

REPORT: Fact-finding Mission of the Stonebridge HOA Deer Committee

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Abbreviations used throughout this document

SB = Stonebridge

HOA = SB Homeowner’s Association

NCWRC = North Carolina Wildlife Resources Commission

FORWARD

This report is designed to provide guidance to the Stonebridge residents that consider deer an issue on their property. The summary sections below are prepared to provide a brief overview for the sections in the report that will assist in educating and creating awareness around specific deer topics.

Brief Summaries - Each Section

1. Real Estate & Property Values: Considerations, Issues

The Committee researched impacts to property values should Stonebridge ever consider hunting in our Common Areas: The ability to sell homes in a timely fashion could be impacted by Stonebridge being known as a neighborhood that allows hunting in our common areas. Quotes from two real estate experts and one personal experience in Governor's Club are provided. If hunting is ever permitted in the common areas then that requires disclosure when selling a home.

2. Liability Insurance/Risk Avoidance & Risk Management

Hunting is a sport. Like any sport, there are risks for the hunter, for the owner of the land where the hunting is occurring, for everyone associated with the hunt and for any people near the hunting area. The risk associated with hunting can be partially mitigated by carrying liability insurance and executing safety measures. When hunting is done close to a populated area, the liability becomes higher and the chance of an accident greater. The financial responsibility on the landowner is not limited by the insurance limit. Financial responsibility may increase if negligence is proven on the part of the landowner. The HOA sets policy for common areas and thus has some responsibility for any permitted activities in those areas. As a result hunting has been prohibited in the Stonebridge Common Areas. While hunting is allowed on private property the same risk management practices should be considered when hunting on private property.

3. Health Issues: Deer, Ticks, and Tick-borne Diseases

Experts agree that the best defense against potential exposure to ticks and tick-borne diseases is education and awareness about how people can protect themselves. The consensus opinion is that no neighborhood is ever going to be able to kill all the deer, and even if they did, ticks would not go away and the same risk would exist. Of the tick-borne diseases often discussed during debates over deer and public health, Rocky Mountain Spotted Fever is a much greater risk than Lyme disease, which is rare in NC. Most cases of Lyme Disease in NC are from people that have traveled to the Northeast.

4. Potential Impact & Safety Concerns: Restriction of Hunting in the "Commons"

The Stonebridge board decided at the November 2010 board meeting that hunting would be prohibited in the Stonebridge Common Areas. Since the total acreage of the Common Areas only comprises 2% of the 663 acres in Stonebridge experts agree that hunting in this small area would not be beneficial in

thinning the herd, and the risk would be too great from a financial liability and safety perspective. Many families use the common areas year round and since everyone pays for the use of this property it would be a problem to restrict access during hunting season. The tennis courts, ball field, creek area and woods are all used for recreational use by Stonebridge and non-Stonebridge families especially with children.

5. Deer Hunting on HOA-owned “Common” Properties: Effective?

Wildlife experts and experienced hunters state that hunting in common areas will not help with herd management in Stonebridge. The area only makes up 2% of Stonebridge’s 663 acres. Deer are smart and will avoid areas where hunting takes place. If hunting were ever allowed in the Common Areas not only would it pose a safety risk to human life, but it would not be productive since deer could end up in resident’s yards more frequently once they perceive the common areas as dangerous.

6. NC Bow Hunting Regulations & Deer Hunting on Private Property

Homeowners may allow hunting on their own property as long as NC laws are followed. This is addressed more fully in the full version of section 6 NC Bow Hunting Regulations & Deer Hunting on Private Property below.

7. Landscaping & Co-existing with Wildlife

Some neighbors have more deer frequent their yards than others and as a result have asked the board to consider action or provide suggestions for solutions. The committee suggests solutions for co-existing with wildlife on these properties, or options for reducing the numbers of deer specifically in those problem areas. These are detailed later in the report in section #7.

Detailed Sections

1. Real estate & Property values: Considerations, Issues

Property Value Impacts: Property values and the ability to sell homes in a timely fashion could be impacted by Stonebridge being tagged as a neighborhood that allows hunting in our common areas. Quotes from real estate experts are below:

NC Real Estate Commission Legal Dept:

“Sanctioned hunting activities in the common areas of a neighborhood should be disclosed when selling a home “

Two well known real estate agents in the Raleigh area who were consulted on this matter, suggested that hunting would negatively impact home sales in an already dismal real estate environment. Both agents are very familiar with Stonebridge.

Ida Terbet – Keller Williams

(3rd top real estate agent our of 90,000 in the US with 24 yrs of experience):

“A neighborhood that allows hunting in the common areas would most certainly result in negative impacts on the ability to sell their homes.”

Marti Hampton - Remax One Realty (top ranked in the US, and 22 yrs of experience in real estate)

“I can not imagine that hunting in any form would enhance home values in a neighborhood such as Stonebridge. My opinion is that our local real estate market is fragile at best and bow hunting is controversial. Any controversial action such as this has great potential to slow sale in the area. I am a pro-gun advocate and believe in the rights of hunters. But a residential subdivision is not the right place for recreational hunting, no matter what limits are set”

2. Liability, HOA Insurance Policy & Risk Management

If a hunting accident were to occur in the common area, the pyramid of responsibility is as follows:

1. The hunter
2. The home owners association
3. The home owners

If a hunting accident were to occur in a private area, the liability of the HOA would depend on its involvement.

Insurance

Our review of the present HOA insurance policy, shows we have \$1 million in liability coverage. If the HOA continues to allow hunting in the common areas, then it is highly recommended to carry \$2 million in liability and \$5 million in umbrella insurance.

Most homeowners’ policies carry \$100,000 or \$300,000 in liability insurance. If this homeowner allows hunting on his/her land, whether by the owner or anyone else, then an increase to \$1 million is recommended as well as an additional umbrella of \$1-\$2 million.

As for the hunter, hunter’s liability insurance may be carried for protection against liability.

Risk Avoidance or Risk Management

To avoid the potential risk of increased liability, no HOA allowed hunting in the common areas would be recommended as the most effective and least expensive solution. If hunting is allowed, then risk management would be an alternative to reduce the financial liability:

- **Carry enough insurance**
- **Training and safety seminars**
- **Posted signs**
- **Legal waiver of liability**
- **Disclosure for existing and future homeowners**
- **Annual review of terms of use for the common area**

3. Health Issues: Deer, Ticks, and Tick-borne Diseases.

General

- There is a large and healthy population of deer in NC.
- ~2-4 deer per linear mile, ~8-10 deer per square mile. (broad average in NC)
- Tick-borne diseases are rare, but are very serious diseases.
- Deer provide a convenient, abundant population of host animals for ticks to feed on.
- Small rodents, reptiles also serve as important abundant hosts of many tick species.
- White-footed deer mouse is considered a significant reservoir host for deer tick.
- Old English ivy, and other such dense ground covers, probably a better target for actually reducing prevalence of rodents and thus reducing hosts for ticks, than deer.
- “4 poster method” is a proven method for reducing #'s of ticks on deer.
- Chronic wasting disease of deer, (in Midwest and Northeast) is not present in NC.
- Primary public health response, and most effective defense against tick-borne diseases, is education and awareness about ticks and exposure to ticks.

Lyme disease

- Ixodes sp. (multiple species) is the only type of tick that transmits Lyme disease.
- Also known as common “deer tick”, or “black-legged deer tick”, Ixodes is very rare in NC.
- Lyme disease is rare in NC. State-wide average is approx. 0.01 case per 100,000 people.
- if 2 cases occur, then by definition is classified “endemic” for any county in the state.
- Lyme disease is considered “endemic” in Wake Co.
- Lyme disease has been present (“endemic”) in NC for many years.
- Lyme disease in NC: Rate of incidence is flat, no clear trend up or down.
- Lyme disease is not on the increase in NC. This from data for many years; state-wide average.

Rocky Mountain Spotted Fever

- RMSF (“Rocky Mountain spotted fever”) infection is on the increase in NC.
- RMSF is considered a very serious threat to public health, especially in spring and summer.
- RMSF is transmitted by the “Lone star tick”.
- The Lone Star tick is the most common tick in NC and will readily bite people.
- Most recent comprehensive tick survey data, Chatham Co., 2005/2006/2007 3-year study demonstrated Lone Star tick was 99.5% of total ticks collected.

Primary sources used for this information (through personal communications):

Dr. Charles Apperson - North Carolina State University. William Neal Reynolds Professor of Agriculture, Research program is Medical and Veterinary Entomology. 919-515-4326, Charles_apperson@ncsu.edu .

Dr. Nolan Newton - Chief, Public Health Pest Management, Division of Environmental Health, North Carolina Department of Environment and Natural Resources. Nolan.newton@ncmail.net 919-733-6407.

Dr. Carl Williams - Veterinarian, Public Health Pest Management, Division of Environmental Health, North Carolina Department of Environment and Natural Resources. 919-733-0391.

TIC-NC (Tick-borne Infections Council of NC), non-profit organization, Pittsboro, NC. Advocacy and activist group working for education and awareness of ticks and tick-borne diseases in NC. 919-215-5418, www.tic-nc.org

Carolina Lyme - Advocacy group, Leading member of coalition of advocacy groups dedicated to Education about the dangers of tick-borne diseases. <http://carolinalyme.org/>

4. Deer Hunting in HOA-owned “Common” Properties: Effective?

Wildlife experts and experienced hunters state that hunting in common areas will have no effect on the population of deer in Stonebridge. Deer roam for miles and more will arrive to fill the void of any deer killed. Deer are smart and will avoid areas where hunting takes place. This could mean they end up in residents yards more frequently if the deer perceive the common areas as dangerous territory. Furthermore experts from the NC Wildlife Commission and NC State University state “thinning the herd” where overpopulation does exist can have the reverse effect since the existing deer are healthier and produce at a higher rate (twins & triplets vs single fawns) with more food supply available. Hunting will then become a necessity in perpetuity and will need to be managed accordingly by the neighborhood.

Statement from Blake Swearingen (an avid bow hunter and resident of Stonebridge):

“I opine that hunting 5% of an area (our common areas) that encompasses approximately 535 homes, multiple with 2 – 5 acre lots, will not impact the overall deer population in the development. It will reduce the deer in those hunted areas based on two principals: 1) the number of deer will be reduced due to hunting, and 2) the deer will quickly learn that those areas are not safe and will move elsewhere.

Deer patterns are affected by several things. First and most important to deer is habitat change. Folks at the HOA meeting mentioned that last year they saw less deer. It’s is not that we have less deer, they have simply changed their patterns as a result of the change in habitat. As an example, I hunt an area in Hillsboro that historically has many deer that travel the woods in search of acorns, their favorite food. Last year was a bumper crop of acorns and the deer did not have to travel far to forage. As a result I saw only two deer during bow season whereas I normally see dozens on any given day. I also hunt an area in Wake Forest. The same thing happened so it was a consistent change across a broad area. If the acorn crop, as an example, is less this year then it is probable that they will again forage further from their bedding areas.

Second, deer learn and quickly become aware of threats. Deer will change patterns if they are preyed upon in a specific area.

Also, realize that hunting a small area will reduce let's say as an example 20 deer. Those 20 deer will quickly be replaced by new births and deer who travel corridors and find the new habitat to their liking. For specific areas to support less deer the deer would have to be reduced on a regular (unspecified) basis or hope that a habitat change causes the deer to move elsewhere."

5. Safety Concerns: Hunting in the "Commons"

Lost arrow (with razor tip), is a hazard to other users of common areas and to land adjacent to common areas.

Accidental shooting of person or domestic pets in common area or land adjacent to common areas. Nationwide there have been bow hunting accidents.

6. NC Bow Hunting Regulations & Deer Hunting on Private Property

Hunting & Private Property

- Longbow, recurve (40 lb pull min) or compound (35 lb pull min)
- Crossbow (with handicap permit)
- No use of dogs in Wake County south of US 98.
- Bait (deer corn) is legal
- Season (exact dates depend on year)
- Bow - Early Sept to Jan 1
- Muzzleload (1 week mid Oct)
- Gun (late Oct to Jan 1)
- Urban Archery Season (Jan 9 - Mid Feb) Raleigh not currently participating

Hunting & Private Property

- License required to hunt on public or someone else's land.
- Additionally written permission to hunt on someone else's land is required from the land owner in a signed and dated document, and the season must be specified in the document.
- The document must be carried by the hunter when on that property.
- License not required to hunt on property owned by hunter or family.

Age-related regulations

- Individuals aged 16 and older may hunt on their own as long as they are licensed and have passed the hunter safety course and carry both documents with them.

- Youth under 16 must be accompanied by a licensed adult and have passed the hunter safety course in order to hunt. License not required.
- Hunter orange must be worn during gun season, even if bow hunting.
- Season limit is 6 deer per hunter.
- Of these 6 deer, at most 4 can be antlered deer and at most two may be killed on a single day.

Considerations re Homeowner's Deer Hunting on Private Property in SB

Individual homeowners who consider deer a problem could consider banding together and allowing hunting on their individual properties. Multiple adjoining properties banded together would have the most impact in that specific area. The homeowners and not the HOA can set guidelines to be observed by any hunter they allow on their property. Items to consider would include: (1) Hunter's liability insurance to protect the homeowner should an accident occur (falling out of the tree is the most common), (2) prohibiting permanent stands, (3) prohibiting any drilling of pegs/foot holds into trees, (4) asking each hunter to have a background check prior to allowing them on a homeowner's property. The NC Bow Hunter's Association can assist the homeowner's in finding these hunters, and (5) posting hunting and no trespassing signs clearly on property lines.

7. Landscaping & Co-existing with Wildlife

The committee suggests the following solutions for co-existing with wildlife on properties where deer are more common and considered a problem. The suggestions proven to be effective in keeping deer out of specific areas or at least reducing deer effects.

According to NC Wildlife officials, residents that continue to plant hostas, impatiens, begonias and other deer friendly plants simply invite deer to the neighborhood exactly as if they were putting **feeding stations** in the neighborhood.

Deer Fencing- 6-8' high.

Has proven to be effective in keeping deer out of residents' yards. A neighbor on Carrington has one modeled after fences NC uses along the roadways. It is 6.5" wire mesh for the first 4', then above that a single strand of wire every 9". Stockade fences can be 6' since deer do not like to jump when they cannot see where they are going to land. Otherwise 7-8 feet high fences are recommended.

Selecting plants that deer do not like can be as effective as physical fences and netting.

Three (3) good documents are on the **Stonebridge Web site** .

Suggestions from Homewood Nursery

Plant deer resistant plants which tend to have textured "hairy" leaves instead of tender leaves, shoots and blooms that attract deer. Trade your hosta for heuchera. Try amaryllis instead of peonies, callalilies instead of day lilies or Asian lilies. Limit the use of water features that attract deer. Spray tender plants (azalea shoots, new growth, etc.) with spray containing an odor that repels deer grazing. Repeat spray after rain. Protect young trees and shrubs with fencing or netting until they've had a chance to become

established and woody. Vegetable gardens should be fenced from deer and other animals like rabbits that find home-grown vegetables tasty. The committee further recommends that a speaker from Homewood Garden Center be brought in to discuss this topic. A flyer from them is attached for additional information.

Deer resistant treatment such as “I Must Garden Deer Repellent”

A natural oil based treatment that can be sprayed directly on plants and has proven to be effective for several neighbors. It can be purchased at Homewood Nursery. Additionally, coffee grounds have proven to be effective.

Motion Activated Deterrent Systems – ScareCrow is a recommended brand of deer deterring sprinkler.

Thinning the Herd /Plant Damage Reduction

- Benefits of thinning herds are not proven as in the case of Governor’s Club where killing 65 extra deer a year have not made a difference in damage to landscape. Reports from GC state that plant damage that equals \$50 is still \$50 after killing deer.

APPENDIX

A1. Educational Forums

A2. Notes from Chapel Hill Town Council Special Public Forum, April 19, 2010.

A3. Homewood Nursery & Garden Center Special Newsletter - "Deer Resistant Plants"

A4. North Carolina Wildlife Resources Commission - pdf Document

A1. Educational Forums

The following is a potential list of speakers for neighborhood meetings:

<u>Speaker</u>	<u>Topic</u>
Joe Folta, NC Wildlife Resource Commission	District Biologist, Local wildlife expert
Steve Brown Homewood Nursery Consultant	Deer resistant plants, Deer deterrents
Gary Gardner QDMA Cape Fear Branch President	Residential Deer Hunting
Charles Apperson NCSU Professor of Entomology	Ticks & Tick-borne disease

A2. Notes from Chapel Hill Town Council Special Public Forum, April 19, 2010.

Notes - William Clay

Chapel Hill, NC, 19-APR-2010

Council Chamber of Town Hall, 405 Martin Luther King Jr. Blvd.

This was a public forum "to explore whether a management program is needed to address the deer population in Chapel Hill." During this Special Session "a panel of experts from the NC Wildlife Resources Commission and other agencies will discuss with the Chapel Hill Town Council the effects of the deer population on the environment, potential health risks related to deer overpopulation and the feasibility of an urban bow hunt for deer." "The public is invited to attend and offer their views on the issue." (Quotations are taken from the Chapel Hill Town Council announcement.)

- Room was full, standing room only, estimated about 190 people (8 rows x 12 seats, 8 rows x 5 seats (x 2 sections), = 176, + another dozen or so people standing around in the back of the room). This was the second of these public comment forums held by the Town Council.

Dr. Nolan Newton - Chief, Public Health Pest Management, Division of Environmental Health, North Carolina Department of Environment and Natural Resources. Nolan.newton@ncmail.net
919-733-6407.

Dr. Carl Williams - Veterinarian, Public Health Pest Management, Division of Environmental Health, North Carolina Department of Environment and Natural Resources. 919-733-0391.

Both men were from the same agency which has been conducting annual deer tick surveys in connection with Dr. Charles Apperson, Professor, NCSU Dept. of Entomology for years.

Dr. Williams:

- There is a large and healthy population of deer in NC.
- ~2-4 per linear mile, ~8-10 per square mile. (average in NC)
- Small rodents are an important host of deer tick.
- White-footed deer mouse is the most significant reservoir host for deer tick.
- Old English ivy, and other such dense ground covers, are probably a better target for actually reducing prevalence of rodents and thus reducing hosts for ticks, than deer.
- “4 poster method” is a proven method for reducing #'s of ticks on deer.
- Chronic wasting disease of deer, seen in the midwest and out west. It is not yet in NC.
- “Deer tick” is black-legged tick, Genus is Ixodes
- Ixodes sp. and Amblyoma sp. are the only 2 genera of tick which harbor the bacteria that cause Lyme disease.

I spoke directly with **Dr. Williams in lobby after his presentation. These are points directly from personal communication:

- Lyme disease in NC (state-wide average) is approx. 0.01 case per 100,000 people.
- If 2 cases occur, then “endemic” classification for any county in the state.
- Lyme disease is considered “endemic” in Wake Co.
- Lyme disease has been present (“endemic”) in NC for many years.
- Lyme disease in NC: Rate of incidence is flat, no clear trend up or down.
- This conclusion is from data for many years; state-wide average.
- There are no “hot counties”, that is counties where incidence is on the rise.
- Lyme disease is not on the increase in NC.
- RMSF (“Rocky Mountain spotted fever”) infection is on the increase in NC.
- RMSF is not related in any way to deer population.
- RMSF is not carried by the ticks Ixodes or Amblyoma.
- RMSF is commonly transmitted by the “Lone star tick” (common dog tick).
- There is no legitimate scientific study, conclusive proof, that reducing deer population correlates to reduction in incidence of Lyme disease in humans.

- No one has been able to show that correlation definitively, and they have been trying for years to understand that relationship.

Duke Forest:

- (Gentleman that runs Duke Forest, I did not get his name). He has been there for many years.
- Deer population was ~60 deer per square mile. They spent 2 years reducing herd.
- 1980 = no deer in Duke forest. Now (~2-3 years ago) was up to ~60/sq. mile.
- They had seen a significant impact on plant life and wildlife.
- Became concerned about losing or having significant damage to examples of native NC plants that are rare, or especially nice examples of such plants.
- Felt like they were forced to act due to clearly increasing deer population
- Duke forest is very large, 1,000's of acres, completely undeveloped habitat for deer to flourish in.
- No, or very few, natural predators on deer.
- Closed the forest on days that have hunting. Only do hunting during normal hunting season, not special permit.
- No gun hunting, only bow hunting.
- **Wildlife Biologist man (NCWRC)** questioned during Duke forest presentation:
 - Herd is expected to rebound very quickly.
 - Expect to have to continue deer hunting annually.
 - Normal typical range white-tailed deer: Female = ~1 sq. mi, Male = ~1.5 sq. mi.
- Only 4 residences within the boundaries of Duke Forest. Setup 200 ft. buffer completely around each of these 4 residences.
- Duke forest very concerned about safety, possibility for accidents, so far so good.
- Duke forest used NC Bowhunter's Assoc. to conduct these hunts.

Tick Lady

I didn't get her name, I got her brochure & she told me afterwards that her name was on the website. She was there representing the non-profit organization TIC-NC (Tick-borne Infections Council of NC), Pittsboro, NC, 919-215-5418 www.tic-nc.org

- Mission statement = they are a non-profit "formed to improve the recognition, understanding, treatment and control of tick-borne diseases in North Carolina."
- Cited a study in which the authors conclude that at less than ~25 deer per square mile there results in a "steep decline" in the incidence of tick-borne diseases. (I didn't get the citation, probably can find it on their website).

CLAWS (Creative Learning About Wildlife Species, Inc) - 2 representatives from this nonprofit wildlife rehabilitation organization, located in Orange Co. www.nc-claws.org

- Cited a study which described deer population, from 1950's to present, argues that deer population not actually increasing, but human population, residential development, greatly increased over the same period of time.
- Population studies show deer not starving in NC.

Lyme victim, (Faye Orr)

- Told her own personal story about contracting Lyme disease and babesiosis, also positive for ehrlichiosis.
- Basically changed her whole life, had to go out of work on medical leave, lost her job.
- Now she is a full-time activist, advocate for teaching about tick safety, awareness.
- She advocates for protecting oneself against ticks.
- She and her organization argue killing deer is not the answer, for protection against Lyme, ehrlichia, babesiosis.
- Advocates education and awareness and sensible precautions are the most effective defense against tick-borne diseases.

Resident of Governor's Club (I didn't get their name)

- Told a bit of the story about Gov's Club neighborhood culling the deer population.
- Told of multiple instances of hunters tracking wounded deer across the yards of residents that had "opted out" of the hunting.
- Residents that did not want hunting on their yards ended up with hunting on their yards.
- Tracking wounded deer across multiple yards, → deer killed in residents' yard.
- Also examples of deer bleeding out, dead in road, in front of residents' homes.
- Testified that there is no way to predict who's yard will be involved because there is no way for the hunters to predict exactly what will happen when they shoot an arrow into a deer. The hunters must track the wounded deer, but no way to predict where, how far, etc.
- It was discovered at some point after these hunters had been coming into the neighborhood for months that one of the hunters was a convicted child molester, registered with the sex offender's database.
- Testified that the deer hunting debate was the worst thing that has ever happened to their neighborhood.

Schrader - a Senior official, Wildlife Biologist, NC Wildlife Resources Commission

- Explained about how special Depredation permits through the NCWRC works.
- Was questioned about accidents with bow hunting deer.
- He testified that as far as the NCWRC's records go, there are no accidents over the last 3 years, except hunters falling out of trees, tree stands.
- The Duke forest hunt: 9 foot height minimum required for tree stands. Used standard hunting season with 30 minutes before sunrise, 30 minutes after sunset.

A representative of the NC Bowhunters Assoc (I didn't get the man's name)

- Stated that bowhunting is safe, that there are no reports of injuries or accidents in NC. (There are some accident reports nationally)
- He described the work they did with the Duke Forest folks, that it was very successful.
- he stated that last season he fired his bow 7 times last year and with those 7 shots killed 4 deer and he retrieved all the deer, and he retrieved all arrows fired.
- he explained how all the meat goes to this local Triangle non-profit group which feeds hungry poor people with deer, Hunters for the Hungry.
- stated that their organization would be happy to help Chapel Hill out if they want them to.

~ END ~

A3. Documents on Stonebridge Website - "Deer Resistant Plants"

Extensive Detailed List of Deer-Resistant Plant Species, in Categories, Plant Types.

- 1.) Deer Resistant Plants, 2.) Deer Resistant Plants Interactive 3.) Deer Problems in the Landscape

Homewood Nursery is available to give seminars at the SB Clubhouse upon request.

A4. North Carolina Wildlife Resources Commission - Document "Residential Deer"

This is the official NC state government advisory document for NC residents that are seeking guidance on deer in the landscape and garden.

The document is available for free download from the NCWRC website via the link on the Stonebridge website named "Coexisting With Wildlife"

