

MEMORANDUM

**Joint City of Bloomington-Monroe County Deer Task Force
Thursday, 17 November 2011, 5:30 PM
McCloskey Room (#135)
City Hall, 401 N. Morton St.**

PRESENT: Task Force Members: Bob Foyut, Sarah Hayes, Iris Kiesling, Thomas Moore, Laurie Ringquist and Dave Rollo; **Staff:** Stacy Jane Rhoads and Dan Sherman.

I. WELCOME

II. PUBLIC COMMENT

Dave Parkhurst commented that Thanksgiving is coming up and “let’s be thankful that Indiana is not re-introducing elk like Kentucky is doing.”

III. REPORT FROM TASK FORCE MEMBERS: None

IV. REPORTS FROM WORKING GROUPS

GRIFFY (Members: Clay, Granbois, Rollo & Smith. Smith unable to attend WG meeting.)

- Rhoads relayed that Clay would be going on sabbatical in January. It would be good to come to some general consensus on deer management at Griffy before his departure.

- Clay reported the following on behalf of the Working Group:

Based on exclosure studies and pellet counts, it is clear that deer are overabundant at Griffy Woods and that this overabundance is degrading the local ecosystem. Given that IDNR went through the same in its State Parks system, Clay commented that deer at Griffy are similar to State parks 10 years ago. The heavy deer understory browse has been documented both by IU Research and Teaching Preserve staff and by consultants hired to draft the Griffy Master Plan.

The Working Group recommends lethal intervention. Without any sort of intervention, the deer population will continue to grow and the ecological integrity of the park will be severely compromised. Clay commented that Griffy is the City’s largest and most-visited park. Intervention is necessary in the interest of stewarding the park for future generations. Clay further noted that the [Griffy Master Plan](#) developed in 2008 by JFNew anticipates the need for deer management at Griffy. The Griffy Working group is recommending that deer management be given a greater urgency.

Given the costs and benefits of various lethal techniques, the Griffy group felt that sharpshooting is the best option: it’s quicker, more humane, lessens the chance for deer dispersal into neighborhoods, and expert sharpshooters are trained to shoot the deer above the third vertebrae, lessening the chance of lead fragmentation. However, before a formal recommendation, the group recommended that the community ask Joe Caudell of the USDA’s Animal and Plant Health Inspection Service for a consultation. The USDA provides sharpshooting services and Caudell has worked with a number of community to develop deer management plans. Caudell can advise of strategy and cost.

- Rhoads relayed that Steve Cotter is key part of this conversation. It is his charge to manage Griffy and the group wants his candid feedback about what would work best.
- Best practice is to shoot deer over bait at night using a silencer. Rhoads explained that at present, the Indiana Code prohibits the use of silencers and of jacklights when hunting. The IDNR legal team has determined that, under the current Code, sharpshooting would be subject to these prohibitions. However, the Code provides an exception for IDNR and federal wildlife staff. The USDA provides sharpshooting services (at a cost less than professional shooters) and would be permitted to use silencers and jacklighting under the State code. Sharpshooting at night lessens the trauma for deer (and neighbors) and is more effective as it does not educate other deer in the area on what is happening.
- Rhoads added that the group ranked a managed hunt as a second management choice for Griffy. A managed hunt (via bow only) would likely include a robust set rules including, but not limited to: hunter proficiency tests, rules about hunting within a certain distance of paths, residences, etc; deer check-ins; rules about handling lost arrows and runaway deer; use of tree stands. A managed hunt entails an administrative cost beyond just the cost of the license.
- Clay added that earlier in the week he visited Tippecanoe River State Park as part of his research on ticks. He visited during a recent hunt of the Park as this is a quick and easy way to collect ticks. While there, he learned some history of the deer population at the Park. In the first year of hunt, ~10 years ago, hunters removed 670 deer from the Park. The Park is about 2,000 square acres – the approximate size of the Griffy ecosystem, including the IU portion. The Park engages in a hunt more or less every 2 or 3 years. With the second hunt, about 300-350 deer were removed. Since that time, about 120-200 deer are killed each season. The numbers have remained pretty stable, indicating that the population has remained stable.
- Rollo asked if Clay thinks the deer density at Tippecanoe the first year was the same as the current population at Griffy. Clay said there is really no way to extrapolate. His reason for bringing up the Tippecanoe hunt is to point out that hunters took 670 deer in a 2,000-acre Park. Undoubtedly, many escaped and were not shot; the population was likely much higher.
- Rollo mentioned that Susanah said she might have some means to conduct an infrared count at Griffy.
- Clay relayed that a standard way to count wildlife is via “mark and recapture” wherein a deer is marked with paint. If one marks 100 animals with paint and see 10% have paint on their bodies, then this suggests that the actual population is 10x that amount -- 1,000. Chad Stewart advises that that practice would be considered harassment and would be illegal.
- Clay said that the on-going exclosure and pellet studies will continue to provide the community with indicators re: the population is stable or growing.
- Moore asked if the rules on sharpshooting applies only to nighttime sharpshooting. Rhoads responded that IDNR is working on a developing a set of sharpshooting guidelines. Sharpshooting does not have to be conducted at night. It could effectively be conducted during the day with either firearms or bow and arrows. IDNR does not require that professional sharpshooters be used. Amateurs with a certain level of demonstrated proficiency could also be

used. Rhoads added that there are liability issues to be considered when inviting anyone – professionals or amateurs -- to sharpshoot on public land. Most usually, public land does not enjoy the same sort of immunity that private land does.

- Ringquist pointed out that USDA conducts sharpshooting at the airport.

- Clay pointed out that Griffy has a limited number of access points, so it would likely be easier to restrict access to the Preserve than it would be in other parts of the City. Clay added that any deer reduction effort at Griffy would require communication with surrounding neighbors.

- Clay has talked to IU about a possible cull at Griffy. Tom Morrison, IU's Vice President for Facilities indicated that any about a cull at Griffy should come from top City officials, not the Deer Task Force.

- Rhoads reminded the group that any management at Griffy requires the approval of the Parks Board and would require a change to the local firearms ordinance. This change calls for approval by the City Council and the Mayor.

- Ringquist said that she has no problem with sharpshooting or a managed hunt at Griffy since there is clear evidence of ecosystem damage in the Park.

- Hayes agreed, adding that it would be irresponsible to rule out lethal means at Griffy. While she does not want to see the deer killed, this is a human-created problem that will just cause the deer to suffer in the long run if there is no intervention. She feels that sharpshooting is the most humane option.

- Foyut said that he feels sharpshooting is the best approach. Due to the degradation of the ecosystem, he does not see any other option. It is unfortunate that it has come to this. Humans have created this problem, but deer are bearing the burden. There is no other pragmatic solution right now.

- Foyut added that he feels sharpshooting is also safer to the public given Griffy's proximity to residential areas. He pointed out that this hunting season, we've been reading a lot about hunting accidents.

- Clay said that even with a managed hunt (or a general unmanaged public hunt), the City sets a precedent and people may feel like they can hunt the area any time during hunting season. While most hunters are responsible, "Joe Six Pack on an ATV" may be under the impression he can hunt deer at Griffy during season. Sharpshooting provides government with more oversight and control of the management initiative.

- Rhoads added that given the newness of this initiative, it certainly makes sense to be as cautious as possible going forward.

- Clay said that the research infrastructure is already in place to monitor the ecosystem-level effects. Given the past research, in three or five years, the IU research team could discern if management has had an effect. This research could guide future management decisions.

► The group voted on the following recommendation:

Direct lethal intervention at the Griffy Lake Nature Preserve is necessary. The Task Force recommends sharpshooting as the best management practice for the Preserve. A managed hunt is the Task Force's second management choice. Any lethal intervention should benefit the community's hungry through donation to the local food bank.

Recommendation successful: 6-0. No opposition and no abstentions.

MEASUREMENT/MONITORING TEAM (Moore, Clay & Fiorini)

Moore relayed that the Measurement/Monitoring Team met and came up with the following list of recommendations. Recommendations are listed in order of preference by the Working Group. Moore advised that all of these recommendations are proxies and at least a couple of measures must be employed to get a more complete picture of the deer population.

► For the December meeting, Moore asked that Task Force members review the list of possible measurement/monitoring options and rank them in order of preference.

1. Monitor vegetation for browse damage, especially in city parks that would be accessible without permission.
 - This is a good way to leverage the community's relationship to IU. Biology or SPEA classes could be tapped to monitor. Due to the variability in undergraduate students, it would be best to ask for graduate students to conduct the studies. The trick is to ensure that the monitoring is regular. Professors change and course goals change, so someone would have to oversee the process to guarantee that the studies were on-going. Moore has consulted a few professors at SPEA and plans to consult a few more.
2. Conduct censuses of deer droppings as a measure of deer density, as is commonly done in many studies.
 - See comments in #1 above.
3. Enlist IU courses to conduct research and/or surveys to estimate densities. For example, courses in Biology, SPEA.
 - See comments in #1 above.
4. Set up an on-line or phone site where citizens can call in with complaints and use the location and number of complaints as a metric for deer problems. It could be subject to organized efforts to inflate the actual numbers.
5. Obtain data on road kill and traffic accidents from the police, the animal shelter, from insurance companies, etc. But the data may be inconsistent or lacking. But it also provides a retrospective estimate of deer densities (e.g. how many car collisions in 1970, 1980, 2010, etc.).
6. Use city or postal workers who walk (or drive) regular routes on a daily or weekly basis and ask them to make note of the number of deer sightings they make. Moore has some preliminary surveying of postal workers and they seem receptive; however, need to make official contact with the Post Master.
7. Use remote cameras to estimate deer densities. For example, the city has cameras along the B-line trail, as do many businesses. But most areas of the city are probably camera-free. Using Google street view was also suggested but picture are only taken once every three years.
8. Contact the IN DNR and state parks to find out how they assess deer damage and browsing. We contacted Jim Eagleman at BCSP and his response was circulated.

9. Enlist citizen observations to estimate deer density. For example, at 8AM on Dec. 1 ask people to look and record the number of deer they see in their back yard. Possibly repeat several times.

In general, the Working Group advises that some program for measuring and monitoring should be conducted regardless of whether any control measures are recommended. In this way we can determine if the deer population is growing over time or is stable. If controls are implemented, some of the above proxies are intended to measure the efficacy of the controls.

- Rhoads asked about periodic re-issue of the survey. Moore responded that #4 calls for the development of a reporting system whereby complaints can be logged. Basically, a web survey that is up all the time. It will be complaint-driven. It's important that those without computer or web access have a means of calling in their complaints. At the beginning of rut season, it would be a good idea to issue a press release reminding residents of the complaint mechanism.
- Rollo said that mechanism also track browse deer damage.
- Rhoads relayed that IDNR is working on a complaint-tracking mechanism. It would also be helpful to annually get the deer population indices from the State. These indices include the number of special deer damage permits issued when damage to crops or landscaping exceeds \$500.

CITY/COUNTY WORKING GROUP(Rollo, Rinquist, Kiesling, Fiorini)

Rollo reviewed that the goal of the group was to address some of the social carrying capacity issues and urban agriculture concerns within the City's corporate boundaries and to examine ways to encourage more hunting in the County areas outside City limits. Rollo relayed that the group is less concerned about damage to ornamental landscaping and more concerned with deer-vehicle collisions and the ability of residents to engage in urban agriculture.

Draft Recommendations:

1. FENCES (City only)

Height

- Raise backyard fence height to 10' (currently 8')
- Raise front and sideyard fence heights to 8' (currently 4')
[Note that the UDO prohibits fences above 4 feet tall between the street and the "front building wall." The "front building wall" is defined as the "building elevation which fronts on a public street." Corner lots have two front building walls.]
- Raise height on parcels where no primary structure to 8' (currently 4')

Configurations

- City Planning advises an "open fencing" configuration that allows visibility into the property, such as lattice, wrought iron, picket (no chain link fences)

- Rinquist stated that at this point, the group is not recommending electric fencing. Rhoads reviewed other communities and those who do allow electric fencing in residential areas, require a non-electrified perimeter fence. Planning does not recommend electric fencing in residential areas.

- Ringquist said that the fence height and configuration can always be revisited in the future. Let's start by raising the front and side yard heights and see how it goes.
 - Kiesling said that the Task Force should mention that it considered electric fencing in its Report.
 - Rollo said that he was concerned that everyone will be building really tall fences and that neighborhoods will resemble compounds.
 - Kiesling added that fences also isolate neighbors from other neighbors.
- Rollo – Creates an arms race problem.

2. FEEDING BAN – (City and County)

Value tends to be primarily educational; difficult to enforce.

Possible Language

7.29 DEER FEEDING

7.29.010 Deer Feeding Prohibited

(a) Except as provided in 7.29.020 below, a person commits an offense if the person intentionally feeds deer or makes food available for consumption by deer on private or public property within the territorial limits of the City.

(b) A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food, or causes food to be placed, on the ground outdoors or on any outdoor platform that stands fewer than five feet above the ground.

(c) For the purpose of this section, the following shall constitute food: corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed and livestock feed.

7.29.020 Exceptions

(a) This chapter does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or State wildlife official, or property owner who is authorized by the Indiana Department of Natural Resources to treat, manage, capture, trap, hunt, or remove deer and who is acting within the scope of the person's authority.

(b) The following material are excluded from the prohibitions of this chapter:

- (1) Planted material growing in gardens, or standing crops;
- (2) Naturally growing materials, including but not limited to fruit and vegetables;
- (3) Fruit or nuts that have fallen on the ground from trees;
- (4) Stored crops, provided the stored crop is not intentionally made available to deer;

(5) The normal feeding of livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices;

(6) The cultivation of a lawn or garden; and

(7) The feeding of birds [where the bird food is made unavailable to the deer?- this eclipses possibility of ground feeders for birds ?].

7.29.030 Violations

(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation.

(b) Upon notice, it shall be the duty of each property [owner or occupant] to remove any and all food placed on the property in violation of this ordinance. Failure to remove such food within 24 hours after written notice from the City, or otherwise continuing to feed deer after receiving notice from the City, shall constitute a violation of this ordinance.

(c) Persons who violate any provision of this chapter shall be subject to a fine of fifty dollars for the first offence, with the fine of each subsequent offence of this chapter increasing by an increment of fifty dollars. (Note: Tracks 7.28 – Nuisance penalty)

3. NEIGHBORHOOD-SPECIFIC & NEIGHBORHOOD- FINANCED SHARPSHOOTING (City only)

Rollo reviewed that the survey indicated that social carrying capacity has been reached in the SE quadrant of the City. Just like the Griffy group, this group focused on sharpshooting as the best option. Any lethal measure taken in areas of human habitation must closely examine the safety of the measure.

Rationale for “localizing” costs

- Absent concrete quantifiable evidence (beyond complaints) that deer are overabundant, most (all?) working group members felt public dollars should not be expended on a sharpshooting effort for a localized concern, especially at the current economic moment when local government budgets are markedly strained.
- As the Task Force heard at Outreach Meetings and via the survey, it is economically inequitable to ask those who are morally opposed or who do not perceive deer to be problematic to assume the cost of those who so perceive.
- At Outreach meetings, group also heard that City should not spend public dollars to “professionally” remove deer when a more economically-viable option is available.
- Regionalizing the cost raises the spectre of how to handle if the deer population moved to a poor neighborhood

Rationale for method

- Sharpshooting is the most humane and most effective method.
- Hunting with a firearm was eliminated from consideration.
- Some in group felt too many risks associated with hunting with a bow and arrow in areas of dense human habitation. (Don’t have much information from IDNR about safety of hunting in urban areas, in part because zones are not used much due to lack of access.)
- At present, the Indiana Code prohibits the use of silencers and of jacklights when hunting. The IDNR legal team has determined that, under the current Code, sharpshooting would be subject to these prohibitions. However, the Code provides an exception for IDNR and federal wildlife staff. The USDA's Animal and Plant Health Inspection Service (AIPHS) provides sharpshooting services (at a cost less than professional shooters) and would be permitted to use silencers and jacklighting under the State code. Sharpshooting at night lessens the trauma for deer (and neighbors) and is more effective as it does not educate other deer in the area on what is happening.
- Sharpshooting would require an ordinance change to permit discharge of a firearm for this specific purpose.
- Task Force would recommend guidelines, including the requirement that a silencer be used and that the killing occur at night, time frame, effort to inform neighbors, etc. The guidelines and plan would be developed in close conjunction with INDR and USDA.
- The City – in conjunction with IDNR -- would have to discern *when* a certain geographic area would be permitted to hire a sharpshooter. What sort of threshold must be met?
- Willing to recommend cull in interest of fostering urban agriculture

- Ringquist pointed out that IDNR gave the group some good feedback on this recommendation. IDNR advised that a “neighborhood” is not a big enough unit of management. Instead, apply management to a larger area, like the SE district would be better. Otherwise, one neighborhood absorbs the cost of management for the whole region.¹ The USDA in collaboration with the IDNR would be able to look at a specific segment of a neighborhood and assess the adequacy of an area for sharpshooting.
- Foyut said that this group came up with many creative recommendations but asked if this would lead to one individual being able to hire someone to sharpshoot on their land as a private, rather than region-based, management initiative.
- Ringquist replied that sharpshooting requires a Special Purpose Permit from the IDNR.
- Foyut responded that it should be made very clear that individual residents are not authorized to engage in sharpshooting on their own.

- Rhoads added that any change to City code would specifically delineate the layers of review required before the City would allow any discharge in the interest of sharpshooting.

- Ringquist responded that perhaps an ordinance could require a certain number of properties or names on a petition as a base level threshold that has to be met.

- Ringquist asked how detailed the Task Force had to be in making this recommendation. Is the TF drafting its own ordinance change language or just making the recommendation and leaving it up to Mayor and City Legal to work out the details? Her concern is balancing thoroughness with time.

¹ ***IDNR'S FEEDBACK***

IDNR advises that the management unit of analysis should be broader than just a neighborhood. From IDNR:

By recommending neighborhoods to assume management and cost burdens, it sets them up for failure if other neighborhoods are not included or decide not to participate. A neighborhood actively involved in deer management will continue to experience problems unless other neighborhoods participate. Otherwise, the one neighborhood is footing the cost for the management of deer for the entire community.

Rather than locating the effort in one or two neighborhoods, IDNR suggests creating *management zones* and then making management recommendations based on certain zones. He suggested the City be parsed up into quadrants. As the SE part of the City (District IV) is clearly the area where social carrying capacity seems to be the issue, a management strategy based on the zone makes better wildlife management sense, rather than locating the entire sharpshooting management strategy in one neighborhood. According to IDNR, here’s how it would likely work:

If there are too many properties participating in a sharpshooting effort too close together, the deer will be spread out over all of those properties. It is best to pick one property (usually based on safety, size, and deer sightings) and bait that one to draw in all the deer. As each social group comes in, the shooter removes all of the individuals in that group. A certain distance away, another bait site is set up and attempts to draw in groups that are not associated with the previous bait site. Sites may be sat once, multiple times, or not at all, depending on deer activity. Usually, many sites are set up and monitored prior to sharpshooting. Eventually, some of these sites get shut down over the duration of the program. Driving routes are incorporated, if possible, to be run in conjunction with these sedentary sites. These are run a couple times during the program and are used to supplement numbers. There are typically multiple bait sites on a driving route, so the shooter drives from one site to another and back over the course of the night to remove deer in greater numbers.

- Rollo said that the Task Force cannot anticipate all the contingencies. We should just do our best and then turn it over to the Mayor and City Legal.

4. HUNTING ON FIVE CONTIGUOUS ACRES OF GREENSPACE

The group also discussed allowing hunting on five contiguous acres of greenspace where there is low density, e.g., something like no more than one residence/acre. Right now, the City's Residential Estate Zones would fit this criterion (1 residence/2.5 acres). sj will ask GIS for a map that superimposed building footprint onto the existing 5-acres greenspace map to get a better sense of areas that would fit the 1 struc/5 sq. acres criterion. Additionally, allowing hunting on some of the City greenspace in the SE quadrant, such as the Goat Farm would help manage localized pockets of deer.

5. WAYS TO ENCOURAGE MORE HUNTING IN THE COUNTY

Possibilities:

Urban Deer Zone in County-Only.

Initially the Working Group thought that one good way to encourage more hunting in the County is to request that the County (but not the City) be designated an Urban Deer Zone. IDNR will not support this, advising that creating a UDZ without including the City seems backward. The reason Bloomington is experiencing deer differently is the absence of deer management (i.e. hunting) within the City, whereas management is actively taking place outside of the City and is responsible for keeping numbers at manageable levels. IDNR advised that increased hunting opportunities outside of the City will not have the desired effects within the City.

- Ringquist asked if the whole County could be declared an Urban Deer Zone and if the City could pass an ordinance allowing the use of projectiles only on five or more contiguous acres?

- Rhoads replied that it seems like that would be within the City's home rule powers, but will check with IDNR to ask if such a rule would be interpreted as a refinement of State rules (permissible) or a conflict (not permissible). If it is specific to projectiles and not hunting, likely not a problem.

- Rollo said that if the Task Force is going to address the County, then an Urban Deer Zone is the way to go and certain restrictions on the discharge of projectiles in the City could be applied.

- Rollo asked if people were comfortable voting on the City/County recommendations.

- Rhoads reminded the group that there are still a few components of the City/County problem that have yet to be discussed: deer-vehicle collisions and wildlife displacement in development contexts.

- Rollo said that perhaps the Report can recommend that the Environmental Commission take on the issue of wildlife displacement.

- Hayes said she would like to have the opportunity to more closely review the City/County recommendations handed out before voting. Others in attendance agreed.

EDUCATION/OUTREACH (Hayes and Foyut)

- Hayes provided a brainstorm list of the messages and how to get them out there. Most of the recommendations are free. A good outreach plan contains repeated messages and is integrated with multiple media.

- Hayes said that most of the hard work will be message management. If getting a good bit of push back, will have to have a plan for getting out in front of the message. In coming up with ideas for continued outreach, the Working Group had two concerns to work through before the recommendation can be fully fleshed out.

1) Who will do the work? Will the City's Communication Department assume much of the outreach post Task Force? The Task Force does not want to create a large plan if there is no oversight and no one responsible for implementing the plan.

2) A good plan would be a multi-year plan. However, developing a plan really hinges on the recommendations of the group. Hard to develop an education strategy without know what the group is proposing to do.

- Rhoads replied that this brings up the even bigger question of who will oversee the implementation of Task Force recommendations as a whole? It is likely that different recommendations will fall to different entities. It is an important consideration that should be worked through.

V. NEXT MEETING: Thursday, 15 December 2011, McCloskey Room – will revisit City/County and Education discussions.

VI. FUTURE MEETINGS: Rollo requested that Rhoads send out a survey to Task Force members in the interest of setting up meetings January-March.

VII. ADJOURN

The meeting adjourned at 7:30 pm

Postscript:

On Wednesday, 14 December 2012, Josh Griffin, District 8 Wildlife Biologist provided the following clarifications re: the above notes:

To The Group,

I read through much of this info and there are several small tweak/questions that I would like to address. For example, the issue of who determines where sharpshooting can take place. To be clear, the IDNR can provide technical assistance and would issue a permit (if deemed necessary). It would be up to the DTF or a hired consultant to identify deer management zones. Additionally, I would like to address the issue of a lack of data on hunter accident frequency. I just wanted to remind you all of the past info provided by Chad Stewart regarding hunting accident frequency which is data provided by the Hunter Incident Clearing House (# of accidents) and IDNR (number of hunters). While this data doesn't tease out urban area hunting specifically, it is inclusive of all deer hunting in Indiana (which would be both urban and rural). This means that the likelihood of an accident in (exclusively)an urban area is likely similar to that in the data provided. So, essentially the likelihood of falling from a tree stand is the same in Bloomington as it might be in rural Orange County. Further, you should keep in mind that all of these accidents are to the hunter, not to community members or people not involved in the incident. See attached pdf. Also attached is a hunter safety activity chart from the national shooting sports foundation. This reviews the frequency of a hunting accident as compared to other outdoor activities. Lastly, I would like to go over the fact that IDNR has a current policy which addresses sharpshooting. Somewhere in these notes, it suggests that IDNR is developing a sharpshooting policy. IDNR actually has a policy, but is reviewing and updating a new policy, which is in draft form. Until then, the current policy will be acting. I hope this helps..... Josh