



CITY OF IOWA CITY

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November 28, 2018

Natural Resource Commission
Henry Wallace Building
502 E. 9th St.
Des Moines, IA 50309

In re: December , 2018 Business Meeting
Urban Deer Management Zone—Special Harvest/Request to Sharp Shoot Deer

Dear Commissioners:

Thank you for the placing this request by the City of Iowa City on the agenda of your December 13, 2018 business meeting. The following City staff will be appearing at your meeting: Captain Bill Campbell of the Iowa City Police Department and Assistant City Attorney Sue Dulek.

Earlier Request.

After listening to your comments and those of Dr. Garner at the May 2018 meeting, City staff took a variety of actions. First, a web page was created to provide the public with information on deer management. Here is a link to the web page-- <https://www.icgov.org/project/deer-population-management-project>. Second, a committee was formed consisting of City residents and staff. Third, the committee hosted a public forum on deer management on August 14. The forum was recorded and is available on the City's website. Fourth, the deer committee issued a memo to the City Council, which the Council discussed at its work session meeting on October 2 (copy is attached as Exhibit A). The City Council directed staff to make a second request to sharp shoot this upcoming winter.

Request.

Pursuant to 571 Iowa Admin. Code 105.5, the City of Iowa City (the City) is requesting NRC approval of an urban deer management zone during the winter of 2018-2019. Additionally, the City is requesting that the special harvest be conducted under the following conditions:

1. The deer management area is defined as all public and private land within the corporate limits as designated by the City Council. Property owners will need to provide the City with permission.
2. The number of deer to be killed will not bring the deer to a density of less than 25 deer per square mile.
3. The deer management program will be conducted solely by professional wildlife biologists trained as sharp shooters.
4. Bait may be used to attract deer to select sharpshooting locations. (The City understands that bait is an issue to many but this is not a recreational hunt.) As recommended by Dr. Garner, all baiting will be discontinued immediately and all remaining bait shall be removed if a CWD positive test result is confirmed. If no

CWD positive test result is confirmed, all bait will be removed at the end of the sharp shooting effort.

5. The deer carcasses will be individually identified (i.e., tagged) and transported whole (i.e., not field dressed) to a locker. All deer ages 1 year and older will be frozen and tested for chronic waste disease (CWD) and held in individual containers until CWD test results are known. The City and the IDNR will enter into a contract for CWD testing and all costs borne by the City. The contract will contain further testing details.
6. After receiving a "not detected" CWD test result, all deer meat will be distributed free of charge at the Crisis Center that operates our local food bank. If there is a positive CWD test, the carcass will be properly disposed of.
7. All antlers will be sawed off above the pedicle and turned over to the DNR. The locker will keep the hides.
8. Deer sharp shooting activities may occur from December 1, 2018 through March 31, 2019.

Long Term Deer Management Plan.

The City's long-term deer management plan is to do a count in 2019, after the above requested sharp shooting management program has occurred. If the number of deer remain over 25 deer per square mile, I assume that the City Council will again make a request to sharp shoot during the winter of 2019-2020. Although there have been many residents who have served on the City Council since the City first decided to sharp shoot 20 years ago, our Councils have always chosen to manage deer by sharp shooting. Our residents and our Councils have never wished to manage deer by means of bow hunting, and I believe that future Councils will not agree to a bow hunt. With that said, the City Council will need to direct staff each year on how it wishes the City to manage the deer population.

Previous NRC Action/Historical Background.

The City began its deer management just over twenty (20) years ago with discussions in 1996 with the DNR. As recommended by the DNR, the City formed a committee in 1997 to determine the best methods for the City to manage the deer population consisting of representatives of a variety of groups, such as a resident living in areas heavily populated with deer, resident in areas not heavily populated with deer, animal rights, science/biology background, and Iowa Wildlife Federation. After spending 5 months deciding whether to reduce the number of deer and how to do so, the committee recommended to City Council reduction by sharp shooting and trap and kill, but not bow hunting. The NRC approved the request to sharp shoot, and the City entered into a contract with the U.S. Department of Agriculture (USDA) to sharp shoot, but in February 1999, a lawsuit was filed against the USDA alleging a violation of the National Environmental Policy Act. The Court entered a temporary restraining order which terminated the sharpshooting that spring and ended the City's relationship with the USDA.

Beginning the following winter of 1999-2000 and continuing annually through 2009-2010 (with the exception of the winter of 2002-2003), the City contracted with White Buffalo, Inc. to sharp shoot. In each of those winters the City applied for authorization from the NRC to shoot, and in each year, the NRC granted the application.

Because the numbers of deer were at a reasonable population level, the City notified the NRC in May 2010 that it was not seeking authorization to sharp shoot the following winter. The City's Deer Task Force was also dissolved that spring.

For your information, attached as Exhibit B is a copy of the report by White Buffalo, Inc. from the operation of the winter of 2009-2010, which includes a summary of the number of deer harvested in each of the winters the City engaged White Buffalo, Inc.

Current Deer Population.

Unfortunately, the deer population in the City has grown since 2010 and has returned to the level of twenty (20) years ago. I am attaching as Exhibit C a copy of the report by White Buffalo, Inc. entitled "Iowa City White-Tailed Deer Population Estimate January 2018."

White Buffalo, Inc.

White Buffalo, Inc. is a nonprofit organization with considerable experienced in deer management in urban and suburban settings by means of professional sharpshooting. Its web site is <https://www.whitebuffaloinc.org/> As I said earlier, the City contracted with White Buffalo, Inc. for 10 years without incident and will do so again this year if the NRC approves this request. I am attaching as Exhibit D the sharpshooting protocol employed by White Buffalo, Inc.

Bow Hunting.

I know that some commissioners stated at the May meeting that they wanted to see the City offer bow hunting as an option to manage the deer within the City limits. I also understand that bow hunting is successful in many communities. The current City Council, as did previous Councils, prefers to manage the deer population in Iowa City by means of sharp shooting. Additionally, bow hunting will not kill enough deer to bring the numbers down to the number acceptable to City residents. As we did previously, the City will contract with a local locker to package and freeze all the deer meat to be distributed free of charge at the Crisis Center that operates our local food bank.

Conclusion.

City staff looks forward to the opportunity to meet with you, answer your questions, and address your concerns. If you find that you need additional information, we will provide that to you either in writing and/or in person. If authorization to proceed with sharp shooting is approved, I will provide the NRC with a report next spring summarizing the operation.

Thank you very much for your time and consideration.

Sincerely,



Geoff Fruin
City Manager

Enc.

Copies w/enc. to:

Jody Matherly, Chief of Police
Bill Campbell, Capt. Iowa City Police Dept.
Susan Dulek, Ass't. City Attorney



January 4, 2019

Geoff Fruin, City Manager
City of Iowa City
410 East Washington Street
Iowa City, IA 52240-1826
Geoff-Fruin@iowa-city.org

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CITY ATTORNEY'S OFFICE

Dear Mr. Fruin,

I am writing to thank you for your interest in managing Iowa City's current deer population. As you know, this is a complex issue that has many nuances and variables to consider.

This letter is to provide you information regarding the denial of the special sharpshoot request and to keep the dialogue open to explore resolutions in relation to the management of Iowa City's deer population.

In regard to the presentations made before the Natural Resource Commission on May 10, 2018, and December 13, 2018, I would like to compliment Assistant City Attorney Sue Dulek and Captain Bill Campbell. They presented the City's position professionally and were open to discussion. We also appreciate the City's efforts to re-engage their deer committee and seek public input regarding this issue.

With that being said, concerns expressed by members of the Commission regarding the special request include the length of time since Iowa City's last management effort and the limited long term plan for future management, a plan that was requested by the Commission during the petition review on May 10, 2018.

As you may know, a number of Iowa's urban areas annually utilize the Department of Natural Resources' deer population management zone hunts (under Iowa Administrative Code [571] 105.3) with the guidance and assistance of the Department's depredation biologist. The purpose of these hunts is to "ensure the harvest of an adequate number of deer to reduce economic and biological damage caused by high deer populations." These types of hunts allow cities to regulate the season dates, type of weapons, license types, and quotas.

Although, there are aspects within sharpshooting that are not ideal as a method of take as noted in comments by individual commissioners, we understand there may be an occasion to accommodate this effort to reduce the deer population, especially as an initial management tool. We highly encourage you and the council to explore and familiarize yourselves with other proven, cost effective, and scientifically sound methods of take. As noted before, the Department's depredation biologist is available to assist you with a long term plan in whichever methodologies you choose to consider. Feel free to contact Iowa DNR's Greg Harris, Depredation Biologist (319-330-5578) or Dr. Dale Garner, Division Administrator (515-238-3181) with any questions.

In review of the City's immediate plan with the Department, as outlined in your December 13, 2018, request, the Department is acceptable to items #1 and #3-#8 with the caveat that the City works with the Department to coordinate details, such as with contracting under #5. Regarding #2, the reason for 25 deer per square mile is unclear. Dr. Dale Garner, IA DNR, notes that, biologically, if you are looking to reduce deer density to reduce vegetative/native fauna destruction, then the density will need to be much less than 25 deer per square mile. In your long term planning, we encourage you to re-evaluate this number in regard to the end results you seek to achieve.

Also, in your long term planning, we would like to ask for a five year deer management plan that includes continuous annual evaluations and actions that include:

- Identify how the City will evaluate and manage the population after the current density is reduced.
- Continue to engage the deer committee, including members from various interest groups, to provide a broad and comprehensive perspective of the issue, and,
- Seek continuous education in deer population management tools to use for internal and public education.

The NRC would be open to reviewing the City's request if it includes a more robust and continuous long term management plan as noted above. If the City is interested in pursuing a shoot or hunt, I invite you to present at our February 14, 2019, Commission business meeting. Once your request has been received, we will review it for any need of additional information prior to the meeting.

As noted before, this is a complex issue with many nuances and variables and they cannot all be addressed in this letter, but I wanted to make sure you were aware the door is open for continued dialogue and encourage you to seek assistance from your City's own biologists and deer management experts and/or the Department's depredation biologist in creating a long term and sustainable deer management plan.

Respectfully Submitted,



Margo Underwood, Chair
Natural Resource Commission
Margo.Underwood@dnr.iowa.gov

Attached: Letter from Geoff Fruin, City Manager, City of Iowa City, dated 11/28/18

cc: Susan (Sue) Dulek, Asst City Atty, 410 East Washington Street, Iowa City, IA (Sue-Dulek@iowa-city.org)
Captain Bill Campbell, 410 East Washington Street, Iowa City, IA (Bill-Campbell@iowa-city.org)
Natural Resource Commissioners (Marcus.Branstad@dnr.iowa.gov, Kim.Francisco@dnr.iowa.gov,
Laura.Hommel@dnr.iowa.gov, Tom.Prickett@dnr.iowa.gov, Phyllis.Reimer@dnr.iowa.gov,
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Dr. Dale Garner, IA DNR, CRD Division Administrator (Dale.Garner@dnr.iowa.gov)
Greg Harris, IA DNR, Depredation Biologist (Greg.Harris@dnr.iowa.gov)



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February 7, 2019

Ms. Margo Underwood
Chair, Iowa Natural Resource Commission
Henry Wallace Building
502 E. 9th St.
Des Moines, IA 50309

Dear Chair Underwood:

Thank you for your letter dated January 4, 2019. I greatly appreciate your willingness to assist the City of Iowa City with our deer management efforts. As you noted in your letter, we appeared before the Iowa Natural Resource Commission (NRC) twice in 2018 in order to try to restart our deer management efforts. Our staff has also spent significant time engaging Department of Natural Resource staff and soliciting and processing input on this topic from our community.

Because our request for a sharpshoot was denied in both May and December of 2018, we are now contemplating how to move forward with our management efforts in a manner that aligns with the expectations of our community and that will also be acceptable to the NRC. Based on the feedback received from the NRC at the December 13th meeting, we were previously of the understanding that continuing our community's history of sharpshooting would not be an acceptable option under any circumstance. However, upon receipt of you January 4th letter, it is now our understanding that a sharpshoot can indeed be supported by the NRC. Your letter states that the "*Department is acceptable to items #1 and #3-#8*" in my December 13 request. Item #3 in our request states: "*The deer management program will be conducted solely by professional wildlife biologists trained as sharp shooters.*"

Your letter was very helpful in identifying the steps Iowa City needs to take in order to gain the approval of the NRC for our preferred management tool of sharpshooting. I now understand that a five-year deer management plan is needed that includes "*continuous annual evaluations and actions that include:*

- *Identify how the City will evaluate and manage the population after the current density is reduced.*
- *Continue to engage the deer committee, including members from various interest groups, to provide a broad and comprehensive perspective of the issue, and,*
- *Seek continuous education in deer population management tools to use for internal and public education."*

Your letter also questioned the deer density level of 25 deer per square mile contained in item #2 of the City's request. When Iowa City made its first request to the NRC in the late 1990's, our goal was 35 deer per square mile. Our City Council lowered the goal to 25 in 2005 after our Deer Task Force concluded that 25 deer per square mile to be the level at which irreversible environmental damage occurs. Thereafter every subsequent request to the NRC has been to

sharpshoot a sufficient number of deer to achieve a goal of 25 deer per square mile. I provide this to you by way of background only. The City is very willing to lower this number to satisfy the NRC. Your guidance that our current target goal is too high is much appreciated. Per your suggestion, we will seek direction on a revised figure with Department of Natural Resource staff that have significant expertise on this subject matter.

Prior to further engaging our elected officials and the residents of Iowa City, I respectfully request that you confirm that my understanding of your letter is correct. It is very important to our community that we develop an acceptable plan in a timely manner so that we can restart our deer management efforts in 2019. In short, our understanding is that the NRC is open to approving a plan that only includes sharpshooting if Iowa City develops a five-year plan as described in your letter and if we reduce our previously submitted goal of 25 deer per square mile. On the latter topic we will seek expert guidance from Department of Natural Resource staff.

If this understanding is incorrect it is vitally important that the NRC provide us precise parameters for a plan that will meet your approval. If for instance, sharpshooting will not be approved as either a one-time reduction strategy or an ongoing management tool than we need to know that in no uncertain terms so we can appropriately advise our elected officials and guide local public discussion.

Again, thank you for reaching out and offering assistance. We truly view the NRC as a partner on this issue and we graciously seek your assistance and direction so that we can address a rapidly growing public safety concern in our community.

I look forward to your response.

Sincerely,



Geoff Fruin
City Manager

Via U.S. mail and email <Margo.Underwood@dnr.iowa.gov>

Copy to:

Natural Resource Commission via email to <Kim.Rasler@dnr.gov>

Dr. Dale Garner via email <Dale.Garner@dnr.gov>

Jody Matherly, Chief of Police

Bill Campbell, Captain Iowa City Police Dept.

Susan Dulek, Assistant City Attorney