



Although there are regional and seasonal exceptions, it's good practice to keep your gun unloaded until you're clear of a road. And before you start hunting big game, make sure you're legal — remove that camo backpack and anything else covering your hat/vest.

Road warriors

The do's and don'ts of hunting near roads

BRUCE RANTA

Hunters depend on roads. Many use 4WD trucks, ATVs, and UTVs to get them to or near their hunting grounds. However, for public safety and other reasons, such as wildlife management, regulations affect what hunters can and can't do on or near maintained and unmaintained roads.

We went to the regs and a provincial enforcement specialist to get some answers to some often vexing, but important questions hunters ask when it comes to roads, hunting, and the use of firearms.

• Can I hunt from a road?

This provincial FAQ page (www.ontario.ca/faq/can-i-hunt-road) states, "No. It's against the law to discharge a firearm on or across a maintained public road. In many cases, this includes the area between the fences or, if there are no fences, the area within 8 metres of the travelled portion of the road."

• What's a firearm in Ontario?

Both the federal Firearms Act and the provincial Fish and Wildlife Conservation Act, 1997 (FWCA) apply, though they differ on the definition of a firearm.

Provincially, a firearm* includes rifles, shotguns, muzzleloading guns, bows, and crossbows. Muzzle velocity, draw length, and draw weight do not have any bearing on whether or not it's a firearm. Under the Firearms Act, a bow is not considered a firearm.

In Ontario, hunters need to comply with both provincial and federal firearms regulations.

RIFLES & SHOTGUNS



MUZZLELOADERS



BOWS/CROSSBOWS ANY DRAW WEIGHT




BOWS ARE NOT A FIREARM UNDER FEDERAL LAW, ONLY UNDER ONTARIO LAW

*Some pellet/air guns are also classified as firearms. Look for clarification on this in an upcoming issue of OOD.

PHOTOS: TERRI HARRIGAN





Grouse hunters travelling along roads and trails, a common way to hunt these birds, need to be especially aware of the rules.

• Is there one rule I can follow for maintained roads?

The short answer is no. Section 17 of the FWCA is written in legalese, but, essentially, this is what it says:

- It's unlawful to **discharge** a firearm in or across a **right of way** anywhere in Ontario.
- And, it's unlawful to **possess or discharge** a loaded firearm in or across a **right of way in a prescribed area** (which includes almost all of southwestern Ontario and most of central/eastern Ontario, plus some areas of northwestern Ontario).

These restrictions **do not apply to unmaintained roads** "unless the regulations provide otherwise" (more legalese).

Page 23 of the 2017 Hunting Regulations Summary lists the prescribed areas and local MNRF offices can provide detailed maps with a summary of the restrictions. See Section 17 of the FWCA for details.

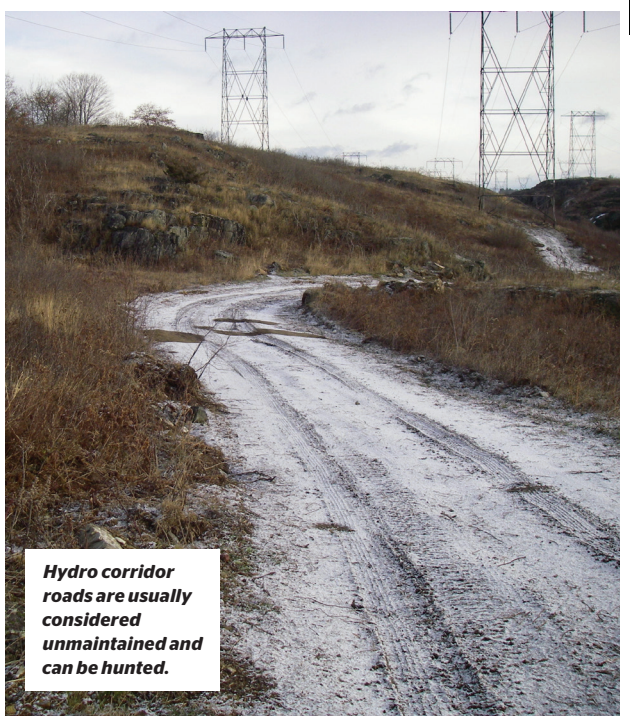
Some municipalities have bylaws restricting the discharge of firearms. Check with the local municipal office for details.

• What is a right of way?

"Right of way" for public vehicular traffic is not defined in the act, but in the case of roads, is essentially what a "highway" is under the Highway Traffic Act, R.S.O. 1990

UNDER THE HIGHWAY TRAFFIC ACT:

- "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- The FWCA has no definition for the "travelled portion of a right of way." However, because of the way the Act is structured and the differences between FWCA Sec. 17 (d) and (e), the "travelled portion of the right of way" must be something less than the "right of way" itself.



Hydro corridor roads are usually considered unmaintained and can be hunted.

• What is an unmaintained road?

Restrictions on hunting and the use of firearms on or near a road do not apply to "unmaintained roads." So what exactly is an unmaintained road?

David Critchlow, provincial enforcement specialist with Ontario Ministry of Natural Resources and Forestry (MNRF), says hunters need to ask several questions to determine if a road is in fact, unmaintained. These could include:

Is it ploughed in the winter?

Is it graded in summer?

Are washouts on it fixed?

If the road is not being maintained, then road restrictions do not apply. Signage may indicate that a road is being maintained, but lack of a sign should not be interpreted one way or the other.

CRITCHLOW SUGGESTS HUNTERS:

- Seek out a contact within the company that is responsible for the road to ask if a particular road is maintained. For instance, forest companies have road responsibilities and generally have maintenance schedules for them.
- Ask the local MNRF conservation officer for their opinion on whether the road is maintained and (importantly) is enforced as such.

What about using ATVs or boats?

According to Critchlow, although these modes of transportation can't be used for the purpose of *killing, injuring, capturing, harassing, pursuing, or chasing wildlife*, they can be used for other aspects of hunting, such as searching for game. If you're travelling on an ATV, snowmobile, boat, or similar vehicle, and intend to stop and hunt if you spot game, then

Critchlow says you are considered to be hunting, and hunter orange requirements apply.

Critchlow adds that, when on an ATV, "Technically, you need to wear a head cover in hunter orange. However, safety is the first priority, so make sure you are wearing a helmet that meets the legal requirements under the ORVA or MSVA." ●