

MINUTES of a SPECIAL meeting of COMMITTEE OF THE WHOLE of the Municipal Council of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Wednesday, June 12, 2013, at 7:00 p.m.

PRESENT: Mayor N. Jensen, Chair  
Councillor P. Copley (entered at 7:20 p.m.)  
Councillor C. Green  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney

STAFF: Municipal Administrator, G. Nason  
Deputy Municipal Clerk, M. Jones

Mayor Jensen called the meeting to order at 7:00 p.m.

1. 2013-167 MUNICIPAL ADMINISTRATOR, Jun. 12, 2013  
2013-167-1 CAPITAL REGIONAL DISTRICT, Apr. 22, 2013  
2013-116 CAPITAL REGIONAL DISTRICT, April 16, 2013  
Re CRD Regional Deer Management Strategy

*From the Capital Regional District, the following staff were in attendance: Margaret Misk-Evans, Senior Manager, Regional and Strategic Planning; and Jeff Weightman, Project Manager, Regional Deer Management Strategy.*

Mayor Jensen provided an overview of the process to date, noting that Council had considered a presentation on April 22, 2013 by Capital Regional District (CRD) staff with respect to the Regional Deer Management Strategy (RDMS) and that it was determined at that meeting that further input from residents would be beneficial before responding to the CRD. The Mayor noted that a fact sheet has been provided to the Committee and the public for this meeting with respect to causes of deer mortality in the District of Oak Bay. He concluded his remarks, stating that this is a difficult issue, as many people have strong opinions on deer management; however, he noted, we are all neighbours in this region and are looking for a solution to this challenge.

Monty Holding, Chair, Oak Bay Parks and Recreation Commission, noted that the Commission discussed the impact of deer on municipal parks and facilities at the June meeting. Mr. Holding noted that areas of particular impact included the Native Plant Garden and the Windsor Park Rose Garden. Members also expressed concern with respect to deer collisions by vehicles and cyclists, he said, as well in regards to aggressive deer, ticks and deer feces. He noted that the Commission concluded that there is a need for a reduction in the deer population within the Municipality, but that the Commission provided no recommendations with respect to methodology.

Erin Canning, Oak Bay resident, stated that she sees several deer regularly crossing between her and her neighbour's yard. She noted that she has concerns with regards to the aggression of deer, as well as with respect to feces and ticks. The danger to her children, she said, means that her children are unable to use the yard. She commented that fencing is expensive and should not be necessary for her and her family to use their property.

Derek Ashhurst, Oak Bay resident, noted that he invested a great deal of money in fencing his back yard. He has observed deer crossing Foul Bay Road early in the morning and has heard that there are many deer in the Uplands Golf Course.

To this point, he said, no action has been taken by local government, only more discussion. He stated that there are too many deer and that the deer are not frightened of contact with humans.

Councillor Copley entered the meeting at 7:20 p.m.

Ms. Graham, Oak Bay resident, noted that the President of the Better Business Bureau and the President of the Rotary Club of Victoria, Rosalind Scott, asked her to pass on to the Committee her extremely positive experiences during her recent trip to Phoenix Arizona with regards to their native wildlife, the road runners. We are blessed to be living with animals, she said and that killing deer for convenience or economics is inexcusable. She commented that we should be living up to green ideals when considering this issue.

Shoko (no last name given) commented on the importance and value of every kind of life on earth and that animals, plants and humans can co-exist. She noted that deer need to eat, just as humans do, and that we should be kind to each other. If we detach from other kinds of life, she said, we become unhappy. She concluded her remarks in stating that we need to be a good example for the rest of the world with regards to this issue.

Bob Durie, Oak Bay resident, stated that the problem of urban deer arises from a failure to understand the predator/prey relationship which is an integral part of nature. As we have banned other predators, he said, it is incumbent on humans to cull the increasing deer population.

Atholl Sutherland-Brown, Oak Bay Resident, noted that he has a large garden, which he sprays extensively with deer repellent, and is a member of the Victoria Golf Club, where a herd of deer lives and has caused a great deal of damage. He noted that extreme overpopulation of deer has occurred in Haida Gwaii. He loves deer in the wild, he said, but not in our homes.

Lucy Mears, Oak Bay resident, stated that she feels passionately that the deer issue must be addressed and that there are no longer natural predators for deer in the area. She expressed concern for her children's safety, as deer are powerful animals, and that the deer droppings mean they cannot play barefoot in her yard. She noted that she is no longer able to plant a vegetable garden and that she has seen deer on Cadboro Bay Road in an industrial area.

Nabhraj Spogliarich, Saanich resident, noted that this meeting arose as a result of complaints to the CRD regarding deer, but that the CRD's recommendations to address this issue have been made without first undertaking a deer count. Most residents of the province, he said, are not concerned about living with deer or other wildlife. He noted that we are part of the ecosystem and that we must learn to live together with deer. He stated that killing deer is short sighted and ineffective and that a better solution should be found.

John Rankin, Oak Bay resident, stated that, though he was able to deer-proof his property at a reasonable cost, if all property-owners start to do so, the issue will be exacerbated as the deer become more hungry without access to food. He stated that the deer are a safety issue and it needs to be determined what number of deer are safe and how we can best manage the migration of deer between different communities.

Edith Roslee, Saanich resident, expressed her concerns with respect to the CRD's Citizen Advisory Group (CAG) process, questioning if the In Camera meetings at which pro-cull members were added was democratic. The membership of the CAG, she said, needs to be taken into account when considering the CRD's recommendations. She stated that the advocates for deer were respectful during the CRD meetings, while hunters and other pro-cull representatives were not.

Jacques Sirois, Oak Bay resident, commented that, as a wildlife biologist, it is his opinion that this is not a complicated issue compared with other challenges facing the environment and that a cull is long overdue. He stated that he is worried about Lyme disease and is frustrated with the lack of ecological perspective when this issue is being discussed.

Pat Kehl, Oak Bay resident, stated that she lives adjacent to the Victoria Golf Course and that the numbers of deer she sees in her back yard are unacceptable. She questions if the Municipality is liable in the event of vehicle collisions with deer, given that it is aware of this issue and has not taken steps to eliminate the deer.

Fred Pishalski, Oak Bay resident, stated that he has seen an increase to the damage done by deer in his front yard which cannot be fenced, despite the use of repellent. If no action is taken, he said, the issue may become as problematic as it was on Sidney Island.

Hazel Braithwaite, Oak Bay resident, urged the Committee to recall the extensive concerns voiced by the public with respect to deer during the election process two years ago. She commented that the District has relied on the CRD to address the deer issue, but that a solution needs to come forward quickly.

Jim Branson, Oak Bay resident, asked for clarification on the process with respect to how decisions will be made regarding deer management and the associated timeline.

In response to Mr. Branson, Margaret Misek-Evans, the CRD's Senior Manager for Regional and Strategic Planning, noted that CRD staff are presenting the RDMS to local municipalities and asking for responses with the intention of designing a pilot project for a rural municipality and for an urban municipality, like the District of Oak Bay. It still needs to be determined, Ms. Misek-Evans said, which municipalities will participate. She noted that the intention is to determine the urban pilot project by mid-summer, implement it over the fall and into the spring of 2014, measure the progress of the project and then report back to the CRD in the summer of 2014. She stated that the CRD would then determine the next steps with respect to the RDMS.

The Mayor noted that he expects the consideration of the requests from the CRD to come forward to the Council meeting on June 24, 2013, at which point consideration will be given to potential participation by the Municipality in a CRD pilot project.

Rick Page, Saanich resident, stated that he is a wildlife biologist who works for SpayVac, a company that provides an injectable immunocontraceptive, which with a single dose prevents a female deer from becoming pregnant. He noted that this process is non-lethal and that, by preventing pregnancy, females' aggression in defending their young and the extra foraging associated with pregnancy would also be addressed. The ear tags which identify the treated female deer, he said, can help determine deer numbers. He commented that by use of SpayVac, Oak Bay could provide leadership and compassion with respect to this issue.

Kelly Carson, Deer Safe Victoria, noted that the immunocontraceptive SpayVac has not received approval from Health Canada, but that political will could help move the process forward. She reviewed three news articles with respect to the City of Kimberly's use of deer hazing, noting the importance of political will to pursue a non-lethal option to address deer issues.

In response to questions from Council, Ms. Carson noted that deer hazing is a form of aversive conditioning, which was not sufficiently considered by the CAG. She encouraged Council to contact the City of Kimberly to review their deer hazing information.

Brian Gates, Oak Bay resident, noted that he is opposed to a cull and supports a non-lethal method of reducing the deer population. He noted that the Columbian Black-Tailed Deer was the subject of his thesis for his Masters in Science. A natural cull will occur, he said, and may be already underway as the population grows and nutrition becomes more difficult for deer to find. He suggested that a list of suitable plants which the deer will not eat, with particular emphasis on rhododendrons, be provided to the public.

An Oak Bay resident noted that deer have consumed rhododendrons and marigolds from her yard. She commented that the Municipality should pursue the option of the immunocontraceptive SpayVac as proposed by a previous speaker.

Harriet Graham, Saanich resident, noted that she has previously sent Oak Bay Council her critique of the CAG's report with respect to the RDMS. She noted that she endorses many of the CRD recommendations, including the re-establishment of provincial fencing subsidies for farmers, which could also be extended to lower income home owners. Other supportable solutions, she said, include: providing additional road signage for wildlife and lowering the speed limit to reduce collisions; creating wildlife corridors; and providing public education that teaches residents how to co-exist with deer. She stated that the issue of aggressive deer is a distraction and that Sean Pendergast, B.C. Wildlife Biologist, has indicated that no incidents of aggressive deer on Vancouver Island have been reported to the Ministry of Environment. In addition to tracking deer complaints, she said, incidents of humans harassing and illegally hunting deer should also be recorded. She commented that the membership of any RDMS oversight committee should be unbiased, unlike the CAG. She expressed strong opposition to pursuing changes to public hunting regulations and increasing First Nations deer hunting, as the BC SPCA (Society for the Prevention of Cruelty to Animals) has identified bow hunting as inhumane. Culling, she said, is also inhumane, and does not work as it increases the amount of food available to the remaining deer, creating a boom and bust cycle in the deer population.

Jim Proctor, Oak Bay resident, noted that he has had Lyme disease for seven years, though he is unsure where it was contracted. He has fully fenced his back yard where he grows vegetables. The deer need to be removed from this area, he said, regardless of the method used, though the immunocontraceptive SpayVac seems like it could be a good option.

Owen Toop, Oak Bay resident, noted that deer fencing has been costly for his property. Issues with respect to deer are increasing, he said, and are not being addressed by politicians. He stated that a cull now would ensure that a larger cull would not be necessary later. He emphasized that a solution is needed as soon as possible.

Owen Stacey, Oak Bay resident, stated that he has several deer daily in his backyard and that the resulting feces make it impossible to enjoy the space. He noted that, given the location of Oak Bay, the deer have nowhere else to go and need to be dealt with here.

Gail Miller, Oak Bay resident, noted that though fences can be a good solution for deer issues, residents should consider adding gates which make it easier to talk to their neighbours.

Geoff Field, Oak Bay resident, questioned if it was possible to act independently of the CRD and noted that he would be willing to see tax funds used towards addressing the deer issue in Oak Bay.

Mayor Jensen noted that though Oak Bay is not necessarily required to work with the CRD on this issue, undertaking a pilot project through the CRD would defray some of the associated costs, which could be significant.

Val Boswell, Saanich resident, expressed sympathy for the earlier speaker suffering from Lyme disease. She noted that the BC Centre for Disease Control has indicated that there is no evidence to support an epidemic of Lyme disease in British Columbia. She stated that the tick which spreads Lyme disease can be found on a wide variety of animals at different points in its lifecycle, including mice, lizards, dogs and horses, as well as humans and deer. She commented that a research paper from the Lyme Disease Association of Ontario indicates that songbirds may also carry ticks. Various findings from Richard Ostfeld, Senior Scientist at the Cary Institute for Ecosystem Studies, she said, indicate that culling the deer population will not reduce the risk of Lyme disease. She commented that the only realistic way of preventing the rare incidences of Lyme disease is undertaking sensible precautions with respect to ticks. Implementing use of the immunocontraceptive SpayVac, she said, will take money and political will to accomplish. She also questioned if speakers in support of the cull will remain supportive once they see clover traps in use.

Gillian Radford, Saanich resident, stated that though some people are very angry about the deer, others are very tolerant. She noted that fencing can be used to protect gardens. The proposed method of culling, she said, is non-humane and will be highly controversial. She noted that a humane approach which would control the deer population would be supportable. She stated that the CRD should be aware that it will likely be subject to legal action due to its non-democratic process, especially with respect to the CAG.

Wynne Miles, Oak Bay resident, stated that she is a nature lover and biologist, but that the urban environment is not a suitable habitat for deer. She noted that she supports residents growing food and using local plants, but that this should not require six-foot fences to protect gardens from deer.

Noreen Taylor, Oak Bay resident, commented that many people appreciate deer. She noted that deer do not feed in her yard as she has researched which type of plants to use. Traffic speeds, she said, need to be reduced in order to prevent collisions with deer. She stated that she does not support a deer cull.

Arifin Graham, Oak Bay resident, stated that this is an issue both for humans and nature and that it is a sign of similar issues to come in the future. He commented that he appreciates the opportunity to become more informed and that it is important to both talk and listen to each other. A solution needs to be found and we need to provide leadership for the future, he said.

Susan Vickery, Coombs resident and Director of EARS (Earthanimal Humane Education and Rescue Society), noted that EARS has recently received a grant to fund a co-existence model for urban deer on Vancouver Island. She commented that the objective of EARS is to provide effective and non-lethal conflict resolution for deer issues. For a fair and ethical decision-making process on these issues, she said, the interests of the deer should be taken into account. She stated that she has faith that something beneficial for all can be achieved.

Marion Cumming, Oak Bay resident, stated that deer are a natural part of the environment and that, though it will be challenging, we should try to find ways of adapting to the urban deer who have lost their natural habitat. Gardens, she said, can be part of a wildlife corridor and innovative means of discouraging deer, such as lay-down wire fencing should be considered. She noted that deer will often prune native plants, but rarely consume them entirely. She commented that a recent article by Stephen Hume in the Vancouver Sun mentioned that there has been a significant decline in deer population since 1968. She encouraged the Committee to investigate the possible use of the immunocontraceptive SpayVac, which would be a humane and less contentious way of reducing the deer population.

Ms. Misk-Evans responded to various comments and questions noting that it is very difficult to undertake an accurate deer count, but that the CRD would look at density measurements and complaint tracking in order to measure the efficacy of any management solutions.

In regards to capture and euthanization, Ms. Misk Evans noted that, pursuant to provincial legislation, there is a complex permit process to be undertaken. She noted that obtaining a permit would take approximately one year. She commented that deer tend to migrate away from areas in which this kind of population reduction activity is in effect. How the deer would be used after capture, she said, needs to be addressed.

Jeff Weightman, the CRD's Project Manager for the RDMS, noted that inspecting and processing the deer meat is required which can increase the cost if the deer are donated to a charity, but that First Nations can undertake inspecting and processing deer meat on their own, which can be more cost-effective.

The Municipal Administrator noted that, though the Municipality could proceed independently with some solutions to address deer issues, capture and euthanization would require provincial approval, for which a formal management strategy at a regional level is strongly recommended.

A member of the Committee expressed interest in the immunocontraceptive SpayVac and noted that Oak Bay's urban deer concerns might make it an ideal location for a research project.

With respect to SpayVac, Ms. Misk-Evans noted that the CAG considered but did not recommend the use of the immunocontraceptive as, at this time, it is only approved in Canada for use in research. The provincial veterinarian, she said, has indicated that SpayVac is only effective for five years, while a deer's lifecycle is twelve years long. She noted that, though CAG did not recommend SpayVac as a short-term solution for deer management, it was noted that it could be used to maintain the population at an acceptable level. She concluded that she is not sure that the use of SpayVac could be considered as a CRD pilot project, given the CRD's timing requirements and SpayVac's restrictive licensing process.

In response to questions from the Committee, Mr. Weightman stated that an experimental permit would need to be obtained for the use of the immunocontraceptive SpayVac and that 90% of females would need to be treated in order to reduce the population. He noted that it would be very challenging to locate this percentage of females in an urban environment. Experimental permits for SpayVac, he said, are only approved for use in small areas such as Sidney Island or CFB (Canadian Forces Base) Esquimalt.

Turning to the issue of Lyme disease, Mr. Weightman clarified that in 2009 there were 3 instances per 100,000 in the CRD. He commented that he did not have information with respect to trends.

A member of the Committee questioned if the experiences with respect to wildlife nuisance plans in Cranbrook, Kimberly and Invermere are really applicable to an urban environment such as Oak Bay. Another member of the Committee noted that it is unlikely that any option would result in the total eradication of deer in Oak Bay, but rather that an appropriate population level needs to be determined and maintained.

Rick Page, Saanich resident, commented that deer counts are difficult to undertake and imprecise. Regardless of whether the deer are culled or the immunocontraceptive SpayVac is used, he said, the deer will have to be captured, which can be the most difficult and expensive part of the process. He noted that if deer are tagged once they are captured this can help with population estimates.

It is the Provincial Veterinarian that can approve the use of SpayVac, he said, which can happen relatively quickly. He noted that if the objective is not the total removal of deer, there is no need to vaccinate 90% of the population. He commented that Lyme disease is a real and increasing problem, particularly in Eastern North America, though no known cases of transmission have been found on Vancouver Island. With respect to deer migration, he said, females tend to remain resident while males can migrate throughout the population.

Noreen Taylor, Oak Bay resident, commented that residents in Oak Bay care deeply about this issue and would likely participate in a deer count.

ADJOURNMENT:

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 9:28 p.m.

Certified Correct:

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Deputy Municipal Clerk

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Chair, Committee of the Whole