



Legislative Assembly of Alberta

The 30th Legislature  
Third Session

Select Special  
Committee on  
Real Property Rights

Public Input Meeting in Edson

Friday, March 25, 2022  
11 a.m.

Transcript No. 30-3-1

**Legislative Assembly of Alberta  
The 30th Legislature  
Third Session**

**Select Special Committee on Real Property Rights**

Sigurdson, R.J., Highwood (UC), Chair  
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Frey, Michaela L., Brooks-Medicine Hat (UC)  
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Milliken, Nicholas, Calgary-Currie (UC)  
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\* substitution for R.J. Sigurdson

\*\* substitution for Michaela Frey

**Also in Attendance**

Long, Martin M., West Yellowhead (UC)

**Support Staff**

Shannon Dean, QC	Clerk
Teri Cherkewich	Law Clerk
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Vani Govindarajan	Legal Counsel
Philip Massolin	Clerk Assistant and Director of House Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Sarah Amato	Research Officer
Melanie Niemi-Bohun	Research Officer
Warren Huffman	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
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Janet Schwegel	Director of Parliamentary Programs
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## **Select Special Committee on Real Property Rights**

### **Participants**

Kelly Jensen  
Dan Patten  
Jim Toner



11 a.m.

Friday, March 25, 2022

[Mr. Hanson in the chair]

**The Acting Chair:** Thank you. Hello, everyone. I'd like to call this meeting of the Select Special Committee on Real Property Rights to order and welcome everyone in attendance.

We're here in beautiful downtown Edson at, I would say, one of the nicest legions that I've been to in Alberta, to be honest with you. A beautiful place. My name is David Hanson. I'm the MLA for Bonnyville-Cold Lake-Saint Paul and acting chair of this committee. I'd like to ask the committee members in attendance to introduce themselves, and we'll start at the far left.

**Mr. Long:** I'm Martin Long, the MLA for West Yellowhead.

**Mr. Getson:** I'm Shane Getson, the MLA for Lac Ste. Anne-Parkland.

**Mr. Rutherford:** Brad Rutherford, MLA for Leduc-Beaumont.

**Mr. Rowswell:** Garth Rowswell, MLA for Vermilion-Lloydminster-Wainwright.

**Mr. Nielsen:** Hello, everyone. Chris Nielsen, MLA for Edmonton-Decore.

**The Acting Chair:** Thank you, everybody.

Just for clarity, substitutions: Member Hanson – that's myself – as substitute chair for Mr. Sigurdson, and Member Getson is standing in for Member Frey.

A few housekeeping items to address before we turn to the business at hand. The audio of today's meeting is being live streamed on the Internet and broadcast on Alberta Assembly TV. The audiostream and transcripts of meetings can be accessed via the Legislative Assembly website. Please set your cellphones and other devices to silent for the duration of the meeting.

Just to give a bit of a background on the committee, the Legislative Assembly struck the committee on March 22, 2021. The committee's mandate is limited to consideration of whether the legal remedies available to a real property owner who is deprived of the use of their real property are adequate; whether real property rights should be expanded or, in the case of an individual, constitutionally protected; whether the law of adverse possession should be abolished; whether the expropriation process provided under the Expropriation Act is adequate; and any other matter that the committee decides is necessary to ensure the completeness of its review. The committee may review as part of its mandate any part of the following statutes: the Alberta Bill of Rights, the Alberta Land Stewardship Act, Expropriation Act, Land Titles Act, Law of Property Act, Limitations Act, Responsible Energy Development Act, and a review of any other act that the committee determines is necessary to ensure the completeness of its review.

So far the committee has received technical briefings from government ministries and has also received written submissions and oral presentations from identified stakeholders. We now turn our attention to hearing the presentations from members of the public. We've had one public meeting so far, which was a virtual meeting hosted in Edmonton last month. Therefore, today's meeting is our first of six in-person public meetings planned in locations around the province. Those interested in presenting to the committee this morning are preregistered with the committee clerk. Presenters will have as much time as they need today to make their presentations. At the end of the meeting, if there's time remaining after hearing from all presenters, members will be permitted to ask

questions, so I encourage everybody to listen carefully and take down some notes and have some good questions for these presenters. Members, if you'd like to ask a question, please make sure to note the name of the presenter to whom your question should be directed.

With that, I will call on our first presenter. Please introduce yourself for the record and begin when you are ready. Sorry, sir. We didn't have your name recorded here, so please introduce yourself for the record. Like I said, we're looking forward to hearing what you have to say.

**Mr. Patten:** Thank you very much for the opportunity. My name is Dan Patten, and I live here in Edson, a new resident here but from the Grande Prairie area, Bezanson specifically, for about almost 40 years. I'm going to be presenting here a paper. Mr. Long has received a copy of this as well in the past month or so. It has to do with access to privately held properties in Alberta for the purposes of recreational hunting. Some of the laws that are presented in the disposition of access to lands that are in the Wildlife Act are of particular importance for review, in my opinion and others as well. If this gets a little lengthy – I'm going to go ahead and read it since there doesn't appear to be a lot of presenters; I'll go ahead and read the entire report – don't be afraid to ask any questions along the way if you wish.

I'm presenting this document because I truly feel that change is on the horizon or at least should be on the horizon when it comes to relationships between provincial wildlife management, the hunting recreationists, and the private landholders in Alberta. This change can go either in a positive or negative direction depending on the extent of the co-operative efforts and understanding that each role plays in regard to the maintenance and enhancement of wildlife resources. Our wildlife resources are valuable both aesthetically and financially.

All I have to offer here is my past experience in working with wildlife resources on private lands professionally in conjunction with agribusiness and government on the same properties. I want to make it clear that I have no interest other than expressing my great appreciation for our renewable wildlife resources, so please do not shoot the messenger.

Here's just a very brief and comprehensive overview of my past working experience as resident wildlife biologist, wildlife manager, integrated land-use manager for 12 years on one of the largest singly held ranches, properties in the state of California called the Dye Creek Cattle Company and the Dye Creek preserve, since sold after the program but now are owned by the Nature Conservancy, which included working jointly and in conjunction with some renowned livestock and wildlife resource managers, both private and government.

I've been responsible in organizing private landholders and revising wildlife regulations that encouraged private landholders to look at the wildlife resources as an asset rather than a liability. This was done by supporting and winning the rights to be included as full, equal partners in the development of wildlife management policies. Then there were a couple of years I spent as an executive director for a political action group, which, quite frankly, were the worst three years of my life. Dressing up in a three-piece suit was not my lifestyle at all, so I got out of that.

Fast-forward, I was asked to explore the potential for an integrated land-use program for the Gang Ranch in B.C. This was done during a very financially stressful time for a lot of businesses in the late '70s and early '80s. Resulting from this, I was offered, which I accepted, a position from CIBC to manage the Gang Ranch during these economically distressed times.

On the sale of the ranch, I accepted a position to manage a bison ranch in Alberta, then onto our own bison business. I spent 30 years

plus as a bison producer and occupying numerous representative positions within the newly developed agribusiness and since retired. I have observed and helped to structure co-operative efforts between private and public and government interests.

I have observed one particular species, the tule elk, south of the border, the state of California, that was able to be removed from the endangered species list due to similar efforts. Now this valuable resource is being enjoyed by all outdoor enthusiasts, including the recreational hunter, through limited harvest and micro wildlife management, which includes both private landholders and the general public interest.

As a director to the British Columbia Cattlemen's Association in my time in British Columbia I questioned the proposed reintroduction of elk into the central Cariboo region and the lack of the understanding of the potential unintended consequences of this proposal. As a result, reintroduction did not occur. I feel that this reintroduction at the time did not occur partially due to the hard questions asked and supported by local ranchers in the area. I have observed these unintended consequences in Alberta.

### *11:10*

In this presentation I will offer my observations that have evolved over the years through my working experience. I believe that there can be improvements within the Alberta Wildlife Act that would improve and advance more co-operative efforts between all stakeholders in developing a long-term sustainable management program for our wildlife resources, especially pertaining to the understanding and appreciation and importance of private lands in this particular role. I thank you in advance for any consideration pertaining to the concerns and statements listed below.

First, what role can private landholders have in wildlife management? Essentially, they have three choices: they can neglect a resource, they can manage against a resource, or they can manage for the resource. By rights I wonder why private landholders should not be the sole determiner as to what the policy might be in allowing the general public under any circumstance to enter onto their property, their place of business, at any time. The provincial Wildlife Act, under the disposition of access to lands, prohibits or at least greatly limits private landholders' rights. Provincial wildlife regulation should not only support but encourage private landholders to consider wildlife resources as an asset rather than a liability, encourage them to incorporate these resources into their overall agricultural plans on their lands.

Some thoughts, but not necessarily all, here to consider. In no particular order I'd like to present some of these thoughts. All wildlife resources are valuable aesthetically and financially. Private landholders' properties represent a major and critical support system for all existing wildlife resources. These lands provide critical winter as well as other season habitat plus quality edge effect for many wildlife species that is crucial for the sustainability of some species. Private lands in many cases are more accessible than public lands simply due to the proximity of human population centres. As a result, they are subject to greater public pressure for certain outdoor recreational activities that are found on public lands. This is becoming increasingly a real problem for private landholders. The highest concentration of wildlife often is found on privately held lands.

Private landholders whose lands support certain renewable wildlife resources are increasingly being approached by outdoor recreationalists to access their properties for recreational purposes or, better put, to access their place of business with little to no consideration as to any inconvenience to the private landholder. For instance, let's just consider, as I have, the upwards of six phone

calls a day during the four-plus months of the ungulate hunting season. These calls come at all times of the day and night.

I recognize that in most cases people are respectful; however, some are not. Few, if any, of them recognize that the one call they make represents a very small percentage of the overall annoyance. With each call an explanation has to be given as to why access is or is not allowed. Also, few to none of the callers are interested or concerned that it might be the agriculturalist's business's busiest time of the year and that there are business activities being carried out on these private lands during the fall and into the winter as well. That in itself prohibits safe access for recreation, especially recreational hunting. This issue alone can get to be a little more than just annoying; it can be problematic and expensive financially for some landholders.

A consideration that seems to me to have been largely overlooked is managing the safety factors in allowing access to private lands. Private landholders are incurring personal legal liabilities by allowing access to their lands. I personally have witnessed a couple of near-shooting incidents where there was both controlled and uncontrolled access. Today someone is going to be given access by a private landholder onto their property where an injury will occur and a claim will be filed claiming that the injury was the result of some fault of the landowner. I have actually seen this happen in the past. Again, I personally have seen this happen to a neighbour years ago.

To help compensate for this potential problem, at least one rancher that I'm aware of is being proactive in that everyone has to sign a liability waiver before entering the property plus an access agreement that states a few expectations a private landholder requires from the individual. Plus, each is provided with a map of the area. At least this is a start. This takes a lot of time and organization plus presents only part of the solution.

The disposition of access to land might be a good starting place for review in addressing some of the described issues. Alberta has changed dramatically in human population over the past 30 years that I've been here. In Grande Prairie alone the population has nearly tripled if one wants to include the immediate adjacent hamlets. I'm reasonably sure that such change has been similar throughout the province over the same time period. The demand for outdoor recreational access on private lands has increased accordingly. Managing these requests in real time and being asked to absorb all consequences – i.e., time, property damage, and potential liability risk – have also increased accordingly.

Thirty years ago, living on the banks of the Smoky at the junction of the Simonette River and just downstream from where the Wapiti River enters the Smoky, seeing an elk was a major sighting. Folks talked about it if they saw one. Basically, there were very few elk around at this time. I watched this grow from very few to one herd where I personally counted 163 head. It took them, just sitting back and watching, nearly half an hour to cross in front of me single file. This was in 2014. This one particular herd, which was the largest of five different herds on this one ranch, represented about 40 per cent of the total number wintering on the ranch during the peak of the elk population in the area. This one particular herd during the late fall and early winter for nearly two months was going through nine fences, heading north in the late evening, and back through those nine fences in the morning. That's 18 fences a day on a livestock population. Property damage was substantial just from this one group.

Then there were the haystack yards, where at times there would be as many as a hundred-plus elk converging on any single haystack. At the same time these large inventories of elk drew an equally large number of hunters throughout the hunting season. During the years from 2014 to 2019 the road hunting traffic was

nonstop. Along with the traffic came the poaching and the trespassing issues. The situation got bad enough with some of the people we met on the road that it was requested to us by the RCMP to add dashcams for patrolling vehicles, which, in fact, we ended up doing.

### 11:20

These issues were all discussed with at least some previous MLAs, provincial wildlife managers, two different law enforcement bodies, and local county government officials. It became very clear that any revision of current wildlife regulations or any real meaningful government action that may address any of the private landholders' concerns was not going to happen any time soon. Therefore, the only alternative for some private landholders, who were having the most problems with hunters and/or the resource, was to use the only existing tools that were available to them under the existing legislation, current legislation.

In 2014 one ranch came to recognize that the equation was no elk, no hunters, no problem. Hunters at this point were recognized as the lesser of two evils but both being liabilities to the ranching operation. A program was developed to allow for maximum safe access for cow elk tag holders only. As far as I can tell, the elk numbers have been reduced by 85 to 90 per cent from 2014 to 2021 through this management controlled use program.

Now, I want to make it very clear that no one looked at this program as being the best option, but: was it the only option, and is it the only option at this time? This same ranch does not allow hunting for moose or deer. There simply is no room when considering both time and space for safety purposes while trying to target only one species. However, looking into the future, there may be allowable access for other hunting activities under very controlled circumstances. It will also depend on review of the real liabilities resulting from both the resource and the recreational hunter and the cost incurred by the private landholder. Finally, I'd like to make it very clear that this ranch enjoys seeing some elk on their properties, but "How many is enough?" is the question being asked given the regulations in which they have to live with today.

Again, it should be made clear that the reason this policy was established in the first place, that only elk hunters were allowed, is because the elk along with the attention that they drew were the main problem, not the moose or the deer. If someone was allowed to hunt anything other than the cow elk, they would be taking up time and space made for cow elk hunters. Again, this is strictly a time-space safety issue.

In this particular case in 2014 nearly 80 hunters were allowed onto the ranch and had an 85 per cent success ratio, with an average of two hunt days per hunter. This last year, due to the reduction in the elk numbers, it's 15 hunters with a 75 per cent success ratio with an average of five hunt days per hunter. If the count is correct, next year could be in the neighbourhood of 12 hunters, success ratio in question.

All grazing leases are a very, very small part of the overall operation, which is very small. The lessee allowed maximum – maximum – use on lease grounds, thus conforming to existing legislation plus helping to keep any remaining elk on the move and off the ranch. They remain nearly totally nocturnal and leave.

A private landholder's worst neighbour, in a lot of private landholders' opinions, under today's regulations is public lands. This is simply due to the uncontrolled use allowed by public authorities on these lands in most cases. The fact is that the private landholder is a major stakeholder when it comes to supporting much of the wildlife resource. It has historically been expected and even legislated that he or she has no recourse but to bear the financial, legal, physical, and often psychological liabilities on their

own. They simply are not being allowed or encouraged to adopt or develop management plans that might integrate wildlife recreational hunting with their real business, which is agriculture. The result? Private landholders are increasingly denying access to the general public for recreational purposes. Some have even instituted management policies that factually are systematically reducing the liabilities they're incurring at the detriment of the resource and the outdoor recreationist.

I asked our local wildlife manager a question. I said: what is the real goal of the wildlife policy in the province? This is a quote. He stated that it's to promote and provide maximum opportunity for recreational hunting. I can say for a fact that the results he is hoping for are going in exactly the opposite direction.

On top of this, over all the years I've never seen one provincial wildlife manager actually on the ground. We see and have had, my experience, with law enforcement, wardens a real, good, excellent working relationship. But I've never seen a wildlife manager actually come and ask questions and look at the situation, not one time, and that's after a lot of requests.

For example – and I will leave everybody to decide on their own percentages. I'd like folks to consider a hunter recreationist that is driving a \$40,000 truck, plus or minus, conceding that this truck may also be used for other purposes than just hunting, while transporting possibly a quad, a Ski-Doo worth thousands of dollars, and possibly towing a trailer as well, shooting a \$2,000 rifle-scope combination, having invested several hundreds of dollars in their Mossy Oak type clothes, carrying a hundred dollars' worth of ammunition, that fills their truck with a hundred dollars' worth of fuel on any given day, pays the province for their general hunting licence and then more for a special licence and tags, et cetera – and you can go on and on – then does not, in most cases, consider the possible imposition he or she is imposing on a private landholder, yet hoping, if not expecting, a yes when requesting access into his or her, their business for the purposes of recreating.

### 11:30

Most do not even consider that this expectation, in many cases, is a selfish intrusion into the lives of these folks. Where I was raised, we called these people our deer-hunting friends. Eventually – and I watched this happen personally – as these friendships diminished to nearly zero over time due to the ever-increasing pressures coming from the hunting recreationists, this finally gave birth to the integrated land-use programs that I entered into straight out of college. Might it be considered that freeloading actually is the issue here?

There are a lot of possible solutions, a lot of different programs that might be considered. Eliminate or modify that portion of the Alberta Wildlife Act, disposition of land. Modify that. Take a good, hard look at it. Let private landholders feel their way into how the elimination or modification might best fit into their agricultural enterprise. We should be encouraging outdoor recreationists and private landholders to work it out amongst themselves. Private landholders don't need to be dictated as to how they can or cannot allow the public access onto their land and their place of business. This only suppresses creative thinking. Suitable solutions of several different types will evolve if just left to those who are directly involved: provider, user, private landholder, recreationist. Change would come slowly in a positive direction and should have very little effect on the immediate political landscape.

Right now the present wording in the disposition of access to lands represents only a black-and-white solution, which is not a solution at all, at least one that is long term and sustainable. It would at least allow some private landholders to formulate a program that would help recoup some of the losses resulting from the real, out-

of-pocket costs in property damage as well as the time that it takes to manage the requested intrusion they incur should they wish to do so. Such programs can be customized to fit within their personal agribusiness program on their land. I know this works. I know it works, and it does not have to be out of pocket, pay to play for the recreationists as so many would like to have one think and argue that this is the only option.

Not one shoe fits all. There are many options that can be developed that would allow the private landholder to reconsider their approach towards the wildlife resources and the recreating general public, options that would encourage the private landholder to reconsider, in some cases, to look at the resource as an asset rather than a liability. Private landholders need to be allowed, if not encouraged, to decide how, under what circumstances he or she is willing and able to permit any segment of the general public to access their land or their business and access it in a safe and appropriate manner.

Also, more often than not, such programs allow for a recreationist who desires to participate to enjoy a much higher quality experience than found generally on public lands. As more private lands open their doors, it reduces pressures on neighbouring public lands due to the simple fact that more land is made available. Today the opposite is happening. Private lands are being closed down.

When recreationists are participating in a program where they have skin in the game, they instantly become a partner with the landowner. At this point each starts looking out for the other's interest. This is a very good thing. No different than anything else: if it's free, there's a lot less chance that it will be appreciated than if it is earned.

To reiterate, removing or modifying the disposition of access to lands, as described within the Alberta act, could allow a path towards helping in the reduction of the financial, legal, mental, and physical liabilities for the private landholder. It will allow for the development of customized multiple land-use programs that promote better relationships between the private landholder and the outdoor recreationist, resulting in greater access to private agricultural lands. It offers a win-win solution for all entities involved: the private landholder, the participating and nonparticipating outdoor recreationist, plus, and most importantly, the wildlife renewable resource itself.

However, we shouldn't lose the fact that managing recreational use or any extracurricular activity within someone's primary business has a cost. Management, legal liabilities, and property damage all have direct, out-of-pocket costs. All of that is attached to these management programs. The private landholder simply has to be brought into the mix in a meaningful way.

To briefly summarize why the private landholder should be included as an equal partner in the development and maintenance of sustainable programs, it encourages the private landholder to look at the wildlife resource as an asset rather than a liability. It encourages the private landholder to consider and even develop integrated land-use management programs on their properties that include wildlife. This opens up access to private lands under controlled and, in most cases, quality programs that help ensure a quality outdoor experience that may not be found on public lands. When private lands become accessible, pressures on public lands are reduced. Wildlife resources move back and forth from public lands to private lands in many cases, thus providing access to these resources that might have been previously managed against on private lands. Such programs support and enhance greatly the health and sustainability of wildlife populations across the entire landscape.

Finally, let's call it for what it is. Hunting for nearly all today is no longer a subsistence activity. It is a recreational activity. All one

has to do is to be realistic at the investment in the hunting gear and the toys that go along with it to come to this conclusion. It's a reality. Bottom line, there are no losers here. The renewable wildlife resources, outdoor recreationalists on both sides of the fence, and the private landholder, by working as equal partners, are all winners, as is the resource.

As part of the UCP theme I feel that this government truly needs to support the rights of private landholders to develop any program they wish that allows for public access onto their lands and one that complements or does not interfere with their agribusiness. I'm wondering if it is possible that there might be a little more biological and a little less political consideration given when it comes to formulating certain wildlife management policies.

**11:40**

Finally, as I understand it, the UCP is mandated to uphold private landholders' rights. A portion of the Alberta Wildlife Act, disposition of access to land, that includes private landholders is absolutely contrary to this declaration.

I thank you very much for your time. I have a copy with a little bit more of the presentation I've given. If anybody is interested, I'd be more than happy to supply it, and I'm open to questions. Again, thank you very much for your time.

**The Acting Chair:** Thank you very much, Dan. We'll bring you up for some questioning after the next presenter if you don't mind, okay?

**Mr. Patten:** You bet.

**The Acting Chair:** Thank you very much.

Our next presenter is Jim Toner. Please approach the mic, and let's hear what you have to say.

**Mr. Toner:** Good morning, and welcome to Edson. I'm very happy to hear some of the backgrounds of some of the panel members. I'm a conservation chairman with the Edson and district fish and game association and gun club. I came along with Dan Patten. We were introduced to each other about six weeks ago through his contact with MLA Long's office. You may wonder what a fish and game association hunter member has in common with Mr. Patten. What we have in common is a commitment to conservation and a commitment as well to treating private landowners with respect and appreciating the privilege that we're given from time to time to be able to access their property for hunting purposes.

As a kid I grew up in Vermilion, Alberta. I spent a few years there, and I remember how special it was to go out and be able to see wildlife around the area. I purposely came up to the eastern slopes area because I value and appreciate wildlife and conservation, and in saying that, I also recognize that there are very different issues when you're looking at wildlife populations on private land, especially compared to the public land that we enjoy here in the eastern slopes. We are very committed to conservation and sound, sustainable wildlife management on both public and private lands.

If there hadn't been co-operation between private landowners and wildlife managers in government, we would have totally lost some of the species in our province that came out of the agricultural areas. Bison – the greater prairie chicken, or the pinnated grouse, that used to be in the Vermilion area when I was a kid, is now gone, but there are some isolated pockets left in Saskatchewan. Species like sage grouse require co-operation between private landowners and government and the public to work together.

Whether they're an urban resident or a rural resident, most of us value sustainable wildlife resources. It's time that we move past



looking like a bunch of people standing in a boat arguing over who has the right to shoot more holes in the bottom. If we all value conservation, which most of us do – and that’s definitely the key feature that drew Mr. Patten and I together, a commitment to conservation and sound management of wildlife for all Albertans to enjoy.

In saying that, we recognize that there’s a need to respect and include private landowners in wildlife management decisions, and there need to be meaningful partnerships to promote managing for wildlife as opposed to managing against it. It’s my hope that by coming here and speaking with this group, that will be taken into consideration when looking at private landowner policies. I realize that you probably weren’t even thinking about wildlife issues too much when it came to private landowner rights, yet I know that it’s near and dear to the hearts of many Albertans.

I know that some of you on the panel value very much your opportunity to go out and harvest an animal. There are lots of urban residents as well. We’re starting to see quite a few female hunters out in this area now, not because they’re looking for a big set of horns but because they value the opportunity to harvest sustainable, organic meat where they’ve played a role in putting it on their own tables, where it’s not full of hormones or injections. They very much appreciate and value that opportunity. There’s something very special about being able to grow your own garden or being able to go out and harvest an animal.

I do take significant exception to my colleague Dan’s comment about \$100 to fill the truck’s gas tank. It’s \$150, Dan, at least these days.

All puns aside, there are various groups that enjoy the opportunity to hunt and harvest, whether they’re Indigenous hunters – and by sound conservation management principles that also increases opportunities for Indigenous hunters, who I have total respect. They have a difference between us. Their hunting is a right. It’s spelled out in a contract. Ours is a privilege. But I think that if you took an Indigenous elder aside who had tremendous experience in hunting, he would say: “Oh, no. It’s more than a privilege. It’s a blessing that’s bestowed upon us, and we as well need to participate in conservation.”

My hope is that when looking at private landowner rights, they’re treated with respect and included as partners in wildlife management decisions and that we can have strong collaborative partnerships working together, whether it’s urban residents, rural residents, private landowners, environmentalists, or hunters, that we work together to ensure that we have healthy, sustainable wildlife populations to pass on to future generations.

Thank you for your time.

**The Acting Chair:** Thank you very much, Jim. Very good presentation.

At this time, before we go to questions with the two presenters that were registered, we would welcome some members of the public audience to step up to the mic if they have anything that they’d like to add before we go to questions. Not everybody at once.

Okay. We’ll go to questions. Any members of the panel here? Mr. Getson, I just kind of took it for granted that you might have a couple.

**Mr. Getson:** Well, you know, I’ve been writing like the dickens here.

Great presentation, gentlemen. Mr. Patten, thank you. If you wouldn’t mind taking the mic again, sir, just so everyone else can hear as well.

**Mr. Patten:** You bet.

**Mr. Getson:** I really appreciate your background, obviously, the scientific background, the practical land management, some of the models that you’ve seen, and also with different jurisdictions. Full disclosure: I was very fortunate to work in the States as well. I was never out on the California side when it came to hunting season, but down in Wisconsin I was on the pipeline projects down there.

If I could, there are a couple of things here that I’d like you to comment on if you may. What my understanding was: in Wisconsin they had an issue with the whitetail population. They then went to a different management program where herds and the populations really flourished. Are there any lessons that we could take from there on how they did it? That would be the first one. I have a rattle of questions here, four or five of them, but if you could comment on that first one perhaps.

**Mr. Patten:** The question is whitetail management in Wisconsin?

**Mr. Getson:** Yeah. Is there anything applicable there that we could use from that model?

**Mr. Patten:** I don’t know how that particular government handled it there and/or the landowners. I’m unfamiliar with that.

**Mr. Getson:** Yeah. A gentle observation there was that the way that folks hunt down there is different than – we’re used to going back in the bush or, as he put it, the gentleman that happened to hunt from the pickup, the road hunting. What they do is that they have crops kind of set aside. The landowners have crops set aside. Their little hunting shacks might be what we would call a cottage or something along those lines, and then they have, during the season – and this is just a gentle observation. Everybody and their dog shows up in hunting gear during hunting season. Everybody else kind of clears out of the way. They almost take that period of time as a rite of passage, and there’s massive participation in it.

Some of the integration issues that we would see up here where, you know, you’re trying to run operations and everything else – it’s almost like the ag production side takes a bit of a holiday for a couple of weeks. So they concentrate the efforts. They know the first couple of days of hunting season everyone kind of stays out of the bush and out of the fields, and then there are these predisposed, I think, as you put it, relationships or friendships between the landowners and the hunters. That’s what I’ve seen.

If you had a clean-sheet exercise, how would you like to see the landowners participate? You said: leave it open to them and the hunters. Are we talking monetization? Are we talking trade and barter systems? What are you thinking? How do we develop those relationships again with the landowners?

*11:50*

**Mr. Patten:** I think both of those options would be open, even participation. What about the fences? I spoke about the one particular going through 18 fences a day for – they had full-time employment just repairing it. This is a livestock operation, and those fences have to be kept up. There are costs, and I’m talking about monetary costs, to these besides the liability.

Now, the part of Wisconsin that you might be talking about is probably mostly farming, I would guess. Those relationships, how they deal with it – if they have crops on the ground and it’s open participation for recreational hunting during X number of days, is there some sort of regulation or control compensation in the event that there’s crop damage? Who accepts the liability if somebody gets injured? There are just a lot of things there that really have to be explored, and not knowing all the particulars of how their operational – okay. It opens up, you say, for a couple of weeks to everybody, and everybody agrees to that. Who accepts the liability?

Who pays for crop damage? What are the controls there in the event that certain things happen? Those would be my questions.

**Mr. Getson:** Okay. I love answering questions with questions. If you leave me with more, we're running out for coffee after this later.

The other two parts to this are when it comes down to the causeways and the fences. In the other jurisdictions where you've seen this successfully implemented, did they have causeways and open passages for the animals to go? I mean, does that come down to the landowners having cognizant ideas of the pathways where the herd movements take place and then fencing accordingly?

Then the other part was: what did you do before that worked? Can you give us the answer?

**Mr. Patten:** What did we do before?

**Mr. Getson:** Yeah. In California. You were mentioning you had an integrated land-use plan, that you brought back a species at risk.

Two parts. The fencing: was that part of it? And then, second, if you could give us the silver bullet, I'd appreciate it.

**Mr. Patten:** Actually, fencing was the consideration part of it. The one ranch, Dye Creek Cattle Company, at the time then developed in Dye Creek preserve. The winter range alone was about 75,000 acres, and there wasn't any hay put up on the property, around 5,500 mother cows. They wintered between 4,000 to 6,000 head of deer. It was Columbian blacktail, the longest migratory herd situation. It went from the valley floor, Sacramento valley, to the top of the Sierras, and this one range wintered between 4,000 and 6,000 head of deer. It drew a lot of attention from hunters as well, and adjacent to that was a township with 36,000 acres. It was actually managed and owned by California state fish and game. They managed it strictly for the deer. When the program first went into place, the ranch couldn't keep their cows in place on the winter range due to trespass off of the fish and wildlife area. Also, there was a substantial wild boar population which did considerable damage. They had hunter problems there.

They had a choice. On the fencing part of it they could have established and constructed a seven-mile fence, seven feet high, sloping back. They could have actually wiped out that entire migratory herd. There was a substantial cost in just putting a program together. What they did is that they developed a biologic field station. It was actually under Dr. Starker Leopold at the time. Aldo Leopold may be a little – you've heard of him. Starker is his son. I actually started my graduate work there. PhDs came out of it and developed an integrated land-use program. It was all done through private enterprise.

Then it was opened up and tightly controlled as to the number of people who had access to the property, very quality-type access and heavily patrolled, but the land base was opened up. It was a choice. It was a financial choice: "Hey, we've got to do something. Either keep your public resource on public lands, or let us develop a program where we can live with it."

**The Acting Chair:** We'll move on to questions from Mr. Rowswell, followed by Mr. Nielsen, and then if I can jump in, I've got a question as well. Go ahead, Mr. Rowswell.

**Mr. Rowswell:** Yeah. You know, I'm not a hunter. I know hunters in Vermilion . . .

**Mr. Patten:** You're a meat eater?

**Mr. Rowswell:** What's that?

**Mr. Patten:** But you're a meat eater?

**Mr. Rowswell:** I'm a meat eater, yeah, for sure.

. . . so I might ask questions that might seem obvious to other people.

**Mr. Patten:** That's no problem.

**Mr. Rowswell:** I was trying to understand what the problem was. Is the herd a problem or are the hunters a problem? At times it seems like the herd in what you were talking about, and other times it seemed like the hunter was the problem.

Around Vermilion, of course, there's not a lot of public land there; it's mostly private held. So the traditional thing to do is to stop in a yard and say, "I want to go hunt on that quarter." "Well, that's not mine; it's that guy's." Finally, you'd get permission, and away you go, right? It sounds like what you want is what's happening in my part of the territory already. And there's some damage. Like, they jump over the fence. I imagine that there's damage at times, and there's intermingling with cattle and places where the hay is. You know, they go and they chew that all up.

I'm not really clear on – are you being forced, like, to allow access? Is that the problem or just because it's beside public land? Like, I'm not clear on: were the herds a problem, the hunters a problem, and how that impacts you from a private landowner perspective.

**Mr. Patten:** Don't get me wrong. I don't know of a single landowner that doesn't enjoy seeing wildlife on their property. I don't know one.

But to answer your question, "Which one is a problem or are both?" they're both a problem because the resource draws the hunter activity, and you have to deal with both, not only the damage done by the resource itself but the problems that are incurred because of the high traffic. I'll be very frank with you. In the particular location of one particular ranch, which is 20 minutes, 25 minutes out of Grande Prairie, on a Friday and Saturday evening it's nonstop traffic. At least it was; it's not now because things are kind of under control. But it was nonstop traffic, and you could bank that a large percentage of them were all carrying rifles or drinking at the same time. So you're confronted with – these are issues, real issues. I myself on two occasions have been confronted with guns in hand, and twice they've been taken to court. Twice on patrol: stop, had people jump out of the car and try to grab the keys out of my truck. That's why we went to dash cams.

Thirty-five, close to 40 years ago there wasn't that problem. You could go to any landowner, ask for permission. Of course, Grande Prairie was 27,000, not 80,000. The surrounding area, with how many here, you know, and adjoining adjacent communities, where now, golly, the smaller communities adjoining each other: there's 100,000. So the pressure is increasing on the available finite land base. It's just that simple.

**Mr. Rowswell:** So is it the interaction of the public and private land up there that creates the problem, like, because they have access to public and then it winds up impacting you and people feel it's the same tract? Is that what it is?

**Mr. Patten:** That's part of it, and another part of it – I'll be very frank – is that folks who have lived there for a long time who have always had access consider it a right. It's a re-education.

**Mr. Rowswell:** And then enforcement is an issue is the other question. Like, in your view, it's not being enforced.

**Mr. Patten:** The enforcement all comes from the private landholders. Yeah, you can get help from fish and wildlife, but, hey, that can be an hour away. Like, one big issue is not having front licence plates. You know, you can't read – the first thing we get when you call in is that the RCMP asks: did you get a licence plate number? Every single situation I've ever been in, if there had been a front licence plate, there wouldn't have been an issue. Every single situation because you'd have had a description of the vehicle. But in the wintertime out there you can't even read a rear licence plate, so it becomes a face-to-face situation. A lot of these folks find that you're better off not making face-to-face contact with them. It's a fact.

12:00

**Mr. Rowswell:** Okay. Thank you.

**Mr. Patten:** That's our experience.

**Mr. Rowswell:** Fair enough. Yeah.

**The Acting Chair:** Okay. We'll go ahead to Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. My apologies; my question is for Jim. I didn't catch your last name, sir. I'm just kind of wondering. You were talking a little bit earlier about this partnership, with landowners being involved in the process of wildlife conservation. I was wondering if you might be able to maybe give me an example of what that might look like. What do you think that partnership should look like? I mean, I guess, do we start inviting all the landowners to try to meet with conservation people in government, or how do you envision that sort of working out?

**Mr. Toner:** One of the ways that could work quite well is looking at development of regional wildlife management advisory committees that consist of all of the stakeholders who are committed to healthy, sustainable wildlife populations on the landscape. The majority of landowners want that as well. I think your local MLA needs to, at the very least, be included in briefings about what's going on with those committees. We've made a commitment to Mr. Long that we would do that, having the local biologist, the enforcement officer, and representation from private landowners talk about options and solutions on how you can work together for responsible, sustainable wildlife management.

I think Mr. Getson is probably personally, first-hand aware of the issues that build up with elk herds in particular. On the south side of highway 16 we had a situation where elk used to be a very rare occurrence. As a result of the buildup of numbers that could occur when there were few predators and good access to food, their numbers increased to several herds that were over 100 animals. Because there couldn't be some kind of a joint consensus reached on how to maintain that level of population – and there was a tremendous spillover positive effect where those animals were back in the Crown land areas to the south of the agricultural land. Because there couldn't be agreement reached, the only solution was three seasons of cow elk tags that decimated the population, took it probably to about 15 per cent or 20 per cent of what their original numbers were. I understand why that had to happen. It's unfortunate, but should or could those groups work together, those numbers could have been increased for more enjoyment by all. That's one example.

I think in the Vermilion area you're probably going to start hearing more about migratory waterfowl hunting. I know that it pops up in the St. Paul area. One of the gentlemen that's involved in our fish and game association is a former federal fish and wildlife officer. He's originally from Mannville, Alberta. The populations

of migratory birds – we're in the golden years right now, depending on if you're a hunter looking at it, because there are literally millions of migratory birds – snow geese, specklebellies, and Canadas – now coming through Alberta. But that also presents some challenges where you get flocks that size landing on people's swaths and then the pressure that comes onto farmers to give permission for people to go out and hunt while they might want to be getting out there to do their combining on those swaths. I know that's becoming an issue in the Vermilion area, based on what Neil was telling me. So finding ways for those hunters, those landowners, the wildlife biologists, and the public in general who also have a strong interest in wildlife management: work together, come up with regional advisory committees that can make recommendations. It's tough to sometimes find something that you all agree upon, but usually what they all agree upon and they come back grounded in is that everybody wants sustainable, balanced wildlife populations. It does become a problem when you have too many animals on the landscape, so there's a need to work together with the hunting public. Sometimes they are the best tool to control those populations.

**Mr. Nielsen:** A quick follow-up, Chair?

**The Acting Chair:** Do you have a follow-up? Go ahead, Mr. Nielsen.

**Mr. Nielsen:** Thank you, Chair. Maybe I'll ask the tough question. Certainly, I'm sure there are going to be a lot of enthusiastic people wanting to participate in a regional group. How do you see being able to sort of choose individuals? That's always the tough one, right? You know, a lot of landowners, I'm sure, want to be involved. A lot of hunters want to be involved. We certainly can't accommodate everybody. How would you maybe envision that looking?

**Mr. Toner:** I would agree with you that there are lots of people who would want to put their name forward. Wearing my fish and game association hat, I shouldn't be choosing the landowner to represent landowner views. Landowners should pick that person. Fish and game association representation should be chosen by the fish and game association members. I know that we've had considerable discussion about who we want to represent our views. Do we want someone who's going to go with an attitude that they need to fight with everybody else and win? No, we don't. We want someone to go forward who respects the value of working together as a team.

Something I'd like to suggest: if you want to look at something that's very positive and uplifting, take time to watch on YouTube a video called *Opportunity for All*. It's narrated by a biologist from Newfoundland named Shane Mahoney, and it's readily available. It demonstrates the good that can come when politicians, science, landowners, the public, and hunters work together for conservation, and it gives several examples of success stories in North America. For example, the development of the national park system was a collaborative partnership in that respect. The treaty on migratory waterfowl management is another example of success that comes. It's because of those types of initiatives that we have managed to sustain some populations on the landscape that were at risk of extirpation. It's only about an hour and 15 minutes long or an hour and 10 minutes long. It's beautifully narrated. I will say that I think it has a slight pro-hunting propaganda perspective to it, but it's based on facts from North American experience, and it talks about the North American wildlife management model where all parties work together. Very uplifting, and it shows the good that can come from it.

That's what we would like to see: groups working together, not at each other's throats arguing about who has more right to shoot

another hole in the bottom of the boat but truly focusing on collaborative efforts for conservation. That gives you some hope of how it can be done and the good that has been done. But I would say that each group should choose their own representatives.

**The Acting Chair:** Thank you, Jim. We just have a slight technicality as chair. I'm not supposed to actually ask questions, so I'm going to have to transfer my chair duties over to Mr. Rutherford, and then he can introduce me, and I can go ahead. We're just trying to follow the rules.

[Mr. Rutherford in the chair]

**The Deputy Chair:** Just in case there's a point of order or something happens.

**Mr. Hanson:** Yeah. We've got to follow the rules here.

**The Deputy Chair:** Well, as chair I recognize MLA Hanson.

**Mr. Hanson:** Oh, thank you very much, Mr. Rutherford.

I'm glad you brought up the migratory game bird and especially in the Vermilion area, in my area. It used to be a really big, thriving guiding business, huge, but because of clubroot and access a lot of farmers that used to allow and actually welcome hunters onto their land to deal with the huge populations of birds – canola is a cash crop, right? Some of them have what they call crop rotation. It's canola, winter, canola, winter, canola, winter, right? And that's not the way it's supposed to work, but that's the way a lot of them do it. It's just because of the huge value. I mean, this fall we saw \$25-a-bushel canola. So clubroot is becoming a huge issue in the prairies. Access to bird hunting is going to be a big problem there, so that's something we're going to have to try and address.

12:10

I do have a question for you, and I should probably ask it to Dan if that's okay. During your presentation you talked about – and I'm not going to put words in your mouth. It almost sounded like you were talking about fee for access like they do down in the U.S. in a lot of the states there. You know, people pay big dollars for rights to hunt at a certain time. I've heard as high as anywhere from \$1,500 a day to \$10,000 for a hunting season to have access to a specific piece of land. Is that something that you would find acceptable here in Alberta? Would we need legislation to allow that?

Then my second part of that question is: are you also talking about farm hunting when it comes to people that actually farm elk and bison? Right now it's not allowed in Alberta. If you have a big bull elk, you're not allowed to sell that elk and have somebody come and hunt it on your property. It has to be shipped to Saskatchewan or to one of the states. It's kind of a big issue. The elk hunters and the bison hunters would like to see that because they lose a lot of the profitability from that animal by – you know, the animal ends up being hunted anyway but just not in Alberta. Is that something that you're looking at? I know that both of those things may require legislation changes.

**Mr. Patten:** I'll take the first question first, with regard to hunt to pay. I know of situations; I'll use the example of Dye Creek that we were on. Yes, it was hunt to pay, but it did just pay for the cost of managing the operation. We had members. We had close to 300, 400 members depending on what part of the program they were in, whether it was bird hunting – because of the program we developed multiple waterfowl ponds that were never ever there before and fisheries and what have you besides the hunting. It was under a very controlled, very high-quality situation. We had members, whether they were narcs from San Francisco or rope makers, or they might

have been teaching school. We had all walks of life. It was affordable to anybody who could come.

Now, if it's a high-quality situation where a person is looking after a Boone and Crockett, let's say, "Hey, you can go to Yukon or the territories," and they're going to pay. I know somebody that paid \$45,000 to go and hunt sheep. This is on public land. So it's there, whether you like it or not, but it does open up the lands. There's a lot of different – I think it's up to the landowner. Some landowners maybe would say that they don't need anything. They just want a little respect: please come and help me fix my fences or offer something. You know, just a little respect because at the end of the day these resources, the fact is, these farms and ranches on their cleared ground and agricultural grounds: that's the winter range for a lot of these ungulates. The rancher or farmer isn't getting any respect for it at all. They're taking on all of the responsibility and the cost. Fifty per cent of that resource's survivability is dependent on these farm grounds. It's just a fact.

Now, the second part was, I think, that you're probably talking about game farms. I'm neither for nor against it. I actually have a relative down in Wisconsin who is doing it, and they went from Saskatchewan, too, because Saskatchewan didn't allow it. They took the whole program because their clients were U.S. clients. I don't have any feeling for it other than if there are issues with disease and those sorts of things that might need to be resolved or explored, that's one thing. I look at it as farming. If there are certain issues that can be resolved and whatever they raise on their farmland, if it's cows, if it's bison, if it's pigs, chickens, whatever, they're all going to be processed through the system for the same thing. I know on the sandy soils on the Battle River over in Saskatchewan, where they finally decided to leave, they tried to farm it. It was second-grade farm ground. They went into the game ranching situation, and it created a lot more dollars for them. The ethics behind it: everybody has to decide that for themselves. I just look at it as another product in that particular situation. If there are people who are willing to do it as a free enterprise, it's no different than any other ranching.

**Mr. Hanson:** Thank you very much, Dan.

You'll have to transfer your chair abilities over because you're next.

**The Deputy Chair:** That's true, and as chair I'll give it back to MLA Hanson.

[Mr. Hanson in the chair]

**The Acting Chair:** Thank you.

I'll recognize Mr. Rutherford for the next round of questions.

**Mr. Rutherford:** Thank you. Actually, it's for Dan. I just wanted to follow up. You covered the monetary question that I had. Were you also looking for some form of, like, legal protection with the liability that you talked about if hunters are on the land or something happens, damage is caused? Could you just touch more on that?

**Mr. Patten:** Well, legal liability is a reality. I haven't seen it here, but I can see it coming because I've experienced it, not personally but a neighbour, a simple fact where kids came in and climbed into a tree house and fell out of it, trespassing. Who got sued? The landowner, and it was a lot of money. I'm hearing more and more people kind of bringing that up as a possibility. If somebody gets hurt, the liability does fall on the private landholder. If you allow somebody in and somebody gets hurt, it's your responsibility. Yeah. At this time who's covering the cost of that potential? It is the private landholder, unless somebody can tell me different.

**The Acting Chair:** Okay. We'll go to Mr. Getson.

**Mr. Getson:** I really appreciate it. Again, both gentlemen, I've got a ton of questions. [interjection] Yeah. Do you want to . . .

**The Acting Chair:** Is a response okay?

**Mr. Getson:** Oh, sure.

**Mr. Rowswell:** Jim had a response.

**The Acting Chair:** Did you have a response to the question, Jim?

**Mr. Getson:** You guys just might as well stay at the mic together. For the next ones I'm going to include both of you.

**An Hon. Member:** There we go. We already have regional co-operation happening here.

**Mr. Toner:** Yeah. We're trying to demonstrate hunters and private landowners working together co-operatively here.

I was going to make a comment about the liability issue. As a private landowner I am quite worried about that. I do have a crappy tree house that's ready to fall over on my property, and I'm going to make a point of tearing it down because that could happen. But all of the hunters in Alberta that belong to fish and game associations are insured for liability when hunting on private property. They carry that insurance. If they cause an accident or are in an accident, they are insured by belonging to one of those organizations. There's also an expectation that if they belong to those organizations, they show respect for private landowners. I know that there's a lot of work and education that needs to be done both ways on that, but I'm hopeful that good can come from it.

**The Acting Chair:** Mr. Getson.

**Mr. Getson:** Yeah. This is great. Both between the answers and the questions here I've had to scribble a couple of other ones down because you're answering them. So this is great.

Again on that hybrid model – and I'm going to ask both you gentlemen – where's the biggest push-back if we were to have a hybrid model? Again recognizing, Jim, that not all hunters go out like my cousin Roy and end up way back in the wilderness, and recognizing that, you know, to your point as well, Mr. Patten, the populations and that urban density have changed – it's pushing more up into the farm areas – do you think there is a model out there that we could utilize for the want-to-get-out-there-quick-and-get-your-tag-the-same-day type hunter versus being out in the bush for a couple of days?

Then the second thing is: where are you experiencing most push-back that you find from your organizations, loosely speaking, against your organizations being in place?

**Mr. Toner:** I can respond if your question is related to: what are our thoughts about game ranch hunting, hunt farms, those kinds of things?

**Mr. Getson:** Yeah. Either having the game ranch type hunting farms or designated areas that potentially landowners are utilizing if they're sectioning off a section, using that idea that if there was a corridor – there's that elk herd that's moving between four or five different ranches on a migratory path – would there be any push-back or hesitancy from your organizations of that style of hunting?

12:20

**Mr. Toner:** There definitely needs to be some discussion and consultation about how that works. Martin asked that question

when we were sitting in his office. There were four of us that went into Martin's office to talk about a regional advisory committee for wildlife management, and Martin asked the question: what are your views on hunt farms or game ranches? One hand went up in favour of it. It wasn't mine; it was one of the guys I respect and I work with. He's an elk rancher. Two of us have some strong feelings about: is that appropriate to even call it a hunt farm? It's not really hunting. Yeah. It's: you pick an animal out of a catalogue and you have an excellent chance of getting it and it's behind a fence. That's not really hunting, but is it ethically wrong? I'm going to try to keep an open mind on that.

I've been asked to write a paper for our fish and game association on the pros and cons of game ranching. We're not affiliated with the Alberta Fish and Game Association, but we will work co-operatively with them. They've taken a very strong position opposing the concept of game ranching.

I think Dan made a good comment when he said that a lot of good can come from people figuring out how to work it out between themselves. It's not cut and dried, and I realize it's a bit of a political quagmire to go into that, but I do have confidence that if we really try to work well together and understand the issues – and I do think there are serious concerns about potential for disease.

When you combine or heavily concentrate any species of animal, you have the risk of disease developing. We've got a huge problem with CWD along our border right now, that started out as a small outbreak in Saskatchewan and is now all the way up to Bonnyville. That's as a result of an experiment that went bad when you concentrated wild animals, mule deer and elk, with sheep on a university farm in Colorado, and then those animals were subsequently sold to game ranches. It was a mutation of the scrapie disease that comes out of sheep. So there needs to be very careful consideration about just letting the floodgates open and allowing large numbers of animals to be highly concentrated that aren't used to that. That's one of the big concerns that I would have about game ranching, yet I know that there are some really solid regulations in place that manage it. My comments.

**Mr. Getson:** And if you would, sir, Mr. Patten.

**Mr. Patten:** The ethics behind game ranching: everybody kind of has to make up their own mind on that. Jim pointed out some of the things that really have to be looked at closely with regard especially to potential – potential; it has to be identified and then really discussed – disease issues.

But some of the loudest voices against game farming are mostly coming from egos that – I've been around the hunting population. Most hunters are very courteous, very respectful, but there are some who are very boisterous, and if somebody can go into a game farm and shoot something – and I'll give you an example. My wife's relatives have got this situation in Minnesota where they can grow 200-plus whitetail in three years with feed, and their clients: they charge a lot of money in that particular situation, but it's a game farm. A person that's going out in the field and really does it in a legitimate way – there are individuals in that sector of the hunting population who really feel intimidated that they didn't do it the hard way; look what they got, yet the person who did it the easy way will show it off because that's why they did what they did. It has nothing to do with management; it has to do more with egos, I'm afraid.

**Mr. Getson:** And I'll just follow up with it, too. So where my thought is: not to work the solution to the end here, but it's almost like you need a couple of different classes to suit the classes of hunters. I know that my uncle Joe there would be pretty much in the camp – I mean, he was in the Boone and Crockett for the nontypical,

for whitetail in Chip Lake country there, so he would probably think that it's not really hunting if you shoot it on a farm. Again, looking at some of the populations within the hunting community now, it's changed over the years, too, so maybe there's something to talk about.

I'll limit my questions, I guess, to over the coffee pot at the back just to sort of take some follow-ups. You really gave me a lot to consider here, and I really appreciate all your comments, gentlemen.

**Mr. Patten:** I think the one thing on, like, the Boone and Crockett or Pope and Young type situation would be: hey, if it's taken on a game farm, it can't be entered.

**Mr. Getson:** It doesn't apply. Yeah.

**The Acting Chair:** Any other questions, guys?

Martin, have you got anything?

Any questions from the public at this time?

**Mr. Getson:** And it's more than landowner rights. It's hunting rights. We're wide open.

**The Acting Chair:** Yeah. We're kind of wide open.

If either one of you would like to elaborate on maybe some recommendations that you would like to see this committee pursue in this particular situation, I'd appreciate that.

Yeah. Okay. Martin can ask a question. Certainly.

**Mr. Long:** Actually, I had a question earlier that I just sort of brushed away. Jim, you had mentioned about people with your organization, like, basically carrying liability. I was curious: what percentage of recreational hunters would belong to an organization? I'm not sure if you'd have that number off the top of your head. What number of recreational hunters would actually belong to an organization where they would be carrying that liability would be my question.

**Mr. Toner:** I can't speak to what the provincial numbers are, but I can tell you what they are in your riding. Between Whitecourt, Edson, Hinton, Grande Cache we have approximately 1,500 members. That doesn't mean it's 1,500 guys dressed in Mossy Oak driving trucks and quads. That means that of that 1,500 people, the vast majority are families. There are lots of kids that are members of the fish and game associations that participate in those activities with their parents. There are 1,500, and when they buy a membership, they receive a million dollars' liability insurance for if there's an accident or if they've caused an accident while participating in legal hunting or fishing activities.

**Mr. Long:** Thanks, Jim.

**The Acting Chair:** Again, yeah, I'd just welcome any recommendations to the committee that you would like us to bring forward. That'd be great.

**Mr. Patten:** Under the Wildlife Act review, the disposition to access private lands, it specifically states in there that a private landholder cannot request any sort of compensation whatsoever – any compensation – for the purposes of accessing their place of business for the purposes of recreational hunting.

**The Acting Chair:** All right. Any further questions or comments from the presenters?

**Mr. Toner:** My comment would be that we recognize and respect the role of private landowners in conservation, and we'd encourage

the committee to look at including them in decisions that would affect wildlife management on private land and respecting the issues that they're faced with, for the benefit of us all.

Thank you.

**The Acting Chair:** Okay. Thank you.

Any further questions or comments from the committee members?

Seeing none, we basically have the room here till 1 o'clock, folks. We can just take a quick break, and then if somebody decides that they've got a question to finish up with, we can go from there.

There's coffee and water in the back. Please feel free to mingle a bit.

[The committee adjourned from 12:29 p.m. to 12:42 p.m.]

**The Acting Chair:** Mr. Jensen, any time you're ready, please approach the mic, and again I just remind you to introduce yourself for the record, please.

**Mr. Jensen:** Good afternoon, Mr. Chairman and committee. My name is Kelly Jensen. I'm a planning and subdivision officer with Yellowhead county. I'm here off the clock. I just came here out of curiosity to find out what sorts of concerns there might be regarding property rights in this area. I just want to share some observations because we deal with private landowners on a daily when you're working at the planning department at the county.

One of the things we observe is that many times people don't understand all of their rights and responsibilities when it comes to landownership. They have their land title, and some people don't understand all of the regulatory bodies that can affect their land use. I think a lot of people don't understand, for example, that they have to get permission from the county just to build a shed or a house or change their land use and things like that. Under the Municipal Government Act the municipality has a lot of powers regarding land use – land-use districts, zoning, and things like that, the land-use permitting process – and we're always surprised when we encounter people that are shocked at the degree to which municipalities can regulate the land that they own, right? Maybe they don't understand truly what the limits of landownership mean.

Another thing that comes up with us, particularly during subdivision processes, which I process, is that municipalities have the ability to have people dedicate land for things like roads planned for parks, environmental reserves, and environmental reserve easements, dedicating land for roads. Many times people are quite surprised that we have the ability to require that as part of their permit or subdivision process without compensation. We know that, ultimately, providing some extra right-of-way for a road does benefit the landowner because you can upgrade the road later, but some people have a philosophical block against being able to provide land without compensation to the municipality.

I just wanted to share that observation to your committee because, as I said, we deal with private landowners on a daily. That's our job every day. That was basically all I wanted to mention, that we can't leave municipalities out when it comes to discussing property rights and the landowners' relationship with us municipalities and the ability that the municipalities have to regulate land use.

Thank you.

**The Acting Chair:** Okay. Thank you, Kelly. I think there are a couple of questions for you.

**Mr. Jensen:** Oh, sure.

**The Acting Chair:** Go ahead. Mr. Getson has one for sure. Any other members? Mr. Rowswell as well.

**Mr. Getson:** Perfect. Mr. Jensen, thank you for coming to the mic and doing this. Oftentimes it's pretty hard to get to a mic in front of a big crowd. You've got two things: you're looking at us, and there's a small crowd today, so that's kind of good. Your insight is very much appreciated from the land-use planning and the interface, and I really like that portion where it's almost landowner education, too, so that they understand what the rights are of the ownership and the interface.

Now, one of the items the committee here was talking about was adverse possession. That was one of the mandate items in the front end. In your experience from the county, are you experiencing a lot of adverse possession cases, or has that kind of gone the way of the dodo bird?

**Mr. Jensen:** A number of years ago the subject came up with development officers. I guess the problem with that is that it requires the landowners to surveil the land and their holdings quite carefully to make sure that there isn't an occupant on there that would potentially claim adverse possession. Right? There's a term for it in the U.K., I think, where people can say, if they have been on the land for a period of time without the landowner causing them to be removed or asking them to leave, that they can then occupy that land as their own. But, to me, that seems pretty problematic. I think that there are people with lands who are perhaps absentee landowners or people who have large holdings that wouldn't have the ability to surveil all their land in order to ensure that occupants don't reside there and that tenants don't reside there indefinitely, because they would get some right.

**Mr. Getson:** I appreciate that.

Just a quick follow-up. In your understanding, it doesn't have to be a big structure or anything else either. I've heard of some cases where it's simply a fenceline that's over the property, you know, a couple of feet or 10 metres or 12 metres, that type of thing, and all of a sudden there are issues in dispute. And it could be a large swath or tract. Is that your experience as well?

**Mr. Jensen:** Well, actually, you bring up an interesting point. Many times when landowners have a real property report prepared for their land in a land exchange, it will be revealed that the fences are in the wrong place or it will be revealed that a person has built a structure or a gate or something onto the roadway, for example, and lots of times people aren't even aware of where their land properties are until they request a survey like that. Fortunately, in Canada we have the ability to provide some very high-quality aerial photography. I have sat down with some landowners and showed them an aerial photograph of their land, and occasionally they're surprised to learn that their property line isn't where they believed it was. Because their grandfather built the fence, you know, with a compass 70 years ago, they swear up and down that grandpa put the fence in exactly the right place, and we discovered that it's not. So it's probably not too fair to provide for people who occupy land for a long period of time to take a right over it when the adjacent landowner may not even be aware of the fact that that fence that everyone observes every day is not in the correct place.

**Mr. Getson:** I appreciate it, sir. Thank you.

**The Acting Chair:** Mr. Rowswell, go ahead.

**Mr. Rowswell:** Yeah. From everything I've listened to today and the clarification I just got during the break there, what I boil this

down to today is: does a landowner have a right to charge for access if they want to off-set some costs? We have a rule that restricts that. If that was taken away and people were allowed to do that, would a municipality view that differently from a land-use bylaw and a zoning bylaw? Would that be considered different? If they were doing a game farm or a hunt farm – is that what you call them? – do you think that that would be zoned or treated differently from a taxation perspective?

**Mr. Jensen:** Taxation is sort of beyond my range of expertise. As far as land use is concerned, I don't think we've encountered a land use in our bylaw whereby a person is wanting to operate a land farm or a game farm for profit like that. So what we would end up probably doing – and, again, I'm just speaking off the clock. I just showed up. I don't represent Yellowhead county or our council. My observation would be that if such a land use were proposed, we may require a land-use bylaw amendment in our bylaw to cover that specific use, and then that would be followed by some regulation on how it might be done. Off the top of my head, it sounds like it would be sort of a home-business use, but the specifics would have to be probably identified, and it would probably be regulated within a land-use bylaw in some detail to make sure that the relationship between the neighbours is respected.

**12:50**

One of the uses of that land-use bylaw is to manage the relationships between landowners. The neighbours would have an influence over what the other folks can do and likewise. I think that's what a land-use bylaw would commit to, and that use could potentially be regulated that way unless it was going to be funded by the province purely, and then, of course, it would be beyond our jurisdiction.

**Mr. Rowswell:** Yeah. I almost didn't want to mention the hunt farm, because what's been talked about here is just: "Look, I've got damage on my property. I'd like to charge people to have access to it, just to off-set the damages." So if we just take the hunt farm out of it and just say that from a land-use bylaw or a zoning perspective, if a person was trying to recoup some costs, just to off-set potential damage, you don't see a situation that would change the land-use bylaw relative to that type of thing.

**Mr. Jensen:** I mean, if it was compensation for damage, that would be different than a for-profit operation that would be considered a home business.

**Mr. Rowswell:** Okay. Fair enough. Thank you.

**The Acting Chair:** Are there any other further questions? Mr. Rutherford has one.

**Mr. Rutherford:** Thank you, Chair. Just quickly – you touched on it earlier – can you talk about maybe the volume that you've come across where people have fences in the wrong spots or they are not aware of their own property lines or exactly where they are? Do you have some estimation around Yellowhead county or where you're working?

**Mr. Jensen:** I couldn't give you a number, but I could probably say that it's very common that people might put up a fence. When people come to us and ask about fences, we always encourage them to speak to a surveyor and make sure they know absolutely where their property line is. There's lots of survey evidence out there. The danger with the layperson encountering survey evidence is that it can mean different things, and sometimes the first survey marker you meet doesn't mean what you think it means. It could be something

other than your property corner. It could be a pipeline right-of-way. It could be a property pin that's off-set from its proper location, things like that. We always advise people to contact an Alberta land surveyor to make sure you know where your property lines are before you build any new fences. I believe it may be relatively inexpensive to hire a surveyor, and people that don't do that have probably a pretty high risk of putting their fence in the wrong place.

**Mr. Rutherford:** Okay. Thank you.

**The Acting Chair:** Are there any other committee members? Mr. Nielsen, you're okay?

Thank you very much, Kelly, for your presentation and also to Mr. Patten and Mr. Toner for their presentations as well. Thank you to the folks that have sat and listened in on the conversations and to all the staff that have helped us out with the microphones and to our great security staff over there, protecting us at all times. It's really appreciated. I'd just like to acknowledge you guys for all your hard work. I know that a few of you are retiring and that this is like tick-tock, tick-tock, tick-tock: five days left or five shifts left, that kind of thing. It's just great having you guys here.

We did manage to touch on a few things, I think, just in summary here before we adjourn. You know, some of the things that the committee is mandated for: whether real property rights should be expanded or, in the case of an individual, constitutionally protected. I think that some of the things that you've brought up, Mr. Patten,

are kind of honing in on that as to the actual rights of the landowner to arrange compensation. There are some things that we may be able to look at as a government and as a committee to recommend going forward on those.

Then the other one is whether the law of adverse possession should be abolished. I think we kind of touched on that with Kelly's presentation there, from the municipalities' perspective. I think these are all very important issues that we have heard about for a long time. I know that in my time in office, since 2015, it has been a really big issue. It was one of the big issues that came forward from 2008 to 2012, with a lot of discussions around the province on that access to property. I was a little surprised, being that we're in an area that is such an energy and forestry area, that we didn't have more discussion from folks on gas and oil leases as well as forestry tender. I was kind of expecting that that would be the discussion that we'd expect. But it was great having your presentations here on the hunting and access matters as well as the municipal governance.

We're very, very close to our adjournment time of 1 o'clock. Is there anything anybody in the committee or folks in the crowd would like to add?

Hearing none, if I could get a motion to adjourn. Mr. Rutherford moves that the meeting be adjourned. All those in favour, please say aye. Any opposed?

Thank you, everyone, for coming. This meeting is adjourned.

[The committee adjourned at 12:55 p.m.]









