

POLICY, GUIDELINES AND PROCEDURES
for
HANDLING DOGS AT LARGE

Great Smoky Mountains National Park
Tennessee -- North Carolina
(November 1978)

Authority

The Act of August 25, 1916, (39 Stat. 535) which established the National Park Service, notes in Section 1 that: "The Service thus established shall promote and regulate the use of ... national parks ... by such means and measures as conform to the fundamental purpose of the said parks ... which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Section 3 of that Act directs the Secretary of the Interior to, "make and publish such rules and regulations as he may deem necessary and proper for the use and management of the parks."

The Code of Federal Regulations, in 36 CFR 2.8(d), states, "Dogs, cats, or other pets running at large and observed by an authorized person in the act of killing, injuring or molesting humans or wildlife may be disposed of in the interest of public safety and the protection of the wildlife."

The Code of Federal Regulations, in 36 CFR 5.11(a), states, "Animals trespassing in park areas may be impounded by the Superintendent and, if not claimed by the owner within the periods specified in this section, shall be disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animal shall be disposed of in accordance with this section."

Paragraph (d) of that Section states, "The owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, impounding, and the amount of damage to any public property injured or destroyed by or through such trespass."

Paragraph (e) of that Section states, "In determining the claim of the Government in any animal trespass, the value of forage consumed shall be computed at the daily, weekly, monthly, or yearly commercial rates prevailing in the locality for the class animal found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred in and about the investigation, reports, and settlement or prosecution of the claim."

The Code of Federal Regulations, in 36 CFR 5.16, states, "The running at large, herding, driving across, or grazing of animals of any kind on the public lands of an area, or the use of such lands for agricultural purposes, is permitted only under a valid lease, contract, or special use permit issued by the United States, or pursuant to law.

Influencing Factors

The hunting of various forms of wildlife and game animals with dogs is a long established tradition in many parts of the states of Tennessee and North Carolina, and may be legally done during established seasons in areas immediately adjacent to Great Smoky Mountains National Park. When properly conducted, such activity should be respected and honored-- and the difficulties of controlling legally unleashed hunting dogs engaged in the pursuit of game will be sensitively appreciated by all Park personnel.

Guidelines and Procedures

- A. If dog(s) are in pursuit of, or in the act of molesting wildlife:
 - 1. Deter and catch the dog(s) if possible. If successful in catching the dog(s), see procedures in Part "D" below.
 - 2. If deterrence is unsuccessful, dog(s) may be shot.
NOTE: This should be considered a last resort and only used to prevent serious harm to the wildlife.
- B. If dog(s) have been running at large for a sustained period of time (observed three or more times) and exhibit wild tendencies:
 - 1. Dog(s) may be shot. Again, consider this a last resort after all reasonable attempts have been made to catch or trap the dog(s).
- C. If dog(s) are shot for one of the above reasons, the ranger involved will report the incident to the Chief Ranger's Office immediately. District Rangers will have the responsibility for notifying the owner and Chief Ranger's Office for determining the need for a Board of Review. Documentation of the incident, as required in NPS-9 is the responsibility of the ranger involved.
- D. If dog(s) are captured:
 - 1. Dog(s) will be impounded at the closest facility as soon as practical to do so. However, if a legal hunting season is open in the area outside the Park adjacent to where the dog(s) were captured, and if the owner makes prompt notification that the dog(s) may be in the Park and makes reasonable arrangements to pick them up, impounding should not be necessary.

2. Attempt to contact owner as soon as possible to notify where dog(s) can be picked up. If attempts to contact owner are unsuccessful, if owner refuses to pick up dog(s), or if owner is unknown, refer to procedures in CFR, Title 36, Section 5.11.
3. Contact Park Communications Center. Determine past record, if any, of owner.

E. When owner appears to claim dog(s):

1. Collect impound fee if appropriate. Impound fees will be charged in all cases where substantial time and effort is expended in addition to, or in place of, duties that normally would have been done, such as:

- catching the dog(s).
- transporting to impound facility.
- making special trip, or going out of way to transport animal to a ranger station for temporary holding.
- feeding animal

For guidelines on computing impound fees, see Appendix A. The impound fee is not a punitive penalty. It is an administrative charge for services.

2. Assess points for the offense. The following point system will apply to any dog caught running at large (not under physical restraint) anywhere in the Park:

- for each offense: Owner assessed ----- 4 points
- if dog(s) observed molesting or pursuing wildlife prior to capture, owner assessed ----- 12 points
(In addition to 4 for basic offense)
- points will be assessed for each incident, not for each dog, (if more than one dog involved in an incident).

HOWEVER, if a legal hunting season is open in the area outside the Park adjacent to where the dog(s) were captured, and if the owner of the dog(s) makes prompt notification that the dog(s) may be in Park, points assessed for each incident (not involving molesting of wildlife) will be ----- 2 points

3. Considering the past record of the owner, assess appropriate enforcement action based on following guidelines:
 - a. For less than 8 points (including current offense): Issue courtesy tag and document appropriate supplemental information on Form 10-344 (Supplemental Case Incident Record).

- b. For 8 points (including current offense): Issue Violation Notice for CFR, Title 36, Section 2.8, and document appropriate supplemental information on Form 10-344 (Supplemental Case Incident Record).
- c. For 9 - 11 points (including current offense): Issue Violation Notice for CFR, Title 36, Section 5.16, and document appropriate supplemental information on Form 10-344 (Supplemental Case Incident Record).
- d. For 12 or more points (including current offense): Issue Violation Notice for CFR, Title 36, Section 2.8 or Section 5.16, as appropriate, with mandatory appearance and document appropriate supplemental information on Form 10-344 (Supplemental Case Incident Record).

The entire past record of the owner will apply so long as there has been an offense within the previous one-year period. If a period of one full year elapses with no offense occurring, the owner will be considered to be starting with no record (0 points).

If an owner calls the Park to notify us that dogs are missing, we should watch for and capture the dog. However, just because the owner called to report the possibility that the dog is in the Park, this will not be reason to change, in any way, the impound fee or the enforcement action called for, EXCEPT when a legal hunting season is involved (see Parts D, 1 and E, 2).

- 4. Release the dog(s) only to the legal owner, or to someone the legal owner has given authority, in writing, to pick up the dog(s). (Attach the written authority to the receipt sent to Commo.) Demand from, and record identification from person picking up dog(s). Have person picking up dog(s) sign the receipt and release form (see Appendix B).
- 5. Dogs normally will be released only during regularly scheduled duty hours. Arrangements should be made with the owner for an appointed time to release the dog(s). If special arrangements are necessary, such as after duty hours, or involving special trips, then additional employee costs (at the overtime rate, if appropriate) and transportation charges will be added to the impound fee (see Appendix A).

IMPOUND FEES

By authority of the Code of Federal Regulations, Title 36, Section 5.11, the following charges are hereby established for impounded dogs running at large in Great Smoky Mountains National Park.

Basic Charge:

- One dog ----- \$ 15.00
- Each additional dog (same owner) ----- 7.50

The basic charge has been computed to include catching, handling and care and feeding for up to one day. It also includes up to one hour of ranger time (at an averaged hourly rate) for accomplishing the above, for completing reports, etc.

Additional Charges:

- Transportation: Actual vehicle mileage involved in transporting the dog from the catch site to the holding location, and any other transportation needs (including return trip) will be assessed at the rate of 20 cents per mile. Transportation charges will not be assessed if the same trip would have been made for other purposes.
- Employee time: All time involved, after the first hour (included in the basic charge) will be added to the basic charge at the actual rate(s) (including overtime rate, if appropriate) of the employee(s) involved.

NOTE: If more than one dog of the same owner is involved, the above additional charges will be assessed only to the basic charge of one dog.

- Charges for keeping dog(s) more than one day: After the first 24-hours an additional charge of \$2.00 per dog for each additional 24-hour period, or part thereof, will be added.

Examples of calculating impound fees:

1. One dog:

Basic charge -----	\$ 15.00
Mileage (no special trip in this case) -----	00
Additional kennel fee (dog held 52-hours total) -----	<u>4.00</u>
Total impound fee charged -----	\$ 19.00

2. Two dogs:

Basic charge (\$15 + \$7.50) -----	\$ 22.50
Mileage (30 miles to kennel, therefore 60 miles @ .20) ----	12.00
Employee costs in excess of one hour (2 additional hours, GS-9, to catch and handle @ \$7.65; one hour Overtime for GS-4 to release to owner after hours @ \$6.77) -----	21.07
Additional kennel fee (dogs held 80-hours total, 2 dogs @ \$6.00 each) -----	<u>12.00</u>
Total impound fee charged -----	\$ 67.57

SUPPLEMENTARY CASE/INCIDENT RECORD

ORGANIZATION (PARK) NAME		CASE/INCIDENT NUMBER	
LOCATION OF INCIDENT		DATE OF INCIDENT	
NATURE OF INCIDENT		MO DA YR	
COMPLAINANT'S NAME	COMPLAINANT'S ADDRESS		

RESULTS OF INVESTIGATION

I certify that I am the owner or have written authority from the owner of (description of dog(s): _____

and hereby accept responsibility for the dog(s).

_____ Date _____ Time _____ Signature _____

Impound fee breakdown:

Basic charge ----- \$ _____
 Charges for additional dogs @ \$7.50/dog) ----- _____
 Additional charges:
 Transportation: _____ miles @ .20 ----- _____
 Employee costs (in excess of 1-hour at actual rate) ----- _____
 Additional day's charges (@ \$2.00/dog/24-hour period or part thereof after first 24-hours) ----- _____
 Total Charges ----- _____

Received from _____, impound fee in the amount of \$ _____.

(Signature of Ranger)

Impound fee (\$ _____) received in Administration by: _____ date _____

Distribution:

- Original - to dog owner
- Blue - to Commo
- Green/Pink - local office files

SUBMITTED BY (SIGNATURE AND DATE)

APPROVED BY (SIGNATURE AND DATE)