



## AGENDA ITEM SUMMARY

### BACKGROUND

Deer and elk residing in urban areas have resulted in conflict with residents of numerous Oregon cities. At high densities urban deer and elk can cause numerous problems including damage to gardens and landscaping, increased automobile accidents, attracting predators, and directly threatening the safety of people and pets. Oregon Department of Fish and Wildlife (department) staff have worked with Oregon State Police (OSP), local law enforcement, city officials, and city residents to address individual safety issues and to reduce conflict through education regarding appropriate nonlethal deterrents and the problems associated with feeding wildlife. However, it is common for some level of conflict to continue if urban deer or elk densities remain high.

The 2017 Oregon Legislative Assembly passed Senate Bill 373, which directed the development of a pilot program for urban deer population control that would allow cities to take deer for the purpose of reducing urban deer populations. In December 2017, the Fish and Wildlife Commission (Commission) adopted administrative rules establishing an urban deer population control pilot program.

In 2019, Governor Kate Brown designated the Clatsop Plains Elk Collaborative as an Oregon Solutions Project with a 26-member project team focused on reducing conflict between elk and people, increasing safety, and promoting cohabitation between elk and people in the Clatsop Plains area. Urban elk have been a key component of the elk population management challenges in the Clatsop Plains area. This project has resulted in a Declaration of Cooperation between the project team members and a commitment to continue working to achieve the project goals.

The 2021 Oregon Legislative Assembly passed Senate Bill 761 which directed the pilot program for urban deer population control be expanded to include urban elk population control. Senate Bill 761 did not modify any other statutory requirements of the urban deer population control pilot program.

The statutory requirements for the pilot program for urban deer and elk populations control establish the primary roles of local governments and the department in the decisions and actions associated with urban deer or elk population control. This includes the requirement that a city enact an ordinance prohibiting feeding and must pass an ordinance, resolution, or order declaring that a deer or elk population has to a level constituting a public nuisance before requesting department assistance in reducing deer or elk populations. These required actions by the city provide an opportunity for city residents to provide input through their local city representatives and officials, an important consideration given that urban deer and elk issues can be controversial.

Since the passage of Senate Bill 373 in 2017, some cities have initiated conversations with department staff regarding the pilot program for urban deer population control. These conversations have led to some city enacting ordinances to prohibit feeding but no cities have made a formal request for deer kill permits.

## **PUBLIC INVOLVEMENT**

The 2021 Oregon Legislative Assembly considered public testimony before passing Senate Bill 761. Interested parties may also provide comments at the Commission meeting.

## **ISSUE 1**

Expansion of the urban deer population control pilot program to include urban elk population control.

## **ANALYSIS**

The 2021 Oregon Legislative Assembly passed Senate Bill 761 directing the Commission to expand the urban deer population control pilot program to include urban elk population control, allowing city to take elk for the purpose of reducing elk populations. The purpose of the pilot program is to assist cities with reducing elk numbers that are causing public nuisance, safety concerns, and damage to property. Senate Bill 761 directs the pilot program to prescribe the means and manner by which elk may be taken, stipulates that darts or lethal injection must be prohibited, ensures that edible portions of any elk taken are distributed for human consumption, provides direction as to what should happen to the hides and antlers of elk taken if not sold by the city, and requires that the number of elk taken does not exceed the number necessary to reduce the population to a level that no longer constitutes a public nuisance.

Any city that wants to petition the department for assistance in controlling urban elk through this pilot program is required to pass an ordinance, resolution or order declaring that elk populations have risen to levels that constitute a public nuisance, allowing the city to petition the department for assistance in reducing elk population levels within city limits. The city must also pass, by ordinance, restrictions on placing, depositing, distributing, storing or scattering food, garbage or any other attractant so as to knowingly constitute a lure, attractant or enticement for elk.

The next step is for the Department to determine if the elk population constitutes a public nuisance in the petitioning city. If that determination is made, the Department may issue kill permits to the city.

The city would then determine areas within city limits elk may be taken, designate an agent with appropriate authorities to take elk, and designate the manner of taking elk in accordance with the adopted Oregon Administrative Rules governing the pilot program.

When an elk is taken under this program, the agent must immediately report the taking to the department or a person authorized to enforce the wildlife laws. At a minimum, the reported information must include:

- (a) Name and phone number of the person reporting the take.
- (b) The permit number.
- (c) Number and sex of animals taken (including antler points if bucks are taken).
- (d) Location/address where take occurred.
- (e) Time of take.
- (f) Destination of carcasses.
- (g) Status of biological samples (if requested to take samples).

Additionally, any elk taken under this program, to the extent feasible, shall be salvaged and delivered as directed by the department to a “food bank or other charitable organization” as defined in ORS 315.154 for distribution. Any processing and distribution fees shall be at the expense of the city. The department and the Commission are not liable for any loss or damages arising out of the recovery, possession, transportation or consumption of elk pursuant to a permit. The city may sell hides and antlers from elk taken under this program within thirty days of take to persons licensed under ORS 498.019 to offset the cost of the program. Antlers not sold must be surrendered to the department within forty-five days of take. Antler sales must comply with 635-200-0050(5).

**OPTIONS**

- 1. Adopt staff recommendations.
- 2. Amend staff recommendations.

**STAFF RECOMMENDATION**

- 1. Option 1.

**DRAFT MOTION:**  
I move to adopt OAR Chapter 635, Division 043, as proposed by staff in Attachment 4  
**Effective Date:** January 1, 2022