

ECA BOARD POLICY REGARDING WILDLIFE FEEDING

Approved April 26, 2023

10.2 Feeding Wildlife

1. Policy:

The Board will act to (a) ensure that Owners, guests, and invitees to Eastman comply with the New Hampshire Fish and Game Department's regulations regarding the feeding of wildlife, and (b) protect the safety and welfare of people in the Eastman community.

2. Definitions:

For the purposes of this policy:

Wildlife – Wildlife refers to mammals and birds that are not domesticated and are living in natural environments. Examples include but are not limited to bears, deer, foxes, raccoons, skunks, squirrels, chipmunks, birds, and waterfowl living in natural habitats. Fish and insects are excluded.

Wildlife Feeding – Placing food, food waste, or other material where it can attract, be accessed by, and consumed by animals and birds living in the wild.

3. Purpose:

- a. DCR Article 7.6(n) states that the Board shall take all such measures as may be necessary to further the purposes of the DCR or to be in the best interests of the Association. This is a legal responsibility. The purposes of the DCR include implementing the objective of creating a planned residential and recreational community with permanent parks, open spaces, and other common facilities for the benefit of the community and the health, safety, and social welfare of the Owners of the lots and Condominium Units located within the community. The Board believes that feeding wildlife, or other actions to attract wildlife, as are prohibited by New Hampshire statutes or Fish and Game Department regulations, is contrary to the purposes of the DCR and poses serious risks to people and property within Eastman.
- b. Wildlife feeding activities increase the likelihood of dangerous human/animal encounters, can cause injury to people and damage to property, attract predators, and spread disease. In addition to endangering humans, feeding wildlife such as bears, deer, and ducks is detrimental to the animals themselves in the long run. For this reason, the New Hampshire Fish and Game Department generally prohibits a person from using, placing, providing, giving, exposing, depositing, scattering, or distributing any material that results in attracting wildlife. Specifically, the Department's regulations prohibit such activity regarding black bears. (see Reg. Fis 310.01).
- c. Accordingly, the Board hereby adopts a policy that feeding and otherwise attracting wildlife is prohibited within Eastman. However, as an exception, bird feeding will be permitted in the winter season within specific dates that ECA will announce each year.
- d. Owners are responsible for ensuring that their family members, guests, invitees, and renters are aware of the rules and refrain from wildlife feeding in Eastman.

4. Procedure:

- a. When ECA becomes aware of prohibited wildlife feeding within Eastman, an ECA Security Officer will speak with the individual(s) who have been observed or who have been reportedly feeding wildlife. This engagement will include providing educational materials and informing the individual(s) that future instances will be (a) subject to fines and (b) reported to the appropriate state and local government authorities. ECA will provide a written warning to the non-compliant individual. In instances where the non-compliant individual is other than the Owner, such as a renter, ECA will also notify and provide a copy of the written warning to the Owner.
- b. When an individual engages in a second prohibited wildlife feeding, despite having been personally informed by Eastman officials that feeding wildlife is not allowed within the Eastman community, the ECA General Manager will impose a suspended fine on the accountable Owner in the amount of \$300 conditioned on no further wildlife feeding. The objective of fines will be to gain compliance and foster the health, safety, and social welfare of people within the Eastman community. Appropriate state and local government authorities will also be notified of this second offense.
- c. A third repetition of such wildlife feeding will cause the imposition of the suspended fine and the imposition of an additional fine in the amount of \$700, as well as further notification of public authorities. The Owner's community privileges may also be rescinded for some time.
- d. In the event of four or more repetitions, the amount of any further fines or penalties will be made commensurate with the egregiousness of the continued offense.
- e. ECA has the authority to place liens on an Owner's property in the event of failure to pay imposed fines.
- f. An affected Owner will have the right to appeal the fines or penalties to the Board.

5. Implementation Plan:

To ensure Owners, guests, invitees, renters, ECA staff, contractors, property managers, realtors, and others as needed are aware of, understand, and comply with this policy, the Board and ECA General Manager will develop, disseminate, maintain, and periodically review for its effectiveness an associated "Implementation Plan." That plan might include but not be limited to:

- Delineation of the specific rules regarding wildlife feeding prohibited by this policy and how those rules will be administered and enforced
- Identification of responsibilities of various parties such as Owners, ECA Security, town law enforcement, and the NH Fish and Game Department
- Identification of a process for reporting observed or suspected violations
- Identification of a process for retaining pertinent data
- Additional actions ECA may take to decrease the risk of dangerous human/animal encounters
- Additional discretionary actions Owners and others may safely take to discourage nuisance wildlife and minimize risks of harm to people and property posed by such wildlife
- An initial and continuing education strategy
- An initial and continuing communication strategy