

BOARD OF ALDERMEN

ITEM NO. D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: November 1, 2011

TITLE: Staff Report on Options to Deal with Deer Overpopulation, Including a Proposed Ordinance Prohibiting the Intentional Feeding of Deer

DEPARTMENT: Police Department	PUBLIC HEARING: NO
ATTACHMENTS: A. Resolution B. Draft ordinance C. Agenda Item Abstract from October 12, 2010 D. Orange County Democrats Resolution E. Email from Kenyon Browning	FOR INFORMATION CONTACT: Carolyn Hutchison, Police Chief; 918-7412

PURPOSE

At the October 12, 2010 Board of Aldermen work session, the Board received a staff report on options to deal with deer overpopulation, to include management methods (deer resistant plants, deer repellants, and fencing) and population control methods (hunting). The Board directed Town staff to keep them informed of any new developments in urban deer management strategies; to provide educational information about deer management methods to community members, including those involved in community gardening; and to prepare a draft ordinance prohibiting the intentional feeding of deer.

INFORMATION

Developments in urban deer management strategies

There have been no significant developments in urban deer management strategies since the Board's last discussion of the various problems associated with deer overpopulation. Still, during the last year, the Board and Town staff have heard from residents who want the Town to "do something" about the large number of deer within Town limits. (In 2010, the N. C. Wildlife Resources Commission estimated that there were 30 – 44 white-tailed deer per square mile in Orange County. No official estimate exists for Carrboro's deer density.) Some people have suggested that the Town should participate in the Urban Archery Season. The N. C. Wildlife Resources Commission acknowledges that hunting deer, in areas where hunting may be conducted safely, is the most effective and least expensive way to control the deer population, and the Commission recommends the use of urban archery hunts when it is safe and practicable to conduct them.

Urban Archery Season

The Urban Archery Season is available to towns that submit a letter of intent to participate, including a map that clearly defines the area where hunting is permissible, to the N. C. Wildlife Resources Commission by April 1 of each year. Interested municipalities arrange to be contacted by a district wildlife biologist as part of the application process. The Urban Archery Season does not require private property owners to allow hunting on their property.

Statewide during 2010, 83 deer were harvested by bow during the Urban Archery Season. That year, no Orange or Durham County municipalities participated in the Urban Archery Season. In nearby Chatham County, the Town of Pittsboro reported that 13 deer were harvested by bow during their urban hunt.

Statewide during 2011, 96 deer were harvested by bow during the Urban Archery Season. Of those, 5 were harvested in Chapel Hill and 2 in Pittsboro.

Some jurisdictions that permit bow hunting during the Urban Archery Season simply restrict such hunting to private property and require the hunter to obtain written permission from the owner of that property. Those who are interested in hunting are referred to on-line GIS records for land owner information. Hunters are required to have a hunting license issued by the N. C. Wildlife Resources Commission.

- Chapel Hill allows property owners to hunt deer on their own property with a bow and arrow both during the regular and urban archery hunting seasons. The Town also advises property owners that they may apply to the N. C. Wildlife Resources Commission for a Depredation Hunting Permit by showing damage (from deer) in excess of \$50; this permit allows property owners to hunt on their own property throughout the year.

Other towns and cities create restrictions requiring that bow hunting take place: from a stand at least a certain number of feet from the ground; a certain number of feet away from any dwelling or occupied structure; only on private property larger than a certain number of acres and not on town property; a certain distance from roads and right-of-ways; etc. Some jurisdictions allow hunting only with a compound bow and not with a crossbow. (In North Carolina, bow-and-arrow hunting is limited to longbows and recurved bows (traditional bows) having a minimum pull of 40 pounds and compound bows (use leverage rollers on each end of the limb) with a minimum pull of 35 pounds. Crossbows are legal hunting weapons for properly licensed hunters anytime bow-and-arrow hunting is allowed.)

- The City of Concord restricts the use of a compound bow and/or crossbow within 250 feet of a house, school, church, or any other occupied building, street or road, park or recreation area or other type of public gathering place; requires that the parcel of land must be equal to or larger than two acres; and requires the use of an elevated stand at least ten feet above the level of the surrounding grade or the target, whichever is less.
- Kannapolis permits such hunting from a stand at least ten feet above the ground; but not within 500 feet from any property line or boundary of a house, school, church, commercial building, government property, or other occupied building, street, park or recreation area or any type of public gathering place; and requires that the parcel of land be greater than 10 acres.
- The Town of Pittsboro requires hunters to apply for a Town Hunting Permit from the Police Chief; mark their arrows with a unique identifier; pass an archery skills proficiency test administered by the Police Department; file a letter of permission from the property owner; register the hunting stand or elevated blind (that must be ten feet above the ground); mark the direction of fire (360 degree circle) with boundaries not to exceed 30 yards from the base of the stand; restrict the shots that will be taken to the area within the boundary; check-in and out on the day of the hunt; and report to the Police Chief the time, date, place and sex of any deer harvested by the hunter. Property owners who want their land designated as an Authorized Urban Hunting Tract must make application with the Police Chief. Pittsboro does not allow hunting in town parks or within 100 yards of any town park; within 100 yards of any school or church; within 50 yards of any occupied residential or commercial dwelling; and does not permit hunting with a crossbow.

Pittsboro also requires the hunter to make every reasonable effort to track and recover a wounded deer. If the hunter fails to recover the deer, he is required to notify the Police Department and provide information that will allow the Town to attempt to recover the deer. Of course, hunters are not permitted to track wounded deer on to adjacent private property unless they have the written permission of the property owner.

- The City of Sanford allows hunting on private property larger than ten acres and only with the written permission of the property owner; from an elevated platform at least 10 feet above the ground; and does not allow hunting on city property or on, from or across the right-of-way of any road.

Is the Urban Archery Season appropriate for Carrboro?

Various Considerations:

- Carrboro's current ordinance prohibits the discharge of any pistol, rifle, shotgun, or other gun or any air pistol, slingshot or any like instrument used to eject a pellet or projectile within Town limits [Chapter 5, Section 5-15(a)]. As a result, the use of bows and arrows within Town limits is not currently permitted. Certainly, the Board can revise this ordinance to allow the use of bows and arrows and can direct staff to submit an application to the N. C. Wildlife Resources Commission before April 1, 2012 to participate in the Urban Archery Season during the winter months of 2013.
- As we all know, Carrboro is very densely populated. The **total acreage** in Town (including roads, open space, public buildings, businesses, parks, and residences) is 4,108 acres. Only 150 properties, comprising 37% of Carrboro's total acreage, are larger than or equal to 3 acres. Only 209 properties are larger than or equal to 2 acres.
- The total **residential acreage** in Town is 2,399 acres. Of these, only 84 residential properties are larger than or equal to 3 acres, and only 114 properties are larger than or equal to 2 acres. Many of these properties consist of multi-family housing structures. A few consist of single family homes.

If the Board is interested in the Urban Archery Season, members may want to consider restricting the hunting of deer to private property that consists of a certain number of acres and/or impose further restrictions (from a stand, not near or across a road, not near occupied residential or commercial buildings, not near parks or recreation areas or any type of public gathering place, etc.).

- The Police Chief was contacted by the founder of Backyard Bow Pro, a program designed to connect urban and suburban communities, municipalities, farmers, and other landowners with bow hunters that adhere to a strong code of ethics; exhibit extreme proficiency and care; and are "crime free." Backyard Bow Pro personnel verify that their team members (or hunters) have an active state hunting license; are in good standing with the state Wildlife Resources Commission; have passed a personal interview process and proficiency test; have agreed to and signed Backyard Bow Pro's code of ethics; have been verified as "crime free"; participate in giving back to the community through FHFH, the Venison Feeding Ministry; and provide team members with a photo identification card and other credentials so that anyone can verify they are who they say they are.

If the Board is interested in the Urban Archery Season, members may want to consider establishing a connection with Backyard Bow Pro in an effort to connect private property owners with certified and proficient bow hunters who are also committed to donating to local food relief agencies. Town staff has found no other organizations that provide this level of certification and credentialing for hunters. There is no cost to the Town to establish this connection with Backyard Bow Pro. Hunters do pay a fee to join the organization.

- The Board should also note that deer struck by arrows do not always die immediately. In fact, on September 28, 2010, in a Carrboro neighborhood off Eubanks Road, a deer that had been shot by an arrow ran into the yard of an occupied residence. The resident was quite upset and called for assistance. She did not want the young children inside the house to witness the very grim situation. Carrboro's animal control officer and a police officer responded and found the badly wounded deer standing close to the house. The deer ran away, which in this situation, was the best case scenario, except that the deer eventually died on private property nearby. The owner of that property contacted Town staff and requested that we remove the deer. At present, the Town's policy is *not* to remove any animal carcass from private property.

If the Board were to sanction the Urban Archery Season within Town limits, and if a deer were to die unattended by the hunter on private property after being shot by an arrow, the Town may be responsible (ethically, if not legally) for removal of the carcass. Consider Pittsboro's plan of action should a hunter fail to track his wounded deer.

As an aside, jurisdictions that have an Urban Archery Season usually consider the number of motor vehicle accidents involving deer. In Carrboro, in 2010, there were 18 traffic accidents involving deer and to date in 2011, there have been 12 such accidents.

Provide educational information about deer management methods to community members

Police Department staff receives very few requests for information about living with deer. The Police Department's website includes links to a variety of information about deer and deer resistant plants, from a variety of resources, to include: N. C. Wildlife Resources Commission, The Humane Society of the United States, Orange County Animal Services, North Carolina State University, and CLAWS.

Proposed ordinance prohibiting the intentional feeding of deer

The Board requested the drafting of an ordinance prohibiting the feeding of deer. The Town Attorney drafted such an ordinance, and it is attached to this report (Attachment B).

FISCAL IMPACT

If the Board revises the current ordinance to allow the use of a bow and arrow within Town limits and directs staff to apply for participation in the Urban Archery Season, at the very least, staff time will be required to meet with the N. C. Wildlife Resources Commission personnel, to draft the letter of intent, and to design a map that will clearly define where the hunting will be permitted.

If the Board decides to establish a connection with Backyard Bow Pro, there will be no additional cost to the Town.

If the Board decides to involve Town staff (as is done in Pittsboro) in the registration, licensing, and testing of hunters; in the inspection of stands and hunting boundaries; and in the registration of private property owners who want to participate in the urban hunt, then Town staff will have to design and implement registration and licensing procedures; receive training in the proper testing of potential bow hunters; define and design a testing area and purchase equipment necessary for testing; receive training in the effective inspection of stands and hunting areas; and design and implement registration procedures for interested property owners. The degree to which Town staff will be involved in any official “permitting” procedure will determine the fiscal impact.

If the hunter is unsuccessful in tracking the wounded deer, and if the deer later dies on private property, Town staff may be involved in the removal of the carcass. There may be training and equipment issues to consider, as well as staff time, if staff must assume new duties that result from participation in Urban Archery Season.

STAFF RECOMMENDATION

Staff recommends that the Board consider the attached resolution and draft ordinance.