

A CONCERNED NATURALIST'S PERSPECTIVES ON SASKATCHEWAN'S AMENDED TRESPASS ACT

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With the 1 January 2022 enforcement of stringent amendments to Saskatchewan's *Trespass to Property Act*,¹ I recognize that elements of the federally enabled bird banding and hunting of migratory birds will be compromised. Having banded birds for 41 years and hunted waterfowl for as long and continuing, I recognize that the opportunistic or incidental element of banding and hunting will

be difficult if not impossible. This conflict would have been apparent to regulators only if they had consulted the people who actually hunt or band birds. If these and many other citizen-science and nature-related activities need to be curtailed in Saskatchewan, what are the reasons for it?

Wishing to save these activities in the province, I consulted my lawyer friend, Jake Watters, Watters Law Office, for what might be done to revise the legislation/regulations where they infringe on federal programs or the broader public good in Canada. I thought that the *Saskatchewan*

Natural Resources Act of 1930 may provide an obligation on the part of the Province to enable federal programs. This is apparently not so, on the contrary.

In the following, I describe the compromised opportunities. I also list other citizen science and nature experiences that will be difficult in practice and may be abandoned. I cite the impetus for the stringent amendments and explore their relations to governance and a democratic tradition in Saskatchewan. Finally, I provide 10 recommendations for reflection and further discussion, broadly including: reinstate support for enforcement, health and related services to address the determinants of crime; foster education and discussion by all people of Saskatchewan to explore solutions; find ways to identify people and their purposes when on the land through ATV licence plates, vehicle decals and personal identification; make a distinction between obligations and privileges on the part of land users and visitors on deeded compared to Crown land; and create an arbitration body to help resolve conflicts.

Infringements on federal programs: Hunting and bird banding

Hunting of waterfowl falls under Canada's Migratory Birds Hunting Regulations. The federal permit states "Most provinces and territories have additional licence requirements for hunting migratory birds and/or to carry firearms. To know what you require and if there are further restrictions for hunting migratory birds, please verify the applicable regulations for the province/territory where you will be hunting. Municipalities may have additional restrictions on discharging firearms. Note that all required



FIGURE 1: On a hunting trip, Sharp-tailed Grouse flew across the road into an abandoned farm shelterbelt. The family was able to bag one more upland bird for supper, incidentally. Photo credit: G. McKay.

permits and licences must be in your possession while you are hunting.”²

It appears that the Federal Government assumes no responsibility to ensure that the activities it enables by selling a licence can actually be carried out. Where the amended Trespass Act reduces hunting opportunities, should the Federal Government then provide some accommodation: fewer licences sold in Saskatchewan, lower licence fees, an arbitration body to resolve conflicts?

An infringed waterfowl hunter’s scenario can be as follows:

- Not shooting within the already excluded 500 m of an occupied dwelling without permission goes without saying (e.g. recommendation 7).
- Most, if not all, hunters obtain permission as they scout for flocks of geese/ducks and plan to get up the next morning to set up hundreds of decoys before sunrise. Permission ensures that hunters have the use of the field without interfering with one another.
- Much waterfowl hunting, however, is ‘incidental.’ Under the new Trespass Act, hunters would likely stop hunting in this incidental way; or, assume that their impact is so benign that basic human decency would accept it. In this way, hunters could become ‘entrapped’ by their own erring-on-the-generous-side reasoning.
- Personally, I have bagged many ducks while en route to or from my regular hunting area. When I spot ducks on a nearby pond that is not ‘posted’ and far from any dwelling, I park the vehicle and with dog at heel sneak up to the pond.
- Such ‘incidental’ hunting is also employed by upland bird hunters and big game hunters. It is one of the many ways in which hunters exercise their craft.

Under the amended legislation:

- I would need a cell phone.
- The landowner must not be a

numbered company.

- I’d need an RM map or buy the iHunter app for my region along with a smart phone, and have enough signal strength.
- I’d need to be lucky enough to find the land-line phone number for the parcel, find the owner home and have him/her actually take the call.
- The landowner or lessee (25 per cent leased in 2018) would have to feel inclined to give permission when there is no incentive for a landowner to do so, apart from social tolerance/responsibility.
- It is not clear to me or my hunting friends whether we’d need permission from the owner, the lessee or both.
- In reality, there will only be a fraction of cases in which contact is made.
- While I look up and telephone, the ducks might have left.
- The attempt to reach a person will take as long or longer than some of these incidental hunting events themselves.

When the Minister is quoted saying “This government has worked hard to balance the rights of landowners in rural Saskatchewan with those of recreational land users,” he is not setting a good example for Saskatchewan.¹

Hunting provides economic benefit in Saskatchewan³ and Canada.¹ Out-of-province hunters are cautioned to avoid Saskatchewan⁴ and U.S. hunters do so citing difficulty of access.⁵ Locally and internationally, hunters provide a voice for conservation,⁶ they aid in managing crop damage, disease spread and road accidents,⁷ they contribute to food security by harvesting and caring for their own meat⁸ and their outdoor activity contributes to their own health and well-being.⁹

Although the North American model of wildlife management by strict public ownership has been successful, the prevailing hunter culture in Canada is struggling. As the

legislation illustrates, hunters are easily marginalized. Hunters suffer from too few youths entering the craft¹⁰ and hunting appeals to fewer than 10 per cent of women.^{11,12} Hunters would do well to expand their positive roles in society and strive for greater inclusivity socially and morally.

Canadians seem to be more accepting of hunting by Indigenous Peoples, possibly because the sustenance roles and more complete usage of animal parts are recognized and admired. In Canada’s south, some hunted species thrive (e.g. geese) while others are in slow declines (e.g. pronghorn antelope). Wildlife is stressed by greater human densities and intense resource use, while climate change affects wildlife North and South.

There is a need for greater coordination of the two wildlife management cultures, the Indigenous built on experiential knowledge and the settler culture relying on rigorous but short-term surveys, for example. Combining both ways of knowing without one co-opting the other “... will help to achieve better-informed and more timely and effective decision-making on wildlife health and conservation.”¹³

The conflict that exists between Indigenous and settler hunters in the south needs to be ameliorated for all of our benefits. It will require more genuine engagement from and toward both hunter approaches, and good governance and leadership more so than was exhibited in the current amended trespass scenario.

Can the people of Saskatchewan encourage future leaders to heal the divisions between Treaty rights, landowners/lessees and settler hunters? Can we foster a quality of life and wealth derived from the rural landscapes without marginalizing both hunting cultures, bird banders and all other nature enthusiasts? What can we learn from the events leading up to the amendment and how would we proceed?

Bird Banding is also a federally regulated citizen-science activity with a valued history in North America. For an example of the benefits accruing to society, *Birds of Saskatchewan*¹⁴ lists 225 Saskatchewan bird banders whose results are cited in the American Ornithologists Union's 716 species accounts. About three decades ago, the ornithologists union invited experts to produce 12-48 pages summarising the biology and conservation for each North American bird species.

Some of the detailed banding realities and conflicts are:

- When I asked the late Stuart Houston,¹⁵ he said that overall he had permission to access land in rural Saskatchewan for about 80 per cent of his banding. As with hunting, driving to a tree or cliff nest with ladders, climbing ropes and other banding tools year after year, banders 'want' to let the landowner/lessee know. These banders have the landowner/lessee on speed dial and the children sometimes come along.
- As with duck hunting, nests found incidentally while driving from A to B can offer a quick stop for banding.
- There will be times when a bander has permission, and lo and behold, the pair of birds nested across the fence. Or, a nestling may fly prematurely and fly across the fence. This puts a bander into a moral/legal bind, a trap.

I asked Martin Gerard who had taken over Stuart Houston's Great-horned Owl banding area. Martin has devoted his own precious time and money to band; some 160 young owls in 2021 alone. He expects the updated legislation to affect his banding negatively.

The new legislation will 'needlessly' hinder hunting, citizen science and enjoyment of our outdoors. The updated act apparently includes no consideration of the negative

consequences arising from stopping people's legal activities in nature. There is no onus on the landowner/lessee, even on public land, to consider permission responsibly. There is no democratic recourse if benign access is needlessly denied.

In a related science scenario, a researcher from the University of Saskatchewan asked for permission to study grassland recovery from the fires in southwest Saskatchewan in 2017. The lessee denied access citing privacy as a reason.

The five legal experts I had asked various specific questions were clear. Given existing legislation, there is little a non-Indigenous person can do by way of a legal challenge. They all reminded me that the solution lies in the political arena not the legal one. If a person is charged, it is advisable to keep careful records of the event because at times the process is flawed and can be challenged in that way.

Several of the above concerns were also echoed by five interviewees representing First Nation, rural



FIGURE 2: For many Canadians, hunting waterfowl provides wild food, exercise and recreation. Photo credit: V. Marriott.

administration and sociologists in Saskatchewan.¹⁶ The Crown's failure violates my own sense of pride of living in Saskatchewan. It erodes my feeling of social capital. I'm deeply disappointed in what strikes me as a misplaced sense of entitlement in rural Saskatchewan.

Who called for the draconian amendments to land access and why?

Banding birds and hunting migratory birds are unique because they are federal, really North America-wide, programs. The impediment by the amended act goes much deeper. It is potentially impacting every Saskatchewan citizen regardless of gender and age, even landowner/lessees themselves. In 1996, Canadians spent \$11.7 billion in nature-related activities.¹⁷ In Saskatchewan alone, people spent \$763 annually on average, \$59 more than the Canadian average.

Nature-related activities that will be impacted/denied include:

- ATV travel
- Some species identification needs on Christmas bird counts and breeding bird surveys
- Collecting nature products for arts and crafts
- Crossing land for safety's sake (e.g. accidents), or to reach permitted areas
- Hiking, cross-country skiing, snowshoeing
- Horseback riding
- Outdoor education
- Picnicking
- Spontaneous nature exploration/observation
- Wild plant harvest (e.g., mushroom, medicinal plants, berries).

Rural, and city, misdemeanors and crimes are real and apparently increasing. Even if not a misdemeanor, it is disconcerting to hear shots fired or ATVs near ones rural home without knowing who is about, why and where. There are already good

regulations to minimize shooting discomforts and signage is the gold standard for guiding people.

Institutional support is needed to stop breaches through adequate funding for enforcement and addressing the root causes of crime (e.g. recommendation 1). It is dangerous to put enforcement into the hands of a landowner/lessee who rarely has the expertise to handle people and doesn't always know the law. For example, participants in a basket-weaving workshop were told by a nearby resident to cease willow-material collecting in a road ditch (personal communication; e.g. recommendation 6).

As an example of deliberate harm, a 2019 letter to the Editor¹⁸ reported shots fired into a farm from a road after dark, by a shooter presumed to be a hunter. The author called for additional legislation when in reality at least three regulations were already broken. It is doubtful that a fourth would have deterred.

In another letter,¹⁹ a farmer reported \$40,000 worth of canola stolen from his grain bin. The perpetrators in both examples were wilfully risking damage and injury to humans and livestock, and major theft. Regarding grain theft, the president of the Saskatchewan Association of Rural Municipalities suggested better community surveillance (e.g. recommendation 4), electronic monitoring devices and mixing numbered confetti with grain. Trespass legislation was hailed as a solution without explaining how so.

In the above grain-theft example, the farmer placed an ad in the local newspaper to alert other farmers of the threat in the area. Are there additional options to boost rural surveillance by enlisting visitors to land? In his letter to Minister Don Morgan, Dave Harvey wrote²⁰ "After managing the Turn-In-Poacher program for 24 years I can advise you that a great percentage of the

more than 1,000 calls generated annually through that program come from outdoor recreationalists whose numbers will be greatly reduced through this proposed legislation. It is my belief that reducing or eliminating law-abiding people such as hunters, snowmobilers and bird watchers from rural Saskatchewan will greatly reduce the 'eyes and ears' the police, conservation officers and landowners now count on to report suspicious activities" (e.g. recommendation 4).

Three agricultural industry associations and some, but not all, rural municipalities have been lobbying for stricter trespass legislation. At a policy meeting of the Agricultural Producers Association of Saskatchewan in 2019, a former board member introduced me to a sitting member of the board, with the suggestion "Could we not have a standing permission for benign access for licensed hunters..." The member simply said that commercial outfitters in his area have no problem asking for permission. Outfitters paid landowners in four per cent of access arrangements according to Bath and Engel's survey.²¹ Actually, hunting outfitters and trappers do have concerns about access.²²

The Saskatchewan Prairie Conservation Action Plan forum is a laudable initiative aiming to bring together "a diverse mix of stakeholders [to] benefit the social, cultural, economic and ecological fabric of Saskatchewan."²³ In a randomly executed questionnaire of people in Saskatchewan commissioned by the forum, 59 per cent stated that native prairie is "very important" to them, and 96 per cent at least "somewhat important."²⁴ When I encouraged a discussion about the amendment, a representative from the Saskatchewan Cattlemen's Association said "We've been pushing for this for so long, we are not backing down."

Biosecurity is often cited for keeping people from taking a walk in



FIGURE 3: Bird banding is practiced world-wide for science and conservation. Photo credit: J. Foster.

the countryside. Intensive Livestock Operations require strict entry protocols to avoid disease agents affecting vulnerable pigs and poultry. These premises are labeled and access is prevented in various ways. It goes without saying that someone breaking into a bio-secure building with malice should be dealt with using existing laws.

Risk from weed seeds and soil borne pathogens such as clubroot is often mentioned. Clubroot is a disease of canola that arises from shortened crop rotations.²⁵ Clubroot is spread by wind and water. It does not live in grassland and can be removed from fields by seeding infested parts to hay.²⁶ Clubroot control requires coordinated action and it could be treated as a reportable disease, and then infected fields would be identified and avoided via signs (e.g. recommendation 1). Of over 700 fields

sampled in 2021, 118 had portions with clubroot. These infected fields exist in clusters primarily in the NW portion of Saskatchewan's agricultural zone. The report describes a small increase in incidence but the "... infection rate is still low."²⁷

In sum, clubroot only occurs in the cultivated zone in Saskatchewan, only on 17 per cent of tested fields and then only on portions of these fields. On that basis it is said that 90 per cent of the people of Saskatchewan need to have their mobility restricted with threat of a \$5,000 fine for simply stepping on a field or even pasture. By all accounts, this constitutes overreach.

In contrast to clubroot, as of 2015, hantavirus pathogens have caused 27 human deaths in Canada.²⁸ The virus is carried by rodents, can become airborne particularly in and around granaries and clings to clothing or other surfaces. Yet, apparently no one

has suggested that people from farms would not be allowed to come to cities without permission.

Despite the frequent citing of biosecurity, farmers, cattle producers and ranchers surveyed by Bath and Engel,²¹ appeared more in line with the evidence and gave biosecurity only three per cent among 18 reasons for posting land.

Public and private, and whose freedom?

Among the 18 queries by Bath and Engel,²¹ the highest ranked reason (37 per cent) for posting land was for "control who is on land." This suggests a feeling of vulnerability likely aggravated by increasing crime rates. Or, it may simply reflect wanting to be in control, likely both. Are there things happening on Saskatchewan's lands that need to be kept from public view?

The language commonly used

rarely gives due consideration to the impact on 'others,' that is, the 90 per cent who also live in Saskatchewan and also contribute to the provincial fabric but are not rural, nor own or lease land. When the Bath and Engel²¹ survey asked rural participants to rank the importance of different land uses, crop, livestock and hay all received 90 per cent importance, while bird watching and hiking received barely 50 per cent importance along with ATV use. How did we come to this low level of regard for the interests of other citizens in Saskatchewan (e.g. recommendation 3)?

In their list of nine values in the website section About Us, the Saskatchewan Stock Growers Association aims to speak for all Saskatchewan producers using words: independent, unencumbered and free market, plus free or freedom four times. This is a cavalier disregard for the other 90 per cent who had their freedom diminished. Even the landowner/lessee has lost some 'freedom' because she/he can no longer decide to take a liberal approach to access without time and money spent for signage.

With regard to free markets, when Pope Francis encouraged "...all of us to take personal responsibility and redirect our relationship with nature to ensure the future habitability and sustainability of this planet,"²⁹ his call stimulated discussion worldwide. In one such radio discussion the panel concluded that truly 'free markets' only exist in the underground, the illicit drug trade.

Despite the Stock Growers Association stressing words like unencumbered and free, they are unlikely to abandon the safety net we all enjoy. Alternative visions for managing the arid prairie core in Saskatchewan exist. At one extreme, there are those who propose a version of the Buffalo Commons concept,³⁰ whereby we'd save the costs of roads, powerlines and fences in the arid core

of the Palliser Triangle, dismantle the social safety net we now have and return the region to free-roaming bison. On the other extreme are calls that if city people want native landscapes, wildlife, clean water and air, they'd better pay ranchers for it. Actually, if the predictions were right, the Buffalo Commons concepts would provide those services at less cost.

If a survey was properly constructed, I strongly suspect that the people of Saskatchewan would opt for neither extreme. Ranchers benefit greatly from our institutions and provide ecological services simply by managing cattle and grass for their livelihood. Furthermore, ranching is part of our history. It originated in Asia along with horse domestication, was expanded upon in Spain and adapted once more in North America.³¹ It has emerged as a cultural heritage we value and support.

Saskatchewan has a tradition of bolstering its agricultural producers as a cornerstone of the provincial economy. Has this gone too far? Is this image overblown leading to overconfidence and, yes, arrogance?

The context surrounding land ownership would be different in Saskatchewan without our collective institutional support of it. For example, land grabbing is operating world-wide³² and threatens to raise land prices and possibly put these out of reach for farm/ranch livelihoods. To protect landowners/lessees in Saskatchewan from this land speculation, land purchases by non-residents are restricted.³³ This constitutes protection of the agricultural sector by all of the people of Saskatchewan, as it should.

Due to drought, the Saskatchewan Government reached into general revenue to provide unexpected relief for crop insurance payouts and livestock producer support, to the tune of \$2.4 billion.³⁴ Most people in Saskatchewan understand that wealth is a complex and fluid entity. When

things go awry, human decency would dictate that equity is shared across sectors. It rankles, when one deeply needy sector then turns around and demands that the other 90 per cent shall not be able to photograph the sunset from a hill without permission; this even on the Crown land we all own (e.g. recommendation 5).

These and many other support programs are important and should be continued. Yet, when we talk about the rights of landholders, there is a tenuous thread we are holding onto. A heightened level of modesty and appreciation of the roles of others would be helpful (e.g. recommendation 3).

How to mesh landownership and a basic human right has been examined and re-examined. Plato rejected the notion of private property in land; the American economist Henry George called it a "...bold, bare, enormous wrong," and Chief Crowfoot of the Siksika First Nation of Alberta pointed out that land "was put there by the Great Spirit and we cannot sell it *per se* because it really does not belong to us."³⁵

Providing labour and investment and thereby gaining a legitimate livelihood from land, surely is the crux of the matter. It's not so much about owning the 30 cm soil layers themselves. Land is the basis for wealth creation which everyone wants. No one should be allowed to stand in the way of people deriving an orderly livelihood from agricultural or range land. A landowners' equipment and security also must not be threatened (e.g. recommendation 1).

The Finns, Swedes and Norwegians seem to have the concept between self and other amazingly well worked out. All three countries permit responsible access to virtually all of the countryside. In Sweden, there is no detailed prescription of rights and responsibilities, as is the reasonable approach in Scotland. Swedish people pride themselves of having the social



FIGURE 4: The Treaty Land Sharing Network uses a website and related contact information to bring people together for sharing our beautiful province. Photo credit: J. Schmutz.

capital required to balance landowner needs and responsible roaming. They've made the decision and moved on (e.g. recommendation 3).

Does it deserve to be called a consultation?

When the then Minister of Justice launched what was called a consultation, it was an invitation for the people of Saskatchewan to weigh in with their opinions; or was it? One challenge in executing proper surveys includes how to decide on the target audience that corresponds to the survey's goal, and how to reach the audience effectively. How well did the Ministry do in this regard?

The Government of Saskatchewan invited members of the public in August 2018 to "Have your say," due by 1 October 2018.³⁶ The web announcement yielded 1,601

responses. One per cent had to have some text redacted for unacceptable language; 65 per cent of respondents were in favour of requiring permission for land access, 32 per cent opposed and three per cent inconclusive.³⁷ The Ministry's website asked simply for "public input." There was no information given on how widely the responses reflected the so-called public.

A second survey, conducted by Bath and Engel,²¹ had promise had it not been biased in favour of rural interests. In a pre-meeting to design the eventual survey questions, two Ministry of Environment directors and 30 members of the Agricultural Producers Association of Saskatchewan, the Saskatchewan Cattlemen's Association, the Saskatchewan Association of Rural Municipalities and the Saskatchewan Stock Growers Association were asked for input, but not the Saskatchewan

Wildlife Federation nor any other group.

The participant breakdown of the final survey was as follows. Bath and Engel²¹ invited 731 respondents: 157 (21 per cent) were attendees at a Saskatchewan Association of Rural Municipalities conference, 307 (42 per cent) were members of the Saskatchewan Cattlemen's Association, 181 (25 per cent) were members of the Saskatchewan Wildlife Federation and 86 (12 per cent) were randomly drawn from the Saskatchewan Ministry of Environment hunting-license database. Only 13 per cent of the respondents were women. Fifty per cent of the respondents were 55 years or older.

With the planned inclusion of 63 per cent rural landowners/lessees who themselves lobbied for more stringent trespass legislation, the outcome was

a foregone conclusion. Bath and Engel state “In general, participants agreed that the public must ask for permission prior to entering private land and that landowners have the right to decide who enters the land.”

Actually, the so-called public was never asked. Both surveys fail the standards expected for meaningful analysis. There was no attempt by the Government to ask those people in Saskatchewan who paid \$763 annually to experience nature. Were they actively avoided? The legal, social and economic experts in Saskatchewan universities and colleges were also not consulted.

Should Saskatchewan’s youth have been included, or at least their interests in the outcome considered, by consulting the Saskatchewan Outdoor and Environmental Education Association and Saskatchewan Teachers’ Federation? Our youths need to live with the divisions this biased consultation has brought us.

In fairness to Bath and Engel,²¹ they did not insinuate that theirs was the last word. The authors may have had limited leeway to be objective. The landowners and limited hunter sample does not constitute Saskatchewan’s public. Also, access takes many forms. Much of the land is Crown-lease and not ‘privately owned.’ The authors did add some required provisos and ended the report with the encouragement of more work under the heading “future directions.”

One of Bath and Engel’s²¹ five recommendations called for the implementation of a new questionnaire to obtain input from Saskatchewan’s First Nations. One of the reasons why the study participants denied access by posting land was “Concern with First Nations.” This was the third highest response among the 18, at approximately eight per cent. Whether the response reflects a concern for the rights of First Nations in Saskatchewan, or an effort to exclude First Nations is an open

question.

Regarding the omission of First Nation input, Gunn and McIvor write: “The Crown’s failure to honour the promises it made to Indigenous Peoples pursuant to the historic treaties is one of the most significant barriers to reconciliation today. This was recently made clear when the Province of Saskatchewan introduced amendments to provincial trespassing laws which would impose new limits on Indigenous Peoples’ treaty right to hunt.”³⁸

On 15 February 2022, the Office of the Treaty Commissioner notified the Saskatchewan Minister of Agriculture of several Treaty breaches.³⁹ The Commissioner further stated that the First Nations will pursue litigation if these breaches and the revised trespass legislation are not ceased.

The Saskatchewan Government’s consultation did not live up to governance in the 21st century. Instead of cutting rural services^{40,41} “Why not tackle the rural crime issue by focusing on the social determinants of health? We should be talking about income inequality, the collapse of social programs, and addictions that lead people to crime.”¹⁶

The highest overarching principles in Canada might be the POGG principle, Peace, Order and Good Governance. When 10 per cent of a population excludes 90 per cent, or makes it so difficult to be effectively excluded from Crown land they all own, this cannot be called order nor good governance. There are many professional people, who, by virtue of their organization’s professional standards, would be in danger of losing their accreditation for violations of those standards. Do these expectations of teachers, nurses and electrical engineers carry over into industry associations also? ... to municipal governance? provincial governance?

When the Saskatchewan Government was challenged that the

survey did not use well-established procedures, the government acknowledged this shortcoming and simply said it wanted a mere “snapshot of public opinion.”¹⁶ Even Minister Don Morgan, who oversaw the blanket restrictions to access, agreed that we should not “... assume that this is going to cure rural crime.”⁴²

Does Minister Morgan feel the trespass amendment was the wrong choice? Did he feel coerced by the rural organization claiming to speak for all of Saskatchewan; ... coerced by his own caucus?

I’m aware of two high-profile cases where the courts became involved in administrative decisions that caused harm. After the 2012 earthquake in central Italy, seven seismologists were sentenced to six years in prison when they could see but downplayed the warning signs. The earthquake killed more than 300 people.⁴³ Also, late in 2020, relatives claimed criminally negligent homicide when a Mexican health undersecretary allegedly failed to avoid two preventable deaths by not imposing restrictions to guard against COVID-19. The attorney general declined to investigate but the judge ordered an examination of possible omissions.⁴⁴ Both of these cases are from outside of Canada and seem extreme attempts to apply the law. They do illustrate how people can struggle to find meaningful recourse in situations where the political arena repeatedly fails.

Murray Mandryk writes “Credit the Sask. Party government’s 48 MLAs — 29 of whom are from the province’s 29 rural seats — for being attuned to this rural issue. But the question is: Can a government become too attuned to the issues and/or perspectives of one particular demographic?”⁴⁵

What can we do to return a province to a level of respect and social conscience that is informed by more than personal wants, rural and urban, landowner and homeless?

Saskatchewan was the province with strong social traditions and care for people's security, livelihoods and quality of life. How can we revive the social democratic principles that put Saskatchewan on the map in the Tommy Douglas years?⁴⁶

Fortunately for Saskatchewan

I sense a disconnect between people and the organizations purporting to speak for the members' interests. If 10 per cent of Saskatchewan's million-plus people are farmers and ranchers, and 731 responded to the Bath and Engel survey, how do the other 9,269 farmers and ranchers feel? ...how do the 90 per cent of people in towns, cities and Saskatchewan's North feel?

On two recent hunting outings, I approached landowners who'd placed aggressively worded signs on the pasture's gate. Both were perfectly amenable to grant hunting access. There appears to be a sense of vulnerability bolstered by too many incidents of misdemeanors in rural areas. The root causes of these uncertainties and vulnerabilities need to be addressed.

In my Saskatchewan experience hunting, living in the country, working closely with other academics, farmers and ranchers in the Prairie Ecosystem Study⁴⁷ and helping lead the Important Bird Areas Program in Saskatchewan,⁴⁸ all is not lost.

I've met many Saskatchewan people with a healthy sense of care and responsibility, a great sense of humour and a willingness to listen to an alternative way of looking at things. I've met many rural people who have taught me valuable lessons and new perspectives. There is hope for us all. We must not let purely private and angry interests sway the course. Can we put the protection of persons and property in rural (and urban) Saskatchewan back on a professional and responsible course?

Recommendations

The following recommendations are intended for reflection and further discussion.

1. Reinstate⁴⁹ and expand professional and administration support and social services to combat disturbances, theft and crime in rural areas.^{49,50}
2. Review education curricula and expand opportunities for an exploration of privilege and responsibility in society, democracy, multiculturalism and the voluntary sector in Saskatchewan.
3. Encourage open communication between the people of Saskatchewan. People should find common ground and hold their organizations and all levels of government to account for the decisions they make. The people of Saskatchewan must not let narrow self-interest predominate in decision making that affects us all and future generations. Provide quality information for landowners/lessees and visitors how to be good neighbours.
4. Find ways to make identity and purpose for being on land explicit: licence plates for quads and snowmobiles. Use vehicle stickers to identify licence holders' number such as hunters, bird banders; orange hats with insertable licence numbers and the like. Strengthen the role of observers on the land.
5. Make a distinction between deeded land and Crown land in the way privilege and responsibilities are allocated and land is shared.
6. Create an arbitration body to prevent unwarranted denial of access to Crown land, see traffic court model.
7. Expand from 0.5 to 1 km the distance from occupied dwellings within which shooting is prohibited without permission.
8. Explore and possibly adopt promising European approaches to managing land access.³⁵

9. Keep wildlife in the public domain, under evidence-based management serving a comprehensive sweep of needs, from local to international.
10. Tie eligibility for agricultural support programs (e.g. insurance for crop damage) and other privileges to access for hunting, hiking, wild food collection, nature experiences and outdoor education.⁵¹

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