

Midway City Council
19 March 2019
Work Meeting

Urban Deer /
Population Control Program



Memo

Date: 15 March 2019
To: Mayor, City Council and Staff
Cc: File
From: Brad Wilson, City Recorder/Financial Officer
RE: Urban Deer / Population Control Program

Council Member Simonsen requested that the City Council discuss controlling the deer population within Midway. I have attached information from the Utah Department of Wildlife Resources (DWR) including regulations for population control. I also attached the minutes from a previous meeting when the Council discuss the issue.



Mule Deer
Working Group

Fact Sheet

URBAN MULE DEER ISSUES

Fact Sheet #9

OVERVIEW

Increased urbanization has reduced, fragmented, and in some cases, eliminated critical mule deer habitat. These overall changes in mule deer habitat affect deer populations, generally leading to declines. However, in many cases, mule deer have adapted to life in urban areas, leading to conflicts with humans. Urban areas include heavily-developed urban centers along with outlying suburban and exurban areas. Mule deer population can increase rapidly in these areas as deer take advantage of the abundant forage and water sources provided by humans as well as protection from hunting and other types of predation. Habituation to humans in close settings allows mule deer to exist at densities above what is generally seen in the wild. How urban mule deer impact people is often dependent on human tolerance levels, which can vary by community.



NEGATIVE IMPACTS

Mule deer are browsers: preferring leaves, stems, and buds of woody plants, as well as forbs (weeds). Like many other wildlife species, mule deer are opportunistic and in some cases will eat and damage ornamental plants, hedges, vegetables, flowers, and lawns. Bucks can damage shrubs and saplings by rubbing the bark with their antlers. This damage to personal and commercial-grown vegetation is not well-tolerated and can make people view mule deer as a nuisance.

Urban areas rarely allow hunting. Deer repeatedly exposed to humans without negative consequences will eventually become habituated or show little fear of humans. Habituated mule deer may become aggressive and pose a danger to human residents. There are reports of mule deer bluff-charging people, chasing joggers, attacking postal workers, and killing small pets. Large mule deer numbers in urban areas can also lead to more deer on roads and increase the potential for deer-vehicle collisions. Mule deer populations attract predators to urban areas, creating a possible hazard for local residents and pets. The urban environment can have a negative impact on deer as well. Busy streets, railways, fences, parking garages, and bridges are hazards for urban deer. There are many reports of deer-vehicle collisions, fatal jumps from parking garages and bridges, and entanglement in fences. The potential for disease transmission is also greater due to the high densities of deer in urban areas.

MANAGING URBAN MULE DEER ISSUES

Prohibiting Supplemental Feeding

Supplemental feeding of mule deer in urban areas can greatly increase fawn production and may affect overall deer survival. Residents of urban areas often feed mule deer by hand or through a feeder because they enjoy having the deer in close proximity or feel that the deer need the supplement to survive. Inadvertent feeding also occurs such as through bird or squirrel feeders. Working with local governments to enact regulations prohibiting supplemental feeding is an important step in managing an urban deer problem. Prohibiting feeding also reduces the attractants that draw deer into the urban areas to begin with. Individuals should also consider placing bird or squirrel feeders out of reach to eliminate use by deer.

Chemical Repellents and Scare Devices

Several techniques are available to deter urban deer. Deterrents are modestly effective when deer densities are relatively low and often lose effectiveness as deer abundance and problems grow. A variety of chemical deer repellents are commercially available. Repellents rarely work and require constant application, especially after rain or snow. Scare devices can sometimes be effective at deterring urban deer. Some scare devices are commercially available, but contact state wildlife officials for the use of noise-making scare devices such as Zon-guns (propane cannons), crackershells, and M-80s. Be sure to consult local laws before using pyrotechnic devices.

Deer-resistant plants and fencing

Certain ornamental plants are unpalatable to deer and are less likely to be browsed. Using these plants in landscaping instead of more-desirable browse species can reduce deer conflicts. To determine which plants are deer-resistant and adapted to the local area contact a local nursery or state wildlife official. A variety of reference books and internet resources are also available on the subject.

Fencing deer out is the most effective and permanent method. A wide variety of fence designs will keep problem deer out. Fences should be at least 8 feet tall with no gaps greater than 8 inches. Electric fencing also works to deter deer on a more temporary basis, such as winter browsing. A hybrid approach of installing two strands of electric wire on top of an existing fence can also be an effective approach. Surrounding individual plants with wire cages can prevent browsing. Also, wire mesh or pipe placed directly around tree trunks will reduce damage by bucks rubbing their antlers.



Hunting

Wildlife agencies are successfully using regulated hunting in urban areas to address urban deer issues. Carefully regulated archery hunts in restricted hunting areas can be particularly effective and efficient. Some agencies have used professional shooters to kill deer with the meat donated to charitable groups. Hunting in and around urban areas requires close coordination with local governments and citizens, but where possible, it is a cost-effective solution.

Relocation and contraception

Some wildlife agencies are capturing and relocating urban deer to more remote, suitable habitat on a limited basis. This approach is labor- and cost-intensive, with uncertain effectiveness. Moving deer is dependent on the availability of release sites, which have to be carefully evaluated to ensure that the habitat can support more deer. Given these constraints, moving deer is unlikely to be a common solution for widespread urban deer issues in the West. Contraception is often proposed as a method to reduce overabundant deer populations, but it is not currently feasible in free-ranging deer populations.

PUBLIC OPINION AND EDUCATION

Public input is the most important aspect of managing urban deer. There are a wide range of opinions regarding deer in urban areas. Some enjoy seeing deer in their backyards and tolerate the damage, while others see urban deer as a hazard and nuisance. Prudent consideration of all factors involved and proper public education is critically important when managing urban mule deer.



Photo: Colm Peterson

More information on mule deer can be found at www.muledeerworkinggroup.com

*A product of the Mule Deer Working Group - Sponsored by the Western Association of Fish & Wildlife Agencies - Approved July 2014
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Dealing with urban deer

Wildlife Board also approves nonresident fishing license change at Flaming Gorge

SALT LAKE CITY — More chances to hunt bison and pronghorn will be available in Utah in 2019. New archery hunts — that should help reduce the number of deer coming into cities and towns in Utah County — will also be held.



New archery deer hunts will be held in Utah next fall. The hunts should help reduce the number of deer coming into cities and towns, especially in Utah County.

The new hunts are among several big game hunting changes the Utah Wildlife Board approved for 2019. The board — a panel of seven citizens appointed by the governor — approved the changes at a Nov. 29 meeting in Salt Lake City.

All of the rules the board approved will be available in the 2019 Utah Big Game Application Guidebook. The free guidebook should be available online (<http://wildlife.utah.gov/guidebooks>) by the end of December.

Board members also passed several other changes at the meeting, including a fishing change that will affect nonresidents who want to fish both the Utah and Wyoming sides of Flaming Gorge Reservoir.

More chances to hunt

Big game animals are doing well in Utah. And, in certain pockets of the state, they're doing extremely well. To help manage the populations, and give hunters more chances to hunt, members of the board approved several new hunts for 2019. Here's a sample:

- New bison hunts on the Henry Mountains in southeastern Utah and the Book Cliffs in eastern Utah
- New muzzleloader and archery pronghorn hunts in northeastern Utah
- A Rocky Mountain bighorn sheep hunt on the Oquirrh-Stansbury unit in north-central Utah. The hunt will be the first bighorn hunt held on the unit since 2015.
- For the first time ever, once-in-a-lifetime archery bighorn sheep hunts. An archery hunt for Rocky Mountain bighorn sheep will be held on the Newfoundland Mountains unit in northern Utah. Another archery hunt, this one for desert bighorns, will be held on the Zion unit in southwestern Utah.

Controlling deer in cities and towns

Deer are thriving along the Wasatch Front. And the number of people along the front is growing. In some cases, more deer and more people mean more conflicts between the two.

To try to reduce the number of deer that are making their way into cities and towns in Salt Lake and Utah counties, members of the Wildlife Board approved some new extended archery hunts. (The season dates for extended archery hunts are longer than most hunts. For example, on most of the extended archery areas, you can hunt deer from Sept. 14–Nov. 30, 2019. You can take one buck deer or one doe deer. A total of nine extended archery deer hunts will be offered in Utah in 2019.)

"The extended archery hunts have worked," says Covy Jones, big game coordinator for the Division of Wildlife Resources. "They've helped reduce the number of deer that make their way into cities and towns. They're a great management tool."

Members of the board approved four extended archery hunt changes along the west slope of the Wasatch Mountains. Three of those changes are in Utah County:

- A new extended archery hunt will be held in the mountains near Herriman in Salt Lake County.
- A new extended archery hunt will be held in areas around Utah Lake in Utah County.
- The boundary of the Wasatch Front extended archery area has been extended to American Fork Canyon in Utah County. The boundary now runs from the Weber/Davis County line all the way to American Fork Canyon.
- A new South Wasatch extended archery area has been established. The boundary for the area extends from American Fork Canyon south to Hobbie Creek Canyon.

"Extending the Wasatch Front boundary to American Fork Canyon," Jones says, "and creating two new extended archery areas in Utah County should help reduce the number of deer that are coming into urban areas in the county."

Flaming Gorge Reservoir

In addition to the big game hunting rules, members of the board also approved a fishing change at Flaming Gorge Reservoir. Starting Jan. 1, 2019, those who are not residents of Utah or Wyoming — but want to fish both the Utah and Wyoming sides of Flaming Gorge Reservoir — must buy a nonresident fishing license from both states.

In the past, those who were not residents of either state could buy a nonresident license from one state and a reciprocal fishing permit from the other state. "We met with officials from Wyoming Game & Fish Department and came to consensus on the change," says Craig Walker, assistant Aquatic Section chief for the DWR. "Passage by the Wildlife Board makes it official."

R657-65 – Urban Deer Control

KEY: wildlife

Date of Enactment or Last Substantive Amendment: August 7, 2015

Notice of Continuation: July 31, 2018

Authorizing, and Implementing or Interpreted Law: 23-14-3; 23-14-18; 23-14-19

R657-65-1. Authority and Purpose.

(1) This rule is promulgated under authority of Sections 23-14-3, 23-14-18, and 23-14-19.

(2) The purpose of this rule is to enable a city to design and administer a control plan for the lethal or non-lethal removal of resident deer damaging private property or threatening public safety within the city.

R657-65-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2. (2) In addition:

(a) "Deer" means wild deer (*Odocoileus hemionus* or *Odocoileus virginianus*) living in nature and does not include privately owned, captive deer.

(b) "Division" means the Utah Division of Wildlife Resources.

(c) "City" means an incorporated municipality with greater than 1,000 residents.

(d) "Resident deer" means a deer that lives within city boundaries year-around.

(e) "Urban deer control plan" means a document designed, created, and administered by a city that establishes the protocols and methodologies it will pursue to control and mitigate private property damage or public safety threats caused by deer within its incorporated boundaries.

R657-65-3. Authorization to Create and Administer an Urban Deer Control Plan.

(1) A city with a resident deer population that is significantly damaging private property or threatening public safety within its boundaries may request the Division for a certificate of registration ("COR") to design, create, and administer an urban deer control plan.

(2) The Division may issue an urban deer control plan COR to a city, provided:

(a) the application is filed by a city;

(b) resident deer are collectively causing significant damage to private property or threatening public safety within the city's incorporated boundaries;

(c) it has enacted an ordinance prohibiting the feeding of deer, elk, and moose;

(d) it has general liability insurance in the amount of \$1,000,000.00 or more that

covers liability claims that may arise from designing, creating, and administering an urban deer control plan;

(e) it agrees, without waiving immunity or any other limitation or provision in the Utah Governmental Immunity Act, Utah Code §§ 63G-7-101 through 63G-7-904, to hold harmless and indemnify the Division against any claims or damages arising from its deer removal activities undertaken pursuant to the urban deer control plan COR, except for any allocated share of fault and damages attributable to the Division's actual involvement in deer removal activities on the ground: and

(f) it submits with its application the estimated population of resident deer in the city and the final target population number it seeks to achieve through deer removal.

R657-65-4. COR Authorities and Limitations.

(1) An urban deer control plan COR issued to a city will:

(a) specify for each year of the COR term:

(i) the seasonal time period when deer may be removed;

(ii) the total number of deer that may be removed; and

(iii) the number of deer by gender that may be removed; and

(b) authorize it to design, create, and administer an urban deer control plan consistent with the season and number limitations imposed in the COR and the following authorities and limitations.

(2) The COR authorizes the city to:

(a) prescribe and employ lethal methods of take to control deer, provided the methods are otherwise in compliance with state and federal law;

(b) utilize baiting to facilitate safe and effective deer removal activities;

(c) select and supervise individuals to perform specified deer removal activities, provided the city:

(i) issues to each individual authorized to remove deer a written authorization and tag that:

(A) is on a form prescribed by the Division;

(B) is signed by the city manager and recipient;

(C) identifies the recipient's name, address, date of birth, gender, height, weight, and eye color;

(D) describes the locations, time periods, methods of take, and related activities authorized by the city; and

(E) includes a detachable tag consistent with the requirements in Section 23-20-30;

(d) allow a single individual to take more than one deer;

(e) permit spotlighting to facilitate non-lethal deer removal or carcass recovery

efforts; and

(f) remove deer consistent with the annual buck and doe take prescriptions and season limitations set forth in the COR.

(3) The city will:

(a) require individuals authorized to lethally remove deer to:

(i) tag the carcass consistent with Section 23-20-30; and

(ii) comply with all federal, state, and local laws pertaining to the possession, use, and discharge of a dangerous weapon; and

(b) take measures to ensure that:

(i) deer carcasses are salvaged consistent with Section 23-20-8 (Waste of Wildlife) and disposed of as provided by law;

(ii) viscera is removed from the kill site and disposed of as provided by law; (iii) antlers of lethally removed deer are promptly surrendered to the Division and not retained by the city or the person that takes the animal: and

(iv) submit an annual report to the Division by March 1 on lethal removal activities, including the following information for each permit issued:

(A) name of shooter/permit holder;

(B) sex of the animal;

(C) date of harvest; and

(D) disposition of carcass, ie, retained by hunter, donated, etc.

(4) The city will not:

(a)(i) capture a deer for release outside municipal boundaries without a written capture and relocation plan prepared in coordination with and approved by the Division;

(ii) capture or relocate a deer in violation of the approved capture and relocation plan; or

(iii) allow an employee, officer, agent, licensee, or contractor who has not been certified and approved according to the written capture and relocation plan to capture or release a deer.

(b) sell or barter a deer carcass or otherwise use it for pecuniary gain without prior written approval from the Division;

(c) collect a fee or compensation from a person or entity it authorizes to remove deer from its incorporated boundaries, unless the fee or compensation is:

(i) \$50 or less;

(ii) used exclusively to recoup the actual costs incurred by the city in:

(A) selecting and qualifying the person; or

(B) butchering and processing lethally removed deer for donation; and

(iii) approved by the Division in writing;

(d) undertake or authorize deer removal activities outside:

(i) incorporated city boundaries or any unincorporated areas approved by the Division and the county; or

(ii) the the season time frame prescribed in the COR;

(e) remove more deer, collectively or by gender, than authorized in the COR; or

(f) authorize the discharge of firearms or archery equipment for deer removal:

(i) between one half hour after official sunset and one half hour before official

sunrise; or

(ii) in violation of federal, state, or local laws.

R657-65-5. Urban Deer Control Plan.

(1) Upon receipt of an urban deer control plan COR, the city must prepare an urban deer control plan consistent with this Subsection and the COR prior to undertaking any deer removal activities.

(2) The urban deer control plan will address and prescribe, at a minimum, the:

(a) lethal methods of take that may be used to remove deer and

the conditions under which each may be employed;

(b) conditions and restrictions under which baiting and spotlighting may be used to facilitate deer removal;

(c) persons eligible to perform deer removal activities and the requirements imposed on them;

(d) locations and time periods where specified types of deer removal activities may be employed or authorized;

(e) requirements for tagging deer carcasses;

(f) protocols for carcass removal and disposal;

(g) procedures for promptly returning to the Division all antlers of lethally removed deer;

(h) procedures for obtaining Division input and approval on live capture and relocation projects; and

(i) the estimated population of resident deer in the city and the final target population number the city seeks to achieve through deer removal.

- (3) All aspects of the plan must be consistent with the authorizations and limitations imposed in this rule and the COR.
- (4) If the city desires to capture and relocate resident deer, it must petition the Division to include a capture and relocation component in its urban deer control plan.
 - (a) The Division shall have sole discretion to authorize or prohibit capture and relocation as part of an urban deer control plan.
- (5)(a) The city will solicit and consider input in the formulation and development of the urban deer control plan from:
 - (i) the Division;
 - (ii) the public;
 - (iii) interested businesses and organizations; and
 - (iv) local, state, and federal governments.
- (b) The Division may provide technical assistance to the city in preparing the urban deer control plan.
- (c) After formulating a draft plan, the city will hold a public meeting to take and consider input on the draft before finalizing or implementing it.
- (6) The city will assume full responsibility for:
 - (a) all costs associated with designing, establishing, implementing, and operating the urban deer control plan and all its associated activities; and
 - (b) for the acts and omissions of its officers, employees, agents, contractors, and licensees in designing, preparing, and implementing its urban deer control plan and undertaking the activities authorized thereunder.

R657-65-6. COR Term, Termination, Renewal, and Amendment.

- (1) An urban deer control plan COR issued under this rule will remain valid for three years from the date of issuance .
- (2)(a) The Division and the city shall each have the right to unilaterally terminate an urban deer control plan COR with or without cause upon 7 days advance written notice to the other.
- (b) Upon termination or expiration of the COR, the city and its officers, employees, agents, contractors, and licensees must cease all deer removal activities formally authorized by the COR.
- (3) Upon application by a city, the Division may renew an urban deer control plan COR for an additional three year term, provided:
 - (a) the city complies with the conditions in R657-65-3(2); and
 - (b) the application for renewal is presented at a public meeting for comment and approved by the city council.
- (4) A urban deer control plan may be amended upon mutual written agreement of the city and Division, provided the amendment is consistent with the authorizations and limitations in this rule.

R657-65-7. Violations.

Pursuant to Section 23-19-9, the Division may suspend, restrict, or deny an urban deer control plan COR for any intentional, knowing, or reckless violation of the Wildlife Code, this rule, or the terms of the COR.

Lime Canyon Road/Accident – Mr. Johnson reported that two flaggers had been hit on Lime Canyon Road.

Michael Henke, Planning Director

Area Trails/Open House/Survey – Mr. Henke reported that the open house regarding area trails was successful. He indicated that residents could complete an online survey regarding the trails.

Brad Wilson, Recorder

Elections – Mr. Wilson gave an update on the municipal elections.

MSD Elections – Mayor Bonner indicated that she received a phone call from Laren Gertsch, one of the candidates for the Midway Sanitation District (MSD) Board, and he indicated that he received the incorrect ballot. Mr. Wilson responded that Mr. Gertsch received a ballot that did not have the municipal or district candidates.

Mr. Wilson indicated that he and Becky Wood, the district manager, would contact residents around Mr. Gertsch and throughout the City to make sure that they received the correct ballots.

Shane Owens, Public Works Administrative Lead

New Backhoes – Mr. Owens reported that the Caterpillar backhoe had been replaced with two from John Deere.

New Pick-up Truck – Mr. Owens reported that the City received the last new pick-up truck that had been budgeted for in fiscal year 2016.

Town Hall Boiler – Mr. Owens reported that the boiler in the Town Hall had been replaced.

Motion: Without objection, Mayor Bonner recessed the meeting at 8:02 p.m. She reconvened the meeting at 8:15 p.m.

Hunting within the City – Brad Wilson gave a presentation on a request to hunt deer within the City.

Note: A copy of Mr. Wilson's presentation is contained in the supplemental file.

Council Member Van Wagoner expressed concern with a deer being wounded and going onto someone else's property. Mayor Bonner said that the Utah Department of Wildlife Resources would remove deer for a fee.

The Council decided not to encourage deer hunting in the City.

Note: Shane Owens left at 8:37 p.m.

14. Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation

Motion: Council Member Dodge moved to go into a closed executive session.

Second: Council Member Hofheins seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

Note: Closed executive session minutes are sealed and strictly confidential. Access to such minutes must be obtained through a court of law.

Motion: Council Member Van Wagoner moved to go out of the closed executive session.

Second: Council Member Kohler seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Excused from the Meeting
Council Member Hofheins	Aye
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

15. Adjournment

Motion: Council Member Van Wagoner moved to adjourn the meeting. Council Member Kohler seconded the motion. The motion passed unanimously.