



Ontario Federation of Agriculture

Ontario AgriCentre

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Public Input Coordinator
Wildlife Section
Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, ON
K9J 8M5

To Whom It May Concern;

RE: EBR Registry Number 012-9170 Amendments to Ontario Regulation 663/98 (Area Descriptions), Ontario Regulation 665/98 (Hunting), Ontario Regulation 666/98 (Possession, Buying and Selling of Wildlife) and Ontario Regulation 670/98 (Open Seasons) under the Fish and Wildlife Conservation Act, 1997 to streamline and modernize the management of small game and furbearer wildlife species in Ontario

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

Two of the proposed regulatory changes listed in this posting pose some concerns for Ontario farmers. The two proposed regulatory changes are:

8. Allow licensed non-residents to hunt rabbit and hare in the Counties of Lambton, Kent and the entire county of Essex; and
9. Allow licensed non-residents to hunt raccoon at night.

Our concerns center on trespass by hunters on farm properties, as well as associated concerns that trespass could compromise on-farm biosecurity protocols.

Section 3 of Ontario's Trespass to Property Act sets out the circumstances when formal notice by signs or symbols is not required. Farmers are not required to post notices on their farms, indicating that entry is not permitted. Entry onto agricultural properties, whether fenced or not, is only permitted when the farmer expressly permits such entry.

Prohibition of entry

3. (1) Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,

(a) that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than two metres and woodlots on land used primarily for agricultural purposes; or

(b) that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises.

OFA does not oppose expanding hunting opportunities for non-resident hunters. That being said, we do believe this change presents an added risk of more trespass incidents, as non-resident hunters are less likely to know how Ontario laws apply to circumstances like hunting on private property, as well as where to readily access such information.

Incidents of trespass can also lead to the farm-to-farm spread of livestock and plant diseases on footwear, vehicle tires, etc. To minimize the risk of disease transfer, farmers strictly limit access to their farms. For livestock diseases, farmers restrict access to their animals by strictly controlling who can enter a barn, combined with requirements to shower before entering and before leaving the barn. For plant diseases, they more-broadly restrict access to their land itself. Biosecurity protocols are not intended to shield animals from view or deny access to land, but rather to protect against disease transfers. The requirements to have a landowner's permission to enter his/her land forms a critical aspect of biosecurity.

To counter this, OFA strongly recommends that the Ministry of Natural Resources and Forestry provide all non-resident hunters with the "Trespassing" section from Ontario's Hunting Regulations Summary (pages 26 and 27 in the 2016-2017 edition) as well as a short outline of on-farm biosecurity with their Small Game hunting license.

OFA welcomes this opportunity to provide its perspective on Amendments to Ontario Regulations under the Fish and Wildlife Conservation Act, 1997 to streamline and modernize the management of small game and furbearer wildlife species in Ontario. Should you require any further clarification of our perspective, please do not hesitate to contact OFA.

Sincerely,



Keith Currie
President

KC/pj

cc: Hon. Kathryn McGarry; Minister of Natural Resources and Forestry
Hon. Jeff Leal; Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors