

Exhibit F

**Supplemental Public
Correspondence Received as of
December 15, 2021**



**THE HUMANE SOCIETY
OF THE UNITED STATES**

December 14, 2021

Mary Wahl, Chair
Oregon Fish and Wildlife Commission
4034 Fairview Industrial Drive SE
Salem, OR 97302

Re: Urban Deer Population Control Program

Dear Chairwoman Wahl, Director Melcher, and Members of the Commission,

The Humane Society of the United States has worked for over 30 years to address human-deer conflicts in communities across the US humanely and effectively. It is through the lens of this experience that we offer our comments on the removal of deer and elk by lethal methods as organized and directed under the Urban Deer Population Control Program.

It is our view that the program and its proposed actions are missing important considerations that will mislead communities and managers to only consider lethal actions to address conflicts. Additionally, we believe the program operates under assumptions that need to be verified before permits are given to remove animals.

Those unverified assumptions include:

- 1) Justifying lethal removal based on the presumption of overabundance and not instead a comprehensive evaluation of existing population dynamics and impacts.
- 2) Presuming that lethal control will be a sustainable approach that will keep numbers down over the long term. This cannot occur without defining achievable reduction goals tied to ongoing monitoring and evaluation of those goals for success.
- 3) Presuming that reducing the number of deer and elk by lethal means will have a 1 to 1 corresponding reduction on the number of conflicts being experienced by the community. This is not the case as conflicts will still be experienced with remaining deer, whatever their population. The goal should instead be focused on reducing conflicts not reducing the number of deer.

Instead of implementing lethal deer and elk programs, communities should first conduct an objective and extensive public survey to define and assess the nature, scope, and location of the deer problems the community is experiencing so solutions and mitigation can be tailored to particular sites and situations. Once that baseline has been established, the community should develop a comprehensive plan using applicable non-lethal methods, along with setting up a robust data collection and evaluation system to monitor if deer damage mitigation strategies are achieving set goals and adapt the programs accordingly.

Importantly, that requires providing information about how deer live in communities and building community expectations about their presence given the attractive habitat types and landscaping planting preferences that support them in developed and/or urbanized environments. This information should include site-specific

analyses and mitigation for road crossing hot spots and or areas where deer are congregating and unwanted and putting that risk in appropriate context. Mitigation actions may include habitat alteration, exclusion, public education on planting strategies and information on plants that are not attractive or are resilient to deer browse.

Deer are highly prolific, and their high reproductive rate can quickly compensate for declines in their population. When deer numbers are reduced after killing programs, the remaining female deer will often respond to greater food abundance by giving birth to twins or triplets. Fawns also have higher survival rates and earlier onset of sexual maturity. The result is a quick "bounce-back" in numbers. To be successful, a killing program must not only significantly reduce the deer herd, it must sustain enough pressure to prevent this bounce-back effect, while also preventing deer from the surrounding area from wandering in. All of this usually poses an insurmountable challenge in most urban and suburban communities.

Killing deer and elk will not reduce conflicts. For example, killing deer will not resolve people's conflicts with deer in their gardens. That's why [effective solutions](#) focus on deterring deer and protecting flowers and ornamentals rather than trying to remove every deer that may come along and browse them. Additionally, studies have shown that reducing the deer population does not necessarily reduce the number of collisions between cars and deer. In some cases, collision numbers are actually lower in areas with more deer. [Many factors contribute to deer-vehicle collisions](#), such as traffic volume, speed limits, the extent to which roads bisect habits and migration routes, the use of visual barriers and awareness. This is why reducing the number of deer alone does not work to reduce vehicle collisions with deer.

The Humane Society of the United States offers a ready-to-go [template deer management plan](#) (available at humanesociety.org/deer) that communities can adapt to local conditions.

We strongly urge the Oregon Department of Fish and Wildlife to consider the comprehensive and stepwise approach this management plan template provides as a more [humane, effective alternative to killing deer and elk](#).

Sincerely,

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HUMANE VOTERS | OREGON

COMMENTS ON RULES FOR URBAN DEER AND ELK CONTROL

December 13, 2021

Chair Wahl and Members of the Commission:

Humane Voters Oregon is a nonprofit organization that works in Oregon's political process and elections to promote humane treatment of animals. We are not affiliated with any other state or national organization.

Humane Voters Oregon offers the following comments on proposed rules to add elk to the program for urban deer control (allowing deer in urban areas to be killed when deemed a "public nuisance"). Our comments are less about the addition of elk and more about the rules in general, which we believe should be amended in other respects as part of adding elk to the program.¹

1. We support the requirement that cities adopt an ordinance before requesting permits to kill deer or elk. This provides at least some opportunity for public notice and involvement on what is likely to be a controversial issue.

2. We support the requirement that, before obtaining kill permits, cities must adopt an ordinance "restricting" placement of attractants to deer and elk. However, the rules should require the ordinance to be in effect for a specified period (at least a year) before the city can apply for kill permits. As written, the rules allow a city to pass the ordinance and then immediately request kill permits without giving the ordinance time to work. The rules should also require other efforts to address conflict with deer and elk in non-lethal ways (education and fencing, for example) before resorting to kill permits.

3. The rules should include a more thoughtful definition of "public nuisance." Senate Bill 373 (2017) (deer) and Senate Bill 761 (2021) (elk) did not define the term. The Department's rules incorporate the definition in ORS 498.012, which provides:

"Public nuisance" means loss of or harm inflicted on gardens, ornamental plants, ornamental trees, pets, vehicles, boats, structures or other personal property."

ORS 498.012(7)(c).

Under this definition, a city could declare its urban deer or elk a "public nuisance," and the Department could issue kill permits, if one animal eats fruit from two trees. (The use of plurals implies that at least two trees must be involved). A kill permit also could be issued if one deer or

¹ We submitted similar comments when the rules were adopted for urban deer control in 2018.

one elk walks through two “gardens” or “ornamental plants.” In essence, “public nuisance” means whatever a city wants it to mean.

Because the interest in treating deer and elk humanely extends beyond the boundaries of the cities that might request kill permits under the program, the rules should develop a statewide definition of “public nuisance” (or at least some minimum threshold) that incorporates issues such as deer/elk densities, the extent of documented damage and complaints, and a determination of whether killing deer or elk will result in a long-term reduction of conflict or only a short-term reduction pending more in-migration and/or compensatory breeding.

4. The rules should be reconsidered with a rules advisory committee that includes animal welfare interests. The initial rules were developed without a rules advisory committee after consultations only with the League of Oregon Cities and Oregon food banks (according to the 2018 staff report). Because “culling” of urban deer and elk is a controversial issue that raises obvious animal welfare concerns, animal welfare groups should have been consulted in development of the rules (along with other stakeholders).

Thank you for considering our comments.

Regards,

Brian Posewitz

Brian Posewitz
Director