

## Chapter 4 - Current Regulatory and Policy Framework

### Highlights

The Pacific Flyway Council has prepared management plans for Pacific populations of most Canada Goose subspecies (i.e., Dusky, Vancouver, Aleutian, Lesser, Taverner's, Western) and Cackling Geese. Some plans are long outdated (e.g., 1979). The 2000 Western (Moffitt's) Canada Goose plan, which may best reflect the composition of our regional population, set 3-year population index objectives and advocated for stable funding for landowner assistance programs, and urban management plans with community input and population monitoring components. CWS does not use Pacific Flyway groupings for management purposes, and it remains unclear whether any of these plans are appropriate for managing hybrid Canada Geese, which probably make up most of our regional population.

In this strategy, Canada Geese are described as 'locally overabundant' because 'overabundance' is a legal term in the *Migratory Birds Regulations*. In Canada, Canada Geese have not been designated as overabundant or even formally evaluated. During the evaluation process, distribution and abundance are compared to CWS objectives for the species, and damage and risks posed by the species are assessed. Although population objectives refer to temperate-breeding Canada Geese, an overabundance designation would apply to the entire species, including Dusky Canada Geese.

Snow Geese and Ross's Geese were designated as overabundant when overgrazing and grubbing caused changes in salt marsh plant communities. The *Migratory Birds Regulations* were amended to enable the use of exceptional hunting methods and equipment. The growth of Greater Snow Goose populations were quickly halted, although the special measures did not reduce the size of populations. It is too soon to tell whether the designation has affected Ross's Goose population growth and abundance.

In the U.S., resident Canada Geese in the Atlantic and Mississippi Flyways are designated as 'overly abundant (OA)' and 'Birds of Management Concern'. Canada Geese along the Pacific Flyway are not designated overly abundant, but are still 'Birds of Management Concern' as 'high priority gamebirds'.

Since 2011, CWS is more apt to issue damage and danger permits to landowners and land managers experiencing problems with Canada Geese. This is a departure from earlier policies that required applicants to exhaust all other avenues of control.

Permittees or their designates generally cannot use decoys, calls, blinds, or bait, because the killing of birds under most damage and danger permits is to reinforce the scaring of birds, not to reduce the population. Decoys, calls, blinds and bait are hunting methods that entice birds, rather than scare them away.

Citations, excluded here for brevity, can be found in the text of the document's chapters. Please do not cite highlights without consulting the chapters.

## Chapter 4 - Current Regulatory and Policy Framework

### More Highlights

For CWS, relocation remains an acceptable option for goose management, despite its role in creating the current situation. Relocation permits may be allowed to move birds from non-huntable to huntable areas, after alternative methods of control have been attempted. Permit holders are required to find landowners who will accept the birds.

The Province has a somewhat ambiguous role with respect to Canada Goose management. Federal Migratory Game Bird Hunting Permits and Canadian Wildlife Habitat Conservation Stamps to hunt Canada Geese are dispensed by the Province and licensed vendors. Provincial wildlife staff are rarely involved in issuing other types of permits for Canada Geese, deferring to CWS. However, the Province may choose to become involved where staff are subject to public enquires or for other reasons, and the provincial wildlife veterinarian must be included in any plans to cull geese.

Using a firearm, aircraft, or bird of prey to scare Canada Geese requires a permit from CWS. However, other scare techniques do not need a permit, including the use of supervised dogs. To avoid injury to flightless birds, dogs should not be used from May 1 through July 31. Depending on the scare technique and the bylaws of the jurisdiction, municipal permits may be needed also.

CWS requires local governments and other organizations to complete Canada Goose management plans prior to the issuance of some permits. While management plans may be helpful for many reasons, they are a policy tool, rather than a legislated requirement.

The *Migratory Birds Convention Act, 1994* requires hunting for migratory game birds to be closed from March 10 to September 1, and further restricts hunting to a period not exceeding 3.5 months, or 107 days. To increase the harvest of Canada Geese, hunting seasons were adjusted from two to three seasons in 1998-99, and from three to four seasons in 2007-08. Larger bag and possession limits were implemented in 2012.

The migratory game bird hunting regulations are reviewed every second year. Individuals and groups interested in amending the regulations, (including designating Canada Geese as overabundant), may submit proposals or requests to CWS or the Province. Contributions submitted in 2015 will be considered for inclusion in the 2016-17 regulations.

Citations, excluded here for brevity, can be found in the text of the document's chapters. Please do not cite highlights without consulting the chapters.

## Chapter 4 - Current Regulatory and Policy Framework

### More Highlights

In general, provincial legislation closes all cities, municipalities, and regional district parks and trails to the discharge of firearms unless specifically exempted. CWS encourages regulators to enable hunting wherever geese are a problem and public safety is not an issue.

Fewer people are opposed to culling of nuisance geese when they are eaten by humans or other animals. Canada Geese culled in the U.S. are routinely provided to food banks. Although other game animals have been culled, processed, donated, and even sold and exported, and our provincial agencies support the use of culled meat - particularly by disadvantaged individuals, there have been several barriers preventing the consumption of non-hunted Canada Geese in Canada. CWS has claimed that by not allowing the birds to be eaten, birds are killed because they are causing damage and not for the purpose of providing hunting opportunities outside of the regular hunting season. Where appropriate, people are encouraged to leave carcasses in the open as a deterrent to other geese, although this is not a regulatory requirement. There are now revisions proposed to the *Migratory Birds Regulations* that would allow consumption of culled geese, requiring the development of standards with public health and food inspection agencies. A made-in-B.C. solution may also be possible, should the provincial inspection program take the lead and donated meat remain in the province.

The Parksville Protocol amended the *Migratory Birds Convention Act* to enable First Nations to harvest migratory birds and their eggs throughout the year; to sell down and non-edible by products; to barter, exchange, trade birds and eggs with other Aboriginal communities; and to sell birds and eggs to other Aboriginal communities. The *Migratory Birds Regulations* have not yet been changed to reflect the amendments to the *Act*, however proposed changes are currently in revision, and contemporary treaty agreements reflect this wording. Under an agreement between senior governments and the Maa'nulth First Nation on Vancouver Island, a person exercising the right to harvest must not waste the edible and usable parts of any migratory bird.

Citations, excluded here for brevity, can be found in the text of the document's chapters. Please do not cite highlights without consulting the chapters.

## 4.1 Jurisdiction

As migratory birds, Canada Geese are under the jurisdiction of the Government of Canada and more specifically CWS, in accordance with the *Migratory Birds Convention Act, 1994* and other international agreements. Canada Geese are also managed within the purview of the

provincial *Wildlife Act, 1996*; i.e., its definition of wildlife includes game, and migratory birds generally. Provincial regulations for migratory birds may be more, but not less, restrictive than federal regulations. Generally, the Province does not alter federal regulations (S. Pendergast, pers.

comm. November 24, 2014). The Pacific Flyway Council works with federal bodies (i.e., CWS and USFWS) to review data and set regulations and policies for migratory birds in western North America.

## 4.2 Pacific Flyway Council

The Pacific Flyway Council contributes to annual hunting regulations and other management initiatives. The Council includes one representative from each state and province along the flyway, and an ex-officio federal representative for each country (i.e., U.S., Canada and Mexico). There are also two technical committees with a similar structure, for game and non-game birds. The public can contribute to Pacific Flyway Council activities through provincial or state representatives. Currently, the Ministry of Environment's Provincial Bird Specialist is B.C.'s representative, and CWS' Wetland Bird Biologist is Canada's representative.

The Council has prepared management plans for Pacific populations of most Canada Goose subspecies (i.e., Dusky, Vancouver, Aleutian, Lesser, Taverner's, Western) and Cackling Geese, as well as a *Northwest Oregon/Southwest Washington Canada Goose Agricultural Depredation Control Plan*. Many plans are outdated.

CWS treats most Vancouver Island birds as Moffitt's (or Western) Canada Geese or hybrids of these (M. Chutter, pers. comm. February 2, 2015). In the Western Canada Goose management plan, there were 3-year population index objectives specifying the level below which harvest restrictions should be considered,

and the level above which harvest rates should increase (Subcommittee on Pacific Population of Western Canada Geese 2000). The plan advocated for stable funding for landowner assistance programs, and urban management plans with community input and population monitoring components.

Management plans and other documents are available at <http://www.pacificflyway.gov/Management.asp>. However, CWS staff asserted that Canada does not recognize or use Pacific Flyway groupings for management purposes (A. Breault, pers. comm. February 2, 2015). It appears they are a U.S. construct.

## 4.3 Migratory Birds Convention Act

The *Migratory Birds Convention*, a 1916 treaty between Great Britain (for Canada) and the U.S., was the precursor to the present *Migratory Birds Convention Act, 1994*. The Act protects and conserves Canada Geese and other waterfowl, and authorizes Environment Canada's CWS to establish regulations in cooperation with provincial governments.

Article IV authorizes "such measures as may be necessary to control the introduction of live animals... which could disturb the ecological balance of unique island environments", in this case the estuarine marshes of Vancouver Island.

## 4.4 Migratory Birds Regulations

The *Migratory Birds Regulations* delimit specific requirements of, and exceptions to, the *Migratory Birds Convention Act, 1994*. Schedule I identifies seasons, bag and possession limits, and measures for overabundant species. Schedule II identifies the types of permits available and their costs. For some, the permitting processes are onerous (interviewees, pers. comm. 2014).

### 4.41 Overabundance

In this strategy, we use the term ‘locally overabundant’ (rather than ‘overabundant’) to describe our problem of ‘too many geese’. We do so because ‘overabundance’ is a legal term in the *Migratory Birds Regulations*.

CWS (2011, p. 11) noted that “In the United States, resident Canada Geese have been declared overabundant”, however this is only partly accurate. The U.S. Fish and Wildlife Service (USFWS) designates a subset of the species protected by the *Migratory Bird Treaty Act, 1918* as ‘Birds of Management Concern’. “To be of management concern, a bird must be a high priority gamebird, on the Birds of Conservation Concern 2008 list [for which Canada Geese are not eligible, as they are a hunted gamebird (USFWS 2008)], a federal threatened or endangered species listed in the U.S., or overly abundant (OA) leading to management conflicts” (USFWS 2011). Only Canada Geese in the Atlantic and Mississippi Flyways are designated as ‘overly abundant’, while the Pacific Flyway geese are not; Pacific Canada Geese are, however, a high priority gamebird (J. Sands, pers. comm. February 17, 2015).

In Canada, Canada Geese have not been designated as

overabundant or even formally evaluated. During the evaluation process to establish overabundance, distribution and abundance are examined and compared to CWS objectives for the species. Damage and risks posed by the species are assessed (CWS 2011). When a species is injurious to, or threatens, environmental, agricultural, or other similar interests, and is designated as overabundant, additional opportunities for harvest can be explored. For example, new hunting seasons and additional hunting methods or equipment may be allowed.

Presently, Canada Goose numbers exceed population objectives in several parts of Canada (CWS 2011). The ‘regional’ population objective for temperate-breeding Canada Geese in southern B.C. was 10,000 to 15,000 geese in 2011-2012, based on an estimated 17,000 geese (Lok 2011; Hughes 2012).

Regional population objectives for temperate-breeding geese must meet Environment Canada’s conservation goals, be consistent and integrated with existing Canada Goose management programs, be measurable, have clearly defined spatial boundaries, be completed at a provincial scale (i.e., not more than one objective per province), and consist of a range of acceptable values -

recognizing there is a level of scientific uncertainty inherent in population estimates. Population numbers are expected to fluctuate for reasons within and beyond the control of wildlife managers (E. Lok, pers. comm. December 1, 2014).

The *Migratory Birds Convention Act, 1994*, Article II, recommends the “management of migratory birds on a population basis”. Regional population objectives are determined for the Maritime provinces, southern Quebec, southern Ontario, southern prairie provinces and southern B.C. Yet, this begs the question, ‘what is a population?’ For all intents and purposes, Canada Geese in these regions do not comprise a single goose population; rather, many populations of various subspecies, hybrids, and area-based subpopulations are included. CWS asserts that broad population objectives are an advantage for managing large goose populations; if Environment Canada’s conservation objectives are met by having plenty of birds to sustainably hunt, then it is easier to argue for higher bag limits or to consider permit applications to remove or kill birds. If population objectives were developed on a finer scale, Canada Geese would be more difficult [and expensive] to monitor and evaluate.

CWS suggested developing more specific objectives in local management plans that work within the Environment Canada population objective and management framework (E. Lok, pers. comm. December 1, 2014).

Under the *Migratory Birds Convention Act*, all Canada Geese are considered the same species, with no regard for subspecies or subpopulations. The population objectives refer to 'temperate-breeding Canada Geese', but an overabundance designation would apply to all Canada Geese in Canada (E. Lok, pers. comm. December 1, 2014).

Notably, Snow Geese (*Chen caerulescens*) and Ross's Geese (*Chen rossii*) were designated as overabundant when overgrazing and 'over-grubbing' caused changes in salt marsh plant communities to such a degree that they could not be restored (Batt 1997; Calvert et al. 2007).

Canada amended the *Migratory Birds Regulations* in 1999 and created special conditions within which hunters could use exceptional methods and equipment such as electronic calls and bait to take more Snow Geese. Habitat management regimes on some refuges were changed to increase exposure to hunting. The special measures were first implemented in selected areas of Quebec and Manitoba, then expanded into Saskatchewan and Nunavut in 2001, and into southeastern Ontario in 2012 (CWS 2013, November, December).

The Greater Snow Goose

Working Group found the overabundance designation and subsequent liberalization of hunting rules quickly halted the growth of Greater Snow Goose populations (Calvert et al. 2007). However, the special measures did not reduce the size of the population (Anonymous 2013).

CWS proposed the federal government designate the Ross's Goose as overabundant in June, 2013, although the U.S. applied a similar designation to the species in 1999 (McConnell 2013). In 1999, the Animal Alliance of Canada, Animal Protection Institute, Canadian Environmental Defence Fund, Dene Nation, and Zoocheck Canada won a court decision to protect Ross's Geese from overabundance regulations, as it had not been sufficiently demonstrated that this species was contributing to habitat damage [Animal Alliance of Canada v. Canada, 1999]. This decision effectively delayed the implementation of controls and led to more habitat damage (CWS 2013, December).

To date, environmental damage has been the only rationale successfully used to apply the designation. "Although there is evidence that Canada Geese are causing ecological damage in B.C. (mid-island estuaries, Gulf Islands etc), this is not necessarily the case in all places where Canada Geese occur. Given these challenges, the process [of designating Canada Geese as overabundant] hasn't been initiated. There is also the consideration that there are other regulatory tools (damage and

danger permits for example) that might be more applicable on a regional/local scale" (E. Lok, pers. comm. December 1, 2014).

CWS biologists believe that the special measures enabled by an overabundance designation would do little to address Canada Goose impacts, as large scale patterns across BC. and more generally throughout North America show that the numbers of hunters and the areas where people are allowed to hunt are declining (K. Fort, E. Lok, pers. comm. November, December 2014).

Nonetheless, individuals and groups interested in amending the regulations for Canada Geese may submit proposals or requests to CWS and/or the Province through their regional biologists. Contributions submitted in 2015 will be considered by the B.C. Waterfowl Technical Committee for inclusion in the 2016-17 regulations. The process is described at <http://www.ec.gc.ca/rcom-mbhr/default.asp?lang=En&n=6DE5A330-1#ee>.

#### 4.42 Airport Permits

Permits are readily available, on request by airport owners and managers, to reduce the risk of Canada Goose collisions with aircraft. Permittees may scare or kill geese, and destroy eggs to reduce numbers of nesting geese on airport property. CWS recommends airport authorities develop a Canada Goose management plan in cooperation with local government(s) (CWS 2011).



#### 4.43 Damage or Danger Permits

Prior to 2011, CWS resisted aggressive management of temperate-breeding Canada Geese, to rigorously protect the Dusky subspecies. In 2011, a website, handbook, and best practices guidelines were developed. Although concerns for the vulnerable subspecies remain, better data for both temperate-breeding and Dusky Canada Geese now support decision-making processes, including the distribution of damage and danger permits (E. Lok, pers. comm. December 2, 2014). For example, in 2010, applicants wishing to obtain a kill permit were required to demonstrate the persistence of the problem after all other reasonable management options had been attempted (CWS 2010). Today, damage permits may be issued to landowners and land managers suffering serious property or crop damage from Canada Geese, if scaring has been unable to prevent such damage. Danger permits may be issued to minimize a danger to health or safety, e.g., to prevent contamination of drinking water sources.

There are 4 types of damage or danger permits: 1) scare using a firearm or aircraft; 2) kill to scare; 3) kill; and 4: relocation. Kill permits allow the destruction of eggs or killing of birds.

For damage permits, areas must be open to, or the permittee must have received an exemption for hunting and/or discharge of firearms.

CWS strongly recommends using a damage permit in conjunction with a hunting permit when feasible, and only use the damage permit when hunting is not available (E. Lok, pers. comm. February 2, 2015).

The landowner or manager may name other individuals or companies to carry out the activities specified in the permit. In general, permittees or their designates cannot use decoys, calls, blinds, or bait, nor can they discharge firearms within 50 m of any water area. The killing of birds under most damage or danger permits is to reinforce the scaring of birds, not to reduce the population, and blinds and calls are hunting methods that entice birds, rather than scare them away.

CWS permit applications are available at <http://www.ec.gc.ca/nature/default.asp?lang=En&n=677AEBD4-1>. Permittees are required to report their activities to Environment Canada (CWS 2010).

Prior to submitting any permit application, CWS urges people to consult the *Handbook - Canada and Cackling Geese: Management and Population Control in Southern Canada*. This is a how-to manual designed to help landowners and others manage conflicts with geese. Permit applicants are asked to review *Best Practices for Destroying Eggs or Preventing Hatching - Canada Goose Management*, and *Best Practices for Killing Birds and Disposing of*

*Carcasses - Canada Goose Management*. These documents may be accessed at <http://www.ec.gc.ca/mbc-com/default.asp?lang=En&n=6D2B893B-1>.

Given the origins of the Canada Geese problem in this region, it is inconceivable to us that relocation of birds may be entertained as a management option. However, relocation permits for birds causing damage or danger are still available. Importantly, the MFLRNO does not consider relocation a suitable option for goose management (S. Pendergast, pers. comm. December 2, 2014).

Relocations often lead to nuisance problems in new areas, and may introduce or spread disease. Birds may simply return (Subcommittee on Pacific Population of Western Canada Geese 2000; CWS 2010). Still, *Best Practices for Capturing, Transporting and Caring for Relocated Canada Geese - Canada Goose Management* is available to help potential applicants understand whether relocation is a viable alternative. According to CWS, relocation permits may be allowed to move birds from non-hunttable to hunttable areas. Prior to any relocation, alternative methods of control must be attempted. Permit holders are required to find someone who will accept the birds, which has been an increasingly difficult challenge (E. Lok, pers. comm. December 1, 2014).

Some time ago, provincial permits were also required for destroying, possessing, and transporting geese or goose eggs, however this is no longer the case. The MFLNRO now sends all permit requests for Canada Geese to CWS. Provincial staff become involved in cases where staff may be subject to public enquires or questioned as to their stance on a specific issue (e.g., participating in group discussions where culling of geese is being considered). The provincial wildlife veterinarian must be involved in such cases, to ensure appropriate handling and euthanasia protocols are used, and all standards of animal care are met (S. Pendergast, pers. comm. November 24, 2014).

#### 4.44 Scare Permits

To use a firearm (even with cracker shells or screamers) or aircraft (including drones and remote-controlled hobby planes or helicopters) for the purpose of scaring Canada Geese, a CWS damage or danger permit is required.

If the intent is to kill, and not scare Canada Geese, then a kill permit is required. Kill permits are also required when using birds of prey to scare geese, as these birds have the instinct to kill. It is not permissible to kill or wound birds while scaring them (CWS 2010).

However, any person may, without a permit from CWS, scare migratory birds that are causing or are likely to cause damage to crops or other property, using equipment other than firearms or

an aircraft.

An applicant need not be a landowner or land manager to be issued a permit to scare Canada Geese. Applicants may name assistants to carry out hazing activities.

CWS does not issue permits to use dogs to scare geese. However, if a bird is injured or killed by a dog, it must be reported to Environment Canada. To avoid potential injury, dogs should not be used from May 1 through July 31, as birds may be flightless or a less mobile family group. To use dogs during this period, a provincial permit may be required; a regulation to enable this is under development (S. Pendergast, pers. comm. February 3, 2015). At other times of year (August 1 through April 30), provincial permits are unnecessary, but the dogs must be kept under constant supervision. There are also special restrictions in the Parksville - Qualicum Beach Wildlife Management Area.

Municipal permits may be required to disturb Canada Geese, depending on the bylaws of the jurisdiction and the type of disturbance.

#### 4.45 Management Plans

Although CWS has stated it may require a management plan prior to issuing permits (CWS 2010), management plans are not legislated requirements of any permitting process, i.e., they are not specified in the Act or regulations as prerequisites for permits to control geese. However, CWS, as a policy measure, may

require a management plan, particularly if large numbers of geese are expected to be killed (CWS 2011). A plan may also streamline the permitting process for large landowners with Canada Goose conflicts on several sites. Recommended for local governments, golf courses, and large farms undertaking multiple goose control activities, management plans are noted to improve implementation efficiency, facilitate evaluation and adaptive management, and reduce administrative challenges (CWS 2011).

*Best Practices for Management Plans - Canada Goose and Cackling Goose Management* was published by CWS in 2011 (see <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=7C6E31D5-B9F7-4717-A0E5-FC64B0217154>). Best Practices is a six-page document with a template. Applicants are asked to set a population target, and outline approaches to maintain target numbers and address public opinion. "Killing is not to be the primary management approach" (p. 1).



## 4.5 Wildlife Policy for Canada

The Wildlife Policy for Canada, 1990, is a national policy and framework for federal, provincial, territorial, and non-governmental policies and programs affecting wildlife. A guiding principle was that “all Canadians share the costs of conserving wildlife [and] those whose actions result in additional costs should bear them” (p. 9). The policy asserted, “wild animals that cause unacceptable risk to people; damage to crops, aquaculture, or livestock; or pressure on habitats or other wildlife populations should be controlled only on the basis of long-term, scientifically sound, and economically justified programs. Such programs should be developed in close consultation with public and private interests; should employ only the most safe, efficient, economical and humane methods; and should be subject to regulation. Lethal methods should be used minimally and only when preventative measures fail. In certain cases of crop damage, compensation may be paid” (p. 22-23, Wildlife Ministers’ Council of Canada 1990). The policy is not widely cited or used (K. Brock, pers. comm. November 17, 2014).

## 4.6 Hunting Regulations

According to the *Migratory Birds Convention Act, 1994*, the closed season on migratory game birds is between March 10 and September 1 (with exceptions for subsistence purposes). The season for hunting any species within a given region is further restricted to a period not exceeding 3.5 months, or 107 days.

Until recently, CWS had reviewed migratory game bird hunting regulations every year, with input from the provinces and interested organizations and individuals. Three documents were developed in this process: 1) *Population Status of Migratory Game Birds in Canada*, 2) *Proposals to Amend the Canadian Migratory Birds Regulations (including Regulation Proposals for Overabundant Species)*, and 3) *Migratory Birds Regulations in Canada*. The proposals to amend are created in accordance with the *Objectives and Guidelines for the Establishment of National Regulations for Migratory Game Bird Hunting*. The final document summarizes the regulations for the

upcoming hunting season. The timing of the reports allowed Canadian representatives on the international Flyway Councils to report on already-legislated changes (CWS Waterfowl Committee 2011).

From the 2014-15 hunting season, the regulations will be established in two year intervals. To ensure new regulations can become law by early June, the timing of the reports has been adjusted. The status report is completed from September through November and posted in early January. The proposal to amend, including any designation of overabundant species, is posted by mid-January. These are completed in consultation with the Province and stakeholders. In early July, the *Migratory Birds Regulations in Canada* report is posted, containing the approved hunting regulations (CWS Waterfowl Committee 2013). (See Chapter 4.41, Overabundance, to learn how to request or propose changes to the regulations.)

The Province may accept or strengthen the annual federal regulations. The *Hunting and Trapping Regulations Synopsis*, available at <http://www.env.gov.bc.ca/fw/wildlife/hunting/regulations/>, summarizes B.C. hunting regulations made under the *Wildlife Act, 1996*. The Synopsis includes important hunting regulations and defines open seasons with maps indicating no hunting, no shooting, and other closed areas. Our region is included within Provincial Management Units 1-5 and 1-6, which are part of District 1, a federal management unit encompassing Vancouver Island.

To hunt Canada Geese, hunters must possess a valid federal Migratory Game Bird Hunting Permit with a Canadian Wildlife Habitat Conservation Stamp. Hunters under the age of majority are afforded the opportunity to hunt without permits during Waterfowler Heritage Days, while accompanied by a licensed mentor.

**HUNTING SEASON BAG AND POSSESSION LIMITS 2014-2015**

Waterfowler Heritage Days October 4 - 5, 2014

Open Season for Canada Geese - September 6 - 14, 2014 (b)(c)(d) (9 days); October 11 - November 23, 2014 (b)(c)(d); December 20, 2014 - January 11, 2015 (b)(c)(d); February 10 - March 10, 2015 (b)(c)(d). (b) includes 1-5 and 1-6. (c) provincial regulations. (d) Canada Geese and Cackling Geese only.

Daily bag limit = 10 (any combination of Canada Geese and Cackling Geese)

Possession = 30 (any combination of Canada Geese and Cackling Geese)

Hunting seasons were adjusted from two to three seasons in 1998-99, and from three to four seasons in 2007-08. The total number of hunting days stayed the same. Larger bag and possession limits were implemented in 2012 to increase harvests of Canada Geese (Table 4-1).

Table 4-1. Hunting Seasons and Bag Limits for Management Units 1-5 and 1-6, 2008-2015.

Year	Seasons	Bag Limit	Possession Limit
2014-15	Sep 6-14 (9 days), Oct 11-Nov 23 (44 days), Dec 20-Jan 11 (23 days), Feb 10-Mar 10 (29 days) = 105 days	10	30
2013-14	Sep 7-15 (9 days), Oct 12-Nov 24 (44 days), Dec 21-Jan 12 (23 days), Feb 10-Mar 10 (29 days) = 105 days	10	30
2012-13	Sep 1-9 (9 days), Oct 6-Nov 18 (44 days), Dec 15-Jan 6 (23 days), Feb 10-Mar 10 (29 days) = 105 days	10	30
2011-12	Sep 3-11 (9 days), Oct 8-Nov 20 (44 days), Dec 17-Jan 8 (23 days), Feb 11-Mar 10 (29 days) = 105 days	5	10
2010-11	Sep 4-12 (9 days), Oct 9-Nov 21 (44 days), Dec 18-Jan 9 (23 days), Feb 10-Mar 10 (29 days) = 105 days	5	10
2009-10	Sep 5-13 (9 days), Oct 10-Nov 22 (44 days), Dec 19-Jan 10 (23 days), Feb 10-Mar 10 (29 days) = 105 days	5	10
2008-09	Sep 6-14 (9 days), Oct 11-Nov 23 (44 days), Dec 20-Jan 11 (23 days), Feb 10-Mar 10 (29 days) = 105 days	5	10
2007-08	Sep 8-16 (9 days), Oct 6-Nov 23 (49 days), Dec 15-Jan 6 (23 days), Feb 16-Mar 10 (24 days) = 105 days	5	10
2006-07	Sep 15-Oct 22 (38 days), Dec 15-Jan 25 (42 days), Feb 14-Mar 10 (25 days) = 105 days	5	10
1997-98	Sep 15-Oct 25 (41 days), Nov 20-Jan 25 (67 days) = 108 days	5	10

Our bag and possession limits in the early September season were twice that of Washington State's Whatcom County, where some of our marked geese have been observed or shot (Table 4-2). Their early season was 3 days shorter, and there were only 74 total hunting days, compared to 105 days here. There were an average of 952 geese (all species) harvested in Whatcom County each season, from 2009 through 2013 (Washington Department of Fish and Wildlife 2014), compared to an average of 1,515 geese (all species) harvested in Vancouver Island management units 1-5 and 1-6 over the same period.

Table 4-2. Washington State Hunting Seasons and Bag Limits, Goose Management Area 3 (including Whatcom County)

Year	Seasons	Bag Limit	Possession Limit
2014-15	Sep 10-15 (6 days)	5	15
2014-15	Oct 11-23 (13 days), Nov 1-Jan 25 (55 days)	4	12

## 4.7 B.C. Wildlife Act Permits

Pursuant to the *Wildlife Act, 1996*, permits are required for possessing or transporting dead wildlife or wildlife parts; capturing and possessing live wildlife; killing wildlife for crop protection, population control, scientific research, public safety, ceremonial, educational or humane purposes; possessing or distributing game meat for sustenance (e.g., food bank); trafficking in wildlife or wild meat; and operating a commercial hunting club. However, most permits related to Canada Geese are issued by CWS, not the Province. This is not an exhaustive list; see [http://www.env.gov.bc.ca/pasb/fw\\_permreg.html](http://www.env.gov.bc.ca/pasb/fw_permreg.html) and the Act for regulated activities and permitting instructions.

## 4.8 Firearm Regulations

It is beyond the scope of this document to describe all of the rules which govern the use of firearms in the control of Canada Geese. This section is a general overview; it is the responsibility of each individual to understand the laws and regulations for gun ownership, transport, and use.

The federal *Firearms Act, 1995*; provincial *Firearm Act, 1996*; B.C. *Wildlife Act, 1996*, section 108 (2); various regulations associated with these Acts; and municipal bylaws collectively determine where and how firearms may be discharged. The *Migratory Birds Regulations* also require a permit when firearms are proposed for scaring or killing migratory birds causing damage or danger (CWS 2011).

In general, provincial legislation closes all cities, municipalities, and regional district parks and trails to the discharge of firearms unless specifically exempted. Discharge of shotguns may be permitted in certain areas, such as agricultural zones. Municipal bylaws affecting discharge of firearms are not included in the B.C. *Hunting and Trapping Regulations Synopsis*.

The City of Parksville's *Bylaw to Regulate and Prohibit the Discharge of Firearms and the Use of Bows (Bylaw No. 1458), 2010*, is available at <https://parksville.civicweb.net/document/1130/Bylaw%201458%20-%20Firearms%20Regulation%20Bylaw.pdf?handle=B334153A7907462B9640889AF9BA01D2>. The bylaw

prohibits firearm discharge within city limits with certain exceptions. Peace officers, conservation officers, Fisheries and Oceans Canada enforcement officers, CWS employees, and bylaw officers enforcing an animal control bylaw are allowed to discharge firearms within the city, in the lawful performance of their duties. On farmlands larger than 2 ha, a landowner or another with permission from the owner can discharge firearms to protect agricultural crops, livestock or domestic animals from wildlife.

The Town of Qualicum Beach Parks Bylaw No. 551 also prohibits the discharge of firearms (D. Marshall, pers. comm. November 12, 2014).

CWS encourages provincial and municipal regulators to enable hunting where geese are a problem, by allowing firearms to be discharged in areas that do not require prohibitions to protect public safety (CWS 2011).

## 4.9 Processing Non-hunted Wild Game for Consumption

In a June, 2014 meeting in Parksville, a CWS biologist suggested that attendees not spend time and effort trying to change firmly written legislation prohibiting the consumption of non-hunted Canada Geese (I. Whitehorne, pers. comm. June 18, 2014). A few months later, CWS reported there were revisions proposed for the *Migratory Birds Regulations* that would allow consumption of culled geese, requiring the development of standards with agencies responsible for public health and food inspection (E. Lok, pers. comm. December 1, 2014).

### 4.91 Consumption of Non-hunted Wild Game in Canada

Various literature (cf. Keefe 1996; Coluccy et al. 2001) and local comments suggest that fewer people are opposed to the culling of nuisance geese when they are used to feed the homeless and others. Per the *Migratory Birds Regulations*, birds killed under such permits cannot be traded, bartered, or sold. CWS reasoned, “by not allowing birds to be eaten we help to ensure that the birds are being killed because they are causing damage, and not for the purpose of providing hunting opportunity outside of the regular hunting season” (CWS 2011). The spread of disease was another issue of concern (I. Whitehorne, pers. comm. June 18, 2014).

Yet the *Migratory Birds*

*Regulations* state, “a person may give a migratory game bird to another person for... human consumption... if the bird was killed under the authority of a migratory game bird hunting permit”. It does not say this may occur under the authority of a damage or danger permit, but it doesn’t say it cannot, either.

There is sometimes a misconception that geese killed to prevent further damage must be left where they are killed (S. Pendergast, pers. comm. November 2014). However, leaving the birds in the field is not a regulatory requirement; the recommendation that carcasses be left as visual deterrents and to attract scavengers are disposal best practices (CWS 2011b; E. Lok, pers. comm. December 19, 2014).

CWS’ *Best Practices for Killing Birds and Disposing of Carcasses* include discarding, burning, burying, landfilling, and incineration as methods of Canada Goose disposal. These Best Practices are appended to CWS permits issued under Section 26.1 of the *Migratory Birds Regulations, 1994* (i.e., permits to reduce damage and danger-causing Canada Geese). A commercial poultry processor is recommended as one of five methods to kill Canada Geese prior to disposal (CWS 2011b), as opposed to a route to human consumption.

Nonetheless, Canadian wild game have in fact been culled, processed, donated, and even sold and exported. Canadian Food Inspection Agency (CFIA) food inspectors have monitored caribou harvesting in Nunavut,

for example (A. Messner, pers. comm. November 6, 2014). The Southampton Island harvest began in 1994 as a cull to protect habitat. An annual harvest is now operated by a company that ships the meat to Rankin Inlet for final processing, distribution and sale. The harvest employs Aboriginal Canadians and provides a regular boost to the local economy (Greer 2003).

However, CFIA perceives the Nunavut example as a very special case. A temporary federal inspection plant was established, and federal veterinarians and inspectors were flown in, at great expense. The carcasses were managed and inspected in the same manner as any other type of meat destined for export, in compliance with international standards for trade (K. Roblesky, pers. comm. February 12, 2015).

In a Quebec pilot project, wild deer, squirrel, muskrat, hare, and beaver were being served in some Quebec restaurants. Abundance and food safety were considerations for the choice of species (CBC News 2014).

In B.C., trappers can use their quarry as they please, and people who have nuisance issues with furbearers can hire trappers to get rid of them (S. Pendergast, pers. comm. November 2014).

CFIA regulates birds for which an inspection system has been established. Currently, there is no inspection system for wild geese (J. McClendon, pers. comm. February 11, 2015).

In general, wild game is not permitted in processing plants and some abattoirs/ slaughterhouses because they are not raised according to health standards or inspected prior to killing, and because there is a risk of cross-contamination and transmission of diseases, pathogens, and even chemical residues to humans (cf. Ontario Ministry of the Attorney General 2004).

Importantly, “if the [Province] took over the cull bird slaughter under [its inspection] program, the federal system would not require any change. The only stipulation would be that the meat could not move out of B.C.” (J. McClendon, pers. comm. February 11, 2015). Therefore, a made-in-B.C. solution is possible.

#### 4.92 Consumption of Non-hunted Canada Geese in the United States

In the past, CWS asserted that Canada Geese, as migratory birds, cannot be managed in the same way as one might manage ungulates, for example, due to strict provisions in the *Migratory Birds Convention Act* (CWS, pers. comm. 2008). In other words, Canada’s treaty with the United States prevents certain management techniques, including culling Canada Geese for human consumption.

More recently, CWS acknowledged that culled geese are used for human consumption in the U.S., but this varies from state to state (E. Lok, pers. comm. December 1, 2014).

In 1996, Keefe published the *Feasibility Study on Processing Nuisance Canada Geese for Human Consumption* for the Minnesota Department of Natural Resources. Orchestrated trials demonstrated that capturing, holding, and processing Canada Geese from the Twin Cities region for human consumption was an economical (\$18-25/goose), operationally feasible, and socially acceptable method of controlling nuisance populations. Birds that were held and pastured or fed for a few months after capture appeared to yield a better product, when compared with birds processed immediately after capture during the moult.

A concurrent study by Cooper (1995) showed there was no evidence in the literature to suggest that geese captured on non-industrial sites, including golf courses, parks, and other turf grasses, were unfit for human consumption due to potential or realized exposure to herbicides, insecticides, or fungicides. A health assessment of nuisance geese in Lansing, Michigan revealed detectable levels of various contaminants, including PCBs and DDT, but none were at levels deemed to pose a risk to children or adults (U.S. Department of Health and Human Services 2008).

These studies laid the foundation for many jurisdictions to cull and donate captured geese to food banks (Keefe called them ‘food shelves’). In the St. Paul - Minneapolis area, 16,551 geese were trapped and processed in licensed facilities



from 1995 to 2005. A 1999 white paper explored the use of goslings for human and animal food; a third option to kill, landfill and incinerate them would only be considered if avian influenza became an issue. In 2006, the animal food option was approved by the USFWS and DNR. Geese were donated for human consumption and goslings were provided to a Wildlife Science Center to feed captive wolves and bears (City of Eden Prairie 2008).

In Wisconsin, Canada Geese that are captured and processed are sampled for contaminants known to be harmful to human health, prior to distribution to food pantries (Wisconsin DNR 2000 in USDA 2000).

In Missouri, distribution for human consumption through charitable organizations occurs when other techniques have been unsuccessful and where local communities formally support and pay for capture and processing (USDA 2002). Affected property owners typically pay a fee to offset the costs of trapping and transportation to the processor. Food banks pay for transportation from the processor to their facilities (Missouri Dept. of Conservation 2002).

#### 4.93 B.C. Rules for the Sharing of Game

In effect, there are few provincial barriers to donating geese to food banks. The B.C. *Wildlife Act* prohibits the possession of wildlife except as

authorized under a license or permit or as provided by regulation. Communities may obtain a permit from MFLNRO to cull, i.e., hunt or humanely kill wild ungulates as a means of population management or control, and MFLNRO may also permit these jurisdictions to donate the meat; the permit details directions for transportation and transfer of ownership (B.C. Centre for Disease Control 2012).

While wild animals cannot be processed in a provincial plant (due to federal regulations), problem deer have been captured, humanely euthanized, field dressed under the supervision of an inspector or transported to a butcher. The processed meat was then donated to local food banks or to First Nations (K. Roblesky, H. Schwantje, pers. comm. February 12, 2015). In other words, there is precedence for salvage and donation of culled meat in the province.

In addition, road killed ungulates are routinely salvaged, dressed, processed, and provided to needy individuals (cf. B.C. Wildlife Federation 2012). Legally harvested wild game is often donated to non-profit groups for fundraising dinners.

In 2012, B.C. Centre for Disease Control, B.C. Ministry of Health, and the five regional Health Authorities published *Standards for the Donation of Culled Game Meat*. The meat must be from carcasses that are inspected in the field by

individuals that have completed the one-day MFLNRO training program and are deemed fit for human consumption. Donation of game must comply with B.C.'s *Food Safety Act, 2002* and *Public Health Act, 2008*, and corresponding sections of the *Meat Inspection Regulation* and the *Food Premises Regulation* pertaining to sanitation and food hygiene. Game must be processed by approved facilities and donated to food banks or to individuals and families for their personal consumption. As the *Food Premises Regulation* requires that foods come from an approved source, and be slaughtered in a federally or provincially inspected facility, game meat cannot be donated to soup kitchens, charitable organizations or any facility in which compliance with the Food Premises Regulation is required (B.C. Centre for Disease Control, Food Production 2012).

*“Economically disadvantaged individuals and families may have challenges in obtaining high quality nutritious food. Donated food, particularly the high protein and low fat meat obtained from game animals, can greatly increase the diversity and nutritional quality of recipients’ diets.... The benefits of donating wild game meat to economically disadvantaged individuals and families can outweigh any disadvantages or costs such a program may entail”*

(B.C. Centre for Disease Control, Food Protection 2012, p. 2).

In essence, if the provincial approach to wildlife handling could be applied to geese, permittees who destroy geese to prevent damage to their lands would be required to make all attempts to provide the meat to people in need, if they did not consume it themselves (S. Pendergast, pers. comm. June 14, 2014).

## 4.10 Aboriginal Rights

### 4.101 Parksville Protocol

The Parksville Protocol is an amendment to the *Migratory Birds Convention Act* that recognized and endorsed traditional Aboriginal harvesting rights, signed in 1995 between Canada and the U.S., and brought into force in 1999 as an addition to the Act schedule. Subject to existing Aboriginal and treaty rights under section 35 of the *Constitution Act, 1982*, relevant treaties, land claims agreements, self-government agreements, and co-management agreements, the Protocol enables First Nations to harvest migratory birds and their eggs throughout the year. Down and inedible by-products may be sold, and birds and eggs can be offered for barter, exchange, trade, or sale among Aboriginal communities.

### 4.102 Proposed Changes to the Migratory Birds Regulations

While the Act was changed to accommodate the Parksville Protocol, the regulations were not. CWS has proposed the following changes to the regulations, currently in revision, to bring them in line with the current legal environment:

*An Aboriginal person of Canada with treaty or aboriginal harvesting rights may domestically harvest migratory birds for food, social or ceremonial purposes in*

*the area where those rights are derived: without a migratory game bird hunting permit, throughout the year, and with no bag or possession limit. The Aboriginal peoples of Canada may barter, exchange or trade, but not sell, migratory birds domestically harvested under aboriginal or treaty rights within or between Aboriginal communities. The Aboriginal peoples of Canada may sell inedible parts of migratory birds domestically harvested under aboriginal or treaty rights* (Teillet 2013).

### 4.103 Contemporary Treaty Agreements

While none of the First Nations in our region currently have settled land claims or other agreements affecting Canada Goose management at this time, such agreements are expected in future. To date, agreements in other parts of the province have been mostly consistent with the wording and spirit of the Parksville Protocol and subsequent proposed changes to the regulations.

Some self-governing First Nations have jurisdiction over wildlife conservation and management on their lands. Notably, the Westbank First Nation's jurisdiction includes any individual harvesting migratory birds on Westbank Lands, not just its own citizens. Nisga'a Lisims

Government may make laws requiring that any wildlife or wildlife parts that are transported outside Nisga'a Lands for the purpose of trade or barter be identified as such (Wilson-Raybould 2011).

The final agreement signed by Canada, the Province, and the Maa'nulth First Nation on Vancouver Island in 2008 may provide some insight as to what a future agreement in this area might entail. The federal Minister retains authority for managing and conserving migratory birds and migratory bird habitat. Migratory birds can be harvested within a designated Migratory Bird Harvest Area. Maa'nulth Tribe and Nation members may barter and trade migratory birds and bird parts among themselves and with other Aboriginal people in Canada. The *Wildlife and Migratory Birds Regulation* was brought into force by one of the member nations/tribes, the Uchucklesaht Tribe, in 2011 (see [http://www.maanulth.ca/laws/uchucklesaht/ut\\_wildlife\\_migratory\\_birds\\_regulation\\_\(00307386\).pdf](http://www.maanulth.ca/laws/uchucklesaht/ut_wildlife_migratory_birds_regulation_(00307386).pdf)). A utilization of animals provision states, "A person who is exercising the right to harvest... must not waste the edible parts of any... migratory bird or any reasonably usable part of any... migratory bird".