

## **BOARD PROPOSAL 1**

### **Support for funding for additional Conservation Police Officers**

#### **Summary:**

The Board would state a position supporting efforts to identify and pursue additional funding sources to fully staff and, going forward, seek increase the number of Conservation Police Officers (CPOs), and further state an intention that a priority be placed on locating new positions in areas where complaints related to hunting with dogs are above average.

#### **Recommended language of proposed Board motion:**

The Board supports identifying and pursuing additional funding sources to fully staff and seek to increase the number of authorized conservation police officers (CPOs). Should additional funding sources and positions be received, a priority would be placed on assigning new positions to areas where data have consistently shown the number of hunting with dogs-related complaints are above average.

#### **Discussion:**

Proposal 3 of the SAC Report, as well as stakeholder recommendations from the 2008 *Hunting with Hounds in Virginia: A Way Forward* project, support increased staffing for law enforcement as beneficial to addressing this issue. Historically, the number of funded Conservation Police Officer (CPO) positions have decreased from 220 in the 1990s, to 182 in 2024. During that time, the role of the CPO has become more diverse, and the demands placed on the position continue to increase.

Of 182 budgeted sworn positions, DWR currently has 176 filled (151 sworn; 25 recruits in the current Academy that are scheduled for graduation in August 2024). The remaining 6 vacant sworn positions are in the FY25 budget, with the next academy scheduled to begin in March 2025.

As with other law enforcement agencies, costs of administering the Law Division have increased over time, due to intentional investments, filling vacant positions, and general increased costs of doing business in the law enforcement field. Over the last five years, spending has increased from \$20,180,113 to \$24,257,090 annually, which has grown our CPO efforts from approximately 25% of our overall budget to closer to 35%. Continued growth is directly dependent on new funding.

## BOARD PROPOSAL 2

### Enhancement of Conservation Police Officer training and law enforcement strategies

#### **Summary:**

The Board would direct the Executive Director to enhance Law Enforcement Division policies, strategies, and training specific to enforcement of laws and regulations that pertain to deer and bear hunting with dogs, and that the Law Enforcement Committee be updated prior to each of its meetings on these activities, as well as provided with an update of complaint data related to hunting with dogs.

#### **Recommended language of proposed Board motion:**

The Board directs the Executive Director to undertake the following actions:

- First, develop and implement enhanced law enforcement directives, procedures, strategies and trainings specifically focused on hunting bear and deer with dogs. This includes in-service training designed to provide uniform instruction on the application of relevant laws, regulations and tactics used to identify and address applicable violations and the creation of directives in the form of memorandums and standard operating procedures, as needed, to provide clear guidance to DWR's Conservation Police Officers;
- Second, implement proven strategies, such as directed enforcement efforts to focus on hot spot areas that receive an above average number of complaints; and
- Third, provide a written update on all activities associated with the direction of this motion, along with updated complaint data, to the Board's Law Enforcement Committee prior to each of its meetings.

#### **Discussion:**

Proposal 3 of the SAC Report, as well as stakeholder recommendations from the 2008 *Hunting with Hounds in Virginia: A Way Forward* project, supported enhanced, additional training relevant to hunting with dogs for CPOs, and further suggested focusing enforcement efforts on areas where complaints are above average.

The Law Enforcement Division frequently utilizes directives, in-service training and standard operating procedures to communicate a consistent message to staff on varying topics. To date:

- A written directive was issued in the form of a memorandum on the consistent application of 18.2-132.1 *Trespass by hunters using dogs; penalty*.
- It has also been pattern and practice to temporarily redeploy CPOs from the western counties to eastern counties during the last two weeks of the general firearms deer season. Most recently, during the late 2023-24 general firearms deer season, the Division utilized hot spot maps that indicated an above average number of hound hunting complaints to direct these resources. These efforts yielded 2,744 hunter contacts with 128 violations

detected. Of the violations detected 34 were handled with the issuance of a summons and 94 were handled with a warning. Continuing these efforts, as available resources allow, would be expected to benefit this issue going forward.

- In terms of reporting, there has historically been an annual report created that includes all dog hunting complaints during a one-year period. The Division can increase the frequency on reporting complaint data, as well as reporting on the efforts undertaken to address complaints where there is a violation of law or regulation, in order to keep the Board informed. Updates will be provided to members of the Law Enforcement Committee prior to each of its meetings.

## **BOARD PROPOSAL 3**

### **Prioritize enforcement of prohibition against hunting outside of open season**

#### **Summary:**

The Board would direct the Executive Director to place a priority upon enforcement of prohibitions against hunting outside of open season, to implement training, procedures, and strategies that will enhance enforcement efforts, and to evaluate and report on whether adjustments to training seasons that are offered are advisable.

#### **Recommended language of proposed Board motion:**

The Board directs the Executive Director to place a priority upon enforcement of the prohibition against hunting outside of open season. This includes:

- First, the review of law enforcement strategies that have traditionally been used to address complaints of violations associated with the misuse of open seasons, and development and implementation of any revised or enhanced strategies that would provide for greater enforcement;
- Second, the development and delivery of in-service training designed to provide uniform instruction on the lawful uses of open and chase seasons, and tactics used to identify and address potential violations;
- Third, the creation of directives in the form of memorandums and standard operating procedures, as needed, to provide clear guidance to DWR's Conservation Police Officers; and
- Finally, the Board directs the Executive Director to prepare a written report for the Board's Wildlife and Boat and Law Enforcement Committees by December 31, 2024, that evaluates whether the creation of a deer hound training season and any adjustments to the bear hound training season both provides opportunity to hunters to better train their dogs and could also be of assistance to ensuring that running of game occurs during appropriate designated seasons. The report shall also evaluate what conditions and actions would need to occur in order to ensure that any season adjustments do not present any biological concerns or cause any increases in hunter/landowner conflicts. Representatives from both the hunting and landowning communities shall be consulted in the report's development.

#### **Rationale:**

The continuous open seasons to hunt fox and coyote with dogs is set by the General Assembly in the Code of Virginia (§29.1-516 (fox) and §29.1-511 (coyote)). There have been complaints that these seasons have been used as a loophole to chase other game species, particularly deer, during the designated closed season. There is also a continuous open chase season for raccoon set by regulation (4VAC15-210-10).

Existing law prohibits hunting other than as prescribed by law, including during the closed

season for any species. Proposal 5.9 of the SAC report indicated mixed support for exploration of “closing” the fox/coyote loophole; however, in many cases this referred to preventing misuse of the existing seasons. Misuse of these seasons is already unlawful, and all parties encouraged strong enforcement of existing laws and regulations generally. Enhancing training and procedures, as well as instructing CPOs that a priority is to be placed in this area, is expected to assist with enforcement.

Some members of the SAC suggested that running out of season occurs in some cases because hunters lack opportunity during designated hunting and chase seasons to train dogs for their chosen species. Good faith requests for a deer hound training season have also often been received from deer hunters. Other SAC members pointed out that any additional opportunity should occur only with adequate landowner protections in place. The suggested action would be for staff to provide more information on this topic to the Board by the end of 2024. The report would be internally developed, but staff would be instructed to consult with representatives of both the hunting and landowning communities in its development.

## **BOARD PROPOSAL 4**

### **Enhance Outreach to Communities, Hunters and Landowners**

#### **Summary:**

The Board would direct the Executive Director to place a priority upon the development and implementation of enhanced outreach to communities, hunters, and landowners to increase awareness about the use of dogs in deer and bear hunting, including ethics, best practices and applicable laws and regulations.

#### **Recommended language of proposed Board motion:**

The Board directs the Executive Director to place a priority upon the development and implementation of outreach to communities, hunters and landowners to increase awareness about the use of dogs in hunting bear and deer. This includes:

- A review and evaluation of existing relevant DWR outreach efforts, along with information pertaining to outreach used by other states in which deer and bear hunting with dogs occurs, with a report provided to the Board's Education, Planning, and Outreach Committee by August 1, 2024;
- Evaluation of the development and delivery of public awareness efforts, including locally-held public forums in areas where complaints are above average, that provide information about deer and bear hunting with dogs, including ethics, best practices and applicable laws and regulations, with a report provided to the Board's Education, Planning, and Outreach Committee by August 1, 2024;
- The creation and delivery of educational information about deer and bear hunting with dogs, including ethics, best practices and applicable laws and regulations, to be made available annually by August 1 to localities and local law enforcement agencies where deer and bear hunting with dogs occurs and encourage their sharing of this information through relevant communication channels;
- An evaluation of the establishment of a staff liaison position at the Department, to enhance communications and relationships with both hunters using dogs and landowner interests, with a report made to the Board's Education, Planning, and Outreach Committee by August 1, 2024; and
- An evaluation of a potential ombudsman program that would support resolution of emerging or ongoing conflicts at the community level, with a report to be made to the Board's Education, Planning, and Outreach Committee by March 31, 2025, regarding potential approaches, associated costs, and anticipated benefits.

#### **Discussion:**

While stakeholders engaged in addressing conflict between deer and bear hunters using dogs and private landowners for the past 20 years have recognized that enhanced outreach on this topic itself will not fully resolve all issues, all have generally indicated that outreach, coupled with other actions, is value-added. This value comes from the increased awareness of communities,

landowners, and hunters about the topic, related ethics and best practices, and applicable laws and regulations. Recommendations for outreach were made in 2008 by the *Hunting with Hounds in Virginia: A Way Forward* Stakeholder Advisory Committee and in 2023/2024 by the Hound Hunting/Private Landowner Stakeholder Advisory Committee. Proposals 4.1, 4.2, and 4.4 of the most recent Stakeholder Advisory Committee align with these directives in their support for public information programs to create greater awareness; development of an ombudsman program; and sharing of information with localities.

As the land use and demographics of Virginia have changed, and continue to change, there are an increasing number of individuals purchasing land in areas where hunting with dogs is a means of pursuing game, and these individuals may have no familiarity with this approach to hunting. Additionally, the sale, subdivision, and/or conversion of lands that may have been leased by hunters or hunt clubs for the purpose of hunting with dogs has, in some areas, substantially changed parcel sizes and reduced available hunting lands. Changes in societal expectations and cultural norms dictate that the DWR make a regular, concerted effort to create greater awareness with multiple tools and across multiple platforms.

## **BOARD PROPOSAL 5**

### **Enhance Educational Efforts**

#### **Summary:**

The Board would direct the Executive Director to place a priority upon the development and implementation of enhanced education to increase awareness about the use of dogs in hunting deer and bear, dog-hunting ethics and best practices, and applicable laws and regulations.

#### **Recommended language of proposed Board motion:**

The Board directs the Executive Director to place a priority upon the development and implementation of education to increase awareness of deer and bear dog hunting ethics and best practices, and applicable laws and regulations. This includes:

- The development of a “best practices” document for deer and bear hunters using dogs and for private landowners by August 1, 2024, and inclusion of this content on the DWR website and, summarized as appropriate, in the annual *Hunting and Trapping in Virginia* digest;
- A compilation of laws and regulations pertaining to deer and bear hunting with dogs, as well as those protecting hunting dogs, and inclusion of this content on the DWR website by August 1, 2024;
- A review and evaluation of existing relevant DWR hunter educational efforts, content and materials, such as the additional materials integrated into the Virginia Hunter Education Program basic curriculum in 2021, with a report to be made to the Board’s Education, Planning, and Outreach Committee by October 31, 2024; and
- Evaluation of a potential advanced training program for Virginia Hunter Education instructors, particularly for those in areas where complaints associated with bear or deer hunting with dogs are above average, that provides more details and insights to be conveyed during their delivery of hunter education programming, with a report to be made to the Board’s Education, Planning, and Outreach Committee by October 31, 2024, regarding potential approaches, associated costs, and anticipated benefits.

#### **Discussion:**

While stakeholders engaged in addressing conflict between hound-hunters and private landowners for the past 20 years have recognized that education on this topic itself will not fully resolve all issues, all have generally indicated that education, coupled with other actions, is value-added. This value comes from the increased awareness of communities, landowners, and hunters about the topic, related ethics and best practices, and applicable laws and regulations. Recommendations for education were made in 2008 by the *Hunting with Hounds in Virginia: A Way Forward* Stakeholder Advisory Committee and in 2023/2024 by the *Hound Hunting/Private Landowner Stakeholder Advisory Committee*. Additionally, in 2021, the Board of Wildlife Resources directed the DWR to develop and integrate a dog hunting ethics module to be included in the Virginia Hunter Education Program, in partnership with the hunting community.



The DWR updated its Hunter Education content in 2021, but no evaluation has been made regarding outcomes from that training. Additional training – of students, instructors and community members – will provide additional means to convey ethics and best practices and hopefully reduce conflict at the community level.

Proposal 4.3 of the most recent Stakeholder Advisory Committee aligns with these directives in its support for additional education and educational materials, particularly delivered through the DWR's Hunter Education Program.

## **BOARD PROPOSAL 6**

### **4VAC15-40-310 (new)**

#### **Game: In General: Tracking collars for bear and deer hunting with dogs**

##### **Summary:**

The Board would propose, and seek a 45-day public comment period on, a potential new regulation requiring that deer and bear hunters using dogs use GPS tracking.

##### **Recommended language of proposed regulation:**

#### **4VAC15-40-310 (new) Tracking collars for bear and deer hunting with dogs**

- A. Any dog not under physical restraint that is being used to hunt bear or deer shall have a fully functional Global Positioning System (GPS) tracking device affixed to it.
- B. Tracking is required from the casting of the dog until recovery. Tracking may be suspended where signal is lost but shall resume when signal is reacquired.

##### **Discussion:**

This proposal would require that deer and bear hunters use GPS tracking on any dogs actively engaged in the hunt. GPS is the current best technology for hunters to track their dogs that is in widespread (though not universal) use. It aids in dog recovery both by showing location of the dog and tracking the dogs' movement patterns, which assists in predicting where the dogs may be going to help facilitate recovery at opportune places. It also allows a hunter, should they desire, to show where their dogs have been (and also have not been) over the course of a hunt if that is in question.

As this technology has evolved, other features (e.g., toning/corrective abilities) have become available. This proposal does not require these advanced features, simply basic GPS tracking capabilities.

A requirement for the use of electronic tracking collars received considerable support in voting by the Stakeholder Advisory Committee, though full consensus was not achieved (Proposal 5.10). Notably, in the SAC discussion, both GPS and older telemetry collars were discussed. This proposal includes only the newer GPS technology which offers significant advantages. Should this proposal be advanced, public comments received on this subject would be considered following the comment period.

## **BOARD PROPOSAL 7**

### **4VAC15-40-320 (new)**

#### **Game: In General: Reasonable efforts for deer and bear hunting with dogs.**

##### **Summary:**

The Board would propose, and direct a 45-day public comment period on, a potential new regulation requiring that a deer or bear hunter using dogs exercise reasonable efforts to prevent his or her dogs from entering a landowner's property after receiving notice from either the landowner or a Conservation Police Officer that the dogs are not desired there.

##### **Recommended language of proposed regulation:**

#### **4VAC15-40-320 (new) Reasonable efforts for deer and bear hunting with dogs.**

A. A deer or bear hunter using dogs shall make reasonable efforts to prevent his dogs from entering a landowner's property after receiving notification that his hunting dogs are not desired on the landowner's property. The notification may be made by either (i) individual communication from the landowner or his agent; or (ii) a Conservation Police Officer, following receipt of a valid complaint that the hunter's dogs have been present on the landowner's property without permission.

B. The hunter shall determine the type and number of efforts to be implemented on a site-specific basis. The efforts selected, whether individually or in combination, shall be reasonably expected to be effective in preventing the hunter's dogs from entering the landowner's property. They may include considerations such as: (i) the number and breed of dogs cast; (ii) casting locations; (iii) timing of hunts; (iv) stander and handler locations and actions; (v) retrieval efforts; (vi) use of tracking or correction technology; (vii) if desired by the landowner, landowner notification; (viii) the development of a written plan for the hunt; or (ix) other considerations appropriate to the circumstances. Efforts shall be amended if initially unsuccessful.

C. The hunter may discontinue efforts undertaken to comply with subsection B if the landowner grants written permission for the hunter's dogs to be present on his property.

D. Notwithstanding the requirement that reasonable efforts be made at all times following notification, presence of the hunter's deer or bear dogs on the landowner's property without permission on two or more occasions within any 12-month period following receipt of the initial notification shall create a rebuttable presumption that reasonable efforts have not been undertaken.

## **Discussion:**

Deer and bear hunters using dogs make up a sizable portion of Virginia's hunters (current estimates include 60,000 deer hunters participating in deer hunts using dogs, and 9,000 bear hunters). Historically, Virginia law and regulation have not prohibited hunting dogs from being present on the lands of others in most circumstances. Nevertheless, the majority of deer and bear hunting with dogs occurs without the request for involvement of law enforcement.

DWR's Law Division does, however, receive complaints and requests for service related to hunting with dogs throughout the hunting seasons. During the past year, 2002 of 6128 total calls for service for hunting complaints mentioned dogs (DWR Law Enforcement datasets should be consulted for a more specific breakdown of these CFS). By far, the most common complaint received is hunting dogs being present on private land without landowner permission (for example, 699 of 749 calls for service involving dogs that did not allege a violation of law, and 188 of 327 calls for service involving dogs that did allege a violation of some type). This commonality is consistent with issues noted in other southeastern states (see D'Angelo, et al., *Best Management Practices and Current Status of Dog-Deer Hunting in the Southeastern United States*, 2020). As noted in the SAC report's common understandings, frequent and repeated instances of unwanted dog presence on private land are at the source of many complaints, as opposed to isolated instances. On several occasions it was generally observed by the SAC that repetitive cases were not desired by any members. Members had differing views, however, on the implications of various potential means of approaching that issue, as demonstrated by the lack of consensus on related SAC proposals.

In instances where existing law and regulation address issues, other Board proposals place an emphasis on enforcement of those existing rules. Current law and regulation largely do not, however, provide recourse for repeat and unwanted presence of dogs. Section 18.2-132.1 of the Code of Virginia addresses the intentional release of dogs on posted lands without permission, but does not reach other more commonly complained of situations. This leaves landowners without law enforcement recourse in most situations where assistance is requested.

The proposal seeks to reconcile the various viewpoints and values expressed by the SAC members. It suggests a complaint or notice-driven process to avoid creating new requirements for unproblematic situations and to allow both hunter and law enforcement efforts to be concentrated on avoiding or resolving potential conflict situations. It would seek to address repetitive cases rather than single or isolated incidents that may not recur or be informally resolved. Rather than doing so through a trespass approach, it focuses on the efforts made by the hunter in an iterative fashion. For predictability for landowner interests, two or more instances within a 12-month period following notice establishes a presumption that reasonable efforts have not been undertaken. To ensure that the hunter remains judged by his or her actions, on the other hand, this presumption is rebuttable, and the hunter may demonstrate that reasonable efforts are being implemented. Finally, receipt of landowner permission for the presence of dogs on the landowner's property in connection with the hunter's activities resolves any need for further action.