

Joel A Feingold

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To: Department of Conservation and Recreation

Re: DCR Policy Should Allow On Trail, Off Leash Dog Walking in Middlesex Fells

Introduction and Summary

Regarding the Middlesex Fells, the DCR determined that a complete Resource Management Plan be completed prior to allowing expanded access to the land by two of the largest user groups, mountain bike riders and off leash dog walkers. The argument that it was critical for an RMP to be produced prior to any further use rested in large part upon conservation grounds.

Dog owners are very concerned that their needs and rights are consistently undervalued in the allocation of legal access to, and activities in, the Middlesex Fells. In part this is due to the history of the MDC as a manager of urban parks. There also appears to be a lingering institutional bias against dog owners' and their preference for off leash activities with their pets. And, being candid, some observers believe that the DCR overvalues the input of the Friends of Fells, a NIMBY group that under the guise of strict conservation is both anti-dog and anti-bike.

Examination of information already collected by experts reveals that there is no threat to wildlife from on trail, off leash dog walking. The idea that there is an imminent threat, so successfully promulgated by other interest groups, has resulted in a denial of use to which we numerous tax-paying dog owners are entitled. The same can be said for denying more trails to bike riders.

Conclusion

A fair valuation of the legitimate needs and preferences of park users with the continuation of appropriate conservation policies will result in greatly expanded access for on-trail, off leash dog recreation.

Historic Species Changes have been driven by Habitat Changes

Conversations with Wildlife Experts at both the Massachusetts Division of Fisheries and Wildlife and Massachusetts Audubon Society confirm that the major drivers of species success in Massachusetts have been habitat changes.

For example, at any given point in time, the amount of clear-cut land could be small or almost the entire state, as occurred when so much farmland was needed and lumber was the key material for building and energy. When the first settlers arrived they were surprised at the amount of land management the Native American's practiced, most importantly controlled burns to keep the more forest open and more fields available in order to encourage the game that they preferred to hunt and have space for agriculture.

Natural Heritage & Endangered Species Program is In Place

"The Natural Heritage & Endangered Species Program (NHESP) is responsible for the conservation and protection of Massachusetts' biodiversity. [The] highest priority is the approximately 176 species of vertebrate and invertebrate animals and 259 species of native plants and their habitats that are officially listed as Endangered, Threatened or of Special Concern under the Massachusetts Endangered Species Act. The Program, founded in 1978, is part of the Massachusetts Division of Fisheries and Wildlife, and one of the Programs forming the Natural Heritage network. The Natural Heritage & Endangered Species Advisory Committee oversees and guides NHESP activities." (From http://www.mass.gov/dfwele/dfw/nhesp/nhesp_mission.htm)

NNESP maintains the so-called MESA List: Massachusetts List of Endangered, Threatened and Special Concern Species. The MESA List contains 68 vertebrates (11 of which are marine,) 107 invertebrates and 264 plants. By definition, some of the listed species may not be of concern nation or worldwide but are listed due to their status in Massachusetts. It is a regional list. See http://www.mass.gov/dfwele/dfw/nhesp/species_info/mesa_list/mesa_list.htm

The Middlesex Fells Described

The Middlesex Fells is comprised of about 2,575 acres with varied terrain. The very great majority is forested. The largest body of water is the 340-acre Spot Pond. There are over 100 miles of trails. It lies in Winchester, Medford, Melrose and Stoneham and is bisected by Interstate 93 and the Fellsway.

Analysis and Conclusions

Invertebrates are Not Impacted

Since the activities in question take place either entirely on the trails (in the case of bike riders) or nearly entirely on the trails (as in the case of off leash dog walkers) any impacts upon invertebrates can be entirely discounted. An argument otherwise is clearly a red herring.

Plants are Not Impacted

With respect to plant life, the acreage considered to "border" trails is calculated to be 24 (100 miles of trails multiplied by 1' per side) or 1% of the land acreage. However, the trails are narrow and thus the light, rainfall and other broad environmental factors on the trail borders are comparable to the light on the remainder of the forest floor.

Another concern is the potential for excess nutrients from waste. Education and changing habits have already resulted in the great majority of off leash and on leash dog walkers picking up their canines' feces. Continuing improvement in compliance can be expected, as it has become the social norm. Little can be done, realistically, about dogs' urine. However, the urine will be present regardless of whether dogs are allowed off leash or not, so urine can also be discounted as an issue of relevance to the policy requiring dogs to be leashed on trails. Finally, it is an undisputed fact that most dogs take care of their "business" within the first hundred yards of their walk, making the impact upon the trails smaller still.

Vertebrates are Not Impacted

The question one must answer is: Whether the impact of off leash dog walking upon vertebrates rises to the level that requires dogs to be leashed. Minor adjustments in behavior by fauna are not enough to justify the restrictions in place today. There must be an impact upon reproduction of sensitive or endangered species.

A jogger running the trails or family with kids will cause Chipmunks to chatter just as surely as a dog owner with his pet, on or off the leash. There is no difference in the impact. The Chipmunk may have been disturbed but its life is not threatened. Nor has all this activity caused a reduction in the species fecundity. The same is true for almost every category of vertebrate. A well-known exception is for ground nesting birds and if there was an area so inhabited it would be fair and appropriate to have it made on leash only.

Some have brought up a spectre of dogs careening through the woods, destroying plants and chasing wildlife. This is a scare tactic, no more no less. My 5,000++ hours of personal observation of dog behavior on trails reveals that nearly all the dogs walk on the trails with their owners. These animals are house pets, out for a walk. They are not hunting dogs or hungry. And owners are devoted to their pets, far too concerned about their dog getting lost to allow it to roam in the woods. Impact on wildlife life "off trail" is very small if not insignificant.

So it is clear that the actual harm to plants and animals resulting from a policy permitting on trail, off leash dog walking is minimal if not in fact non-existent.

Endangered Species (2) in the Middlesex Fells are Not Impacted

Assuming for a moment that some small impact might exist, then the follow on question is whether there is one or more species in the area in question that requires the protection afforded by an on-leash policy.

The MESA List has detailed information about almost all of the species listed. Each of these details was examined to determine whether any of the species were known to be present in the Middlesex Fells. Of the 57 non-marine vertebrates two are almost definitely present in the Fells, those being the Blue Spotted Salamander and the Marbled Salamander. The key hazards to these amphibians are loss of breeding and hibernation/foraging habitat and chemical poisoning. Breeding takes place in Vernal Pools, and the hibernating and foraging habitat in the forest. In neither case are off leash dogs or bike riders going to pose a significant threat.

Additional vertebrates that are on the list that may occasionally be in the Fells are Bald Eagles, other birds of prey, and certain other birds on migratory patterns. The presence of off leash dogs and bike riders on trails is not going to have an appreciable impact upon these animals.

Hence, one must conclude that expanding off leash dog walking to most of the trails in the Middlesex Fells is reasonable and appropriate.

Sincerely,

Joel A Feingold
Callahan Dog Owners Group
Past President