



January 28, 2013

File: FP General Propane Cannons

DELIVERED BY E-MAIL

Gordon Ferguson
Manager, Bylaw Enforcement
City of Abbotsford
32315 South Fraser Way
Abbotsford BC V2GT 1W7

Dear Mr. Ferguson:

PROPOSED CITY OF ABBOTSFORD BYLAW REGULATING AUDIBLE BIRD SCARE DEVICES (PROPANE CANNONS)

Thank you for your letter of January 11, 2013, inviting the BC Farm Industry Review Board (BCFIRB) to comment on the draft bylaw being proposed by the City of Abbotsford. I respond on behalf of the board and further to the guiding principles outlined in our 1999, 2009 and 2011 [studies](#) on the appropriate regulation of propane cannons and other audible bird scare devices (ABSD).

In my December 7, 2012 presentation to the City's Farm Bylaw Select Committee, I expressed how pleased BCFIRB was to hear of the City's initiative. The *Farm Practices Protection (Right to Farm) Act* (the *FPPA*) through the *Local Government Act* contemplates a major role for local governments; including the possibility of overriding the protections of the *FPPA* against noise and nuisance bylaws by passing specially authorized farm bylaws. In BCFIRB's view, that ability to regulate farm practices – while balancing appropriately the interests of the farming and non-farming citizens impacted – has been underutilized by local governments. In the concluding remarks of its 2009 study, BCFIRB observed that in communities experiencing significant conflicts around propane cannons, “the effective regulation of cannons through (farm bylaws) drafted by local government is part of that local government's responsibility to its citizens.”

It is not my intention to respond to the specifics of the draft bylaw but I do need to address the second paragraph of the preamble, which states that an “overriding” BCFIRB principle is that ABSDs should only be used as a “last resort” after “other methods have been exhausted”. A more accurate recapitulation of BCFIRB's position should be drawn from the concluding comments of our 2009 report:

...BCFIRB is of the position that there is also a clear need for farmers to ensure that propane cannons are used only when they are strictly necessary, and that in these situations cannons are always used strategically and effectively as part of a broader integrated predation management plan. This is especially so given the

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challenge of bird habituation to predation management devices, which effectively requires that farmers maximize the efficacy of cannons by minimizing their use. [emphasis added]

However, BCFIRB feels strongly that the blueberry industry must take account of the impacts of its operations on its neighbours, and as such that farmers must also ensure that cannons are used in a socially responsible manner. Farmers must clearly consider the nuisance potential associated with propane cannons, and – whenever these devices are used – take due measures to minimize the noise impact on neighbours...agriculture needs the goodwill of local citizens to be successful. A socially responsible, sensitive approach to the use of propane cannons and other bird deterrent devices is the only way to ensure that this goodwill is maintained.

Having supported the City's initiative and confirming the obligation of farmers to use propane cannons responsibly, it must also be stressed that BCFIRB has found the use of propane cannons in accordance with the Ministry of Agriculture's South Coastal Region guidelines generally to be "normal farm practice". Whether a BCFIRB panel hearing a complaint would make the same finding must always be subject to the individual circumstances of the complaint.

BCFIRB remains unprepared, as stated in its reports, to recommend a general ban on propane cannons that would remove a valuable crop protection tool from BC farmers. Other predation management measures, such as netting or visual deterrents, are not always feasible or effective. Nor could BCFIRB recommend supporting an initial bylaw that deviated from the existing ministry guidelines to an extent that it compromised the careful balancing of interests those guidelines represent.

In all its reports, BCFIRB has stated that local governments can and should establish bylaws based on the guidelines to provide more effective and timely regulation of propane cannons and other ABSD's in their jurisdictions. Registration and licensing of cannon users and enforced penalties (and potential cost recovery) for non-compliance with respect to hours of operation, number of cannons and siting are among the requirements that can be incorporated into a bylaw.

Another significant requirement for inclusion in a bylaw is the obligation upon farmers to be able to substantiate that their cannon use is supported by an established and verifiable predation management plan which demonstrates that use is strategic and outcomes based. As noted in the ministry guidelines, such a predation management plan "requires that producers monitor bird populations and activity on their properties, utilize a range of approaches or techniques to prevent bird damage, and undertake strategies to minimize both device use and bird habituation to devices".

All of the above provisions would provide greater surety that farmers are using cannons in a socially responsible manner.

BCFIRB has also stressed that the appropriate regulation of cannons requires a balancing of interests, including working together on other measures to address underlying issues. The reports discuss these at greater length. Two of the measures recommended are putting in place effective, local conflict resolution procedures and joint initiatives to address the predation problem at its source – that being, primarily, the starling population. This species is doing enormous damage

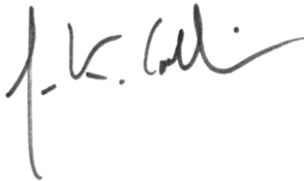
across the agriculture sector and no one would be happier than Fraser Valley farmers, including blueberry growers, to see the startling problem mitigated to the point that the use of cannons and other ABSD's could be reduced or eliminated. Farmers cannot solve that problem on their own and BCFIRB notes the joint work and funding that governments, industry and research institutions have committed to a solution in the Okanagan.

At the December 7 presentation the question was asked if BCFIRB could ever support (in a farm practices study or through other advice to the Minister of Agriculture) provisions in a farm bylaw banning the use of cannons in a local jurisdiction. I noted that the 2009 and 2011 reports contemplated this possibility; as well as identifying some of the conditions that would need to be present to warrant such consideration. Those conditions include, but are not limited to: whether BCFIRB was satisfied that the local government concerned had exhausted all legitimate conflict resolution options; engaged in mitigation measures in support of its farming community; and, shown that it had exercised due diligence over time in balancing interests in a manner appropriate to its jurisdiction. This remains BCFIRB's position today.

As the Township of Langley and District of Saanich are also examining their role in the appropriate regulation of propane cannons and other ABSD's, I am taking the liberty of copying this letter to those local governments.

Congratulations again to the City of Abbotsford for demonstrating leadership in addressing this contentious issue on behalf of all its citizens. Thank you again, also, for providing BCFIRB opportunity to present its comments.

Yours truly,



Jim Collins
Executive Director

cc: Derek Sturko, Deputy Minister
Ministry of Agriculture

Carrie MacPhee, Director of Legislative Services
The Corporation of the District of Saanich

Propane Cannon Task Force
c/o Agricultural Advisory Committee
Township of Langley

BCFIRB Website