

**To:** Mayor and City Council  
**From:** Felicia N. Wheaton, Associate Planner  
**Subject:** Findings and recommendations of Deer Committee

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**Recommended Motion/Item Description**

Review and discuss the findings of the Deer Committee and provide staff with direction with respect to the specific recommendations of the Committee.

**Background**

Black-tailed deer are a common sight in Belvedere, particularly on the Island. The deer feed on a variety of plants, traverse well-worn paths, and bed in pockets of dense vegetation. The total number of deer on the Island is unknown, although there is quantity enough to cause aggravation among many of our residents. The City received enough communications expressing concern about the deer to warrant the formation of a citizen committee to research the issues and investigate potential solutions.

The Deer Committee held seven public meetings from February to September of 2009. A community-wide questionnaire was conducted to gauge local concern about the issue. The questionnaire had an impressive 50 percent response rate. The majority of respondents resided on the Island and wished for more effort toward deer population control. Concerns ranged from yard damage to fear of personal injury. A summary of the questionnaire results is included in the City of Belvedere Deer Study (Attachment 3).

**Findings**

Representatives from the State Department of Fish and Game (DFG) advised the Deer Committee that the deer were a State resource that could not be proactively addressed without the advice and consent of DFG. DFG identified the four alternatives: Relocation, Sterilization, Depredation and Education. DFG indicated that relocation efforts were no longer supported by DFG and could not be considered a viable alternative. Further, DFG advised that sterilization programs had proven unreliable and would require extensive environmental review before such a program could be considered by DFG. Depredation, or hunting, was an option, but because of the urbanized area, DFG would still require extensive environmental review. Finally, DFG indicated that prior to issuing any individual property owner a depredation permit, the property owner must use any and all measures available to deter the deer (landscaping changes, fencing, warning devices, etc.); and if these measures are unsuccessful, the property owner must identify

the specific deer causing the damage. DFG would then issue the permit for depredation for that animal only, and only with the approval of the local regulatory agency with respect to weapon laws.

Ultimately, the Committee findings showed the most appropriate approach to the City's deer situation is to provide more extensive education to the community. Deer control methods such as landscaping with deer-resistant plants, repellants and low-impact fencing will need to be embraced community-wide for the most effective results. The Deer Committee recommends that a consultant be hired to implement an education program, to respond to community concerns and to inform the community about available deer control methods.

The Deer Committee also recommends that the Planning Commission review current Design Review requirements for fences and gates and that they consider recommending ordinance amendments to allow a streamlined process for deer-related fencing.

At the recommendation of the Deer Committee, City Staff is currently working on the following tasks:

1. Compiling a list of deer sightings by Staff;
2. Creating a database of resident deer reports; and
3. Developing a consolidated deer information web page. The web page will contain educational information about deer, local laws, answers to health-related questions such as Lyme disease, links to deer-related City records (e.g., Deer Committee meeting packets and audio, correspondence, the Deer Study), and links to resources such as the Marin Humane Society and Marin Master Gardeners.

Members of the Deer Committee are to be congratulated for their efforts in searching for a solution to a complex problem with no easy resolution.

### **Fiscal Impact**

At this time, the City has spent only the allocated funds for the Deer Committee efforts. However, an educational program will require additional funding to develop handouts and other educational materials. Further, it is the recommendation that the educational program be put together using an outside consultant so as not to overburden current staff resources.

As the Council reviews the recommendations of the Deer Committee and provides direction, those recommendations that involve additional financial commitment will be returned to the Council for budget approval.

### **Recommendation**

Review and discuss the findings of the Deer Committee and provide staff with direction with respect to the specific recommendations of the Committee.

**Attachments**

1. Belvedere Deer Committee Participant Roster
2. Memorandum from Deer Committee, dated September 30, 2009
3. City of Belvedere Deer Study, June 2009
4. September 9, 2009, Deer Committee meeting minutes

# BELVEDERE DEER COMMITTEE

## PARTICIPANT ROSTER

### COMMITTEE MEMBERS

- **John Telischak**  
Committee Chair  
Golden Gate Avenue
- **Alix Fagersten**  
Bayview Avenue
- **Bob McCaskill**  
Crest Road
- **Carolyn Hansen**  
Golden Gate Avenue
- **Dave Bordon**  
Belvedere Avenue
- **DB Murray**  
Beach Road
- **Gilbert Kirwin**  
Golden Gate Avenue
- **Justin Faggioli**  
Vice-Chair  
Golden Gate Avenue
- **Halina Bak-Hughes**  
Bella Vista Avenue
- **Hugh Scott**  
Pine Avenue
- **Ingrid Weiss**  
Beach Road
- **Jeremy Fair**  
Eucalyptus Road
- **Virginia Doyle**  
Tamalpais Circle
- **Wyman Harris**  
Bella Vista Avenue

### STAFF

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## ATTACHMENT 2

### MEMORANDUM

To: Belvedere City Council  
From: Deer Committee  
Subject: Summary of Activities, Conclusions, Recommendations and Other Observations  
Date: September 30, 2009

#### Activities

The Deer Committee was established by the City Council in late 2008 and has been active for approximately nine months. It was set up because of increasing concerns by Belvedere residents about deer within the community. Its purpose was to investigate deer-related issues in Belvedere and explore appropriate population management approaches if deemed necessary, desirable and/or feasible. We held our first meeting in January and have had monthly meetings ever since. The Committee consists of 14 residents who were selected from approximately 25 applicants. A majority of the members live on the Island where the deer are a much bigger problem than elsewhere in Belvedere. Almost all members are long-time residents of Belvedere and have had first-hand experience with deer both in the present and from an historical perspective. The Committee meetings have been very well attended by the members and there has been very active participation by members reflecting their interest and concern about deer.

In addition to residents, there are several other Committee members, including City Manager George Rodericks and Associate Planner Felicia Wheaton, representing the City; and Captain Cindy Machado, Director of Animal Services, representing the Marin Humane Society. The City also retained a biologist and wildlife consultant, Jeff Dreier, of WRA. There has also been public participation at each meeting, which has involved residents who do not sit on the Committee, as well as several wildlife organizations.

The Committee conducted an extensive deer survey, a copy of which is attached. We received 474 responses out of the approximately 1,000 surveys which were sent out. This is an extremely high return rate for a survey, again reflecting the high level of interest in the issue. We have also created an “Incident Report” so the City can track current and past deer incidents. There are approximately a dozen such incidents which have been reported, and they generally include human and deer interaction which were deemed to be either intimidating to humans or pets or potentially dangerous.

In order to get better informed on deer-related issues, the Committee invited a number of guest speakers which proved to be informative. They included Jeff Dreier of WRA, Cindy Machado of the Marin Humane Society, John Krause of the California Department of Fish and Game, Michael Lasky – Chair of the Planning Commission, Matt Donlan of Bayside Nursery, Maggie Sergio of Wildcare and Kevin Sadlier of Green Jeans Garden Supply. The Committee also reviewed literature available on the subject, including how other communities were dealing with their deer problems.

WRA produced a final report entitled City of Belvedere Deer Study (June, 2009) a copy of which is attached. The Study includes the results of the deer survey as well.

The Committee believes that, given the limited resources it had available and the complexity of the deer issue, it was able to conduct a thorough and fair review of the deer issue in Belvedere and that further efforts by the Committee are unlikely to be very productive. The Committee is also frustrated by the regulatory hurdles and the political issues of dealing with deer, which greatly limit the available options to effectively deal with the problem.

### Conclusions

- The deer survey produced very useful information about how residents view deer in Belvedere:
  - ◆ Residents of Belvedere Island were the most concerned about deer with nearly 50% seeing them as a problem that needs to be addressed and another 23% worried about their appropriateness on the Island.
  - ◆ Yard damage and vehicle collision seem to be the primary concerns of all residents although potential personal injury, pet injury and extensive fencing are also significant concerns and were discussed extensively by the Committee.
  - ◆ Lyme disease, although a perceptual concern, is not an issue as scientific research has confirmed that the species of tick that carries Lyme disease in California is predominantly a parasite of small mammals and reptiles and, therefore, the presence of deer does not increase the chances of contracting the disease.

- ◆ A majority of responding residents (58%) would like to see the population of deer decreased, and this percentage rises to 71% on the Island where the prevalence of deer is the highest.
- An overwhelming majority of Committee members felt that the deer population in Belvedere, particularly on the Island, has increased significantly over the last 10 or 20 years.
- Although anecdotal, there seems to be an increase of deer incidents involving intimidation of humans and a fear of bodily injury or pet injury.
- The deer population of Belvedere is unknown and because of the terrain, private property issues and the habits of deer, it is very difficult and expensive to determine with accuracy.
- The California Department of Fish and Game has authority over deer and their representatives have informed us that, at the present time, little or nothing can be done without their permission with respect to controlling the deer population utilizing the traditional methods of (1) depredation (hunting), (2) trap and translocation and (3) immunocontraception. And they have indicated to us that they are unlikely to give the City permission to control the population without significant research and findings which must establish and document major damage. Furthermore, an EIR is likely to be required which is expensive and time consuming.
- Belvedere is likely to be subject to considerable adverse publicity by animal rights groups and related friends of such organizations if attempts are made to control the deer population utilizing the three traditional methods referenced above.

- Therefore, only one of the four possible deer control methods listed below appears to be feasible:
  - ◆ Depredation – Nearly impossible for the City to get a permit from the Department of Fish and Game to hunt or kill deer in an urban/suburban environment.
  - ◆ Trap and Translocation – Very low survival rates make this an unattractive alternative from the viewpoint of the Department of Fish and Game.
  - ◆ Immunocontraception – Generally not very effective, difficult to administer and potentially expensive, at least given the current medical technology.
  - ◆ Deer Deterrent Methods – This is the most feasible of the deer control methods as state permits and EIR's are not required. Methods include fencing, landscaping with deer-resistant plants, repellants, and frightening and other control methods. Mixed results have been reported from these methods except fencing. Fencing is generally effective but it can be expensive and can adversely affect the Belvedere ambiance.

### Recommendations

- Deer Committee to stay in existence to monitor deer situation. Committee size may be reduced and meetings scheduled semi-annually. Committee would be required to issue an annual status report to the City on anything deer related.
- Staff to be tasked with the responsibility to follow up on the deer issue(s) to support the mission of the Deer Committee.
- An education program to be put in place to educate the community about all the deer related issues, findings and deterrents. Certain members of the Deer Committee are

interested in participating in the education program. City to provide the necessary resources including retaining an educational consultant who would be responsible for educating the community as well as conducting several community meetings. This is a large task but it may produce some beneficial results.

- Planning Commission to review fencing and gating regulations to streamline obtaining deer-related fencing permits and to recommend certain types of fencing that maintain and enhance the ambiance and aesthetics of Belvedere rather than adversely affecting the character of the community. The same streamline regulations would apply to the installation of deer-related landscaping as well.
- Police, Public Works and Marin Humane Society to strictly enforce regulations prohibiting intentional feeding of deer which is illegal in the state.
- Police, Public Works and Marin Humane Society to assist in recording deer sightings to allow tracking/monitoring of deer population for comparative purposes.
- Remain open to consider, for possible future implementation, potentially creative solutions to the immigration of deer into our community, such as installation of cattle guard crossing to inhibit new deer from entering the community, and the installation of “wildlife” cameras at several key Belvedere entrances and exits to track deer migration. The City should also follow the immunocontraceptive progress being pursued by the animal-related medical community.
- Add a Deer Information section to the City website to provide residents with relevant deer information.

### Other Observations

- The overwhelming majority of the Committee members is disappointed that there do not appear to be any real feasible solutions to the deer problem other than fencing, deer-resistant planting and deer deterrents which historically have only provided a partial solution at best and can be expensive.
- A majority of the Committee members, as well as a number of concerned citizens, share the concern that the deer in Belvedere represent “an accident that is waiting to happen”. Although based on the facts at hand it is difficult to be optimistic, it is hoped that in the not too distant future, either the state will change its view toward suburban deer or some other medical/technological breakthrough will become available which will allow reasonable control of the deer population so that the stress level between humans and deer in a suburban environment can be significantly reduced. In the meantime, we have to utilize the limited deer management tools that are available and educate the public accordingly.

**BELVEDERE DEER COMMITTEE**  
**REGULAR MEETING OF SEPTEMBER 9, 2009**  
**DRAFT MINUTES**

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**MEMBERS PRESENT:** Committee Chair John Telischak, Justin Faggioli, Gilbert Kirwin, Hugh Scott, Carolyn Hansen, Ingrid Weiss, Halina Bak-Hughes, Alix Fagersten, Virginia Doyle, Robert McCaskill. Staff in attendance: City Manager George Rodericks, Associate Planner Felicia Wheaton and Marin Humane Society Captain Cindy Machado. **MEMBERS ABSENT:** Dave Bordon, DB Murray, Wyman Harris, Jeremy Fair.

- I. Chair Telischak called the meeting to order at 6:00 p.m.
- II. Chair Telischak opened the public forum for items not on the agenda. Nancy Barbour, 81 Acacia, thanked the committee for all of the information that has been provided about deer. She agrees with Ingrid Weiss' letter. She would like to state that no one knows how many deer there are in Belvedere and where they migrate from. Spending money on this information seems incredibly wasteful. She refers to correspondence from Professor McCullough distributed at the first meeting. The professor stated that deer populations fluctuate over time for unknown causes. Spending money to reduce the deer population when it might decline on its own needs to be considered. His suggestion to use high school students to study the population is a good one. Lastly, there was an article in the New York Times on Sunday, September 6 regarding ticks. This is an excellent education opportunity for the committee to have an article written by an expert and published in The Ark Newspaper and possibly the Marin IJ. This approach would be inexpensive and uncontroversial. Also, she has been successfully using the deer repellent powder on her roses as suggested by Kevin Sadlier of Green Jeans Garden Supply.
- III. The Committee approved the July 14, 2009 meeting minutes by unanimous vote.
- IV. Scheduled Items
  - A. Committee Chairman Report: Chair Telischak asked that the committee comment on a draft memorandum to the City Council. The memorandum is a summary of findings and recommendations by the committee.

Chair Telischak invited Committee Member McCaskill to correct the public record regarding donations to the city. Mr. McCaskill, a certified public accountant, clarified that contributions to a public agency are tax deductible as long as it is for public purposes. Chair Telischak reminded the committee that this information might be useful in the formation of a deer fund.

- B. Consultant Report: Chair Telischak noted that the WRA consultant was not able to attend this meeting. The final report speaks for itself and is the main work product of the committee. The report contains the results of the community questionnaire and the recommendations of the consultant. It will be presented to the City Council and it is a public document.
  - C. Committee Discussion (Contraception, Relocation, Depredation, Education): Chair Telischak noted that there was an email from Jerry Fair supporting whatever was decided by the committee. Chair Telischak also noted that the New York Times article regarding Nantucket's deer problems had been copied and distributed. The article mentions a report to come out in the fall. He suggests that the committee should continue to monitor how other communities are dealing with the problem, if at all.

Committee Member Virginia Doyle responded to the New York Times article. She pointed out that the committee has learned that the deer species in Belvedere do not carry the ticks that host Lyme

disease. The ticks that host Lyme disease are more likely to be found on rodents and other small animals. Lyme disease is not a problem and that is why education is so important.

Chair Telischak responded that he thought it was interesting that despite the fact the deer population is causing health problems (in Nantucket), people there still feel that it is not necessary to do anything.

Committee Member Hugh Scott commented on Ingrid Weiss' letter and Gilbert Kirwin's letter. He stated that the City has been put on notice and he agrees with the concept that there is some liability there. He is not an attorney, but he wonders if the committee has any concerns.

Chair Telischak asked Mr. Kirwin, who is an attorney, to comment. Mr. Kirwin stated that the expression he used was "exposure to liability." He believes there is liability exposure because there have been a number of people answering questionnaires and letter writers who have expressed fear of bodily injury from deer. If there were to be an unfortunate deer attack on a person, the question will be "did the governmental entity have notice of a hazardous condition?" He restated that he is not suggesting actual liability, but more specifically an exposure to it. And that this is a good reason to have insurance.

City Manager George Rodericks commented that he agreed with Mr. Kirwin's assessment. However, the city does not have regulatory control over the deer because they are a state resource, and therefore he believes the city would not have the same liability exposure. The city attorney could provide additional comment on the issue.

Committee Member Carolyn Hansen reminded the committee that there are people that are still very upset by this issue and they will be dissatisfied if there is no immediate solution. The key is to educate the community on why the committee could not act on a solution.

Mrs. Doyle disagreed. She stated that the committee has come up with a wonderful solution which is to educate people on what they can do for themselves. They can plant California natives. People have choices. Everyone wants to lower the number of deer and now we know how to do it. The Marin Humane Society and WRA have explained how to do it and now all there is to do is follow their suggestions.

Committee Member Ingrid Weiss stated that during a recent home remodel her front garden was destroyed by the construction process. She has since replanted her unfenced garden with a variety of plants that the deer do not eat. She added that there are other pests, such as moles, that can be destructive. She has been very successful with deterrents and it should be recognized that all garden maintenance is on-going. Citizen concerns can be responded to positively.

Chair Telischak noted the difference of opinions. He stated that he was disappointed in the recent letter from WildCare. It did not reflect an understanding of the issues and the problems. It surprised him that the letter stated that only a few were concerned about the deer when the questionnaire results showed 70 percent of the Island residents were concerned about the deer population and 50 percent wanted to see a reduction in the deer population. He said that the letter misused the facts.

Marin Humane Society (MHS) Captain Cindy Machado noted that MHS was not consulted in the writing of the letter, even though they are mentioned in it. She believes their intentions are good and she would like to see WildCare take a more proactive approach in assisting the residents to coexist with wildlife.

Chair Telischak took a vote whether or not to respond to the letter and the majority agreed to respond with a correction of facts. It was also suggested to attempt to maintain a partnership between the organization and the city. Chair Telischak would draft the letter and allow time for comment from the committee members.

Chair Telischak distributed the draft memorandum to the City Council. He asked for input from the committee members over the next couple of weeks. He emphasized that the draft was his interpretation of the committee status, and the group needs to adjust it so that the majority agrees with what is said. The purpose of the memorandum is to update the Council on the findings of the committee. The memorandum would be accompanied by the report prepared by WRA and the results of the community questionnaire.

The committee and staff discussed the draft memorandum and made suggestions for changes.

Chair Telischak opened the public forum. Marsha Felton, 201 Bayview, agreed that the population has increased over the years. She has lived in Belvedere since 1961 and the first deer she saw was in 1975. She said she had seen it coming out of the water, presumably from Angel Island. Chair Telischak closed the public forum.

The committee unanimously agreed to authorize Chair Telischak to make changes to the draft memorandum. The revised draft memorandum would be redistributed to the committee by Belvedere staff.

- D. Chair Telischak thanked the committee for their work. He concluded that the committee would likely report their findings and recommendations at the November 9 City Council meeting. The deer committee meeting was adjourned at 8:00 p.m.