

E-Mail communications with John Krause from California Fish and Game

Re: Deer in our area

Steve,

The passive approaches are intended to alleviate the nuisance interactions, and obviously do not reduce populations. However, I do not believe the passive approaches result in larger deer populations either. Deer populations are regulated naturally by forage suitability and abundance, predation, diseases, etc. and by human affects, etc. (e.g. hunting). Populations grow and wane cyclically.

As for contraception, this is not a practical or effective means of controlling populations in free ranging situations, and has limited effectiveness even in confined area/herd situations.

Each suggestion I made, such as motion activated sprinklers, is not 100% effective. Deer could get habituated to them. Therefore, having a number of tools should help reduce a nuisance wildlife issue, but still not entirely eliminate it. I think that having a variety of means, and doing as much as possible, consistently and persistently should help. Depredation permits would just be another tool, again not likely to eliminate the issue, but if that is not possible in your area it doesn't mean you can use others. I'm not sure if you are saying you aren't willing to use depredation permits or if it is that discharge of a firearm is not legal. If it is something you would consider and the community supports, I would suggest you contact the local police department or Sheriff's office to find out what the regulations are for your area, it may be that your 40 acres of open space would be an area where a firearm can be discharged legally and safely. If you are interested in depredation, please contact our office to arrange for a warden to review the site and property damage to determine if it is appropriate.

Along those lines, perhaps shooting the deer isn't an option, but perhaps making the deer think they are being hunted would be effective- A more aggressive hazing technique would be to use propane cannons to haze them. These are very effective at keeping wildlife away from an area, for instance when there is an oil spill and they are used to keep birds from getting in an area where they could get oiled. This may sound ridiculous to you for your area, but I'm trying to list all the possible means I can think of.

While you may not believe anyone is feeding them, you might be surprised. I would suggest that you make sure that everyone in the community is educated about feeding deer. Not only is it bad for the deer, it's bad for your landscaping, and it is prohibited by law. Please do not assume everyone knows this, unless you have spoken to each person in the community and you can say for sure they know. I strongly suggest going another step and incorporating wildlife feeding prohibitions into your CC&R's, with obvious exceptions such as songbird feeders, to help reduce attractive nuisances if you find that anyone is or might be feeding wildlife.

As far as the "deer resistant" landscaping goes, this does not mean deer won't eat it at all, as you have observed, but rather, they may be less likely to browse it, especially later in the year when leaves have "hardened" but early in the growing season most plants are soft and palatable. Furthermore, those deer resistant plants are typically native plants or varieties that can withstand

browsing, and will recover. Granted that takes some time, and will not recover until they are not being browsed.

I'm not sure what you mean by deer looking stressed, but I will assume you mean they look scruffy and like they could put on a few pounds. The fall is typically when it is hardest for deer to survive, particularly fawns, and the deer that make it through the winter may not look as healthy as one might expect deer to look in spring and summer, but with the winter rainy season comes another growing season both for the plants and for the wildlife. If the deer you are seeing now weren't able to survive well in the past winter, they certainly should start putting on weight since resources are abundant and will continue to thrive.

If there really are 50 deer on 140 acres, that may be on the high side, but if they couldn't support themselves, they would disperse in search of food or browse less palatable plants until their preferred forage is available. Maybe that's why some of the deer resistant landscaping is being eaten. Keep in mind that the deer you see will come and go, they range over large areas, particularly bucks. Deer will leave your area for others, and other deer nearby may come into your area. Contraception the deer as a means of alleviating the nuisance is therefore not practical and would likely not be effective either. It is not practical because it is very costly and time intensive to contracept deer, each one would have to be captured and implanted, and it only lasts a short time and then would need to be repeated every couple of years. Furthermore, even if some of the deer were contracepted, since there is a ready supply of deer in the larger area that may come to your area that would also not likely result in reduced numbers since it would be impossible to implant most deer in an area.

Since your community does not like fences and wants to keep the area natural looking, keep in mind that the deer are part of that nature. With your community having a lot of open land, which is therefore available for deer to browse, the deer will likely continue to make a living in the area on natural forage and also on the landscaping. I think using physical barriers and hazing would help. Fences might be part of the solution, but would only be effective if it is done as part of the larger list of possible means previously mentioned to you. If perimeter fences are not desired or feasible, I'd recommend installing some netting/small fencing in the affected landscaping beds where it might be, installing hazing equipment in as many areas as possible and encouraging people to haze opportunistically. Alternatively, rather than maintaining the landscaping as a green zone that serves as an attraction to wildlife, consider xeriscaping, that is, dry landscaping using plants that don't need much water such as the more desert like varieties. Basically, making the area less attractive to deer browsing, but hopefully still attractive to the eye for residents. There are many attractive plants and features that could be substituted- I realize that this is more drastic, but perhaps if the community explores it as a possibility it might help.

Regards-
JOHN

>>> "Lange, Steve" <Steve.Lange@kla-tencor.com> 3/3/2006 1:39:26 PM >>>
John,

I think the passive approaches have only allowed the deer to multiply. I've seen deer sitting in my neighbor's lawn where he has one of those motion-activated sprinkler systems. Virtually everyone has planted "deer resistant"

landscaping, because if it wasn't "deer resistant" it would be gone in a few nights. Now the deer are eating their way through the deer resistant plants - e.g., devouring the arborvitae lately. I really can't believe that anyone around RHEN is actually feeding the deer. If they did, they would have dozens there every day.

If you can't relocate them, we can't shoot them, how about using some birth control? At least that would keep the herd at the same size and gradually decreasing over time.

Our association has about 150 acres with about 40 in open land. I would estimate the herd at maybe 50 in our area. Many of the deer look stressed. It is pretty common to see 15 on a single lot at one time and more scattered as you drive around the area. We don't like fences around each lot as we want to keep the association natural looking.

When I moved into the neighborhood ten years ago, it was relatively rare to see a deer, but now it is certain you'll see some every day.

Anyway, let me know about the birth control idea.

Thanks,

Steve Lange
Round Hill Estates North President

-----Original Message-----

From: John Krause [<mailto:jkrause@dfg.ca.gov>]
Sent: Monday, February 27, 2006 4:35 PM
To: lbockus@commoninterest.com
Subject: Re:nuisance wildlife, CA Code of Regs, Title 14. and CA Fishand Game Code

Lisa, as we discussed, below is some useful info.

There are two main ways laws regarding natural resources are addressed. California Code of Regulations, Title 14. Natural Resources, Division 1 For Fish and Game Commission/Dept. of Fish and Game and California Fish and Game Code.

I don't know if getting specific regulation and code language is going to be any more useful than just stating what they say. Most effective would be to provide suggestions for alleviating nuisance wildlife issues. The community should be able to alleviate nuisances by working together.

Basically, feeding wildlife is a bad idea since it is an attractive nuisance, it makes them less wary, artificially increase their numbers, and since wildlife are unpredictable. Furthermore, feeding deer is specifically prohibited in Title 14, Division 1 (FGC/DFG regs), the relevant section is: Section 251.3. Prohibitions Against Feeding Big Game.

Legal information would be available from:
<http://www.leginfo.ca.gov/calaw.html> has a link to the Fish and Game Code.

I haven't been able to find a direct link to Title 14, Division 1

(FGC/DFG regs), sorry.

Recommendations for reducing nuisance wildlife issues:

First and foremost, ensure no one is feeding deer (or other wildlife). Contact neighbors and find out if anyone is feeding the deer directly. Often where one person is having a nuisance problem, another may enjoy the Deer and not consider them a nuisance, and may be feeding them. It is critical to not feed deer (or other wildlife for that matter). It creates an attractive nuisance and can further augment their natural reproductive ability and can make the deer less wary. Keeping wildlife wary of people is very important.

Hazing or other "negative reinforcement" can be very effective in discouraging deer. This will require some effort but may be very effective over the long term, especially as communities undertake efforts together.

There are motion-activated sprinklers that hook up to a garden hose or can be installed in a standard plumbing high-pressure irrigation systems available in many hardware stores that are reportedly very effective for discouraging wildlife. Alternatively, when deer are seen in one's yard, repeatedly chasing them off or even spraying them with a hose may discourage them as well. Repetition is important, as a few actions in isolation will not result in a negative association.

If a property is not fenced, we recommend a fence be erected to protect landscaping- It needn't be expensive, and can be simple t-posts and mesh wire. It need not necessarily be erected around the entire property, but rather only around the immediate area of the home that one would like to exclude the deer from browsing. This may be more appropriate for planted beds. Fences can be effective in keeping them out unless there is something in your garden they are specifically attracted to.

As for these suggestions to address nuisance wildlife, remember that a key issue is to ensure no one in the neighborhood is feeding wildlife. This can't be stressed enough, since it is not only an attractive nuisance, it artificially increases their numbers by increasing their reproductive success. Along with community education of the issue for neighbors unaware of the problem that others are experiencing, if there is a community group that can be used as a means of informing residents and implementing a large-scale, long-term effort, I'd suggest developing some sort of feeding prohibitions. Maybe this could be added to CC&Rs or other policies. A community approach will be instrumental in any long-term solution.

When the above recommendations are not sufficient and there is demonstrable property damage that can be verified by DFG, a depredation permit can be applied for, which would allow take of the offending deer. This is covered under Title 14, Section 401, and in Fish and Game Code 4181.5 but is more intended and appropriate for agricultural settings, rather than in urban/residential areas since discharge of firearms is typically prohibited in city limits, which is regulated by the police departments and sheriff's office. Furthermore, in a residential setting in the bay area, I would expect there to be strong, vocal opposition to lethal control.

Relocation of deer is not an option, as I discussed with you and Tom Blankenship described to you in earlier email communication.

If there are questions on what's described, you or other individuals may contact me.

Regards-

John Krause

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