



# CITY OF CONCORD

*New Hampshire's Main Street™*  
**Conservation Commission**

**TO: City Council**

**FROM: Conservation Commission**

**DATE: November 9, 2017**

**RE: Hunting on City Conservation Land, Council Referral**

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At the November 8, 2017 meeting, the Conservation Commission reviewed the request to prohibit hunting on City-owned conservation land, and in particular in vicinity of hiking trails. The Commission offers the following response:

1. Hunting is currently allowed and regulated on conservation land under the City of Concord General Code, Article 4-6, Conservation Open Space:

“4-6-2 - Conduct Prohibited in Conservation Open Space. It shall be unlawful for any person in any conservation open space to: ... (e) Treatment of Animals. Remove or have in his possession any animal's nest or remove the young or eggs of an animal or injure or kill any animal except during a hunting or trapping season and while legally hunting or trapping...”

“4-6-3 - Regulated Uses. The following uses are considered regulated uses and are prohibited, except as permitted under the conditions stated below:

(a) Firearms. It shall be unlawful for any person in any conservation open space to bring into, possess or use any firearm except that hunting for wild game as otherwise may be permitted by state or local law during the designated seasons unless prohibited by the posting of signs...”

2. Mr. Cotsana raises a concern about shots fired in the area between Broken Ground School and Portsmouth Street. If the shots were fired in this location, this is a matter that the resident should report to NH Fish & Game Warden as a violation of the discharge restrictions (RSA 207:3-a & 644:13) given the proximity to the school and dwellings (a firearm may not be discharged within 300 feet of any commercial, educational or medical building, or outdoor public gathering place, or permanent occupied dwelling).

The beaver pond adjacent to the Broken Ground trails is a popular area for duck hunting. A portion of the land surrounding the pond is owned by Unutil. The City has an easement on the land to have trails on the Unutil property, connecting with trails on City-owned land. The City does not have jurisdiction to prohibit hunting on private property. Additionally, the beaver pond is located approximately 0.60 miles away from the Broken Ground and Mill Brook Schools.

3. Regarding the comment about the City being liable for an accident, while we sincerely hope this never occurs, New Hampshire State law provides certain protections for landowners who open their land to those using it for outdoor recreation. Per RSA 508:14 and 212:34, the City would not be liable for any personal injury or property damage. There are studies online that indicate the number of hunting injuries and fatalities has markedly decreased due to increase hunter safety education.
4. The Commission feels that hunting is a traditional use in NH, and the Commission does not recommend posting to prohibit hunting on City-owned conservation land. Conservation land is not intended to be solely for the use of hikers. Instead, the Commission offers the following suggestions to improve public education and outreach to prevent conflicts.
  - Existing education for trail users:
    - Currently on the Trails webpage ([www.concordnh.gov/trails](http://www.concordnh.gov/trails)), there is a notice “Hunting Season is open. See link for safety tips.” A copy of the safety tip list is attached in the supplemental information.
    - The safety tips are posted in kiosks at several trailheads.
    - Multi-Use Area signs provided by NH Fish & Game are posted at several locations within the trail network. These signs state “Caution: Multi-Use Recreation Area. People in this Area may be Participating in Hunting and Other Forms of Outdoor Recreation.” A picture of the sign is attached as supplemental information.
  - Recommendations for Additional Education and Outreach:
    - Provide information for hunters, notifying them of popular hiking areas to avoid
    - Provide a list of hiking areas where hunting is prohibited by the private property owner or by deed restriction for hikers to use during hunting season. For example, hunting is prohibited on the Winant Park trails as a result of a deed restriction and that land is posted to provide notice that hunting is prohibited.
    - Work with NH Fish & Game officials for additional education and outreach opportunities.
    - Post hunting season schedules on the trails and Conservation Commission websites.
    - Continue to put out the message about hiking safely during hunting season.