

DEPARTMENT OF RECREATION AND CONSERVATION

FISH AND WILDLIFE BRANCH

MEMORANDUM

TO: J. C. Lyons
Regional Director
Nanaimo

FROM: Doug Dryden
Conservation Officer
Nanaimo

DATE: 18 Dec/74 FILE NO: 4-09-00

This is a request that the Fish and Wildlife Branch ask for an amendment to the Migratory Birds Convention Act in the coming year. A loophole has appeared in the Act which allows the holder of an avicultural permit to bait his permit area and close all land to hunting within a quarter mile of this area. This effectively usurps the rights of adjoining landowners who may wish to have their land remain open to hunting. Also, if the permit area adjoins a lake which is Crown Land, this too is effectively closed to hunting.

The implications of this situation are that any non-hunter may apply for an avicultural permit and close an area to hunting for one quarter mile around his property (e.g. Cowichan Bay could be closed by landowners bordering the Bay).

To avoid additional duplicity of the situation (as occurred with s.22 on Michael Lake) it is suggested that this loophole be plugged. The following amendment to the MBCA is offered for your perusal:

"Sec. 14 (6) Subsection (1) and (4) do not apply when the holder of a permit issued under Section 19 or 20 places bait in the area specified in his permit for the sole purpose of feeding migratory birds lawfully in his possession."

The addition of Subsection (1) will effectively limit the permit holders authority to his land only and will not interfere with adjoining property owners rights.

An argument against such an amendment may be that the holder of a permit may use this baiting as a loophole to bring migratory birds into the area to allow them to be hunted. This can be countered that the amendment specifies that the sole purpose of the feeding be for migratory birds in his possession and not for some ancillary reason.

The importance of such an amendment cannot be overstressed when one considers the other problems traditional hunting areas are subjected to today.

D. W. Dryden
Doug Dryden
Conservation Officer

cc: W. D. Haddleton

LWD/mrb



PROVINCE OF BRITISH COLUMBIA
DEPARTMENT OF RECREATION AND CONSERVATION

FISH AND WILDLIFE BRANCH

REFERRAL SLIP

35-00
0645/04

To: Danell, P. H. Star
From: Chas Date: Feb. 18/76
Location: _____ Phone: _____

February 16, 1976

For:

- | | |
|--|--|
| <input type="checkbox"/> Action. | <input type="checkbox"/> Note and file. |
| <input type="checkbox"/> Approval. | <input type="checkbox"/> Note and forward. |
| <input type="checkbox"/> Attach related papers. | <input type="checkbox"/> Note and return. |
| <input type="checkbox"/> Comments. | <input type="checkbox"/> Prepare reply for my signature. |
| <input type="checkbox"/> Discuss with me. | <input type="checkbox"/> Reply direct. |
| <input type="checkbox"/> Draft reply. | <input type="checkbox"/> Return with drafted reply. |
| <input type="checkbox"/> Filing. | <input type="checkbox"/> See me. |
| <input checked="" type="checkbox"/> Information. | <input type="checkbox"/> Signature. |
| <input type="checkbox"/> Investigation and report. | <input type="checkbox"/> Your request. |
| <input type="checkbox"/> More details wanted. | |

Remarks: Good letter from s.22
File next door - Star
essential file

SONI (50)-1073-8348

s.22 is
hunting in the area surrounding s.22 Michael
stand, his efforts are in the form of a
landowners urging the Branch to declare

s.22
st
has waged an all-out campaign against
hunters, continually harrassing them. Last year (1974-75 season) s.22
chose an obscure section of the Migratory Birds Convention Act as s.22
weapon. Now that these regulations have been amended in the sportsman's
favor s.22 has shifted s.22 attack.

Most of the landowners bordering Michael Lake have historically
enjoyed amicable relations with waterfowl gunners. And while the majority
are non-hunters they are not notably anti-hunter. s.22

s.22 is trying s.22 damndest to change all this. s.22
would have them all believe we are a bloodthirsty lot of killers bent
on destroying every last duck.

Several landowners on the lake allow hunting. s.22 for
example welcomes hunters who ask permission. s.22 allows hunting
on a limited basis and s.22 whose fields were heavily damaged by

35-000
X 62-000
0645/04

s.22

February 16, 1976

Mr. Bill Munroe,
Waterfowl Co-Ordinator,
Fish & Wildlife Branch,
Victoria, B.C.

Dear Mr. Munroe:

Information has it that s.22 is
once again attempting to ban hunting in the area surrounding s.22 Michael
Lake farm. This time, I understand, s.22 efforts are in the form of a
petition signed by neighboring landowners urging the Branch to declare
Michael Lake a closed area.

Since moving to the district s.22
s.22 has waged an all-out campaign against
hunters, continually harrassing them. Last year (1974-75 season) s.22
chose an obscure section of the Migratory Birds Convention Act as s.22
weapon. Now that these regulations have been amended in the sportsman's
favor s.22 has shifted his attack.

Most of the landowners bordering Michael Lake have historically
enjoyed amicable relations with waterfowl gunners. And while the majority
are non-hunters they are not notably anti-hunter. s.22

s.22 is trying s.22 damndest to change all this. s.22
would have them all believe we are a bloodthirsty lot of killers bent
on destroying every last duck.

Several landowners on the lake allow hunting. s.22 for
example welcomes hunters who ask permission. s.22 allows hunting
on a limited basis and s.22 whose fields were heavily damaged by

ducks last fall has indicated s.22 will perhaps allow hunting next season.

Nearby, within a few hundred yards of the lake, two more large farms-- s.22 --are open to anyone who seeks permission.

Also, two islands on the lake itself offer good duck hunting to anyone willing to paddle out to them. These islands as well as the lake are public domain.

My fear, and that of fellow hunters, is that s.22 will push for a blanket closure of the entire area; something that has happened all too often in the past to other good waterfowl habitat.

s.22 has every right--as do other farmers in the district-- to post s.22 land. But by the same token those landowners generous enough to allow hunting should have the same right as to who uses their fields.

The district has not changed over the years. It is still sparsely populated farmland; ideal pheasant and duck hunting.

Before any decision is made re closing Michael Lake I urge that a hard look be taken at the reasons behind any petition and that the hunters themselves have a voice in any contemplated change.

s.22

C. C. Lyons,
Regional Director,
Nanaimo, B.C.

FISH & WILDLIFE BRANCH

RECEIVED

FEB 18 1976

NANAIMO, B.C.

REFERRAL SLIP

From

Chs

Date

March 26/76

C. Lyons
WHEN REPLYING PLEASE STATE

OUR FILE NO. 62-02-01-00

YOUR FILE NO.

s.22

doesn't give up easily

RVATION

- ☐ H.
☐ J.
☐ K.
☐ L.
☐ M.
☐ N.
☐ O.
☐ P.
☐ Q.
☐ R.
☐ S.
☐ T.
☐ U.
☐ V.
☐ W.
☐ X.
☐ Y.
☐ Z.
☐ AA.
☐ AB.
☐ AC.
☐ AD.
☐ AE.
☐ AF.
☐ AG.
☐ AH.
☐ AI.
☐ AJ.
☐ AK.
☐ AL.
☐ AM.
☐ AN.
☐ AO.
☐ AP.
☐ AQ.
☐ AR.
☐ AS.
☐ AT.
☐ AU.
☐ AV.
☐ AW.
☐ AX.
☐ AY.
☐ AZ.
☐ BA.
☐ BB.
☐ BC.
☐ BD.
☐ BE.
☐ BF.
☐ BG.
☐ BH.
☐ BI.
☐ BJ.
☐ BK.
☐ BL.
☐ BM.
☐ BN.
☐ BO.
☐ BP.
☐ BQ.
☐ BR.
☐ BS.
☐ BT.
☐ BU.
☐ BV.
☐ BW.
☐ BX.
☐ BY.
☐ BZ.
☐ CA.
☐ CB.
☐ CC.
☐ CD.
☐ CE.
☐ CF.
☐ CG.
☐ CH.
☐ CI.
☐ CJ.
☐ CK.
☐ CL.
☐ CM.
☐ CN.
☐ CO.
☐ CP.
☐ CQ.
☐ CR.
☐ CS.
☐ CT.
☐ CU.
☐ CV.
☐ CW.
☐ CX.
☐ CY.
☐ CZ.
☐ DA.
☐ DB.
☐ DC.
☐ DD.
☐ DE.
☐ DF.
☐ DG.
☐ DH.
☐ DI.
☐ DJ.
☐ DK.
☐ DL.
☐ DM.
☐ DN.
☐ DO.
☐ DP.
☐ DQ.
☐ DR.
☐ DS.
☐ DT.
☐ DU.
☐ DV.
☐ DW.
☐ DX.
☐ DY.
☐ DZ.
☐ EA.
☐ EB.
☐ EC.
☐ ED.
☐ EE.
☐ EF.
☐ EG.
☐ EH.
☐ EI.
☐ EJ.
☐ EK.
☐ EL.
☐ EM.
☐ EN.
☐ EO.
☐ EP.
☐ EQ.
☐ ER.
☐ ES.
☐ ET.
☐ EU.
☐ EV.
☐ EW.
☐ EX.
☐ EY.
☐ EZ.
☐ FA.
☐ FB.
☐ FC.
☐ FD.
☐ FE.
☐ FF.
☐ FG.
☐ FH.
☐ FI.
☐ FJ.
☐ FK.
☐ FL.
☐ FM.
☐ FN.
☐ FO.
☐ FP.
☐ FQ.
☐ FR.
☐ FS.
☐ FT.
☐ FU.
☐ FV.
☐ FW.
☐ FX.
☐ FY.
☐ FZ.
☐ GA.
☐ GB.
☐ GC.
☐ GD.
☐ GE.
☐ GF.
☐ GG.
☐ GH.
☐ GI.
☐ GJ.
☐ GK.
☐ GL.
☐ GM.
☐ GN.
☐ GO.
☐ GP.
☐ GQ.
☐ GR.
☐ GS.
☐ GT.
☐ GU.
☐ GV.
☐ GW.
☐ GX.
☐ GY.
☐ GZ.
☐ HA.
☐ HB.
☐ HC.
☐ HD.
☐ HE.
☐ HF.
☐ HG.
☐ HH.
☐ HI.
☐ HJ.
☐ HK.
☐ HL.
☐ HM.
☐ HN.
☐ HO.
☐ HP.
☐ HQ.
☐ HR.
☐ HS.
☐ HT.
☐ HU.
☐ HV.
☐ HW.
☐ HX.
☐ HY.
☐ HZ.
☐ IA.
☐ IB.
☐ IC.
☐ ID.
☐ IE.
☐ IF.
☐ IG.
☐ IH.
☐ II.
☐ IJ.
☐ IK.
☐ IL.
☐ IM.
☐ IN.
☐ IO.
☐ IP.
☐ IQ.
☐ IR.
☐ IS.
☐ IT.
☐ IU.
☐ IV.
☐ IW.
☐ IX.
☐ IY.
☐ IZ.
☐ JA.
☐ JB.
☐ JC.
☐ JD.
☐ JE.
☐ JF.
☐ JG.
☐ JH.
☐ JI.
☐ JJ.
☐ JK.
☐ JL.
☐ JM.
☐ JN.
☐ JO.
☐ JP.
☐ JQ.
☐ JR.
☐ JS.
☐ JT.
☐ JU.
☐ JV.
☐ JW.
☐ JX.
☐ JY.
☐ JZ.
☐ KA.
☐ KB.
☐ KC.
☐ KD.
☐ KE.
☐ KF.
☐ KG.
☐ KH.
☐ KI.
☐ KJ.
☐ KK.
☐ KL.
☐ KM.
☐ KN.
☐ KO.
☐ KP.
☐ KQ.
☐ KR.
☐ KS.
☐ KT.
☐ KU.
☐ KV.
☐ KW.
☐ KX.
☐ KY.
☐ KZ.
☐ LA.
☐ LB.
☐ LC.
☐ LD.
☐ LE.
☐ LF.
☐ LG.
☐ LH.
☐ LI.
☐ LJ.
☐ LK.
☐ LL.
☐ LM.
☐ LN.
☐ LO.
☐ LP.
☐ LQ.
☐ LR.
☐ LS.
☐ LT.
☐ LU.
☐ LV.
☐ LW.
☐ LX.
☐ LY.
☐ LZ.
☐ MA.
☐ MB.
☐ MC.
☐ MD.
☐ ME.
☐ MF.
☐ MG.
☐ MH.
☐ MI.
☐ MJ.
☐ MK.
☐ ML.
☐ MM.
☐ MN.
☐ MO.
☐ MP.
☐ MQ.
☐ MR.
☐ MS.
☐ MT.
☐ MU.
☐ MV.
☐ MW.
☐ MX.
☐ MY.
☐ MZ.
☐ NA.
☐ NB.
☐ NC.
☐ ND.
☐ NE.
☐ NF.
☐ NG.
☐ NH.
☐ NI.
☐ NJ.
☐ NK.
☐ NL.
☐ NM.
☐ NN.
☐ NO.
☐ NP.
☐ NQ.
☐ NR.
☐ NS.
☐ NT.
☐ NU.
☐ NV.
☐ NW.
☐ NX.
☐ NY.
☐ NZ.
☐ OA.
☐ OB.
☐ OC.
☐ OD.
☐ OE.
☐ OF.
☐ OG.
☐ OH.
☐ OI.
☐ OJ.
☐ OK.
☐ OL.
☐ OM.
☐ ON.
☐ OO.
☐ OP.
☐ OQ.
☐ OR.
☐ OS.
☐ OT.
☐ OU.
☐ OV.
☐ OW.
☐ OX.
☐ OY.
☐ OZ.
☐ PA.
☐ PB.
☐ PC.
☐ PD.
☐ PE.
☐ PF.
☐ PG.
☐ PH.
☐ PI.
☐ PJ.
☐ PK.
☐ PL.
☐ PM.
☐ PN.
☐ PO.
☐ PP.
☐ PQ.
☐ PR.
☐ PS.
☐ PT.
☐ PU.
☐ PV.
☐ PW.
☐ PX.
☐ PY.
☐ PZ.
☐ QA.
☐ QB.
☐ QC.
☐ QD.
☐ QE.
☐ QF.
☐ QG.
☐ QH.
☐ QI.
☐ QJ.
☐ QK.
☐ QL.
☐ QM.
☐ QN.
☐ QO.
☐ QP.
☐ QQ.
☐ QR.
☐ QS.
☐ QT.
☐ QU.
☐ QV.
☐ QW.
☐ QX.
☐ QY.
☐ QZ.
☐ RA.
☐ RB.
☐ RC.
☐ RD.
☐ RE.
☐ RF.
☐ RG.
☐ RH.
☐ RI.
☐ RJ.
☐ RK.
☐ RL.
☐ RM.
☐ RN.
☐ RO.
☐ RP.
☐ RQ.
☐ RR.
☐ RS.
☐ RT.
☐ RU.
☐ RV.
☐ RW.
☐ RX.
☐ RY.
☐ RZ.
☐ SA.
☐ SB.
☐ SC.
☐ SD.
☐ SE.
☐ SF.
☐ SG.
☐ SH.
☐ SI.
☐ SJ.
☐ SK.
☐ SL.
☐ SM.
☐ SN.
☐ SO.
☐ SP.
☐ SQ.
☐ SR.
☐ SS.
☐ ST.
☐ SU.
☐ SV.
☐ SW.
☐ SX.
☐ SY.
☐ SZ.
☐ TA.
☐ TB.
☐ TC.
☐ TD.
☐ TE.
☐ TF.
☐ TG.
☐ TH.
☐ TI.
☐ TJ.
☐ TK.
☐ TL.
☐ TM.
☐ TN.
☐ TO.
☐ TP.
☐ TQ.
☐ TR.
☐ TS.
☐ TT.
☐ TU.
☐ TV.
☐ TW.
☐ TX.
☐ TY.
☐ TZ.
☐ UA.
☐ UB.
☐ UC.
☐ UD.
☐ UE.
☐ UF.
☐ UG.
☐ UH.
☐ UI.
☐ UJ.
☐ UK.
☐ UL.
☐ UM.
☐ UN.
☐ UO.
☐ UP.
☐ UQ.
☐ UR.
☐ US.
☐ UT.
☐ UY.
☐ UZ.
☐ VA.
☐ VB.
☐ VC.
☐ VD.
☐ VE.
☐ VF.
☐ VG.
☐ VH.
☐ VI.
☐ VJ.
☐ VK.
☐ VL.
☐ VM.
☐ VN.
☐ VO.
☐ VP.
☐ VQ.
☐ VR.
☐ VS.
☐ VT.
☐ VY.
☐ VZ.
☐ WA.
☐ WB.
☐ WC.
☐ WD.
☐ WE.
☐ WF.
☐ WG.
☐ WH.
☐ WI.
☐ WJ.
☐ WK.
☐ WL.
☐ WM.
☐ WN.
☐ WO.
☐ WP.
☐ WQ.
☐ WR.
☐ WS.
☐ WT.
☐ WY.
☐ WZ.
☐ XA.
☐ XB.
☐ XC.
☐ XD.
☐ XE.
☐ XF.
☐ XG.
☐ XH.
☐ XI.
☐ XJ.
☐ XK.
☐ XL.
☐ XM.
☐ XN.
☐ XO.
☐ XP.
☐ XQ.
☐ XR.
☐ XS.
☐ XT.
☐ XZ.
☐ YA.
☐ YB.
☐ YC.
☐ YD.
☐ YE.
☐ YF.
☐ YG.
☐ YH.
☐ YI.
☐ YJ.
☐ YK.
☐ YL.
☐ YM.
☐ YN.
☐ YO.
☐ YP.
☐ YQ.
☐ YR.
☐ YS.
☐ YT.
☐ YZ.
☐ ZA.
☐ ZB.
☐ ZC.
☐ ZD.
☐ ZE.
☐ ZF.
☐ ZG.
☐ ZH.
☐ ZI.
☐ ZJ.
☐ ZK.
☐ ZL.
☐ ZM.
☐ ZN.
☐ ZO.
☐ ZP.
☐ ZQ.
☐ ZR.
☐ ZS.
☐ ZT.
☐ ZY.
☐ ZZ.

Your request - - ☐

0 (59)

Please leave attached when replying

ng the status
or future hunting in the Michael Lake area. It is gratifying
to receive such letters in support of hunting when so many
today are against it.

The petition you speak of is not exactly that. It was s.22
suggestion that there was no public access to Michael Lake and that
all the surrounding landowners were against hunting. I stated that
if that were so and all these landowners were willing to sign
documents to that effect then the Fish & Wildlife Branch would give
consideration to a request to close the area to hunting. You will
note that I said give consideration to, I did not say that we would
close the area. Since that discussion s.22 has informed me
that all the landowners around Michael Lake are not willing to close
their land to hunting so that the idea of such a petition has been
dropped.

My concern is primarily for the Aleutian Canada goose, an endangered
species which may or may not frequent the area. If it could be
demonstrated that that species used the area extensively then I
think a legitimate case could be made to close the area to the hunting
of Canada geese. However, the Nanaimo region has recommended that
Management Unit 1-5 be closed to the hunting of Canada geese in 1976
so that that particular problem is resolved.

... 2

**"A LAND FIT FOR WILDLIFE IS A LAND FIT FOR PEOPLE"**



WHEN REPLYING PLEASE STATE

OUR FILE NO. 62-02-01-00

YOUR FILE NO.

DEPARTMENT OF RECREATION AND CONSERVATION
FISH AND WILDLIFE BRANCH

March 11, 1976

s.22

Dear s.22

This will acknowledge your recent letter regarding the status of future hunting in the Michael Lake area. It is gratifying to receive such letters in support of hunting when so many today are against it.

The petition you speak of is not exactly that. It was s.22 suggestion that there was no public access to Michael Lake and that all the surrounding landowners were against hunting. I stated that if that were so and all these landowners were willing to sign documents to that effect then the Fish & Wildlife Branch would give consideration to a request to close the area to hunting. You will note that I said give consideration to, I did not say that we would close the area. Since that discussion s.22 has informed me that all the landowners around Michael Lake are not willing to close their land to hunting so that the idea of such a petition has been dropped.

My concern is primarily for the Aleutian Canada goose, an endangered species which may or may not frequent the area. If it could be demonstrated that that species used the area extensively then I think a legitimate case could be made to close the area to the hunting of Canada geese. However, the Nanaimo region has recommended that Management Unit 1-5 be closed to the hunting of Canada geese in 1976 so that that particular problem is resolved.

. . . 2



"A LAND FIT FOR WILDLIFE IS A LAND FIT FOR PEOPLE"

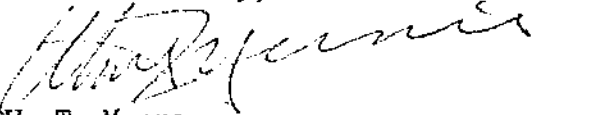
March 11, 1976

Page Two

There are a great many items that must be considered when a closure of an area to hunting is contemplated. The final decision is made by our regional office and they should be made aware, as I think they have been, of your position.

Thank you again for your communication.

Yours sincerely,



W. T. Munro

Bird Management Coordinator

WTM/lt

COWICHAN VALLEY REGIONAL DISTRICT

September 27, 1976.

s.22

Dear s.22

The Regional Board at its recent meeting held on September 22, 1976, considered a letter received from the Fish and Wildlife Branch in furtherance to our letters regarding our request to have Michael Lake considered a sanctuary, and we are enclosing a copy of this reply to you for information. At the Board meeting it was directed that the letter be received and filed pending further investigations by yourself.

Yours very truly,

R. M. Sharp
R. M. Sharp,
Administrator.

/jl

Encl.

ELECTORAL AREAS:

- A MILL BAY; MALAHAT;
- B SHAWNIGAN LAKE;
- C CORBLE HILL;
- D COWICHAN BAY;
- E COWICHAN STATION; CANTLAM; GLENORA;
- F COWICHAN LAKE SOUTH;
- G SALT AIR; GULF ISLANDS;
- H NORTH OYSTER;

MUNICIPALITIES:

CITY OF DUNCAN
DISTRICT OF NORTH COWICHAN
TOWN OF LADYSMITH
VILLAGE OF LAKE COWICHAN

DEPARTMENT OF RECREATION AND TRAVEL INDUSTRY

FISH AND WILDLIFE BRANCH

MEMORANDUM

TO W. T. Munro
i/c Bird Management

FROM T. McGunigle
Conservation Officer

DATE November 3, 1976 FILE No. 62-02

Re: Michael Lake - Request for Hunting Closure

I will attempt to provide an outline of the problems that have been brought to the fore as a result of s.22 efforts to close Michael Lake to hunting.

s.22 almost immediately. and my involvement started s.22

Under the authority of Environment Canada - Canadian Wildlife Service - s.22 was allowed to apply the conditions of s.22 Avicultural Permit to s.22 land-holding on Michael Lake. s.22 attempted to obtain agreement from all the landholders within one quarter mile of the lake to ban all hunting of migratory birds. This agreement, and the consent of the Director and Chief Game Officer of the Province, would then permit the closure of the area to hunting.

s.22 failed in s.22 attempt to obtain the consent of the landholders, and s.22 subsequent moves have been varied and unpredictable. s.22 has made many complaints, and s.22 stories vary depending upon whom he is speaking to - RCMP or Conservation Officers. I have investigated, and found that s.22 statements, and the stories of hunters and others involved, differ greatly. Due to the conflict in statements, action has only been taken when the alleged violations were witnessed.

s.22 and s.22 has my home telephone number. I have received calls, and responded on several occasions. On only one instance were violators observed and charged.

In the last year the possibility that Aleutian Canada Geese have been utilizing the lake has been raised. This was to support a request that the area be turned into a sanctuary. To date the Branch and other interested agencies have been unable to document the existence of these geese on Michael Lake. A request that the Cowichan Valley Regional District legislate a 'No Shooting Area' at Michael Lake was initiated by one s.22

s.22 The justification is that the Aleutian Canada Geese use the area, and that a dead swan was found - cause of death - lead and copper toxicity.

Dr. Hebert, Regional Wildlife Biologist, replied to the query by the Cowichan Valley Regional District, stating that hunting of Canada Geese is prohibited in this area. The death was that of a swan, and the bird could have picked up the lead or copper elsewhere.

s.22 efforts have backfired and resulted in an amendment to s.22 1975 Avicultural Permit, imposing conditions that birds be kept in a confined area not less than one quarter mile from an area where the hunting of migratory birds is permitted, and that the placing of bait within the confined area be for the sole purpose of feeding migratory birds lawfully in possession.

In the last month s.22 has asked me what I felt the penalty would be if s.22 baited the area twice in order to get it closed. My reply was that we would do our utmost to have a severe penalty levied, and all the circumstances would be placed before the courts.

I have not been party to the latest complaint of s.22 . I understand the complaint is that the noise of gunfire is stopping s.22 cows from drinking from the lake.

s.22 cattle are in a pasture that borders Michael Lake. They have access to the lake at all times. Hunting pressure is very light excepting weekends and holidays when the main pressure is during the early morning and the evening hours.

s.22 has contacted me regarding this problem, and was informed that if the hunters were shooting into s.22 pasture and endangering or molesting the cattle, action could be taken under Section 5 of the Firearms Act. (Careless use of a firearm). I again told s.22 to call me at any time. I have not received a call during the past two weeks. s.22 has not complained of s.22 cattle being endangered or molested other than the sound of the shooting bothering the cows.

s.22 has made a dedicated effort to have Michael Lake closed to hunting. As a result of s.22 efforts amendments have been made to s.22 Avicultural Permit and to the Migratory Birds Convention Act. These amendments make it much more difficult for one individual to close an area against the wishes of other land owners.

I can only conclude that s.22 latest effort is in the same vein as s.22 previous endeavors. If enforcement or regulatory action is required it will be carried out.

T. McGunigle
Conservation Officer

DEPARTMENT OF RECREATION AND TRAVEL INDUSTRY
FISH AND WILDLIFE BRANCH

File Copy

MEMORANDUM

TO W. T. Munro,
Bird Management Co-ordinator.

FROM S. C. Devereux,
Regional I & E Officer.

DATE Nov. 3/76 FILE No. 79.02(F)

Re: Summary of Michael Lake Problems

During the past two years the following staff members have been approached by s.22 in relation to efforts to impose a closure to hunting on Michael Lake:

R.P.O. Haddleton	CO Dryden
CO McGunigle	CO Lay
Dr. Hebert	Wildlife Tech. Turnbull
I & E Devereux	

s.22 has also made representation to the Minister of Rec. & Con., the Deputy Minister, the Director and the provincial waterfowl bio in Victoria.

s.22 has also been contact with the federal minister of the environment, the director of CWS in Ottawa, the regional director in Vancouver and several CWS biologists.

s.22 is in contact with the local detachment of the R.C.M.P..
s.22 has enlisted the support of local natural history societies and the Greenpeace Foundation.

s.22 has presented petitions to the municipality of Nanaimo and the Regional District of Nanaimo requesting closure of the area to the discharge of firearms.

s.22 has given the following reasons for requesting closure of the area and these vary considerably in relation to the interests of the agency to which they are addressed:

- 1) public dangers arising from hunting activity
- 2) dangers to waterfowl populations from lead shot ingestion
- 3) dangers to Trumpeter Swans that periodically visit area
- 4) dangers to the rare Aleutian Geese alleged to visit the area
- 5) dangers to cattle through ingestion of lead contamination of vegetation
- 6) cattle prevented from drinking through noise of discharging shotguns.

.... /2

Re: Summary of Michael Lake Problems

Each of the alleged dangers has been either completely disproved or has been found not to be supported by fact.

Michael Lake is a traditional hunting area popular with a relatively small number of local residents. There is apparently no public access to the lake, and hunters enter by permission only of the several landowners whose property adjoins the lake. This factor helps to maintain the quality of hunting, tends to inhibit the abusive conduct and minimizes noise polluting factors of hunting in populated areas.

No complaints have been received from any other nearby resident. Numerous complaints have been received from hunters regarding
s.22 attitude.

It is the general opinion of those members of the staff of this office that have been involved in the investigation of complaints originating from s.22 that the reports are exaggerated often untrue, and that they originate from an attempt by
s.22 to restrict public recreational activities on land adjacent to s.22



Stan C. Devereux,
Regional I & E Officer.

SCD/jm

Encl. - summary of events by Terry McGunigle.

Lloyd Brooks
Deputy Minister

D. J. Robinson

November 12, 1976

79-02-00
62-02-01-00

Re: s.22 Michael Lake

Attached are two memos from our Nanaimo office which provide background information on s.22 and s.22 relation with the Fish and Wildlife Branch.

Basically the problem is that s.22 wants the lake closed to hunting. The lake is public although access is limited to those obtaining permission from surrounding landowners. Persons using the lake for hunting wish to continue.

Most arguments raised by s.22 are not valid. s.22 two major arguments have centered around Trumpeter Swans and Aleutian Canada Geese. In excess of 1500 Trumpeter Swans winter in British Columbia with about 1000 on Vancouver Island. Up to 25 sometimes occur on Michael Lake. At least one died through lead and copper poisoning. However, it almost certainly picked up both the lead and copper elsewhere than Michael Lake. Trumpeter Swans are not considered a rare and endangered species. The Aleutian Canada Goose is considered a rare and endangered species but there is no authenticated record of it occurring at Michael Lake. Birds purporting to be of that subspecies have been examined on site and via photographs by the best North American experts and the conclusion was that those birds were different subspecies. It is still possible that Aleutian Canadas use the area occasionally but that is not sufficient argument to close the area to all hunting. The whole area is at present closed to the hunting of Canada Geese.

In short, s.22 is, in the view of this Branch, attempting to get a public area closed to hunting through any means s.22 can without regard for other legitimate users.

D. J. Robinson
Acting Director

cc: C. Lyons ✓

attach.

BTM/lc

FISH & WILDLIFE BRANCH
RECEIVED

1976



273
November 29, 1976

Honourable Sam Bawlf
Minister of Recreation and
Conservation
Legislative Buildings
VICTORIA, B.C.

Dear Mr. Bawlf:

For some time now there have been investigations by the Fish and Wildlife Branch representatives in connection with Michael Lake in the Oyster District north of Ladysmith. These investigations were carried out by a s.22 and the Cowichan Valley Regional District. Some of the unresolved questions are:

1. Are trumpeter swans, which winter there, being poisoned because of duck hunting on the lake and the leaching of agricultural sprays?
2. Are Aleutian Geese frequenting Michael Lake?
3. Should Michael Lake be declared a bird sanctuary?

Regional Wildlife biologist, Mr. Hebert, has indicated in a letter to the Cowichan Valley Regional District that the Branch will be investigating lead poisoning in the area this year. He does not say how, when, or how intensively. His reference to one swan only is not quite correct. There were 5 which took sick - all with the same symptoms. Only one of those five was captured and later died. The other four disappeared, and assumably died from the same cause but their bodies were not available for autopsy. Incidentally, there are only 8 trumpeters there this year. Other years have averaged 25 to 30 birds. This is a frightening trend to an already endangered species and we could soon reach the position of the United States where there are no trumpeters in their natural habitat.



...2

Regarding the Aleutian geese, there seems to be some disagreement between s.22 and Mr. Hebert as to whether or not B.C. Wildlife experts accompanied him to identify Aleutian geese. s.22 has apparently been visited by a Dr. Springer of the U.S. Fish and Wildlife and been asked to contact him re any sightings of the B.C. Wildlife Branch.

In view of Mr. Hebert's letter, the Cowichan Valley Regional Board have referred the matter back to s.22 for further investigation and s.22 has come to me.

I would ask you to use your authority to instigate a thorough review of the whole question of whether or not Michael Lake should be declared a sanctuary with resultant protective measures to ensure the safety of both Trumpeters and Aleutians. I enclose some background material for your information.

Yours sincerely


Barbara Wallace, M.L.A.
COWICHAN-MALAHAT

BW:tl

Attach.

December 7, 1976.

Terry McGunigal,
Fish and Wildlife Branch,
Nanaimo, B.C.

Dear Terry,

Regarding our recent conversation, the following is a resume of hunting experiences on Michael Lake.

s.22 . In 1961 I initiated a personal yearly record: birds killed, weather conditions, access, etc. These records indicate a slight slump in ducks during the late 60's, early 70's. My records also show a dramatic comeback of waterfowl in recent years for what reason I can only guess. Access to private lands has, over the years, affected my bag far more than the number of birds available.

While I have not kept a written account of Swan populations, memory serves me well.

Fifteen years ago swans were rare in Cedar. If I saw more than six a year it was unusual. To-day I see 20-30- a day and consider it commonplace. I note also these birds tolerate man quite well. While in field hunting it is not unusual for a flock to land within 75-100 yards and pay no attention to subsequent shooting. s.22 opinion aside, swans, I believe, tolerate the sound of gunfire better than most people do.

s.22 as you well know has a reputation for harrassing hunters. My first encounter with s.22 occurred two years ago while duck hunting from my canoe on Michael Lake. s.22 paddled alongside, ordered me to stop shooting and get off s.22 lake. When I refused s.22 lost s.22 temper, swore, left and returned shortly with the R.C.M.P. As I was not lawbreaking I was not charged and returned

in a few days to hunt again.

And so it went: I hunted, s.22 called the police, Game
Branch or harrassed me s.22 s.22
s.22 .

I have tried to appease s.22 = no shooting towards s.22
property, no scaring s.22 livestock, but to no avail.

s.22 claims hunters keep s.22 cows from drinking at the lake.
The previous owner, s.22 ran cattle, allowed hunting and had
no trouble whatsoever.

Nearby, s.22 and s.22 both own stock and claim no friction
with hunters.

The lake is public domain adequatly patrolled by Branch
personell. s.22 claim of irresponsible hunters is totally
false. s.22 is the irresponsible one. s.22 neighbors, if questioned,
I'm sure will bear me out.

Yours truly,

s.22

MEMORANDUM

TO D. R. Hurn
Assistant Director
Victoria

FROM J. C. Lyons
Regional Director
Nanaimo

DATE 9 December, 1976 FILE NO. 19-01 X 79-02 (

Re: Michael Lake: Complaint by

s.22

s.22 has often complained that the hunting on Michael Lake has disturbed s.22 cattle to such an extent that they will not come to the lake to drink. s.22 is not the only person running cattle that borders Michael Lake. s.22 and s.22 have both indicated to us that the hunting presents no problem to them regarding disturbance to their cattle.

I have personally observed herds of cattle on Quennel Lake which is in the same vicinity. After the first day of the opening of the duck season the cattle do not even lift their heads while grazing when shots are fired although hunters are within a distance of 50-100 yards away.

We do not consider Michael Lake any different than other lakes where duck hunting is allowed. It may present a problem on what we refer to as a pot-hole with range cattle, but it is our opinion that this is merely another excuse by s.22 to have the lake closed to all hunting.

The Trumpeter Swan population during the winter months on Michael Lake is estimated to be 20-30 birds. We have checked Shoemaker Bay at Port Alberni where there is a large known wintering population of swans, and have been informed on December 7th, 1976 that only approximately two thirds of the normal population has, as yet, arrived. We feel this would also apply to other known resting or wintering areas in this vicinity.

Sightings in the Michael Lake area within the past two weeks range from flocks of 4 to 28 swans. s.22 has recently observed flocks of, what s.22 identifies as, Trumpeter Swans, numbering 28 and 15. Swans winter on the s.22 and s.22 properties, using a pond that does not freeze, and a potato field. This has been confirmed by residents, and the observations of the Conservation Officers.

. . . 2 . . .

D. R. Hurn

Re: Michael Lake: Complaint by

s.22

(cont'd) 9/12/76

s.22 has on several occasions, harassed hunters. s.22 has also approached s.22, using obscene and profane language. These instances can be verified by the persons subjected to this type of abuse.

Access to the lake is permitted by two farmers - s.22 and s.22. s.22 stipulates, before granting access, that a dog or a boat must be used so that all injured birds are recovered. s.22 gives permission to members of the public to use s.22 property as access to the lake, and to hunt on s.22 property.

Hunting pressure on Michael Lake cannot be compared to areas such as the Nanaimo Flats due to the restrictive access, but is used as a traditional hunting area by many local residents. Also, considerable hunting is carried out on the s.22 property across the lake from the s.22 property. The s.22 property does not abut the lake, but is subject to flooding from the lake, and therefore provides an opportunity for the hunting of migratory birds.

In answer to the complaint of s.22 that most of the hunting on Michael Lake is being done by Conservation Officers under the excuse of attending beaver complaints . . our Regional Predator Control Officer Dan LAY wishes to state the following: "On November 15th, 1976 I received a complaint from s.22 that beaver had dammed the outlet of Michael Lake and was flooding s.22 property; the beaver were also destroying s.22 blueberry bushes. I investigated the complaint, and verified the property damage. s.22 informed me at that time that s.22, would be willing to trap the beaver. Later on the same day I contacted s.22 and met with s.22 to discuss the trapping of the nuisance beaver. Subsequently, s.22 was issued a Sundry Permit which allowed s.22 to trap nuisance beaver prior to the opening of the trapping season. s.22 had received permission to cross private property to hunt ducks on Michael Lake prior to s.22 being utilized by the Branch to trap nuisance beaver.

There may be a misunderstanding on s.22 part as to the status of s.22 association with the Fish and Wildlife Branch. s.22 is not employed by the Branch, nor does s.22 receive any remuneration from the Branch. s.22 was given instructions by me at the time of issuing the permit that the trapline must be checked at least once a day. While s.22 was checking the trapline he also had on occasion hunted ducks, as s.22 trapline had to be serviced by boat."

D. R. Hurn

Re: Michael Lake: Complaint of

s.22

(cont'd) . . . 9/12/76

s.22

d

We are attaching for your information, copies of previous reports dealing with the s.22 conflict on Michael Lake, which I think, will provide much further additional information.

for W. D. Haddleton
J. C. Lyons
Regional Director

WDH/mrb

cc: W. D. Haddleton

Encls. 7

1902 F
Michael Lake
File

s.22

Dear Sir:

I have learned that there has been a request made to have the Michael Lake area in the Yellow Point District declared a Waterfowl Sanctuary. I understand this request was made by a ^{s.22} on a claim that the Swans population is in danger of lead poisoning caused by shotgun pellets.

The Swans and other waterfowl use many Nanaimo areas to winter in where the same type of farming is practised and the habitat is similar. My

^{s.22} and many other friends have hunted this district since the turn of the

197.

century with no apparent effect, so why should the Michall Lake area be closed?

My reasons for protesting against this closure are as follows:

There has not been a Biological study done by the Fish and Wildlife Service or a request from them to have this area closed.

s.22

s.22 To request closures where there is any danger to the wildlife.

It appears that the other land owners around the lake have not requested a closure.

s.22

s.22

free pups within a short distance of thirty to forty swans and the shooting did not cause them to leave the area during

We have many closed areas now, private land, sanctuaries and future developments. I fear there will be another endangered species

s.22

Sincerely,

s.22

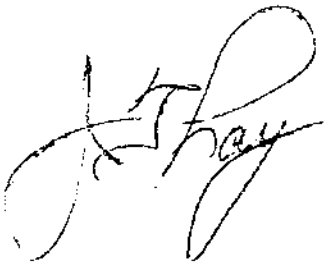
RE: s.22

Statement from A.C.O. Jack Lay

I first became acquainted with s.22 and s.22
living on a farm West of s.22 .

During the years 1965 and 1971 I attended numerous requests for action to control losses by raccoons, coyotes and fox. Numerous bird losses were observed but no evidence animal losses.

I took action to control coyote populations and aided s.22 in setting traps for fox and raccoons. s.22 felt that I was not giving s.22 adequate attention for the protection of s.22 waterfowl. Consequently s.22 reported me to headquarters. As a result of this complaint Mr. G. A. West (Regional Director) carried out an investigation. Mr. West confirmed my stand on the matter as our policy of this time was no action to be taken on bird complaints. I found s.22 a very difficult person to satisfy. s.22 was constantly demanding protection from predators and the public as a result the R.C.M. Police and Canadian Wildlife Service were also constantly involved. s.22 was very erratic and negligent in giving s.22 property the necessary protection. In addition s.22 was continually demanding the closure to waterfowl hunting in the s.22 .



s.22

ACCESS TO MICHAEL LAKE:

s.22 bordering on the lake,
and is the holder of a migratory bird permit. s.22 began posting
the areas surrounding the lake with "No Hunting" signs. This was carried
out with the verbal permission of surrounding landowners.

Hunters, while hunting on the lake, were greeted with considerable abuse by s.22, and forced to leave. The result was that the Fish and Wildlife Branch was approached for guidance as to the legality of s.22 action.

The person who is the holder of a migratory bird avicultural permit may deposit bait to feed the birds in his possession (Sec. 14 (6)).

Cpl. Len Doyle (Migratory Birds Section, RCMP) was contacted, and agreed to come to Ladysmith to resolve the dilemma.

Mr. Doyle also felt that s.22 could grant access to the lake, but that hunters must remain a quarter mile from s.22 boundary.

Access to Michael Lake (cont'd)

Both s.22 and s.22 were informed of this ruling. s.22 stated that s.22 intention was to place bait at the corners of s.22 property to get the maximum coverage from the quarter mile closure.

It has occurred to this writer that a possible conflict occurs here in that Sec. 14 (6) allows the placing of bait only for the sole purpose of feeding migratory birds lawfully within the holders possession. The purpose of s.22 s.22 baiting is not solely for this purpose but rather as a "spite" measure to control s.22 .

Cpl. Doyle has stated that a recommendation for amendment to the Migratory Bird Convention Act forthcoming from his department that - birds be in the possession of the permit holder when feeding is being conducted; the feeding be carried out not closer than one quarter mile from the boundaries of the permit holder so as not to conflict with neighboring landowners; and that feeding be confined solely to the birds on the permit holders permit.

It is felt these recommendations should be supported most avidly by the Fish and Wildlife Branch in order to preserve as many hunting areas as possible. The present situation, as this writer perceives it is, that anyone with an avicultural permit can effectively close an area to hunting within one quarter mile of his property. The ramifications of such a situation are obvious upon the already steadily eroding traditional hunting areas in the province.

As a final point, it should be noted that much of the confusion of the present situation has originated from the offices of the Canadian Wildlife Service in Edmonton. Personnel in that department have given out advice as to Canadian Wildlife Service policy rather than as written in the Migratory Bird Convention Act. From the viewpoint of keeping peace between the two government agencies, it is not suggested here that a formal criticism be registered against the Canadian Wildlife Service but rather that Branch officials are aware of the situation when dealing with similar situations in the future.

D.W. Dryden/mrb
17 Dec. 1974

D. M. Hebert
M.O. 982/76

FISH & WILDLIFE BRANCH

RECEIVED

DEC 24 1976

Typed: December 20/76

File #: 62-02-01-00 ?

79-02-00(f)

December 24, 1976

Mrs. Barbara Wallace, M.L.A.
Cowichan - Malahat
4, 40 Station Street
Duncan, B.C.
V9L 1M4

Dear Mrs. Wallace:

RE: MICHAEL LAKE

The Fish and Wildlife Branch has carefully examined the question of Michael Lake, and has concluded there is no need to declare it a sanctuary to ensure the safety of Trumpeter Swans and Aleutian Canada Geese.

A number of points should be clarified.

1. It is unlikely that Trumpeter Swans wintering on Michael Lake are being poisoned by lead from duck hunting on the lake. The hunting pressure on the lake is insufficient to provide the concentrations of lead necessary to cause such poisoning. It is more likely that the odd swan picks up lethal concentrations in more heavily hunted areas. The Fish and Wildlife Branch has an investigation of lead poisoning underway at the Cowichan estuary. That study involves the sampling of substrate to determine number and longevity of lead pellets and collection and autopsy of birds to determine to what degree, if any, lead poisoning is occurring. Although a number of copper based fungicides are used on potato crops, it is possible that copper is picked up by birds frequenting the area near the Island Copper Mine on Rupert Inlet or Western Mines on Buttle Lake. The Fish and Wildlife Branch is at present obtaining information on the extent of use of copper based sprays in agriculture and on the persistence and toxicity of those sprays in the environment.
2. Mr. Munro, i/c Bird Management, Fish and Wildlife Branch specialist on waterfowl, visited Michael Lake last winter, and photographed what was purported to be an Aleutian Canada Goose. The photographs were examined by the foremost experts in North America on Aleutian Canada Geese and the general opinion was that it was a different subspecies. The Aleutian subspecies is very difficult to distinguish in the field, the only certain way is to obtain observations of color marked on banded birds. To date, there have been no sightings or band returns of those birds in the fall or winter between Alaska and their wintering grounds in California.

Because there have been no such sightings, the Fish and Wildlife Branch does not believe that Aleutian Canada Geese regularly frequent Michael Lake.

3. The Trumpeter Swan is not considered an endangered species. Contrary to your information, the United States has considerable numbers of Trumpeter Swans in their natural habitat. There are about 1,000 birds breeding in Montana, Wyoming and South Dakota and between 3,500 and 4,000 in Alaska. It is a portion in excess of 1,500 of the Alaska breeding birds that winter in B.C., about 1,000 on Vancouver Island. The fact that only 3 have visited Michael Lake this year is likely due to the mild weather causing the isolated inland lakes to remain ice free, such lakes are often favoured as wintering areas by Trumpeter Swans. When those lakes freeze, the swans move to the estuaries and unfrozen water bodies near the sea. The Fish and Wildlife Branch conducts winter swan surveys to monitor the population. They have not found to date any serious decline in numbers.
4. The Fish and Wildlife Branch has and is cooperating with Dr. Springer and others of the U.S. Fish and Wildlife Service in regard to sightings of Aleutian Canada Geese. In fact, Dr. Springer was one of the experts who believed the photograph taken at Michael Lake was not of an Aleutian Canada Goose.
5. Trumpeter Swans are protected all year. There is no open hunting season on Canada Geese of any subspecies in Management Unit 1-5, the area from Qualicum Beach almost to Duncan, including Michael Lake. Thus, if in fact, any Aleutian Goose did visit the area, it would be legally protected.

For the above reasons, the Fish and Wildlife Branch sees no biological need to declare Michael Lake a sanctuary.

Sincerely yours,

Sam Bawlf,
Minister of Recreation
and Conservation.

WTM/plm

c.c. D. M. Hebert

S.



NANAIMO & DISTRICT
FISH & GAME
PROTECTIVE
ASSOCIATION

BOX 211,
NANAIMO, B.C.
V9R 5K9



Hon. Sam Bawlf,
Minister of Recreation & Conservation

Dear Sir;

We understand that a s.22 is again attempting to secure a migratory bird hunting closure on Michaels Lake in the Cedar district south of Nanaimo. While we respect s.22 aversion to any form of hunting, we cannot support s.22 attempts to deprive migratory bird hunters of one of the few remaining hunting spots in the greater Nanaimo area. If s.22 closure attempts were motivated by a legitimate concern for survival of a species or threat to s.22 property, we would be the first to offer our support. Indeed we, and our parent organization the B. C. Wildlife Federation, are invariably the first to demand hunting closures where a species or stock is threatened with elimination by any means.

However, our investigation indicates that no such threat, either to wildlife or s.22 property occurs. It is also our understanding that other property owners around the lake do not support s.22 attempts to close the area. Therefore we can only conclude that s.22 attempts to obtain a closure are for a purely personal and selfish reason. We simply do not believe that one individual should be allowed to impose s.22 will on many. On behalf of our 750 members we respectfully request that this attempt to close Michael Lake to migratory bird hunting be rejected.

Sincerely,

R. Morris, President

cc. Dave Stupich MLA

C. Lyons, Reg. Director,
Fish & Wildlife Branch

Cowichan Malahat Regional District

J. C. Lyons,
Regional Director.

28
S. C. Devereux,
Regional I & E Officer,

Jan. 11/77

79.02(F)

RE: MICHAEL LAKE

This will confirm my recent verbal statement to you that the allegations made by ^{s.22} by telephone to Deputy Minister, Lloyd Brooks, are completely unfounded.

I understand that the allegation stated C.O. Dryden and myself were the principal hunters on Michael Lake over the past six weeks and by innuendo infers that such hunting activities were being carried out while we were on duty.

I wish to state that at no time have I ever hunted or carried a firearm, or had a firearm in my possession at any point within a one mile radius of Michael Lake. I visited Michael Lake in the company of Officer Dryden on one occasion only during the fall of 1975 at his request to assist in the identification of birds alleged to be Aleutian Geese, on the property of

^{s.22}

This is the only occasion that I have ever entered the property of ^{s.22}, or any other property adjacent to Michael Lake, in either an official or private capacity.

I personally interpret this allegation as an attempt to intimidate branch officers with a view to influencing their course of action in relation to their official duties.

Stan C. Devereux,
Regional Information and
Education Officer.

SCD/jm

cc: D. Dryden

FISH AND WILDLIFE BRANCH MEMORANDUM

To: G. Prouse From: D.V. TURNER Date: 16/1/81
(Day.) (Month.) (Year.)

Subject: NO SHOOTING PROPOSALS - MICHAEL LAKE Not Responsive File No. 0100

RESIDENTS IN & AROUND THE LAKE ARE PRESSURING
REGIONAL DISTRICT & OUR MINISTRY TO ENACT
A NO SHOOTING AREA ON LAKE LAKE. PETITIONS
SENT REGIONAL DISTRICT BY RESIDENTS (MICHAEL
LAKE PETITION ATTACHED). REGIONAL DISTRICT
WANTS US TO BE RESPONSIBLE. I DON'T
THINK WE SHOULD. WOULD LIKE MEETING

(Signature).....

WITH YOU & STAN DUBREUX FOR DISCUSSION
AS TO REGIONAL POLICY ON SUCH MATTERS.

CC. GRANT TURNER
STAN DUBREUX

ENC. COPY OF ONE OF THE MICHAEL LAKE PETITIONS 12/1/81.

Date.....
(Day.) (Month.) (Year.)

(Signature).....

property. C. J.
17/1/81
18/1/81
19/1/81
20/1/81
21/1/81
22/1/81
23/1/81
24/1/81
25/1/81
26/1/81
27/1/81
28/1/81
29/1/81
30/1/81
31/1/81
32/1/81
33/1/81
34/1/81
35/1/81
36/1/81
37/1/81
38/1/81
39/1/81
40/1/81
41/1/81
42/1/81
43/1/81
44/1/81
45/1/81
46/1/81
47/1/81
48/1/81
49/1/81
50/1/81
51/1/81
52/1/81
53/1/81
54/1/81
55/1/81
56/1/81
57/1/81
58/1/81
59/1/81
60/1/81
61/1/81
62/1/81
63/1/81
64/1/81
65/1/81
66/1/81
67/1/81
68/1/81
69/1/81
70/1/81
71/1/81
72/1/81
73/1/81
74/1/81
75/1/81
76/1/81
77/1/81
78/1/81
79/1/81
80/1/81
81/1/81
82/1/81
83/1/81
84/1/81
85/1/81
86/1/81
87/1/81
88/1/81
89/1/81
90/1/81
91/1/81
92/1/81
93/1/81
94/1/81
95/1/81
96/1/81
97/1/81
98/1/81
99/1/81
100/1/81

To the Canadian Regional District January 12, 1996

We, the undersigned want to have Michael Lake closed to public hunting. We do not want to have hunting closed on private properties surrounding Michael Lake.

FOR

AGAINST

- 1) Sydney West
- 2) Bruce West
- 3) Wayne Smith
- 4) Joyce Smith
- 5) D. O. ...
- 6) M. Trudell
- 7) Mary Widdow
- 8) Gregory W. Widdow
- 9) John Greenwell
- 10) E. G. Greenwell
- 11) E. G. H. Dho
- 12) Phil. PORTE
- 13) V. ...
- 14) Cliff Jackman, but emphasize shooting still to be allowed on owners property. C. J.
- 15) Flo Jansen
- 16) R. ...
- 17) ...
- 18) ...
- 19) ... 753-0716
- 20) ...
- 21) D. ...
- 22) ...
- 23) ...
- 24) ...

AGAINST

To J. M. M. - mostly in
our notes and records
danger to children playing near
Lakes

Exhibited by M^{rs} Lawrence

John W. Bennett

Miss Weston
Inglis
St. Albans

14th Nov 1894

John W. Johnson
New York

23. Elchone.

1. *Thymus* *serpyllifolius* L.
 2. *Thymus* *maritima* L.
 3. *Thymus* *praecox* L.
 4. *Thymus* *serpyllifolius* L.
 5. *Thymus* *maritima* L.
 6. *Thymus* *praecox* L.
 7. *Thymus* *serpyllifolius* L.
 8. *Thymus* *maritima* L.
 9. *Thymus* *praecox* L.
 10. *Thymus* *serpyllifolius* L.
 11. *Thymus* *maritima* L.
 12. *Thymus* *praecox* L.
 13. *Thymus* *serpyllifolius* L.
 14. *Thymus* *maritima* L.
 15. *Thymus* *praecox* L.
 16. *Thymus* *serpyllifolius* L.
 17. *Thymus* *maritima* L.
 18. *Thymus* *praecox* L.
 19. *Thymus* *serpyllifolius* L.
 20. *Thymus* *maritima* L.
 21. *Thymus* *praecox* L.
 22. *Thymus* *serpyllifolius* L.
 23. *Thymus* *maritima* L.
 24. *Thymus* *praecox* L.
 25. *Thymus* *serpyllifolius* L.
 26. *Thymus* *maritima* L.
 27. *Thymus* *praecox* L.
 28. *Thymus* *serpyllifolius* L.
 29. *Thymus* *maritima* L.
 30. *Thymus* *praecox* L.
 31. *Thymus* *serpyllifolius* L.
 32. *Thymus* *maritima* L.
 33. *Thymus* *praecox* L.
 34. *Thymus* *serpyllifolius* L.
 35. *Thymus* *maritima* L.
 36. *Thymus* *praecox* L.
 37. *Thymus* *serpyllifolius* L.
 38. *Thymus* *maritima* L.
 39. *Thymus* *praecox* L.
 40. *Thymus* *serpyllifolius* L.
 41. *Thymus* *maritima* L.
 42. *Thymus* *praecox* L.
 43. *Thymus* *serpyllifolius* L.
 44. *Thymus* *maritima* L.
 45. *Thymus* *praecox* L.
 46. *Thymus* *serpyllifolius* L.
 47. *Thymus* *maritima* L.
 48. *Thymus* *praecox* L.
 49. *Thymus* *serpyllifolius* L.
 50. *Thymus* *maritima* L.
 51. *Thymus* *praecox* L.
 52. *Thymus* *serpyllifolius* L.
 53. *Thymus* *maritima* L.
 54. *Thymus* *praecox* L.
 55. *Thymus* *serpyllifolius* L.
 56. *Thymus* *maritima* L.
 57. *Thymus* *praecox* L.
 58. *Thymus* *serpyllifolius* L.
 59. *Thymus* *maritima* L.
 60. *Thymus* *praecox* L.
 61. *Thymus* *serpyllifolius* L.
 62. *Thymus* *maritima* L.
 63. *Thymus* *praecox* L.
 64. *Thymus* *serpyllifolius* L.
 65. *Thymus* *maritima* L.
 66. *Thymus* *praecox* L.
 67. *Thymus* *serpyllifolius* L.
 68. *Thymus* *maritima* L.
 69. *Thymus* *praecox* L.
 70. *Thymus* *serpyllifolius* L.
 71. *Thymus* *maritima* L.
 72. *Thymus* *praecox* L.
 73. *Thymus* *serpyllifolius* L.
 74. *Thymus* *maritima* L.
 75. *Thymus* *praecox* L.
 76. *Thymus* *serpyllifolius* L.
 77. *Thymus* *maritima* L.
 78. *Thymus* *praecox* L.
 79. *Thymus* *serpyllifolius* L.
 80. *Thymus* *maritima* L.
 81. *Thymus* *praecox* L.
 82. *Thymus* *serpyllifolius* L.
 83. *Thymus* *maritima* L.
 84. *Thymus* *praecox* L.
 85. *Thymus* *serpyllifolius* L.
 86. *Thymus* *maritima* L.
 87. *Thymus* *praecox* L.
 88. *Thymus* *serpyllifolius* L.
 89. *Thymus* *maritima* L.
 90. *Thymus* *praecox* L.
 91. *Thymus* *serpyllifolius* L.
 92. *Thymus* *maritima* L.
 93. *Thymus* *praecox* L.
 94. *Thymus* *serpyllifolius* L.
 95. *Thymus* *maritima* L.
 96. *Thymus* *praecox* L.
 97. *Thymus* *serpyllifolius* L.
 98. *Thymus* *maritima* L.
 99. *Thymus* *praecox* L.
 100. *Thymus* *serpyllifolius* L.
 101. *Thymus* *maritima* L.
 102. *Thymus* *praecox* L.
 103. *Thymus* *serpyllifolius* L.
 104. *Thymus* *maritima* L.
 105. *Thymus* *praecox* L.
 106. *Thymus* *serpyllifolius* L.
 107. *Thymus* *maritima* L.
 108. *Thymus* *praecox* L.
 109. *Thymus* *serpyllifolius* L.
 110. *Thymus* *maritima* L.
 111. *Thymus* *praecox* L.
 112. *Thymus* *serpyllifolius* L.
 113. *Thymus* *maritima* L.
 114. *Thymus* *praecox* L.
 115. *Thymus* *serpyllifolius* L.
 116. *Thymus* *maritima* L.
 117. *Thymus* *praecox* L.
 118. *Thymus* *serpyllifolius* L.
 119. *Thymus* *maritima* L.
 120. *Thymus* *praecox* L.
 121. *Thymus* *serpyllifolius* L.
 122. *Thymus* *maritima* L.
 123. *Thymus* *praecox* L.
 124. *Thymus* *serpyllifolius* L.
 125. *Thymus* *maritima* L.
 126. *Thymus* *praecox* L.
 127. *Thymus* *serpyllifolius* L.
 128. *Thymus* *maritima* L.
 129. *Thymus* *praecox* L.
 130. *Thymus* *serpyllifolius* L.
 131. *Thymus* *maritima* L.
 132. *Thymus* *praecox* L.
 133. *Thymus* *serpyllifolius* L.
 134. *Thymus* *maritima* L.
 135. *Thymus* *praecox* L.
 136. *Thymus* *serpyllifolius* L.
 137. *Thymus* *maritima* L.
 138. *Thymus* *praecox* L.
 139. *Thymus* *serpyllifolius* L.
 140. *Thymus* *maritima* L.

[Faint handwritten notes at the bottom of the page, possibly bleed-through from the reverse side.]

M) 80/77

305

January 19, 1977.

Mr. R. Morris,
President,
Nanaimo & District Fish and Game
Protective Association,
Box 211,
Nanaimo, B. C.

RECEIVED

JAN 24 1977

FISH & WILDLIFE BRANCH
VICTORIA, B.C.

Dear Mr. Morris:

Re: Migratory Bird Hunting
Closure - Michael's Lake.

This will acknowledge receipt of your
letter of recent date concerning the above subject.

In order to ensure that a reply to you
is not unnecessarily delayed, I have asked my
Ministry officials to look into this and write to you
directly.

With best wishes.

Sincerely yours,

S.B.

Glen Bawlf,
~~Minister~~ Minister of Recreation
and Conservation.

rgm
cc: Mr. B. J. Robinson



FISH AND WILDLIFE BRANCH
DEPARTMENT OF RECREATION AND CONSERVATION

REFERRAL SLIP

To: *Raugh, Stan* From: *J.C. Lyons*
Date: *Feb 1/77*

20/77

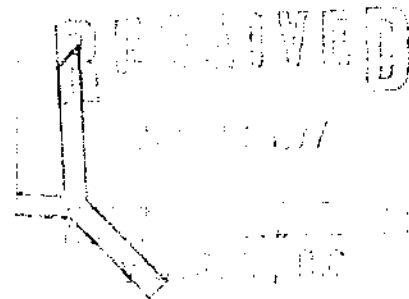
62-02-01-00
X79-02-00(F)

- Action - ☐
- Comments - ☐
- Information - ☒
- More details wanted - ☐
- Reply direct - ☐
- Prepare reply for my signature - ☐
- Prepare reply for signature of Minister/Deputy ☐
- Approval/Sig'ture ☐
- See me - ☐
- Filing - ☐
- Your request - ☐

SOM (50)

Please leave attached when replying

January 19, 1977.



DOX 211
Nanaimo, B.C.

Dear Mr. Morris:

The Minister has asked me to reply to your recent letter regarding the closure of Michael's Lake to waterfowl hunting.

The Fish and Wildlife Branch supports your concern for continued hunting on the lake, especially when a number of surrounding property owners are in favour. We will continue to oppose attempts by one person to unilaterally close Michael's Lake to hunting.

Yours sincerely,

M
W. T. Munro
i/c Bird Management

WTM/dc

cc. Hon. Sam Bawlf, Minister
J.C. Lyons, Regional Director, Nanaimo

FISH & WILDLIFE BRANCH
RECEIVED
FEB 1 1977
NANAIMO, B.C.

Mr. Walter Donald,
Executive Assistant to the Minister,
Ministry of Recreation and Conservation

DEPARTMENT OF RECREATION

AND MINISTRY OF CONSERVATION

OFFICE OF

Lloyd Brooks,
Deputy Minister.

January 20, 1977

62-02-01-00

Re: s.22 Yellow Point

I did indeed call s.22 and listened to s.22 complaint for about one-half hour, which is the same as always and amounts to a demand to close hunting around the lake and for one mile around s.22 property.

- endangers swans
- spooks s.22 cattle, etc.

Communication between s.22 and the Nanaimo office has broken down due to s.22 interminable complaint and many, many attempts by our people to reconcile the problem which they say is not shared by other farmers in the area.

Most of s.22 discussion with me was a long complaint against:


- 1) Nanaimo Office
- 2) Our Conservation Officers, whom s.22 claims are the only ones hunting this area (denied by our people).
- 3) Federal migratory bird specialist Parrot sent out from Ottawa to investigate. (Migratory birds and federal responsibility).
s.22 thoroughly condemned Parrot as an ignorant. (Parrot is recognized nationally as an expert in his field).

I am convinced that s.22 will never be satisfied until s.22 gets s.22 way, but I have requested Fish and Wildlife Branch to put an entirely new man on the problem, free of any possible former biases and to report fully. Mr. Munro of head office (whom s.22 referred to as a "gentleman") has this assignment.

s.22 agreed to this fresh approach.

LB:gi

cc: B. J. Robinson ✓


Lloyd Brooks,
Deputy Minister.

M) 80/77

62-02-01-00
X79-0200(f)

305

January 19, 1977.

January 27th, 1977

Mr. R. Morris,
President
Nanaimo & District Fish and Game
Protection Association,
Box 211
Nanaimo, B.C.

RECEIVED

JAN 21 1977

RECEIVED
JAN 21 1977
VICTORIA, B.C.

Dear Mr. Morris:

The Minister has asked me to reply to your recent letter regarding the closure of Michael's Lake to waterfowl hunting.

The Fish and Wildlife Branch supports your concern for continued hunting on the lake, especially when a number of surrounding property owners are in favour. We will continue to oppose attempts by one person to unilaterally close Michael's Lake to hunting.

Yours sincerely,

W. T. Munro
i/c Bird Management

WTM/dc

cc. Hon. Sam Bawlf, Minister
J.C. Lyons, Regional Director, Nanaimo

FISH & WILDLIFE BRANCH
RECEIVED
JAN 21 1977
NANAIMO, B.C.



To: Stan Devereux
Information & Education Officer

Date: 5 Feb/81

File: 16-8

Re: Michael Lake

There is a possibility that the furor surrounding Michael Lake may come up in the House. As a result of our discussion the other day, and Graham Turnbull's recent investigation, would you put together a summary of events (historical and current) outlining the situation. Please ensure that Rick Davies is contacted re lead poisoning.

The summary will be forwarded to the Minister's office for information.

C. G. Prouse
Regional Manager

CGP/mrb

cc: J.C. Lyons
D. Turner/G. Turnbull
R. Davies/D. Hebert

Minutes of the meeting of the Firearms Control Advisory Committee held in the Regional District Board Room, 137 Evans Street, Duncan, B. C. on Tuesday, February 8, 1977, at 7:30 p.m.

PRESENT

Advisory Committee -

Director C. Boas, Acting Chairman
Mr. A. Ackerman, Fish & Wildlife Branch, Duncan
Mr. John Comer, Cowichan Bird Society
Mr. D. M. Paras, Regional District Planning Technician
Acting Secretary - Miss J. Leney

Also Present

Director B. E. Russell, Area "H"
Director J. F. Dobell, Area "G"
Director K. Douglas, Area "I"
Director D. Berry, Area "F"
Const. Jim Stevenson - Ladysmith Detachment
Mr. Walter Erickson - Fish & Game Club Lake Cowichan Area
Mr. Ross Davis, Mr. Ralph Carlson, Ladysmith Sportsmen Club
Mr. Dan Wilson, Ladysmith Naturalist Club
and approximately 13 members of the public representing residents of Michael Lake and area.

Acting Chairman advised the meeting that because of the lack of quorum (Firearms Control Advisory Committee) he would proceed informal basis and welcomed those present to express their views concerns

Residents of the Michael Lake area expressed their concerns and reported incidents of hunting within 100 yards of residential homes; hunters shooting on occasion from 7:00 a.m. to 7:00 - 8:00 p.m.; area is in a state of continuous racket and gun fire. Some instances residents had allegedly been shot at; has imposed disruption to cattle; has become a very dangerous area to residents.

In response to inquiries made by Director Douglas the following information was given:

Size of Michael Lake - approximately 150 acres
Circumference of Lake - 4 - 6 miles
Number of residents/
property owners - six around the Lake
No gazetted road around the Lake but there is one to the Lake.
Of the property owners around the lake all are either full time or hobby farmers.

s.22 advised that of the property owners around the Lake the following are known to him of being against hunting on Lake, all of whom were present except one (as indicated)

s.22 who was not present at the meeting.

With permission of the Firearms Control Advisory Committee members present at the meeting Director Douglas introduced a recommendation -

Moved: Director K. Douglas
Seconded: Mr. John Comer

That it be recommended that the by-law to regulate the discharge of firearms exclude the discharge of firearms within or over the 200 yr. high water mark.

MOTION CARRIED

(Members of the public left the meeting at this point)

Const. J. Stevenson was requested to give his views on his experience with the situations at Michael Lake. He reported that he had received numerous complaints which had been subsequently investigated but very difficult to lay charges and resultant convictions under the present provisions of the Firearms Act. He felt that complainants received were for the most part bonified

Moved: A. Ackerman
Seconded: D. M. Paras

FISH & WILDLIFE BRANCH
RECEIVED

FEB 18 1977

DUNCAN, B.C.

With permission of the Committee members present non Committee Directors of the Regional Board became voting members of the Committee for this meeting.

Moved: Director K. Douglas
Seconded: Director B. E. Russell

That Const. Jim Stevens be made a voting member of this meeting.

MOTION CARRIED

Not Responsive

Firearms Advisory - Feb. 8, 1977.

Not Responsive

Chairman

Secretary



COWICHAN VALLEY REGIONAL DISTRICT

February 24, 1981

Regional Manager
Fish & Wildlife Branch
Ministry of Environment
324 Terminal Avenue
Nanaimo, B.C.

16-8
Michael Lake

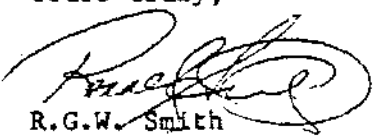
Dear Sir:

I enclose a copy of petition from the residents of the Michael Lake area regarding the discharge of firearms in that area.

The Board of the Cowichan Valley Regional District has, by resolution, at its January 14th Board meeting asked that more information on the situation be requested from you, both with respect to the existing problem and your recommendations as to a possible solution.

Your co-operation in providing this information would be greatly appreciated.

Yours truly,


R.G.W. Smith
Director of Planning

RGWS/js

FISH & WILDLIFE BRANCH

RECEIVED

FEB 26

NANAIMO, B.C.

ELECTORAL AREAS:

- A MILL BAY; MALAHAT;
- B SHAWNIGAN LAKE;
- C COBBLE HILL;
- D COWICHAN BAY;
- E COWICHAN STATION; SAHTLAM; GLENORA;
- F COWICHAN LAKE SOUTH;
- G SALTAIR; GULF ISLANDS;
- H NORTH OYSTER.

MUNICIPALITIES:

CITY OF DUNCAN
DISTRICT OF NORTH COWICHAN
TOWN OF LADYSMITH
VILLAGE OF LAKE COWICHAN

the Cherokee National District

We, the undersigned want to have Michael Lake closed to public hunting. We do not want to have hunting closed on private properties surrounding Michael Lake.

FOR. leaving on Lake

AGAINST

1. John West
 2. Arthur West
 3. Eliza Smith
 4. Joyce Smith
 5. M. Trudell
 6. Mary Widdow
 7. George W. Widdow
 8. John Greenwell
 9. E. A. Greenwell
 10. E. A. H. H.

Phil. Porter
Cliff Jackman, but
emphasize shooting still
to be allowed on owners
property. C. J.

Leo Jansz \rightarrow not on lake
Vine lassen. \rightarrow

Wilson
 733-0716
 D. Brown
 Little to be done
 Michael
 James
 733-0716

In the European Regional District
We, the undersigned want to have Michael Lake
closed to public hunting. We do not want to
have hunting closed on private properties
surrounding Michael Lake.

FOR not hunting on Lake

AGAINST

D. J. M. Mamee - greatly concerned
over noise and possible
danger to children playing near
lake.

Christine M. Mamee

~~John Mamee~~

Rhonda Teller

Alphonse Gallant

Jean Gallant

Alex Kirkham

Margaret Kirkham

D. Kirkham

Tony Krumm

Lynda Krumm

John Krumm

Rene Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane

U. E. Cochrane



2 March, 1981

DRAFT

YOUR FILE
OUR FILE 0645/06

Editor
Ladysmith-Chemainus Chronicle
23 High Street
Ladysmith, B. C.
VOR 2E0

Dear Sir:

RE: Article Titled "Michael Lake Battle Looms"
by ^{s.22}
21 Jan 81, Vol. 72, No. 20, Page 1

The above article featured a large photo of ^{s.22}
^{s.22}, with two dead Trumpeter swans. The caption below the photo would lead the reader to believe that the deaths were caused by lead poisoning resulting from waterfowl hunting at Michael Lake. The accompanying article also mentioned swan autopsy reports indicating that poisoning from lead shot was the major cause of previous swan deaths at Michael Lake.

We feel it is both unfortunate and deplorable that a newspaper would widely publicize the opinions of one individual without investigating the validity of claims.

If your reporters had contacted us, they would have been informed of the following:

1. The two swans featured in the photo died from pesticide poisoning and exhibited no evidence of lead poisoning (autopsy report available);
2. Twenty-two swans have died in the Michael Lake area in the last six years. This is not abnormal mortality compared to other areas of North America. Cause of death of 18 of these swans has been investigated. Causes of death are as follows:

.../2

Editor
2 March, 1981
Page 2

DRAFT

one undetermined; two shot by juveniles; two with broken legs; six of disease and parasites; one from lead unrelated to shot; two from pesticides; and four from lead shot, plus attendant variable parasite loads.

Further, the latter four birds (for which ^{s.22} showed the autopsy forms) all died in the December 1978 to February 1979 winter. No deaths resulting from lead poisoning have occurred since that time.

Given the above information, we think you will understand why we are concerned about the above mentioned type of article appearing with such prominence in your newspaper.

Yours truly,



R. G. Davies
Inventory Biologist

RGD:bms
bcgeu

cc C. G. Prouse, Regional Manager
S. C. Devereux, Information & Education Officer
Dr. D. M. Hebert, Regional Wildlife Biologist
J. C. Lyons, Regional Director



DRAFT

YOUR FILE

OUR FILE 0645/06

9 March, 1981

For Comments!

Mr. R. G. W. Smith
Director of Planning
Cowichan Valley Regional District
137 Evans Street
Duncan, B. C.
V9L 1P5

Dear Sir:

RE: Letter Of 24 February, 1981 (Attached) Regarding A Petition To
Close Michael Lake To Public Hunting

The petitioners provide no written rationale for wanting the closure, but we assume they are asking for essentially the same thing that they brought before the Firearms Control Advisory Committee of your Regional District on 8 February, 1977. Shortly after this meeting a public hearing was held in the Cedar Community Hall to address whether or not Michael Lake should be closed to hunting. The results of that hearing will most certainly be in your files -- the Regional District decided not to close the lake to the discharge of firearms.

We do not think the situation has changed appreciably since that time:

- A few of the residents are very anti-hunting and have continued to strive for closure of hunting in that area;
- A majority of the actual farming residents realize that a certain amount of hunting is a necessity to prevent crop depredations due to waterfowl;
- Hunting pressure does not appear to have increased despite provision of public access to the lake in late 1978. Apparently many local residents allowed access through their properties prior to this time and did not unduly hinder those hunters wishing to hunt on the lake.

.../2

Mr. R. G. W. Smith
9 March, 1981
Page 2

- Biologically, there appears to be no justification for closure of waterfowl hunting. Waterfowl populations have not declined, and some species such as geese and swans have increased markedly.
- We have investigated complaints of danger to waterfowl from lead shot poisoning and have found them to be greatly exaggerated. In fact, recently publicized accounts of lead poisoning deaths of swans and waterfowl at Michael Lake in January 1981 (Ladysmith Chronicle) were very much in error.

Reported deaths and alleged causes of death were proven wrong via subsequent autopsies of swans. The newspaper has since been notified of their reporting errors. Data and autopsy reports concerning waterfowl deaths 1975-1981 are on file and available if needed.

- The few complaints we receive from the area usually concern public disturbance problems, i.e.,
 - gunfire disturbing residents at early or late hours;
 - gunfire allegedly disturbing livestock of a few residents;and
- concern for public safety, i.e., shotgun pellets falling on land surrounding the lake. (Since a majority of shooting occurs from an island in the middle of the lake and the nearest shoreline is approximately 300 yards away and actual residents much more than this, we do not think this occurs to much extent and do not consider this to pose any danger.)

In summation, we feel that Michael Lake is one of the few traditional waterfowl hunting areas left in the district. Further, we do not see any appreciable difference between the situation existing today and that in 1977 wherein the local community in general expressed a desire to retain hunting on Michael Lake. Thus, we would not support a closure of hunting on Michael Lake.

.../3

Mr. R. G. W. Smith
9 March, 1981
Page 3

We realize that a closure would satisfy some of the local residents regarding some of the noise and disturbance problems, but at the same time it would remove the only adequate management tool we have to control waterfowl populations and attendant crop depredations in that area. Closing only the lake itself would simply provide an ideal sanctuary for the substantial waterfowl populations of the Cedar area, thereby further aggravating crop depredation problems on adjacent farmland. Closure of adjacent properties as well as the lake would only accentuate these problems further.

We wish to make it quite clear that with our limited staff and funds we would find it quite difficult to control waterfowl problems brought about by a closure; and if the Regional District members consider closing the area, we feel they should be aware that future waterfowl crop depredation problems and enforcement problems resulting from such a closure will be largely their responsibility.

Yours truly,

R. G. Davies
Inventory Biologist

RGD:bms
bcgeu

cc J. C. Lyons, Regional Director
C. G. Prouse, Regional Manager
S. C. Devereux, Information & Education Officer
Dr. D. M. Hebert, Regional Wildlife Biologist
D. V. Turner, Regional Conservation Officer



Province of
British Columbia

Ministry of the
Environment

2569 Kenworth Road
Nanaimo, B. C.
V9T 4P7

FISH AND WILDLIFE BRANCH

YOUR FILE

OUR FILE

0645/06

16 March, 1981

Mr. R. G. W. Smith
Director of Planning
Cowichan Valley Regional District
137 Evans Street
Duncan, B. C.
V9L 1P5

Dear Sir:

RE: Letter Of 24 February, 1981 (Attached) Regarding A Petition To
Close Michael Lake To Public Hunting

The petitioners provide no written rationale for wanting the closure, but we assume they are asking for essentially the same thing that they brought before the Firearms Control Advisory Committee of your Regional District on 8 February, 1977. Shortly after this meeting a public hearing was held at the Cedar Community Hall to address whether or not Michael Lake should be closed to hunting. The results of that hearing led to the Regional District deciding not to close the lake to the discharge of firearms.

We do not think the situation has changed appreciably since that time:

- A few of the residents are very anti-hunting and have continued to strive for closure of hunting in that area;
- A majority of the actual farming residents realize that a certain amount of hunting is a necessity to prevent crop depredations due to waterfowl;
- Hunting pressure does not appear to have increased despite provision of public access to the lake in late 1978. Apparently many local residents allowed access through their properties prior to this time and did not unduly hinder those hunters wishing to hunt on the lake.

.../2

Mr. R. G. W. Smith

16 March, 1981

Page 2

- Biologically, there appears to be no justification for closure of waterfowl hunting. Waterfowl populations have not declined, and some species such as geese and swans have increased markedly.
- We have investigated complaints of danger to waterfowl from lead shot poisoning and have found them to be greatly exaggerated. In fact, recently publicized accounts of lead poisoning deaths of swans and waterfowl at Michael Lake in January 1981 (Ladysmith Chronicle) were very much in error.

Reported deaths and alleged causes of death were proven wrong via subsequent autopsies of swans. The newspaper has since been notified of their reporting errors. Data and autopsy reports concerning waterfowl deaths 1975-1981 are on file and available if needed.

- The few complaints we receive from the area usually concern public disturbance problems, i.e.,
 - gunfire disturbing residents at early or late hours;
 - gunfire allegedly disturbing livestock of a few residents;and
 - concern for public safety, i.e., shotgun pellets falling on land surrounding the lake. (Since a majority of shooting occurs from an island in the middle of the lake and the nearest shoreline is approximately 300 yards away and actual residents much more than this, we do not think this occurs to much extent and do not consider this to pose any danger.).

In summation, we feel that Michael Lake is one of the few traditional waterfowl hunting areas left in the district. Further, we do not see any appreciable difference between the situation existing today and that in 1977 wherein the local community in general expressed a desire to retain hunting on Michael Lake. Thus, we would not support a closure of hunting on Michael Lake.

.../3

Mr. R. G. W. Smith
16 March, 1981
Page 3

We realize that a closure would satisfy some of the local residents regarding some of the noise and disturbance problems, but at the same time it would remove the only adequate management tool we have to control waterfowl populations and attendant crop depredations in that area. Closing only the lake itself would simply provide an ideal sanctuary for the substantial waterfowl populations of the Cedar area, thereby further aggravating crop depredation problems on adjacent farmland. Closure of adjacent properties as well as the lake would only accentuate these problems further.

We wish to make it quite clear that with our limited staff and funds we would find it quite difficult to control waterfowl problems brought about by a closure; and if the Regional District members consider closing the area, we feel they should be aware that future waterfowl crop depredation problems and enforcement problems resulting from such a closure will be largely their responsibility.

Yours truly,



C. G. Prouse
Regional Manager

RGD:bms
bcgeu

cc J. C. Lyons, Regional Director, Region 1
S. C. Devereux, Information & Education Officer
Dr. D. M. Hebert, Regional Wildlife Biologist
D. V. Turner, Regional Conservation Officer



COWICHAN VALLEY REGIONAL DISTRICT

April 14th, 1981

Fish & Wildlife Branch
Ministry of Environment
2569 Kenworth Road
Nanaimo, B.C.
V9T 4P7

16-8-1

Attention: C.G. Prouse, Regional Manager

Dear Sir:

RE: Michael Lake Hunting

Please be advised that the Regional Board on April 8, 1981 resolved the following with regard to the above noted matter:

"That the C.V.R.D. recommend that the Fish and Wildlife Branch of the Ministry of Environment closely monitor the hunting at Michael Lake during the 1981-82 season, and assist the local fish and game clubs to establish safe hunting procedures, including signing at the Lake. Furthermore, at such time as residential development increases by approximately 50% around the Lake, that the Branch consider closing the Lake to hunting. In addition, the owners of private property be requested to post their land to stop trespassing."

If I can be of any further assistance, please contact this office.

Yours truly,

H.P. Schesser
Deputy Director of Planning

HPS/js

cc: Dan Wilson
Detachment Commander, R.C.M.P.

FISH & WILDLIFE BRANCH
RECEIVED

APR 15

NANAIMO, B.C.

ELECTORAL AREAS:

- A MILL BAY; MALAHAT;
- B SHAWNIGAN LAKE;
- C COBBLE HILL;
- D COWICHAN BAY;
- E COWICHAN STATION; SAKTLAM; GLENORA;
- F COWICHAN LAKE SOUTH;
- G SALT AIR; GULF ISLANDS;
- H NORTH OYSTER

MUNICIPALITIES:

CITY OF DUNCAN
DISTRICT OF NORTH COWICHAN
TOWN OF LADYSMITH
VILLAGE OF LAKE COWICHAN

To: Rod Smith
Planning Office
Cowichan Valley Regional District
137 Evans Street
Duncan, B.C. V9L 1P5

Date: December 7, 1981

Rod:

Enclosed herewith the submission on Michaels Lake proposed closure to discharge of firearms bylaw, as requested.

You will note that it contains comments on both the regulatory and biological aspects.

If we can be of further assistance in this matter, please let us know.



S. C. Devereux
Regional Information Officer
Vancouver Island Region

December 7, 1981

Cowichan Valley Regional District
137 Evans Street
Duncan, B.C.
V9L 1P5

ATTENTION: Rod Smith, Planning Office

Dear Mr. Smith:

With reference to the proposal to introduce a by-law for closure of the Michaels Lake area to the discharge of firearms, in the interest of public safety, the following comments are offered:

- 1) Existing legislation under the provisions of the Wildlife Act provides for land owners to exclude their land from hunting simply by posting their property at 100 M intervals, or if fenced, at corner posts and access points. Persons hunting on land posted in this manner, without the permission of the owner, commit a trespass offence (Wildlife Act, or Trespass Act), and may be charged by the Fish and Wildlife Branch or the R.C.M.P.
- 2) A person discharging a firearm in a careless or dangerous manner commits an offence under the Criminal Code of Canada and may be charged by the R.C.M.P.
- 3) Under the Provisions of the Wildlife Act, the use of firearms for hunting, other than shotguns, is prohibited in the Cedar - Yellowpoint area, east of the Hydro Line right of way 763 (including the Michaels Lake area). Persons hunting with rifles in this area may be charged under the Wildlife Act or under the Criminal Code if the danger of the situation warrants such action.
- 4) The Migratory Birds Convention Act (Canada) prohibits the use of any firearms other than shotguns loaded with multiple shot for the hunting of all waterfowl in this area. Offenders may be charged under the federal statute by Officers of the R.C.M.P., or the Fish and Wildlife Branch.

All of the foregoing legislation has direct application to the Michaels Lake area. In situations where private land or property is involved, the rights of land owners or occupants are a primary consideration and trespass offences will normally only be proceeded with, in response to land owners' complaints, and subject to the land having been posted in the prescribed manner.

Although landowners in the Michaels Lake area have been urged to post their land if they wish to discourage hunting, a survey of the area prior to the start of the hunting season revealed only one property partially posted.

To summarize, in the opinion of this Ministry, adequate legislation exists to control hunting in the Michaels Lake area at any level desired by a majority of local residents. To be effective, the legislation needs the support of the public, and the landowners co-operation in posting their land is essential. Failure to post land may be interpreted as a lack of interest among farmers, and with a few exceptions, this appears to be the case.

In conclusion, it should be pointed out that a prohibition on the discharge of firearms could have detrimental effects on a community very much dependent on agriculture.

The ability to adequately protect crops from bird and animal depredations and the protection of livestock from dogs, cougar and wolves, will be impaired or prohibited except under permit, and in some cases, this could seriously jeopardize livelihoods.

Biological Ramifications of Hunting Closures
in the Michaels Lake - South Cedar and Yellowpoint Areas

The Cedar - Yellowpoint area encompasses the largest agricultural land area between Parksville and Ladysmith. It also contains the largest concentration of lakes, sloughs and winter flooded farmland. As such, it is ideal waterfowl habitat, containing numerous resident flocks of ducks and geese; additionally large numbers of migrant waterfowl utilize the area either as a stop over point during spring and fall migrations or as an over-wintering area.

Resident and migrant waterfowl tend to forage both on farmland adjacent to lakes and farmland which floods over winter. Occasionally, this foraging activity results in crop depredation. Presently, the existing hunting season allows for a limited harvest. This harvest has the effect of limiting population numbers and more importantly, by virtue of the hunting activity, dispersing the waterfowl over a large area. Both the harvest and dispersal tend to reduce the probability of large concentrations of fowl occurring in any one area causing serious crop depredation problems.

Evidently, several options are being considered regarding hunting activities at Michaels Lake. They appear to be as follows:

1. closure of Michaels Lake to high water mark,
2. closure of Michaels Lake and immediately adjacent farmland, and
3. closure of a large easily defined area encompassing most of Cedar Yellowpoint area under Cowichan Regional District jurisdiction.

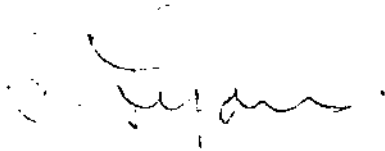
Each of these options, through changes to existing hunting policy, could effect waterfowl abundance and distribution and attendant crop depredation problems.

Closure of either Michaels Lake or Michaels Lake and the immediate area will create a mini-refuge for waterfowl where they are free from harassment by hunters. Consequently, it can be expected that waterfowl will concentrate in the lake area and will likely increase crop depredation in the immediate vicinity. Although in the short term this may be tolerated by some of the farms affected, in the long term, crop protection will probably be requested and the regional district required to issue "firearms discharge" permits.

Closure of a large portion of the Cedar - Yellowpoint area will cause similar problems, but to a much greater extent. Precluding hunting will allow an uncontrolled increase in resident waterfowl populations. It will also provide, in effect, a large waterfowl sanctuary where waterfowl will not be harassed and will concentrate where most favourable forage is found. Further, all existing hunting pressure will be shifted to and concentrate in the northern (Nanaimo) half of the Cedar - Yellowpoint area. This undoubtedly will aggravate the problem, since waterfowl will likely seek refuge in the southern un-hunted area during the hunting season. Thus, in summary, any closure will result in:

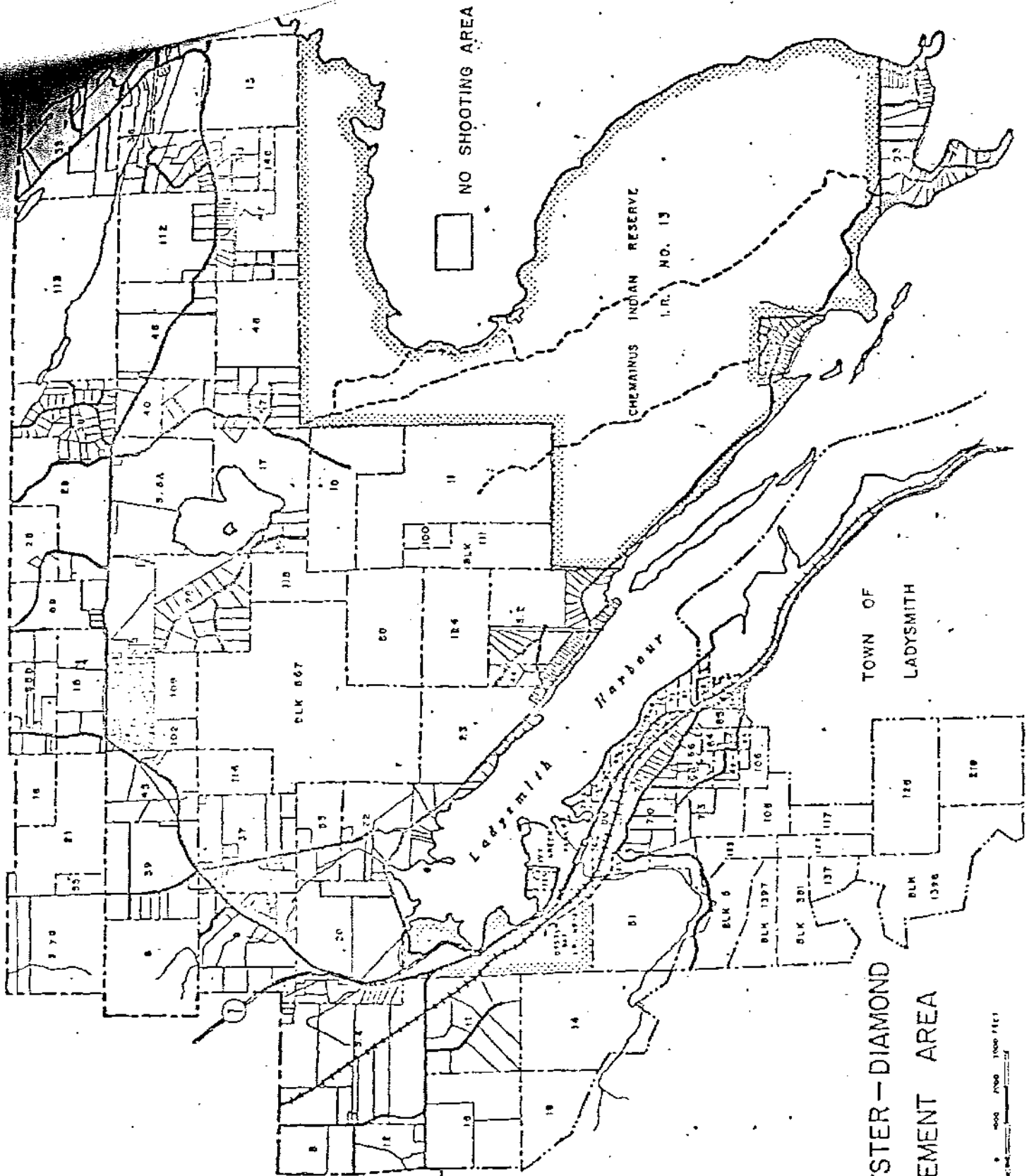
1. greater waterfowl numbers, and
2. more numerous waterfowl crop depredation problems.

The magnitude of these changes will depend on the closure option chosen; no closure causing the least, large area closure resulting in the most.



J. C. Lyons, Director
Vancouver Island Region

SCD:kfm



NORTH OYSTER-DIAMOND SETTLEMENT AREA



COWICHAN VALLEY REGIONAL DISTRICT

December 21, 1981.

MINISTRY OF ENVIRONMENT
RECEIVED

DEC 29 1981

NANAIMO, B.C.

Mr. C. Lyons
Regional Director
Ministry of Environment
Vancouver Island Region
2569 Kenworth Road
Nanaimo, B.C.
V9T 4P7

Dear Mr. Lyons:

Re: Closure of Michael Lake and Area - Firearms Discharge

On behalf of the Cowichan Valley Regional District Board of Directors, I would request the Ministry of Environment Fish and Wildlife Branch to immediately close an area around Michael Lake to hunting.

At their regular Board Meeting on December 16, 1981, the following resolution was passed by the Board:

"That the Ministry of Environment Fish and Wildlife Branch immediately close all lands under the CVRD jurisdiction, south of Yellow Point Road, including Michael Lake, contained within Electoral Area "H" only, to hunting, and that the necessary steps to close the same area to the discharge of firearms be undertaken immediately; and furthermore, that the public and all concerned government agencies be informed of this action."

Enclosed is a map outlining the area the Board has suggested be closed to hunting. The areas south of the Chemainus Indian Reserve were also included due to the residential development that has occurred in recent years.

The CVRD intends to also bring forth a by-law to close the area to the discharge of firearms except for the protection of livestock and crops. This will likely be completed early in the new year. It is our intention to inform the public of the closure through the media and so forth once this by-law is in place. This will not preclude the Vancouver Island Region from informing the public of any steps taken by the Ministry.

Con't.....

ELECTORAL AREAS:

- A MILL BAY; MALAHAT;
- B SHAWNIGAN LAKE;
- C COBBLE HILL;
- D COWICHAN BAY;
- E COWICHAN STATION; SAHTLAM; GLENORA;
- F COWICHAN LAKE SOUTH;
- G SALTAIR; GULF ISLANDS;

MUNICIPALITIES:

CITY OF DUNCAN
DISTRICT OF NORTH COWICHAN
TOWN OF LADYSMITH
VILLAGE OF LAKE COWICHAN

Page 59

FNR-2012-00040

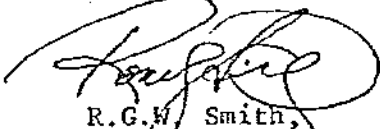
Mr. C. Lyons

- 2 -

December 21, 1981.

If there are any questions as to the CVRD's intention or action to be undertaken, I would be happy to speak with further on the matter.

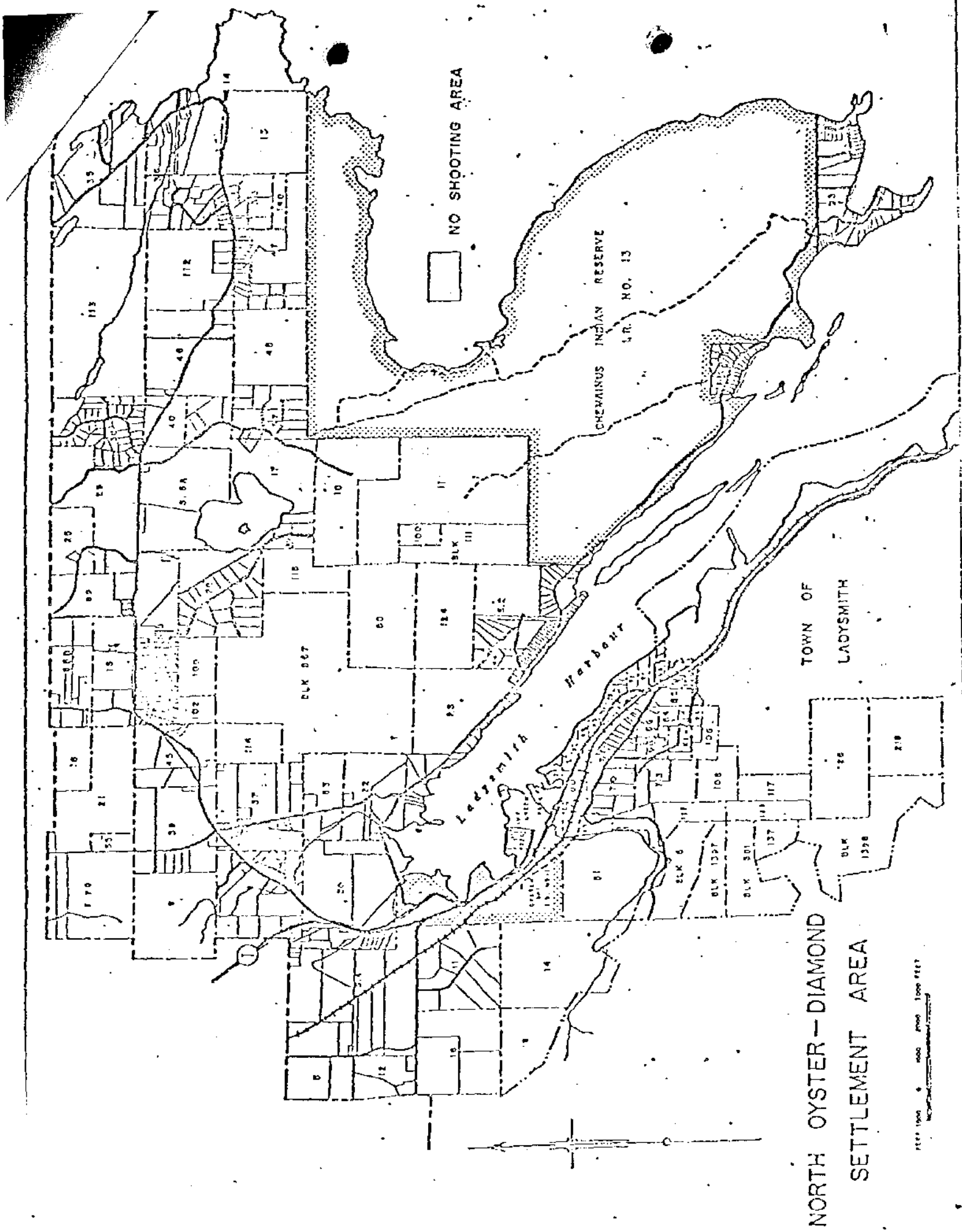
Yours truly,



R.G.W. Smith,
Director of Planning

RGWS/ca

Enclosure



NORTH OYSTER-DIAMOND
SETTLEMENT AREA

TOWN OF
LADYSMITH

NO SHOOTING AREA

CHEYENNE INDIAN RESERVE
S.R. NO. 13

Ladysmith Harbour

FEET 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000

December 29, 1981

The Board of Directors
Cowichan Valley Regional District
137 Evans
Duncan, B.C.

Dear Sirs:

I was extremely upset and shocked to read in the Colonist of Friday, December 18th, 1981, that hunting has been banned in the Michael Lake area.

s.22

I must strongly protest that my legal rights have been seriously violated by your Board, ^{s.22} had no inkling or prior notice whatsoever from yourselves or anyone else regarding this matter. ^{s.22} feel the same as myself.

Speaking for myself alone at the moment, because of the urgency of this matter, I may state that my land is partly farmed and partly timbered, but is all in the agricultural reserve. Furthermore, I am surrounded on both sides by farms of similar size. In other words, it is an agricultural area suitable and very safe for shot gun shooting, and it is my hope that it will remain an agriculture reserve for a great long time.

s.22

In the meantime, I do some duck shooting on the land in a careful and restrained manner. Hunting has been a lifelong activity for me, and I consider it a proper and wholesome outdoor pursuit, and make the best of use of any game bagged. My closest neighbour has told me (within the last week) that my restrained shooting does not bother him.

I am aware that there is a noise problem for some people around the lake, and I sympathize with them. I personally do not shoot on the lake, but in my back fields, but I have heard the shooting from the lake itself and there is an echo.

The problem, however, can be easily solved, by closing the source of the trouble still with consideration for others such as myself, and not in a care less, blanket loss of another of our freedoms, unnecessarily.

The solution of course, is to close shooting on the lake only, to legal high water mark. This puts the responsibility back onto the private owner where it belongs. The problem I have been told did not exist when the owners had a moratorium a few years ago and limited access on their properties.

The problem has since arisen when a 20 foot wide public access was created a couple of years ago allowing some irresponsible people onto the lake itself.

It has been stated that closing only the lake creates a problem of definition of the lake boundary in the wintertime when high water floods it higher into some fields. I consider this utter nonsense. There is a line of brush running almost completely right around the lake edge which makes it visible even in higher water. More important, ^{s.22} I am well aware of the accepted definitions of such a natural boundary as prescribed by the Land Act and Surveyor General's regulations.

Simply stated, it is the bank, or point where the character of the soil and vegetation changes, and this is very obvious in the summer. If an owner feels it is necessary he need only post signs on long wood poles or iron rods in the summer, but of course, even this should not be needed if the lake is closed.

How can your Board, in wisdom and fairness, eliminate this traditional right when the actions of an irresponsible few can be controlled so easily. Need I further point out that your action (of closing) is opposed by people as responsible as Nanaimo Fish and Game Club, our own Provincial Fish and Wildlife Branch in Nanaimo and Ladysmith R.C.M.P.

Another important point is potential land or crop damage by waterfowl or other wildlife. If a farmer cannot protect himself, very considerable depredations may result. Six geese may eat as much as one cow, and I refer you to a letter to the editor of serious complaint and frustration by a Lantzville farmer in the Lantzville Log paper of December 1981-January 1982, with 200 geese on his fields. Occasional hunting simply and effectively solves this problem.

In closing, may I demand a retraction of this arbitrary move without any notice against my traditional rights, and insist upon a further hearing into the matter.

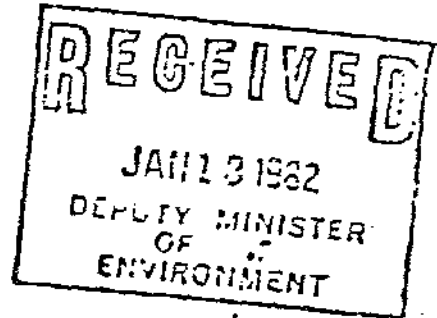
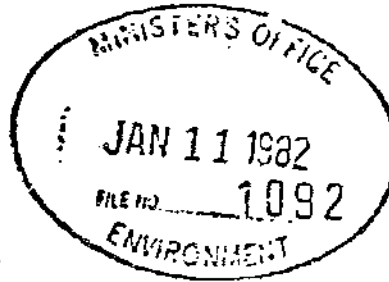
And again, I must make the point that the whole problem can be simply and effectively solved by a shooting closure by some method on the lake itself, a move with which I would agree in the interests of proper conduct and neighbourhood relations.

s.22

CC: Hon. William VanderZalm, Victoria
CC: Hon. Stephen Rogers, Victoria ✓
CC: Regional Manager, Fish & Wildlife Branch, Nanaimo

January 2, 1982

Honorable Stephen Rogers
Minister of Environment
Parliament Buildings
VICTORIA B.C.



Dear Sir,

I must appeal for your help in a matter of individual rights and freedoms.

The Cowichan Valley Regional District without any inkling or notice
whatsoever to me, has voted to close the bird shooting on s.22

s.22 Michael Lake (Yellow Point).

s.22

and I

consider this a serious breach of responsibility by a public body.

Your own Fish and Wildlife Department and Ladysmith R.C.M.P. are against this action by the Regional District, as are other landowners in the area.

I am sure that a government dedicated to the preservation of individual freedoms is against it, and that it is also part of your responsibility to preserve areas for wholesome outdoor recreational pursuits.

A copy of my letter to the Regional District is enclosed which explains the whole situation, and a most proper alternative.

Please reply as soon as possible.

Yours very truly,

s.22

Encl/-



January 8, 1982

Cowichan Valley Regional District
137 Evans Street
Duncan, B.C.
V9L 1P5

ATTENTION: R.G.W. Smith, Director of Planning

Dear Mr. Smith:

Re: Proposed Closure of Michaels Lake and Area to the Discharge of Firearms

Thank you for your letter of December 21, 1981, informing me of your Board's resolution at their December 16 meeting on the above subject.

In previous correspondence with you on this subject (December 7, 1981), existing regulations pertaining to hunting in the area were summarized and the biological impact of "firearms closure" through crop depredation on local farms was projected.

Situations developing in areas of the lower mainland (Westham Island, Delta, Surrey, the lower Fraser Valley, and to a lesser extent North Cowichan), where "firearms closure" bylaws have been imposed, indicate increasing resident waterfowl populations and growing resentment by farmers at the increased level of crop depredation, valued at many thousands of dollars, and in several cases posing a threat to the economic viability of farming operations.

In order to provide a practical solution to farmer complaints, municipal agencies involved issue permits to discharge firearms to protect crops. Since this can only be effectively and legally done during hunting seasons, the situation in respect to shooting reverts to precisely that existing prior to the introduction of the closure.

Over the past eight years, my staff have responded to numerous complaints of alleged illegal activities at Michaels Lake. To the best of my knowledge, all of these complaints originate from the same source.

...2

None of the allegations have been substantiated with sufficient evidence to warrant charges. No complaints, other than a petition initiated and circulated in 1980 by this same complainant and his associates, have been received by this office in respect to Michaels Lake, or to my knowledge, from any other member of the public.

Your letter does not identify the reason for your Board's intended action, or the number and source of public complaints on which your contemplated action is based. I find no reference in your letter to the matter of public safety, and this must be the primary consideration for closure under a discharge of firearms bylaw under the Municipal Act.

In the opinion of this Ministry, "public safety" is not a factor of concern on Michaels Lake at this time.

In conclusion, I must reiterate that my Ministry will not contemplate any form of closure of Michaels Lake that will remove options for waterfowl management or control of waterfowl abundance.

Since human safety cannot be considered a factor in this case, my Ministry would also be opposed to the introduction by your Board of a discharge firearms closure bylaw under the Municipal Act.

If you require further clarification of this situation, my staff are prepared to assist.

J. C. Lyons, Director
Vancouver Island Region

SCD:kfm

	F & W MGR. <i>BP</i>	REPLY FOR SIGNATURE OF
X	BIO Davis	<i>copy</i>
X	<i>Dunlop</i>	
	CLK - STENO	
	FILE	<i>16-8-1</i>

16-8-1
0100

s.22

Hon. William Vander Zalm,
Victoria, B.C.

January 14 1982

Dear Sir,

Petition : Michaels Lake - Oyster Land Dist.

The following petition, with 112 signatures, was presented by a delegation of twelve, to the Cowichan Valley Regional District Board meeting on January 13 1982.

The Petition reads as follows:

We, the undersigned residents of Electoral Area H of the Cowichan Valley Regional District strongly protest the action of the Regional Board, in proposing a 'no shooting' bylaw for our area. This same proposal was overwhelmingly rejected at a Public Meeting called by your Board, March 15 1977. We, the residents of the area consider this action to be a violation of our democratic rights. This appears to be an attempt to impose an unnecessary regulation upon the community and without due consideration for the economic effects that such a regulation may have upon the agricultural community. We are, however, in favour of closing hunting on Michael Lake.

This letter is to advise you of our actions to date.

We would appreciate your continued cooperation on our behalf.

Yours truly,

s.22

Delegation Spokesman.

Copies to :

Hon. Stephen Rogers, Victoria, B.C.

Regional Manager, Fish and Wildlife Branch
Nanaimo B.C.

MINISTRY OF ENVIRONMENT
RECEIVED

JAN 20 1982

FISH & WILDLIFE BRANCH
NANAIMO, B.C.

Hunting closure, firearms banned

Copyright



MINISTRY OF ENVIRONMENT
OFFICE OF THE REGIONAL DIRECTOR
REFERRAL SLIP

To: Brant Popp From: Lyon
Date: _____

- Action - - - ☐
- Approved - - - ☐
- Approval/Sig'ture ☐
- Comments - - - ☐
- Filing - - - ☐
- Information - ☒
- Prepare reply for my signature - ☐
- Prepare reply for signature of Director/Deputy/Minister ☐
- Reply direct - - ☐
- See me - - - ☐
- Your request - - ☐

Since you have become
involved with ^{s.22}
I thought you might be
interested in our recent
correspondence to the regional
district.

Charlie

Please leave attached when replying



To: E. D. Anthony,
Assistant Deputy Minister,
Regional Operations Division,
Ministry of Environment.

Date: January 15, 1982

Re: Michaels Lake s.22

You have requested some of our recent correspondence dealing with a proposed firearms closure of the area surrounding Michaels Lake.

I have attached two letters from this region to the Cowichan Valley Regional District on this subject, and a copy of a letter written to the Regional District by a concerned landowner.

J. C. Lyons, Director,
Vancouver Island Region.

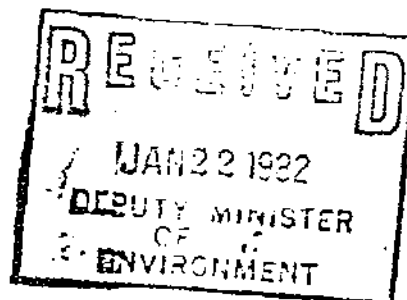
JCL/td

Enclosures (3)

cc: S. C. Devereux,
Regional I & E Officer. ^{with} ~~in~~ enclosures)



Vancouver Island Cattlemen's Association
W.T. Waller, Secretary
4 Beach Drive
Victoria, B.C. V8S 2L2
January 18, 1982



The Hon. Stephen Rogers
Minister of Environment
Parliament Buildings
Victoria, B.C. V8W 1K5

Dear Sir:

The Vancouver Island Cattlemen's Association is an affiliate of the B.C. Cattlemen's Association and represents beef producers on Vancouver Island. On January 10, 1982, the Board of Directors unanimously adopted the following resolution at a regular meeting of the Board held at Beban House in Nanaimo.

"Be it therefore resolved, that the Hon. Stephen Rogers, be immediately contacted and informed that the Vancouver Island Cattlemen's Association requests that Jan Wilson be appointed to represent Vancouver Island beef producers on all committees and boards dealing with problem wildlife, especially ducks and geese."

Mr. Wilson

s.22

is a Director of the Vancouver Island Cattlemen's Association as well as a member of the standing committee of the B.C. Cattlemen's Association concerning problem wildlife.

Yours very truly,

W.T. Waller
W.T. Waller, Secretary

1-14
0073

REPLY FOR	SIGNATURE	DATE
T. & W MGR.		
BIO		
TECH		
CLK - STENO		
FILE		

Assigned to MR. ANTHONY M.O. 1267 Date Jan. 21, 82 File
 VANCOUVER ISLAND CATTLEMEN'S ASSOCIATION,
 FROM: Mr. W.T. Waller, Secretary,
 3 4 Beach Drive, Victoria, B.C. V8S 2L2 Jan. 18.82
 SUBJECT: BEEF PRODUCERS' REPRESENTATIVE.

- ☐ To reply direct.
- ☒ Prepare reply for Minister's signature.
- ☐ Return with comments/recommendations.

Remarks:

info. beyond

ack

MINISTRY OF ENVIRONMENT
RECEIVED

JAN 28 1982

FISH & WILDLIFE BRANCH
 REGISTRATION



Environment
Canada

Environnement
Canada

Conservation and Protection

Canadian Wildlife Service
P.O. Box 340
Delta, B. C.
V4K 3Y3

Your file votre référence

Our file notre référence

February 9, 1988

Dear s.22 :

Thank you for your letter of 1 February to Dr. Art Martell regarding Canada Geese problems and acquisition of habitat for wildlife near Michael Lake. Dr. Martell has asked me to respond to you on his behalf.

We have been approached by s.22 to buy a portion of s.22 property. If we were to acquire the property, it would make the difficult task of controlling the Canada Geese easier, because federal and provincial wildlife agencies could regulate feeding, harassment, trapping, hunting, etc., on lands set aside for that purpose. For example, we might seed the land to pasture in order to lure nuisance geese from surrounding farm lands. To help accomplish these goals we would most likely contract with a local farmer to sharecrop the land.

I would, therefore, view such an acquisition as benefitting the local farmers, rather than causing more harm. Wouldn't you?

Yours sincerely,

Gerald H. Townsend, Chief
Wildlife Conservation
Pacific & Yukon Region

AGRICULTURE

Nanaimo fair officials run a foul of friends

Copyright

Wednesday, February 3, 1988--THE LADYSMITH-CHEMAINUS CHRONICLE--3

Too many ducks and geese, says CVRD director

Copyright

ident
ated
dlife
into
rings

ause
ers'

a be
ther
ome
kept
n of

February 14/88.

Mr Gerald H. Townsend, Chief,
Wildlife Conservation.
Pacific & Yukon Region.
Canadian Wildlife Service.
P.O. Box 340.
Delta, B.C. V4K 3Y3.

ph: s.22

Dear Sir, Re: Wildlife Habitat Michael Lake Area.

Responding to your letter dated February 9/88.

It is my information that it is your mandate to manage migratory birds. My letter of February 1/88 pointed out that we have a very rapidly accelerating resident population of migratory birds, Canada Geese in particular, that are causing us and local farmers considerable crop losses. We were, and are seeking your co-operation and support in controlling and removing these geese.

I was in touch with the Provincial wildlife office in Nanaimo both in the spring and fall, " they do not have the manpower or resources " I was told " to control these geese but would provide blank Pop Shells to scare them away." In the fall I could get permission to shoot 10 if I field dressed and delivered them to Nanaimo. We just do not have time to take on this extra work in the spring or fall when working in the fields.

Your letter of February 9th. does not address the issues raised in my letter of February 1st. to Dr. Art Martell.

Can you carry out your mandate to control migratory birds on private lands ?

Have you authority to open and extend hunting in given areas as a method of control ?

Do you have any other control methods on private or public lands or lakes ?

Does the Pacific Estuary Conservation programme have any responsibility to the agricultural community?

Have any studies been done on the Canada Goose, regarding their appetite and crop damage done in habitat protection areas ? If so, what and where are the results ?

I also note in your letter that s.22 approached you to buy a portion of s.22 property. You have missed the key issue completely, s.22 is a large part of our local problem. s.22 has enhanced the habitat and raises, feeds, encourages and protects Canada Geese and water fowl from all hazards and tolerates no control of their numbers whatsoever.

To suggest that federal and provincial agencies could lure these nuisance geese from their home lands to adjacent lands is very naive indeed !

s.22 has never chosen to co-operate with anyone when approached about the geese- s.22 stock reply is " they are not my geese "

Could we assume that if you acquire property in the area, you also assume responsibility and liability for crop losses ?

I enclose a clipping from the Ladysmith & Chemainus Chronicle dated February 3rd/88, where s.22 agrees that goose enhancement is not needed, and I quote " we don't need any more duck and goose enhancement in Area H " unquote.

Further, how would you choose a local farmer to sharecrop the land ?

In view of the above I would, therefore, see the acquisition as benefiting no one except s.22 , nor would you accomplish any of your goals.

I invite you and your staff out to view the area at your earliest convenience that we may discuss this urgent matter further.

Yours truly,

s.22

GW/mg

encl. 2.

copies to: Ted Schellenberg. M.P. Ottawa.
Dale Lovick. M.L.A. Victoria.
Dave Stupich. M.L.A. Victoria.
Fish & Wildlife. Nanaimo.



FEB 15 1982

M.O. 1270

1-14

0100/02

s.22

F & W MGR.	REPLY FOR SIGNATURE OF	DEADLINE
BIO <i>Dames</i>	<i>info</i>	<i>return</i>
<i>Over</i>	<i>AD</i>	
TECH		
CLX - STENO		
FILE	<i>1-14</i>	

Dear

s.22

Thank you for the copy of your January 14, 1982 letter to my Colleague, the Honourable William Vander Zalm, regarding a proposed discharge of firearms by-law for Michael Lake.

My Ministry, through the office of the Regional Director in Nanaimo, has expressed its concerns to the Cowichan Valley Regional District on the possible impact that reduced hunting pressure on waterfowl might have with respect to farm crops in the area.

I understand that the Cowichan Valley Regional District has now delayed final decision on this matter, pending further discussions and consultation with the parties affected.

I am confident that this matter will be resolved to the satisfaction of all those involved.

Yours truly,

MINISTRY OF ENVIRONMENT
RECEIVED

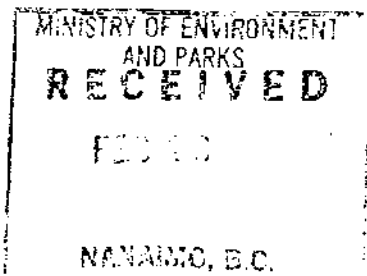
FEB 16 1982

FISH & WILDLIFE BRANCH
NANAIMO, B.C.

ORIGINAL SIGNED
BY MINISTER

Stephen Rogers,
Minister of Environment.

cc: Honourable William Vander Zalm,
Minister of Municipal Affairs.
Mr. C. G. Prouse,
Regional Fish and Wildlife Manager,
Vancouver Island Region.



s.22

February 16/88.

Mr. Pick Davies,
Ministry of Environment & Parks,
2569 Fenworth Rd,
Nanaimo. V9T 4P7.

Dear Sir,

s.22

s.22 . Over the past few years waterfowl and Canada geese have become a problem. We view with alarm the possible acquisition of nearby property by the Canadian Wildlife Service to provide habitat for migratory birds.

We seek your support in insisting that no land be acquired for this purpose until such time as we have realistic assurances that there will be no negative impact on local farmers' crops.

I enclose all correspondence to date, and am awaiting a reply from the Canadian Wildlife Service to the specific questions outlined in my letter of February 14/88.

s.22

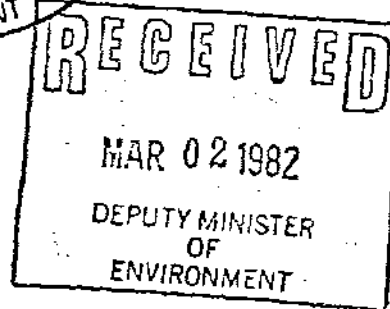
CVRD

COWICHAN VALLEY REGIONAL DISTRICT



February 24, 1982

Honourable Stephen Rogers
Minister of Environment
Province of British Columbia
Parliament Buildings
Victoria, B.C.
V8V 1X4



Dear Sir:

I refer to the attached letter.

The Cowichan Valley Regional District did not vote to close bird shooting on
s.22

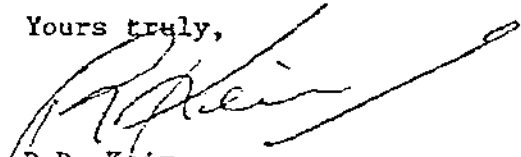
The first by-law proposed the prohibition of the discharge of firearms on or around Michael Lake in an area which would have included the
s.22
This by-law did not receive first or second reading, as a result of a delegation to the C.V.R.D. on January 13, 1982. Even if it had, you are aware that as a regulatory by-law, it would have received publication in the newspapers in the area simply so that the public, such as
s.22
might have public notice of the proposed by-law. This refutes any charge of a serious breach of responsibility by a public body.

This proposed by-law was then amended so that the prohibition of the discharge of firearms area was limited to on or above the surface of water known as Michael Lake and on or above the lands within Michael Lake. This by-law was also tabled, pending a public meeting to be held in the area, probably in March.

You must be aware that shooting/no shooting, hunting/no hunting has been a most contentious issue in that area for a number of years. We hope that this problem will be resolved this year.

This letter is provided for clarification only.

Yours truly,


R.D. Keir
Administrator

RDK:SS

Copy to: Evans Street, Duncan, B.C., V9L 1P5 - 746-4495
Director B.E. Russell

ELECTORAL AREAS:

- A MILL BAY; MALAHAT;
- B SHAWNIGAN LAKE;
- C CORBLE HILL;
- D COWICHAN BAY;
- E COWICHAN STATION; SAHTELM; GLENORA;
- F COWICHAN LAKE SOUTH;
- G SALTAIR; GULF ISLANDS;
- H NORTH OYSTER;

MUNICIPALITIES:

CITY OF DUNCAN
DISTRICT OF NORTH COWICHAN
TOWN OF LADYSMITH
VILLAGE OF LAKE COWICHAN

Mr. Anthony M.O. 2100 Date Mar. 2/82 File
COWICHAN VALLEY REGIONAL DISTRICT
FROM: Mr. R. D. Keir, Administrator
137 Evans Street Duncan, B.C. (Feb. 24/82)

SUBJECT: closing of bird shooting on

☐ To reply direct.

☒ Prepare reply for Minister's signature.

☐ Return with comments/recommendations.

Remarks:

s.22

*1007
Feb 11 1982*

ack

ASSISTANT DEPUTY MINISTER
REGIONAL OPERATIONS
MINISTRY OF ENVIRONMENT

File: M.O. 2100 Date: Mar. 3/82

To: Mr. J. C. Lyons

Subject: Closing of bird shooting on

s.22

see M.O. 1092

Draft reply for Minister's signature ☒

Draft reply for my signature ☐

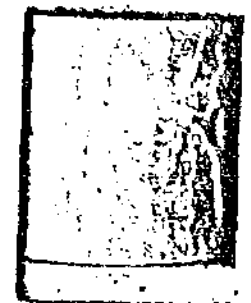
Reply direct ☐

Discuss with me ☐

Remarks:

MINISTRY OF ENVIRONMENT
RECEIVED
MAR 05 1982
NANAIMO, B.C.

E.D.A./s





Province of
British Columbia

Ministry of
Environment

Vancouver Island Region I
Regional Headquarters
2559 Kenworth Road
Nanaimo
British Columbia
V9T 4P7
Phone: (604) 758-3951

March 8, 1982

Michael Lake
M.O. 2100

Cowichan Valley Regional District
137 Evans Street
Duncan, B.C.
V9L 1P5

ATTENTION: R. D. Keir, Administrator

Dear Mr. Keir:

Re: Proposed Discharge of Firearms Closure Bylaw

Thank you for your letter of February 24, 1982, clarifying the action taken by the Cowichan Valley Regional District, in respect to the above.

This matter appears to be of concern to a number of local residents, and is resulting in a steady flow of correspondence to my Ministry.

Your consideration in keeping me informed of developments with your office is appreciated.

I hope this matter will be resolved to the satisfaction of all involved shortly.

Stephen Rogers
Minister of Environment

SCD:kfm



COWICHAN VALLEY REGIONAL DIST

April 20, 1982

Ministry of Environment
Fish & Wildlife Branch
2569 Kenworth Road
Nanaimo, B.C.
V9T 4P7

Attention: Mr. Stan Devereux

Dear Mr. Devereux:

RE: Hunting - Michael Lake

Following the March 18th meeting at the North Oyster School the Planning Committee and in turn the Regional Board once again assessed the proposals for controlling the hunting on Michael Lake.

The Board on April 14th decided not to enact Bylaw No. 638 (to control firearms discharge) at this time but rather decided to request the Ministry of Environment to undertake the following:

1. Take immediate steps to eliminate the excessive resident goose population at Michael Lake.
2. That the Fish and Wildlife Branch with the assistance of area residents monitor the situation.
3. That a report be prepared outlining the progress towards controlling the bird population as well as any hunting associated problems following the 1982-83 hunting season.

As you can see from the request, the Board of Directors is still most concerned about the problems associated with the geese on Michael Lake. Prior to undertaking any further action, they would like to see the resident geese population reduced or eliminated. It seems that they are a major concern to the area farmers who annually see their crops either destroyed or greatly reduced by the birds.

. . . / 2

ELECTORAL AREAS:

- A MILL BAY; MALAHAT;
- B SHAWNIGAN LAKE;
- C COBBLE HILL;
- D COWICHAN BAY;
- E COWICHAN STATION; SAHTLAM; GLENORA;
- F COWICHAN LAKE SOUTH;
- G SALT AIR; GULF ISLANDS;
- H NORTH OYSTER;

MUNICIPALITIES:

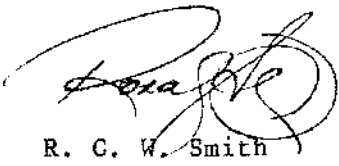
CITY OF DUNCAN
DISTRICT OF NORTH COWICHAN
TOWN OF LADYSMITH
VILLAGE OF LAKE COWICHAN

April 21, 1982

Secondly, by involving two or three residents owning property immediately around the lake, there is a good chance the hunting, during hunting season, may be able to continue while at the same time any fears associated with the discharge of firearms will be minimized. The Board feels that if a short assessment report were made early in 1983 outlining improvements, problems or any further suggestions, it would assist in the Board making a final recommendation.

I will be pleased to meet with you if there are any questions arising from the Board's request.

Yours truly,



R. C. W. Smith
Director of Planning

RGWS/ww

Nov. 30, 2004

To Mr. Heath,

Pls. copy
→ Gosh 12/29/04
Hitchcock

DEC 23 2004

MSRM MWLAP

s.22

I am writing to voice my concern about the ongoing legal hunting of ducks and geese in the immediate area of the lake, which is an important feeding and rest area for the protected trumpeter swans which congregate here in the fall and winter months.

Contrary to the assurances given to me by one of the property owners allowing hunting, I am quite sure that the seemingly constant onslaught of blasting is very disruptive to the swans and other sensitive species of water fowl which are being seen in fewer numbers this year. I feel strongly that our precious wildlife, particularly the threatened swans, should take precedence over a handful of overzealous sport hunters.

This hunting is also of concern to me not only because of its annoying frequency which indicates the hunt is not for food (several days per week and beginning before legal hunting hours is not uncommon), but also because it is occurring in a primarily residential area near roads frequented by pedestrians, joggers, school children, and visitors to the local farms, markets, bed and breakfasts, and craft houses. This safety issue is not good for our area's reputation and businesses. Local children and dogs (including my own) are often quite frightened, and many residents' sleep and peace is being disturbed.

s.22

are now working together in an effort to raise awareness about the effect the hunting is having on the swans, other bird species, businesses, residents and their pets, and the environment due to the risks associated with firearm discharge waste and dead birds in or near the lake. We wish to stop the hunting in the immediate area of the lake.

I implore you to look further into this matter and to take any action necessary to ban hunting in the Michael Lake area or to at least stop the hunting until the social (safety), ecological and environmental impacts are determined.

Attached is a copy of an informal petition in support of our plight.

Thank you for your time a consideration in this matter.

Sincerely,

s.22

s.22

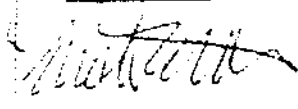
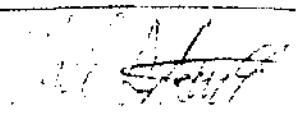
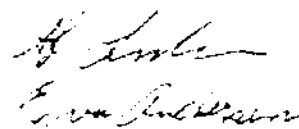
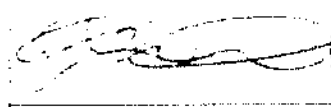
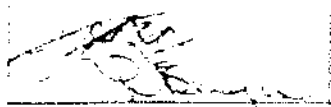
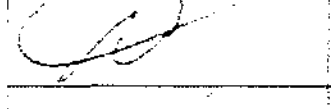
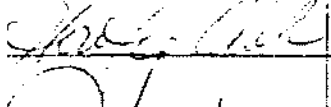
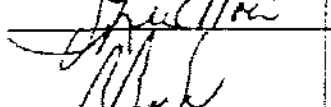
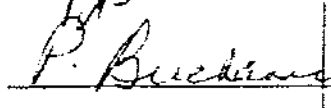
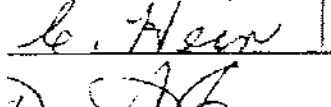
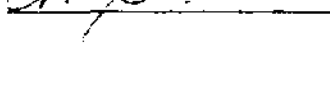
We, the undersigned residents of the Michael Lake area, are opposed to the current legal hunting permitted by local land owners in the immediate vicinity of the lake which serves as a winter feeding ground and rest stop for the threatened trumpeter swans. This hunting is disruptive to the local residents and wildlife, and we wish it to be stopped in our primarily residential area near Michael Lake.

[illegible]

We, the undersigned residents of the Michael Lake area, are opposed to the current legal hunting permitted by local land owners in the immediate vicinity of the lake which serves as a winter feeding ground and rest stop for the threatened trumpeter swans. This hunting is disruptive to the local residents and wildlife, and we wish it to be stopped in our primarily residential area near Michael Lake.

[illegible]

We, the undersigned residents of the Michael Lake area, are opposed to the current legal hunting permitted by local land owners in the immediate vicinity of the lake which serves as a winter feeding ground and rest stop for the threatened trumpeter swans. This hunting is disruptive to the local residents and wildlife, and we wish it to be stopped in our primarily residential area near Michael Lake.

<u>Name</u>	<u>Address and Phone #</u>	<u>Signature</u>	<u>Date</u>
Scott Stewart			Dec 1/2004
Clark Bottomley			Dec 1/2004
EMILY ANDERSEN			DEC 5 04
IVA ANDERSEN			Dec 5/04
MARK MAST			Dec 5/04
JOHN MAST			Dec 7/04
MIROKO CRICK			8 Dec 2004
Judith			8/Dec/04
BRUCE BUCHANAN			8/DEC/04
Buchanan			8/Dec/04
G. Hein			21/Dec/04
A. Cameron			21/Dec/04

s.22

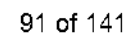
We, the undersigned residents of the Michael Lake area, are opposed to the current legal hunting permitted by local land owners in the immediate vicinity of the lake which serves as a winter feeding ground and rest stop for the threatened trumpeter swans. This hunting is disruptive to the local residents and wildlife, and we wish it to be stopped in our primarily residential area near Michael Lake.

<u>Name</u>	<u>Address and Phone #</u>	<u>Signature</u>	<u>Date</u>
Van Porter		<i>Van Porter</i>	Dec 21/04
<i>[Signature]</i>		<i>[Signature]</i>	<i>[Date]</i>
<i>[Signature]</i>		<i>[Signature]</i>	<i>[Date]</i>
<i>[Signature]</i>		<i>[Signature]</i>	<i>[Date]</i>
<i>[Signature]</i>		<i>[Signature]</i>	<i>[Date]</i>
<i>[Signature]</i>		<i>[Signature]</i>	<i>[Date]</i>

s.22

<u>Name</u>	<u>Address and Phone #</u>	<u>Signature</u>	<u>Date</u>
CHAPMAN		<i>[Signature]</i>	Dec 16, 2004
G. CROSBY		<i>[Signature]</i>	Dec 18/04

s.22



Nov. 30, 2004

DEC 2 5 2004

MSRM/MWLA

To Mr. Bob Hooton,

s.22

I am writing to voice my concern about the ongoing legal hunting of ducks and geese in the immediate area of the lake, which is an important feeding and rest area for the protected trumpeter swans which congregate here in the fall and winter months.

Contrary to the assurances given to me by one of the property owners allowing hunting, I am quite sure that the seemingly constant onslaught of blasting is very disruptive to the swans and other sensitive species of water fowl which are being seen in fewer numbers this year. I feel strongly that our precious wildlife, particularly the threatened swans, should take precedence over a handful of overzealous sport hunters.

This hunting is also of concern to me not only because of its annoying frequency which indicates the hunt is not for food (several days per week and beginning before legal hunting hours is not uncommon), but also because it is occurring in a primarily residential area near roads frequented by pedestrians, joggers, school children, and visitors to the local farms, markets, bed and breakfasts, and craft houses. This safety issue is not good for our area's reputation and businesses. Local children and dogs (including my own) are often quite frightened, and many residents' sleep and peace is being disturbed.

s.22

are now working together in an effort to raise awareness about the effect the hunting is having on the swans, other bird species, businesses, residents and their pets, and the environment due to the risks associated with firearm discharge waste and dead birds in or near the lake. We wish to stop the hunting in the immediate area of the lake.

I implore you to look further into this matter and to take any action necessary to ban hunting in the Michael Lake area or to at least stop the hunting until the social (safety), ecological and environmental impacts are determined.

Attached is a copy of an informal petition in support of our plight.

Thank you for your time and consideration in this matter.

Sincerely,

s.22

s.22

November 30, 2004

The Honourable Bill BARISOFF
Minister of Land, Water and Air Protection
PO Box 9047 Stn Prov Govt
Rm 112, Parliament Bldgs.
Victoria, BC
V8W 9E2

Re: The decline of the Trumpeter Swan population on Michael Lake

Dear Mr. Barisoff,

s.22 Michael Lake, which is located in the Yellow Point area approx 8 km north of Ladysmith. We are avid bird and wildlife watchers and over the years have derived a great deal of enjoyment observing the variation of wildlife that live and visit this area. We are extremely concerned because over the last two years we have witnessed a dramatic shift in the populations of the various waterfowl that normally live and over winter on and around the lake.

The east side of Vancouver has been experiencing phenomenal growth over the last few years putting ever increasing pressure on the many species of wildlife that also reside here. Even with this rapid growth we were still seeing a fairly diverse population of waterfowl living in and around the lake. In some cases, specifically the Canada goose, there was a noticeable increase in numbers. That no longer seems to be the case. In the last two years we have seen a marked decrease in numbers of all species, including the Canada goose. The most distressing decline that we are seeing is that of the Trumpeter Swan.

We ask, is this a general decline of all species or is it related to hunting pressures? With the encroachment of our society into the wilds many of the areas that once allowed hunting no longer do so. Michael Lake seems to be one of the last Bastions where hunting is still taking place. Last year we noticed a dramatic increase in the number of days hunted and this year it is even worse. We are now witnessing an almost daily occurrence of shooting on several properties adjoining the lake. Could this be the cause of what we are witnessing?

As you know this area is one of the areas on Vancouver Island where Trumpeter Swan gather to over winter. Over that last few years we have been counting the number of swans spending the winter on and around the lake. The numbers have been on the increase yearly to the point that last year 483 swans were counted resting on the lake. This year the numbers have plummeted to the point that on the best day 148 were counted. In the past we would witness several hundred swans moving back and forth from the fields to the lake, this year we are witnessing 20 to 40, to day I counted 37. What is happening?

Besides the swans we have also noticed dramatic changes in the numbers of other waterfowl. Normally we would have up to 50 Wood Ducks, this year 4 were seen. We had a resident population of Black Ducks numbering somewhere around 65, this year I saw 1. We would see up to 500 Mergansers moving through, this year possibly 50. We would see large flocks of several hundred Widgeon, this year on a good day we will see about 30. Last year I counted 32 Northern Shovelers, which were here for several weeks, this year 3 for 2 days. This year we have only seen about 6 Coots. The large flocks of Ring Necked Ducks that normally spent the winter are just not here. Even the number of Mallards that we normally see seems to be about half. The numbers of all the ducks seems to have plummeted and I ask again, what has happened?

In the past a great deal of effort was spent on reintroducing the Canada goose to our area. Like so many other communities we now consider them to be nothing more than a nuisance. In our attempts to solve the Canada goose problem, are we just sacrificing other species?

The urban sprawl is leaving fewer and fewer places for migrating birds to rest, feed and over winter. The flooded fields around Michael Lake are one area permitting hunting and it certainly appears that there is a marked increase in hunter activity. In the last two years it would appear that the number of days hunted is definitely on the increase. Both hunters and wildlife are sharing an ever-decreasing resource, LAND. The carnage is difficult to witness, the hunters ambush flocks far before daybreak, chasing the birds away from their feeding grounds into the middle of the lake. A few geese taken and according to the landowner it is mostly ducks that are shot. Is this disruption to the feeding patterns causing the swans to seek refuge elsewhere?

One of the fallouts of these tactics is obvious; people living in the area are also disturbed. The resident population of people living in close proximity to the lake has dramatically increased in the last few years and no end seems to be in sight. To be awakened every morning at 6:30 to the sound of gunfire. To have to go looking for your dog after he has fled trying to escape the noise of gunfire. To witness the dead and dying waterfowl not retrieved by hunters. Wondering how close these hunters are going to come to the children in the area on their way to school. All of these things are extremely distressing. With the growth that is taking place it is only a matter of time until; hunting will no longer be tolerated in this area. Why not do it now while there is still something to protect rather than later when it may be too late?

With the dramatic decline of waterfowl that we are witnessing I am sure that there is no simplistic cause or solution. There is either a widespread problem in the Pacific Flyway or the increased hunting activity has merely chased the birds elsewhere. No matter what, the banning of hunting in this area will do no harm and hopefully help.

This letter is not written in an attempt to completely stop hunting, because we know that this is not going to happen. All we are trying to accomplish is that these unique wintering grounds around Michael Lake, and nearby areas be considered for protection from hunting. To allow hunting in these areas under the guise of "we have to solve the Canada

goose problem" is not valid. If this truly is a problem can it not be solved by other means?

Respectfully,

s.22

Brunt, Kim FLNR:EX

From: Hooton, Bob WLAP:EX
Sent: Tuesday, December 14, 2004 3:54 PM
To: s.22 Heath, Dick WLAP:EX
Subject: RE: Trumpeter Swan

Thank you for your expression of concern re Michael Lake. Please be aware the Ministry has received other similar complaints in recent days. Our standard approach to public recommendations for firearms and/or hunting restrictions is to catalogue them and bring forward at an annual review sufficiently in advance of the next hunting season that any changes warranted can be included in the hunting regulations synopsis. The annual review process includes input from wildlife biologists (both federal and provincial in the case of migratory birds such as trumpeter swans, ducks and geese) and Conservation Officers. Public safety is our primary concern but conservation is also a major consideration.

We are sensitive to the fact human encroachment on wildlife habitat areas is creating steadily increasing demand for measures to restrict traditional uses such as hunting. At the same time we are obligated to provide recreational opportunity for our licensees. Educating each side to the expectations of the other is challenging to say the least. Nonetheless we will review the specifics of the Michael Lake situation and provide further direction in advance of the next hunting season.

Thank you again for registering your views.

-----Original Message-----

From: s.22
Sent: December 12, 2004 8:58 PM
To: Heath, Dick WLAP:EX; Hooton, Bob WLAP:EX
Subject: Trumpeter Swan

Dear Sirs:

Re: Decline of the Trumpeter Swan

s.22 Michael Lake - a small lake
situated in the Yellow Point area seven or eight kilometers north of
Ladysmith. s.22 there has been a
dramatic drop in the number of Trumpeter Swans on and around the lake -
at the most only half of what we saw two years ago. The duck population
also seems to have dropped over the past couple of years.

I can't help but wonder if the noise that takes place when the duck
hunters start shooting early in the morning is not disturbing and
frightening the swans and forcing them to seek refuge elsewhere. This
small lake, which floods during the winter months serves as an ideal
winter feeding ground for the threatened Trumpeter Swan, as well as many
other species of waterfowl.

The discharging of firearms, is not only disturbing to one's sleep, but
could become a safety problem. Over the past twenty years this area has
become more and more a residential area.

I am suggesting only that hunting be prohibited in the area around
Michael Lake, so that it can be a quiet and peaceful refuge for the

Trumpeter Swan, while we still have some to protect.

Sincerely,

s.22

December 23, 2004

File: 78250-20/Close

FILE COPY

s.22

Dear s.22

Thank you for your letter of November 30, 2004 and note of December 22, 2004 requesting hunting restrictions in the Michael Lake area. I can advise that my staff will be meeting with the Conservation Officer Service in January to discuss several such proposals, including yours. Once this has occurred, we will contact you regarding the ministry's position.

Your interest in wildlife conservation and public safety is appreciated.

Yours truly,

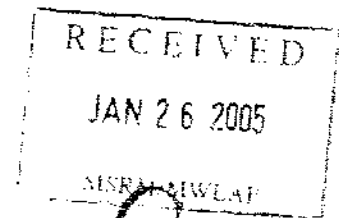


R. H. Heath, R.P.Bio., R.P.F.
Regional Environmental Stewardship Manager
Vancouver Island Region

RHH/lds

rhb_michael lake hunting closure_dec 04

cc: Bob Hooton, Fish & Wildlife Science & Allocation Section, Nanaimo
Kim Brunt, Wildlife Biologist, Wildlife Section, Nanaimo
Lance Sundquist, Regional Manager, Conservation Officer Service, Nanaimo



COPY

January 18, 2005

s.22

Dear s.22

Re: Your Correspondence of November 30, 2004

Thank you for your letter and attached petition with regard to hunting in the vicinity of Michael Lake dated November 30, 2004, which was received by the CVRD office on December 23, 2004.

As you indicate in your letter, hunting in this area is legally permitted. Hunting is regulated through the provincial government and therefore the Province must initiate any changes in provincial regulations. Consequently I am forwarding your correspondence to the appropriate provincial authorities with a recommendation that a public forum be held in that area to discuss the issues raised in your letter.

Yours truly,

Mary Marcotte,
Chair

MM/ann

pc: Mr. Dick Heath, Regional Manager, Ministry of Water, Land and Air

File CHAIRMAN Correspondence-Squaw Petition RSVP January 2005

02137

APPROX MEAN
HALL NATION HALL

POTENTIAL FIELDS

GRAVE ROAD

HOG FUR
FILL FOR
ROAD

CUTTER

COPE OF
FIELDS

FOUR RIDGE

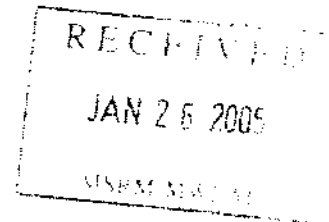
L. 105

BLUE BERRY


BLUE BERRIES IN WINTER
ROAD TO HOG FUR ROAD (532)
HAS TO ACCESS TO BY
TOWN JUNCTION OR ROAD 200

{Brown's
Trudell's}

outs. Land Survey



January 21, 2005

Mr. Dick Heath 
Regional Manager
Ministry of Water, Land and Air Protection
2080A Labieux Road
NANAIMO BC V9T 6J9

Dear Sir,

Re: Hunting Regulations

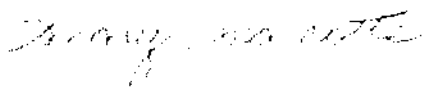
As hunting regulations are the responsibility of the Province, I am forwarding this signed petition to you with regard to the "legal" hunting of ducks and geese in the Michael Lake area (copy attached)

This issue has been raised in the past and concerns from both residents and the farming community have been expressed. Therefore, I recommend that a Public Forum be held to determine if there are indeed any safety issues that may require a change to the regulations.

If you require further information, please do not hesitate to contact me

Thank you for your attention to this matter

Yours truly,



Mary Marcotte,
Chair

Ann
Attachment

Re: COWICHAN Correspondence MWLAP: Air Exposure during Meeting January 1, 2005

Brunt, Kim FLNR:EX

From: Hitchcock, Gord WLAP:EX
Sent: Monday, January 24, 2005 12:03 PM
To: Heath, Dick WLAP:EX; Brunt, Kim WLAP:EX
Subject: RE: Firearm Discharge Closure Applications

s.13

s.13 This is assuming they are interested. I don't know that. This is still a social issue over perceived threats.

-----Original Message-----

From: Heath, Dick WLAP:EX
Sent: January 15, 2005 9:16 AM
To: Hitchcock, Gord WLAP:EX; Brunt, Kim WLAP:EX
Subject: RE: Firearm Discharge Closure Applications

So - if we allow discharge of firearms under the WLA, then an RD can't restrict their use?

Dick

-----Original Message-----

From: Hitchcock, Gord WLAP:EX
Sent: January 14, 2005 4:54 PM
To: Brunt, Kim WLAP:EX; Heath, Dick WLAP:EX
Subject: RE: Firearm Discharge Closure Applications

Municipalities are able to regulate the discharge of firearms under the Community Charter (Section 8), but that power is not given to the R.D.'s. However, under s. 840 of the Local Government Act, RD's can regulate or prohibit the discharge of firearms as long as it is not in conflict with the Wildlife Act. The definition of firearms does not include a bow. Makes some sense in that the Province has given muni's the power to regulate it as don't want people shooting guns in cities, but in rural areas like regional districts, that is where the hunting takes place so only allows you to regulate so far as it does not interfere with the Wildlife Act. The power to regulate firearms at all if you have it would come from your letters patent.

s.13

Criminal Code would likely need to be used depending of course if it is a restricted weapon, prohibited, crossbow, etc.

-----Original Message-----

From: Brunt, Kim WLAP:EX
Sent: January 14, 2005 4:51 PM
To: Heath, Dick WLAP:EX; Hitchcock, Gord WLAP:EX
Subject: RE: Firearm Discharge Closure Applications

Gord looked into this and can better answer this question than I can.....

Kim

-----Original Message-----

From: Heath, Dick WLAP:EX
Sent: January 14, 2005 4:39 PM
To: Brunt, Kim WLAP:EX
Subject: RE: Firearm Discharge Closure Applications

Thanks Kim - did we ever establish if a Regional District can institute restrictions on firearm use the same way municipalities and cities can?

Dick

-----Original Message-----

From: Brunt, Kim WLAP:EX
Sent: January 14, 2005 10:49 AM
To: Heath, Dick WLAP:EX
Subject: FW: Firearm Discharge Closure Applications

The most recent summary of proposed actions including the COS review of specific areas.

KB

-----Original Message-----

From: Hooton, Bob WLAP:EX
Sent: January 5, 2005 4:22 PM
To: Heath, Dick WLAP:EX
Cc: Brunt, Kim WLAP:EX; Hitchcock, Gord WLAP:EX
Subject: FW: Firearm Discharge Closure Applications

Further to Gord's summary below please be aware Gord, Kim and myself met earlier today to develop recommendations that will address these types of issues in future. Our recommendations are as follows:

- Kim and COS will develop a new form to be completed by proponents of any firearms or hunting restriction. Upon submission of a completed form the COS will assume responsibility for a review of public safety concerns. Safety will be the only issue that the COS will address. Regardless of who receives the original request or submission all such items will go directly to the COS (Hitchcock) for initial review.
- Recommendations flowing from the COS review will be forwarded to ES (Brunt) for preparation of draft response to the proponent(s). That response would be signed by the Regional ES Manager. Clearly there are issues other than public safety at play in most of the examples given below and a judgement call on whether or not to alter existing regulations will have to be made in cases where public safety is not a concern. We believe that should be the RM's call.
- The mechanics of getting any new restrictions approved by you put into print would fall to ES (Brunt).

Yourself and/or Lance Sundquist may have other ideas on how events should unfold. We await your further instruction. In the meantime I understand Gord is canvassing other regions to see what process they have in place to address similar issues.

-----Original Message-----

From: Hitchcock, Gord WLAP:EX
Sent: January 5, 2005 3:53 PM
To: Hooton, Bob WLAP:EX; Brunt, Kim WLAP:EX
Cc: Sundquist, Lance WLAP:EX; Heath, Dick WLAP:EX; Brunham, Gerry WLAP:EX
Subject: FW: Firearm Discharge Closure Applications

Notwithstanding our discussion today and the development of recommendations to management, including revisions to the application process, we are actively reviewing five applications. They vary in process.

Provincial application of restricting public access applies under the Wildlife Act and Trespass Act. To enter, hunt on cultivated land, posted land or private property without the owner's permission is committing an offence.

The public safety concern of discharging firearms with a single projectile in an expanding residential area within Regional Districts Lands has been addressed with the single projectile prohibition. Hunting with, or the discharge of a rifle or shotgun using a single projectile is prohibited.

The general application public safety provisions restricting hunting and the discharge of a firearm within 100 metres of a church, school building, school yard, playground, regional district park and dwelling house applies.

Michael Lake carries an additional restriction of no shooting on Michael Lake to the high water mark.

Considering all the lands in question are private property and access is governed by permission only, including the specific prohibitions involving single projectiles and closures, the Ministry has taken the appropriate steps in demonstrating due diligence in protecting public safety.

Municipalities are able to regulate the discharge of firearms under the Community Charter, namely, section 8. However, Regional Districts under the Local Government Act can regulate the discharge of firearms as long as it is not in conflict with the Wildlife Act.

Not Responsive

Not Responsive

COS input/recommendation: The status quo is appropriate in relation to public safety. There are no complaints documented to support further sanctions or regulations. Recognizing this does not address the social issues or perceived threats.

The onus and responsibility still rests with hunter ethics and firearm safety.

-----Original Message-----

From: Brunham, Gerry WLAP:EX
Sent: January 4, 2005 2:56 PM
To: Hitchcock, Gord WLAP:EX
Subject: Firearm Discharge Closure Applications

A review and field inspection of the following sites determined that existing legislation already covers the safety concerns expressed by concerned citizens. Safety concerns are foremost consideration when deciding whether to allow Hunting activities in rural residential areas. Other factors to consider are the Management of Human / Wildlife conflicts. Hunting is one management tool available to help reduce some of these conflicts i.e. Wildlife depredation of commercial and residential crops, increasing prey populations have resulted in large carnivore wildlife conflicts in residential areas, and Human Health concerns with Migratory Bird excrement in high use residential areas i.e. Local Parks, Lakes, Schools, and Golf Courses.

The following Sites were inspected in the Nanaimo District...

1. Michael Lake... migratory bird hunting area. Safety was not the expressed concern but rather the impact hunting was perceived to have on the Trumpeter Swan population. The concern regarding Trumpeter Swan populations is best addressed by Canadian Wildlife Service. The concerns regarding the noisy discharge of firearms conflicting the tranquility of nearby residents was amplified this year as the nearby Cranberry Farm was experiencing crop depredation from Migratory Birds and was using the Zon Gun method to reduce the conflict issues. The firing of the Zon Gun was mistaken as illegal early shooting by "hunters". Existing firearms restrictions and lack of public access has resulted in No identified or confirmed safety concerns. There are no reported or detected, Safety or Wildlife Act related violations from this area of concern.

Not Responsive

Page 106 redacted for the following reason:

Not Responsive

Brunt, Kim FLNR:EX

From: Hooton, Bob WLAP:EX
Sent: Thursday, January 27, 2005 8:35 AM
To: Brunt, Kim WLAP:EX
Subject: FW: Michael Lake

Importance: High.

-----Original Message-----

From: Hooton, Bob WLAP:EX
Sent: January 25, 2005 5:06 PM
To: Heath, Dick WLAP:EX; Sundquist, Lance WLAP:EX
Subject: Michael Lake
Importance: High

If we didn't already know we have a problem let me add a voice to the choir. This afternoon I had yet another call from one of the organizers of the campaign to have Michael Lake declared off limits for hunting. This time it was

s.22 and is entirely conversant in the history, the players and the avenues for change. s.22 expressed considerable frustration over the message that had come from Tim Janzen re options for changing the existing regulations (i.e the convoluted regulation change form that was attached to his message to another closure advocate, s.22 s.22 I sympathized with her on that one.

I explained that our Conservation Officers were familiar with the site and the issues and had recommended no change to existing regulations because there was not a public safety issue at hand. s.22 are adamant that safety is an issue.

Apart from the development that has occurred in the area over the years they both contend Michael Lake is not always Michael Lake in the sense that it's perimeter changes dramatically in wet years such as this one. In fact s.22 stated s.22 has never seen Michael Lake as high as it was at the conclusion of the duck hunting season last week. When the water is that high and with the preferred hunting areas along the shoreline, firearms are being discharged too close to buildings, animals and people to be considered safe or tolerable, at least in her opinion. s.22 contends that position is supported by every lakeshore property owner except one, that being s.22

s.22 stated the petition forwarded earlier (52 signatures) is ample evidence of overwhelming public support for s.22 position.

I reiterated that the single issue our Ministry focuses on is public safety and that it is the COS call on whether or not that is the case. s.22 countered that we are ignoring the obvious and justifying our position on the strength of too narrow a sample of public opinion. s.22 also promised the local residents are sufficiently charged up about this they will continue to demand change. I confessed to having no answer to the dilemma of one property owner being able to thumb his nose at every other owner to satisfy the interests of (allegedly) not more than three duck hunters. s.22 was not about to leave off our discussion without some indication of action on my part. In that regard I promised to bring the issue forward to the two reigning regional authorities one more time. s.22 appreciated that promise and expressed hope that someone would phone s.22 with the result of further deliberation. Over to you.

Bob Hooton

Head, Fish & Wildlife Science & Allocation

Vancouver Island Region

Ministry of Water, Land and Air Protection

2080-A Labieux Rd, Nanaimo, B.C. V9T 6J9

Phone (250) 751-3109 Fax (250) 751-3103

E-mail Bob.Hooton@gems1.gov.bc.ca

Brunt, Kim FLNR:EX

From: Hitchcock, Gord WLAP:EX
Sent: Tuesday, February 1, 2005 2:37 PM
To: Heath, Dick WLAP:EX; Hooton, Bob WLAP:EX; Brunt, Kim WLAP:EX; Sundquist, Lance WLAP:EX
Cc: Benton, Scott WLAP:EX; Brunham, Gerry WLAP:EX
Subject: RE: s.22

Gordon Hitchcock and Gerry Brunham attended s.22 near Michael Lake on this date at 09:00 hrs.

The primary complaint appeared to involve the early morning noise generated from shotgun discharges. Horses are kept at this location and the shotgun noise startles them and is a safety concern for s.22 and the horses. s.22
s.22 . Frequency over the waterfowl season was reported at approximately 20 days. The location pointed out as the source of the noise was s.22 . This location is known as the s.22
s.22 .

s.22 described several other concerns, namely, shooting from the road and hunter trespass. The CO Service role, public service and the violation reporting line was explained to s.22 . A business card with the 1-800 number was turned over to s.22 . There are no documented complaints received from s.22 for the 2004/05 waterfowl season.

Checked in with s.22 Michael Lake and for all intent of purposes, s.22
s.22

s.22 contact advised they do not permit hunting on their property, however, recognize waterfowl hunting does happen and are not apposed to this activity. s.22
s.22 . The shotgun noise is recognized as an irritant on the odd day, especially hunters with the magnum loads and on Sunday mornings.

s.22 contact advised they do allow waterfowl hunting opportunity for a select few from the Nanaimo Fish and Game Club. Approximately 20 days a year. There is a specific area s.22 designated for the hunters. The hunting often takes place on Saturday or Sunday morning and the contact does recognize the noise may be an issue for several neighbours, especially on Sundays.
The contact was s.22 about providing certain people, especially the youth with the opportunity to hunt. s.22
s.22

Sympathetic over the noise and did not rule out a public meeting to discuss potential limitations to hunting on certain mornings like Sundays to maintain neighbourly relations.
Perhaps an opening for discussion that will be suitable to all and potential resolution involving local access management.

-----Original Message-----

From: Heath, Dick WLAP:EX
Sent: February 1, 2005 10:14 AM
To: Hooton, Bob WLAP:EX; Brunt, Kim WLAP:EX; Sundquist, Lance WLAP:EX; Hitchcock, Gord WLAP:EX
Cc: Benton, Scott WLAP:EX
Subject: s.22

FYI

Received a call from s.22 following the COS visit to s.22 .

- While he described the discussion as "amiable", he remains really unhappy
- Feels he is not being taken seriously as he is s.22
- Stated he called to advise that me of his intentions of going political (starting with s.22 and didn't wanted it perceived that he was going behind my back. Believe he will also be approaching the RD and his MP

I noted to him that while nothing was going to change in this year's regs (he accepted that), ES was looking at whether we wanted to consider a process to deal with proposals like his where there was no clear public safety issue at hand.

Dick

February 10, 2005

File: 78250-20 Close

FILE COPY

Mary Marcotte, Chair
Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

Dear Mary Marcotte:

Re: Hunting Regulations – Michael Lake

Thank you for your letter of January 21, 2005, and the accompanying petition from
s.22 concerning hunting near Michael Lake. We have had similar
correspondence, including copies of the petition, from several other sources.

As you may know, there are several issues involved at Michael Lake. Central to the mandate of this Ministry is the issue of public safety. Beyond that, there is an alleged trumpeter swan conservation issue and more social issues such as noise, disturbance, enjoyment of life, etc. If there is a conservation issue regarding the swans, it would be the responsibility of the federal government's Canadian Wildlife Service to address.

The public safety issue revolves around the use of shotguns. Generally speaking shotguns firing shot (as opposed to single projectile "slugs") are not considered to be a risk to public safety at Michael Lake. Our Conservation Officers are responsible for making that determination and have visited and re-visited Michael Lake a number of times in that context. They report that existing hunting regulations are adequate to ensure public safety. We also recognize there is a concern related to the social issues noted above and are reviewing our Ministry's approach to the more social aspects of firearms/hunting restriction proposals. Existing regulations and/or policy may be modified following that review. In the interim, we respectfully suggest there is nothing new to be learned by participating in a public forum with local residents whose opinions are well understood already.

... 2/

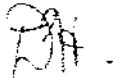
Mary Marcotte, Chair
Cowichan Valley Regional District

- 2 -

February 10, 2005

The patience of all local residents will be appreciated while our review unfolds. Thank you for assistance in making this approach known to all involved.

Yours truly,



R. H. Heath, R.P.Bio., R.P.F.
Regional Environmental Stewardship Manager
Vancouver Island Region

RHH/BHH/gb

file:stewardship_share\typing\rhh, bnh, michael lake 11, 2005.doc

Feb. 17, 2005

Pls. copy

→ Bob Horton

→ Lance Sundquist

1) Michael Lake (Yellow Point)

Our main concern is as follows: Over many years hunters hunted Waterfowl at Michael Lake below and above the highwater mark. Even though the Regulation in the Hunting & Trapping Synopsis states for many years that no shooting is allowed on Michael Lake to the highwater mark!

These infractions were reported to the Dept. of Environment (conservation officer) but no actions were taken by the appropriate Department!

2) Most Property owners who invite hunters are not familiar with the Hunting & Trapping Regulations or with the existence of it and therefore can not instruct hunters properly where the highwater mark is, as well as the locations of Dwellings around the Lake (Safety). -

3) Therefore we recommend that all Property owners

around the lake should receive a letter from the agency (Map included) stating the facts etc. and No Hunting - No Shooting Signs should be posted at Public Accesses and on Properties where Highwater mark is. (Landowners not always there to show hunters Highwater mark)

- 4) On ^{s.22} document it says: Mean Highwater mark and not Highwater mark. Which is legally the right term?
- 5) The Regulations for Michael Lake (see Page 31 Map A 13) should be more explicitly written down in order to understand better.
- 6) If Blinds are constructed above the Highwater mark is the Hunter allowed to shoot Waterfowl below the Highwater mark or only above the Highwater mark.

Page 115

Withheld pursuant to/removed as

Copyright

Schedule 5

No Shooting Areas

(Section 6)

Michael Lake

73 That portion of the Province of British Columbia in Oyster Land District contained within the following described boundaries:

The mean high water mark of Michael Lake.

[en. B.C. Reg. 109/85, s. 3 (i).]

Definition of Mean High Water

mean high water

The average height of the high waters over a 19 year period. All high waters are included in the average where the type of tide is either semidiurnal or mixed. Where the type of the tide is predominantly diurnal, only the higher high water heights are included in the average on those days when the tide is semidiurnal (Shalowitz 1964)

mean high water line (MHWL)

The line on a chart or map which represents the intersection of the land with the water surface at the elevation of mean high water. See shoreline (Hicks 1984)

mean higher high water

The average height of the higher high waters over a 19 year period. (Shalowitz 1964)

Copy Letter sent to
Dick Heusen via E-Mail

Wednesday, March 9, 2005

Dick;

As you know on Mar 7th Ron Heusen attended s.22 We were led to believe this was done at your request and if this is so I must say that I am somewhat disturbed. The outcome of the visit was made very clear to us. The activities (re: shooting on Michael Lake) are completely legal and there is no intent on the part of your office to do anything about it. Further, if we want the shooting to stop we are going to have to clearly demonstrate there is a safety issue and possibly in the future something would be done.

I think I should give a short recap on the visit and some of the issues that were discussed. The first thing I asked Mr. Heusen was as to whether or not he had read the legislation and that he understood it. He told me that he had read it and understood what we were talking about. Following this s.22 to show him what I believed to be the high water boundary and where the hunting had been taking place. Prior to my completing my attempts to show him what I believed to be the boundaries I was told that I was in error that in fact this is not where the boundaries lay. He further told us that a similar situation had gone to court under the water act. The ruling had been that the high water mark was the line created by the vegetation that appeared around the perimeter of the open water of the lake and had nothing to do as to how far the water encroached upon cultivated fields. Mr Heusen was adamant on this point. It was apparent that we were going to get nowhere but into a heated argument so I discontinued the conversation and walked away. We must keep in mind here that nobody is trying to deny any farmer from the use of his land for agricultural purposes; we are simply trying to show where the high water line is located as indicated in The Wildlife Act.

s.22 where the conversation remained congenial. It became very clear the Mr Heusen had not read the closed area regulations nor had he thought through the definition of what a high water mark was. Throughout our conversation his focus was on safety and nothing illegal or unsafe was taking place. I tried to explain that a safety issue had been demonstrated many years ago and the people in power at that time created a "No Shoot" zone to solve the problem. The unsafe practices were taking place in the fields surrounding the lake and the intent is very clear. Why else would such a zone have been created in the middle of a large shotgun only area? Mr. Heusen would not entertain this analogy. It appeared that he had a preconceived notion as to what had and was going on around Michael Lake and was not about to change his mind.

Throughout Mr. Heusen's visit there were no stormy outburst and we parted on good terms. We even had s.22 who also was allowed to make a few comments. I did make it clear that I did not agree with the interpretation and I would have to give some further thought to what he had to say and what route should be taken.

I later sent an email message (which you have a copy) to ascertain where his definition of high water has come from. By his return email it is quite clear that he had erred on his statements about a judge ruling on a similar case under the Water Act. The Water Act uses the same definition as the Land Act that was quoted by Mr Heusen in his reply.

The Land Act states very clearly where the high water boundary exists and it is where I said it existed. There is no mention of cultivated land. The criteria for determining this boundary is by soil structure and vegetation and this is exactly what I use. We are talking about fields that are under water for up to six months of the year and as such it is clear to see the boundary and naturally soil structure will reflect this. The only type of crops that can be grown on this type of land are yearly crops that are planted when the water level recedes or is pumped out.

s.22

s.22

He has also alluded to the difference between the "High Water Mark" and the "Mean High Water Mark" as being substantial. Here again this is not so and the longer the period over which the average is taken the smaller the deviation will be. The difference between these two marks will not be sufficient to change the physical boundary that has over the years been defined by the water level.

What I found to be the most disturbing was how Mr. Heusen defined the No Shoot Area. I suggested to him that s.22 above what he considered the high water mark and placed decoys in the lake I could then hunt over them. He told me as long as we were 100 meters from a house and had the permission of the land owner this was correct. I carried this same analogy to the island in the middle of the lake and you can see by the response in his email how this would be treated. If you follow this analogy then a No Shoot Area does not exist on Michael Lake, the only place that you could not shoot from would be a boat.

We both know that the Closed Area Regulations states very clearly that there is to be no shooting within the boundaries of the mean high water mark. The only issue in question here should be how do you make it clear to the property owners and the hunters where they can and can not shoot, and how do you enforce these regulations.

It is clear to see that we are getting mixed messages here from your office. In our conversation with you I was under the impression that you understood what was in question and the complexities that were involved. I was also under the impression that a valid attempt was underway to solve the problem satisfactorily and now we are told that that is not the case.

Hopefully you can clear this up for us.

s.22

Sundquist, Lance WLAP:EX

From: Heusen, Ron WLAP:EX
Sent: March 9, 2005 11:47 AM
To: Sundquist, Lance WLAP:EX
Cc: • Brunham, Gerry WLAP:EX; Hitchcock, Gord WLAP:EX
Subject: RE: Michael Lake

s.22 recall is somewhat different than mine, but having said that s.22 is right on a number of points. The significant part of the meeting was discussing my lack of willingness to consider a field that is used to grow s.22 through summer and is from time to time flooded (not on the day of my visit) as the lake. I tried, apparently in vain, to explain that hunters given access to these fields could legally hunt there as the field was not the lake even though from time to time it flooded. I talked about the Water Act and Land Act to try and make s.22 understand a CO, as a hunter would also, look to some natural lake boundary to gauge where the closure was. I further explained that if a hunter shot a goose from one of the fields and the goose landed on the lake they had to make a reasonable effort to retrieve it. This is where s.22 drew the conclusion the regulation was useless.

We went on to discuss any safety issues they had. s.22 conceded, with no direction from me, that there was no arguable safety issue. s.22 stated they did not want to hear guns go off period. That their collective objective was to have the area closed.

I told s.22 that the way to do that was for the residents to deny hunter access, and we could enforce the hunt cultivated lands section of WLA. s.22 stated that they tried that and half the residents refused.

I never left s.22 with any idea from me that we would not enforce the provisions of the closure. They just never gave me any indication the closure was being breached.

The problem is the hunters are hunting the edge of what any reasonable person would say is the lake, so a few residents are trying to argue on individual interpretations of where the boundary is, in other words grasping at straws.

Management of this issue, in my humble opinion, should be with ES. If they want to close it so be it, and I will enforce it. But as a CO I did not hear anything yesterday that would have made me even do a patrol.

-----Original Message-----

From: Sundquist, Lance WLAP:EX
Sent: March 9, 2005 10:26 AM
To: Heusen, Ron WLAP:EX; Brunham, Gerry WLAP:EX; Hitchcock, Gord WLAP:EX
Subject: Fw:

As you can see there is a great deal of interest regarding this subject.

It is important to ensure that we all clearly understand how the regulation applies and we provide consistent info to the public.

I will be contacting s.22 to discuss our enforcement approach.

Lance

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Heath, Dick WLAP:EX <Dick.Heath@gems8.gov.bc.ca>
To: Hooton, Bob WLAP:EX <Bob.Hooton@gems1.gov.bc.ca>
CC: Benton, Scott WLAP:EX <Scott.Benton@gems4.gov.bc.ca>; Sundquist, Lance WLAP:EX <Lance.Sundquist@gems7.gov.bc.ca>
Sent: Wed Mar 09 09:44:18 2005
Subject: FW:

As discussed.

-----Original Message-----

From: s.22
Sent: March 9, 2005 9:06 AM
To: Heath, Dick WLAP:EX
Subject:

Wednesday, March 9, 2005

Dick;

As you know on Mar 7th Ron Heusen attended s.22 We were led to believe this was done at your request and if this is so I must say that I am somewhat disturbed. The outcome of the visit was made very clear to us. The activities (re: shooting on Michael Lake) are completely legal and there is no intent on the part of your office to do anything about it. Further, if we want the shooting to stop we are going to have to clearly demonstrate there is a safety issue and possibly in the future something would be done.

I think I should give a short recap on the visit and some of the issues that were discussed. The first thing I asked Mr. Heusen was as to whether or not he had read the legislation and that he understood it. He told me that he had read it and understood what we were talking about. Following this s.22

s.22 to show him what I believed to be the high water boundary and where the hunting had been taking place. Prior to my completing my attempts to show him what I believed to be the boundaries I was told that I was in error that in fact this is not where the boundaries lay. He further told us that a similar situation had gone to court under the water act. The ruling had been that the high water mark was the line created by the vegetation that appeared around the perimeter of the open water of the lake and had nothing to do as to how far the water encroached upon cultivated fields. Mr Heusen was adamant on this point. It was apparent that we were going to get nowhere but into a heated argument so I discontinued the conversation and walked away. We must keep in mind here that nobody is trying to deny any farmer from the use of his land for agricultural purposes; we are simply trying to show where the high water line is located as indicated in The Wildlife Act.

s.22 where the conversation remained congenial. It became very clear the Mr Heusen had not read the closed area regulations nor had he thought through the definition of what a high water mark was. Throughout our conversation his focus was on safety and nothing illegal or unsafe was taking place. I tried to explain that a safety issue had been demonstrated many years ago and the people in power at that time created a "No Shoot" zone to solve the problem. The unsafe practices were taking place in the fields surrounding the lake and the intent is very clear. Why else would such a zone have been created in the middle of a large shotgun only area? Mr. Heusen would not entertain this analogy. It appeared that he had a preconceived notion as to what had and was going on around Michael Lake and was not about to change his mind.

Throughout Mr. Heusen's visit there were no stormy outburst and we parted on good terms. We even had s.22 who also was allowed to make a few comments. I did make it clear that I did not agree with the interpretation and I would have to give some further thought to what he had to say and what route should be taken.

I later sent an email message (which you have a copy) to ascertain where his definition of high water has come from. By his return email it is quite clear that he had erred on his statements about a judge ruling on a similar case under the Water Act. The Water Act uses the same definition as the Land Act that was quoted by Mr Heusen in his reply.

The Land Act states very clearly where the high water boundary exists and it is where I said it existed. There is no mention of cultivated land. The criteria for determining this boundary is by soil structure and vegetation and this is exactly what I use. We are talking about fields that are under water for up to six months of the year and as such it is clear to see the boundary and naturally soil structure will reflect this. The only type of crops that can be grown on this type of land are yearly crops that are planted when the water level recedes or is pumped out.

s.22

s.22

He has also alluded to the difference between the "High Water Mark" and the "Mean High Water Mark" as being substantial. Here again this is not so and the longer the period over which the average is taken the smaller the deviation will be. The difference between these two marks will not be sufficient to change the physical boundary that has over the years been defined by the water level.

What I found to be the most disturbing was how the Mr. Heusen defined the No Shoot Area. I suggested to him that s.22 above what he considered the high water mark and placed decoys in the lake I could then hunt over them. He told me as long as we were 100 meters from a house and had the permission of the land owner this was correct. I carried this same analogy to the island in the middle of the lake and you can see by the response in his email this would be treated. If you follow this analogy then a No Shoot Area does not exist on Michael Lake, the only place that you could not shoot from would be a boat.

We both know that the Closed Area Regulations states very clearly that there is to be no shooting within the boundaries of the mean high water mark. The only issue in question here should be how do you make it clear to the property owners and the hunters where they can and can not shoot, and how do you enforce these regulations.

It is clear to see that we are getting mixed messages here from your office. In our conversation with you I was under the impression that you understood what was in question and the complexities that were involved. I was also under the impression that a valid attempt was underway to solve the problem satisfactorily and now we are told that that is not the case.

Hopefully you can clear this up for us.

s.22



Reference: 82145

APR 05 2006

s.22

Dear s.22

Thank you for your letter dated February 8, 2005, regarding hunting near Michael Lake, north of Ladysmith.

As you point out in your letter, there is already a no shooting regulation in place on Michael Lake. In response to the growing concern from residents to expand that to the foreshore area of Michael Lake, I have asked ministry staff to undertake a review of this request. I hope to hear back from them this summer.

In regards to your concern about the use of lead shot at Michael Lake, I am please to inform you that there has been a lead shot ban in effect for the purpose of hunting waterfowl in British Columbia since 1995.

Again, thank you for sharing your comments with me.

Sincerely,

Bill Barisoff
Minister

pc: Honourable Graham Bruce, MLA (Cowichan - Ladysmith)

Copy

February 8, 2005

The Honourable Bill BARISOFF
Minister of Land, Water, and Air Protection
PO Box 9047 Stn Prov Govt
Rm 112 Parliament Bldgs Victoria, BC
V8W 9E2

Re: Reference No. 81430

Dear Mr. Barisoff:

Thank you for your letter dated Jan 18, 2005. I appreciate your concern and thank you for forwarding our concerns to the CWS. Hopefully they may be able to shed some light onto the reason why we seeing such drastic declines in, not only the swan population, but also other species of wildlife that are no longer present on Michael Lake. From discussions I have had with other people it would appear that the decline that we are seeing is not widespread on the coast but much more a local phenomenon.

If in fact this is just a local phenomenon it would only seem prudent to ascertain what the causes might be. I have given this much thought and discussion and have come to the conclusion that two things may or may not be contributing to the decline of various wildlife populations on the lake. One, we have been witnessing an increase in the hunting pressure on and around the lake and two, we have also been seeing that the lake itself is undergoing some changes mainly a noticeable disappearance of plant life. These two conditions, though not necessarily connected, but in unison may very well be contributing or causing the problem. I believe both of these concerns fall within the mandate of your ministry and I hope that some action will be forthcoming.

In our approach to what we believe is a problem with serious potential namely hunting, I would like to relate to you some of the problems that we have encountered from your ministry.

A number of years ago I was concerned about the hunting that was taking place around Michael Lake. I contacted the local Conservation Office and was essentially told that nothing illegal was taking place and there was nothing that could be done. In subsequent discussions it was suggested that I talk to the landowners where the hunting was taking place to see if a solution could be found. This proved to be fruitless. This year myself and about 50 other residents of the area have been trying to bring some pressure to bear. Here again it has been suggested that we should contact the landowners to see if reason cannot prevail. I have also been told that Conservation Officers have been in contact with these same landowners. The outcome has not been an abatement of hunting but conversely and increase.

On or about Jan 21 this year I spoke with Tim Janzen from the Deputy Ministers office and a copy of his reply is attached. If you look at what was sent it is quite clear to see that this is a long arduous and expensive procedure he has suggested that we undertake. If you will note the highlighted section you will see that the application will not be processed without proper mapping and to do this it would require the permission of the offending land owners. This form is an interoffice form and is not meant to be filled out by the public, in other words it was a stumbling block meant to stop us from proceeding any further which I consider nothing less than offensive.

s.22

They were able to see clearly where the lake levels were at that time and where the majority of the hunting was taking place. They offered no hope of any resolution to the problem and even went so far as to comment that they too would like to do some hunting on the lake.

On Feb 1, 2005, I received a copy of the "no shoot" areas on Vancouver Island from the office of The Honourable Graham Bruce. On Map A13 it clearly states, "Michael Lake: No Shooting on Michael Lake to the high water mark". It is quite clear that the problems arising from shooting on Michael Lake were addressed over 20 years ago and a "No Shoot" area was created. From what I can ascertain the "no shoot" area is currently in effect but no one has or wants to enforce it.

Please find attached a copy of the current regulations along with a map where I have indicated approximately where I believe the "High Water" mark is located.

I spoke with Tim Janzen today to point out to him that currently there is a "No Shoot" regulation in effect for Michael Lake. His reply was that it was up to the discretion of the local conservation officer and if we want something to be done we will have to try to get some political pressure put on the local office.

I find it unbelievable that the enforcement of the Wildlife Act is left to the individual discretion of one Conservation Officer who may or may not be in favour of the legislation. I am sure that Conservation Officers are not hired by your ministry to interpret existing legislation but rather to enforce it. It is up to the courts to interpret it. In this case the regulations are clear and explicit and only need to be enforced. As far as the suggestion by Tim Janzen, of the Deputy Minister's Office that we attempt to get a no shooting zone imposed is unnecessary because it already exists.

We know now that a blind eye has been turned for many years on the illegal hunting that has been taking place on Michael Lake. Whether or not this has caused irreparable damages we will never know. We all know the problems that lead shot causes and we are currently having to watch a swan that may very well be dying of lead shot poisoning. Also, as I mentioned earlier we are seeing a change in the vegetation that grows in the lake. I believe that this is an indication that there could very well be caused by a change in the water quality. A further indicator that there could very well be a problem with the

water quality was the number of dead sunfish that were washing up on the shoreline this past summer.

In my previous correspondence I demonstrated that we are witnessing significant declines in waterfowl populations. To add to this we are also witnessing declines in smaller birds such as swallows. These are insect feeders and we have noticed that even some of the insect hatches are down. To me, all of these factors seem to indicate that water quality may very well be the cause.

It is very disturbing to witness what has been happening and when you consider that it is not only the wildlife that we are fearful for but also the residents living in the area.

Respectfully;

s.22

Cc: The Honourable Graham Bruce



Reference: 81430

JAN 18 2005

s.22

Dear s.22

Thank you for your letter dated November 30, 2004, regarding the decline of the Trumpeter Swan population on Michael Lake, north of Ladysmith.

I appreciate you bringing your concerns to my attention. However, as this matter is primarily a federal issue, I have forwarded a copy of your correspondence to the Canadian Wildlife Service (CWS). I am confident that the CWS will give your input the utmost consideration.

Again, thank you for sharing your comments with me.

Sincerely,

Bill Barisoff
Minister

pc: Canadian Wildlife Service

COPY

December 1, 2004

Dick HEATH
Regional Manager
Water, Land and Air Protection
208-A Labicux Rd
Nanaimo, BC
V9T 1P1

Dear Mr. Heath;

Please find enclosed a copy of a letter that I have recently sent to The Honourable Bill Barisoff. I am sure that you can see by this letter that I am extremely concerned by the activities that are taking place in and around the Michael Lake area.

I fear that we have a serious problem concerning not only the people in the area but also with the wildlife. Hopefully the decline in numbers and species that we are seeing is temporary and not a long-term trend.

I would like to ask you if this decline in numbers is something unique to our area or is it much more widespread?

Both myself and other residents have approached the landowner allowing the bulk of the hunting activities to take place, with no success. In the past the hunting was sporadic and mostly on weekends but now it appears to be a daily ritual

I do not know what is causing the declines that we are seeing but any effort on the part of your office to seek a solution would be much appreciated.

Thank you;

s.22

Copy

November 30, 2004

The Honourable Bill BARISOFF
Minister of Land, Water and Air Protection
PO Box 9047 Stn Prov Govt
Rm 112, Parliament Bldgs.
Victoria, BC
V8W 9E2

Re: The decline of the Trumpeter Swan population on Michael Lake

Dear Mr. Barisoff,

Michael Lake, which is located in the Yellow
Point area approx 8 km north of Ladysmith. s.22
over the years have derived a great deal of enjoyment observing the variation of wildlife
that live and visit this area. We are extremely concerned because over the last two years
we have witnessed a dramatic shift in the populations of the various waterfowl that
normally live and over winter on and around the lake.

The east side of Vancouver has been experiencing phenomenal growth over the last few
years putting ever increasing pressure on the many species of wildlife that also reside
here. Even with this rapid growth we were still seeing a fairly diverse population of
waterfowl living in and around the lake. In some cases, specifically the Canada goose,
there was a noticeable increase in numbers. That no longer seems to be the case. In the
last two years we have seen a marked decrease in numbers of all species, including the
Canada goose. The most distressing decline that we are seeing is that of the Trumpeter
Swan.

We ask, is this a general decline of all species or is it related to hunting pressures? With
the encroachment of our society into the wilds many of the areas that once allowed
hunting no longer do so. Michael Lake seems to be one of the last Bastions where
hunting is still taking place. Last year we noticed a dramatic increase in the number of
days hunted and this year it is even worse. We are now witnessing an almost daily
occurrence of shooting on several properties adjoining the lake. Could this be the cause
of what we are witnessing?

As you know this area is one of the areas on Vancouver Island where Trumpeter Swan
gather to over winter. Over that last few years we have been counting the number of
swans spending the winter on and around the lake. The numbers have been on the
increase yearly to the point that last year 483 swans were counted resting on the lake.
This year the numbers have plummeted to the point that on the best day 148 were
counted. In the past we would witness several hundred swans moving back and forth
from the fields to the lake, this year we are witnessing 20 to 40, to day I counted 37.
What is happening?

Besides the swans we have also noticed dramatic changes in the numbers of other waterfowl. Normally we would have up to 50 Wood Ducks, this year 4 were seen. We had a resident population of Black Ducks numbering somewhere around 65, this year I saw 1. We would see up to 500 Mergansers moving through, this year possibly 50. We would see large flocks of several hundred Widgeon, this year on a good day we will see about 30. Last year I counted 32 Northern Shovelers, which were here for several weeks, this year 3 for 2 days. This year we have only seen about 6 Coots. The large flocks of Ring Necked Ducks that normally spent the winter are just not here. Even the number of Mallards that we normally see seems to be about half. The numbers of all the ducks seems to have plummeted and I ask again, what has happened?

In the past a great deal of effort was spent on reintroducing the Canada goose to our area. Like so many other communities we now consider them to be nothing more than a nuisance. In our attempts to solve the Canada goose problem, are we just sacrificing other species?

The urban sprawl is leaving fewer and fewer places for migrating birds to rest, feed and over winter. The flooded fields around Michael Lake are one area permitting hunting and it certainly appears that there is a marked increase in hunter activity. In the last two years it would appear that the number of days hunted is definitely on the increase. Both hunters and wildlife are sharing an ever-decreasing resource, LAND. The carnage is difficult to witness, the hunters ambush flocks far before daybreak, chasing the birds away from their feeding grounds into the middle of the lake. A few geese taken and according to the landowner it is mostly ducks that are shot. Is this disruption to the feeding patterns causing the swans to seek refuge elsewhere?

One of the fallouts of these tactics is obvious; people living in the area are also disturbed. The resident population of people living in close proximity to the lake has dramatically increased in the last few years and no end seems to be in sight. To be awakened every morning at 6:30 to the sound of gunfire. To have to go looking for your dog after he has fled trying to escape the noise of gunfire. To witness the dead and dying waterfowl not retrieved by hunters. Wondering how close these hunters are going to come to the children in the area on their way to school. All of these things are extremely distressing. With the growth that is taking place it is only a matter of time until; hunting will no longer be tolerated in this area. Why not do it now while there is still something to protect rather than later when it may be too late?

With the dramatic decline of waterfowl that we are witnessing I am sure that there is no simplistic cause or solution. There is either a widespread problem in the Pacific Flyway or the increased hunting activity has merely chased the birds elsewhere. No matter what, the banning of hunting in this area will do no harm and hopefully help.

This letter is not written in an attempt to completely stop hunting, because we know that this is not going to happen. All we are trying to accomplish is that these unique wintering grounds around Michael Lake, and nearby areas be considered for protection from hunting. To allow hunting in these areas under the guise of "we have to solve the Canada

goose problem” is not valid. If this truly is a problem can it not be solved by other means?

Respectfully,

s.22

Heath, Dick WLAP:EX

From: Cooper, Warren WLAP:EX
Sent: April 7, 2005 1:53 PM
To: Heath, Dick WLAP:EX
Subject: RE: Mean High Water

I spoke with Ron briefly yesterday about this. According to Ron this issue is a recurring one that is raised every hunting season and is one for the landowners to settle amongst themselves. Not having been on site, I will restrict my comments to general interpretation of the high water mark that is raised in the letter by ^{s.22} I support Ron's reliance on visual evidence in keeping with the definition tempered with some qualification about how to approach ambiguous situations where the physical evidence is not clear.

The basic question raised is: Where does the mean high water occur?" According to Ron's explanation he referred to the The Land Act definition of the "natural boundary" that refers to visible high water mark. He is confident that he called it correctly and is consistent with other CO opinions given in this situation.

"natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

The high water mark should be clearly identifiable under conditions when high water has receded. The definition assumes that physical indicators will normally be present. **However, the natural high water level is an elevation that exists even if local physical indicators have been altered or removed by land use.**

1. In lake situations where there is a very gentle transition in slope from the lake bed or where it is not clear from the natural vegetation or soils, it may only be possible to delineate the high water by relating it to a known elevation for high water elsewhere on the lake. This may require a level survey to map the boundary.
2. The high water mark referred to in the definition refers to the bed of the lake. This may include a transition that is reflected in a gradual change in vegetation and soil properties. Soil properties become established over long periods of time and may reflect past inundation that no longer occurs. Lake margins may infill over time, so soils may not always be a good indicator on their own of the conditions that currently prevail.
3. A high water mark forms from lake levels that are frequent and persistent for a substantial part of the year. Short periods of flooding may occur above the high water mark elevations but not persist long enough to establish a physically observable delineation around the lake between the upland terrestrial riparian environment and lake margin. The high water mark will generally be located below observed terrestrial riparian vegetation that is not adapted to prolonged submergence.
4. There is no formal definition given to the term Mean High Water in the hunting regulations. The term is not defined in the Wildlife Act. I would interpret the intent to be equivalent to the natural boundary definition in the Land Act insofar as the intent would be for people to visibly locate themselves with respect to the high water mark. Mean tends to be used loosely and does not always refer to a measured mean. Low year to year fluctuation in the high water level would be expected to establish the high water mark more definitively over a long period time. Most natural lakes will exhibit a high degree of constancy in respect to the location of the high water mark as referred to in the natural boundary definition.
5. The Water Act Section 9 applicable to works in and about a stream refers to the topographic top of bank which may be above the visible high water mark. If there is land use that has encroached past the high water mark it is subject to the Water Act and Regulations. The Water Act definition of stream includes lakes. The Water Act further defines the stream bed (read: "lake bed" in this context) *as the bed of a stream and the banks of a stream (including riparian area within topographic breaks), whether above or below the natural boundary and whether usually containing water or not, including all side channels.*

Warren Cooper, RPF
 Hydrologist
 Vancouver Island Region
 Ministry of Water, Land and Air Protection
Warren.Cooper@gems9.gov.bc.ca
 Phone (250) 751-3202
 Fax (250) 751-3103

- 1.
2. -----Original Message-----

From: Heath, Dick WLAP:EX
Sent: April 4, 2005 4:13 PM
To: Cooper, Warren WLAP:EX
Subject: FW:

Warren, please see me on this (no thanks necessary).

Dick

-----Original Message-----

From: s.22
Sent: March 9, 2005 9:06 AM
To: Heath, Dick WLAP:EX
Subject:

Wednesday, March 9, 2005

Dick;

As you know on Mar 7th Ron Heusen attended s.22 We were led to believe this was done at your request and if this is so I must say that I am somewhat disturbed. The outcome of the visit was made very clear to us. The activities (re: shooting on Michael Lake) are completely legal and there is no intent on the part of your office to do anything about it. Further, if we want the shooting to stop we are going to have to clearly demonstrate there is a safety issue and possibly in the future something would be done.

I think I should give a short recap on the visit and some of the issues that were discussed. The first thing I asked Mr. Heusen was as to whether or not he had read the legislation and that he understood it. He told me that he had read it and understood what we were talking about. Following this s.22 to show him what I believed to be the high water boundary and where the hunting had been taking

place. Prior to my completing my attempts to show him what I believed to be the boundaries I was told that I was in error that in fact this is not where the boundaries lay. He further told us that a similar situation had gone to court under the water act. The ruling had been that the high water mark was the line created by the vegetation that appeared around the perimeter of the open water of the lake and had nothing to do as to how far the water encroached upon cultivated fields. Mr Heusen was adamant on this point. It was apparent that we were going to get nowhere but into a heated argument so I discontinued the conversation and walked away. We must keep in mind here that nobody is trying to deny any farmer from the use of his land for agricultural purposes; we are simply trying to show where the high water line is located as indicated in The Wildlife Act.

s.22 where the conversation remained congenial. It became very clear the Mr Heusen had not read the closed area regulations nor had he thought through the definition of what a high water mark was. Throughout our conversation his focus was on safety and nothing illegal or unsafe was taking place. I tried to explain that a safety issue had been demonstrated many years ago and the people in power at that time created a "No Shoot" zone to solve the problem. The unsafe practices were taking place in the fields surrounding the lake and the intent is very clear. Why else would such a zone have been created in the middle of a large shotgun only area? Mr. Heusen would not entertain this analogy. It appeared that he had a preconceived notion as to what had and was going on around Michael Lake and was not about to change his mind.

Throughout Mr. Heusens' visit there were no stormy outburst and we parted on good terms. We even had s.22 who also was allowed to make a few comments. I did make it clear that I did not agree with the interpretation and I would have to give some further thought to what he had to say and what route should be taken.

I later sent an email message (which you have a copy) to ascertain where his definition of high water has come from. By his return email it is quite clear that he had erred on his statements about a judge ruling on a similar case under the Water Act. The Water Act uses the same definition as the Land Act that was quoted by Mr Heusen in his reply.

The Land Act states very clearly where the high water boundary exists and it is where I said it existed. There is no mention of cultivated land. The criteria for determining this boundary is by soil structure and vegetation and this is exactly what I use. We are talking about fields that are under water for up to six months of the year and as such it is clear to see the boundary and naturally soil structure will reflect this. The only type of crops that can be grown on this type of land are yearly crops that are planted when the water level recedes or is pumped out.

s.22

s.22

He has also alluded to the difference between the "High Water Mark" and the "Mean High Water Mark" as being substantial. Here again this is not so and the longer the period over which the average is taken the smaller the deviation will be. The difference between these two marks will not be sufficient to change the physical boundary that has over the years been defined by the water level.

What I found to be the most disturbing was how the Mr. Heusen defined the No Shoot Area. I suggested to him that ^{s.22} above what he considered the high water mark and placed decoys in the lake I could then hunt over them. He told me as long as we were 100 meters from a house and had the permission of the land owner this was correct. I carried this same analogy to the island in the middle of the lake and you can see by the response in his email has this would be treated. If you follow this analogy then a No Shoot Area does not exist on Michael Lake, the only place that you could not shoot from would be a boat.

We both know that the Closed Area Regulations states very clearly that there is to be no shooting within the boundaries of the mean high water mark. The only issue in question here should be how do you make it clear to the property owners and the hunters where they can and can not shoot, and how do you enforce these regulations.

It is clear to see that we are getting mixed messages here from your office. In our conversation with you I was under the impression that you understood what was in question and the complexities that were involved. I was also under the impression that a valid attempt was underway to solve the problem satisfactorily and now we are told that that is not the case.

Hopefully you can clear this up for us.

s.22

Pages 135 through 253 redacted for the following reasons:

8.3

22 December, 2005

As of this date, we have received 52 signatures in support of our concerns in this matter. We are continuing to receive more signatures on our petition. Please send your response to:

s.22

**** TRANSMISSION REPORT ****



SID : CO SERVICE NANAIMO

Number : 250 751 7383

Date : 01-04-06 14:21

Date/Time	1-04 14:20
Dialled number	812503565240 812=COS HQ (Hayden)
Subscriber	250 387 1041
Durat.	0' 45"
Mode	NORMAL
Pages	4
Status	Correct



 BRITISH COLUMBIA	FAX SHEET	
Date: <u>January 4, 2006</u>		# of pages (including this sheet) <u>4</u>
To: <u>Mark Hayden</u> <u>Chief Conservation Officer</u> <u>Conservation Officer Service</u>		Fax # <u>12</u>
Office: _____		Phone # _____
From: <u>Lance Sundquist</u> <u>Manager, Conservation Officer Service</u> <u>South Coast Region</u>		Phone # <u>751-3119</u> Fax # <u>751-7383</u>
Re: <u>Michael Lake -</u> <u>S.3</u>		
<p>SPECIAL INSTRUCTIONS:</p>		
<p>URGENT: No CONFIDENTIAL: No ORIG. BY MAIL: No</p> <p><small>THIS TRANSMISSION IS INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR INSTITUTION TO WHOM IT IS ADDRESSED AND MAY NOT BE REPRODUCED, COPIED OR DISCLOSED TO OTHER UNAUTHORIZED PERSONS. THIS MATERIAL MAY CONTAIN CONFIDENTIAL OR PERSONAL INFORMATION WHICH MAY BE SUBJECT TO THE PROVISIONS OF FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT. ANY OTHER DISTRIBUTION, COPYING OR DISCLOSURE IS STRICTLY PROHIBITED.</small></p> <p><small>IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE AND RETURN THE ENTIRE TRANSMISSION BY MAIL WITHOUT MAKING A COPY. THANK YOU.</small></p>		
Ministry of Environment	South Coast Region Conservation Officer Service	<p>Mailing Address: 200A Lakeside Rd Nanaimo BC V9T 6J9</p> <p>Telephone: 250 751-3100 Facsimile: 250 751-7383 Website: http://www.gov.bc.ca</p>



February 20, 2006

File: 78250-20/CLOSE



s.22

Dear s.22

Re: No Shooting Area – Michael Lake

I feel compelled to write to you in response to letters you have sent to the Chief Conservation Officer and the Honourable Wally Oppal, Attorney General.

I wish to address your comments regarding the meeting that occurred between you, Senior Conservation Officer Gord Hitchcock, s.22 and me. As you recall, you agreed to meet with us s.22
s.22 You willingly agreed to meet with us under the described conditions with the purpose of the meeting defined as an opportunity to engage in open dialogue regarding the issue.

I find it disheartening that you would characterize your feelings of the meeting as s.22
s.22 It was my view that all parties were afforded the opportunity to share their views and I informed you I would consider all of the information prior to coming to a decision, which is the course that I took subsequent to our meeting.

Unfortunately, you have misconstrued the portion of our discussion in which Senior Conservation Officer Hitchcock addressed the concern and indicated that he was engaging the landowners and the Nanaimo Fish and Game Club in discussions to seek solutions regarding hunting hours/days and the type of shotgun shell used, in an effort to reduce the "disturbance factor" on residents of Michael Lake. You were not being asked to enter into negotiations or sign an agreement. Senior Conservation Officer Hitchcock was simply providing you with information as to what was considered a viable option to address the "disturbance factor" and was seeking your input as to whether you felt that it may be a viable option to resolve this issue.

.../2

February 20, 2006

During our discussions, you made it clear that your desire was to have hunting near Michaels Lake cease, regardless of the mechanism used to achieve this objective. As I stated, during our meeting, the "No shooting regulation" is designed to address public safety issues resulting from the effect of projectiles being discharged in the vicinity of people or property. It is not designed to address "noise" issues, or to be used to create sanctuary areas where hunting is prohibited. Hunting closures are based upon whether there is a conservation need to restrict hunting and are addressed by Mr. Dick Heath, Regional Manager of Environmental Stewardship Division.

In my opinion, based upon the evidence, there are adequate measures in place to address public safety issues related to the hunting activities near Michael Lake. The "No Shooting" restrictions on Michael Lake are being enforced by members of the Conservation Officer Service to a boundary that is both reasonable and defensible.

Yours truly,



Lance Sundquist
Manager, Conservation Officer Service
South Coast Region

pc: Mark Hayden, Chief Conservation Officer
Dick Heath, Regional Environmental Stewardship Manager



78250-20/closure
-ML



Date Typed: February 28, 2006
ARCs: 280-30
ORCs:

Reference: 86840

s.22

Dear s.22

This is further to the acknowledgement letter of January 17, 2006, from the Honourable Barry Penner, Minister of Environment, regarding "No Shooting within Mean High Water Mark of Michael Lake". I have been asked to respond on his behalf.

I have reviewed the correspondence related to this matter and I am satisfied that the process and decision made by Lance Sundquist, Manager, Conservation Officer Service, South Coast Region was made in a fair and transparent manner.

Mr. Sundquist afforded you the opportunity to provide input regarding the issue, he hired the services of a professional to provide guidance and he sought the legal opinion of government solicitors to aid in the decision making process.

Mr. Sundquist has appropriately identified this issue as being one of "definition" regarding terminology related to "mean high water mark". He has looked at the intent of the regulatory framework, case law and the practical application of the law to address your concern at Michael Lake. In doing so, he has provided you with the opportunity to present your case for his consideration.

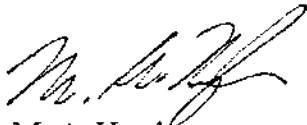
MOE staff, including members of the Conservation Officer Service, had discussions with the landowners and hunter representatives to discuss the concerns raised by yourself and others about the "disturbance factor" caused by the noise from the discharge of firearms. The landowners and hunters have been very receptive to seeking solutions and have modified their hunting practices in response. It is this process that was referenced in the discussion between you, Mr. Sundquist and Mr. Hitchcock on October 31, 2005. You were not being asked to enter into any agreements, rather you were being provided information and your input was being sought.

.../2

It is unfortunate that you have been left with the feeling that you had been s.22 and that the interests of a special interest group were being catered to by the Conservation Officer Service. The members of the Conservation Officer Service are professionals and operate with a high degree of integrity. In my opinion, Mr. Sundquist has considered all the relevant evidence regarding this issue, prior to making his decision.

Thank you for taking the time to advise me of your concerns.

Yours truly,



M. A. Hayden
Chief Conservation Officer
Conservation Officer Service

pc: Honourable Wally Oppal, QC, Attorney General
Honourable Barry Penner, Minister of Environment
Lance Sundquist, Manager, Conservation Officer Service, South Coast Region