

BACKGROUND

In March 2009, the BCFIRB developed a set of recommendations related to the use of propane cannons, which are used as bird-scare devices to protect ripening berry crops, particularly blueberries. The Ministry has accepted these recommendations and is moving toward implementation. On March 12, 2010 the City received a letter from the Ministry (copy attached as Appendix I), requesting a response to the BCFIRB recommendations, including any actions taken to implement the recommendations.

DISCUSSION

Surrey has a long and successful history in dealing with agricultural-urban issues. Relevant policies and practices include:

- The Official Community Plan contains a number of agricultural edge policies aimed at protecting and enhancing agricultural lands and promoting compatibility between agricultural and non-agricultural land uses. This is done through Development Permit Area Guidelines that specify building locations, buffers and landscaping;
- Surrey's Agricultural Plan sets out overall goals and objectives for agricultural land and farming practices in Surrey. One of the goals in the plan includes the development of policies and by-laws to address and reduce rural-urban conflicts; and
- City Policy No. O-23 - Residential Buffering Adjacent to the Agricultural Land Reserve (ALR)/Agricultural Boundary. Policy No. O-23 sets out minimum buffer width requirements as well as providing guidance with respect to residential densities and transitions at the ALR edge.

These policies are informed by a number of guides provided by the Agricultural Land Commission ("ALC") and the Ministry, including the 2009 Guide to Edge Planning. These policies stipulate an adequate setback of buildings from agricultural lands, a physical barrier or vegetated buffer at the edge of agricultural lands where they interface with urban lands, a gradual increase in the size of residential lots near agricultural lands, and a preference for "clustering" buildings to provide more open space between agricultural lands and housing.

The policies ensure a minimum of direct conflict between agricultural operations and urban residential uses.

The nuisance related to propane cannons is one which, due to the "carry" of the sound over some distance and the timing of the activity, cannot be fully resolved through the City's agriculture-urban edge policies. The City's by-laws have been amended to assist to some extent in addressing the concerns associated with the use of propane cannons.

In March 2009, the Noise Control By-law was amended to incorporate changes to Ministry guidelines related to the use of propane cannons ("Farm Practices Factsheet on South Coastal BC Wildlife Damage Control, 2008"). Two main changes were:

1. Restriction in blueberry cannon operation hours through the introduction of a mid-day break (prohibiting cannon operation between noon and 3:00 pm) in addition to not allowing the

operation of cannons before 6:30 a.m. or after 8:00 p.m., or dawn to dusk, whichever hours are shorter in duration, on any given day; and

2. Increase of separation distance between blueberry cannons and residences (previously 150 metres separation distance required, now 200 metre separation distance required between cannons and residences located outside of the ALR).

A key component of Surrey's agricultural planning and conflict resolution is the ongoing role of the Agricultural Advisory Committee ("AAC"). The AAC is comprised of local farmers, City staff, a Council member, a provincial Ministry of Agriculture representative, and an Agricultural Land Commission representative. The purpose of the AAC is to consider and advise Council on agricultural issues and opportunities and serve as a liaison between the agricultural community and the City.

Response to the BCFIRB recommendations:

The March 2009 BCFIRB report makes 17 recommendations that relate to the use and regulation of propane cannons. These recommendations are directed toward three parties:

1. the Ministry of Agriculture and Lands;
2. local governments; and
3. agricultural industry groups.

Most of the recommendations that affect local governments are already reflected in Surrey's by-laws, policies and procedures. For example:

- the City has an Agriculture Advisory Committee in place (*Recommendation #16*);
- Surrey's Noise Control By-law reflects Ministry guidelines;
- a public complaint process is in place through the By-laws & Licensing Services Section (*Recommendation #17*); and
- the City's agricultural/urban edge planning policies are in line with Ministry edge planning guidelines (*Recommendation #15*).

Of the recommendations directed towards local governments, the recommendation pertaining to actions regarding the elevated starling populations (*Recommendation #1*) causes some concern. The BCFIRB report recommends that local governments, along with industry groups and stakeholders, do the following:

- Undertake local research on the relative efficacy of existing and emerging bird deterrent devices (including cannons and other auditory and visual deterrents);
- Undertake further research to characterize and monitor starling populations in the South Coastal Region; and
- Further investigate the contribution that areas of feed management at livestock operations, trapping programs, and raptor nesting programs could make to the management of starling population in the region.

While further study regarding the above identified matters is considered reasonable, they are all regional or province-wide issues that affect multiple municipalities. As such, a provincial body, such as the Ministry of Agriculture and Lands would be the most appropriate lead on such a study.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Authorize staff to forward to the Ministry a letter that contains a copy of this report and the related Council resolution, together with a request that the following British Columbia Farm Industry Review Board recommendations be undertaken by the Ministry since they relate to matters that have regional or provincial application:
 - Undertake local research on the relative efficacy of existing and emerging bird deterrent devices (including cannons and other auditory and visual deterrents);
 - Undertake further research to characterize and monitor starling populations in the South Coastal Region; and
 - Further investigate the contribution that areas of feed management at livestock operations, trapping programs, and raptor nesting programs could make to the management of starling population in the region; and

that a copy of the letter be forwarded to each of the local governments copied on the March 12, 2010 letter from the Ministry that is attached as Appendix I to this report.

Original signed by
Jean Lamontagne
General Manager
Planning and Development

DL:saw

Attachment:

Appendix I Letter from the Ministry of Agriculture and Lands dated March 8, 2010



File: 0280-30

Ref: 168291

MAR 08 2010

Her Worship Mayor Dianne Watts
 City of Surrey
 14245 56th Ave
 Surrey BC V3X 3A2

MAYOR'S OFFICE

Received

File No.

March 12, 2010
0410-01M
 XC: *City Manager*
Gov Planning + Development
Gov Engineering
Mgr. Bylaws + Licensing.

Dear Mayor Watts:

The British Columbia Farm Industry Review Board (BCFIRB) studied the use of propane cannons to protect crops and published a report in May, 2009. The BCFIRB report is available on our website at www.firb.gov.bc.ca/reports/Propane/09_May_PropaneCannonReview.pdf

BCFIRB makes 17 recommendations in the report generally directed at three parties: Ministry of Agriculture and Lands, local governments and the agricultural industry. Some of the recommendations were made to one party and other recommendations were to be shared.

MAL has accepted all the recommendations and we are well on our way to implementing the recommendations directed at our organization. Ministry staff have contacted local government staff and the blueberry industry concerning the development of a workshop to give broad consideration to the propane cannon issue (recommendation 13).

As a result of the discussion between staff, this recommendation has been separated out into three workshops: grower workshops discussing the revised guidelines and bird control; local government bylaw enforcement workshops and local government planning workshops. The grower workshops were held at the beginning of the blueberry harvest season. The bylaw enforcement workshop for local governments and industry was held in December 2009 and the local government planning workshops to discuss farm bylaws will be offered to those local governments expressing an interest. Most local government staff indicated that they were aware of the process, but weren't prepared to pursue farm bylaws at this time. Once the workshops are held the Ministry will have fully implemented the recommendations where it was identified as the lead.

Two recommendations directed at all three parties related to the continuation of respective efforts in addressing the issue and funding for the British Columbia Blueberry Council (BCBC) Grower Liaison Officer (recommendations 12 & 14). The Ministry is committed to maintaining its efforts and is interested in discussing the funding of the BCBC Grower Liaison Officer with other stakeholders.

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As the use of propane cannons has been an ongoing issue for your municipality, I am interested in your municipality's response to the BCFIRB report and understanding the measures you have taken to address the recommendations. I am also writing the other stakeholders on this matter including the agricultural industry particularly with respect to the starling management issue.

I believe the BCFIRB has provided a good analysis of the issue and that if their report's recommendations are implemented by all the stakeholders then this issue can be managed effectively. Thank you for your continued attention to this sensitive issue.

Sincerely,



Steve Thomson
Minister

pc: see Distribution List – page 3

pc: Mayor Sharon Gaetz
City of Chilliwack

Mayor George W. Peary
City of Abbotsford

Mayor Rick Green
Township of Langley

Mayor Dianne Watts
City of Surrey

Mayor Lois E. Jackson
Corporation of Delta

Mayor Don MacLean
City of Pitt Meadows

Dick Klein Gellink, President
BC Milk Producers

Mike Makara, Chair
BC Blueberry Council

Tom Droppo, Dairy/ Pork Industry Specialist
Ministry of Agriculture and Lands

Mark Sweeney, Berry Industry Specialist
Ministry of Agriculture and Lands