Report PDR-PCD-34-13

To: Chair Wright and Members of the Planning & Community Development Committee
From: Sarah Morrison, Intermediate Planner
Meeting Date: December XX, 2013
Subject: Coyote and Nuisance Beaver Compensation By-laws

Recommendation(s)

OPTION 1

WHEREAS recent changes by the Ministry of Natural Resources have resulted in the removal of the requirement for Ministry authorization to compensate hunters or trappers for hunting or trapping coyotes or other furbearing mammals;

AND WHEREAS County By-law 3332-92, as amended by By-law 4645-10, is a by-law that provides for the control of wolves and coyotes, including provisions for compensating hunters or trappers;

AND WHEREAS the changes made by the Ministry of Natural Resources to remove the requirement for Ministry authorization triggers required changes to County By-law 3332-92, as amended;

AND WHEREAS County By-law 3274-91, as amended by By-law 4114-04, is a by-law that provides for the removal of nuisance beavers, including provisions for compensating hunters or trappers;

NOW THEREFORE BE IT RESOLVED that Report PDR-PCD-34-13 be received;

AND THAT By-laws 3332-92 and 3274-91 be repealed and municipalities be notified that the compensation programs will no longer be administrated by the upper tier;

AND THAT for the year of 2014 the County will provide the budgeted amount to the municipalities to administer the program.
OPTION 2

WHEREAS recent changes by the Ministry of Natural Resources have resulted in the removal of the requirement for Ministry authorization to compensate hunters or trappers for hunting or trapping coyotes or other furbearing mammals;

AND WHEREAS County By-law 3332-92, as amended by By-law 4645-10, is a by-law that provides for the control of wolves and coyotes, including provisions for compensating hunters or trappers;

AND WHEREAS the changes made by the Ministry of Natural Resources to remove the requirement for Ministry authorization triggers required changes to County By-law 3332-92, as amended;

AND WHEREAS County By-law 3274-91, as amended by By-law 4114-04, is a by-law that provides for the removal of nuisance beavers, including provisions for compensating hunters or trappers;

NOW THEREFORE BE IT RESOLVED that Report PDR-PCD-34-13 be received;

AND THAT compensation be provided only for claims on private lands;

AND THAT municipalities be directed to authorize the claims and provide compensation on behalf of the County and bill the County monthly/quarterly;

AND THAT staff be directed to prepare a revised by-law as outlined in the attachments to Report PDR-PCD-34-13 and that the by-law be brought forward to County Council for consideration.

OR

OPTION 3

WHEREAS recent changes by the Ministry of Natural Resources have resulted in the removal of the requirement for Ministry authorization to compensate hunters or trappers for hunting or trapping coyotes or other furbearing mammals;

AND WHEREAS County By-law 3332-92, as amended by By-law 4645-10, is a by-law that provides for the control of wolves and coyotes, including provisions for compensating hunters or trappers;

AND WHEREAS the changes made by the Ministry of Natural Resources to remove the requirement for Ministry authorization triggers required changes to County By-law 3332-92, as amended;

NOW THEREFORE BE IT RESOLVED that Report PDR-PCD-34-13 be received;
AND THAT compensation be provided only for claims on private lands;

AND THAT staff be directed to prepare a revised by-law as outlined in the attachments to Report PDR-PCD-34-13 and that the by-law be brought forward to County Council for consideration.

Background

The County has been authorized under the Fish and Wildlife Act, 1997, to provide a compensation payment to a hunter or trapper, for the killing of a predatory coyote or wolf, subject to a number of terms and conditions.

On July 1, 2013, a regulation came into effect whereby the requirement for Ministry authorization to compensate hunters or trappers for hunting or trapping coyotes or other furbearing mammals are no longer required by the Ministry of Natural Resources (MNR) District Manager. The amending regulations (665/98), reads as follows:

133.2 (1) Clauses 11 (1) (b) and (d) of the Act do not apply to a municipality that hires or employs a person to hunt or trap furbearing mammals within the boundaries of the municipality.

(2) Clause 11 (1) (a) of the Act does not apply to a person who is hired or employed by a municipality to hunt furbearing mammals within the boundaries of the municipality if,

(a) the person holds a valid hunting license for the furbearing mammal he or she is hunting; and

(b) the person is hunting in accordance with the terms and conditions of the license.

(3) For greater certainty, nothing in this section authorizes a person to pay or accept a bounty contrary to clause 11 (1) (e) of the Act.

Based on the changes made by the MNR, there are three suggested options that Council can consider in relation to the compensation program.

In addition to the coyote compensation program, staff also reviewed the nuisance beaver by-law as well to determine if any of the proposed changes to the coyote by-law would also merit changes to the nuisance beaver by-law.

In determining the terms of the nuisance beaver by-law, staff reviewed previous years claims to determine the amount of claims that occurred on public lands versus ones that occurred on private lands. Claims received between 2009-2012 indicate that a significant portion occurred on public lands (34-55%). County staff are suggesting that because municipal budgets include maintenance of roads, which would include a
payment for a trapping service, that an additional incentive of a compensation for a carcass would essentially be giving the trapper a second payment, whereas on private lands they would not receive a payment for their trapping service. Based on the review, recommendation to allow for claims on private lands only is being brought forward.

In 2009 there was a total of 971 beavers (215 claims), 565 (129 claims) of which were on private lands and 406 (86 claims) of which were on public lands. 42% of the beaver compensation were on public lands.

In 2010 there was a total of 930 beavers (185 claims), 615 (125 claims) of which were on private lands and 315 (60 claims) of which were on public lands. 34% of the beaver compensation were on public lands.

In 2011 there was a total of 740 beavers (160 claims), 330 (86 claims) of which were on private lands and 410 (74 claims) of which were on public lands. 55% of the beaver compensations were on public lands.

In 2012 there was a total of 918 beavers (191 claims), 589 (116 claims) of which were on private lands and 329 (75 claims) of which were on public lands. 36% of the beaver compensations were on public lands.

The removal of claims on public lands would remove the duplication, and significantly reduce the claims received and reduce the necessary compensation budget.

Staff have also evaluated the time to process a grant cheque from start to finish. Administratively, the process involves two departments and 17 steps. From start to finish, to process one grant would take approximately 7 minutes. Which means for the total of 191 beaver claims made in 2012 it would have taken approximately 22 hours and 17 minutes of staff time. The coyote claims from this year were not included in this total. The process is administratively heavy, it is cumbersome for the hunter/trapper and it could be simplified if the local municipality took on these responsibilities.

The options outline different approaches for the administration of the program, one of which would be requesting the local municipalities take on these programs, this would save substantial staff time and allow for the trapper to complete the entire process at one office. Staff have sought a legal opinion on whether or not the program is required to be administered by the upper tier. The by-laws have been created under Section 11 of the Municipal Act which deals with the health, safety and well-being of persons and/or persons and property. The lower tier has the same ability to have such a by-law if the County determines it should be removed from the compensation programs. The County is not in a position to delegate the responsibility of the administration of the programs to the lower tier.

Option 1 – discontinue the compensation program at the County level and/or allow the authorization to be done by the local municipalities
The County currently budgets $25,000 for beaver compensation and $20,000 for coyote/wolf compensation on an annual basis. The draft 2014 budget includes the funding for these programs. The first option is to discontinue the County’s compensation program and allow the municipalities to administer the programs and to provide the compensation.

As mentioned, the County has obtained a legal opinion on this and the County has the ability to remove itself from the program by repealing the existing by-laws and allowing the local municipalities to administer their own compensation program. For ease of transition, to aid municipalities, the County could provide draft by-laws to the municipalities.

If the County removed itself from the compensation process, the hunter and/or trapper would not have to obtain signatures at two different municipal offices, they would be able to deal solely with the local municipal offices and receive their full payment from one source. This creates efficiencies for the hunter and trapper, as well as potential efficiencies at both the County and the local municipal levels.

To aid in the transition of the program from the upper tier to the lower tier, because of the 2014 budget allocations, for the 2014 year the County could provide the compensation to the municipalities for the first year of the program. Thereafter they would include it in their own annual budgets.

**Option 2 – Continue the program, administered by the Municipality and County is billed monthly or quarterly**

A second option is to continue the program, but allow the administration to be completed by the local municipalities. Full compensation would be given by the County, each municipality would invoice the County on a monthly or quarterly basis for the amount of the County’s compensation contribution.

**Option 3 – update the By-laws and continue to provide compensation authorization at the County.**

If Council wishes to continue with the compensation program, the existing by-law being By-law 3332-92, as amended by By-law 4645-10 (control of wolves and coyotes) would need to be amended to remove the reference to the MNR authorization for claims. The compensation claim forms would also need to be revised.

It is also recommended that other changes to the by-law be made. Based on the proposed revisions, it is recommended that the existing By-law be repealed and replaced with a new one. Attached to this report is a draft revised by-law with the proposed revisions highlighted. The proposed revised claim form has also been attached. It should be noted that the recently revised County of Bruce compensation
by-law and claims form were used as a point of reference to develop the recommended revisions to the by-law and compensation form.

The following is a summary of the recommended changes to the by-law:

a) The proposed by-law includes a “Schedule A”, which references and links the actual claim form to the By-law;

b) The requirements for compensation as identified in Section 1 (a) to (g) of the proposed by-law are also proposed to be identified on the compensation claim form. The compensation requirements are consistent with the requirements previously identified by MNR staff on the MNR compensation form;

c) A new requirement has been added to the proposed by-law, and to the claim form (item 1 (g) in the By-law or item 7 on the form). This is a required acknowledgement from the hunter or trapper that he/she understands and agrees to the conditions identified on the claim form;

d) The standard conditions previously reflected by MNR Staff on the most up to date MNR claim form (i.e. 30 day hunt duration, within a 5km radius of livestock kill, etc.) have been carried over and listed in Section 4 of the claim form;

e) Authorization was previously required from both MNR and the local municipality prior to payment. The proposed by-law would remove the requirement for MNR authorization based on the changes made by MNR and maintain the requirement for local municipal authorization.

f) Section 4(6) of the MNR claim form indicated that the MNR may cancel authorization at any time by notifying the authorized person(s) in writing. The proposal is to change this statement on the claim form to indicate that the County can cancel the authorization.

The recommended version does not have enforcement or penalty provisions identified in the proposed by-law which is consistent with the previous by-law.

Financial / Staffing / Legal / Information Technology

Considerations

The budget for coyote/wolf compensation and beaver compensation is $20,000 and $25,000 respectively. These amounts have been included in the draft 2014 budget. If the direction is to remove the County from the programs, this could result in the removal of these amounts from the budget. Alternatively, if the direction is to delegate the compensation authorization to local municipalities and have the local municipalities’ invoice the County for the amount of the County’s compensation contribution, then the amounts budgeted would not change.
If Committee decides to maintain the program, there will be no financial implications as the amounts for compensation included in the revised draft by-laws are consistent with the previous compensation amounts.

There are no anticipated legal or IT considerations as this time.

Link to Strategic Goals / Priorities

Not applicable.

Respectfully submitted by,

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Director Sign Off: Randy Scherzer