

I am writing to share testimony and express my opposition to proposed HB1133 Defining and regulating livestock guardian dogs.

Livestock guardian dogs are not “made.” It is not an ability that can be trained to any breed. These dogs are a collection of, for the most part, obscure breeds that have been selectively bred for over a thousand years for their ability to nurture and protect livestock. They work from centuries old instinct. Some breeds you may be familiar with, such as Great Pyrenees or perhaps Komondor, Kuvasz, and Anatolian Shepard. Most of the breeds I am sure you are not acquainted with, some of which are Akbash, Armenian Gamp, Central Asian Shepard, Karakachan, Maremmano-Abruzzese Sheepdog, Pyrenean Mastiff, Sarplaninac, South Russian Ovcharka, Tatra Shepard, Tibetan Mastiff, Tornjak. Possibly unknown to most members of the NH House, is that in addition to the more common breeds (GP and Anatolian) several of these even more obscure breeds I mentioned are “employed” and relied upon every day here in NH. True livestock guardian dogs are a very specialized, unique group of breeds that are immensely valuable to and relied upon by livestock owners.

Initially, I felt HB1133 was going to enact recognition and protection for these dogs, but unfortunately the bill appears to be doing quite the opposite, putting them in danger.

Livestock guardian dogs were intentionally granted certain rights and exemptions in RSA 466:31. These exemptions were thoughtfully and purposefully written to specifically identify dogs guarding livestock as exempt to certain nuisance such as barking as this is one of the ways they deter predators. Livestock guardian dogs were recognized as essential and valuable to those involved in agriculture and were well deserving of this distinction.

The proposed HB1133 will be imposing limits and restrictions on livestock guardian dogs and their ability to protect their livestock. It will be changing the well deserved right granted here:

466:31

(b) If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4);

To the proposed limitations and restrictions here:

HB1133

III. Barking by a livestock guardian dog shall be considered excessive and subject to enforcement under RSA 466:31 if:

(a) It continues for more than 10 consecutive minutes without the presence of a predator or livestock distress;

(b) It occurs repeatedly between the hours of 10:00 p.m. and 6:00 a.m. without documented predator activity; or

(c) It interferes with the reasonable use and enjoyment of neighboring properties.

The potential risks involved with enactment HB1133 can include the loss of livestock. This presents both a financial and emotional hardship on the owner. Additionally, owners can face significant penalties and loss of privileges because their dogs are doing their job, barking to deter predators. The burden of proof on the owner to justify their dog doing his job is the requirement of "documented predator activity." Owners are unable to document something that is no longer there. Livestock guardian dogs bark to keep predators away. The point is for the predator to not make it onto the property. Livestock guardian dogs may also be trained to deter animals that would not be considered a "predator" to most people. These could be nuisance animals such as skunks and porcupines, or animals that can spread diseases or parasites such as wild birds, deer, and opossums.

I do feel there are dogs out there that owners claim are protecting their livestock but may not be true livestock guardian dogs. I believe some of these dogs may indeed be nuisance barkers and unfortunately giving livestock guardian dogs a bad rap. I feel for their neighbors. I actually find the noise of a barking dog annoying and intrusive to my peace as well. I was hoping that this bill would help distinguish real livestock guardian dogs from those dogs that people are falsely claiming are livestock guardian dogs and using RSA 466:31(b) as a mean to escape their responsibilities of being a poor citizen and owner of a nuisance dog. I wish the bill would have done that, instead it appears to be threatening both my livestock guardian dog and my livestock

At the end of this document I have included annotation with comments and questions on some additional parts of HB1133.

Thank you for reading my testimony. I hope that you will find flaws with this bill as I have and oppose it.

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466:1-e Livestock Guardian Dogs.

I. For the purposes of this section, "livestock guardian dog" means a dog that is specifically trained and used for the purpose of protecting livestock from predators, and that is kept primarily with livestock in a pasture or similar environment.

This term is too vague. A dog "that is specifically trained and used for the purpose of protecting livestock from predators" is not necessarily a livestock guardian dog. Border collies, German shepherds, bully breeds, chihuahuas, etc are not actual livestock guarding dogs. These are also the dogs I suspect that are the nuisance barkers this bill potentially attempting to address.

II. At the time of annual dog registration under RSA 466:1, the owner or keeper of a livestock guardian dog may designate the dog as such on the registration form provided by the town or city clerk.

"May" implies that this is optional. If an owner chooses not to declare their livestock guardian dog are they exempt from the penalties to be levied within this bill?

III. The owner shall provide a signed statement affirming that the dog is used for the purpose of guarding livestock, and may be required to provide proof of livestock ownership or lease.

How is proof of livestock ownership to be provided? Would pictures on a phone be acceptable or do animals need to be brought to town hall?

IV. The town or city clerk shall maintain a record of all dogs registered as livestock guardian dogs and may issue a distinct tag or notation for such designation.

What is the intended purpose of this record?

466:30-c Livestock Guardian Dogs.

(a) Located on a parcel of land consisting of not less than one acre per dog, with a minimum parcel size of 5 acres for the use of more than 2 livestock guardian dogs;

Livestock guardian dogs are most effective in pairs.

III. Barking by a livestock guardian dog shall be considered excessive and subject to enforcement under RSA 466:31 if:

(b) It continues for more than 10 consecutive minutes without the presence of a predator or livestock distress;

Currently livestock guardian dogs are exempt and all other dogs are 30 minutes. Will the new standard apply to all dogs? Also, the issue with providing proof of predator may be impossible.

(c) It occurs repeatedly between the hours of 10:00 p.m. and 6:00 a.m. without documented predator activity; or

Again, the problem with "documented predator activity" that I addressed above.

IV. Upon verified complaint, the local animal control authority or law enforcement agency may issue:

(b) A civil penalty of \$150 for a second violation, and require a reduction in the number of dogs or the implementation of bark mitigation measures.

What are the proposed bark mitigation measures.? Does this included debarking methods which are highly controversial and cruel?

(c) A civil penalty of \$500 for a third violation, and the revocation of the owner's right to allow livestock guardian dogs to run at large for 12 months.

Does revocation of right to run at large reduce barking?

V. Nothing in this section shall be construed to prohibit the use of livestock guardian dogs by farms operating on parcels of 10 acres or more, provided that such use does not constitute a nuisance under RSA 466:31 or other applicable law.

This is unclear to me. If the owner has 10 acres or more, is the owner and their dogs exempt from this entire proposed bill?