



**Date 9 September 2011**

## **City Council Committee Report**

**To: Mayor Canfield & Members of Council**

**Fr: Karen Brown, on behalf of the Deer and Wolf Conflict Task Force**

**Re: Deer Management**

### **Recommendation:**

**That** Council hereby approves an amendment to the Discharge of Firearms By-law #148-2010 to authorize an extension to the areas in which deer hunting is allowed within City limits, for a trial period only for the period October 1, 2011 up to and including 15 November, 2011, with the following restrictions:

- Hunting shall be restricted to hunting of deer only south of Highway 17A (the By-pass);
- Firearms authorized to be used for hunting within City limits south of the by-pass shall be restricted to archery equipment as defined per the rules and regulations of the Fish and Wildlife Conservation Act;
- Hunters eligible to hunt within City limits south of Highway 17A (the By-pass) shall be restricted to those eligible to hunt under the Resident – Open Season, as defined within the Ontario hunting regulations;
- Hunters shall have all required licenses and courses and comply with the rules and regulations as set out in the Fish and Wildlife Conservation Act and adhere to all related Provincial and Federal statutes;
- Hunting shall only be permitted on parcels of land of an area of five (5) hectares or greater;
- Hunting shall be prohibited on all city owned land;
- Hunting shall only take place on either crown land or private property which lies within the designated hunting areas and related size restrictions;
- Hunters must obtain written permission to hunt on private land from the property owner and display written permission at request of a law or by-law enforcement officer;
- Discharging a bow and arrow within 75 metres of an occupied dwelling or roadway is prohibited;
- No bow and arrow shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near these objects;

- Field dressing shall be done in accordance with the wishes of the property owner and remains shall not be disposed of on City property; and further
- That** Council hereby authorizes an amendment to the Prohibit Feeding of Wild Animals By-law #139-2008 to authorize the feeding of deer within City limits north of the by-pass.

### **Background:**

In the spring of 2011, the City received a number of calls from the public with regards to deer related issues and concerns within the City. As a result, a committee comprised of City Council Members as well as Ministry of Natural Resources (MNR), Ontario Provincial Police (OPP) and City staff representatives, was struck to look at what options the City had available to manage deer conflict and related issues on an ongoing basis. The MNR and OPP were invited to this table as partners in recognition that this was not an area of expertise for the City. This committee met on June 7<sup>th</sup>, 2011. A copy of the minutes of that meeting have been attached to this report for ease of reference, and for the most part have not been repeated within this report. (It should be noted that a minor correction with regards to Sections 7.1 and 7.3 related to committee memberships was approved at a subsequent meeting of a task force resulting from this Committee.

As a result of the June 7<sup>th</sup> meeting, three main areas were identified as requiring improvement. These are identified in the attached minutes under Section 7, and are summarized as follows:

- Education – A communication plan for public education on how to reduce deer conflicts will be developed.
- Enforcement – Improved By-law enforcement.
- Relaxed Hunting Regulation – A committee will be established to review options and make a recommendation to Council ... in time for the fall.

The primary focus of this report is with regards to the direction related to relaxed hunting regulation. It does, however, also provide a brief update with regards to the other two directions as well.

### **Education:**

Following the June 7<sup>th</sup> meeting, a separate Committee was struck comprised of representatives from the MNR and OPP, as well as City staff. The pamphlet "Got Deer?" was developed in draft format, and was revised based on input from the various committee members, and in particular the MNR and OPP. The pamphlet was not released until all the committee members were satisfied and in particular the MNR representatives were comfortable with the content contained therein. This brochure was distributed to local businesses, and was written up in an article in both the local papers. The local radio station also provided coverage of the brochure on the news, as well as aired public service announcements such as advising that there was a City By-law that prohibited

the feeding of wild animals and other messages related to managing deer related conflicts.

Future plans for communications related to this matter include seasonal related matters, such as a fall reminder that deer are dangerous during the rut, and a winter reminder that the City has a By-law that prohibits the feeding of deer.

### **Enforcement:**

Current City practice is to use positive enforcement through educating citizens when a complaint is received. From 2009 through to July 29, 2011, only 25 registered complaints were received of people feeding deer. The number of complaints is down in 2011, and it is believed that this is due in part to the By-law Enforcement Officers following up on the complaints received and educating the individuals against whom the complaint was received. To date, there have been no charges laid. According to the By-law Enforcement Officers, individuals contacted advised they were unaware of the prohibition under the By-law and the related impact feeding deer has in increasing the deer population, and have agreed to comply once educated.

The City continues to look for ways to improve enforcement of this By-law, and is currently undergoing a review of the By-law to ensure the enforcement provisions of this By-law are adequate. In addition, the City will continue to work towards advising the public with regards to the restrictions of feeding wildlife under this by-law.

### **Relaxed Hunting Regulation**

At the June 7<sup>th</sup> committee meeting, a committee was formed to review options for amending the Discharge of Firearms By-law #148-2010 in time for the fall hunting season as part of an overall strategy for managing deer conflict and related issues. This committee was comprised of a Member of City Council, as well as representatives from the MNR, OPP and City staff. The intent was to bring back to Council an option that could be considered for implementation that would sufficiently address public safety, while providing opportunity to expand the current deer hunting zone within City limits.

The following is a summary of items discussed by the committee, and includes points considered in developing a final recommendation for Council:

- The City is restricted within the existing legislation and hunting regulations
- The current deer population is high, but according to the MNR has been recently in decline and is expected to continue to decline in future years provided the winters are not mild
- Public consultation must be done as part of this process, and Council must be made aware of the public feedback before a decision is reached

- The City has become a winter concentration area, or “deer yard”, likely due in large part to the abundant food and no discharge of firearms restrictions
- Deer are comfortable within City limits – expanding the current hunting zones may impact this comfort level
- What are other municipalities doing that face similar difficulties
  - As part of the review, the City discovered that the City of Thunder Bay is currently working on a plan in conjunction with the MNR and the Ontario Federation of Anglers and Hunters (OFAH) for addressing their deer issue. Thunder Bay is currently undergoing a study, which is expected to be released in two to three months. Thunder Bay did provide the City with a draft of the plan they are working on, which helped the City of Kenora ensure that a more robust recommendation was brought forward to Council.
  - Committee was also made aware of a report entitled “British Columbia Urban Ungulate Conflict Analysis” – a summary report for municipalities dated March 2010 put out by the Ministry of Environment for British Columbia. This report addresses many of the issues discussed at the committee level, and should be considered an excellent resource to be used in tandem with this report. This report is available online at: [www.env.gov.bc.ca/cos/info/wildlife\\_human\\_interaction/UrbanUngulatesSummaryReportFINALJune21-2010.pdf](http://www.env.gov.bc.ca/cos/info/wildlife_human_interaction/UrbanUngulatesSummaryReportFINALJune21-2010.pdf)
- Management Options Discussed:
  - Reducing attractants such as gardens and bedding plants preferred by deer
  - Catch and release opportunities for the deer
  - Deer feed that would render the deer sterile
  - Use of other measures, such as herding dogs
  - Narrowing the no hunt zone within the City – considerations included:
    - Compliance with existing legislation and regulations, including recent changes to the legislation
    - Recognition that City By-law Enforcement Officers will be required to enforce any additional restrictions placed by the City over and above the existing legislation and regulations
    - Type of firearms allowed in expanded areas, with the intent of minimizing the distance of shots as well as recognizing the noise generated by rifles, shotguns and black powder, or other similar firearms
    - Size of land parcel required for hunting area and identifying potential properties based on land parcel size
    - Restriction related to shooting only from a deer stand and whether or not this is a realistic restriction
    - Timeframes – existing hunting season vs. a trial period, and the timing of that trial period

- Resident versus Non Resident eligibility for hunting within the expanded hunting zone
- Opportunity for obtaining feedback from hunters following a trial period

It is recognized that this summary may not be comprehensive, and additional information may be obtained by perusing the minutes of the committee meetings. These have not been attached to this report as they were not available at time of writing, but will become attachments to this report and forwarded to Council for consideration once available, with the intent of these minutes being available prior to the Council meeting being held on Monday, September 19<sup>th</sup>.

### **Options for Changing Discharge of Firearms By-law:**

In considering how to proceed, Council has various options that can be considered, including:

- Status quo, and continue to work on public education through increased communications
- Implement a trial period during 2011 to narrow the no hunt zone within the City, following public consultation. Monitor based on a voluntary information survey by hunters within the expanded zone to gauge level of success.
- Consultations commence now for implementation for 2012 hunting season
- Adopt a "wait & see" attitude to determine what the final plan developed for Thunder Bay is, and implement a solution based on their program as developed.

### **Recommendations:**

Following committee discussion, and in accordance with the intent as discussed at the committee level, the committee is recommending a trial period in 2011, with the following considerations:

- Public consultation in advance of Council decision to allow public input and feedback, and provide Council with this information prior to a final decision being made. It is recognized that the timelines for this are short. The City has arranged for advertising for a consultation session to be held on Thursday, September 15<sup>th</sup> in Tuesday and Wednesday's papers. This can be pulled if discussion at Committee meeting Monday night is to not approve moving forward in pursuing this option and / or defer this process for any reason.
- Trial period – 6 weeks to allow a shorter evaluation period for the first year to determine success and consider in looking towards future years
- Adhere to hunting regulations as strictly as possible – keep it simple
- Hunting shall be restricted to hunting of deer only south of Highway 17A (the By-pass);

- Firearms restricted to archery equipment to limit distance of firearm discharge
- Only Resident hunters eligible for expanded hunting areas
- Hunters shall have all required licenses and courses and comply with the rules and regulations as set out in the Fish and Wildlife Conservation Act and adhere to all related Provincial and Federal statutes;
- Hunting only permitted on parcels of land 5 hectares or greater;
- Hunting prohibited on all city owned land;
- Hunting shall only take place on either crown land or private property
- Hunters must obtain written permission to hunt on private land
- Discharging a bow and arrow within 75 metres of an occupied dwelling or roadway is prohibited;
- No bow and arrow shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near these objects;
- Field dressing shall be done in accordance with the wishes of the property owner
- Remains shall not be disposed of on City property

### **Timelines**

A final recommendation on the proposed timelines for a trial hunting period was not reached at the committee level, other than a general consensus that an approximate six week trial period would be preferred. Options discussed ranged from starting September 20<sup>th</sup> to starting on November 1<sup>st</sup>. The recommendation has tentatively been made to commence on October 1<sup>st</sup>. It is recommended, however, that the City attempt to elicit feedback as to a preferred hunting trial period timeline based on hunter preferences, and other relevant input, as part of the public consultation process, and that the recommendation be amended, if required, to reflect the target timeframe.

### **Feeding Deer North of Highway 17A**

Also worthy of note was one additional recommendation discussed following one of the committee meetings. It was noted that feeding of deer is currently prohibited under City By-law throughout the City. Hunting of deer, however, is currently allowed under the existing Discharge of Firearms By-law north of Highway 17A. It was suggested that helping to reduce food sources within the urban areas of the City, while allowing the feeding of deer North of Highway 17A could encourage a shift in location of deer to North of Highway 17A. This would help move deer into the current hunting zones, and encourage movement away from the urban areas of the City. This concept has been incorporated as part of the recommendation to Council.

**Budget:**

Any potential legal costs required related to updating the City's By-laws would be paid through the CAO's legal expense line.

**Communication Plan/Notice By-law Requirements:**

A public consultation session has been scheduled for Thursday, September 15<sup>th</sup> at 7:00 p.m. in the Operations Training Room. A second meeting has been scheduled for Monday, September 19<sup>th</sup> at 4:00 p.m. in the Council Chambers in advance of the Council meeting to allow opportunity for the public to come and make deputations to Council on this matter. If the proposed amendments are approved by Council, additional communications will take place with regards to the amendments to the City By-laws, including a map clearly outlining eligible parcels of land under the amendments to the By-law. The City will also develop a voluntary survey for those who make use of the trial period to hunt deer South of Highway 17A within City limits to help gauge the success of the trial period.

The City is also currently working on a map for non residents which will clearly outline eligible hunting areas for non residents within the City.

Independently, the City will continue with its public information communications with regards to reducing deer interactions / conflicts within the City.