, MCIP, RPP  
Chief Administrative Officer  
Concurrence

Attachments: 2

Attachment 1: Provincial and Municipal roles and opportunities regarding population reduction measures

Attachment 2: Agenda - Regional Deer Management Farmer and Hunter Education Workshop

Attachment 1

	<b>Ministry of FLNRO Input (January 24, 2013)</b>
Population Control	
Controlled Public Hunt	<p><u>Current Situation:</u>  Municipal bylaws prohibit public hunting in the Saanich Peninsula  On Gulf Islands and in some parts of CRD, no hunting/shooting regulations are in place and permits (exceptions) are required from FLNRO to hunt in these areas</p> <p><u>Recommended Approach:</u>  Request that municipalities remove prohibitions to hunting in open seasons  Consider also permitting use of shotguns with slugs as well as shot  Allow for bow hunting to increase number of hunters  Review no hunting areas instituted due to public pressure, such as in the Gulf Islands where no hunting/shooting areas defined in provincial regulation came about due to fears of the potential for large number of hunters hunting all at once causing public safety concerns  Establish programme to match farmers and licensed hunters (including First Nations) to allow relationships to develop and overcome stigma associated with having strangers hunting on their properties  Promote safe hunting programmes  Promote antlerless harvest in public education materials  Changes to Provincial hunting regulations – next cycle is 2014 – 16; requested changes need to be into FLNRO by September, 2013. CRD/municipalities can lobby for changes to:</p> <ul style="list-style-type: none"> <li>• hunting season - extend antlerless season from 10 days to full season,</li> <li>• Change bag limit of antlerless deer from 2 to 3</li> <li>• Changes to select no hunting/no shooting areas.</li> </ul> <p>Support from region, municipalities, First Nations, Islands Trust should be indicated for requested changes.</p> <p><u>Other Information:</u>  Incentives to hunting such as bounties are unlikely to gain support.  Commercial proposals have been discussed to deal with crop protection and assist farmers, i.e., permitting the farmer to hire someone to organize a hunt – apply for permit, line up qualified hunters, arrange for meat to be butchered or donated, etc. Commercial hunts would require changes to provincial legislation and take time to implement.  No change is likely for discharge separation regulations due to public safety considerations.</p>

	<b>Ministry of FLNRO Input (January 24, 2013)</b>
Population Control	
	Donating meat from a hunt does not increase bag limits, a tag must be cut even if meat is donated.
Crop Protection	<p><u>Requirements for Permit</u>  Nuisance deer permit for purposes of crop protection issued after all criteria have been met, e.g., municipal police permit if required.  Property owner must demonstrate that other “softer” methods have proven ineffective: fencing, hazing, changes to farm operations.  Firearm distance separation standards must be met – whichever are the most stringent (usually municipal)  Previous permits are reviewed for compliance with conditions before issuing another permit  More detailed permit applications are more likely to gain approval (who will hunt, who will butcher, who will receive donated meat, time period, etc.) and take less time to process  Applicant must be owner; in the case of multiple properties and combined lease properties, 1 application is allowed.  Must identify hunter(s) on application; hunters must have valid hunter # and valid hunting license.  Permits routinely have associated conditions such as requiring farmers to notify local police prior to hunting, notifying neighbours, etc.</p> <p>Permit Authorization and Service Bureau (PASB) is permit application intake - 3 staff to review permits, 1 for Greater Victoria; turn-around time for processing ranges from 2 weeks outside of busy season to 8 weeks in busy season (Feb/March).</p> <p><u>Observed Barriers to Program Success:</u>  Lack of awareness and use of Crop Protection amongst hunters and farmers  Few relationships between farmers and hunters  Municipal bylaws that ban or restrict hunting  Requirement for police permit prior to provincial permit  Property owners unwilling to allow the public to hunt on land despite the ability to dictate property rules (i.e., must take antlerless, authorize who goes on property and when, where they can shoot, etc.)</p> <p><u>Recommended Approach</u>  Remove local permit requirement for crop protection program prior to provincial permitting process to streamline application process; local concerns can be addressed through conditions on permits  Increase education for farmers regarding the program – this can be done without any change in bylaws or regulations:</p>

	<b>Ministry of FLNRO Input (January 24, 2013)</b>
Population Control	<p>Hold 1-day Workshop:</p> <ol style="list-style-type: none"> <li>1. Half Day - Specific to Crop Protection Program: FLNRO staff to explain program, including application requirements and process, assist farmers in filling out permit applications; local police should be invited.</li> <li>2. Half Day – for hunters, First Nations, farmers to review: <ul style="list-style-type: none"> <li>• BC Wildlife Federation: Outdoor Passport Program</li> <li>• Hunting Regulations</li> <li>• Local Fish and Game Club contacts and networking opportunities</li> <li>• Conservation Officer to advise on safety</li> </ul> </li> </ol> <p>Obtain legal opinion needed regarding Right to Farm (PFFA) legislation and its effect on the crop protection permitting process (if any)</p> <p><u>Additional Information</u>  First Nations are still subject to safety regulations, firearm restrictions  Bag Limits of either 5 or 10 may be authorized per property depending on size.  Province will not change regulations to permit farmer or hunter to keep meat outside hunting season; out of season meat may be donated to First Nations or charitable bodies like soup kitchens.</p>
Capture & Euthanize (Cull)	<p><u>Requirements:</u>  Same application process as for crop protection – general permit request for nuisance deer  Permit template available (Permit Authorization and Service Bureau, PASB)  Regional committee, such as RDMS Advisory Committee, should guide application process locally  Must demonstrate local government support – i.e., Council Resolution, a firm plan, safety measures, humane treatment of animals (as overseen by provincial veterinarian), outline procedure, plan for meat  Must demonstrate and explain other methods that have been used to address deer population, i.e., conflict reduction, public education, other population reduction measures  Must have communications plan and safety plan  Regional and Provincial FLNRO &amp; MoE staff will have an opportunity to comment on application prior to final approval by Ministry of FLNRO</p> <p><u>Additional Information</u>  FLNRO staff would help with application  CRD may apply on behalf of 1 or more municipalities (applications do not have to be concurrent)</p>

	<b>Ministry of FLNRO Input (January 24, 2013)</b>
Population Control	
	<p>Application process and approval timing estimated to be one year (if begun now the target year would be 2014)</p> <p>Provincial resources: staff expertise (including veterinarian), logistics and traps, bolt guns</p> <p>Provincial funding not generally available, at least not at discretion of staff</p> <p>Staff available in advisory capacity for regional RDMS Advisory Committee, would not be a voting member due to conflict of interest, as they are approval authority</p>
Aggressive Wildlife	<p><u>Current Situation:</u></p> <p>Responsibility for addressing complaints of aggressive deer is with Conservation Officer and local Police</p> <p>Conservation officers best suited to addressing these situations</p> <p>Perceived that there is insufficient coverage (2 officers) for south Island</p> <p>Municipalities not amenable to taking this responsibility on</p> <p>Private contractors may not be used to address such complaints for free range animals such as ungulates</p> <p><u>Recommended Approach:</u></p> <p>Approach MoE regarding proposed contract for services to increase Conservation officers serving the Region</p>

**Regional Deer Management Farmer and Hunter Education Workshop**  
**Friday, March 1st, 2013**  
**9:00 am - 4:00 pm**  
**Oak Room - Saanich Fairground - 1528 Stellys Cross Road, Saanichton BC**

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	<u>Presenter</u>
8:30-9:00 Light Breakfast and Refreshments	
9:00-9:10 Welcome/Introductions	Ryan Vantreight, Deer Sub-Committee Chair, Peninsula Agriculture Commission Peninsula First Nations Rep (tentative)
9:10-9:30 Goose Management Overview, permitting options and process	Erika Lok, Migratory Bird Biologist, Canadian Wildlife Service
9:30-10:15 Overview of nuisance deer permits, the purpose and their interaction with municipal bylaws	Sean Pendergast, Biologist, Ministry of Forests, Lands and Natural Resource Operations
10:15-10:30 Questions	
10:30-10:45 Caffeine and Comfort Break	
10:45-11:45 Step by step process of Nuisance Permit completion and evaluation criteria	Sean Pendergast, Biologist, Ministry of Forests, Lands and Natural Resource Operations
11:45-12:00 Questions	
12:00-12:45 Lunch (Hunters Invited for 1:00 PM)	
1:00- 1:30 Overview of BC Outdoor Passport and its purpose	Rick Mayor, Vice President, BC Wildlife Federation (tentative)
1:30-1:45 Questions	
1:45 – 2:45 Step by step process to explain the BC Outdoor Passport Program	Rick Mayor, Vice President, BC Wildlife Federation(tentative)
2:45 – 3:00 Comfort and Caffeine Break	
3:00-3:45 Conservation Officer Service Overview Perspective	Scott Norris, Conservation Officer, Ministry of Environment
3:45-4:00 Wrap up and Next Steps	