SUBJECT: Relocation of Coyotes in the City of Hamilton (PED09281) (City Wide)

RECOMMENDATION:

That Report PED09281 respecting the Relocation of Coyotes in the City of Hamilton be received for information.

EXECUTIVE SUMMARY:

At its meeting of April 15, 2009, Council directed that staff report to the Committee of the Whole respecting the relocation of coyotes from the City of Hamilton to licensed Ontario wildlife sanctuaries. This directive was issued as a result of the circumstances leading up to and surrounding the euthanasia of a “habitualized” coyote, i.e., a coyote that has lost its natural aversion for humans, by Animal Control Services on March 3, 2009 of this year, subsequent to advisement from the Ministry of Natural Resources (Ministry) that authorization to relocate the animal further than one kilometre from the point of capture was denied.

The subject coyote and its mate had become a nuisance in the Beach Strip neighbourhood in Ward 5 and, over time, increasingly invoked a reasonable apprehension of risk on the part of the constituency through February 2009. Shortly after the subject coyote was euthanized at the Animal Control facility, it became public...
knowledge that City of Toronto Animal Services had been authorised by the Ministry to relocate a coyote inhabiting their “Beaches” neighbourhood to a wildlife sanctuary, if they could capture it, which would necessitate transporting the coyote beyond the established one kilometre relocation limit.

Staff have consulted with Ministry representatives and with staff from Toronto Animal Services and, accordingly, offer this report as information in satisfaction of the aforesaid Council directive.

**BACKGROUND:**

From the end of January through to the end of February of 2009, Animal Control staff became aware of an increase in the number of reports respecting interaction between humans and two coyotes inhabiting the Beach Strip area of Ward 5. While these reports were not, initially, seen as a cause for alarm, staff did become more concerned as the number of anecdotes and reports continued to increase and as the extent of the interaction between humans and coyotes seemingly became more significant.

On February 4, 2009, Animal Control received a report that a coyote, uncharacteristically, had approached a small group of people just off Van Wagner’s Beach Road, east of Beach Boulevard. As time passed, additional reports were received, to the effect that two coyotes were regularly seen in the vicinity of Van Wagner’s Beach and Beach Boulevard and that the subject coyotes seemed not to exhibit the species normal avoidance of human beings. Consequently, on February 10, 2009, Animal Control Officers were directed to increase their patrols of the area and were supplied with information pamphlets, about safely co-existing with coyotes, for distribution among the local residents with whom they might converse.

On February 24, 2009 staff received a report that one of the subject coyotes attacked a small dog in the vicinity of the old Lakeland Pool on Van Wagner’s Beach Road east of Beach Boulevard. According to the report, the dog, which was off leash at the time, was attacked from behind and, it appeared, that the coyote was attempting to carry the dog away. The dog, however, managed to escape with only minor injuries which did not require the attention of a Veterinarian. Later that same day, a second dog was also reported as having been attacked by a coyote in the vicinity of Fitch Avenue, Beach Boulevard and Lakeside Drive. In this case, the dog was reported as being on a long leash and, consequently, too far away from the owner for the coyote to associate the animal with its master. As in the previous case, this dog also escaped without significant injury.

Staff issued “coyote warnings” to area residents through the local Homeowners’ Association, to area school children through both school boards, and to the public at large by posting information on the City’s web site and through the print and electronic media, advising the public as follows:

- That all pets should be kept on a short leash at all times when off their property;
- That pets should be kept under surveillance when confined to their property;
- That small children should not be allowed to wander and must be supervised at all times when out of doors;
• That no person should attempt to approach or feed a coyote;
• That no person should leave food outside for any animal, including family pets;
• That all waste products, particularly food waste, should be stored in proper disposal containers to prevent wildlife from gaining access to said waste; and,
• That no person should interact with a coyote they encountered, but if interaction was unavoidable, they should make loud noises and, if possible, attempt to make themselves appear larger in size, (e.g. by holding their overcoat open), while going about their business.

On February 25, 2009, Animal Control Officers were called to the area of Van Wagner’s Beach to assist the Police with respect to a coyote allegedly “stalking” dogs in the vicinity of Hutches Restaurant. While there was a coyote in the area that was observed by the Police, Animal Control personnel and by the Media, staff were unable to affect a capture and, since the animal was not behaving in a threatening manner, (at one point it was videotaped reclining on the front porch of a nearby house), it was decided that no attempt should be made to shoot the animal.

Also on February 25, 2009, Animal Control investigated an incident respecting a young male who had been inadvertently “cornered” by a coyote in the driveway of 267 Beach Boulevard. According to the reports, the 12 year old boy was walking to a friend’s house when he was approached by a coyote on the street. The boy stopped and began to slowly back away from the coyote, however the coyote began following the boy, (undoubtedly looking for a “hand-out”). The boy apparently panicked and ran up the driveway of the nearest house in hopes that someone would be home to let him inside. With the house on one side of the driveway, a fence lining two of the other three sides, and the coyote watching from the roadside end of the car parked in the driveway, the boy believed himself to be trapped and began shouting for help. A passing motorist, who first noticed the coyote and then the distraught youth, stopped her vehicle and frightened the coyote away. The motorist, recognizing the boy as the son of a neighbour, returned the boy to his own home, shaken but otherwise unharmed.

Our contact with the Ministry, Ms. Kathy Richardson, the Senior Fish and Wildlife Technical Specialist working out of the Niagara office, recommended that Animal Control obtain the services of Todd Griffin, a licensed trapper operating as Second Chance Wildlife Control, to set bait and shoot what had come to be referred to as the “beach strip coyotes”. Leslie Sampson, of Coyote Watch Canada, however, recommended that we attempt to trap one or both of the coyotes and she offered to assist in relocating the coyotes upon their capture. To that end, Ms. Sampson contacted Aspen Valley Wildlife Sanctuary in Aurora, Ontario, who agreed to accept the coyotes, subject to approval of their relocation by the Ministry. After further consulting with Mr. Griffin and confirming the willingness of Aspen Valley’s Director to accept the coyotes, it was decided that staff would first attempt to capture the animals and, failing that, engage the services of Second Chance Wildlife Control, since, at this juncture, removal of one or both the coyotes from the neighbourhood, one way or another, seemed imperative.

A large humane animal trap was set and baited on the property of 404 Beach Boulevard on February 26, 2009 and a schedule for enforcement staff to monitor the trap for
activity was implemented. The trap was initially set such that it would not trigger when the coyote took the bait, in order to allay the animal’s natural inclination to avoid enclosed spaces tainted with the scent of humans. On February 28, a routine inspection of the trap revealed that the bait had been removed and the trap was re-baited. Again, on March 2 the bait had been removed and the trap was, once more, baited; however, on this occasion, the bait was wired further inside the trap and the trap was reset so as to capture the animal attempting to take the bait. Between approximately 11:00 p.m. and 11:15 p.m., on March 2, a young, 17.5 kilogram female coyote, matching the news footage and the verbal descriptions of one of the Beach Strip coyotes, was captured in the humane trap and brought to the Shelter.

Animal Control staff contacted the Ministry’s Senior Fish and Wildlife Technical Specialist early in the morning of March 3 and requested permission to relocate the captured coyote to Aspen Valley Wildlife Sanctuary. Ms. Richardson, however, advised that she would not approve the transfer of the animal. Animal Control staff then requested that the matter be referred to a Ministry official of higher authority and that consideration be given to the fact that the subject coyote had been “habitualized” and was, therefore, exempt from the relocation prohibition due to “illness or injury”, albeit of a behavioural or psychological nature.

At 2:43 p.m. on March 3, 2009, a facsimile transmission was received from Mr. Ian Hagman, the Ministry’s Guelph District Manager, having jurisdiction over the Hamilton-Niagara Region, advising that the subject coyote was not deemed to be “injured, orphaned or immature” and that, accordingly, the only options available to the City would be to release the animal within 24 hours at a location within one kilometre of the capture site or to “destroy the animal in a humane way”. (A copy of the subject facsimile transmission is attached as Appendix A to Report PED09281)

Prior to the coyote being euthanized, Ms. Sampson requested that she be given an opportunity to personally contact the office of the Minister, in an effort to have the decision reversed. When speaking with one of the Minister’s immediate subordinates, however, she was advised that the Minister would not countermand the directive issued by their District Manager and City staff were left with the original two choices outlined in Mr. Hagman’s correspondence. Since releasing the animal back into the community was not considered a viable option, a Veterinarian under contract with Animal Control services was called in and the coyote was euthanized that same evening.

Subsequently, Ministry officials collected the coyote’s carcass on March 16, 2009.

As predicted by Ms. Sampson, once the remaining coyote realized that his mate was gone, he either left the territory entirely in search of another mate or he reverted to the more normal behaviour of completely avoiding human contact, which fact the dwindling number of coyote sighting reports seems to confirm.

While the foregoing was taking place, the City of Toronto was having problems with a coyote of its own. When it became known that City of Toronto Animal Services intended to have a trapper kill the coyote inhabiting a wooded valley in the Beaches neighbourhood, a petition was circulated and presented to the neighbourhood’s Ward
Councillor. Councillor Sandra Bussin took the 200 name petition to the Minister of Natural Resources, Donna Cansfield, and the Minister agreed to permit the relocation of the subject coyote to an undisclosed wildlife sanctuary outside of Toronto and, consequently, further than the normally applicable one kilometre limit.

Upon learning of the decision to allow the relocation of the Toronto coyote, staff contacted the Ministry to inquire as to why one decision had been made for Hamilton and an entirely different decision had been rendered in favour of Toronto. Mr. Bill Murch, representing the Ministry, responded that such decisions are made on a case-by-case basis; that the Minister was within her rights to exercise her prerogative respecting the Toronto coyote; and, that the decision in favour of Toronto did not, in any way, set a precedent respecting any future decision.

**ANALYSIS/RATIONALE:**

Coyotes and reports of their sightings have been a common fact of life in Hamilton for many years, particularly in the suburban and rural areas of the City. In 2008/2009 sightings were most frequently reported respecting the vicinity of Stone Church Road, the King’s Forest area, near the southerly end of Garth Street, and on the escarpment near both Ancaster and Stoney Creek. Staff are also confident that coyotes are regularly seen in the rural areas of Glanbrook and Flamborough, however sightings in these areas are expected to go unreported since rural inhabitants tend to view coyotes in a different light than their urban neighbours. In the cases of all the sightings referred to above, the coyotes normally exhibited their natural wariness towards humans.

That said, staff would advise that the coyotes inhabiting the beach front area in Ward 5 did not, at any time, pose a *direct* threat to the constituents but, in staff’s view, did pose an indirect threat due to their having been “habitualized”. The subject coyotes had lost their natural aversion to human contact as a result of residents deliberately and possibly, in some cases, unintentionally, feeding them. Consequently humans were no longer seen as a potential threat but, rather, as a food source and the behaviours exhibited by the beach strip coyotes were consistent with food seeking and inquisitive behaviours, not aggressive behaviours. It should also be noted that the two attacks on the dogs were not due to the fact that dogs are, themselves, a food source for coyotes but, rather, were due to the fact that coyotes see dogs as “competition” for the limited food supply in their ecological niche.

Nevertheless, the attacks on the dogs and the fact that the coyotes were becoming increasingly “comfortable” in the presence of humans, caused staff to conclude that it would only be a matter of time before a constituent was “accidently” injured by a coyote. In staff’s opinion, there existed a reasonable apprehension that, eventually, a resident or a visitor to the area would come to harm while defending their pet, or by unintentionally cornering a coyote, or as a result of being too near a coyote that was feeding or through some other, conceivably unforeseeable, sequence of events.

Accordingly, a public education campaign was commenced, including the delivery of some 500 information pamphlets to the Homeowners’ Association for distribution, and plans were laid to humanely capture one or both of the coyotes in hopes of relocating
them. This course of action was undertaken with the understanding that Animal Control does not normally intercede in conflicts between humans and wildlife save and except when such wildlife is injured, dying or dead or when requested by the police to assist them in dealing with wildlife that poses and immediate threat to a person’s safety and, further, Animal Control would not be involved in conflicts between humans and coyotes in the future, but would refer such matters directly to the Ministry for resolution. Animal Control intervened, in this case, only because of the immediacy of the perceived threat, which the Ministry was, at the time, either ill-equipped or unprepared to address, and because this situation appeared to be the first of its kind, at least in the Hamilton area requiring that “somebody” take action before anyone was hurt.

Section 133 (1) of Ontario Regulation 665/98, being a regulation under the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41, states:

133. (1) A person who captures but does not kill live wildlife under clause 31(1)(b) of the Act shall, not later than 24 hours after capture,

(a) release the wildlife as soon as possible into the area in close proximity to the capture site unless otherwise directed by the Ministry; or

(b) deliver any wildlife that is sick, injured or immature to a wildlife custodian described in section 44 of the Act.

A wildlife custodian “described in Section 44 of the Act” is a person authorized (licensed) by the Ministry.

Ordinarily the prohibition against transporting wildlife over significant distances is beneficial, since:

(a) The prohibition precludes the possibility of wildlife being abandoned in unfamiliar surroundings, where the local food sources are unknown, thereby rendering the transported animal subject to malnutrition or starvation;

(b) The prohibition precludes the possibility of wildlife being transported into the range of other wildlife (either of the same species or of a different and naturally antagonistic, species) that may be territorial by nature and, thereby, render the transported animal subject to attack and injury; and,

(c) The prohibition manages the spread of such diseases as rabies, canine distemper and leptospirosis, buy preventing their introduction into what would otherwise have been a pathogen free area.

That said, it is staff's opinion that none of these reasons truly applied in the case of the female Beach Strip coyote, since the subject coyote would have been transferred to a
wildlife sanctuary where its health could have been monitored while it remained in captivity.

Unfortunately, the Ministry elected to narrowly interpret the section permitting the relocation of wildlife to a wildlife custodian, such that “sick” and “injured” only referred to physical sickness or injury but did not include behavioural or psychological sickness or injury. Accordingly the argument proposed by staff and by Ms. Sampson of Coyote Watch Canada that, “habitualization constituted sickness or injury since there is an identifiable alteration of the natural behaviours of the habitualized animal, i.e., the diminishing of the animal’s instinctive need to avoid human contact”, was dismissed.

As to what reasoning might have been employed by Donna Cansfield, the Minister of Natural Resources, in rendering her decision respecting the Toronto coyote, Bill Murch, representing the Ministry, would not speculate. Nor would he agree that, in the future, coyotes captured in Hamilton would be accorded the same discretionary treatment as has been proposed respecting the Toronto coyote. Legal Services staff have opined that Ms. Cansfield’s decision does not, in fact, establish any legal or binding precedent, however, should Animal Control come into possession of a coyote in the future, staff might still refer to that decision as establishing the viability of exercising the option to relocate.

That said, it should be kept firmly in mind that many people, particularly those living in rural and northern areas, coexist with all forms of wildlife on a daily basis with little or no discomfort and virtually no risk to their safety. Further, we in Hamilton should reasonably expect to come into contact with several species of local wildlife in greater numbers and with greater frequency as we continue to encroach on their habitat.

Given that this is the case, it would seem necessary to modify certain behaviours that we, collectively, exhibit when in the presence of wildlife; the most significant being our unfortunate inclination to try to feed wild animals. As the Beach Strip coyote situation clearly demonstrates, we are not really doing the animals any favours by feeding them, in fact, this practice is, in the long run, harmful for virtually all wildlife in that it teaches them to depend on human charity and undermines their instinct to seek out their natural food sources. With this, (and other issues), in mind, the upcoming harmonized Animal Control By-law will likely contain provisions prohibiting the feeding of wildlife, with exceptions being included to provide for the feeding of song birds.

In addition to any provisions of the soon to be harmonized Animal Control By-law, staff are contemplating policies to deal with area wildlife that comes into conflict with the human population, which include accepting an offer from Coyote Watch Canada to provide rehabilitative aversion conditioning services, on a volunteer basis, respecting wild canids and requesting that the Ministry take a more active role in dealing with the animals under its jurisdiction. One such consideration respecting the Ministry’s role is the potential recovery of costs incurred by Animal Control from the Ministry, should the City be forced to deal with wildlife that poses a threat, on behalf of the Ministry.

Recently, staff contacted the Manager of Toronto Animal Services, Ms. Eletta Purdy, and learned that the Toronto coyote was still at large and was showing no interest in the
traps they had set. During the course of staff's conversation with Ms. Purdy, however, she would not comment on the conditions, if any, the Ministry of Natural Resources might have imposed upon Toronto Animal Services respecting the capture and relocation of the Toronto coyote, nor would she reveal, for security reasons, the location or business name of the wildlife sanctuary selected to receive the coyote should Toronto Animal Services succeed in capturing it. Given the heightened emotions surrounding both the Hamilton beach strip coyote case and the Toronto coyote situation, staff concurs with Ms. Purdy’s decision to maintain the security measures she has currently put in place.

In conclusion, staff would point out that when it comes to issues surrounding animals, regardless of any outcome that might ensue, there will always be one group or another who will be dissatisfied, since there is little agreement among “humans” as to the “proper” or appropriate status of animals in the hierarchy of things. On one end of the spectrum there are those who consider animals to have little or no intrinsic value and no more significance than any other item of “property” that might be disposed of as the owner sees fit, and entirely at their unfettered discretion. At the other end of the spectrum there are those who honestly and passionately believe that animals should be accorded the same rights and privileges as human beings. Of further interest is the fact that the closer to the extreme ends of the spectrum any one group is situated, the more militant and vocal they seem to be. Consequently, there is no path that can be taken that will please everyone, and in most cases, there are no outcomes that will even please “the majority”.

### ALTERNATIVES FOR CONSIDERATION:

N/A

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

**Financial Implications**

N/A

**Staffing Implications**

N/A

**Legal Implications**

N/A

### POLICIES AFFECTING PROPOSAL:

N/A
RELEVANT CONSULTATION:

Toronto Animal Services and Coyote Watch Canada were consulted in the preparation of this report.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced.  □ Yes  ☑ Not Applicable (no recommendations)
- Environmental Well-Being is enhanced. □ Yes  ☑ Not Applicable (no recommendations)
- Economic Well-Being is enhanced. □ Yes  ☑ Not Applicable (no recommendations)

Does the option you are recommending create value across all three bottom lines?

□ Yes  ☑ Not Applicable (no recommendations)

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

□ Yes  ☑ Not Applicable (no recommendations)

MBH/PDB/dmt
Attach. (1)
March 3, 2009

Mr. Paul Buckle
Manager
City of Hamilton Animal Control Services
247 Dartnall Road
Hamilton, Ont
L8W 3V9

Subject: Coyote Options

Dear Mr. Buckle:

It is my understanding that the City of Hamilton has trapped a coyote on March 3, 2009 from the Hamilton beaches area.

Since, by all accounts, this coyote is not injured, orphaned or immature; the following two options are available to the City of Hamilton:

   a) Release the wildlife as soon as possible (within 24 hours) into the area in close proximity (within one kilometre) to the capture site. However, a person may not release wildlife on private property without the permission of the owner (Ontario Regulation 865/88, s. 133 (2)); or,

   b) Destroy the animal in a humane way.

I understand releasing this animal is not a viable option for a number of reasons. The store destroying the coyote is an acceptable solution. Further authorization or permission from MNR is not required.

Yours truly,

[Signature]

Ian Hagman
Guelph District Manager