

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

P.O. Box 2800, 4601 Guthrie Drive, Peterborough, Ontario K9J 8L5  
Phone: (705) 748.6324 • Fax: (705) 748.9577 • Visit: [www.ofah.org](http://www.ofah.org) • Email: [ofah@ofah.org](mailto:ofah@ofah.org)

OFAH FILE: 404/793  
April 28, 2014

*mailed  
Apr 28/14*

Director, Population Conservation and Management  
Canadian Wildlife Service  
Environment Canada  
Gatineau, Quebec  
K1A 0H3

**Subject: Proposals to Modernize Canada's Migratory Birds Hunting Regulations**

Dear Sir or Madam:

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest nonprofit conservation-based organization, representing 100,000 members, subscribers and supporters, and 720 member clubs. On behalf of our membership, we have reviewed the proposals to modernize Canada's Migratory Birds Hunting Regulations, and ask that our comments be weighed accordingly in your decision-making.

## **Objectives of the Proposed Amendments**

The OFAH supports the objectives of the proposed amendments which aim to:

- *Provide the necessary tools to ensure conservation and maintain sustainable hunting of migratory birds;*
- *Recognize that hunting is a valued activity, and avoid unnecessary barriers and irritants to hunters;*
- *Encourage participation in hunting, and make equal hunting opportunities available to all who wish to participate;*
- *Maintain general public support for hunting;*
- *Ensure that the Regulations are clear, efficient, based on common sense and enforceable.*

## **1) What is hunting?**

### **1.1. Purpose of the Migratory Bird Hunting Permit**

Option 2 (CWS recommended option) would add the following statement of purpose in the MBHP: *Migratory birds to be taken through hunting primarily for human consumption and to provide a sampling base for a survey of hunter's take.*

We understand the current Regulations do not include a clearly stated purpose for birds taken under the MBHP. Without a stated purpose, the Canadian Wildlife Service (CWS) has indicated there are misconceptions about: (a) permissible uses of harvested birds; (b) who is required to hold a MBHP; and (c) the permits' importance to the National Harvest Survey.

Canadian Wildlife Service  
April 28, 2014  
Page Two

The OFAH supports adding a statement of purpose (Option 2) in the MBHP, to increase clarity around who must hold a MBHP, and its importance to the functioning of the National Harvest Survey. However, we question whether the identified misconceptions have more to do with “public perception”, than hunters requiring clarity. Regardless, we have no disagreement with adding a stated purpose (Option 2) in the MBHP.

**1.2 Clarify who must hold a Migratory Bird Hunting Permit**

*Option 1 - A permit must be held by any person who has the means to take a migratory bird and is attempting to do so.*

We support the recommended option (Option 1) as it addresses hunter preferences to clarify who can legally accompany and assist a hunter without requiring a permit. However, we also recommend that “means” be clearly defined.

We assume in Option 1 the “means” to take a bird, implies attempting to do so using approved methods such as a firearm or bow, as defined by the regulations. Further, the term “take” should be clarified or another term such as “harvest” may be more appropriate. The term “take” can easily be interpreted another way.

There are many aspects of migratory bird hunting (e.g. setting up decoys, calling, etc.) that are important for helping to engage prospective hunters, especially youth. The recommended option (Option 1) would allow prospective hunters an opportunity to participate in the hunting activity without actually harvesting a migratory bird. This would be a valuable recruitment tool that is consistent with the stated objectives of the proposed amendments.

While we appreciate that exceptions to the permit requirement have been identified for youth participating in Waterfowl Heritage Days, the recommended option (Option 1) does not address apprenticeship hunting (i.e. one firearm between mentor and apprentice). It should also be made explicit that Option 1 does not exempt the mentor or the apprentice (during the regular season) from requiring a MBHP.

The OFAH is encouraged the CWS is also considering allowing a “family hunting permit” that would allow hunting by immediate family members under one permit, with one shared daily bag limit.

**2) Possession and Abandonment of Migratory Birds**

**2.1 Regulating possession**

*Option 2 – Quota System – each bird taken counts until next season*

+

*Option 3 – Each bird taken counts in the possession limit only until it is “processed”*

The OFAH supports the intent of this proposal which is to provide clarity and address several objectives. Given, there is no one option that addresses all the objectives with respect to possession (e.g. harvest control, use of birds taken, prevent wastage, etc.), we support including both Option 2 (quota system) and Option 3 (possession limit) as tools in the Regulations to be triggered when appropriate.

We agree the inclusion of the quota system (Option 2) in the recommended solution could be a tool used in the future, particularly where there may be an opportunity to introduce a season, if there is a process in place to control a very limited harvest (e.g. Sandhill Crane).

Canadian Wildlife Service  
April 28, 2014  
Page Three

Under the revised concept, a bird would be considered "processed" once it was: *preserved for future use; that is, when the viscera are removed and the bird is fully plucked or when the edible portions are removed from the carcass and it is frozen, cooked, canned or smoked; or made into a processed food such as sausages or jerky; or mounted for display.*

While there is general support for the proposed definition of "processed" it may be also worth noting that there are people that prefer to freeze birds with viscera and feathers on, to reduce freezer damage.

## **2.2 Prohibit the abandonment of migratory birds**

*Option 2 – Prohibit abandonment of carcasses contrary to the purpose of the permit under which the birds were taken.*

We recognize that wastage/spoilage laws are not consistent across the country, and therefore, appreciate the desire for a national abandonment prohibition. However, it is also important to note that despite public perception, wastage is not a common practice in Ontario.

Given that consensus on a definition for "wastage" for all of Canada may not be possible and would be difficult to enforce, there is general support for the recommended option (Option 2) to prohibit abandonment.

## **2.3 Prove legal ownership**

*Option 1 – The Regulations remain as now, but also allow packages of birds, rather than just individuals birds, to be labelled; onus of proof remains on custodian to prove legal taking. The Regulations specify, as they do now, the information that must be provided, including signature.*

The OFAH supports the recommend option (Option 1), which would allow packages of birds, rather than just individual birds to be labelled. This would simplify the process of proving legal ownership while maintaining enforceability.

### **3) Hunting Methods and Equipment**

#### **3.1 New approach for authorizing non-toxic shot**

*Option 2 – Convert to a generic definition that would comprise the elements already tested for toxicity, and require manufacturers to label the box "non-toxic for birds"*

While there is general support for the recommended option (Option 2) to convert to a generic definition for toxicity, and require manufacturers to label the box "non-toxic" for migratory birds, we understand the manufacturing sector has not yet been consulted; and therefore, we strongly recommend that manufactures be consulted prior to any decision.

#### **3.2 Option for ensuring that species taken can be identified**

*Option 2 – Add a hunter's choice option to retain a fully feathered head attached to the carcass, instead of allowing only a wing.*

We support the recommended option (Option 2) to add a hunter's choice option to retain either a fully feathered head attached to the carcass, instead of allowing only a wing. The OFAH also recognizes that many hunters have requested this option, and that hunters are permitted the option in the US, and there have been no issues reported.

Canadian Wildlife Service  
April 28, 2014  
Page Four

### **3.3 Using Bows**

*Option 2 – Continue to allow use of longbow – but add cross bows AND specifications to ensure killing power for all bows.*

The OFAH supports the recommended option (Option 2) to keep the current regulation but add crossbows, as well as specific requirements (e.g. draw weight and arrowhead); however, we also recommend not limiting the description of allowable arrowheads to the use of broadheads only. While we agree broadheads are appropriate for hunting geese, there are other small game points (e.g. wire loops and judo points) potentially more effective for harvesting ducks.

## **4) Issues Related to Hunting and Permits**

### **4.1 Permission to exceed possession limits for companies training dogs for retrieving**

The regulations currently specify that training companies may hold up to 200 fully feathered carcasses gifted by hunters taken legally under a migratory bird hunting permit. Carcasses are not considered to be processed and continue to count as part of a company's possession limit until disposed of.

Based on the rationale provided, we do not support the recommended option (Option 2), which would place restrictions on species composition and require companies to register with the CWS, and submit an annual report.

*Option 1 – Status quo – Continue to allow 200 birds in possession by corporations. Require birds to be obtained from hunters, but continue to place no restrictions on species composition and ask for no reporting requirements.*

The OFAH strongly recommends the "Status Quo" (Option 1) to continue to allow 200 birds in possession by corporations and require birds to be obtained from hunters, but no restrictions are placed on species composition and no reporting requirements; since the current regulations provide a means for managing this activity.

Firstly, the birds are required to be "legally taken" by hunters and, therefore, daily bag limits, possession limits, seasons, and hunter harvest reporting are already in place to manage harvest. Secondly, the proposed relaxation of rules related to possession limits, would not apply as these birds would not meet the definition of "processed" even under the revised concept (i.e. carcasses are not considered to be processed) and, therefore, continue to be part of an individual's or training companies possession limit.

Finally, regulations should not be made based on public perception, they should be based on evidence, and we have not been provided sufficient information to suggest that there is a conservation risk associated with the status quo. In fact, companies that train dogs to be hunting retrievers should be recognized for promoting responsible hunting practices through the art and science of training dogs, not subjected to more (and likely redundant) regulatory requirements than previously.

### **4.2 Donation of harvested migratory birds to food banks or event dinners**

We are pleased to see this proposal being brought forward. The OFAH and affiliated partner clubs regularly hold wild game dinners to raise funds for conservation projects across the province where a wide variety of wild game is donated and sampled. Money raised from these dinners has contributed significantly to conservation efforts across the province. Unfortunately, participants, including hunters and non-hunters alike, have been unable to sample and enjoy any form of wild migratory bird, due to the restrictions in the regulations.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

Canadian Wildlife Service  
April 28, 2014  
Page Five

*Option 3 – Migratory birds– those not subject to restrictions on the daily bag limit – taken under a hunting permit or killed under permits other than hunting permits (includes overabundant species) may be donated and used at food banks or fundraising events, under a registration system with requirements to use the proceeds for charitable purposes, and other requirements to prevent sale.*

We strongly support the recommended option (Option 3), to allow migratory birds (i.e. those not subject to restrictions on the daily bag limit) taken under a Hunting Permit (and/or under a Damage and Danger Permit) to be eligible for donation to food banks or fundraising events, under a registration system to avoid sale.

We appreciate the opportunity to comment and participate in consultation process.

Yours in Conservation.



Dawn Sucee  
Fish & Wildlife Biologist

/ds

cc: OFAH Board of Directors  
OFah Sporting Dogs/Small Game/Migratory Birds/Wetlands Advisory Committee  
Angelo Lombardo, OFAH Executive Director  
Dr. Terry Quinney, OFAH Provincial Manager, Fish & Wildlife Services  
Greg Farrant, OFAH Manager, Government Affairs & Policy  
Matt DeMille, OFAH Assistant Manager, Fish and Wildlife Services  
OFah Fish & Wildlife Staff