



# ARTICLE 44

## Moratorium on Implementation of NRC Dog Restrictions on Conservation Land Concord Natural Resources Commission April 6, 2018

### **The NRC recommends No Action on Article 44.**

The Natural Resources Commission (NRC) is responsible for preserving and protecting Town conservation lands for current and future generations. State law (MGL Chapter 40, Section 8c) authorizes the NRC to establish rules and regulations to protect Town conservation land from degradation. The NRC manages over 1,400 acres of Town conservation land and has responsibly implemented rules and regulations since 1974.

This article seeks to undo the recent leash restrictions that the NRC adopted for a few Town conservation lands, disregarding the open and transparent process that the NRC used to reach its decisions. It seeks additional studies to be completed, discounting the precautionary principle that the NRC applied. The precautionary principle notes “When an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.”

In addition to taking prudent environmental precautions to protect conservation land from potentially irreversible damage, the NRC also seeks to ensure that all trail users have a safe and enjoyable experience on conservation land. The NRC has heard numerous comments from conservation land trail users, including dog owners, who have had negative experiences with off leash dogs.

While the NRC has no intention of developing additional rules and regulations within the next two years, it is legally bound to do so if circumstances arise in which additional land protections are necessary. Town Meeting does not have the authority to overrule the obligation of the NRC set forth by state law.

### ***What Are the NRC Dog Restrictions?***

Dogs are welcome on all conservation lands, under effective voice control. On a few properties, dogs must be on leash. More than 70 percent of Town conservation lands remain open to off leash dog walking. It is the Commission’s goal to provide a safe and enjoyable experience for all users of the Town’s conservation lands.

The NRC recently passed new regulations requiring that dogs be on leash at Punkatasset and at agricultural fields on food-producing Town conservation lands. The leash restriction at Punkatasset has been implemented because of this parcel’s high-value natural habitat, and because Estabrook Woods, of which Punkatasset forms a part, was intended to be protected as a Nature Preserve. Estabrook Woods is recognized by the state Division of Fisheries and Wildlife as a “significant wildlife area due to its habitat diversity and area size”.

The Food Safety Modernization Act requires that farmers ensure their produce is free from pathogens associated with animal waste, including dog waste. On food-producing Town

conservation lands that are leased to farmers, the NRC has implemented a leash requirement to help farmers comply with this regulation.

The leash requirement at White Pond to protect erodible slopes and preserve water quality, and a seasonal leash requirement (April 1 to July 31) to protect ground-nesting bobolink at Mattison Field, remain in place.

The NRC also recently amended its dog regulations to address problems that can arise when dogs are off-leash or not under effective control. We appreciate responsible dog walkers who abide by these rules.

### **Dog Regulations for Town Conservation Lands:**

1. Dogs must be on leash or under effective voice control at all times.
2. People and dogs must stay on marked trails.
3. Leash dogs in areas that are so posted.
4. Dogs must be within sight at all times.
5. Always carry a leash for each dog (8 foot maximum).
6. Maximum of 2 dogs are allowed off leash per person. 3 dogs total are permitted per person.
7. Leash up in parking areas and until you reach a sign allowing unleashing.
8. Leash up as you approach other trail users.
9. Always pick up dog waste and dispose of waste properly.
10. Dogs must be licensed and up to date on vaccinations.
11. Dogs are not permitted to chase, hunt, or harass people, wildlife, other dogs, horses, or livestock.

### ***What Process Did the NRC Engage in to Reach Their Decisions?***

Over the past year, the NRC held a public hearing on dogs, and discussed dogs at seventeen public meetings. Nine of these meetings were exclusively focused on dogs. The NRC invited public comment and feedback, reviewed scientific literature, spoke with municipal, state, federal, and private land managers on their approaches to dogs on conservation land, reviewed other communities' regulations, solicited input from the Agriculture Committee, Animal Control Officer, Concord Unleashed, dog trainers, and the public at large. During the summer of 2017, Rangers expanded their observations from White Pond to include trail use on several other Town conservation lands.

After extensive review, research, and discussion, the Natural Resources Commission determined that a leash requirement at Punkatasset and at food-producing agricultural lands on Town conservation land, as well as maintaining current leash requirements at White Pond and Mattison Field, was a balanced approach to provide a safe and enjoyable experience to all who treasure Concord's conservation lands.

**The NRC recommends No Action on Article 44.**