



COMMONWEALTH of VIRGINIA

Matthew J. Strickler
Secretary of Natural Resources

Department of Wildlife Resources

Ryan J. Brown
Executive Director

Teleconference/Virtual

AGENDA

Board of Wildlife Resources
7870 Villa Park Drive
Henrico, VA 23228

June 28, 2021
8:30 am
Virtual Meeting

1. Call to Order and Welcome
2. Consideration of Board Resolution pertaining to deer hunting with dogs in Virginia
3. Adjourn

PROPOSED RESOLUTION OF THE BOARD OF WILDLIFE RESOURCES

WHEREAS, the mission of the Board of Wildlife Resources is to **conserve** populations and habitats for present and future generations, **connect** the public to wildlife through outdoor recreational activities, and **protect** people and property by promoting safe outdoor recreation and resolution of human-wildlife conflicts, with hunting being a vital component in achieving all three aspects of said mission; and

WHEREAS, Virginia's hunters are valued constituents, having worked together with others to establish the Department of Wildlife Resources, and, to this day, contribute substantially to the Department's funding through license purchases and other funding connected to their purchases of outdoor equipment; and

WHEREAS, the Board, in recognition of the important contributions of Virginia's hunters to achieving the Department's mission, works diligently to protect the constitutional right of these constituents to hunt and harvest game in a manner consistent with contemporary values that foster and maintain this constitutional right; and

WHEREAS, deer hunting using dogs is an important hunting tradition in the Commonwealth, enjoyed by tens of thousands of Virginians annually, contributing to local economies, and helping the Department meet its deer management objectives; and

WHEREAS, the Board has a vested interest in the continuation of deer hunting using dogs in the Commonwealth in the years to come; and

WHEREAS, the Board also recognizes the need for all citizens to respect the rights of landowners throughout the Commonwealth, by virtue of their real property interest and in the interest of preserving longstanding traditions of legal hunting for generations to come; and

WHEREAS, Virginia's population continues to grow, and, with increasing suburbanization, hunter/landowner interactions will continue to increase, with a need for mutual respect for the interests of all parties; and

WHEREAS, deer hunting with dogs has been the subject of significant discussion, and, in some cases, legislation during recent years, as well as two studies by the Department as directed by the Board; and

WHEREAS, the Board has heard from various interests regarding both the importance of the opportunity to hunt deer using dogs and conflicts with landowners that have arisen in various instances; and

WHEREAS, the most effective means of avoiding and resolving conflicts are, and always will be, constructive relationships and dialogue among individuals, hunt clubs, organizations, and the Department; and

WHEREAS, the above being noted, the Board, in an effort to achieve greater harmony among various constituencies, desires to state its position on two matters concerning potential amendments to the Code of Virginia pertaining to deer hunting with dogs, and also to give direction to the Director on two initiatives that the Department can undertake, all believed to be in the best interests of hunters, landowners, and the general public for the long-term preservation of deer hunting using dogs;

NOW, THEREFORE, be it resolved by the Board of Wildlife Resources:

1. The Board supports the continuation of the Right to Retrieve, §18.2-136. Further, however, the Board supports an amendment to that statute requiring that, prior to entering a property where a landowner has provided a contact phone number on his or her posted signs, a deer hunter seeking to retrieve his or her dogs must first attempt to contact the landowner to give notification that he or she will be entering the property for that purpose. The Board also supports an exemption from any finding of violation of the notification requirement where law enforcement determines that emergency circumstances required immediate action. The current Board does not support any other amendment to the Right to Retrieve.

2. The Board supports an amendment to §3.2-6531, which exempts dogs engaged in lawful hunting from the requirement to wear collars with an affixed dog license tag, to require that dogs engaged in deer hunting wear collars with the owner's name and contact information attached.

3. The Board directs the development of a dog hunting ethics module to be included in the Department's Hunter Education Program and encourages engagement with the hunting community on the development of such module.

4. The Board directs the review of dog field trial permits issued for foxhound field trials and the development of recommendations to be brought to the Board at a future meeting no later than one year from this date as to any revisions to permit conditions that will assist in ensuring that the integrity of these events is preserved, that intentional running of deer during these events is prohibited, and that rights of owners of adjoining lands are respected, and encourages the engagement with the field trial community on the development of any revisions.

ADOPTED this ___ day of June, 2021.

BOARD OF WILDLIFE RESOURCES DRAFT RESOLUTION ON DEER HUNTING WITH DOGS

Public Comment Period – Summary of Public Comments

June 25, 2021

Introduction and Background

During the Chairman’s report at the May 27, 2021 Board of Wildlife Resources meeting, four items to be contained within a potential Board of Wildlife Resources resolution regarding deer hunting with dogs were introduced to the public. Further, it was announced that the Board intended to conduct a special meeting in June 2021 to consider this potential resolution and these four items.

On June 9, 2021, the Department of Wildlife Resources (DWR) publicized details of the special meeting to be held on June 28, 2021. The DWR disseminated complete meeting details by emailing 225,000+ individuals who receive the agency’s *Notes from the Field, Hunting version* newsletter, notifying ~900 individuals subscribing to the DWR’s public comment opportunities distribution list, and posting information on both Facebook (10,648 individual contacts) and Instagram (7,222 individual contacts). Outreach was also conducted by several organizations interested in issues involving hunting deer with dogs.

The public comment period opened concurrent with public distribution of the meeting details and remained open until 5:00pm on June 23, 2021. Interested individuals could submit comments via the agency’s online comment portal, to the Board.Secretary@dwr.virginia.gov email address, or by mail to the DWR’s Henrico Office.

The Department received a total of 1,051 comments on the draft resolution, 1,038 comments through the online comment portal and 13 via email.

Individuals completing the online comment form were able to designate Support, Opposition, or No Opinion on each of the four items contained in the draft resolution. Emailed comments were also reviewed for indications of a position on each of the four resolution items.

Resolution Item 1. The Board supports the continuation of the Right to Retrieve, §18.2-136. Further, however, the Board supports an amendment to that statute requiring that, prior to entering a property where a landowner has provided a contact phone number on his or her posted signs, a deer hunter seeking to retrieve his or her dogs must first attempt to contact the landowner to give notification that he or she will be entering the property for that purpose. The Board also supports an exemption from any finding of violation of the notification requirement where law enforcement determines that emergency circumstances required immediate action. The current Board does not support any other amendment to the Right to Retrieve.

	<u># Online Comments (%)</u>	<u># Emailed Comments</u>
Support	304 (29.3%)	2
Oppose	719 (69.3%)	5
No Opinion	15 (1.4%)	N/A

Resolution Item 2. The Board supports an amendment to §3.2-6531, which exempts dogs engaged in lawful hunting from the requirement to wear collars with an affixed dog license tag, to require that dogs engaged in deer hunting wear collars with the owner’s name and contact information attached.

	<u># Online Comments (%)</u>	<u># Emailed Comments</u>
Support	549 (52.9%)	3
Oppose	416 (40.1%)	2
No Opinion	73 (7.0%)	N/A

Resolution Item 3. The Board directs the development of a dog hunting ethics module to be included in the Department’s Hunter Education Program and encourages engagement with the hunting community on the development of such module.

	<u># Online Comments (%)</u>	<u># Emailed Comments</u>
Support	639 (61.6%)	4
Oppose	288 (27.7%)	2
No Opinion	111 (10.7%)	N/A

Resolution Item 4. The Board directs the review of dog field trial permits issued for foxhound field trials and the development of recommendations to be brought to the Board at a future meeting no later than one year from this date as to any revisions to permit conditions that will assist in ensuring that the integrity of these events is preserved, that intentional running of deer during these events is prohibited, and that rights of owners of adjoining lands are respected, and encourages the engagement with the field trial community on the development of any revisions.

	<u># Online Comments (%)</u>	<u># Emailed Comments</u>
Support	330 (31.8%)	4
Oppose	513 (49.4%)	2
No Opinion	195 (18.8%)	N/A

Public Comment Summary

Resolution Item 1: The majority of the written comments provided by the public pertained to this aspect of the draft resolution. Proponents of the suggested modifications to §18.2-136 (Right to Retrieve law) frequently cited the importance of the landowner being in control and aware of the activities and individuals upon her/his land, infringement upon landowner privacy and ownership rights, disrespectful attitudes/actions of deer hunters using dogs, and negative impacts upon still hunters and deer behavior. These proponents routinely shared details of specific instances where deer hunting with dogs had impacted their enjoyment of their property, created potential safety concerns, or resulted in damage to property. Opponents of the outlined modifications noted the sufficiency of the existing law in balancing respect for the landowner’s property with the need to retrieve dogs in a timely fashion, a lack of sufficient data to suggest a change to the law was necessary, concerns about suggested modifications beyond those in the draft resolution, and the fact that many deer hunters using hounds maintain strong relationships with neighboring landowners and are already contacting landowners prior to entering the property. Additionally, landowners opposed to this item felt the suggested modifications would not be effective and would not address the specific concerns and situations experienced upon their lands.

Resolution Item 2: The majority of the comments related to this aspect of the draft resolution voiced support for the suggested modification to §3.2-6531. Many hunters shared the importance of their hunting dogs as being an extension of their family unit and the significant amount of care and nurture

invested in these animals. As such, affixing collars with the owner's name and contact information to hunting dogs is a routine practice of hunters engaging in this activity to help ensure the safe return of their animals. Beyond deer hunters using dogs, the ability to safely return these hunting dogs to their owners is of considerable interest to individuals no matter their particular perspective on deer hunting with dogs. Proper treatment, care and concern for hunting dogs and other companion animals was voiced across the spectrum of individual comments, and some individuals recommended microchipping hunting dogs as way to avoid potential safety concerns in using collars on hunting dogs as well as a potential accountability measure in helping address animal welfare concerns. Opponents of this modification frequently cited the fact that deer hunters using dogs were already enacting this measure and additional laws to address the issue were not necessary. Further, some hunters did share concerns about potential safety issues associated with collaring deer hunting dogs and were concerned with the specific requirements that might result from changes in this law.

Resolution Item 3: Development of a dog hunting ethics module within the Department's Hunter Education Program received the most public support of the four items outlined in the draft resolution. While some individuals opposed this item because they felt it wouldn't solve the problem, didn't apply to all hunters in Virginia, conveyed a poor image of this hunting practice, or didn't specifically address hunter safety, most individuals commenting on this item felt education was a key component in alleviating conflicts associated with deer hunting with dogs. In addition to the Hunter Education Program, several individuals commented that affording landowners opportunities for this type of education would further assist in conflict resolution by providing a better understanding of this sport.

Resolution Item 4: This item received the fewest comments from the public with some individuals noting they lacked an understanding of this particular issue and could not offer an informed opinion. Further, there appeared to be some confusion between field trial held outside vs. inside of foxhound training preserves. While not specifically referenced in the draft resolution, the intent of this item would be specific to field trails held outside of foxhound training preserve facilities. Opponents of this item felt the foxhound field trail permit process was already heavily regulated and additional oversight wasn't necessary, clubs and communities where these field trials occurred communicated well and problems were minimal, these field trials are routinely charitable events for local communities or individuals in need, and better law enforcement was needed as the permit process will not ensure the integrity of a field trial event. Other opponents felt it was appropriate to run deer during these events as there is no current training season for dogs used for deer hunting. Proponents of this item cited the opportunity to chase deer out-of-season, especially during the fawning season when young deer may be chased down and killed, potential to improve/enhance landowner-hunter relationships, and ability to better control the number of dogs and individuals participating in these events.

Comments beyond the scope of the draft resolution: While the Department's sole intent of the public comment period was to solicit feedback on the four specific items in the draft resolution, public comments covered a breadth of issues associated with deer hunting with dogs. While many individuals referenced Virginia's deer hunting with dogs tradition/heritage and the benefits it provides to rural economies, social networking, and deer management in the Commonwealth as reasons to maintain the sport, other individuals cited the changing landscape of the state, ethics of this particular hunting practice, and significance of conflicts with other hunters and landowners as reasons to prohibit this method of hunting deer. Numerous comments indicated that current practices and laws involving deer hunting with dogs should be maintained in their current form, while a considerable number of comments recommended additional restrictions (e.g., acreage limits, permit systems, season changes) to be placed on the sport. Many comments noted the significant revenues that deer hunting with dogs contributes to the Department

of Wildlife Resources, and how the elimination of deer hunting with dogs would result in individuals failing to continue to hunt which would negatively impact Department revenue streams (e.g., license sales, Federal Aid in Wildlife Restoration). Recruitment, Retention, and Reactivation of licensed hunters was another topic cited by both proponents and opponents of deer hunting with dogs. Proponents shared stories of family traditions as well as non-family members who learned to hunt and respect wildlife and companion animals by engaging in deer hunting with dogs; while opponents cited the high visibility and attitudes of deer hunters with dogs as well as disruption of still hunting practices as being detrimental to maintaining hunters and recruiting new hunters in Virginia. Finally, individuals on both sides of this issue mentioned a lack of Law Enforcement staff, need to enforce existing laws, and need for stiffer penalties and fines to help address conflicts associated with deer hunting with dogs.

RESOLUTION OF THE BOARD OF WILDLIFE RESOURCES

WHEREAS, the mission of the Board of Wildlife Resources is to **conserve** populations and habitats for present and future generations, **connect** the public to wildlife through outdoor recreational activities, and **protect** people and property by promoting safe outdoor recreation and resolution of human-wildlife conflicts, with hunting being a vital component in achieving all three aspects of said mission; and

WHEREAS, Virginia's hunters are valued constituents, having worked together with others to establish the Department of Wildlife Resources, and, to this day, contribute substantially to the Department's funding through license purchases and other funding connected to their purchases of outdoor equipment; and

WHEREAS, the Board, in recognition of the important contributions of Virginia's hunters to achieving the Department's mission, works diligently to protect the constitutional right of these constituents to hunt and harvest game in a manner consistent with contemporary values that foster and maintain this constitutional right; and

WHEREAS, deer hunting using dogs is an important hunting tradition in the Commonwealth, enjoyed by tens of thousands of Virginians annually, contributing to local economies, and helping the Department meet its deer management objectives; and

WHEREAS, the Board has a vested interest in the continuation of deer hunting using dogs in the Commonwealth in the years to come; and

WHEREAS, the Board also recognizes the need for all citizens to respect the rights of landowners throughout the Commonwealth, by virtue of their real property interest and in the interest of preserving longstanding traditions of legal hunting for generations to come; and

WHEREAS, Virginia's population continues to grow, and, with increasing suburbanization, hunter/landowner interactions will continue to increase, with a need for mutual respect for the interests of all parties; and

WHEREAS, deer hunting with dogs has been the subject of significant discussion, and, in some cases, legislation during recent years, as well as two studies by the Department as directed by the Board; and

WHEREAS, the Board has heard from various interests regarding both the importance of the opportunity to hunt deer using dogs and conflicts with landowners that have arisen in various instances; and

WHEREAS, the most effective means of avoiding and resolving conflicts are, and always will be, constructive relationships and dialogue among individuals, hunt clubs, organizations, and the Department; and

WHEREAS, the above being noted, the Board, in an effort to achieve greater harmony among various constituencies, desires to state its position on a matter concerning a potential amendment to the Code of Virginia pertaining to deer hunting with dogs, and also to give direction to the Director on two initiatives that the Department can undertake, all believed to be in the best interests of hunters, landowners, and the general public for the long-term preservation of deer hunting using dogs;

NOW, THEREFORE, be it resolved by the Board of Wildlife Resources:

1. The Board supports an amendment to §3.2-6531, which exempts dogs engaged in lawful hunting from the requirement to wear collars with an affixed dog license tag, to require that dogs engaged in deer hunting wear collars with the owner's name and contact information attached.
2. The Board directs the development of a dog hunting ethics module to be included in the Department's Hunter Education Program and encourages engagement with the hunting community on the development of such module.
3. The Board directs the review of dog field trial permits issued for foxhound field trials and the development of recommendations to be brought to the Board at a future meeting no later than one year from this date as to any revisions to permit conditions that will assist in ensuring that the integrity of these events is preserved, that intentional running of deer during these events is prohibited, and that rights of owners of adjoining lands are respected, and encourages the engagement with the field trial community on the development of any revisions.

ADOPTED this 28th day of June, 2021.