

Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment response to the UBCM Urban and Rural Deer Management Recommendations

September 23, 2015

In January of 2015 the Ministry of Forests Lands and Natural Resource Operations (FLNRO) and the Union of BC Municipalities (UBCM) collaboratively delivered an urban deer workshop. This workshop was guided by a neutral facilitator, involved 33 people and included representatives from 12 different local governments. It also included representatives from FLNRO, the Ministry of Environment and the Ministry of Transportation and Infrastructure (MOTI), the Ministry of Justice, the Society for the Prevention of Cruelty to Animals (SPCA) and WildsafeBC.

The three main objectives of the workshop were to:

- Increase awareness and understanding of policy, legislation and regulations, and best practices as they relate to urban deer,
- Lay the foundation for the creation of an Urban Deer Task committee/working group, and
- Enable the preparation of a set of local government recommendations on urban deer management for the Provincial Government's consideration.

The workshop achieved the three objectives. It was agreed that a provincial committee should be struck and that it would be referred to as the Provincial Urban Deer Advisory Committee. It was also agreed that the UBCM would lead in the preparation of a set of recommendations by local government representatives for the Provincial Government's consideration. FLNR committed to responding to the package within 90 days of its receipt.

The UBCM prepared a set of recommendations and all BC local governments, including those who were unable to participate in the workshop, were provided with an opportunity to comment on the recommendations. The UBCM Environment Committee also reviewed the recommendations. Therefore, the "UBCM Urban and Rural Deer Management Recommendations" reflect the current view of the local governments in BC that are impacted by urban deer.

That document was received by Steve Thomson, Minister of Forests, Lands and Natural Resource Operations on May 19th, 2015. For ease of reference, this document presents the actual recommendations that were submitted by the UBCM and then presents the provincial government's response (in blue font) after each recommendation. For clarity, in this case the 'provincial government' is defined as the

Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment.

Part A: Resources

Recommendation 1: The provincial government should offer funding to address deer management issues.

Similar to the wildfire management funding program or the BearSmart program, the provincial government should provide financial support to communities who are facing urban deer management issues. The Province could support an urban deer management program administered by a neutral third party, such as Wildsafe BC, with program funds going towards school education programs, fencing, or deer culls. Only communities that have undertaken some work on urban or rural deer management should be eligible for the fund (i.e. the community has an education program, an urban or rural deer committee, changed bylaws, etc.).

Response: The Ministry of Forests, Lands and Natural Resource Operations supports the creation of a cost-share partnership initiative that would help local governments to address urban deer issues. The details and structure of the cost-share opportunity will be developed by FLNR with input from the Provincial Urban Deer Advisory Committee. The province is prepared to commit up to \$100,000 toward such partnerships on an annual basis.

Recommendation 2: The provincial government should fund research on new deer management tools.

Local governments are currently funding research on deer management options such as hazing, relocation, and contraceptives. The provincial government should assist in funding these technical and complicated scientific studies on deer management practices.

Response: Research activities that are supported by the provincial government would be eligible for cost-share-support. Funding would depend on program and annual priorities and on funding availability.

Part B: Process and Decision-making

Recommendation 3: The provincial government should clearly state the options available to local governments in managing deer populations.

This includes hazing (if it is not legally permitted, it should not be presented as an option for local governments to consider), capture and relocation management (i.e. in the case of blacktail deer), and immunocontraception.

Response: There are many different tools and processes that have been used to directly or indirectly manage deer populations or the risks they pose. Some may be more appropriate for some species, some areas of the province or some communities than others. FLNRO staff often presents and discusses all options and their associated pros and cons as well as the current literature to provide a more comprehensive message to audiences. It is hoped that this will lead to a better understanding of the complexities of ungulate management. Municipalities must obtain permits from the FLNR before engaging in any management activities, such as translocation, hazing, culls or immunocontraception, that involve the direct handling of deer. Depending on the tool that is selected (e.g. translocation, immunocontraception) federal permits may be required. In addition, some tools (i.e. hazing), while available in other jurisdictions, are not permitted in BC due to existing regulatory constraints. Finally, when the efficacy of some management actions is in question, very often the statutory decision maker will require the proponent to develop a project with a robust research component. This is intended to generate information and knowledge through adaptive management processes.

The government agrees to work through the Provincial Urban Deer Advisory Committee to develop material that clearly indicates what options are available/advisable and under what circumstances and to clearly define the regulatory requirements that are associated with each of them.

Recommendation 4: The provincial government should provide clear information on the deer management process for local governments to follow.

This includes criteria for each of the four management areas (conflict reduction, population reduction, deer vehicle collision mitigation, and public education). This may also be in the form of a checklist for applying for permits, or checklists from a legal perspective as it relates to homeowner interactions.

Response: The provincial government has now worked with a number of local governments to address urban deer issues and this has resulted in development and evolution of many products and processes that relate to the four management areas described above.

The government agrees to work through the Provincial Urban Deer Advisory Committee in order to continue to develop and standardize materials. The Provincial Urban Deer Advisory Committee will be called upon to continuously improve these materials based on the learning that results from local, provincial and out-of-province initiatives.

Recommendation 5: A Terms of Reference between the Province and local governments should be developed to outline their respective roles and responsibilities in managing deer. The terms of reference should inform any ongoing joint advisory committee.

The Terms of Reference should outline the roles and responsibilities of the Province and local governments; state which level of government determines when there is a need for a deer management plan; provide information on a threshold of conflict when a deer management plan is required (i.e. property damage and public endangerment as the threshold); and provide information on what needs to be included in a deer management plan (i.e. steps, communication/education, etc.).

Response: The provincial government is fully supportive of a Provincial Urban Deer Advisory Committee and it is agreed that this committee must be founded on a Terms of Reference that can be understood and accepted by all participants. As part of this, the roles and responsibilities of all entities that have a legal mandate relating to the management of urban deer can and must be clearly articulated.

Recommendation 6: The provincial government should create criteria and overarching policy for regional FLNRO managers, and ensure equal funding between regions.

The goal of this recommendation is to reduce the amount of discretion applied by the Regional managers so that deer management is addressed in an equitable and consistent manner across the province.

Response: As stated previously, the Ministry of Forests, Lands and Natural Resource Operations supports the creation of a cost-share partnership initiative that would help local governments to address urban deer issues. The details and structure of the cost-share opportunity will be developed by FLNR with input from the Provincial Urban Deer Advisory Committee. It is anticipated that this initiative would involve eligibility criteria and a system for prioritizing projects that would be applied equally to the entire province.

Recommendation 7: A provincial advisory committee on deer management should be created.

A structured approach to ongoing dialogue on deer management would be beneficial for Affected communities. This recommendation draws from the Minister's commitment to an annual meeting, which in the past has been referred to a 'task team,' a 'community of practice,' and an 'advisory committee.' Any advisory committee would complement the implementation of the other identified recommendations around resources, processes, roles and responsibilities, communication and education.

Response: The provincial government is fully supportive of the formation of a Provincial Urban Deer Advisory Committee that would provide advice and share information on the resourcing, processes, roles and responsibilities, communication and educational materials and processes that relate to urban deer management.

Recommendation 8: Jointly determine the definition for a good public engagement process.

In the case of the Invermere injunction, the issue was raised as to what is a sufficient public process. The provincial and local governments should agree on what a good public process is, how to achieve sufficient public participation, and include the information in any Terms of Reference.

Response: The provincial government is fully supportive of community-based outreach and planning to address, manage, and hopefully resolve urban deer issues and it has prepared an Urban Ungulate Conflict Analysis report that describes a process for this (http://www.env.gov.bc.ca/cos/info/wildlife_human_interaction/UrbanUngulates.html). Consultation with the public through public engagement and opinion polls is a critical step for community input and buy-in. It is referred to as the science of 'human dimensions' and is used to gauge public values that then help to guide effective decision making. Once again, the provincial government envisages that the Provincial Urban Deer Advisory Committee will be called upon to develop and continuously improve processes, information, educational materials and templates that would inform and facilitate high quality public engagement.

Recommendation 9: A template for an Urban Deer Committee should be shared.

This template would include information on how to deal with the public, what communities need to do, and what should be in a deer management plan. The District of Elkford may have a potential template to adopt.

Response: As previously stated, the provincial government is supportive of the Provincial Urban Deer Advisory Committee and will call upon it to take advantage of all learning opportunities in order to continuously develop and improve processes, educational materials, check lists, best management practices, templates and guidance and to make that material readily available.

Recommendation 10: The provincial government should provide a very clear policy on the distribution of game meat to food banks.

Direction is required for processing game meat for food banks, including what types of Facilities are required, butchering guidelines, time for hanging, etc. This information is necessary to assist local governments who are looking into this potential option.

Response: Depending on the circumstance, there may be several deer meat distribution options that are available and these have been clearly stated in existing permits. The provincial government agrees that the options and their requirements and limitations should be clearly articulated and will continue to do that in collaboration with animal and human health professionals. For example, provincial staff developed the Standards for the Donation of Culled Game Meat which is posted on BC's Centre for Disease Control website (<http://www.bccdc.ca/NR/rdonlyres/69C8FF46-BE87-4C55-9C54-4D77ACC9DE8E/0/StandardsfortheDonationofCulledGameMeatsFINALDec2012.pdf>).

Recommendation 11: The provincial government should work with farmers on nuisance wildlife permits for crop protection.

The Province should track nuisance wildlife permits to accurately determine the numbers of nuisance wildlife. Also, a certification could be created to allow specific hunters to discharge single projectiles, which are considered more humane, within rural and agricultural areas (Currently, the Saanich Peninsula permits hunting with multiple projectiles and bow only). The Province could also allow farmers to protect their crops from nuisance wildlife regardless of the season or time of day. Predation pressure on wildlife during the day creates a situation where deer become nocturnal and browse on crops at night, when farmers cannot discharge a firearm.

Response: The government recognizes and agrees that management of deer in rural settings is an important means to mitigate impacts both in the rural setting and in adjacent urban areas. Hunting seasons are reviewed every two years and can be adjusted to address deer population objectives in specific areas. Communities must engage with regional Wildlife staff if hunting regulation solutions are desired. In circumstances where damage to crops is occurring, where hunting has not controlled populations and where all reasonable measures to mitigate or prevent damage have been exhausted, the province may issue permits to land owners to kill specified numbers of deer. These permits can be tracked and the number of deer that are killed under the authority of each permit must be reported.

Permits are usually tailored to individual circumstances and as such they are a flexible management tool. As always, the permit must balance the objective of wildlife control with public safety and animal welfare considerations. In addition, many municipalities currently have bylaws that prevent the discharge of weapons for the purposes of hunting. Under these circumstances bylaw exemptions must be issued to landowners in order to allow for the discharge of firearms. Depending on the scope of the Provincial Urban Deer Advisory Committee, new rural permitting solutions to address rural/urban interface situations could be considered and developed.

Part C: Roles and Responsibilities

Recommendation 12: The provincial government should clearly define their role to all stakeholders.

Stakeholders need to know what the Province is responsible for, and what they are willing to do (i.e. provide funding, education, information to the public and local governments on options, work with Forest Corporations to identify deer foraging areas and determine appropriate cut-blocks accordingly, etc.).

Response: As stated previously, the provincial government is fully supportive of a Provincial Urban Deer Advisory Committee and it is agreed that this committee must be founded on a Terms of Reference that can be understood and accepted by all

participants. As part of this, the roles and responsibilities of all the entities that have a legal mandate relating to the management of urban deer must be clearly articulated.

Recommendation 13: The provincial government should provide expertise on deer management to local governments.

This includes offering their expertise alongside local government staff and elected officials as they are discussing the issue with the public and community groups, and providing data on deer populations in the urban or rural centre for better decision making. The provincial government could also ensure that a provincial wildlife biologist and wildlife veterinarian participate on a local government's deer management committee.

Response: The provincial government has provided expertise and information through ongoing dialogue and advice and through staff participation in processes such as local government urban deer management committees and the permitting process. However, the provincial government cannot support a dedicated role for government staff in all operational projects and in communications regarding a particular project. More involvement of government staff (such as wildlife biologists or the Wildlife Veterinarian) may be required for specific projects when new technology or actions may require additional professional oversight.

Recommendation 14: Local governments should determine the best approach for their community.

Local governments should decide whether to haze or cull deer, or transport them to another location. This would be based on public surveys, public meetings, deer counts, etc.

Response: The provincial government and wildlife management professionals confirm that when it comes to hyperabundant deer issues, there is no 'one size fits all' solution. The unique blends of issues that arise are best resolved at the community level with support from the provincial government. Different cultures, different landscapes and different situations generally require different solutions, as stated succinctly in the Conflict Analysis. As stated previously, the provincial government is fully supportive of community-based planning as a means to address, manage, and resolve urban deer issues. That said, some solutions (e.g. translocation) involve risks to the captured and transported animals, the release site, other communities and/or other values. Accordingly, under the Wildlife Act the decision making authority for permits lie with statutory decision makers who are located within FLNRO.

Recommendation 15: Once the community has decided on the best approach, the provincial government should partner with the local government on implementation.

For example, if the community has decided to cull the deer, the provincial government

should partner with the local government to take action. The provincial government should also ensure that a conservation officer is present at the implementation of any deer management option that involves capturing or handling of deer.

Response: The provincial government does not support a dedicated role for government staff in operational projects or in local government communications regarding particular projects. Regional staff and the Wildlife Veterinarian are available to provide advice as issues arise and they *may* be able to participate in operational projects from time to time. As previously stated more involvement of government staff may be required for specific projects when new technology or actions requires additional professional oversight.

The Conservation Officer Service can maintain the status quo service delivery by committing to providing technical support to communities when developing deer conflict management plans but cannot commit to attending deer conflict reduction activities such as capture and lethal control. The COS will investigate suspected or alleged violations surrounding Sections 46 and 80 of the Wildlife Act and will attend deer conflict reduction activities if there is a credible and imminent threat of interference, obstruction, damage, etc. Section 80 of the *Wildlife Act* states: A person commits an offence if the person interferes with or obstructs a person licensed or permitted to capture wildlife or to hunt, fish, guide or trap while that person is lawfully so engaged. Section 46 of the *Wildlife Act* states: A person who knowingly damages or interferes with a lawfully set trap commits an offence.

Recommendation 16: The SPCA should be clear on their urban deer policy.

Recognizing that SPCA positions inform public opinion, the animal welfare organization should provide clear and consistent policy messaging. This includes definitions on ‘indiscriminate culling’ and their definition of ‘science-based’, as well as statements on which management practices they can support.

Response: The SPCA has a legal role to play in the enforcement of the Prevention of Cruelty to Animals Act and some sections of the Criminal Code of Canada that may apply to some urban deer management activities. As such, the SPCA will be invited to participate on the Provincial Urban Deer Advisory Committee where it would provide information on all relevant aspects of its mandate.

Recommendation 17: The provincial government should work with other government ministries and agencies.

The provincial government could work with the Ministry of Agriculture to re-institute fencing subsidies and crop loss insurance for farmers; and with ICBC on deer warning signage, driver education on deer vehicle collision mitigation, increasing and extending right of ways, highway fencing in high collision areas, and decreasing speed limits. A partnership with schools could also be pursued to produce unique mobile signage to increase awareness.

Response: It is recognized that many other organizations and agencies have a role to play in issues that relate to hyperabundant deer management. The provincial government envisages that, when developing its TOR, the Provincial Urban Deer Advisory Committee will define its scope and membership criteria and then consider how to engage other entities.

Recommendation 18: Local governments should ensure that their communities are non-enticing environments for deer to live.

Communities can produce signage and education to the public against feeding of deer. The community can also encourage residents to secure their garbage and ensure that gardens are fenced.

Response: The province recognizes and supports the many indirect and preventative means of minimizing human-deer conflict and the Provincial Urban Deer Advisory Committee will be called upon to continuously develop and improve processes, educational materials, templates and guidance and to make all material readily available.

The province also supports the WildSafeBC program and provided funding of \$275,000 for 2015-16. WildSafeBC provides public education regarding wildlife conflict prevention throughout BC and operates through a cost-shared model with municipalities.

Recommendation 19: First Nations should be involved in the process where possible and appropriate.

Response: The province recognizes and supports the engagement of First Nations governments in community-based planning processes. Further, when exercising their aboriginal rights to hunt, First Nations individuals can be less constrained than others and this presents additional deer control options. Finally, many First Nations are willing to make use of the deer meat and tissues provided by culls and this avoids unnecessary waste and supplies nutritious food sources and items of cultural value.

Part D: Communication and Education

Recommendation 20: The provincial government should provide consistent messaging around urban deer management.

This includes using the consistent, non-technical terms for the public.

Response: Urban deer management solutions will continue to be generated at the community levels where unique circumstances will present themselves. That said, government agrees that clear and consistent messaging on tools and processes is important and the input provided by the Provincial Urban Deer Advisory Committee will help to facilitate this.

Recommendation 21: A survey template should be developed for communities.

Communities need assistance in drafting surveys for their constituents to ensure that constituent input informs local decisions. Guidelines and a checklist could be created, which includes information on how to get reliable feedback.

Response: The science of ‘human dimensions’ is a rapidly evolving approach that gauges public values and then uses this information to inform a variety of decisions including wildlife management. The Provincial Urban Deer Advisory Committee will include expert(s) in this field and should be prepared to advise communities on information gathering and/or prepare a standardized and scientifically valid survey form and sampling methodology.

Part E: Tools

Recommendation 22: A webpage should be created to provide one point of contact for accessing information and messaging.

This webpage could be hosted by a neutral party, such as WildSafe BC, and provides: fact sheets, toolkits with policy tools, templates, information on options for dealing with urban deer, capital planning design guidelines to minimize deer vehicle collisions, and up to date research from Canada, US and other countries on deer management. This webpage should be supported by both the provincial and local governments, and referred to by both parties so that the public receives consistent, clear information on deer management practices.

Response: The province agrees that a single and authoritative online point of access for material relating to urban deer management in BC is helpful. In fact, the provincial government already makes a significant amount of urban deer information available through its public-facing MoE website. The pros and cons of various web-based alternatives should be analysed by the Provincial Urban Deer Advisory Committee to support a decision regarding the eventual location of a comprehensive webpage.