

COUNCIL REPORT

M&C No.	M&C 2019-18
Report Date	February 05, 2019
Meeting Date	February 11, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Nuisance Deer Management Program

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Emilie Murphy, Tim O'Reilly</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATIONS

City staff recommends that Common Council:

1. Give first and second reading to "A By-Law Respecting the Feeding of Deer Within The City of Saint John" as attached to M&C 2019-18; and
2. Subsequent to third reading of the by-law described in (1), request of the provincial Minister of Energy and Resource Development that the Nuisance Deer Management Assistance Program be implemented within the territorial boundaries of The City of Saint John, and further that the Common Clerk be directed to provide the Minister with a copy of this resolution.

EXECUTIVE SUMMARY

In September of 2017, Common Council directed City staff to investigate ways to control the deer population in Millidgeville. Subsequently, a proposed nuisance deer management program has been endorsed by the majority of City residents who responded to a recent survey. The management program, which will be rolled out in the Millidgeville area first, allows bow hunters to take a deer on approved private property in addition to what a bow hunter would be permitted to hunt normally. The nuisance program is part of a larger suite of management solutions the City is implementing to mitigate the impacts deer have on public safety and property damage. Public communications, traffic signs in high risk deer accident areas, and enacting a by-law prohibiting feeding of deer solutions in addition to the proposed nuisance program.

In order to seek Provincial approval of the Nuisance Program, the City was required to complete 5 tasks. Staff is pleased to report that we are in a position to have all 5 tasks completed pending Council approval:

Requirement	Results
Conduct a public survey to document degree of support	Survey is complete and 73.5% of respondents support program ✓
Enact a "Don't Feed the Deer" by-law	By-law prepared for Council's consideration ✓
Allow property owners to protect their properties	City's existing by-laws allow for fencing with sufficient height ✓
City must receive and vet property owner approval requests	City staff will complete this with existing resources ✓
Formal request letter from Mayor and Council	Draft letter prepared for Council endorsement ✓

PREVIOUS RESOLUTION

In April 2018 (via M&C 2018-118) Common Council endorsed the following actions by City staff to assist managing the urban deer population and lyme disease in the City:

1. Continue a communication program that advises the public how they can help control the deer population and protect themselves against lyme disease,
2. Install Deer Crossing roadway warning signage on Millidge Avenue, University Avenue, Hickey Road, and Heather Way, and
3. Conduct an information session and a survey of property owners in the Millidgeville area with a follow-up report back to Common Council as first steps toward a possible Nuisance Deer Management Program.

In October 2018, City staff updated Council on this file via M&C 2018-279. It was clarified the survey would be expanded to all citizens and would be issued soon after the update to Council. The information session would happen after the Province considers approving the program for the City. Through discussions with the Province before and after the October update, the Province clarified the City can indeed limit the program to specific area(s) within the City. Staff continues to recommend a concentration in the Millidgeville area first as a pilot.

REPORT

City staff have been working on three of the outstanding requirements to consider seeking provincial approval of the Nuisance Program including the public survey, the by-law, and drafting the approval request letter that would be sent to the Province.

Public Survey

A survey had been issued to all residents of the City of Saint John in the Fall of 2018. Overall, 73.5% of respondents support the City implementing a Deer Nuisance Management Program. Details of the survey are attached to this report.

As part of the survey, residents provided postal codes in order to gather statistics based on neighbourhoods. 75% of respondents in the Millidville area supported the program, which was even higher than the City average. Recall this area also had high vehicle/deer accidents.

By-law and Enforcement

A new by-law "Respecting the Feeding of Deer in the City of Saint John" has been prepared to satisfy one of the Provincial requirements as attached to this report for Council's consideration.

City staff recommends a defined level of funded enforcement of this new by-law. The SPCA Animal Rescue currently has a service agreement with the City to enforce most aspects of the City's Dog Control By-law, and has provided a cost proposal for a minimal level of enforcement service for this new by-law. Enforcement would involve receiving and logging calls, and issuing one compliance enforcement letter at the cost of \$60 per incident, and a \$50 monthly fee. City staff would consider recommending \$5000 be approved as part of the 2020 General Fund Operating budget to support enforcement. There would be no further enforcement action expected beyond the issuing of compliance enforcement letters by the SPCA Animal Rescue. 2019 would be considered an educational year.

In 2013, consecutive reports by the City Solicitor and the Growth & Community Services Department addressed a prior Council resolution to enact such a by-law. The City Solicitor's report confirmed the City's authority to enact such a by-law and cautioned the practicality of residents being willing to lodge a complaint and testify against neighbours. The Growth & Community Services Department's report reiterated the difficulties of neighbours testifying against each other and clarified that the limitations of existing enforcement and legal resources, coupled with focus on other greater priorities, are not available to administer complaints and follow-up with a charge in Provincial Court when needed. Staff reiterate that expectations of enforcement beyond limited issuance of compliance letters (with the associated funding and SPCA agreement) needs to be managed.

Nuisance Deer Management Program Request Letter

A formal request to the Minister of Energy and Resource Development to include the City of Saint John in the Nuisance Deer Management program is attached in draft format for Council's consideration. This must be sent following the enactment of the bylaw.

Scope of 2019 Program

As discussed previously with Common Council, staff are recommending the Millidgeville area be the focus of the Nuisance Program in 2019 as shown outlined in red below. The area has been vetted with the Department of Energy and Resource Development for properties that would be likely candidates for the program.



Future Steps If and After Provincial Approval is Granted

Public Information Sessions – For those residents who have questions or concerns regarding the nuisance deer management program, ERD will host a public information session. This will happen once the City's formal request for participation in the program has been approved by the Minister, anticipated to

be arranged in the coming months. Furthermore, a public information fact sheet will be posted on the City of Saint John website as well as the ERD website. This fact sheet is attached to this report.

Program Implementation – All residents who are interested in participating in the program would have to apply to to ensure their individual property, or a grouping of neighbouring properties, qualifies for the program. City staff would vet the applicants to ensure that their PIDs are within the delineated boundary. ERD will assess each application on an individual basis to ensure there are no land layout or public safety concerns. If approved, the property owner would contact a licensed hunter and give them permission to shoot one antlerless deer (which would be in addition to their own tag) on their property. This program would take place during the regular hunting season only. City staff will maintain a list of licensed hunters and their area of residence, who are interested in participating in the program.

STRATEGIC ALIGNMENT

A Nuisance Deer Management Program for the City would support Council's priority of a Vibrant, Safe City and help improve the liveability of neighbourhoods in Millidgeville and beyond to support residential growth.

SERVICE AND FINANCIAL OUTCOMES

A Nuisance Deer Management Program would provide residents in areas of the City impacted by concentrated deer populations to have yet another tool (beyond the signage, communications and by-law) to help address their concerns.

Current City staff resources have been used to manage this project and are expected to be sufficient to implement the program, at least for the pilot planned for the Millidgeville area.

Limited planned enforcement would require \$5000 to be approved as part of the 2020 General Fund Operating budget, although Council would be able to consider this plan within the budget approval process. An agreement with SPCA Animal Rescue will also be required if funds in 2020 are approved.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Staff from the Province's Department of Energy and Resource Development have helped clarify the Nuisance Program requirements.

Staff from the City's Growth & Community Services Department have assisted in proposing the planned by-law enforcement plan.

The City Solicitor's Office has developed the proposed by-law.

The Cherry Brook Zoo has confirmed they would take deer to feed their animals if hunters wish not to keep them themselves.

ATTACHMENTS

A By-Law Respecting the Feeding of Deer Within The City of Saint John

Survey questions

Survey results

Map of results

Public Information Fact Sheet

Draft Letter to Minister