



City of Richmond

Report to Committee

To: Parks, Recreation and Cultural Services Committee **Date:** June 30, 2014

From: Serena Lusk, Senior Manager, Recreation and Sport Services **File:** 01-0060-20-RRGC1/2014-Vol 01

Re: **Update on Hunting in Richmond**

Staff Recommendation

That the report, "Update on Hunting in Richmond," dated June 4, 2014, from the Senior Manager, Recreation & Sport Services, be received for information.

Serena Lusk
 Senior Manager, Recreation and Sport Services
 (604-233-3344)

Att: 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
RCMP	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

At the February 25, 2014 Parks, Recreation and Cultural Services Committee meeting, staff received the following referral:

Examine the regulations surrounding hunting on farmland and the necessary requirements for licensed hunters to continue hunting and report back.

The referral was in response to a letter sent to the City from the Richmond Rod and Gun Club (RRGC). The letter identifies challenges for hunters currently participating in Richmond's Hunting by Permission program in contacting property owners to obtain approval to hunt on their property. The letter specifically requests that the City's Bylaw be amended to allow, in the absence of a property owner, a lessee or farmer to have the authority to allow hunting on the land they have leased in a manner similar to provincial regulations related to hunting.

Analysis

Background

Section 9 of the City of Richmond's Bylaw No. 4183 "Regulating the Discharge of Firearms" (the "Bylaw") states:

Notwithstanding the provisions of section 4 hereof, a person may, in the area designated as "hunting by permission only" on Schedule "A" attached hereto and forming part of this Bylaw, if he has a hunting by permission pass issued by the Richmond Rod and Gun Club and validated by the owner of the property, during that period of each year when the hunting of wildlife may be carried out in accordance with the laws of the Province of British Columbia and where that person is a holder of a valid and subsisting licence issued by the Province of British Columbia and as required by the laws of the said Province and of Canada for the hunting and killing of such wildlife, discharge firearms therein without the necessity of obtaining a permit therefore pursuant to this Bylaw.

The Bylaw allows for "hunting by permission" in specific farm areas of Richmond (Attachment 1). The Bylaw gives the RRGC the authority to issue permits for hunting provided the applicant has the required provincial and federal hunting related permits. The RRGC currently coordinates hunting in the City by providing the following services:

- Mapping hunting activity and ensuring hunters are dispersed across available hunting areas;
- Arranging \$5,000,000 general liability insurance which extends to all permit holders; and
- Liaising with the RCMP to notify the detachment of hunting activity.

The RRCG does not issue permits based on permissions of landowners. It is currently up to individual hunters to coordinate permission in accordance with the Bylaw. The RRCG stated in its letter, dated February 21, 2014, that it is increasingly challenging for hunters to use lands designated in the program for hunting because lands are owned by non-farming absentee owners.

In 2013-2014, the RRCG issued 105 permits for hunting in Richmond. This number is consistent with previous years and includes hunters who were engaged in the activity for recreational purposes and those who hunted for the purposes of wildlife control on farmland.

Regulatory Environment and Other Jurisdictions

The BC *Wildlife Act*, in part, addresses hunting in British Columbia. Section 39 of the *Wildlife Act* is applicable to this report. Section 39 provides that “A person commits an offence, if the person without the consent of the owner, lessee or occupier [Staff’s emphasis] of land hunts or traps over cultivated land”. So, pursuant to the *Wildlife Act*, if a hunter does not have the consent of the land owner but does have the consent of the lessee or occupier then the hunter does not commit an offence under the *Wildlife Act*.

While the consent of a lessee or occupier may protect a hunter from prosecution under the *Wildlife Act*, the *Wildlife Act* does not address the issue of whether the lessee or occupier has the right to hunt under its lease or license with the property owner and/or whether the lessee or occupier has the authority to permit a 3rd party hunter to hunt on the property. The authority from the owner to a lessee or occupier is typically in a lease or license. So, it could be the case that the lease or license prohibits the lessee or occupier and/or third party hunter from hunting on the lands and therefore hunting would be breach of the lease or license.

Langley and Surrey have firearms discharge bylaws that reflect farming / hunting nexus (this nexus is also found in section 7(a) of the Richmond Bylaw). The Surrey bylaw provides that the “discharge of firearms is not prohibited where a person engaged in normally accepted agricultural or horticultural business upon lands zoned Agricultural”. The Langley bylaw provides that the “discharge of firearms is not prohibited where a person engaged in a normally accepted agricultural or horticultural business discharges a firearm for the purpose of protecting livestock or crops from birds or animals”.

Options

Staff have identified the three options set-out in Table 1 below.

Table 1: Options for change in hunting regulations in Richmond

Option	Description	Pros	Cons
<p>Status Quo *Recommended</p>	<p>Hunting by permission program continues as is. Hunters are responsible for securing permission from property owners.</p>	<p>Hunting continues as both a recreational and farming activity with the cooperation and participation of the RRGC.</p>	<p>Current issues with seeking property owner permission continue and the available land for hunting may be limited by this requirement.</p>
<p>Change existing Bylaw No. 4183 - Section 9 to allow lessee or occupier of property to provide permission for hunting.</p>	<p>Permission can be granted for hunting on private property by an owner, lessee or occupier.</p>	<p>Permission is easier to obtain for hunters.</p>	<p>The City has no assurance that the right to permit hunting has been transferred from the property owner to the lessee, occupier and/or 3rd party hunter.</p>
<p>Amend the Bylaw to prohibit Hunting by Permission on agricultural land as presently allowed in Schedule A of the Bylaw.</p>	<p>Hunting would only be permitted as it relates to farming and may still require the written permission of the landowner as per owner and lessee agreements. Recreational hunting would continue on the islands labelled "Open Area" in Attachment 1.</p>	<p>Conflicts between hunters and neighbouring residents would be reduced related to recreational hunting only.</p>	<p>Recreational hunting is effectively eliminated in Richmond. The services provided by the RRGC around coordination and safety of hunting would no longer be in place.</p>

Maintaining status quo is the recommended option as it provides the most flexibility for hunting activity in Richmond while ensuring that the rights of property owners are maintained and that hunting occurs in a safe and coordinated manner.

Conclusion

Hunting is a long standing recognized recreational and farm protection activity in designated areas of Richmond. While recent issues related to obtaining property owner permission has created some additional limitations and challenges for hunters, the overall principles and actions governed by Discharge of Firearms Regulation Bylaw 4183 are sound and should be maintained in their present form.



Gregg Wheeler
 Manager, Sports and Community Events
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Att. 1: Schedule A of Bylaw 4183

ATTACHMENT 1

