



VOTERS FOR ANIMAL RIGHTS

Memorandum

February 28, 2019

Re: Proposed Rule Regarding Feeding Animals in Parks

Currently, feeding animals other than “unconfined squirrels and birds” is prohibited in New York City parks under § 1-04(g) of Chapter 1 of Title 56 of the Rules of the City of New York. The New York City Parks Department (“the Parks Department”) issued a proposed amendment to this rule (“the proposed rule”) which completely prohibits individuals from feeding any animals, including squirrels, pigeons, and other birds, in areas under the jurisdiction of the Parks Department. While we agree with the rationales set forth by the Parks Department, the rule is overly punitive and overly broad. It punishes those who care deeply about animals and are feeding them out of kindness, not malice. Exceptions for wildlife rescuers and rehabilitators are vital in order to ensure the survival and protection of vulnerable animals.

Recommendations:

- Modify “animals” to “wildlife,” and define wildlife as not including abandoned domestic and exotic pets, and other domestic animals, including farm animals.
- Provide an exception for qualified individuals, including professional or licensed rescuers and rehabilitators, to feed wildlife for the purpose of aiding or capturing injured wildlife or abandoned domestic and exotic pets, and other domestic animals, including farmed animals.
- Offer violators the option to attend an information session about New York City wildlife (online or in-person) which would address the specific harms caused by feeding wildlife as an alternative option to paying a fine.

We support the goals of the proposed rule, as feeding wild animals can cause significant harm to them. The proposed rule will help protect wildlife from foods that could be harmful to their development and health and will help prevent wildlife from becoming overly tame. People often dump entire bags of bread into ponds, feed geese cake and other junk food. As most city park lakes freeze entirely during the winter, ducks and geese that suffer from angel wing—a deformity of the wings caused by nutritional deficiencies in vitamins and minerals combined with a high level of carbohydrates and sugars—and other conditions, are often stranded on ponds where they die of dehydration. We have also been concerned that geese and swans especially have become overly tame, and some rescuers have speculated that this tameness contributed to the recent disappearance (likely as a result of poaching) of a number of swans in Prospect Park, and elsewhere.

However, a crucial exception to the proposed rule is needed to allow for the life-saving work carried out by local animal rescuers and rehabbers, who often use food as a tool to capture or lure injured wildlife, as well as to support them immediately after release,¹ as well to help *non-wild* animals and exotic pets living in city parks because of human action.

¹ This is known as a “soft release” by the New York State Department of Environmental Conservation (“DEC”) and what the DEC instructs licensed rehabbers to do upon release of animals in the “vast majority of cases.”
https://www.dec.ny.gov/docs/wildlife_pdf/rehabstudyguide.pdf at 19-20.

First, wildlife are frequently injured as a result of human activities in city parks. The foremost issue that rescuers encounter is waterfowl and other birds becoming tangled in fishing line and other strings. On many occasions, rescuers have contacted the Parks Department about balloons, fishing poles and line, and other garbage stuck in the trees and the lakes. This is how most animals in city parks become injured. Unless those animals are caught and rescued, circulation is slowly lost to the legs, feet, or toes, and, over the course of many painful months, the birds lose the affected appendages entirely. Rescuers will often be able to remove the string from the animal without leaving the park, but the animal cannot be caught without using food to lure them close enough. Waterfowl who cannot fly as a result of angel wing also need to be rescued, again, with food being a necessary tool for capturing the animal.

Second, New York City parks are prime dumping grounds for domesticated animals, ranging from cats to rabbits to ducks to turtles. None of these are “wild” animals, they are ill-equipped to survive in city parks, and feeding these animals is generally necessary to ensure their survival and enable them to be captured and relocated. Of particular concern are the hundreds of domestic ducks that are dumped in city parks each year. These birds are typically bred for meat or egg production, and an overwhelming number are discarded after the completion of school hatching products.² The physiology of these domestic ducks is entirely different than wild ducks; they are larger in size and have small wings that do not allow them to fly. Many of these domestic ducks do not survive more than 24 hours after being dumped, succumbing quickly to predation and weather elements. Those that do survive are susceptible to predators and lack of food and water (when the ponds freeze). Domestic ducks have more than twice the caloric requirements as wild ducks, but because they cannot fly, their foraging is limited to the small ponds where they are dumped (whereas wild birds can fly to other ponds to find food and to open water when ponds freeze). During the winter, New York City’s parks freeze either in part or in full, and any natural food sources are limited to very small patches of open water.

The Parks Department has been ineffective in preventing the dumping of domestic animals and exotic pets in New York City parks, and in fact, has a policy of *not* assisting in the rescue of these domesticated animals after they are dumped.³ Many of these birds can only be rescued with the use of a kayak, which the park either will not permit rescuers to use or will only permit in warm weather. Additionally, the Parks Department *rarely* responds to requests by the public to rescue injured wildlife, and, when they do, are routinely incorrect in their evaluation of the condition of the animal and ineffective in providing rescue. As a result, animal rescuers and rehabilitators must take it upon themselves to both (1) rescue these animals from the parks and place them in private homes or sanctuaries where they will receive the care they need; and (2) support the dumped animals who cannot be captured or until they can be rescued. Dumped domesticated ducks only survive because concerned citizens feed them, and in such instances, wildlife rescuers only use food that is healthful to wild animals as well as non-wild animals (e.g., commercial waterfowl food).

Third, it should be noted that a similar situation also exists for stray cats, some of which are abandoned in city parks. Generally, TNR efforts (which reduce breeding of the stray cat population) and relocation of cats from city parks cannot be humanely or effectively carried out without feeding of the colonies.

New York City should continue to be innovative with respect to its urban animals, just as it has been with its WildlifeNYC campaign and the deer sterilization program implemented in Staten Island. If the city is concerned with reducing the pigeon population, more effective and humane measures should be explored in lieu of a ban on feeding birds, such as commercially available contraceptives that can safely and humanely reduce the number of pigeons by over 50% in two years. Pigeons exist in great numbers in urban settings because of the abundance of food that is unintentionally provided to them, not because of a small number of regular feeders. However, there *are* flocks of pigeons who are fed regularly by humans and have come to rely on such feeding. Taking away a flock’s regular food source will not necessarily result in a decrease in the pigeon population, but will result in suffering and starvation.

² Many New York City schools offer “hatching projects” to students as a misguided way of teaching about animal life cycles. See, *New York City Bar Association*, Memo in support of a ban of hatching projects in New York State, available at <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/support-for-legislation-to-ban-hatching-projects>

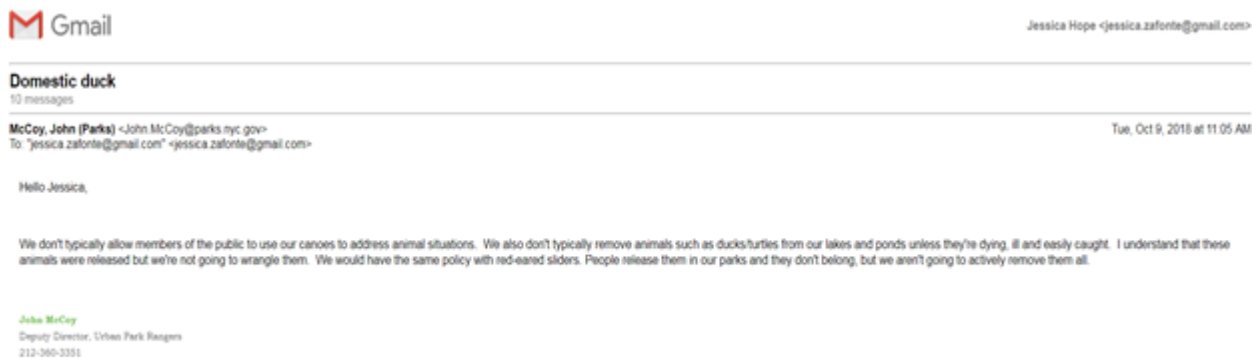
³ See, Ex. 1, Oct. 18, 2018 email from J. McCoy, Deputy Director, Urban Park Rangers

Because pigeons forage for food during the day, consuming any organic matter that is accessible to them, there is little to no food left available for the nocturnal rat population. It is the feeding of bread and other large food items that pigeons cannot effectively eat and can result in leftover food. The Parks Department should not extend this proposed rule to those feeding inappropriate foods or leaving excessive food behind.

As an alternative to the punitive and often ineffective practice of issuing citations to violators of the proposed rule, we suggest that such violators may be required to attend a training seminar about why feeding wildlife is harmful. WildlifeNYC rightly aims to “increase public awareness about urban wildlife” and so instead of being required to pay a summons, violators could be offered the option to attend an information session about New York City wildlife which would address the specific harms caused by feeding wildlife. The Parks Department’s Urban Rangers Unit, as well as private organizations such as the Wild Bird Fund, among others, may be suitably tasked with establishing an information session about the harms of feeding wildlife. Such a program would serve the broader goals of WildlifeNYC, while offering an opportunity to those who violate the City’s rules to gain a meaningful understanding about why these rules are in place.⁴

In sum, the proposed rule must allow exceptions for qualified rescuers and others acting responsibly and in the best interest of the animals in New York City parks.⁵ Moreover, the Parks Department can reduce the necessity for feeding in city parks by enforcing rules against dumping and/or rescue dumped animals, as well as by ensuring fishing line and other garbage is responsibly discarded.

Exhibit 1



Submitted By Voters For Animal Rights Board of Directors:

Allie Feldman Taylor, Michelle Aptman, Jabari Brisport, Julie Cappiello, Joyce Friedman, Heather Greenhouse, Kathy Nizzari, Scott Taylor

786 Jefferson Ave #1, Brooklyn, NY 11221

vfar.org · facebook.com/votersforanimalrights · twitter @theanimalvoters · IG @votersforanimalrights

⁴ The most recent Urban Rangers events calendar does not appear to include sufficient opportunities for education about the harms of feeding wildlife or other similarly important aspects of WildlifeNYC. *Outdoors in New York City*, New York City Park Rangers Event Calendar: https://www.nycgovparks.org/pagefiles/134/Urban-Park-Rangers-Calendar-of-Events-January-February-March-2019_5c2115c387799.pdf

⁵ It is important to note that some rescuers operate independently and not all such individuals are licensed wildlife rehabilitators or conduct rescue operations under the auspices of a well-established organization, and as such, the exceptions should not exclude these individuals.