

**SOUND AGRICULTURAL PRACTICE  
Opinion Number 16-1**

**SUBJECT:** Request for an Opinion Pursuant to Section 308 of the Agriculture and Markets Law as to the soundness of the use of a livestock guardian dog by Jeremy Peele – Herondale Farm

**REQUESTOR:** Jeremy Peele  
Herondale Farm  
90 Wiltsie Bridge Road  
Ancramdale, New York 12503

**Preliminary Statement**

On May 13, 2015 Jeremy Peele (Herondale Farm) requested that the Commissioner issue an Opinion as to the soundness of the use of a livestock guardian dog to protect his remotely pastured sheep from predation. This request stems from complaints received from a neighbor about the barking of the guardian livestock dog, particularly at night.

The Department conducted a sound agricultural practice review for the use of a livestock guardian dog on property leased by Herondale Farm located at 390 Under Mountain Road, Ancram, New York. For the reasons set forth below, Herondale Farm's use of a livestock guardian dog is a sound agricultural practice.

The following information and findings have been considered in reaching this Opinion.

**Information Considered in Support of the Opinion**

**THE FARM**

1. On June 1, 2015, Dr. Robert Somers and Tom Della Rocco, Senior Environmental Analyst, visited Herondale Farm to examine Mr. Peele's use of a Great Pyrenees Mountain livestock guardian dog to protect the farm's sheep (a flock of 90 ewes and 140 lambs) from predation.
2. Mr. Peele, farmer and owner of Herondale Farm, stated that he raises beef cattle, sheep, pigs and chickens on property owned and rented by Herondale Farm (approximately 635 acres). Mr. Peele stated that he owns two parcels of land located at 90 Wiltsie Bridge Road and 351 Wiltsie Bridge Road, Ancramdale, New York; and rents another two parcels of land, located at 390 Under Mountain Road, Ancram, New York (65 acres) and 1095 County Route 27A, Ancram, New York (270 acres).
3. Mr. Peele stated that his beef and sheep are managed in a rotational grazing system and the animals are moved from pasture to pasture on a regular basis. As part of the

farm's rotational grazing plan, permanent and temporary fencing is used to define the boundaries of a 5 to 7 acre temporary pasture. The sheep are moved every 3 to 5 days to prevent overgrazing, maximize and improve the pasture and reduce the impact of parasites on the sheep. The lambs are born from February through April on property located at 90 Wiltsie Bridge Road.

#### THE USE OF LIVESTOCK GUARDIAN DOGS

4. In *Livestock Guarding Dogs: Their Current Use World Wide*, Ms. Robin Rigg states that livestock guarding dogs protect animals from external threats. They are social animals, stay in a group and protect the flock as if they were part of its group. They are attentive to their wards, drive away intruders and livestock guardian dogs are "...the most cost effective method of non-lethal predator control." Benefits of their use on the farm include: not needing to corral animals at night, alerting the owners if they perceive a danger, protecting the owner's property, reducing predation, and allowing for a more efficient use of pastures. (Robin Rigg, 2001, [www.canids.org/occasionalpapers/](http://www.canids.org/occasionalpapers/)).
5. The USDA Information Bulletin Number 588 (as revised 1999) states that the use of livestock guardian dogs has made a resurgence due to federal restrictions on the elimination of predator species, the inability to provide protection from certain predators using conventional methods of livestock protection, and the desire by some individuals to use nonlethal methods to control predation. The dogs, when acquired at a young age, assimilate and become part of the flock they are protecting. They stay with the flock day and night and act independently; they are not pets. The authors state that both coyotes and foxes avoid confrontation and stay a reasonable distance from the livestock when they know that a guardian dog is present. They suggest that the sole use of guarding dogs to protect livestock from predation does not eliminate the need to use other control methods. Other methods mentioned include the use of electric fences and mechanical scare devices; corralling animals at night; keeping the barn or corral illuminated at night; keeping the animals near human habitation; or trapping and shooting predators. (USDA Information Bulletin Number 588, 1999, *Livestock Guarding Dogs Protecting Sheep from Predators*).  
<http://www.nal.usda.gov/awic/companimals/guarddogs/guarddogs.htm>
6. On March 13, 2006 Matt Brower, Department Associate Environmental Analyst, contacted Jeffery S. Green, Regional Director for the United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS), to gather information on the protection of livestock against predators for a prior Opinion. Mr. Green stated that he has worked extensively with Great Pyrenees guard dogs and that their behavior is based on instinct. He indicated that this breed does not typically bark constantly, but it could happen. He also stated that property located on the border of

a residential area and a large area of open land would be a favorable environment for coyotes.

7. According to a publication from the Great Pyrenees Club of America (*Great Pyrenees Club of America: Livestock Guard Dogs*. Rev. 1991) this breed of dog is "...a territorial guard by nature, which means that he works to keep his territory free from predatory danger." The publication states that if the dog is performing properly, "...the stockman may never see a predator, and the flock will never be disturbed."
8. According to a publication from Colorado State University (*Livestock Guard Dogs, Llamas and Donkeys*. Andelt, W.F. No. 1.218. Rev. 10/04) "[g]uard dogs significantly reduce coyote predation on domestic sheep in Colorado." The publication also states that "[p]roducers using guard dogs reported a lower percent sheep loss than producers using llamas."

#### EXISTING THREAT

9. Mr. Peele informed Department staff that he has not experienced any losses from predation to his current flock on the Under Mountain Road property; however, about two years ago a young ram was killed in a pasture near his home farm. There were two other rams there at that time, but no guard dog. In addition, Mr. Peele was talking to a property owner who lives at 451 Under Mountain Road, which is at the southern end of his grazing area. She told Mr. Peele that her small dog was killed by coyotes in 2014.
10. On July 28, 2015 Dr. Somers called and spoke with Wes Powell, Animal Control Officer for the Town of Ancram; who stated that he was familiar with Herondale Farm and its owner, Jeremy Peele. Mr. Powell stated that he has never received a complaint from anyone concerning the barking of Mr. Peele's guardian livestock dog. He further stated that the coyote and fox population within the Town is very high and they are being seen frequently during the daylight hours. He has also received complaints from residents who are concerned about black bears coming onto their property. He indicated that there are many bear dens in the Taconic range. Mr. Powell indicated that in the past two weeks, he received five different calls from concerned residents who have seen cougars in Ancramdale. Mr. Powell stated that he investigated a multiple livestock kill on Raven and Boar Farm, located in East Chatham, NY, where all of the piglets had been killed and one was dragged into the woods after the kill. From scat found near the area, it was determined that a cougar had killed the piglets. Mr. Powell stated that due to the number of wild predators in the area, a guardian livestock dog is required for the protection of livestock.
11. On July 28, 2015, Dr. Somers contacted Michael Clark, Biologist, NYS Department of Environmental Conservation, Region 4, Schenectady Office to discuss the presence

of coyotes in the Town of Ancram, Columbia County. Mr. Clark stated that coyotes and bears are present within the Town of Ancram. He stated that if a farmer observes a coyote or bear killing or threatening livestock, the predator can be shot without a permit as long as the kill is reported to DEC. He stated that according to records kept by DEC approximately 29,000 coyotes are harvested annually, through both trapping and hunting. Statistics on a town level are not available. Mr. Clark stated that he has not received any complaints from farmers who have lost livestock by coyotes or bears. Most of DEC's inquiries come from landowners who have experienced problems associated with bears and coyotes taking their cats and dogs or getting into their garbage cans or bird feeders.

12. Dr. Robert Chambers, Professor Emeritus, Department of Environmental and Forest Biology, SUNY-ESF, in an article entitled *The Coyote in New York State*, states that coyotes are well established in New York and it is estimated that 20,000 to 30,000 animals live within the State. According to Dr. Chambers, (coyotes) "can be a significant problem to individual sheep-raisers." He states that farmers should realize that they pose a threat to their livestock and should utilize a combination of guard dogs, fencing, and pasture management, to minimize predation. Environmental Information Series, *The Coyote in New York State*, dated 2006; <http://www.esf.edu/pubprog/brochure/coyote/coyote.htm>

#### HERONDALE FARM USE OF GUARDIAN DOG

13. Approximately six years ago Mr. Peele expanded his operation. He rented additional land and purchased a guardian dog because the sheep were pastured off of the home farm. Reba has worked as a guardian dog for approximately 6 years. Reba stays with the ewes and lambs and is rotated with them as they are moved throughout the year. Once the lambs are born, the sheep and Reba are moved to the leased property at 390 Under Mountain Road until October, or when the pastures no longer produce the amount of forage needed by the animals. When this occurs, the sheep are moved to the leased property located at 1095 County Route 27A until around Thanksgiving. After Thanksgiving, the sheep are moved to property located at 351 Wiltsie Bridge Road. According to Mr. Peele, the fence on the Under Mountain Road property is secure, the only time the sheep have gotten out of the enclosure is when the gate is left open.
14. Mr. Peele stated that 9 to 10 months out of the year, the flock resides on remotely located parcels and are kept on the home farm only during lambing. He stated that Reba is fed in the morning each day and during that time, the flock is generally inspected to make sure that nothing has happened overnight. Mr. Peele stated that there are quite a few coyotes and bear in the area; Reba frequently barks at night to ward off potential predators to the sheep; and Reba only barks when she hears the coyotes yelping or senses them near the fenced enclosure.

### NEIGHBOR COMPLAINT

15. When Reba barks, one neighbor, located near the rented parcel of land on Under Mountain Road, calls Mr. Peele and/or Mr. Peele's foreman to complain about the barking. According to Mr. Peele, she does not reside on the property year round and the only complaints made have been when she is visiting the property. Mr. Peele stated that three separate pastures adjacent to the complainant's residence are used in his grazing rotation. The other neighbors have not complained. Mr. Peele said that when she calls, his only option is to remove Reba from the property and to put her back in the field the next morning. However, he does not like to leave the sheep unprotected

### BARKING ISSUE

16. According to Dr. Somers and Mr. Della Rocco, when they visited the farm Reba was quiet and did not bark until she saw them approach the flock. She was not aggressive and barked warning barks, but not in rapid succession. Dr. Somers and Mr. Della Rocco observed that after she recognized Mr. Peele, she stopped barking, strolled over, smelled all those present, and then went back to the flock and took position on high ground, which provided a good vantage point to observe her wards.

17. Neither Dr. Somers nor Mr. Della Rocco observed Reba barking while they were on the property other than during their brief introduction to her. Once she approached the two visitors, she stopped barking. She did not appear to be a habitual barker and appears to sound off only when she senses danger; which is the reason for her to be with the flock.

18. On June 22, 2015 the Department mailed letters to fourteen property owners adjoining the 65 acre parcel of land leased by Mr. Peele on 390 Under Mountain Road, Ancram, New York. The Department notified the adjoining landowners that the Department is conducting a sound agricultural practice review and inviting them to comment on the keeping of a guardian sheepdog by Mr. Peele to protect his livestock from predation. The neighboring landowners were requested to submit comments by July 22, 2015. The Department received one letter from a neighbor concerning Mr. Peele's use of a guardian livestock dog.

19. In a letter dated July 3, 2015, a farm neighbor stated that she lives across the road from the field where the sheep spend most of their time and enjoys hearing the sheep throughout the day and night. The neighbor stated that she heard the dog bark once and her husband has never heard her bark; if barking occurs, it does not bother them; and she understands the job of a working dog. She stated that they have seen bears and coyotes in the area, as well as on their property opposite the field in question; and that on Rudd Pond Road, about three miles away in Dutchess County, a sheep was

killed by a bear. The neighbor stated that they know little about shepherding, but a dog would be effective against predators due to their keen sense of hearing and smell. She said it would be negligent to have sheep and goats in a field and not be protected by a guardian.

20. Agriculture and Markets Law §308(1) requires that the Commissioner consider whether an agricultural practice is conducted by a farm owner or operator as part of his or her participation in the Agricultural Environmental Management (AEM) Program as set forth in Agriculture and Markets Law Article 11-A. Steve Nack, Natural Resources Coordinator for the Columbia County Soil and Water Conservation District, stated that the farm is a participant in AEM. However, the agricultural practice of using a livestock guardian dog to protect a flock of sheep from predation is not a water quality concern which would be evaluated under AEM.

### Findings

Based upon the facts, information and circumstances described above, and in consultation with the Advisory Council on Agriculture, the New York State Department of Environmental Conservation, the Columbia County Soil and Water Conservation District, and the Sound Agricultural Practice Guidelines<sup>1</sup> by which agricultural practices are evaluated, I find the following:

1. The Department has found no evidence or received other information indicating that Mr. Peele is in violation of federal, state or local law resulting from the use of a livestock guardian dog to protect his animals from predation.
2. The Department has found no evidence that the use of a guard dog has resulted in bodily harm or property damage off the site.
3. The use of a Great Pyrenees livestock guardian dog for the protection of livestock from predation has achieved the intended result in a reasonable and supportable way. The use of the Great Pyrenees dog is very efficacious in this case since no livestock have been lost to predation in an area where the predator population is abundant. Protection of sheep on remote property would not be possible without the use and presence of a guardian livestock dog.

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<sup>1</sup> On November 1, 1993 the NYS Advisory Council on Agriculture published its report entitled *Protecting the Right of New York Farmers to Engage in Sound Agricultural Practices*. The Council developed guidelines to assist the Commissioner of the Department of Agriculture and Markets in determining what is sound pursuant to Section 308 of the Agriculture and Markets Law. The Guidelines state that the practice 1) should be legal; 2) should not cause bodily harm or property damage off the farm; 3) should achieve the results intended in a reasonable and supportable way; and 4) should be necessary. The sound agricultural practices guidelines recommended by the Advisory Council on Agriculture are given significant weight in assessing agricultural practices.

- Information received by the Department indicates that coyotes are in the vicinity of the property leased by Mr. Peele on Under Mountain Road, Ancram, New York. Protection from predation is necessary because sheep have no way of protecting themselves. A combination of good fencing, the presence of a guardian livestock dog and pasture management is necessary to protect sheep from predation. All three of these management practices are necessary and utilized by Mr. Peele for livestock protection. Furthermore, livestock guardian dogs have been used for centuries to protect livestock because the dogs instinctively bark to ward off potential predators and aggressively defend their wards from dangerous situations.

### Conclusion

Based on the information and findings set forth above and in accordance with section 308 of the Agriculture and Markets Law, I conclude that, from a noise perspective, the use of Great Pyrenees livestock guardian dogs to protect sheep on the leased parcel of land located at 390 Under Mountain Road, Ancram, New York, as described above, is sound.

2/16/16  
Date

  
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RICHARD A. BALL  
Commissioner of Agriculture and  
Markets