

2020 AGRICULTURE DEPREDATION POLICY CONSULTATION FEEDBACK REPORT

Context and Methodology

The Department of Fisheries and Land Resources' staff consulted with the general public and stakeholders to help inform the review of the Agriculture Depredation Policy (Policy No. D15- Effective Date October 15, 2018). This policy was updated to be consistent with the Wild Life Regulations as they relate to shooting wildlife at night. The adjustment prevented farmers from shooting moose after daylight hours, which prompted objection within the industry. The consultations sought public and stakeholder views about whether farmers should be permitted to shoot moose at night, and, if so, how the activity could be done in a manner that effectively considers the risk to public safety.

Feedback for this policy review was captured through public engagement sessions and the engageNL online portal. Departmental officials planned, facilitated and collected information at the in-person sessions, which consisted of a PowerPoint presentation, followed by a set of predetermined questions and open discussion. The following Departmental officials provided support during the public engagement sessions:

- Dave Jennings Director of Agriculture Production and Research Division
- Colin Carroll Director of Regional Services Division
- Blair Adams Director of Wildlife Division
- Tim Andrews District Ecosystem Manager (Clareville office)
- Jason Glode District Ecosystem Manager (Paddy's Pond office)
- Heather Randell Manager of Strategic Agriculture Priorities

Public engagement sessions took place along the following schedule:

- Deer Lake February 26th, 2020
- Wooddale February 27th, 2020
- Clareville March 10th, 2020
- St. John's March 11th, 2020

Individuals also had the opportunity to participate online by providing feedback at engageNL via an online questionnaire. Public Engagement and Planning Division worked with Fisheries and Land Resources to prepare the engageNL landing page and the online questionnaire. The online questionnaire was open from February 21, 2020 to March 31, 2020. Individuals also had the option to leave their contact information if they would like to request follow-up by the department.

Lastly, individuals were also invited to participate through a written submission to the Department via mail, email or fax. The deadline for written submissions was March 13, 2020. Departmental contacts (email and telephone number) were provided in the event alternate formats were required or if there were any questions or comments regarding the Agriculture Depredation Policy public engagement and consultation process.

Promotion of the engagement occurred through a February 21, 2020 news release issued by the Department and corresponding launch of the engageNL landing page. FLR also promoted the consultations through Twitter on March 4, 2020 and by direct contact with farmers.

In order to guide discussions, the following questions were posed to participants:

- 1) Should farms be permitted to shoot moose at night? Why or why not?
- 2) If farmers were permitted to shoot moose at night, how could this activity be done in a manner that effectively considers the risk to public safety (i.e. additional training, use of shotguns vs. high-powered rifles)?
- 3) Is there any additional information or comments you feel the Department of Fisheries and Land Resources should consider in the review of the Agriculture Depredation Policy?

This report summarizes the feedback obtained from participants through all abovementioned avenues.

Public Engagement Session Feedback

The following is a record of all relevant points raised during the public engagement sessions. The key points are arranged below according to general topic/theme:

- Rationale for policy adjustment
 - o Participants at all sessions questioned why the Policy was adjusted to prohibit lethal removal of moose at night on farms. It was thought that an incident had occurred, which in turn triggered the change. Farmers were concerned that they were not consulted before the change came into effect, and felt that they should have been.
- Use of Conservation Officers under current Policy
 - o Participants expressed concern over the use of Conservation Officers to dispatch moose on their farms under the new Policy, stating that it is not an efficient method of removal, since standby officers are unable to make it to the farm in a timely manner.
- Inconsistent application of Policy across the Province
 - o Participants noted that the Policy is being applied inconsistently amongst regional offices. Examples of inconsistencies include:
 - Length of permit
 - Number of moose that can be taken per permit
 - Method used to fill licence after moose dispatched on farm
- Utility of fencing for moose management
 - o The vast majority of participants agreed that exclusion fences can be effective when the suitable type of fencing is used, and when appropriately maintained and managed.
 - o It was also widely accepted that fencing large acreages is not feasible.
- Funding to support moose control on farms
 - o Many participants suggested that funding levels for exclusion fencing should be increased to 100% if the current policy regarding shooting at night remains unchanged. Others referenced the former federal-provincial cost-shared program whereby funding for fencing was covered up to 90%, and suggested that this funding level be reestablished.

- Some participants indicated that a continued prohibition on shooting moose at night on farms would cause fencing to be a necessity, and that this, in turn, would place pressure on farmer's program funding allowances.
- Crop Insurance Program
 - Many participants discussed the utility of the current crop insurance program (AgrilInsurance), and suggested that the Program is not meeting the needs of subscribed farmers who are experiencing moose damage. Specifically, it was noted in several instances that:
 - claims are not processed unless a large quantity of crops are destroyed (40% or more in most cases)
 - claims should be issued on a 'per field' basis, rather than a 'farm' basis (currently, claims are only issued once damage exceeds the subscribed coverage level on all combined fields for the same crop)
 - the premiums increase with each successive claim, which in the case of moose depredation, inevitably leads to future premiums that are cost-prohibitive
 - the Program does not cover all crops currently being grown in the Province
 - in the past, 60% coverage for crop insurance did not cost the farmer
 - farmers must have a minimum of one acre in production, with a half acre in any given crop to qualify for crop insurance, meaning that some farmers do not qualify
- Use of alternative weapons to take moose at night
 - The vast majority of participants offered suggestions as to the use of alternative weapons for taking moose on farms at night. Suggestions included shotguns with slugs, compound bow and potentially crossbow.
 - Many farmers reported that alternative weapons would likely work on their farms, but others advised that their fields were too large to effectively control moose using anything other than high-powered rifle.
- Year-round protection from moose damage
 - Farmers whose operations included fruit indicated that they require year-round protection from moose, as damage occurs during, and outside of the regular growing season (i.e. winter).
 - The current Policy does not provide for year-round permit acquisition by farmers.
- Inadequacy of permit duration under current Policy
 - Farmers at all sessions indicated that the duration of the permit under the current Policy is inadequate, as it requires farmers to make multiple visits to regional offices to acquire additional permits. This is inefficient for farmers attempting to control moose, and also for staff at regional offices having to issue multiple permits.
 - Farmers also noted that permits should not expire at the end of the week, as they are unable to acquire permits during the weekends when regional offices are closed.
- Timing of moose depredation
 - Farmers noted that moose depredation on vegetable farms begins in August when the leaves begin to change on the birch trees.
 - As noted above however, moose depredation on fruit continues throughout the year.
- Use of alternative non-lethal methods to control moose

- Most farmers indicated that non-lethal methods of controlling moose other than electric fencing (i.e. propane canon, motion sensor lights etc.) only work temporarily, and that moose eventually learn that these methods are not a serious threat.
- Some farmers expressed interest in learning more about controlling moose using odour deterrents such as those employed in other countries (i.e. blood meal). Agriculture staff indicated that they would first need to investigate the attributes of these products for safe and effective use in agricultural applications.
- Farmers shooting moose at night
 - Farmers at all sessions were clear that shooting moose at night is necessary to control depredation on farms, as the vast majority of damage occurs after daylight hours and throughout the night when moose typically feed.
 - There was a consensus amongst farmers that public safety is a fundamental concern, and that perhaps restrictions would have to be placed on the use of high-powered rifles on farms.
 - Many farmers suggested that farms affected by moose depredation have farm-specific plan developed that prescribes the specific management procedures permitted on that farm. It was also suggested that the plan consider the use of appropriate control/weapons in instances where farmers are unable to conform to regulated separation distances as a result of the proximity of their fields to residential areas etc.
 - A conservation group in attendance suggested that public safety is their main concern, but endorsed the idea of developing a plan for each farm affected by moose, that prescribed specific management procedures.
 - Some farmers asked if safety equipment (i.e. night vision goggles), or training could be offered that would provide assurance of safe shooting practices at night.
 - Farmers suggested that farmers controlling moose depredation on their farms should not be referred to as “hunting”, and that the language in the legislation should make this distinction.
- Other concerns related to the current policy and/or permit
 - Under the current Policy, a permit will not be issued unless damage to crops is severe. In addition, the Policy requires that a quantification of the dollar value associated with crop damage be provided. Farmers have indicated that these factors should not be considered when deciding whether or not to issue a permit, as moose depredation, once initiated, will inevitably destroy crops at a rapid pace, if not controlled immediately.
 - One participant suggested that the hunter should be responsible for paunching the moose, not the farmer.
 - Farmers suggested that if shooting at night were permitted, that the regional office should require information on strength/intensity of the light source being used.
 - Participants noted that regional offices should be very clear in explaining expectations to licence holders, as there have been instances where license holders have attempted to refuse moose that have been dispatched on farms.
- Issues unrelated to the Agriculture Depredation Policy
 - Participants requested that Government give similar attention to:
 - caribou depredation on crops,

- predation of livestock species, and
- all other pests of crops not covered under the Policy (i.e. beavers, voles etc.)

Synopsis of Feedback from Public Engagement Sessions

The above feedback is summarized and organized below in line with the questions that were posed to participants at engagement sessions.

1) Should farms be permitted to shoot moose at night? Why or why not?

- Farmers at all regional engagement sessions agreed unanimously that farmers experiencing crop damage due to moose depredation should be permitted to shoot moose on their farms at night.
- Similarly, participants representing the general public and/or organized groups were supportive of farmers shooting moose at night, given that it can be accomplished in a manner that ensures public safety.
- Participants reasoned that the prohibition on farmers shooting moose at night should be reconsidered, as:
 - moose approach farms at night to feed when farm activity is at a minimum
 - non-lethal methods of control are only temporary
 - the use of Conservation Officers to shoot moose on farms at night is inefficient due to time sensitivity
 - fencing large acreages is not feasible
 - moose have the ability to cause significant crop damage, resulting in substantial revenue loss for farmers

2) If farmers were permitted to shoot moose at night, how could this activity be done in a manner that effectively considers the risk to public safety (i.e. additional training, use of shotguns vs. high-powered rifles)?

- Participants offered a number of solutions that would ensure that shooting at night could be carried out in a safe manner. The most common suggestion at all regional sessions was the idea of developing a plan for each individual farm that outlines specific forms of control that would be acceptable for implementation depending on a farm's circumstance (i.e. proximity to residential areas etc.).
- While some indicated that the use of high-powered rifles would be necessary to control moose on their farms in some fields, it was suggested that alternative weapons could be used in cases where separation distances did not permit the use of high-powered rifles. Farmers suggested that weapons such as shotguns with slugs, and/or bows could be used as alternatives, as they have a reduced lethal range compared to high-powered rifles.
- Aside from the use of alternative weapons, farmers and participants also showed interest in:
 - additional training for shooting at night
 - potential use of non-lethal methods of control (i.e. odour deterrents)

3) Is there any additional information or comments you feel the Department of Fisheries and Land Resources should consider in the review of the Agriculture Depredation Policy?

- Participants offered many valuable insights to improve the current Policy procedure and process. The following points are recommended for further discussion and consideration:
 - Funding adjustments for fencing
 - Fencing has been demonstrated as an effective means of controlling moose depredation. Many participants suggested that funding levels be increased under current programming.
 - Crop Insurance Program (AgrilInsurance)
 - The Crop Insurance Program does not meet the needs of farmers experiencing moose depredation. Participants have suggested adjustments, which may or not be able to be accomplished, as this is a Federal-Provincial program.
 - Adjustments to Policy/permit
 - Certain farmers (i.e. fruit producers) require a permit to protect crops year-round. The current Policy does not provide farmers the ability to obtain permits year-round.
 - The duration of the permit under the current Policy (7 days) is inadequate, as moose frequent farms throughout the fall season. This necessitates multiple trips by the farmer, and additional administrative requirements for regional offices, which is inefficient for both parties. It was suggested that consideration be given to extending permits over the phone, and/or extending the duration of the permit.
 - The current Policy requires that certain criteria be met before issuing a permit. In particular, a permit will not be issued unless crop damage is considered severe; other mitigation techniques have first been attempted; or the damage has been quantified and deemed serious enough to require a permit. While it is recognized that a level of assurance needs to be provided in order to issue a permit, confirmation by the Agriculture Development Officer of moose initiating crop damage should be sufficient to issue a permit, as control will need to be implemented promptly to limit excessive crop damage.
 - The current permit requires specifications related to firearm make and caliber. If night shooting by the farmers were to be permitted, specifications on the intensity of the light being used should also be added to permit to provide assurance that proper equipment is being used by the farmer.
 - There have been instances whereby license holders have refused moose that were dispatched as part of the Agriculture Depredation Policy. Expectations of license holders receiving moose from the Policy should be presented very clearly so as to avoid any setbacks.

EngageNL Feedback

Public Engagement and Planning Division compiled feedback from participants who utilized the engageNL portal to provide input. The results of the feedback collected by Public Engagement and Planning Division are presented below.

The online public questionnaire received 97 responses.

I am answering these questions as a(n):		
Member of the public	21	21.65%
Farmer	19	19.59%
Hunter	51	52.58%
Member of an Indigenous community	0	0.00%
Academic	1	1.03%
Member of an environmental or community organization	1	1.03%
Member of an industry association or business interest group	0	0.00%
Enforcement officer	1	1.03%
Other Government official (municipal, provincial, or federal)	2	2.06%
Other	1	1.03%
Total	97	100.00%

I am located in:		
Avalon	55	56.70%
Burin Peninsula	1	1.03%
Clarenville – Bonavista	9	9.28%
Gander – New-Wes-Valley	5	5.15%
Grand Falls-Windsor – Baie Verte	7	7.22%
Coast of Bays	0	0.00%
Stephenville – Port-aux-Basques	3	3.09%
Corner Brook – Rocky Harbour	10	10.31%
St. Anthony – Port-au-Choix	2	2.06%

Labrador	1	1.03%
Other	4	4.12%
Total	97	100.00%

Below is a summary of the results from the online feedback.

Farmers should be permitted to shoot moose at night:		
Strongly agree	29	29.90%
Agree	19	19.59%
Neither agree or disagree	4	4.12%
Disagree	10	10.31%
Strongly disagree	35	36.08%
Total	97	100.00%

50% of individuals agreed or strongly agreed that farmers should be permitted to shoot moose at night. Some common themes included:

- Farmers need to protect their livelihood.
- Shooting at night can be done safely. Leased land away from communities can be a controlled environment.
- Crops strengthen food security.
- Moose are more active at night and this is when most damage occurs
- Other mitigation is expensive (i.e. fencing, insurance).
- Permitting on a case-by-case basis depending on the type of farming operation, location, etc.

46% of individuals disagreed or strongly disagreed that farmers should be permitted to shoot moose at night. Some common themes included:

- It is unsafe and too dangerous to hunt at night. Fear for public safety and someone could be harmed.
- There are other ways to discourage moose from damaging crops: availing of experienced hunter, funding for mitigation, fireworks, bear bangers, electric or other fencing.
- Concern that moose would not be dispatched humanely and wounded animals would be difficult to retrieve.
- May cause increase poaching.

If farmers were permitted to shoot moose at night, how could this activity be done in a manner that effectively considers the risk to public safety (i.e. additional training, use of shotguns vs. high-powered rifles)?

Some common themes included:

- No shooting at night with any type of firearm should be permitted as there is no way to ensure the safety of individuals. Other options proposed included: live trapping (i.e. similar to bear traps, corral system), fencing, fireworks, motion detected solar lighting.
- Training specific to firearm safety at night and low light conditions.
- Many suggested shotgun with slugs while others suggested the use of high-powered rifle.
- Use of bow and crossbow.
- Use of night vision or FLIR optics; night vision laser scopes; infrared scopes.
- Permission to use high-powered night lighting.
- Assess each farm to determine if firearms can be safely discharged at night. Process may need to be different for farms near communities versus rural areas.
- Increase signage and public awareness.

Conclusions

The predominant and principal message offered by farmers at the public engagement sessions was clear, namely that farmer's main interests reside in the success of their business and that moose depredation negatively affects their ability to realize maximum profit. Moose are considered as a form a pest to an agricultural operation, and adjustments are required to the current Policy in order to meet the needs of the farmer whilst ensuring that public safety is maintained. Allowing farmers to shoot at night is necessary to effectively control moose depredation on farms.

Responses received through engageNL came from much more varied representation than the public engagement sessions. While public engagement sessions consisted mainly of farmers, online participation through engageNL consisted mainly of hunters, farmers and the general public, in descending order by participation level. While the online respondents offered alternative perspectives, the majority of individuals either agreed or strongly agreed that farmers should be permitted to shoot moose at night, citing similar arguments as those in favor of shooting at night who voiced opinions at the public engagement sessions.

Those respondents online who either disagreed or strongly disagreed that farmers should be permitted to shoot moose at night were concerned about safety, humane dispatch, and potential for poaching. These respondents also argued that there are other means of controlling moose depredation (lethal and non-lethal) that could be utilized.

The vast majority of participants who provided opinions with regards to the Agriculture Depredation Policy agreed that farmers should be permitted to shoot moose at night to protect their crops. Furthermore, all respondents agreed that public safety is of paramount concern, and must always be considered in the context of this Policy. Providing farmers with a suite of options to control moose by way of a farm-specific plan, will be the best means of ensuring both effective control, and public safety

concurrently. This idea was suggested at all public engagement sessions, and also online by all participating groups.

A discussion with relevant staff is required to determine our ability and desire to make adjustments to certain programs and procedures as referenced above in the "Synopsis of Feedback from Public Engagement Sessions" section. In addition, further adjustments to the Policy/permit, beyond those mentioned at engagement sessions, will be required to ensure accuracy and consistency. This will also require internal discussion/decision.

If it is decided that the prohibition on farmers shooting moose at night is reversed, then amendments to the *Wild Life Regulations* are required to give exception to farmers to take moose at night, and make use of artificial light. It was also noted that any language with respect to farmers shooting moose should not be referred to as "hunting".

At the end of this exercise, all regional offices should receive the Policy and permit format promptly, including a clear and concise memo of any changes and expectations. Similarly, the public and stakeholders will also need to be informed of the same.