



NIAGARA REGIONAL POLICE SERVICE

Police Services Board Report

PUBLIC AGENDA

Subject: Annual Deer Harvest at Short Hills Provincial Park
Report To: Chair and Members, Niagara Police Services Board
Report Date: 2023-02-09

Recommendation(s)

That the Niagara Police Services Board receive this report for information.

Key Facts

- This report is to inform the Board of the policing activities and associated costs of the 2022 First Nations Deer Harvest, conducted at Short Hills Provincial Park in St. Catharines on the following dates: October 12, October 25, November 5, November 23, December 3, and December 14, 2022.
- The Niagara Regional Police Service (NRPS) has jurisdiction of the areas surrounding the park as well as ensuring public safety and keeping the peace when required. This has a significant operational and financial impact.
- The 2022 Deer Harvest accrued 20 hours of on duty officer time and a further 332 hours of overtime costing an estimated total of \$26,818.13.

Financial Considerations

There are no financial implications relating to the recommendations contained within this report.

Analysis

The Haudenosaunee Confederacy is made up of the Mohawk, Oneida, Onondaga, Cayuga, and Seneca First Nations. Section 35(1) of the Constitution Act, 1982 recognizes and protects the treaty rights of all "Aboriginal people" in Canada.

The deer harvest in Short Hills Provincial Park takes place in the context of the treaty relationship between the Haudenosaunee and the Crown. The 1701 Treaty at Albany speaks to "free hunting" for the Haudenosaunee "expecting to be protected therein by the Crown of England" in the area now known as southwestern Ontario. This includes hunting, fishing, logging, land access, and the right to enforcement of those treaties. The land currently identified as the Niagara Region is recognized as the traditional land of the Haudenosaunee and the Anishinaabe people. They are not required to hold the

applicable Ontario Hunting License and are not subject to enforcement by the Ministry of Natural Resources (MNR) unless hunting in an unsafe manner.

Short Hills Provincial Park occupies an area of 660 hectares and is surrounded by privately owned land and approximately 100 residences. Wildlife inhabiting the park includes numerous white-tailed deer and coyotes. Short Hills Provincial Park is a popular destination for residents and visitors to the Niagara Region and is known for its various hiking trails and fishing. Hunting is not permitted in the park.

Monitoring conducted by the Ontario Ministry of Environment, Conservation and Parks (MECP) and Haudenosaunee suggests that the deer population at Short Hills Provincial Park is significantly larger than the park's ecosystem can support in a balanced way. The biological diversity of the park is being impacted and based on the size of the deer population in the park (estimated over 600) and the number of deer previously harvested, MECP has no conservation concerns. Many different factors affect the size and health of the herds, and the Parties continue to work together to evaluate the impact of those factors, and to examine the deer taken and observed with respect to their population, health, and nutrition. One important concern is the presence of ticks and other parasites, and the presence of tumors and other growths.

On October 12,15, November 5, 23, and December 3,14, 2022, MECP closed Short Hills Provincial Park to allow the Haudenosaunee Confederacy to participate in a controlled deer harvest. The harvest was conducted from one half hour before sunrise to one half hour after sunset.

In previous years, the deer harvest was scheduled to take place on two consecutive days during the week. The first day was designated as a harvest day, and the second day reserved for park clean-up and retrieval of any downed deer that had not been collected on the previous harvest day. The park clean-up and tracking were conducted by a designated tracker from the Haudenosaunee.

In 2022, the decision for the second day to be used for park clean up was discontinued due to the tight regulations set out by the MECP.

No firearms were allowed or utilized in the harvest; with bow-hunting being the only type of hunting permitted.

The annual deer harvest is overseen by three main partners; the Ontario Ministry of Environment, Conservation and Parks (MECP), the Ontario Provincial Police (OPP), and the NRPS. The partners work collaboratively to execute operational plans designed to manage the harvest inside the park, as well as deal with any issues that arise due to protests outside of the park.

The Park Superintendent has overall responsibility on behalf of MECP for the management of the park, the safety of the harvest, and investigations or infractions that occur with respect to Ontario's Natural Resource Laws. A number of Conservation Officers were present during the harvest, but due to COVID-19 social distancing measures, their presence inside the park, and interaction with the harvesters was limited.

The Conservation Officers were redeployed to the various park entrances to prevent any unauthorized entry during the harvest.

Ontario Provincial Police were responsible for any criminal matters within the park boundaries and were present at the Pelham Road entrance for the duration of the harvest, to assist NRPS officers with keeping the peace between protesters, First Nations harvesters, and their supporters.

The NRPS have jurisdiction outside of the park, and as such, are required to keep the peace, ensure public safety, and enforce applicable laws. This included Haudenosaunee Confederacy members, anti-hunting protesters, pro-hunt supporters, and local residents. Traffic and pedestrian crowd control were the main NRPS functions during the harvest. Officers facilitated the safe entry plus exit of the First Nations harvesters and ensured that protesters and counter-protesters exercised their constitutional rights safely.

In line with previous years, one NRPS Sergeant was assigned to oversee the deer harvest. The Sergeant was present for all harvest dates and was responsible for; developing and executing the Operational Plan, staffing levels, and liaising with OPP and MCEP personnel, the Haudenosaunee harvesters, protesters, and counter-protesters.

Since the inception of the harvest, a group of local residents have attended each year to protest as part of their constitutional rights. Protesters have primarily attended the main entrance on Pelham Road but have also congregated at the Wiley Road and Roland Road entrances. The group has established themselves as the Short Hills Wildlife Alliance and have set up a social media site to help communicate their message.

There were no incidents of concern other than keeping protesters and harvesters separated while the harvesters entered and exited the park entrances. Protesters would routinely drive the perimeter of the park once the harvesters commenced hunting, and would typically photograph/video record harvesters, MCEP, and police personnel to post on their website. The large size of the park and multiple entrance points requires adequate police resources to ensure all participants' safety.

Staffing shortfalls prevented the exclusive use of on-duty personnel during the peak hours of the harvest. Accordingly, off-duty personnel were often hired on an overtime basis to facilitate the safety of the harvesters and protesters. The Haudenosaunee Confederacy members generally arrived between 4:00am and 9:00am, then exited the park between 3:00pm and 8:00pm. The primary Sergeant was present for the duration of the harvest, and three to five Constables were also present at peak times.

As previously stated, the deer harvest was conducted with both on-duty personnel and officers hired on overtime. The following chart outlines the number of hours worked, as well as the associated costs incurred.

Rank	Regular Hours	Regular Hours Cost	Overtime Hours	Overtime Cost	Total Cost
Sergeant	N/A	N/A	96	\$8,897.22	\$8,897.22
Constable	20	1,060.68	236	\$16,860.23	\$17,920.91
Totals	20	1,060.68	332	\$25,757.45	\$26,818.13

(Hourly rates are based on 2021 salary values and do not include benefits)

The 2022 harvest resulted in a lower cost to the NRPS than the previous year. Comparatively, the 2021 harvest saw a cost of \$38,534.92. The decrease in cost can be attributed to the removal of the second park clean up day, and the use of on-duty Community Oriented Response and Engagement (CORE) Unit members.

Alternatives Reviewed

Currently there are no reasonable alternatives.

Relationship to Police Service/Board Strategic Priorities

Not applicable

Relevant Policy Considerations

Provincial Park and Conservation Reserves Act.
Constitution of Canada, including Aboriginal Rights and Treaty Rights.

Other Pertinent Reports

8.1.2022.03.24 Annual Deer Harvest at Short Hills Provincial Park.

This report was prepared by Tony Mummery, Sergeant, 1 District, in consultation with Rob LaPlante, Inspector, 1 District. Recommended by Brian Ash, Acting Deputy Chief, Operational Services.



Submitted by:

Bryan MacCulloch, M.O.M. #5835
Chief of Police

Appendices

Not applicable