



**Animal Alliance  
of Canada**



October 14, 2010.

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Dear Minister Jeffrey,

We are responding to the Environmental Bill of Rights listings regarding the management of elk in Ontario. The EBR Registry Numbers include 011-0746, 011-0741, 011-0742, 011-0744, 011-0743 and 011-0745. Our comments apply to all six listings.

**Recommendations:** We urge you to adopt the following recommendations:

1. That elk management initiatives set out in EBR Registry Numbers 011-0746, 011-0741, 011-0742, 011-0744, 011-0743 and 011-0745 be withdrawn;
2. That any lethal or invasive intervention actions not be approved;
3. That elk be submitted to Ontario's Committee on the Status of Species at Risk for consideration as a "species at risk", or at minimum be designated as a protected species and the elk management programme be amended to reflect the changes;
4. That the Ontario Ministry of Natural Resources (OMNR) implement a gradual ban on feeding elk, particularly in the Bancroft, North Hastings area where the conflict is most acute, so that the affected elk are given time to re-acclimate to their natural food sources;
5. That the OMNR implement a human/wildlife conflict prevention and non-lethal intervention programme for elk;
6. That the OMNR study the Bancroft North Hastings elk who are being fed, to determine whether feeding has assisted with the reproductive and survival rate of the those individuals and with the greater growth of the Bancroft North Hastings herds than herds in the other release areas;
7. That the OMNR consider the optics of hunting the animals or killing them in defense of property when they continue to be drawn to the area by feeders;
8. That the farmers in the Bancroft-North Hastings area who are most affected by the elk, receive full compensation for crop and related losses, understanding that impacts from the elk may be acute during the re-acclimation period;
9. That the OMNR and OMAFRA use this opportunity to work with the local farmers and others in the community to develop a non-lethal programme for this herd. This situation presents a prime opportunity to design such a programme because it is site specific, involves a small number of animals and compensation is contained to a small number of farmers;
10. That with regard to the authorizations to kill elk in defense of property, the OMNR as a minimum, change the Class EA Category from A to C in recognition of the impact of removing animals from a very small genetic pool, of affecting the herds survivability and of public concern about hunting when the population is so small.

## **Rationale for the recommendations:**

### **Ontario elk population precarious:**

Ministry staff claim that the elk population in Bancroft North Hastings is now self sustaining and can withstand hunting pressures. Despite their very small numbers, Ministry staff have targeted the Bancroft North Hastings herds for hunting and they propose lethal management through defense of property authorizations for elk in all four release sites.

We urge you to implement only non-lethal management actions for the following reasons:

1. In the last 10 years, the total elk population has increased by only 257 individuals. In fact, from 2004 to 2006, the number of elk dropped below or remained near the original release numbers. No provincial population estimates were available for 2007. The elk numbers started to increase only in the last three years and only in larger numbers in Bancroft North Hastings.
2. The herds in the other three geographic areas are precarious with the Lake of the Woods herd declining from 104 individuals released in 2000/01 to an estimated 25 to 35 individuals in 2010. The Nipissing French River herd numbers are erratic, dropping to below 100 in 2007, increasing in 2008 and dropping again in 2009 with no available data for 2010. There has been no net increase in the population.
3. The Lake Huron North Shore herd has increased steadily from the 47 individuals released in 2000/01 to just over 100, an increase of only 63 to 83 animals in a decade.
4. The population of elk even in the Bancroft North Hastings area remains very small, but has done well by comparison. A total of 120 individuals were released in 2000/01. For six years, the number of individuals rose gradually, with estimates as low as 119 and as high as 207. Elk numbers were not available for 2007, however, they increased from 2008 to 2010, with the current estimated population at 470.
5. The transfer of more elk into the province is on hold because of the risk of importing chronic wasting disease. This presents a real barrier to the restoration project should some catastrophic event occur with the Bancroft North Hastings herd such as happened to the Red Rim elk, where six hundred died in Wyoming in 2004 from tumbleweed shield lichen poisoning. While we know that this lichen is not native to Ontario, the point is that such die-offs occur naturally and the number of animals lost can be significant. The population in this area could not sustain such substantial losses and remain a viable herd. To date these elk herd remain discreet units, each population

isolated from the other, so that the net gene pool is currently restricted to the number of animals in each herd. According to OMNR staff, the 467 elk in the Bancroft North Hastings comprise five known subgroups, some as large as 60 to 70 animals and some as small as 30

### **Hunting the elk who are dependant on supplemental feeding:**

The conflict between elk and farmers is particularly acute in Bancroft North Hastings, exacerbated by residents who have actively fed some elk over a number of years. The elk access nearby farms, causing crop loss and fence and hay bale damage. Killing these animals in defense of property and hunting has been proposed as the only active means to address this conflict even though the MNR now has the legislative power to prohibit feeding. The EBR listings do not address a ban on feeding nor any non-lethal prevention measures.

Ministry staff will face stiff criticism by employing such management practices. The elk are present in the area because of human actions. The animals have been fed regularly over a number of years and are likely dependant on that food source. The MNR staff have not intervened to stop the feeding, nor have they used their legislative authority to address the problem. In addition they have not considered the degree to which the supplementary feeding may be contributing to the success of the herds in increasing their size relative to the other herds in the province.

Should hunting these individual elk be allowed, Ministry staff will come under intense criticism for failing to address the root cause of the problem and for killing animals who are the victims of human activity.

There are three issues to consider with regard to these specific animals.

1. Some of the herds in the Bancroft North Hastings area are dependant on being fed. They need to be slowly weaned from the feeding programme to allow them to re-acclimate to their natural food. This must be a gradual process. Increases or decreases in their reproductive rates should be monitored.
2. Hunting them or allowing them to be shot in defense of property may drive the animals away and may very well cause horrendous results, including starvation, for those animals who are used to being fed. In addition, the MNR will be seen as allowing a bloodbath hunt of animals who have become dependant on people, without intervening on their behalf.
3. Finally, it does not appear from all the available information, to what extent these animals have contributed to the growth of the Bancroft North Hastings herds. Do these animals have greater reproductive and survival capabilities as a result of being fed?

There is no doubt that the farmers in this area are being impacted. We recommend that the MNR in co-operation with OMAFRA provide assistance to these farmers, including the provision of appropriate fencing and other on ground assistance. We also urge full compensation for those affected farmers while the Ministry reduces and bans the feeding of this population.

### **Elk are managed on behalf of all Ontarians:**

The EBR posting regarding amendments to the hunting regulations states, “One of the objectives of the Elk Management Plan and of the original restoration program includes the provision of recreational hunting opportunities where self-sustaining elk populations exist. These proposed regulations would establish an elk hunting regime that is consistent with the supporting policy documents, and would include the following elements...”

With all due respect to OMNR staff, the elk are managed on behalf of all of the residents of Ontario, not just the small percentage who are hunters. In this case, we urge you to use the precautionary principle and protect the elk for all Ontarians not just the province’s hunting interests. Your own Ministry’s data show that only one of the four herds is just now starting to grow in size with at least some degree of predictability.

Elk were extirpated from Ontario in large part because of hunting, granted it was unregulated. However, given the size of the population, its recent growth and the potential risk of driving the population down, we urge you to not approve any hunting of the Bancroft North Hastings herd as is now proposed and we urge you to resolve the conflicts by other than lethal means.

### **Environmental Assessment Act Considerations:**

We consider the Class EA Category A to be inappropriate regarding the authorizations for the lethal removal of elk in protection of agricultural property. Category A assumes that there will be low negative impact and low public concern.

Yet the OMNR has not demonstrated that there will be a low negative impact, despite the fact that the number of elk in Ontario have only increased by 257 individuals over a decade. In addition, OMNR staff have provided no information about the impact of removing animals from small, isolated herds, including reduction in the gene pool. These are important considerations and ought to be discussed in greater detail under the Class EA.

In addition, OMNR staff assume low public concern but fail to consider their mandate to protect these animals for all Ontarians. In fact, Ministry staff have had minimal public discussion about hunting these animals and given the limited public exposure, the OMNR has created a self fulfilling prophecy – little public interest.

**When has a herd reached sustainable numbers?:**

Woodland caribou are considered threatened under Ontario's *Endangered Species Act* even though their population in Ontario numbers approximately 20,000. As the Royal Ontario Museum (ROM) web site states, "The Woodland Caribou is listed under Ontario's *Endangered Species Act, 2007*, which protects the species from being killed, harmed, possessed, harassed, collected or sold. Woodland Caribou is classed as a game animal in Ontario, although the season has been closed to non-native hunting since 1929. It is hunted by First Nations people for their own use." So caribou who number over 20,000 are protected from all hunting except First Nations subsistence hunting. Yet, the OMNR staff claim that elk, who now number 467 in Bancroft North Hastings, are sufficiently robust to withstand hunting pressures. We believe, if asked, most Ontarians would not agree that elk have yet reached sustainable populations.

In addition, in other jurisdictions where elk have been re-introduced, hunting did not occur when the numbers are so low. Kentucky, for example waited until the population grew to 7500 before granting 12 elk tags.  
(<http://www.nrahuntersrights.org/Article.aspx?id=1903>)

**Conclusion:**

In conclusion, we urge you to adopt our recommendations and protect the current elk from hunting and also from being killing in defense of property.

Sincerely,



Liz White, Director

On behalf of the above groups.



## Red Rim Elk Lichen Poisoning

In the Winter of 2004, approximately 600 elk were poisoned and died as a result of eating *Xanthoparmelia chlorochroa*, a free-living lichen common to many areas in the West. My group identified the causative agent of the die-off. The discovery that *X. chlorochroa* is toxic generated a number of additional questions: "are animals that have eaten lichen safe to eat?", "what made the lichen toxic in this particular year?", "how do we know when this will happen again?", "are other species (cattle, sheep, horses, antelope) affected?", etc. My group is working to elucidate the active ingredient of the lichen, an essential first step to answering any of these questions.

This quest has been given emphasis by virtue of the facts that 1) other species of *Xanthoparmelia* are sold to people as a "herbal Viagra" and for weight loss and 2) we have diagnosed lichen poisoning in domestic animals since the original case, suggesting that it may have been overlooked in the past. So far we have demonstrated that the lichen is considerably more toxic in mice and sheep that can be accounted for by its usnic acid content and usnic acid *per se* does not account for the syndrome seen in the field cases.

Investigators: [Dr. Merl Raisbeck](#), [Dr. Todd Cornish](#)

