ANIMAL JUSTICE
Leading the legal fight for animal protection

July 8, 2024

Public Input Coordinator
MNRF Fish and Wildlife Policy Branch – Wildlife Section
300 Water Street
5th Floor, North Tower
Peterborough, ON K9J 3C7

To whom it may concern:

Re: Proposed Changes to technical specifications for relaxing cable restraints used for trapping - ERO 019-8071

These comments are submitted on behalf of Animal Justice – Canada's leading national animal law organization. We appreciate this opportunity to provide comments regarding the Ministry of Nature Resources and Forestry proposed changes to the regulations under the *Fish and Wildlife Conservation Act, 1997*.

Regulation Changes

As you are aware, the proposed amendments to Ontario Regulation 667/98 under the FWCA are as follows:

- Increasing the breakaway device rating for relaxing cable restraint traps from 122.5kg or less to 158.8kg or less
- Decreasing the minimum cable loop diameter for relaxing cable restraint from 8.9cm to 6.4cm

Provided Justification

The MNRF provides the following justifications for the proposed amendments:

> *to align regulations with research findings on recommended breakaway device ratings suitable for holding coyote yet maintains design function to allow non-target species (e.g., livestock, non-target wildlife) to break the device and escape unharmed. Reducing the minimum cable loop diameter is intended to address concerns about pelt damage that have been identified by trappers. Both these amendments serve to ensure RCRs remain an effective tool for farmers and trappers.*

Commentary on Process

The Ontario government states that these changes are intended to align regulations with research findings to allow non-target species to escape unharmed. Additionally, reducing the snare loop diameter is purportedly a response to concerns from trappers about fur pelt damage. However, animal protection organizations have requested the research findings that support these changes and have only been

provided with a "best trapping practices" document published by the Fur Institute of Canada (an industry lobby group that promotes trapping). This document lacks citations to any research or peer-reviewed science to substantiate the recommendations or proposed changes.

The absence of transparent, peer-reviewed scientific evidence raises serious questions about the validity of the proposed amendments. It is imperative that the government publishes the research findings it references on the Environmental Registry of Ontario (ERO) page. This will enable the public to provide informed comments during this consultation process.

The shortcomings in the Ministry's posting in this regard are disturbing as there is a pattern of non-disclosure of key information in connection with MNRF proposals. The Office of the Auditor General of Ontario, in a recent report on the operation of the Environmental Bill of Rights, was critical of MNRF for the lack of sufficient information in postings on the ERO:

> *In each of our previous reports on the operation of the EBR Act, we found that some prescribed ministries did not give sufficient information in proposal and decision notices to allow for meaningful public participation or transparency and accountability. In 2023, we assessed a sample of proposal and decision notices posted by prescribed ministries and again found cases in which Ontarians were not given sufficient information. In particular, the Environment, Natural Resources, Municipal Affairs, Mining, Energy and Transportation Ministries posted notices on the Environmental Registry that were not sufficiently informative.*[1]

The Ministry provided the following public response to the Office of the Auditor General:

> *The Ministry appreciates this recommendation and is committed to its legal obligations under the EBR Act. The Ministry's internal guidance and training provides direction to staff on the content of Registry notices, including the best practices of describing the details of each proposal and the potential environmental effects, describing details of decisions, and providing links to all key supporting information in each notice where available. Additional internal guidance is being developed to further support this recommendation. The Ministry recently (2022) launched a new training module on the "Environmental Registry of Ontario and Public Participation in Government Decision-Making." The Ministry will continue to improve the Natural Resources Information Portal (NRIP) to modernize service delivery, help reduce burden on industry, create internal efficiencies and enable the public to view approvals on a variety of Ministry instruments.*[2]

It is apparent the MNRF continues to fail to live up to its responsibilities under the EBR and to the commitments it made in the public response to the findings of the Auditor General of Ontario.

Animal Welfare

Current laws around trapping need to prioritize animal welfare and be informed by contemporary, peer-reviewed science. The changes to the breakaway device rating and cable loop diameter appear to prioritize the interests of the commercial fur industry and farming sector over the welfare of wild

[1] https://auditor.on.ca/en/content/annualreports/arreports/en23/AR_EBR_en23.pdf
[2] Ibid

animals. There has been no consideration given to the impact these changes will have on the animals subjected to these devices.

Changing the specifications of cable restraints could further compromise animal welfare. Research has demonstrated that these devices result in significant negative outcomes for both target and non-target animals. They are not certified traps under the Agreement on International Humane Trapping Standards (AIHTS), which Canada is a party to, and should thus be prohibited in Ontario. The lack of certification highlights the inadequacy of these devices in meeting even minimal animal welfare standards.

The use of killing and restraining snares to trap wildlife is increasingly seen as unethical, given the negative welfare impacts on animals. Many countries around the world have recognized these issues and have banned the use of snares entirely. Ontario should follow suit and end the use of these devices to align with international standards and ethical practices.

The government should encourage livestock farmers to adopt non-lethal methods of predator control

The government should strongly encourage livestock farmers to adopt non-lethal, predator-friendly methods instead of relying on trapping and killing coyotes and wolves. Predators like coyotes and wolves are vital to maintaining ecological balance by controlling herbivore populations, which helps prevent overgrazing and promotes biodiversity. Disrupting this balance through lethal control methods can have cascading negative effects on the environment, such as the degradation of habitats and the overpopulation of certain species[3]. Non-lethal methods help preserve these ecological dynamics, ensuring long-term environmental health.

Ethical considerations play a significant role in advocating for non-lethal methods. Trapping predators always causes significant suffering and distress to these animals. Non-lethal techniques, such as using livestock guardian dogs, implementing secure fencing, and employing deterrents, minimize harm and align with humane treatment standards. Public concern for animal welfare is increasing, and adopting non-lethal methods meets these ethical expectations while enhancing the reputation of farmers as responsible stewards.

Economically, non-lethal methods offer sustainable and cost-effective solutions for managing livestock predation. While initial investments may be necessary for implementing strategies like fencing or acquiring guardian animals, these costs are often offset by long-term benefits. Non-lethal methods can reduce livestock losses over time, lowering the ongoing financial burden of replacing lost animals and repairing damage.[4]

Market demand for ethically produced livestock products is on the rise. Consumers are increasingly willing to pay premium prices for products that are produced in a humane and sustainable manner. By adopting non-lethal methods, farmers can differentiate their products and access this market segment. This not only boosts revenue but also enhances their public image as ethical producers, further contributing to long-term economic sustainability.

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[3] Beschta, R. L., & Ripple, W. J. (2009). Large predators and trophic cascades in terrestrial ecosystems of the western United States. Biological Conservation, 142 (11), 2401-2414

[4] Gehring, T. M., VerCauteren, K. C., Provost, M. L., & Cellar, A. C. (2010). Utility of livestock-protection dogs for deterring wildlife from cattle farms. Wildlife Research, 37(8), 715-721

The practical effectiveness of non-lethal methods in reducing livestock predation has been well-documented. Techniques such as employing livestock guardian dogs, installing secure fencing, and using deterrents like lights and noise can significantly lower the risk of predation[5]. Unlike lethal methods, which often provide only temporary relief, non-lethal strategies offer sustainable solutions that can adapt to changing predator behaviors. This adaptability ensures continued protection for livestock, making non-lethal methods a reliable choice for farmers.

Encouraging livestock farmers to use non-lethal, predator-friendly farming methods offers numerous benefits. By promoting these methods, Ontario can lead the way in sustainable and humane farming practices, ensuring the long-term health and prosperity of both the agricultural sector and the natural environment. Implementing these recommendations will foster a more balanced coexistence between livestock farming and wildlife conservation, benefiting all stakeholders involved.

Wolf and Coyote Reproductive Rates

Studies indicate that increased lethal control destabilizes pack structure, leading to a rise in the number of sexually mature wolves breeding, larger litter sizes, and a resultant increase in hunting.[6] Coyotes have similar pack structures to wolves, and similarly experience higher reproductive rates when faced with increased lethal control.[7] Attempts to control coyote population levels through lethal control have proven futile as coyote populations are able to fully recover following a 75 percent reduction in population.[8] Thus, trapping may actually serve to ultimately increase the number of wolves and coyotes in a given region.

Wolf and Coyote Interests

Wolves and coyotes are both pack animals with complex social relations. Killing members of a pack disrupts pack cohesion and impedes social learning, causing group instability and creating changes in breeding patterns. A recent study of wolf populations across Canada has shown that wolves from areas where they are heavily hunted have higher levels of stress hormones, potentially leading to changes in the health and behaviours of both these individuals and their offspring, including changes in reproductive rates.[9] As wolves (and coyotes) are keystone species, such changes would likely have major impacts on ecosystems in ways that are difficult to predict and therefore manage. Moreover, wolves and coyotes have an interest in living their lives and not being cruelly and needlessly killed.

Conclusion

In summary, Animal Justice opposes the proposed amendments to the technical specifications of restraining snares. The changes lack a foundation in peer-reviewed scientific research and seem to prioritize industry interests over animal welfare. The Ministry must provide the referenced research to

[5] Stone, S. A., Edge, J. L., Fascione, N., & Miller, C. A. (2005). Livestock and wolves: A guide to nonlethal tools and methods to reduce conflicts, Defenders of Wildlife

[6] RB Wielgus and KA Peebles, "Effects of Wolf Mortality on Livestock Depredations" (2014) 9:12 PLoS ONE e113505.

[7] Alberta Agriculture and Rural Development, "Coyote Predation Control Manual and Study Guide" (March 2010), online at http://www1.agric.gov.ab.ca/general/progserv.nsf/all/pgmsrv403/$FILE/manual-study-guide.pdf

[8] *Ibid.*

[9] Heather M Bryan et al, "Heavily hunted wolves have higher stress and reproductive steroids than wolves with lower hunting pressure" (2015) 29:3 Functional Ecology 347-356

enable a transparent and informed public consultation process. Laws and regulations concerning trapping should be guided by ethical considerations and contemporary science, ensuring higher standards of animal welfare.

It is time for Ontario to take a more humane to wildlife management and predator management. By banning the use of killing and restraining snares and promoting non-lethal alternatives, the province can play a role in humane and ethical wildlife management.

Animal Justice appreciates the opportunity to comment on the proposed changes. Please do not hesitate to contact us if you should have any questions.

Yours sincerely,

Pierre Sadik
Government & Legislative Affair Counsel
Animal Justice