Grazing Stream-side Pastures

October, 2004

“Fencing Where Necessary but not Necessarily Fencing”

Issue:

Livestock grazing streamside pastures creates the potential for deposition of deleterious substances and/or damage to fish habitat. Both of these fall under federal jurisdiction (Fisheries Act). The regulations can be interpreted as requiring total fencing of waterways. This is an unrealistic position, both environmentally and economically. Ontario livestock commodity groups have been attempting to work with government and environmental agencies to find reasonable and effective solutions. Literal interpretation of the Act and heavy-handed tactics by Environment Canada are highly inappropriate.

Background:

The Fisheries Act is enforced both by Environment Canada and the Department of Fisheries and Oceans. In recent years, Environment Canada has become more active in the enforcement of the regulations under the Fisheries Act. Enforcement of the Act occurs both on the basis of priority watersheds as well as complaints.

Complainants to Environment Canada remain anonymous. In this way, the system can result in harassment from neighbours who may have disputes that have nothing to do with environmental concerns. For instance, we are aware of situations where neighbourhood disputes concerning the Line Fences Act has resulted in the unjustified complaints.

Fencing of all waterways is not realistic from an economic standpoint and neither is it necessary from an environmental standpoint. The best estimate to date to fence all Ontario waterways to ensure livestock exclusion is approximately ½ billion dollars. This represents only the initial costs of building the fences. There is significant additional cost in fence maintenance (and replacement in times of flooding with ice) as well as the economic impact of losing many acres of productive farmland. Fencing all waterways would predictably lead to thousands of acres of floodplain being broken up for row crop production. While this is quite acceptable under the Fisheries Act, the negative impact on water quality would in many instances be significantly higher as a result.

Ontario ’s livestock industries have been very active in attempting to find solutions that minimize environmental impact, meet the needs of producers and satisfy regulatory agencies. The basis of any solution must be risk management through site assessment and use of best management practices.

OCA Position:

OCA is requesting Environment Canada to:

- recognize that less than 100% livestock exclusion approaches are an acceptable option in low density / high remedial cost situations.
- support the development and ongoing improvement of an on-site scoring system to guide grazing management decisions.
- compensate producers in situations where the only way to comply with regulatory requirements is to provide 100% stream exclusion fencing.
  develop a complaint response protocol and a transparent, third-party appeal process

based on a Memorandum of Understanding between Environment Canada, the provincial Ministry of Agriculture and the commodity organizations.

- If necessary, alter the legal text of the Fisheries Act or develop protocols to enable streamside grazing practices that are consistent with the industry best management practices.