Memorandum

Joint City of Bloomington-Monroe County Deer Task Force
Thursday, 06 March 2012, 5:30 PM
Council Chambers (#115), City Hall, 401 N. Morton St.

PRESENT: **Task Force Members**: Keith Clay, Stefano Fiorini, Bob Foyut, Judith Granbois, Sarah Hayes, Thomas Moore, Laurie Ringquist, Dave Rollo, Susannah Smith **Staff:** Stacy Jane Rhoads
Public: Dave Parkhurst

I. WELCOME
II. PUBLIC COMMENT

- Dave Parkhurst presented a copy of his neighborhood plat and an image of his backyard. His property is located ½ mile from Deer Park. He said that hears IDNR and Task Force members saying that properties are too small for hunting in the City. However, he lives on .79 acres, located on a cul-de-sac. Many other properties in his neighborhood are bigger. He thinks that this would be an area where some hunting could take place. Parkhurst said that he moved to this property 10 years ago. At that time, there were 6 deer sleeping in his backyard. In 2010, a doe gave birth in his yard.

  Smith said that based on the picture, it looks like Parkhurt's yard is ideal deer habitat. It also looks like there are not any trees suitable for a tree stand. Parkhurst asked why someone could not shoot a bow off of his roof. Smith said a stand must be at least 12-13" off the ground and that a hunter should be camoflauged by other trees. While the backyard is ideal from a deer's perspective, it is not ideal from a hunter's perspective.

III. FEEDBACK FROM IDNR – CONTROLLED HUNTING

At the 28 February meeting, IDNR relayed that in its current form, the Working Group recommendations for hunting would not work. Specifically, the setback requirements (from an occupied structure, from property line and from public way) and acreage requirements make most of the City unhuntable. IDNR communicated that they are amenable to requesting an Urban Deer Zone for Bloomington and ring around the City, but are unwilling to move the request through the administrative rule-making process if the rules within the City are so onerous as to make hunting impossible. In response, the Task Force requested that IDNR provide the Task Force with guidance on hunting in urban and suburban areas that would be effective while ensuring safety and low visibility.

IDNR responded by advising:

- No acreage restriction needed.

- All of the City should be declared a "nuisance zone," not just specific areas of the City. Applying zone status to the entire City controls for areas in which deer may become a problem in the future and eliminates some of the administrative burden of making such a determination year-to-year based on complaints and DVCs. IDNR pointed out that it is possible that hunting in certain "non-nuisance" areas actually keep deer from becoming a nuisance.

- IDNR further advised that setbacks from occupied structures, from roads/trails and from property lines should be eliminated. At the February meeting, IDNR pointed out that most of the neighborhoods they toured, such as Arden Place, SoMax and Renwick are not suitable for hunting. The area is too densely populated and the houses are too close to each other.

- In providing guidance to the Task Force, IDNR advises, "[a]reas that should not be hunted are highly unlikely to be attempted to be hunted, so unnecessary restrictions prohibiting these areas from being hunted are likely unnecessary." While IDNR mentioned that the neighborhoods in the SE quadrant of the City are not suitable for hunting, they did not provide criteria defining urban areas than can or cannot be hunted.

- IDNR further pointed out that "Since city-owned parks are some of the largest areas in the city of natural greenspace, they should be encouraged to be hunted. Since these areas have multi-recreational purposes, hunting is almost inevitably going to be restricted. Restricted opportunities can still yield promising results, similar to what has been seen in our state parks over the past 15+ years." IDNR further advised, "The BDTF may also want to provide recommendation to landowners on how to institute a hunting program on their property. Such items can include encouraging hunting on greenspaces or adjacent to greenspaces, notifying neighbors of wounded deer, and information on our Hunters Helping Farmers or GiveIN Game programs."

- The IDNR advised that an ordinance prohibiting the discharge of a projectile in non-hunted areas is counterproductive.

- IDNR agrees that stricter hunting regulations should be implemented within City limits. IDNR provided a list of restrictions they felt would be prudent, including, but not limited to: a proficiency test; hold harmless agreements; hunting from an elevated stand; requirement for a City-issued permit; mandatory hunter orientation; requirement that hunter call police department if wounded deer leaves hunted area; hunters required to submit a cull report to City; and City has power to issue, deny or revoke hunting privileges.

IV. TASK FORCE DISCUSSION OF IDNR FEEDBACK

The Task Force discussed IDNR's recommendation to: 1) eliminate the acreage and setback requirements and 2) encouraging hunting on greenspaces, both public and private.

- Rhoads said she interpreted IDNR's communication about the unsuitability of hunting in the SE quad and IDNR's suggestion to encourage hunting in City parks and private greenspaces as an indication that perhaps the group should return to its early focus of allowing hunting only on 5 contiguous acres of greenspace.

- Ringquist said that she interpreted IDNR's recommendations differently. She said that she understood the recommendations to not only open up greenspace, but to allow hunting in neighborhoods with the setback and acreage requirements removed.

- Hayes said that IDNR does not spell out how to make the practice low visibility.

- Smith says that the proficiency test will lend the rigor necessary for making hunting in the City safe. Additionally, hunters do not want to be noticed and will self-regulate to make sure they hunt in an area that is lowly visible.

- Smith said that the group should make a recommendation for the creation of a database that would match hunters who have passed the proficiency test with property owners who wish to have their property hunted.

- Smith said she read IDNR's recommendation as reasonable. She added that requiring arrows to be marked with unique identifiers adds an additional level of hunter accountability.

- Rhoads said the idea of hunters self regulating may not be a sufficient guarantee to the public of safety.

- Smith said that current State rules re: shooting over water, over a road, near a school, etc. already provide safety guidance.

- Ringquist pointed out that even if the setback and acreage requirements were eliminated, the Task Force is still recommending adding an extra layer of public protection by way of the proficiency test, permitting requirements etc.

- Granbois asked about hunting on public land in the SE quad, such a Winslow Woods?

- Rhoads said that hunting on public greenspaces was highlighted in IDNR recommendations, but was not really addressed by the Working Group as a way of dealing with urban deer. Rhoads pointed out that the Hidden Valley Homeowners' Association in Lawrenceburg, IN provides a useful comparator. Hidden Valley is a

densely-populated development throughout which strips of greenspaces run. Hidden Valley allows hunting on these strips of greenspace. Property owners adjacent to the greenspace may apply to include their property in the hunting zone. Recently, the Hidden Valley urban hunting program was challenged. Because IDNR wrote Hidden Valley a special permit to hunt deer beyond the hunting season, a homeowner filed a complaint with the Indiana Natural Resources Commission alleging the practice is unsafe and requesting a stay on the permit. In late February 2012, the administrative law judge ruled that the evidence clearly demonstrated an overpopulation of deer within Hidden Valley and that overpopulation of deer is causing or contribution to the destruction of vegetative cover and residential landscaping. Lack of vegetative cover is accelerating erosion and lake sedimentation.

In her opinion, the Adminstrative Law Judge found that the Hidden Valley had taken reasonable measures to ensure resident safety. HV hunting zones were located in greenbelts – common areas used by community residents located near residences and in some cases, close to parks or play areas. HV had also instituted safety requirements such as hunter education course, proficiency test, hunting from an elevated tree stand. The administrative judge found that, given these precautions and lack of evidence presented otherwise, the threat to public safety was not greater than the continued environmental harms of deer overpopulation.

- Rhoads provided a map of HV hunting greenbelts.

- Granbois and Rollo observed that some of the zones in HV appeared to pretty narrow.

- Rhoads reviewed that IDNR has communicated that generally, when a deer is hit in a "greenspace," the deer will usually follow the corridor, instead of dispersing into neighborhoods.
- Fiorini asked if Bloomington has anything analogous.
- The group reviewed a map of the City documenting greenspace of 5 or more contiguous acres. The map included both public and private land. Greenspace is defined: as possessing a permeable surface (forested, shrub/grass covered areas, parks, golf courses, cemeteries and agricultural land) and more than ten feet from any human-made development such as roads, parking lots and buildings.

- Ringquist pointed out that while private land may present an access issue, if residents feel strongly enough that deer are a problem, they should allow access.

- Hayes agreed that it puts the burden back on private owners

- Rollo asked if members are generally in favor of the recommendations proposed by IDNR.

- Smith said she thinks they are protective of safety and make sense.

- Rhoads pointed out IDNR did not speak to authorizing the location of a tree stand or any restriction on hunting on weekends, holidays, etc.

- Smith said she thinks IDNR is leaving that up to the Task Force.

- Ringquist said that one thing WG recommended early on, is that property owners apply to have their property hunted. IDNR left that off.

- Smith said that a possible database match program could handle City authorization/oversight of hunted property.

- Granbois mentioned that IDNR recommends that the City reserve the right to suspend hunting. She thinks IDNR has built a lot of accountability into its recommendations.

- Hayes mentioned that she is concerned with a hit deer travelling onto non-hunted property where the non-hunted property owner is not home or otherwise will not grant access to the hunter to retrieve the deer. She worries that there will be sufficient time lag in contacting the property owner and/or law enforcement and the deer will suffer.

- Ringquist pointed out that the police department is exceedingly cautious about when and where they will discharge a firearm. They will not always shoot a deer when requested to do so, if the deer is too close to a house or if the dispatchment of a deer would be too visible. As a consequence, sometimes City Animal Care and Control has had to first tranquilize a hurt deer and transport it somewhere else so it can be shot. Tranquilizing a deer is a big undertaking and not straightforward – sometimes a deer will get up and move during the process.

- Smith said that if a deer is tranquilized, then the meat is ruined.

- Smith said that best practice is to gut a deer as soon as possible. While it is possible to wait as long as a day before field dressing a deer, waiting that long is not ideal as the meat tends to get funky. Furthermore, weather plays a big part in how long a deer can remain before being field dressed.

- Rhoads reviewed that there seem to be two questions before the group:
  1) Hunting in greenspace; and
  2) Hunting in urban areas with IDNR restrictions

- Rollo said that his personal opinion is that the safest and most effective way to deal with those neighborhood pocket deer is via the clover trap system. He feels like this

option would also be more paletable to many residents concerned about bow hunting in neighborhoods.

- Hayes said she is still not convinced that hunting in the City is necessary or prudent. If a UDZ is put into place, will it really solve the problem?

- Ringquist reminded the group that IDNR has said that it will not approve a UDZ for parts of the County if the City is not included. If the Task Force does not come up with stricter guidelines for hunting within corporate boundaries, then the only rules urban hunters have to follow are State guidelines – no requirement for a proficiency test, no requirement for hunting from an elevated stand, no City oversight, etc.

- Ringquist said another alternative would be not to recommend a UDZ, and just recommend the clover trap system for pocket deer.

- Smith said if the Task Force passes on making a UDZ recommendation, then the current allowance for hunting anywhere in the City without proficiency test and without other regulations, stands. Leaving the current lack of urban-specific guidelines in place seems irresponsible.

- Rhoads added that a UDZ and local rules add the Earn-a-Buck requirement where there is not such a requirement otherwise.

- Smith suggested that to deal with possibility of a hit deer dying on non-hunted adjacent property, perhaps adjacent property owners could be asked to sign a document in advance that would authorize a hunter to come onto the non-hunted property to retrieve a deer. The document would not authorize hunting, just retrieval. This could substantially limit the time a deer would suffer.

- Rinquist said that she is starting to think about a tiered approach to management rather than a "all at once" approach. Maybe it might be best to try clover traps and hunting in greenspace first. Assess the efficacy of that strategy first before turning to hunting in neighborhoods.
- Rhoads reminded the group that the City/County Working Group recommendation was for residents to absorb the cost of clover trap management.

- Granbois asked if the Task Force has reached agreement on asking residents to so pay.

- Rollo responded that the Task Force has not voted on that; it was a recommendation of the Working Group based on public feedback.

- Moore asked about creating a buffer around hunting spots and limiting the number of properties that could make up a hunting zone.

- Smith said that hunters do not need a large area to hunt, but they need the capability to retrieve. A retrieval agreement could take care of that.

- Granbois said she did not know why a resident would not sign such a retrieval agreement.

- Moore said that thinks approval of a tree stand site should be part of the permitting process.

- Smith said that the airport requires approval of tree stand location.

- Smith said a discharge of a bow is not currently prohibited in the City. A proposal for a UDZ and local rules would be increasing safety.

- Hayes pointed out that while there is no such prohibition, the majority of residents do not know that hunting with a bow is not prohibited in neighborhoods.

- Rollo asked if Task Force members are ready to vote on recommending a UDZ paired with local regulations as recommended by the IDNR.

- Moore said that he is not ready to vote on it yet. He said that he thinks the IDNR recommendations are good, but maybe more is needed.

- Granbois said that she thinks IDNR's point about not hunting in thickly-settled areas is relevant. Even if the whole City were designated a "nuisance zone," that does not preclude the City from excluding areas unsuitable for hunting.

- Rhoads asked what would be the test for "unsuitability?" Exclusion/inclusion would have to be based on some set of identifiable criteria.
- Rinquist asked if IDNR would approve a UDZ for City and ring around City if the City went with a tiered approach by first limiting hunting only to greenspace?

- Granbois asked in Lawrenceburg is a UDZ? Rhoads said does not think Dearborn County is a UDZ. Granbois that, this is unfortunate: that would be precedent for what the Task Force wants to do. Rhoads said there <u>is</u> precedent: Warsaw, Indiana. Kosciusko County is a UDZ and the City of Warsaw has implemented stricter hunting rules and more rigorous Earn-a-Buck requirements. The Working Group modeled some of its early recommendations on Warsaw.

- Hayes said that it might be useful to back up the discussion. How bad is the deer problem? We've heard from IDNR that the population in the County is stable. Does it have capacity to grow? Yes. It seems like the pocket deer are the real problem. At this point, since the deer population is not out of control, do we really need all this?

- Rollo said that a discharge of a bow is currently not prohibited and that there are not any guidelines in place re: urban hunting. He said that is almost makes more sense to put more strictures in place. He said he favors the clover trap system for pocket deer and limiting hunting to greenspaces.

- Rhoads said one approach might be to request a UDZ and to limit the discharge of a bow only to greenspaces with IDNR guidelines and City rules attaching.

- Moore said that he has concerns. There will be a lot of people in the City who will not want hunters in their neighborhood. Greenspace is still private property near peoples' houses. He clarified that he is not against some sort of lethal action in neighborhoods. He is open to clover traps for pocket deer and possibly hunting on public greenspace, he is just not totally comfortable with the allowance to hunt on private greenspace. He said that he grew up in the country and was always very aware of how careful he had to be going out in the woods in the first couple weeks of hunting season. Importing that level of wariness into the City seems troublesome. He said he does not think it is okay to address a loophole/oversight just by making the requirements stricter.

- Fiorni said the group's charge is not to address a loophole, but to come up with best deer management practices for the community. We know deer numbers in the county are stable, but we don't know about the deer number in the City.

- Clay said if a proposal for urban hunting rules builds in more safety restrictions, it is hard to oppose that.

- Bob said that now might be the time to exact some more control over hunting in the City while the group has the opportunity.

- Smith said that right now, people can stalk deer. There is no requirement for hunting from a tree stand. People will get more and more angry and without requiring some sort of permitting or proficiency test, she is worried that people will take matters into their own hands.

- Hayes asked if we have any data on hunting accidents in UDZs.

- Rhoads responded that the group asked IDNR for this data early on. They do not have any UDZ-specific data from Indiana or other communities. IDNR has relayed general data that points out most hunting accidents are falls from tree stands.

- Smith pointed out that a recommendation for hunting would leave it in the homeowners' hands. If homeowners don't want it, they don't have to allow it. Looking at just the City-owned property, Smith said she does not feel like it addresses the deer problem at all.

- Rhoads added that neighborhoods certainly have the option of creating their own covenants speaking to hunting.

- Foyut asked if hunting in public greenspace would exclude Griffy.

- Rollo replied, "yes" – sharpshooting is preferred at Griffy with hunting a distant second.

- Hayes said that she agrees with getting hunting away from houses, but does not know if hunting on greenspace would even make a difference.

- Foyut said he does not think it would completely "fix" the social carrying capacity concerns, but he is in favor of tightening up the control over hunting. That is where his support comes in.

- Moore said he wants to know if limiting hunting to greenspace will work. He does not want to put his stamp of approval on the proposal if it is not going to be effective. Otherwise, the harms seem to outweigh the good.

- Rhoads said that IDNR can write a permit for baiting. That would increase the efficacy.

- Smith added that baiting also helps control where the shot is taken and where the deer fall.

- Rollo said that he feels differently about the private/public hunting space distinction. He thinks hunting on public property would be more controversial because it is a common space, belonging to all.

- Ringquist added that there is a powerful message embedded in: "Don't take your kids to your local park today."

- Fiorini pointed out that efficacy will depend on the number of deer taken. Sharpshooting and clover traps are reduction efforts that may span a few years. Hunting may not be effective at quickly reducing deer numbers, but it may be effective maintenance by re-introducing predation and applying continuous pressure.

- Hayes said she agrees with Moore and is nervous about hunting on greenspace within the City.

- Smith said that not all parks would be suitable for hunting. Many are too open and do not have enough trees.

- Hayes said most protestors will show up in a public park.

- Rollo said he is trying to think through a recommendation that is safe, effective and will be palatable to the public.

- Foyut asked if the discussion is pointing to limiting the discharge of a projectile within City limits, except for greenspaces.

V. FURTHER QUESTIONS FOR IDNR

The group said it need more information from IDNR. Specifically:

1) Would IDNR approve the City and ring around the City as a UDZ if hunting was restricted in the City only to <u>public and private</u> greenspace? Would it work?

2) Moore further wanted to know if IDNR would approve the City as a UDZ if hunting was restricted in the City only to <u>public</u> greenspace?

Rhoads will relay questions.

VI. ADJOURNMENT

The Task Force adjourned at 7:31p