



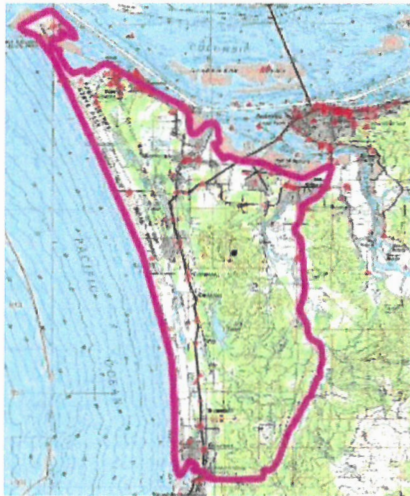
## Staff Report

For City Council Meeting - 2/3/2021

**Subject - Ordinances/Resolutions - Resolution 953: Clatsop Plains Collaborative Elk Collaborative - Declaration of Cooperation.**

**Consider approval of the Clatsop Plains Elk Collaborative Declaration of Cooperation.**

**Synopsis:** In April 2019, Governor Kate Brown designated the Clatsop Plains Elk Collaborative as an Oregon Solutions Project. The Governor designated Mayor Henry Balensifer and Mayor Jay Barber as co-conveners of the project and Oregon Solutions formed a project team of 26 members consisting of key stakeholders, private landowners, state agency staff, local community and government leaders, academics, Governor's Regional Solutions staff, and area non-profit representatives to focus on the goals of reducing conflict between elk-human interactions, increasing safety, and promoting cohabitation between elk and people in the clatsop Plains area.



The project team organized its work through four different sub-committees:

- Elk Management
- Human Behavior Management
- Land Use
- Data

A steering committee oversaw the general work of the sub-committees and full project team.

Each of the above-listed sub-committees developed recommendations related to achieving the overall goals of the project's purpose statement. Those recommendations were presented to the full project team on March 10, 2020.

Since March 2020, the four sub-committees have focused their efforts on preparing a draft list of commitments for jurisdictions, agencies and non-profit organizations to review prior to signing the Declaration of Cooperation.

## **Declaration of Cooperation**

A draft Declaration of Cooperation was released in September 2020 and is attached. The declaration is still labeled as “DRAFT” as the City of Seaside and the Oregon Hunters Association have not yet finalized their commitments in the Declaration. The document included shows the final list for Gearhart. It should also be noted that the Declaration of Cooperation is not a legally binding document. A summary of the list of Gearhart commitments is shown below:

- Hold community forums on the results of the Clatsop Plains Elk Collaborative plan and seek community participation on implementation. Hold town halls and conduct surveys to collect data and community perspectives on select elements of the plan that would require city council resolutions.
- Review and collaborate with other jurisdictions on regulations relating to the discharge of firearms and hazing of elk damaging property or endangering a person’s safety.
- Increase enforcement of no feeding ordinance where possible.
- Consider actions to ‘right size’ the Gearhart herd(s). This includes consideration of passing city council resolutions supporting culling of elk that are biologically attributed to areas within the city limits of Gearhart but are not within the city limits of Gearhart where and when culling would take place. In case of passing a resolution, request a culling permit from ODFW. Collaborate with ODFW and Clatsop County on best locations for culling.
- Consider the appropriateness of fencing design standards for the Clatsop Plains area and for cities and unincorporated areas.
- Consider changing local fencing ordinances, as needed, to accommodate updated elk fencing designs for residents.
- Change fencing ordinances, if necessary, needed for Gearhart Golf Link’s participation in double fencing trial.
- Collaborate on elk and ecologically appropriate landscaping, and other mechanisms, for deterring elk in urban areas within Clatsop Plains.
- Support Clatsop County in educating residents and decision makers on the relationship between land use and wildlife interactions.
- Partner with appropriate entities to help design elk movement corridors through Gearhart to parks and state lands, identifying and raising any important issues during the process.
- Review current subdivision ordinances as they relate to elk. Work with partners to consider land use change proposals (space requirements, wildlife buffers, and others) that would alleviate pressure on elk habitat.
- Identify wildlife transect areas within Gearhart then determine the need for new policy or policy changes.
- Conduct local comp plan review for Gearhart in collaboration with Clatsop County comp plan review as related to elk
- Collect more precise data on elk contact with residents and provide that information to ODFW.



## **Legal Analysis:**

### ***City Attorney Peter Watts Staff Report***

#### **Executive Summary**

I was asked to review a Collaborative Declaration of Cooperation ("Declaration") related to the Clatsop Plains Elk Collaboration. The Declaration of Cooperation is 15 pages in length, it is in "Draft" format. There are material terms of the Declaration that are missing.. There are multiple plausible interpretations as to its "binding effect.". I am also concerned that some of the aspirational language in the first 6 pages of the Declaration could have unintended consequences in future land use proceedings. I believe it is very important to honor the work of the collaborative, and to publicly acknowledge Gearhart's commitment to collaboration, and future actions. related to the elk. I believe that this can be best achieved through a simple resolution attached.

#### **Legal Analysis of the Declaration**

Although the Declaration expressly states that it is not legally binding on the signatories, (p. 6) it has legal effect. At the bare minimum it is evidence that the City contemplates/supports making a series of Code and Comp Plan amendments. And, there are arguments that can be made that it is far more than a set of aspirational goals. It states "the undersigned parties to this Declaration of cooperation, through a collaborative process, agreed and pledge their cooperation to the following findings and actions." see p. 6.

This language arguably creates an agreement to adopt the contemplated actions, despite the earlier language stating the opposite. Generally speaking, ambiguity in agreements increases the risk of litigation, because it creates multiple plausible interpretations of the terms and obligations. Given the number of impacted stakeholders and the level of public interest in elk related issues, clarity in the Declaration is critically important, and the lack of clarity creates substantial legal risk.

The Declaration is internally inconsistent in ways that make it difficult to interpret and to understand the obligations of the various parties. For instance, on page 5 it states that the Elk Management Subcommittee was to "develop fencing options of mass elk exclusion...." but it does not state what options were developed. For the public to have adequate notice, the findings and recommendations should be disclosed in this Declaration, Alternatively, the document that contains the options should be explicitly referenced and attached as an exhibit.

The City's contemplated obligations are set forth on page 8. Unfortunately, the obligations are not set out with sufficient clarity to determine what impacts those contemplated changes could have on the City, private property owners, or future development. For instance the City is obligated to "change the local fencing ordinance to accommodate the updated fencing design...." but the designs contemplated are not provided in the Declaration. During a conversation with Mr. Manuel Padilla, who drafted the Declaration, I learned that the Committee

had not actually developed the fencing designs, but a person reading the Declaration would believe that they had.

Additionally, because the location of future corridors is not set out in the Declaration, it is easy to envision a scenario where project opponents assert that a project is located within an "elk corridor." Gathering the data necessary for the Planning Commission and/or Council to make an informed determination could be costly for developers and the City. The City is required to have clear and objective standards, and absent mapping, these requirements create uncertainty.

During the same conversation I learned that multiple jurisdictions had modified the Declaration prior to adoption, which means that there are multiple versions that exist. Ideally, in a multi-party Agreement, there is one controlling Agreement executed by all of the stakeholders.

Although the Agreement describes a nearly two year process, none of the relevant data that would inform public opinion and allow people to meaningfully participate and advocate, for a specific outcome related to Council support for the Declaration, is present in the materials.. For instance, if ideal fencing for elk was 12 feet in height, Council might not support it, despite the commitments made in the Declaration.

In the case of the Declaration, obligations and contemplated actions are incomplete. For instance on page 15, under the heading "Oregon Hunters Association," it states "provide \$5,000 for..." Whether or not the public would support the grant of funds to the Oregon Hunters Association likely depends on how the funds will be spent.

The Declaration is internally inconsistent as far as future action, the timing of those actions, and who is responsible for the actions. In a land use proceeding this could be used as evidence of the vision and values of the Council. If an Application is in front of the Planning Commission, it would be reasonable for them to believe that the Declaration represents the intent of the Council, and they would need to follow it.

There is nothing in the Declaration that we won;t be able to remediate during a future hearing, but given the broad aspirational standards, doing so could be time intensive for Staff and the Council.

## **Conclusion**

I believe that the legal risks associated with the Declaration significantly outweighs the benefits of adopting it. The City can honor its commitments to the other impacted cities and unincorporated areas built at urban levels of density, through a simple resolution publicly stating the City's commitments and signaling future actions intended to educate the public and protect both people and property.

**Council Options:**

- 1) Make a motion to approve the Declaration of Cooperation;
- 2) Make changes to the draft and motion to sign as amended;
- 3) Do not approve the Declaration of Cooperation
- 4) Do nothing.

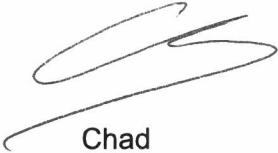
**Recommended Motion if approval is desired:**

**“I move to adopt resolution 953 to approve the Clatsop Plains Elk Collaborative Declaration of Cooperation”**

**Financial Analysis:**

There will be fiscal impacts associated with implementation of some of the commitments listed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be the name 'Chad', written in a cursive style.

Chad



**Resolution # 953**

**CLATSOP PLAINS ELK COLLABORATIVE DECLARATION OF COOPERATION**

WHEREAS, Gearhart representatives have participated as members of the Clatsop Plains Elk Collaborative; and

WHEREAS, those representatives have gained valuable insight into the impacts of elk on people and property; and

WHEREAS, the Gearhart City Council believes that a collaborative approach with other cities; and unincorporated areas built at urban levels of density is necessary; and

WHEREAS, the City has taken various steps including public information, adopting a no feed ordinance, and providing data to the Oregon Department of Fish and Wildlife to mitigate negative impacts of the elk; and

WHEREAS, despite the City's best efforts the number of elk travelling through the City are increasing, and the number of negative interactions between elk and people is also increasing; and

WHEREAS, the City was to take all reasonable steps to prevent negative interactions and protect people and property;

NOW, THEREFORE, the City Council for the City of Gearhart hereby Resolves to do the following:

- Review and collaborate with other jurisdictions on regulations relating to hazing of elk damaging property or endangering a person's safety.
- Consider actions to "right size" the Gearhart herd(s). This includes consideration of passing City Council resolutions supporting culling of elk outside of City limits, an appropriate land in unincorporated Clatsop County.
- Consider whether to revise the City's fence Code Section to deter elk from entering property.
- Consider whether to revise the City's fence Code Sections, to allow Gearhart Golf Link to participate in a "double fence" experiment.
- Collaborate on ecologically appropriate landscaping, and other mechanisms, for deterring elk in urban areas within Clatsop Plains.
- Support Clatsop County in educating residents and decision makers on the relationship between land use and wildlife interactions.
- Partner with appropriate entities to study whether elk movement corridors can be utilized in Gearhart, particularly in parks and on state lands.
- Review current subdivision ordinance to consider land use amendments (space requirements, wildlife buffers, and others) that might alleviate pressure on elk habitat.
- Collect more precise data on elk contact with residents and provide that information to ODFW.

DATED this 3<sup>rd</sup> day of February 2021.

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Paulina Cockrum, Mayor

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Chad Sweet, City Administrator



# Clatsop Plains Elk Collaborative Declaration of Cooperation

## Preface

In April 2019, Governor Kate Brown designated the Clatsop Plains Elk Collaborative as an Oregon Solutions Project. The Governor designated Mayor Henry Balensifer (Warrenton) and Mayor Jay Barber (Seaside) as co-conveners of the project; and, Oregon Solutions formed a project team of 26 members, consisting of key stakeholders, state agency staff, local community and government leaders, academics, Governor's Regional Solutions staff, and area nonprofit representatives to focus on the goals of: *reducing conflict between elk-human interactions, increase safety, and promote cohabitation between elk and people in the Clatsop Plains area.*

## Purpose of the Declaration of Cooperation

The Declaration of Cooperation (DoC) outlines the commitments and actions of the Clatsop Plains Elk Collaborative (aka, the project team). It is designed to align resources that create sustainability towards the project team accomplishing their goals which are outlined in their recommendations and commitments, forming the general structure for a Clatsop Plains Elk Management Plan. The project team intends to use this DoC to both engage the public and provide them with meaningful information about effective ways they can participate in the implementation of the project team's recommendations.

The results of this Declaration of Cooperation are expected to provide ongoing data and resources which can be used by local jurisdictions, governmental and private sector entities, and other project members in support of their commitments and actions. The Clatsop Plains Elk Collaborative also used a collaborative process to develop a 'tool kit,' that can be used by other communities in Oregon as a model for how they might approach management of human/wildlife conflict issues within urban and other land interfaces.

## Introduction and Background

The Greater Clatsop Plains (GCP) area of northwest Clatsop County is bordered by the Pacific Ocean to the west, the city of Seaside to south, the Columbia River to north, and the Oregon Coast Highway 101/Lewis and Clark Road to the east. The area was historically a habitat for the Roosevelt elk, and is detailed as an important food source in both indigenous records as well as Lewis and Clark expedition records. Within 100 years, the once plentiful Roosevelt elk was virtually eliminated in Clatsop County as the result of years of uncontrolled hunting and trade.

In the early 1970's, Roosevelt elk began to recolonize the GCP area. Several hundred elk now live in the GCP, and thrive on an array of public and private land. In the last century, communities within the GCP have also changed from natural resources-based to tourism-driven economies. All the while, the GCP has continued to be developed for residential and commercial purposes.

Human-elk conflicts have been present on the GCP since the elk returned in the 1970s. But these interactions and conflicts have increased with the corresponding growth in both elk and human



populations and ongoing land development. This has resulted in the habituation of elk in urban communities and decreased fear of elk to the presence of humans. Elk habituation has led to tensions and concerns for both human and elk safety. Concern has also grown because of an increase in inappropriate human behavior around elk (e.g., approaching too close, taunting and harassing, and intentionally and unintentionally feeding the elk); property and land damage caused by elk; elk aggression toward people (especially during calving and rutting seasons); and, elk/vehicle collisions.

All of these changing factors have resulted in divergent opinions and emotions about the presence of elk. Some residents and visitors enjoy the elk and see them as a value-added natural resource that speaks to the increased biological diversity of the region, whereas others have a diminished tolerance for the elk in the wake of human/elk conflicts and have grown to view them as a pest.

In response, the Oregon Department of Fish and Wildlife (ODFW) has for many years assisted GCP landowners with advice, hazing permits, and lethal and non-lethal elk removal. The ODFW has also worked with area cities on public education on how to reduce elk habituation and has advised cities on management actions to reduce the elk population. But in a region where public opinion about the elk is strongly divided, it has been difficult for the agency to proactively manage elk. As a consequence, a cohesive management strategy has yet to be achieved. It has also become clear that no single entity has the authority or capacity to develop and implement such a plan, so a collaborative approach by all stakeholders is necessary.

### **The Clatsop Plains Elk Collaborative**

The Clatsop Plains Elk Collaborative Project Team was formed in response to the needs of the GCP area to identify a better co-habitation approach between people and elk. Much like the region's proactive response to living in a tsunami zone, this project team seeks to develop a comprehensive, multi-sectoral approach for living in a longstanding elk habitat.

The frame its work, the project team developed the following **purpose statement**:

*“The community in and around the greater Clatsop Plains study area seeks to reduce elk-human related conflicts. We have expressed a sense of urgency and willingness to work collaboratively to identify management solutions and implementation strategies. The purpose of this collaborative is to find viable ways to improve public safety, and reduce property damage, through outreach and education, and a community-wide approach to reducing urban elk interactions while maintaining healthy and viable herds as a valuable cultural and natural resource.”*

To best approach its work, the project team organized into four subcommittees: Elk Management, Human Management, Land Use, and Data, as well as through a steering committee. The full project team met 5 times over the current duration of the project. Subcommittees met on a monthly basis from fall of 2019 through spring of 2020. The subcommittee developed recommendations to achieve the goals within the purpose statement.

## COVID-19

Work of the project team was paused for four to six weeks at the onset of COVID-19 so team members could attend to more urgent community matters. The team ultimately adjusted to the changed environment, and subcommittees were reconstituted so team members could continue their work to and reach agreement on a series of commitments and recommendations.

Due to the changes and reductions in many agency and organizational budgets from the impacts of COVID-19, funding sources that would have been traditionally available to the project to achieve its goals no longer exist. As a result, some commitments made by project team members may be delayed in their implementation. These will be assessed on a case by case basis as organization and agency budgets recover.

## Shared Common Understandings

The full project team has developed common understandings from their work together throughout the Oregon Solutions process. These understandings have helped shape the work of the project team and will guide the actions, implementation, and community engagement of the resulting Management Plan after the completion of the Oregon Solutions project. Central to these understandings, and to the Clatsop Plains Elk Collaborative, is the livability and safety of residents and tourists as well as the necessity to develop a unified, cross-jurisdictional approach for the implementation of our actions, to the greatest extent possible. These shared common understandings are listed below.

**Patience and Action:** The Clatsop Plains communities have been struggling to cohabitate with elk herds in urban areas. After years of growing concern, the project team acknowledges that communities are eager for action. It is hoped that the work of the Clatsop Plains Elk Collaborative and this Declaration of Cooperation will be a turning point toward effective, comprehensive approaches to the problem. Through our work, the project team feels it has achieved better clarity on what is necessary to meet the goals of our purpose statement. We have found there are few appropriate and effective actions that are capable of producing immediate results. Actions that have the best chance of producing immediate results will be prioritized, but it will likely be three- to five-years to see significant impacts from the project commitments.

**No Silver Bullet:** It is the confluence of various strategies in elk and human management, and land use policies, and sustained action within these strategies, that will yield the highest likelihood for success. No one tool will serve as a 'magic bullet' to solve the problem.

**Unified Approach for People:** It is understood that flexibility is necessary, but we understand that speaking with a coordinated voice and taking unified actions will result in the most effective and impactful outcomes for both elk and the Clatsop plains communities. Communities will benefit from a unified approach by setting clearer and better expectations for everyone and with easier entry points to participating in the project goals. It is clear that human behavior can and does cause harm to elk and communities alike, including negatively impacting their neighbors (feeding elk, landscaping that attracts elk, higher potential for traffic collisions, and others) which might require elk to be lethally removed as a result of increased safety hazards. This creates the need for a *community culture* where individuals, businesses, and communities see themselves as responsible for changing some of the ways they live in the Clatsop Plains. The community is called upon to work together to adapt their lives within the Clatsop

Plains area to both relieve pressure on elk habitat and make urban areas less attractive for elk. This will be paramount for both short and long-term success.

**Unified Approach for Elk:** It is understood that elk do not acknowledge jurisdictional boundaries. In order for any regulations or guidelines to have measurable and positive impacts, there needs to be *unified and consistent coordination across the jurisdictions* when considering regulatory measures, best practices guidelines, and other management strategies. There also needs to be an ability for local jurisdictions to adapt ordinances and guidance to address community needs. Development of a communication and notification protocol as regulations and guidance are being proposed will ensure a multi-jurisdictional collaborative approach.

**Balanced Perspectives on Elk:** There is a general understanding there will be some urban presence of elk and that they may continue to pose a nuisance from time to time. We note that people of goodwill can disagree about what to do about this elk population. We also acknowledge that perceptions, feelings, and experiences with Clatsop Plains Elk are diverse and complex, as is resolving elk and human interaction. Noting this, for the greatest possible positive outcome for Clatsop Plains communities, we believe elk should not be seen as either a 'pest' or to be 'wholly protected.' Elk are a part of the Clatsop Plains' ecological landscape as well as a tourist attraction. Given that livability and safety is central to this project, the needs of humans and elk should be considered before actions are taken.

**Impact of Urbanization:** We understand that elk within urban areas of the Clatsop Plains may need to be reduced from time to time for safety reasons or because of socially unacceptable levels of property damage. We also understand that a significant cause of increased interactions between humans and elk in the Clatsop Plains area is the result of factors including urbanization, and human behaviors and activities, that have attracted elk to urban areas in greater numbers. Human activity has increased the ecological carrying capacity for elk in urban areas, but has also decreased the elk's social acceptance for many residents. The right number of elk that are manageable for Clatsop Plains communities will become clearer over time as the impacts of the management actions are implemented.

**Tough Choices Ahead:** Creating the best conditions possible for elk and people will require some tough choices. Wildlife management strategies will likely need to be employed to reduce the elk population in the short- and long-term. This will likely require initial measures such as expanded hunting and culling to reduce the elk population. Culling will require local jurisdictions to pass ordinances granting appropriate permission. It is the project team's expectation that all meat from culling will be donated to local food banks for community benefit, as is required by law. The project team does not anticipate their being an immediate or significant difference in the current situation (safety and co-habitation) without the inclusion of culling in the project commitments. Culling also has its limitations and is seen as only one part of a holistic management approach.

**Everyone Has a Part to Play:** Individuals play a role in creating the best conditions possible for human/elk relationships, as well as state and local agencies. There is no one agency or entity that has full responsibility for the management and outcomes of human/elk issues in the urban areas of the Clatsop Plains. At the same time, the project team acknowledges a responsibility to help communities become better informed and take ownership where possible. The project team believes working to remove barriers to meaningful community participation and engagement to reduce the presence of elk in urban areas will increase safety and lead to improved cohabitation.

## **Recommendations**

The project team organized its work through 3 different subcommittees: Elk Management, Human Management, and Land Use. As a result of these subcommittees, recommendations were developed in each of the subcommittee areas related to achieving the overall goals of the project's purpose statement. The project team has agreed to consider and, where appropriate, implement the below recommendations.

### *Elk Management Subcommittee*

- Develop fencing options for mass elk exclusion from select areas
- Develop and implement an elk behavior modification plan
- Use deterrents to detract elk from select areas
- Use attractants to attract elk to select areas
- Develop and establish an elk movement corridor
- Evaluate and expand ODFW hunting options
- Increase targeted use of Hazing and hazing permits
- Conduct culling of Elk, at the request of jurisdictions, and donate meat to the local food bank
- Use targeted removal of problem elk to reduce habituated elk who pose a threat to public safety

### *Human Management Subcommittee*

- Complete jurisdictional passing of no feeding ordinances
- Develop a comprehensive no feeding guidance
- Develop and disseminate resident education materials on how to reduce interactions with elk. Work with residents on using best practices for elk appropriate landscaping and pet care.
- Develop and implement K-12 education materials, in coordination with local schools, that teaches children about the history of elk in the Clatsop plains, elk biology, and how to live with elk as citizens of the Clatsop Plains.
- Develop and disseminate tourist educational materials in collaboration with relevant partners
- Develop creative and effective fencing options for homeowners
- Develop and disseminate a safe distance from elk guidance
- Establish new signage and rumble strips at highly trafficked elk crossing areas on hwy 101. Explore the development signage that is reactive to the presence of wildlife

### *Land Use Subcommittee*

Establishing and preserving elk movement corridors, habitat, and buffer areas:

- Identify and consolidate, and maintain in an undeveloped state, targeted land used for elk movement through partnerships
- Review subdivision ordinances
- Establish wildlife habitat buffers or transition areas between urban communities and elk habitat
- Use enhanced Forage and Feeding to attract elk to select areas for viewing and using corridors



### Legislative and regulatory revisions

- Work with local jurisdictions, and the Oregon Department of Forestry, to harmonize regulations and address issues in the Forest Practices Act (FPA), related to land conversion, not covered or enforced by the FPA<sup>1</sup>.
- Integrate land use recommendations into the County Comprehensive Plan update process
- Review the density transfer plan of Clatsop County

### Resident Education

- Coordinate with private landowners who may be converting forest land to residential on potential elk conflicts
- Provide notice if future purchasers' properties are in wildlife movement area
- Encourage flexibility while striving for unified approach
- Identify human/wildlife transect areas and send public notices to ODFW
- Develop local fencing guidance, in coordination with the development of fencing options, and adjust ordinances as needed.
- Identify and create wildlife viewing areas
- Educate residents and decision makers on the relationship between land use planning and wildlife interactions

### Data collection

- Increase collecting and analysis of elk movement data to create and protect elk movement corridors and inform other land use actions.
- Track elk movement on both sides of Highway 101 to better understand landscape usage.
- Create a GIS layered map to inform other land use actions.

### **Project Team Commitments and Declaration**

In order to achieve the goals outlined in the purpose statement of the project, the members of the project team commit, individually and together, to implement the wildlife management plan through the current recommendations, as well as exploring new ideas as new information arises. We agree to support one another and advocate for each other in achieving the following commitments, collaboratively addressing challenges, involve the public through robust education on the management plan and opportunities to participate, and speak with one voice to provide clarity and stability to the public.

*This Declaration of Cooperation is not a binding legal contract. It is a declaration of good faith and commitment to collaboration of the undersigned parties to meet the spirit and goals of the project through individual and collective action.*

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<sup>1</sup> The previous form of this recommendation in the Human Management and Land Use Executive Summary read "Enhance the effectiveness of the Forest Practices Act, in protecting forested land from becoming residential land, through local ordinances, where applicable."

## City of Warrenton

- Review and if necessary amend laws related to unhealthy elk-human interactions such as feeding, petting, and enticements
- Increase enforcement of no feeding ordinance.
- Conduct public hearings and cooperatively work with OSP, ODFW, and relevant agencies on developing and implementing a population management plan, including elk harvests.
- Consider adoption and implementation of land use policy recommendations that reduce elk-human interaction.
- Collaborate on fencing design appropriateness for the Clatsop Plains area and for individual communities.
- Collaborate on elk and ecologically appropriate landscaping, and other mechanisms, for deterring elk in urban areas within Clatsop Plains.
- Help identify and troubleshoot land development issues with the need for wildlife corridors in mind.
- Consider changing local fencing ordinance to accommodate updated elk fencing designs for residents.
- Assist in developing and distributing new educational materials and guidance on elk safety
- Support Clatsop County in educating residents and decision makers on relationship between land use planning and wildlife interactions.
- Partner with appropriate entities to help link elk movement corridors through Warrenton to parks and state lands.
- Review development policies as they relate to elk and work with property owners and agencies to consider land use changes that would alleviate pressure on elk habitat.
- Identify wildlife transect areas within Warrenton then determine need for new policy or policy changes.
- Collect more precise data on elk contact with residents and provide that information to ODFW
- Consider updating policies on firearms and hazing to align with the elk management plan.
- Discuss with Spruce Up Warrenton, or another community organization, the creation of a regional Elk Festival.

## City of Seaside

- Consider appropriate ordinances and Land Use issues related to Elk/Human interactions and safety.
- Invite representative members from the collaborative to provide an informational presentation to the Seaside City Council and the Seaside Parks Advisory Committee.
- Create digital tourism focused educational brochures and materials on elk, in coordination with other jurisdictions, including the visitors guide and the city of Seaside web page. Educational materials to include safe distance from elk, taking photos of elk, stopping your car on the highway or road to observe elk, seasonal elk issues (calving and rutting seasons), and others.
- Coordinate with the Oregon Coast Visitors Association, Astoria, and Cannon Beach on collaborative marketing materials related to elk education.
- Explore creation of elk information kiosk next to Seaside sign.
- Reach out to chamber of commerce, service clubs, seaside business association, and others, to do a presentation on the elk project. Communicate around how they can contribute to the elk project.

- Use VRD compliance officer to work with vacation rentals, creating and making available materials to be placed in vacation rentals and to give to renters.

### **City of Gearhart**

- Hold community forums on the results of the Clatsop Plains Elk Collaborative plan and seek community participation on implementation. Hold townhalls and conduct surveys to collect data and community perspectives on select elements of the plan that would require city council resolutions.
- Review and collaborate with other jurisdictions on regulations relating to the discharge of firearms and hazing of elk damaging property or endangering a person's safety.
- Increase enforcement of no feeding ordinance where possible.
- Consider actions to 'right size' the Gearhart herd(s). This includes consideration of passing city council resolutions supporting culling of elk that are biologically attributed to areas within the city limits of Gearhart but are not within the city limits of Gearhart where and when culling would take place. In case of passing a resolution, request a culling permit from ODFW. Collaborate with ODFW and Clatsop County on best locations for culling.
- Consider the appropriateness of fencing design standards for the Clatsop Plains area and for cities and unincorporated areas.
- Consider changing local fencing ordinances, as needed, to accommodate updated elk fencing designs for residents.
- Change fencing ordinances, if necessary, needed for Gearhart Golf Link's participation in double fencing trial.
- Collaborate on elk and ecologically appropriate landscaping, and other mechanisms, for deterring elk in urban areas within Clatsop Plains.
- Support Clatsop County in educating residents and decision makers on relationship between land use and wildlife interactions.
- Partner with appropriate entities to help design elk movement corridors through Gearhart to parks and state lands, identifying and raising any important issues during the process.
- Review current subdivision ordinances as they relate to elk. Work with partners to consider land use change proposals (space requirements, wildlife buffers, and others) that would alleviate pressure on elk habitat.
- Identify wildlife transect areas within Gearhart then determine need for new policy or policy changes.
- Conduct local comp plan review for Gearhart in collaboration with Clatsop County comp plan review as related to elk
- Collect more precise data on elk contact with residents and provide that information to ODFW

### **Clatsop County**

- Pass a County no feeding ordinance for areas west of 101.
- Assist in the guidance and education of residents and tourists for elk safety, landscaping, and best practices for pets. Support the development of content, printed materials, and community outreach.
- Conduct community outreach and education to residents for elk fencing options

- Identify land to be maintained in an undeveloped state for the purpose of creating wildlife corridors, open space requirements for subdivisions, and other practices that will decrease pressure on Elk habitat. Build necessary partnerships for support and implementation.
- Review subdivision ordinances, develop educational campaign, and work with private property owners to build support for requiring minimum open space requirements and regulations that provide adequate elk habitat and forage within and between adjacent developments.
- Integrate land use issues regarding the Clatsop Plains Elk Collaborative into the Clatsop County Comprehensive Plan Update process. Use the Clatsop Plains Elk Collaborative Declaration of Cooperation as consideration and guidance for zoning code discussions (open space requirements, locations, designs) and density transfer discussions.
- Develop and implement an informal process of coordinating with and notifying developers and private landowners of the presence of Elk in areas they may be converting from a more natural to residential or commercial area.
  - Ensure developers and land owners are aware of wildlife buffers and other land use recommendations from the Clatsop Plains Elk Collaborative.
  - Provide additional disclaimer of Elk presence over the counter and on building permits. Provide area mapping of wildlife areas in conjunction with notifications.
  - Work with real estate agents and build support for notifying potential buyers of the presence of wildlife where they are buying or setting up business.
- Work with real estate agencies and the business community to add wildlife (elk) area advisory statements and notifications for over the counter transactions, on the bottom of permits, and on property records. Add Wildlife (elk) designation areas to Clatsop County maps and public viewing website.
- Provide all notices for conditional use permits from all jurisdictions to ODFW, for use in making comments outside of big game habitat.
- Assist in education and outreach, in Warrenton and Gearhart, to inform the public and local officials on the relationship between land use planning and wildlife interactions.
- House and administer for the Clatsop Plains Elk Collaborative GIS layered map.
- Review density transfer program and adjust as needed to disperse density transfers throughout appropriate areas of unincorporated Clatsop County
- Support requests for culling permits made by cities within the Clatsop Plains area that would be conducted on unincorporated land outside of city limits when the elk are understood to be biologically attached to the city making the request. This does not require a formal resolution.
- Consider passing a formal resolution for a culling permit from ODFW when requests are made by private entities for elk on unincorporated land that are not biologically attached to a city.

#### **Oregon Department of Fish and Wildlife (ODFW)**

- Conduct increased public outreach and education on all issues related to elk management.
- Create and distribute no feeding guidance.
- Provide guidance to jurisdictions that have not yet passed a no feeding ordinance.
- Continue phase two of research on double fencing design. Create an experimental design to be tested in partnership with Gearhart Golf Links.
- Provide technical advice to landowners, jurisdictions, agencies, and organizations, who would like to implement the use of elk attractants and deterrents.
- Increase collaring for data collection used to identify and create an elk movement corridor.
- Provide technical assistance in the creation of an elk behavior modification plan.



- Research and advise on aligning interpretations of no shooting and discharge of firearms rules in city limits. Work with jurisdictions on alignment and consistent application of hazing where possible.
- Adapt hunting options to new information on seasonally problem elk that come into areas where they could be hunted through increasing tag numbers or creating special hunting seasons.
- Provide guidance and technical support to local governments for development of culling plans. Collaborate with project team members on best methods and locations for culling.
- Inform project team members on ODFW\OSP protocols and activities regarding targeted removal of problem elk. Discuss proactive ways that elk may be dealt with that exhibit problem behaviors but do not yet present an immediate safety risk.

### **Oregon Department of Land Conservation and Development (DLCD)**

- Monitor changes to fencing rules that may involve building code or land use requirements
- Follow potential vegetation ordinances for elk attractants, deterrents, and landscaping
- Review and edit materials involving no feeding guidance and options, safe distance guidance, and resident/k-12/tourist education.
- Liaison on any actions related to identifying and consolidating and/or maintaining land used for elk movement in an undeveloped state, reviewing subdivision ordinances, reviewing density transfer plans, and reviewing land use conversion ordinances.
- Assist in integrating elk recommendations into Clatsop County's Comprehensive Plan review
- Assist Clatsop County and ODFW in actions regarding coordinating with private landowners who may be converting forest land to residential, providing notice if future purchasers' properties are in wildlife movement area, and identifying human/wildlife transect areas and sending public notices to ODFW
- Provide input, and conduct public and local government education, on the relationship between land use planning and wildlife interactions
- Engage with comprehensive plan review Goal 5 expert to develop clear and objective standards for how the Clatsop Plains Elk Project GIS map information will be used in land use decision making and integrated within the comprehensive plan review. Areas of special attention will be in collecting and analyzing elk movement data to establish and protect corridors, tracking elk and elk movement on both sides of Highway 101 to better understand landscape usage
- Assist jurisdictions that want to pass local codes which install time restrictions on the conversion of forest land to residential or commercial use

### **Oregon Department of Transportation (ODOT)**

- Create and submit a Pooled Funds proposal for an active highway signs project. This project would seek to develop a dynamic sign system, based on artificial intelligence wildlife identification systems, which would alert drivers to the presence of wildlife near or in the road, in real-time. These wildlife detection camera systems can be fixed or mobile and can also be used by other agencies in the tracking, and data collection, of wildlife for other purposes.
- Identify currently known areas where elk cross on highway 101 and install mitigation measures to reduce speed and reduce potential collisions with elk.

### **National Park Service (Lewis and Clark National Historical Park)**

- Seek funding for continuing studies and collect more detailed data for elk movement. Seek out other technologies in addition to collars, such as camera traps, satellite tags, and others as they become known
- Provide no feeding and safe distance from elk guidance to park visitors
- Support OSU Extension in developing a backyard habitat program through providing technical guidance. Seek involvement of the north coast watershed association.
- Provide elk specific education materials and interpretation to park visitors through materials created and provided by the Clatsop Plains Elk Collaborative as well as existing NPS materials.

### **Oregon Parks and Recreation Department (Fort Stevens)**

- Conduct interpretive and management plan education and outreach on elk for tourists and locals thorough developing and providing interpretive panels, pamphlets, and expert presentations.
- Add elk messaging in the Ft Stevens reservation system that details the Clatsop Plains Elk Project management plan and reinforces the park's existing Oregon administrative rule against harassing or feeding wildlife.
- Provide signs, developed by the project team, in areas where Elk are known to congregate and cross in the park, restricting people from stopping their cars.
- Enhance winter range feeding for elk at Fort Stevens
- Use park land to partner in conducting research on elk deterrents and attractants, elk corridor and movement strategies, fencing options, and hazing
- Coordinate on the use of Fort Stevens land as part of an elk movement corridor

### **Vanessa Blackstone (Formerly with OPRD Fort Stevens)**

- Develop and assist in implementing an Elk Behavior Modification Plan for the Clatsop Plains project area.
- Partner with OSU Extension, ODFW, OSP, Ken Ramirez (animal training expert), and others to assist in the creation and implementation of an Elk Behavior Modification Plan.

### **Oregon State Police (OSP)**

- Partner with jurisdictions to improve and encourage consistent enforcement of no feeding ordinances.
- Work with ODFW and jurisdictions to conduct outreach and education, for residents and businesses, on the Clatsop Plains Elk Management Plan and OSP's role in enforcing laws connected to the plan.
- Assist ODFW to educate residents and tourists about the dangers of feeding wildlife and the increased chance that elk they will become subject to targeted lethal removal because of habituation through feeding. Conduct education in schools.
- Collaborate with ODFW and jurisdictions on aligning legal interpretations of hazing and no shooting and discharge of firearms rules in city limits. Work with jurisdictions on consistent application and enforcement of hazing.

- Create more detailed data and additional metrics on vehicle collisions, in partnership with ODOT. Coordinate with ODOT to get more consistent data on elk collisions for GIS mapping
- Enforce any additional state highway signage or laws that may result from this project which requires reduction in speed or restrictions in stopping to view wildlife.
- Continue to coordinate with ODFW for targeted removal of elk determined to be a threat to public safety.
- Provide emergency response perspectives in discussing proactive ways that elk may be dealt with that exhibit problem behaviors but do not yet present an immediate safety risk.

#### **Oregon Military Department (OMD Camp Rilea)**

- Allow culling on Camp Rilea property in collaboration with Warrenton and ODFW.
- Serve on advisory committee in creating and implementing the elk behavior modification plan, especially in the use of attractants, deterrents, and hazing. Use these tools to move elk onto Camp Rilea land.
- Act with project team members to integrate Camp Rilea into a planned elk movement corridor.
- Work with ODOT on the placement of rumble strips and signage at elk crossing areas adjacent to Camp Rilea.
- Provide refrigeration space for unprocessed elk after culling process.
- Use the Army Compatible Use Buffer program to partner with landowners and project team members in identifying and purchasing land for habitat conservation, elk movement corridor, and preventing development of critical open areas.
- Provide ODFW access to Camp Rilea for data collection and darting and collaring elk.
- Support GIS mapping and analysis with in-house staff time.

#### **Oregon Department of Forestry (ODF)**

- Increase education on land use conversion within Forest Practices Act. Assist jurisdictions that want to pass local codes which install time restrictions on the conversion of forest land to residential or commercial use.
  - Make sure notifications comply with the Forest Practices Act.
  - Distribute literature to individuals who file a notification of operation within the project area about existing and new rules and restrictions that may apply to landowner activities.
  - Talk with local officials about past issues regarding land use conversion in those jurisdictions and the potential effectiveness (or not) of any new proposed rule.

#### **Columbia River Estuary Study Taskforce (CREST)**

- Serve as the ongoing convener, for 2 to 3 years minimum, of the Clatsop Plains Elk project and help coordinate the implementation of the recommendations and actions agreed to by the project team. Responsibilities will include: 1. Coordinating communication and community engagement, 2. Holding bi-monthly meetings as needed and quarterly full project team meetings 3. Create agendas and write meeting minutes, 4. Tracking progress on recommendations and fulfilling commitments, 5. Tracking funding needs for project actions
- Seek funding for a part-time coordinator position as needed.

- Seek OWEB grant funding for elk movement corridor and habitat preservation

### **North Coast Land Conservancy (NCLC)**

- Help identify and establish elk movement corridors.
  - Work to protect these areas from development by establishing them as public land, open spaces, or private nature reserves if necessary and possible.
  - Explore taking ownership of land to help establish elk movement corridor.
- Partner with municipalities and Clatsop county to “Identify and consolidate, maintain in undeveloped state land used for elk movement through partnerships”, “Review subdivision ordinances”, and “establish wildlife habitat buffers or transition areas between urban communities and elk habitat” to reduce presence of elk in urban spaces. Work with developers when they are complying with open space and endangered species requirements that can also benefit elk movement and habitat including receiving land from donors.
- Provide access and use of NCLC land in elk data collection including collaring and pellet surveying. Make staff biologists available to assist with these efforts.
- Make staff available for GIS mapping work.
- Work with schools, and the general public, in elk education by offering field trips and “walk in the land” guided nature tours through NCLC land.
  - Partner with the North Coast Watershed Association, OPRD, and National Parks Service on interpretation. Review signage for facts and relevance.
- Explore the establishment of a wildlife viewing area on NCLC land.
  - Initial viable sites to explore include: Reed Ranch, the Neocoxie Forest, and Gearhart Glen.
  - Partner with local land owners or municipalities in resolving potential access issues and space usage.
  - Collaborate with National Park Service for interpretation.

### **Oregon State University (OSU) Extension Services**

- Integrate the participation of graduate and post-doctoral students at strategic points to build capacity for the implementation of project goals.
- Assist in the construction of an elk guidance document and comprehensive ‘FAQs sheet’
  - answers common questions about wildlife management in general and in urban areas.
  - Work with project partners to solicit questions from local jurisdictions.
- Partner with the OSU Master Gardeners program, and local plant nurseries and landscaping companies, on designs and guides that emphasize aesthetically pleasing, ecologically native plants that are undesirable to elk.
  - Assist in holding educational workshops with local gardening clubs, business, and residents to adopt the use of elk appropriate plants and landscaping.
- Assist in the creation of an elk behavior modification plan.
- Create a naturalists/interpreter program for elk.
  - Work with state and national parks on interpretation as well as local indigenous communities in traditional ecological knowledge contributions.
- Create an elk section on OSU’s coastal extension webpage which includes the comprehensive FAQ’s sheet.



- Design and implement research on one or more of the following items: space use patterns of local elk herds, impacts of an elk behavior modification plan, points of highway crossing for local elk herds, resident and visitor values/knowledge/attitudes/behaviors regarding elk and willingness to adopt/change behaviors in relation to elk presence and behavior.

### **Greenwood Resources**

- Make use of attractants like enhanced forage to enrich elk habitat on the east side of highway 101.
- Coordinate with local jurisdictions and land conservation organizations in integrating Greenwood Resources land into wildlife corridor plans.
- Allow hunting on Greenwood Resources property in conjunction with efforts to reduce the presence of elk on the west side of highway 101.
  - Partner with Oregon Hunters Association and Oregon Department of Fish and Wildlife.
- Assist in developing and delivering education on the intersection of forestry and elk management.
- Collaborate with OSU Extension, and others, in research to better understand the connection between elk behavior, elk numbers, elk habitat, and elk migration.
  - Offer Greenwood Resources property for conducting research and habitat modeling.
- Offer space as needed to continue development of fencing design options.
- Integrate the work of the Clatsop Plains Elk Collaborative into the Greenwood Resources Wildlife Management Plan.
- Support efforts in retaining timberland and reducing the conversion of timberland to residential use.
- Develop an official program and space for viewing elk.
  - Use current permit system for access to Greenwood Resources land.
  - Offer educational materials that exhibit how forest management practices can benefit conservation and wildlife. These materials would be available for self-guided elk-viewing tours (walking and biking) on specified areas of LCT managed lands.

### **Gearhart Golf Links**

- Post and redistribute elk educational material.
- Formulate questions and gather guest opinions on elk for research purposes.
- Educate golfers on aspects of the project implementation that relate to their conduct and experience on the golf course
- Support local and county efforts in land use changes that seek to reduce the presence of herds in urban areas including fencing used for elk movement corridors.
- Act as a bridge to important community relationships in helping to understand and gain support for the implementation of project recommendations.
- Work with ODFW to apply fencing research to golf course grounds.
  - NE Portion of golf course as test site for double fence or another location dependent on suitable aesthetics.

### **Oregon Hunters Association (OHA)**

- Supply OHA funds, members, and equipment for costs and work associated with habitat management and manipulation, establishing elk movement corridors, fencing, attractants/deterrents, and field dressing.
- Establish a fund under OHA's 501c3 status to collect and distribute money related to project costs, vetted and approved by OHA through a proposal process and matched funding system.
- Serve on advisory committee in creating and implementing an elk behavior modification plan
- Coordinate with ODFW and landowners on hunts in strategic locations to encourage elk to remain on east side of 101
- Pilot discussions on new and expanded hunting options with ODFW, OSP, and local jurisdictions.
- Publish articles in OHA membership magazine (state) and newsletter (local) to educate and inform OHA membership on the Clatsop Plains Elk Collaborative and its implementation.
- Develop a field dressing/rendering curriculum and program that can educate and be used by volunteers to reduce costs associated with culling operations.

### **Regional Solutions**

Continue to assist with state agency coordination and integration as needed for collaborative governance, technical assistance, information sharing, and regulatory considerations in support of the Clatsop Plains Elk Collaborative, matching state and regional programs with the recommendations and commitments of the project.

### **Senator Betsy Johnson**

Stands by, as both public servant and private citizen, the work of the collaborative and stands ready to support it throughout its implementation phase to help collaboratively address whatever issues may arise. Will draw on her prior role as an Oregon Solutions convener to make sure all project participant and stakeholder voices continue to be valued and heard.

### **Oregon Solutions**

- Highlight the Clatsop Plains Elk Collaborative project as part of the Oregon Solutions website and other promotional material
- Take the lead in reconvening the project within 18 months of the signing of this Declaration of Cooperation
- Perform post-project evaluation and share a summary of what was learned from the evaluation with the project team

## Appendix

### --Team Members

Name	Org	Title
Chad Sweet	City of Gearhart	Administrator
Carla Cole	National Park Service	Natural Resources Project Manager
Denise Löfman	CREST	Director
Mark Baldwin	City of Warrenton	Commissioner
Gail Henrikson	Clatsop County	Director, Community Devo
Henry A. Balensifer III	City of Warrenton	Mayor - Co-Convener
Paul Atwood	Oregon Dept/Fish&Wildlife	Assistant District Wildlife Biologist
Chris Knutsen	Oregon Dept/Fish&Wildlife	N.Coast Watershed Dist.Man
Jae Pudewell	ODOT, State of Oregon	Regional Solutions Team
Jason Bangild	Gearhart Golf Links	General Manager/Director of Golf
Jay Barber	City of Seaside	Mayor - Co-Convener
Stacey Garrison	Camp Rilea, OR Military	Installations Division (AGI)
Todd Farmer	Camp Rilea, OR Military	Got a promotion
Jennifer Purcell	North Coast Regional Solutions, Gov. Kate Brown	RST Coordinator
John R. Putman	Oregon Hunters Assc.	Northwest Director
Katie Voelke	N. Coast Land Conservancy	Executive Director
Lisa Phipps	DLCD, State of Oregon	Regional Solutions Team
Kat Olson	Greenwood Resources	Lewis & Clark Timberlands Area Manager
Mark Morgans	Greenwood Resources	Lewis & Clark Timberlands Area Manager
Matt Brown	Gearhart City	Mayor
Sgt. Jim Pierce	City of Warrenton	City Police
Sgt. Joe Warwick	OSP, Fish & Wildlife Division	State Police
Vanessa Blackstone	ODFW	State of Oregon
Dr. Dana Sanchez	OSU	Wildlife Management Specialist
Ty Williams	ODF	District Operations Coordinator
Sen. Betsy Johnson	State Senator	

### Map of the Project Area



### Ground Rules:

The Clatsop Plains Elk Collaborative Project Team developed the following set of understood ground rules to guide the process of achieving an integrated solution and the creation of a Declaration of Cooperation.

- We agree to approach problems with humility and adaptability. We will inevitably make mistakes and we will learn from these mistakes, make corrections, and not place blame.
- We recognize that we each have a unique perspective and contribution to make, whether it is expertise, labor, money, in-kind services, etc.
- We recognize that we must endeavor to involve any person or group who could influence our ability to achieve our goals.
- We are willing to creatively explore solutions.
- We agree to focus on taking specific, concrete steps towards long-term, systematic outcomes.

DRAFT