

**Addressing Hound Hunter and Private Landowner  
Conflicts in Deer and Bear Hound Hunting:  
Final Report on the  
Stakeholder Engagement Process**

**Prepared for the Board of Wildlife Resources**

**by the**

**Institute for Engagement & Negotiation (IEN)**

**at the University of Virginia**

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This report captures the deliberations of the SAC, and the many nuances of the perspectives and concerns shared throughout their meetings. Consensus-building work is difficult, and we are grateful for the considerable effort members made on behalf of the communities they represent. We also appreciate the Board of Wildlife Resources' commitment to bringing these stakeholders with diverse interests together to resolve this issue in a collaborative manner for the purpose of recommending long-term, practical, and effective solutions for the Board's consideration.

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# **Addressing Hound Hunter and Private Landowner Conflicts in Deer and Bear Hound Hunting: Final Report on the Stakeholder Engagement Process**

**March 2024**

## **Section One: Executive Summary**

The University of Virginia's Institute for Engagement & Negotiation (IEN) was asked by the Virginia Department of Wildlife Resources (DWR) to impartially facilitate dialogue among Virginia's key stakeholder groups to address longstanding conflicts pertaining to hunting deer and bear with hounds. IEN has four decades of experience in facilitating local, state, national, and international engagements to reduce and resolve conflict among stakeholders. This report reflects IEN's engagement process and is not a technical analysis of the issue or public policy-making. Specifically, the purpose of this stakeholder engagement process was to identify stakeholders' recommendations for the Board of Wildlife Resources on how to reduce conflict between hound hunters for deer and bear and private landowners who do not want these hounds on their property. IEN utilized past conflict resolution efforts for this issue, including efforts that were conducted in 2008 and 2016, to determine the approach for stakeholder engagement. With guidance from DWR, between late Spring 2023 and January 2024, IEN conducted a stakeholder survey, conducted individual stakeholder interviews, and convened a Stakeholder Advisory Committee (SAC). IEN then facilitated seven meetings of the SAC, where the SAC deliberated and developed possible conflict-reduction solutions for consideration by the Board of Wildlife Resources.

Hunting with hounds is a practice with a long tradition in Virginia and is a means of both public recreation and wildlife management. As Virginia has become more populated and land ownership patterns have changed over time, conflicts between hound hunters and landowners have been notable, with a primary concern being the presence of hounds on lands where they are not wanted. When hunting dogs are found on private property owned by others, hunters responsible for these dogs have the right to retrieve their dogs without permission of the landowner, which can give rise to landowner concerns. When a hunting dog is on the private property of another without permission, the hunter's right to protect his or her personal property, the hunting dog, conflicts with the landowner's private property rights. Most hunters follow ethical guidelines, respect others' property rights, and take steps to communicate with landowners prior to retrieving their dogs. However, some hound hunters do not follow ethical

hunting practices, do not respect private property rights, and abuse the right to retrieve by allowing their hounds to roam or hunt on posted private property without permission. Although hound hunting complaints occur state-wide, there are a number of “hot spots” where there are higher levels of reported complaints. The types of conflicts between hound hunters and private landowners include hunter harassment of landowners, significant impacts to landowner quality of life, injury to landowners, damage to private property, interference of hound hunting by landowners, and harm to hounds by landowners. Current laws, regulations, and practices have not reduced these conflicts.

For the hunter community, several themes emerged, such as the important historical legacy of hound hunting, the overall economic impact of the sport, need for additional law enforcement officers, and the importance of the “Right to Retrieve” law. From the landowner perspective, common themes included hounds crossing property boundaries without permission, limited ability of current laws to address existing hound hunting concerns, inconsistent application of enforcement efforts, decreased quality of life, and inherent safety issues involving hunter confrontation and threats to crops, livestock, pets, and family members.

Considerable common ground on an initial set of areas of interest for improvement was identified through the survey of nearly 9,000 stakeholders and 19 qualitative interviews, and then further refined during the subsequent seven SAC meetings. The common interests among hound hunting and landowner communities included the following:

1. improving the enforceability and application of relevant statutes;
2. increasing DWR law enforcement personnel and enhancing training to increase the consistency of their work;
3. increasing educational and outreach efforts for both hound hunter and landowners;
4. improving hound identification and tracking measures;
5. supporting landowner notification during hound retrieval; and
6. improving posted property requirements.

These common interests do not consider the resources necessary for implementation, political viability, or current legal or regulatory authority. It is interesting to note that many of the issues and interests pertaining to the conflict that were identified by the stakeholder survey, interviews, and SAC process match previous issues and interests identified during the 2007-2008 effort and later processes implemented by DWR. These all remain key issues to be resolved.

Please note that the terms “dog” and “hound” are used interchangeably throughout the report.

## Section Two: Background & Process Overview

In 2008, the DWR conducted its first state-wide stakeholder engagement process on addressing conflicts between hound hunting and private landowners. This effort was conducted via a series of stakeholder advisory committee, focus groups, a survey process, and other correspondence facilitated by Virginia Tech. The *Stakeholder Advisory Committee Recommendations* are linked in Appendix Two for comparison between the areas in need of improvement addressed in 2008 and content addressed in this report.

In 2016, at the request of the Board of Game and Inland Fisheries (now the Board of Wildlife Resources) due to continued conflicts between hound hunters and landowners, DWR developed a follow-up report, *A Report on Deer Hunting with Dogs*. A key recommendation of the 2016 report was the creation of a deer dog hunter/landowner stakeholder group to establish ongoing dialogue and identify solutions.<sup>1</sup>

In 2021, the Board of Wildlife Resources adopted a Resolution<sup>2</sup> with three components, two of which were specific to deer and bear hound hunting:

- Support legislation requiring dog collars containing the owner's contact information for all hunting dogs; and
- Develop an education module on hound-hunting ethics

As noted above, in 2023 IEN was asked by DWR to assist in providing Virginia's key stakeholder groups an opportunity to address conflict between hound hunters for deer and bear and private landowners. This conflict has been a longstanding one nationally and in the Commonwealth. Other states have adopted diverse methods to deal with the conflict, including permits, acreage limitations for hunting with hounds, and outright banning of hunting with hounds. In Virginia, several past attempts to reduce the conflict have resulted in little substantive improvement.

IEI began its work by researching prior DWR work on this issue, followed by broadly disseminating an online survey to stakeholders and conducting qualitative stakeholder interviews. The nearly 9,000 responses to the survey and 19 interviews resulted in a set of seven preliminary topics for the SAC to explore further. See Section Three below for more information.

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<sup>1</sup> *A Report on Deer Hunting with Dogs*. Virginia Department of Wildlife Resources, January 2016. <https://dwr.virginia.gov/wp-content/uploads/deer-hunting-with-dogs.pdf>

<sup>2</sup> Resolution of the Board of Wildlife Resources, June 28, 2021: <https://dwr.virginia.gov/wp-content/uploads/media/HLSAC-2021-Board-Resolution.pdf>

The SAC was formed in consultation with the DWR leadership team using the criteria of: (1) for organizations, a relevant organizational interest; and (2) for individuals, a high level of expressed interest, while seeking diverse perspectives and backgrounds. Committee members brought together the perspectives of private landowners, hound hunters, local governments, still hunters, agricultural interests, wildlife and natural resource management interests, and a Tribal Nation in Virginia. Once the SAC had its first meeting, it was learned that most hound and still hunters owned land and most landowners hunted. In addition, DWR and IEN attempted to invite other types of stakeholders to serve on the SAC, but these invitations were declined, including state and federal natural resource agencies, industrial forestry interests, and a landowning non-profit conservation organization within Virginia. After the first meeting, IEN and DWR also became aware of additional representative interests to include on the SAC, and for that reason, membership continued to evolve through the third meeting. The final SAC membership included 21 primary representatives, with 12 members representing organizations, 2 representing local governments, 1 person representing a Tribal Nation, and 6 individuals serving as at-large citizen representatives. Except for the at-large citizen representatives, each organizational body selected its own primary and alternate representatives to serve on the SAC. The SAC membership list can be found in Appendix One.

Seven SAC meetings were held from August 2023 through January 2024. Despite the demanding meeting timeline, the majority of members attended most meetings. Over the course of those meetings, members identified areas of interest and informational needs, worked together in small groups to refine ideas, heard presentations from experts on topics requested by the group, drafted and refined proposals for consideration, and deliberated and evaluated those proposals.

The IEN team presented an update report on the SAC process to the Board of Wildlife Resources on January 18, 2024. A final report on the SAC process and recommendations will be presented to the Board at a special meeting on March 20, 2024.

## Section Three: Stakeholder Assessment Report

The report synthesized and analysed the current interests, issues, concerns, suggestions, and goals of the nearly 9,000 stakeholders who participated in IEN's electronic survey and 19 interviews. This information was provided to the Board as well as to the SAC for use as a foundation for the committee's work.

Three categories of survey responders were utilized to develop the following survey summary narrative: hunters, landowners, and a category in which the responder was neither a hunter nor landowner but had an interest and connection to the issue. The questions posed to survey responders for each category were similar but not identical. There also was overlap in the three categories; for example, some hunters are also landowners, and responded to questions posed to both of those groups.

For the hunter community, the survey and interview findings identified the following important, consistent, and frequent themes:

- Hunting with hounds has an important historical legacy in Virginia involving generations of families and has significant community involvement.
- Hunting with hounds is critical to overall game management.
- Hunting with hounds provides considerable positive secondary economic impact for rural areas.
- In some areas law enforcement efforts are considered inadequate and inconsistent, and more enforcement personnel are needed.
- Bear hunting utilizes public lands more commonly than deer hunting, although bear hunters sometimes encounter issues with landowners who own property adjacent to public land.
- The "right to retrieve" law is viewed as a vital right to those who hunt with hounds.
- Most hunt clubs and others who hunt with hounds have respectful interactions with landowners.
- There has been and continues to be conflict with landowners and those interactions have had negative consequences.
- New landowners who move to rural areas sometimes do not understand or appreciate the historical significance of hunting with hounds and are not aware of the legal framework in which hound hunters operate such as the 18.2-136 statute regarding the right to retrieve hunting dogs.
- Pressure from new land development has decreased hunting opportunities.

For the landowner community, survey and interview findings identified the following important, consistent, and frequent themes:

- Landowners have the right to determine who does or does not have access to their property.
- Hunters with hounds often allow their hounds to cross properties where the hounds are not welcome and their owners do not have permission to hunt.
- Law enforcement personnel do not act in a consistent manner on reported incidents.
- In some areas law enforcement efforts are considered inadequate and inconsistent, and more enforcement personnel are needed.
- Hunters often lack communication with and respect for landowners when it comes to accessing properties, retrieving hunting hounds, or interacting with property owners.
- At times, uncontrolled hunting hounds run freely, do not respond to commands, and cause disruptions to landowners' properties, including harassing livestock, domestic animals, and wildlife.
- Safety risks associated with hunting hounds and hunters on landowners' properties include unwanted confrontations, dropping and waiting for hounds in and around public roadways, hunters carrying firearms while retrieving dogs, and potential accidents involving firearms.
- Hunters let their hounds loose on property near land on which they do not have permission to hunt, in hopes of their hounds running across larger tracts and flushing deer from other properties.
- Hunting hounds and hunters coming onto their properties affects landowners' overall quality of life, including disturbances to their peace, concerns for the safety of their children and animals, ability to use and enjoy their property, and the general inconvenience caused by these issues.
- Some hound hunters violate hunting regulations, such as hunting at night, using spotlights, and hunting in areas where it is prohibited.
- Stricter law enforcement measures, revisions to the "right to retrieve" law, and better protection of landowners' rights in relation to hunting activities would help address these issues.

Regarding the resolution of these issues, the survey and interview findings identified considerable common ground in the areas needing improvement. The SAC process began with consideration of the topics identified in the survey and interview findings: law enforcement; use of public lands; use of technology, community engagement and education, safety, increasing ethical hunting practices, and consideration of approaches in other states. Additional topics such as regulatory approaches, statutory changes, and property rights were generated and discussed by SAC members as well.

## Section Four: SAC Process and Results <sup>3</sup>

The Stakeholder Advisory Committee convened in August and met seven times between August 10, 2023, and January 12, 2024, in locations throughout Central Virginia. Initial meetings were half-day in length and progressed to almost full-day meetings for the latter half of the process. The progression of meetings included:

- **August 10:** IEN presented the stakeholder assessment report to share findings from the surveys and qualitative interviews. SAC members shared initial ideas about information needed for the committee to make informed recommendations to DWR.
- **August 31:** Members worked in small groups to share their priorities for reducing conflict within four common themes that were identified in the stakeholder assessment report: law enforcement; use of public lands; use of technology; community engagement and education. They also discussed at greater length the information needed to make informed recommendations.
- **September 11:** Members worked in small groups to share their priorities for reducing conflict within the three remaining common themes that were identified in the stakeholder assessment report: safety; increasing ethical hunting practices; and consideration of approaches in other states. The SAC also heard presentations from Bill Gray, owner of Outdoor Dog Supply, about technology used in hunting with hounds, and from Ryan Brown, Executive Director of DWR, and Paul Kugelman, Jr., the Legal Compliance Officer at DWR, about Virginia's current hunting laws and regulations.
- **September 29:** Members heard presentations from Lieutenant Jessica Fariss and Major Ryan Shuler regarding DWR's law enforcement approach for tracking and responding to hunting dog complaints, and from Nelson Lafon, DWR's Forest Wildlife Program Manager, about the approaches of other states regarding hunting with hounds.
- **October 19:** SAC members met in small groups to refine their priorities for reducing conflict, and, in the large group, identified areas of mutual or distinct interest.
- **November 3:** Prior to this meeting, SAC members were invited to submit specific proposals designed to reduce conflict which could be shared with the committee for its consideration. Approximately half were reviewed at this meeting and then evaluated via confidential ballot, which was requested by some SAC members due to concern of retribution within their communities. During this confidential ballot, members were asked to indicate their support or lack thereof for a proposal, and their reason for any opposition.

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<sup>3</sup> Meeting summaries and other SAC documents can be found at <https://dwr.virginia.gov/hunters-landowners-sac/>

- **January 12:** The remaining proposals designed to reduce conflicts were reviewed and then were evaluated via confidential ballot. All proposals of greatest interest to the SAC were also tested for consensus.

Three specific landowner concerns regarding conflicts with hound hunters were raised within the group in numerous meetings:

1. Allowing hounds to run at night without any oversight (including instances where dogs are wearing GPS collars so are nominally under the control of their owners even if the owners are not actively hunting with their dogs).
2. Directly releasing hounds on a landowner's property without consent of that landowner.
3. Releasing hounds on neighboring lands and then the hounds run across the adjacent landowner's property without consent of that landowner.

All members agreed that these are unacceptable scenarios that should not continue to occur, but the group could not agree on the best methods for addressing these issues.

## **Section Five: Proposals and Evaluation by SAC Members**

Prior to the November 3, 2023 meeting, participants were invited to submit proposals for consideration by the group. IEN intended to utilize only a consensus process in the proposal evaluation, but several SAC members (representing both hound hunter and landowner perspectives) expressed concern about sharing their perspectives publicly because they feared retribution personally and locally where they live. For that reason, a confidential balloting process was used initially to elicit members' level of support for each of the SAC proposals. Members recorded their support or lack of support on index cards along with concerns they wished to share about each proposal. Due to time constraints, approximately half the proposals were evaluated at that meeting.

At the January 12, 2024 meeting, the remaining proposals were evaluated using the same confidential balloting method. Those proposals of greatest interest to the SAC were then evaluated by testing for consensus. At the request of the SAC, those proposals that they felt had little potential for agreement were not tested for consensus.

### **Defining Consensus**

The consensus building process begins with a test for consensus on a specific proposal. True formal consensus is an open process where members first share their level of support for a proposal on a three-level scale as follows:

- 3 = fully support the proposal
- 2 = have some questions or concerns, but can live with it
- 1 = too many questions or concerns, cannot live with this proposal. If any members of the group indicate a "1" on a proposal, no consensus is achieved.

Members who indicate that they are "1" or a "2" are invited to share what changes to the proposal would be needed to increase their level of support. Changes are then made to the proposal to incorporate the shared requests, and a new consensus test is conducted to understand if the revised proposal better addresses the interests of all members of the group. Testing for consensus using this process results in stronger proposals that address more of the interests and concerns raised.

While it can be challenging and can take time, this approach to reaching agreements ensures that understanding is built among members about each other's specific concerns and increases the ability to implement the agreement with stakeholder support. Consensus building is especially important during collaborative engagements to ensure that one group cannot "out-

vote” another group by sheer numbers; in consensus building, if one interest is represented by only one person, that person has the same power at the table as another interest that may be represented by several people. In a majority rules situation, the group with fewer participants would be at a deficit but testing for consensus brings balance and shared power to group decision-making.

In a consensus building process, the goal is the development of mutually agreeable solutions or outcomes that are shaped by the interests and concerns of all participants. However, during this SAC process some members (representing either the hound hunter or landowner perspectives) indicated an unwillingness to accommodate the needs and concerns of other members in shaping proposals. Depending on the proposal being considered, some members operated in a block to show their support or lack of support in the process of testing for consensus. These factors caused challenges in fully capitalizing on the potential effectiveness of a consensus building process.

#### **A note on the impact of recent events:**

During deer hunting season in late December 2023 and early January 2024, incidences of multiple hunting hounds being shot and killed were reported in Essex County and King and Queen County.<sup>4</sup> Regarding those instances, some hound hunters expressed their view that the right to retrieve was essential to the impacted hunters being able to recover their dogs. In addition, some SAC members had made reports to DWR high levels about repeated occurrences of hounds on landowner properties where they were not welcome, including instances of safety issues and reported harm to landowners, livestock, or pets. At the final SAC meeting on January 12<sup>th</sup>, these events were fresh on the minds of all members.

Also prior to the final meeting, a SAC member’s dog was killed in Central Virginia, and the incident was thought to be related to local conflicts between hound hunters and landowners. Other SAC members were impacted by matters that evolved related to this incident, and out of concern for him and other SAC members, this member was asked not to attend the final meeting.

The hunting season events led several members representing hound hunters to state that they were unwilling to consider revisions to the right to retrieve statute during the consensus building process or to explore what changes might better meet the needs of all the parties. These events impacted the results of testing for consensus, which is why they are noted here.

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<sup>4</sup> The Rappahannock Times, January 10, 2024: <https://www.rapptimes.news/articles/featured-stories/hunting-dogs-slain-in-essex-and-king-queen/#:~:text=The%20Virginia%20Department%20of%20Wildlife,yielding%20animal%20cruelty%20criminal%20charges>

## SAC Proposals

The following proposals were submitted by SAC members for consideration or were new proposals shaped by discussion of the group. The “initial balloting” column reflects how proposals were first evaluated by the group, and the “test for consensus” reflects the final results of the SAC consensus process. Balloting was held across two meetings, and differing totals reflect that there were varying levels of attendance, as well as that some members needed to leave early. Some proposals shaped through group discussion did not receive an initial balloting and were only tested for consensus. The narrative following each section of the table reflects the major discussion points of the group. While the focus of the group was specific to deer and bear hound hunting, some proposals in the table include other types of hound hunting because the member proposing them thought they would be helpful to reducing conflict.

### Proposal Category 1

Proposal Category 1	Initial Balloting	Test for Consensus
<p align="center"><b>Statutory and other proposals related to Code of Virginia §18.2-132.1</b></p> <p>The Current Statute: Virginia Code § 18.2-132.1. (Trespass by hunters using dogs; penalty.) (2016):</p> <p><i>“Any person who intentionally releases hunting dogs on the lands of another which have been posted in accordance with the provisions of § 18.2-134.1 to hunt without the consent of the landowner or his agent is guilty of a Class 3 misdemeanor. A second or subsequent violation of this section within three years is a Class 1 misdemeanor, and, upon conviction, the court shall revoke such person’s hunting or trapping license for a period of one year. The fact that hunting dogs are present on the lands of another alone is not sufficient evidence to prove that the person acted intentionally.”</i></p>		
<p><b>Proposal 1.1:</b> Replace “intentionally” in 18.2-132.1 with “negligently or recklessly” [proposed changes in bold].</p> <p>Any person who <b>negligently or recklessly</b> releases hunting dogs on the lands of another which have been posted in accordance with the provisions of 18.2-134.1 to hunt without the consent of the landowner or his agent is guilty of a Class 3 misdemeanor. A second or subsequent violation of this section within three years is a Class 1 misdemeanor and upon conviction, the court shall revoke such person's hunting or trapping license for a period of one year. The fact that hunting dogs are present on the lands of another alone is not sufficient evidence to prove that the person acted <b>negligently or recklessly</b>.</p>	<p><b>None</b></p>	<p><b>3:</b> 5  <b>2:</b> 1  <b>1:</b> 8</p> <p align="center"><b>No consensus achieved</b></p>

<b>Proposal 1.2:</b> Change statute language of 18.2-132.1 as follows [proposed changes in bold]: "Any person who intentionally or <b>knowingly</b> releases hunting dogs <b>in such a manner as to cause such dogs to enter</b> the lands of another which have been posted in accordance with the provisions of 18.2-134.1 to hunt without the consent of the landowner or his agent is guilty of a Class 3 misdemeanor. A second or subsequent violation of this section within three years is a Class 1 misdemeanor and upon conviction, the court shall revoke such person's hunting or trapping license for a period of one year. The fact that hunting dogs are present on the lands of another alone is not sufficient evidence to prove that the person acted intentionally or <b>knowingly</b> . <b>However, the fact that an individual's hunting dogs are found on the lands of any specific landowner whose lands are posted in accordance with 18.2-134.1 three or more times within any fifteen-month period shall be prima facie evidence that the person acted knowingly under this section.</b> "	None	3: 3 2: 1 1: 10  No consensus achieved
<b>Proposal 1.3:</b> A Request for the DWR Board to write a regulation that disallows the repeat trespass [offenses] of hunting dogs on posted private property without permission.	None	3: 4 2: 2 1: 9  No consensus achieved

### SAC Discussion related to Code of Virginia §18.2-132.1

During the meeting on November 3, 2023, SAC members considered a proposal by a landowner that removed the reference to “intentionally” in this statute (§18.2-132.1) as well as the entire last sentence of the statute. Thus, a hunter who released a dog to hunt on another’s property without consent, regardless of how it happened, would be criminally liable. A hound hunting member quickly stated this proposal, if passed, would “stop hound hunting.” This outcome would be contrary to one of the areas of group agreement indicating that hound hunting should continue in Virginia. When the proposer indicated he was open to other changes to the statute, the proposal was set aside without balloting or testing for consensus, and therefore, is not included in our table above. However, the discussion eventually led to the subsequent proposal included above as Proposal 1.1.

Although this statute is technically enforceable, members shared how difficult it is to show a hunter’s intention to release his or her dogs on the lands of another. This has resulted in few cases legally enforced under this law each year. Members learned that DWR recognizes this difficulty and recently directed its Law Enforcement Division leadership team to develop additional guidance on the applications of the statute. While members found that helpful, some recognized that the current statute does not enable law enforcement officers to address a prevalent hound hunter scenario which is where hounds were released legally on one property, but these hounds repeatedly go onto nearby private lands where consent was not provided.

These repeated occurrences suggest that the hound hunter may be intentionally releasing hounds knowing that the dogs will cross onto private lands where they are not welcome. However, it is not possible to prove that the hunter intends this to occur. SAC members desired an outcome that would effectively resolve this issue for the landowners without harming ethical bear and deer dog hunters who make honest mistakes.

A proposal replacing “intentionally” with “negligently” (or, alternatively, “recklessly”) was then introduced during the November 3 meeting (Proposal 1.1 above), and members considered whether a hunter not following ethical practices could be deemed negligent. They also considered whether replacing “intentionally” with “negligently” or “recklessly” would be an effective way to increase the enforceability of the statute and asked DWR if staff would research the effect of making this change to the statute. As a result, SAC balloting on this proposal was deferred until DWR could discuss changing “intentionally” to “negligently” or “recklessly” with counsel at the Office of the Virginia Attorney General (OAG).

At the SAC’s final session, Director Brown shared the results of his discussion with OAG staff. Members learned that “negligence” requires an understanding of what a reasonable person would do; and negligence is often used in civil cases, but very rarely used in criminal cases where criminal punishment and penalties are imposed for violations. If the reasonable person standard were used, it more likely would be used in a manner to show what a reasonable person would have done to prevent his or her dog from going onto posted property to hunt without the landowner’s permission. OAG staff thought the outcome of changing “intentionally” to “negligently” would depend on the facts of cases brought before Virginia courts and the judgments and verdicts in those cases over time. A SAC member asked if the reasonable person standard would be that of a reasonable hunter or a reasonable person who may be a nonhunter. It was reported that the reasonable person standard would likely be that of a reasonable hunter, due to the circumstances of the case.

After the Director’s presentation, a SAC member presented Proposal 1.2, above, to create a “bright line” for law enforcement, one that utilized the term “knowingly” in addition to “intentionally,” rather than replacing “intentionally” with “negligently or recklessly.” The author of the second proposal explained how he had consulted with experienced criminal defense attorneys and prosecutors, and together they had determined that a “bright line” was needed to show the state of mind of a hunter who is violating the intent of the law. In this proposed amendment to §18.2-132.1, having one’s dog on a landowner’s private property three or more times in fifteen months would indicate a bright line for “knowingly.” To protect those who reasonably did not know their dog would traverse the posted property three or more times, hunters with dogs would have an ability to rebut the “bright line” and show how they did not know what the dog would do, perhaps because they took precautions to prevent the dog from going on the property. The bright line is considered only prima facie evidence, that is, the bright

line is a “rebuttable presumption.” The aim was to make it less difficult to show the *mens rea* (state of mind for criminal intent) of an ill-intentioned hunter, and thereby easier to enforce the statute against that hunter, while protecting those whose dog accidentally ended up where it was not wanted on three occasions in fifteen months. The period of fifteen months was chosen so that it covered more than a single hunting season.

Landowners noted that it is hard to catch a skittish hunting dog and difficult to photograph or video current identification on a dog’s collar. However, SAC landowners also shared experiences of presenting date-stamped pictures and, despite this, having a Conservation Police Officer (CPO) say there was nothing that could be done under current law. This was the kind of case the author hoped to address with the “bright line” – i.e. enabling photographic or video evidence of the same dog on the same landowner’s private property three or more times in fifteen months to be sufficient evidence for action to be taken.

The author of Proposal 1.2 shared that, consistent with feedback from the OAG, judges are reluctant to impose a criminal punishment on a finding of negligence, which the prior proposed amendment to the statute required (i.e., Proposal 1.1). Negligence is rarely used as a mental state in criminal law, and judges could be more likely to give a “slap on the wrist” when negligence is found because of the disproportionate impact of a criminal penalty for negligence. Moreover, it has not been practical in criminal court for a judge to set aside extra time, usually days, necessary for showing evidence of negligence for a lower-level misdemeanor case.

During the discussion, SAC members noted that one significant drawback of Proposal 1.2 is that it would apply only to the same hunter’s dogs going onto the same property three times in fifteen months. Thus, some landowning members preferred the amendment to include a dog crossing three or more different parcels owned privately by different landowners over that time, but not to create an offense for three incursions all in one day. Others wanted the proposal applied to hunt clubs, where members share the same dog, and not just to individual dog owners. The author explained that he had intended this proposal to apply only to the hound hunter “pushing the boundaries” of the law but said that the proposal could be tweaked.

SAC members who hunted with dogs expressed several concerns regarding Proposal 1.2. One noted that an innocent hunter could have a friendly dog that finds its way three or more times to a familiar porch or favorite place on another’s property which the dog has often frequented in the past but where the current owner would not want it. The member also noted the difficulty of using tracking collars in the mountains where he hunts bears with hounds. Another noted that well-intended bear and deer dog hunters, who SAC members had noted are the majority of bear and deer dog hunters, would have to leave work, hire an attorney, pay attorney’s fees, and prove they had taken reasonable precautions to prevent the return of the dog – when innocent of the charge. In other words, well-intended hunters would pay a heavy

price if this proposal were enacted to try to catch the bad actors. This was particularly problematic for the ethical hound hunters in the room because they also perceived that an ill-intended hunter would be able to avoid legal action by claiming he was hunting a coyote or fox, a well-known loophole in the statute. Another SAC member pointed out that the part of the statute addressing land posted in accordance with §18.2-134.1 was troubling because that statute needed strengthening to help hunters with dogs know when their dogs were on posted land.

One challenge discussed about Proposals 1.1 and 1.2 is that they rely upon landowners actively reporting hounds on their property; however, the prior stakeholder surveys and the SAC discussions highlighted how some landowners refuse to file complaints with law enforcement for fear of retribution. One hound hunter stated strongly that it was important for landowners to file complaints and take their cases to court, even to file with a magistrate if appropriate – to remove the bad actors. This member also later stated that complaints could be addressed with increases in law enforcement personnel and training in conflict resolution and leadership. This member and a few other members felt strongly that an increase in community policing was necessary to reduce conflict and deter bad actors. Finally, hound hunters noted that the increase in penalties for subsequent convictions in the current statute was a sufficient deterrent. Losing the right to hunt was enough of a deterrent because a convicted hunter would be refused hunting rights in other jurisdictions, too.

Landowners countered that something must be done to address the ongoing harm and harassment being suffered by landowners under the current statute and asked the hunters with hounds what they would propose. At this point the hound hunters reiterated their conviction that increasing the number of CPOs, training (including training in conflict resolution and leadership), and community policing would be effective, without harming hunters with deer and bear dogs who hunt ethically. They felt the proposed change to the statute (Proposal 1.2) would not work to accomplish the intended result of addressing repeat offenders without penalizing ethical hunters.

During the discussion, a landowning member also expressed concern about sending a SAC proposal to the General Assembly because of the risk that legislators would add language not approved by this SAC. He noted his view that the Board of Wildlife Resources has the authority to write a regulation on this issue. So as an alternative, he submitted Proposal 1.3, above: “A request for the DWR Board to write a regulation that disallows the repeat trespass of hunting dogs on posted private property without permission.” His intention was that the regulation be enforceable, focus on repeat offenders, and protect property rights. A hound hunting member objected to the use of the term “trespass” because dogs legally cannot trespass. Another objected to the vague and broad authority the proposal would grant to a regulatory state agency. A third noted that the regulation would trap bear and deer dog hunters making “honest

mistakes” at significant expense to them when it would be better to increase the presence of law enforcement as a deterrent in addition to increasing the number of CPOs, their training, and ability to mediate.

Landowners remained frustrated that they have no remedy against ongoing repeated instances of hunting dogs on posted property where they are not wanted. One landowning member said that no matter how many CPOs show up, there is nothing to enforce. A SAC member asked the hound hunters directly for help with solutions for the repeated presence of dogs on property where they are not wanted. Offering a potential path forward, the SAC member noted that deer hound hunters, unlike some bear hound hunters, have no mountains reducing the effectiveness of their dogs’ tracking collars. No one picked up on this lead for a potential solution. Another landowner shared his view that there is a fundamental disagreement in that hound hunters do not seem to believe that dogs on properties where they are not wanted is a problem.

At one point during the discussion, Director Brown confirmed that there is truth in all the scenarios being discussed. He said that, in some cases, more or better intervention by CPOs may resolve the issue. In some cases, however, hunters with dogs who have committed no violation of existing law but are repeatedly approached by CPOs will feel harassed. And in some cases, CPOs can mediate, but if there is not an applicable law that can be enforced and if the bad actor is unwilling to change, there will be no resolution because nothing can be done to hold the bad actor accountable, and dogs will return to the property where they are unwanted. Director Brown asked how these reoccurring cases can be prevented.

All three proposals were tested for consensus. While none of the three reached consensus, the members’ shared interests were clear from their discussion:

- 1) Repeat offenders should be held accountable so they no longer allow their dogs on posted private property where hunting dogs are not wanted, and
- 2) This should be accomplished in a way that does not harm well-intentioned hunters.

## Proposal Category 2

Proposal Category 2	Initial Balloting	Test for Consensus
<p align="center"><b>Statutory and other proposals related to Code of Virginia §18.2-136</b></p> <p>The Current Statute: Virginia code § 18.2-136. (Right of certain hunters to go on lands of another; carrying firearms or bows and arrows prohibited.) (Code 1950, § 29-168; 1964; 1975; 1988; 1991; and 2007):</p> <p><i>Fox hunters and coon hunters, when the chase begins on other lands, may follow their dogs on prohibited lands, and hunters of all other game, when the chase begins on other lands, may go upon prohibited lands to retrieve their dogs, falcons, hawks, or owls but may not carry firearms or bows and arrows on their persons or hunt any game while thereon. The use of vehicles to retrieve dogs, falcons, hawks, or owls on prohibited lands shall be allowed only with the permission of the landowner or his agent. Any person who goes on prohibited lands to retrieve his dogs, falcons, hawks, or owls pursuant to this section and who willfully refuses to identify himself when requested by the landowner or his agent to do so is guilty of a Class 4 misdemeanor.</i></p>		
<b>Proposal 2.1:</b> Addition to existing law: On posted prohibited lands with detailed contact information, when executing a dog retrieval hunters must <b>obtain permission</b> from the landowner or leaseholder prior to entering the property.	<b>None</b>	<b>3:</b> 5 <b>2:</b> 2 <b>1:</b> 7  <b>No consensus achieved</b>
<b>Proposal 2.2:</b> If the landowner's name and phone number is posted, this would mean that the hound hunter must attempt to call/text and <b>notify the landowner</b> that s/he is exercising the RTR law (18.2-136) to retrieve hunting dogs. Call goes to the landowner during legal daylight hours. If unable to contact the landowner, notification call must go to DWR dispatch (identifying who/where/when you're off the property). You can show your cell phone log as proof that you did try to call even if no signal.	<b>Yes:</b> 13 <b>No:</b> 3	<b>3:</b> 3 <b>2:</b> 0 <b>1:</b> 11  <b>No consensus achieved</b>

<p><b>Proposal 2.3:</b> Revise the statute as follows -</p> <p>Fox hunters and coon hunters, when the chase begins on other lands, may follow their dogs on prohibited lands, and hunters of all other game, when the chase begins on other lands, may go upon prohibited lands to retrieve their dogs, falcons, hawks, or owls but may not carry firearms or bows and arrows on their persons or hunt any game while thereon. <i><b>If land is so posted, a hunter shall attempt to contact the landowner or his agent by phone, text, or email via the method provided on the posted sign during legal daylight hunting hours, except when (i) a dog is in immediate danger or (ii) the hunter has a prior agreement with the landowner or his agent.</b></i> The use of vehicles to retrieve dogs, falcons, hawks, or owls on prohibited lands shall be allowed only with the permission of the landowner or his agent. Any person who goes on prohibited lands to retrieve his dogs, falcons, hawks, or owls pursuant to this section and who willfully refuses to identify himself when requested by the landowner or his agent to do so is guilty of a Class 4 misdemeanor.</p>	None	<p>3: 3 2: 1 1: 8</p> <p>No consensus achieved</p>
<p><b>Proposal 2.4:</b> Request DWR to establish an expectation such as a best practice (but no amendment to the law) that landowner (or landowner agent) notification will be attempted if landowner contact information is posted.</p>	None	<p>3: 10 2: 2 1: 2</p> <p>No consensus achieved</p>
<p><b>Proposal 2.5:</b> Request DWR to explore strengthening posted property requirements as to hunting, fishing, trapping to reduce unintended trespassing.</p>	None	<p>3: 14 2: 1 1: 0</p> <p>Consensus achieved</p>

### SAC Discussion Related to Virginia Code § 18.2 – 136

In general, members expressed support for increasing communication between a landowner or their agent and a hunter whose dog is on the landowner's property when property is posted. The challenge arose when the SAC tried to determine how the hunter would notify the landowner or their agent. The first proposal (2.1) provided that a hunter must contact the landowner or agent for permission prior to going on the landowner's property to retrieve a dog when the property is posted with contact information. Landowners agreed that the burden to notify a landowner or their agent should be placed on the hunter, because, when hunters let their dogs run, they accept the risk of their dogs going onto another's land. One landowner expressed concern that she did not know the kind of person coming on her property. At the November 3 meeting, a member had said she would like to be able to say "no" under extenuating circumstances when asked for permission to retrieve a dog. Complete details

describing the extenuating circumstances were not fully discussed at that time, although one such circumstance mentioned would be when the landowner was hunting on their own land and did not want other hunters or dogs to interfere with that hunt.

The hunters using dogs had several reasons for not coming to consensus on this proposal. Deer and bear dog hunters wanted to protect their right to retrieve their dogs. They were concerned about the safety of their dogs. One explained that when a dog's tracking collar indicates the dog is stationary, the dog may be in danger. Danger from bears or traps had been discussed in prior sessions, and during the January 12 meeting, the concern of hunters reflected the recent dog shootings in Essex, and King and Queen Counties (more on this issue is noted above). In several meetings, hunters emphasized the need to retrieve their dog quickly to save its life. In the case of the recent dog shootings, while a dog's life was not saved, SAC members from the deer dog hunting community thought that the right to retrieve provided the deer dog hunters with the evidence they needed to charge those responsible for shooting the dogs. Hunters also noted during the January meeting how difficult it is to contact an absentee landowner.

The second proposal (2.2) addressed the concerns hunters expressed about needing the right to retrieve their dog quickly when their dog may be in danger. Proposal 2.2 required at least an attempt to notify the landowner or agent prior to retrieving the dog (without a requirement that permission be granted). Additionally, in response to a concern shared by a member about night-time calls, this proposal provided that, during legal daylight hours, the call be directed to the landowner, but outside of legal daylight hours, the notification call should go to DWR dispatch. The notification process would include identifying who was calling, the time of the call, where the hunter was located on the property, what action the hunter was taking (e.g., retrieving a dog), and then a follow up call on the time the caller left the property. One reason given for not supporting this proposal was the difficulty in having cell coverage in some locations. However, another member noted that a person's cell phone log can be used as proof to show the call was attempted.

A third proposal (2.3) was developed to address several concerns. It provided that, if land is posted, a hunter shall attempt to contact the landowner or his agent by phone, text, or email via the method provided on the posted sign during legal daylight hunting hours, except when (i) a dog is in immediate danger, or (ii) the hunter has a prior agreement with the landowner or the agent. At the final SAC meeting, reasons for not supporting this proposal included: (1) an infringement on a landowner's right to protect private contact information; (2) bad feelings and distrust engendered by the recent shootings of hunting hounds; and (3) concern that a legislative proposal risked opening the statute to changes by legislators that would not be desired by the SAC.

The fourth proposal (2.4) avoided legislative and regulatory action by requesting the Department of Wildlife Resources use outreach and other communication efforts (without effecting a legal requirement) to establish the expectation (best practice) that hunters will attempt notification of the landowner or landowner’s agent when retrieving their hound if the landowner’s contact information is posted. A landowner expressed a lack of support for this proposal with the statement that establishing this expectation for notification does not address the bad actors.

A fifth proposal (2.5) addressed the need to strengthen posting requirements in Code of Virginia §18.2 – 134.1. Hunters retrieving a dog in accordance with §18.2-136 rely on these postings. This proposal did not specify an exact legislative change. It simply requested that the Department of Wildlife Resources explore strengthening the requirements for posting property for hunting, fishing, and trapping to reduce unintended trespassing. Members had pointed out earlier that the current statutory requirements for posting are weak. Strengthening posted property requirements was promoted as not only reducing unintended trespassing but also facilitating communication between landowners and hunters with hounds. This proposal achieved full consensus.

### ***Proposal Category 3***

Proposal Category 3	Initial Balloting	Test for Consensus
<b>Law Enforcement</b>		
<b>Proposal 3:</b> Establish an Enforcement Task Force to address hot spots. Officers should have advanced conflict resolution training and utilize community resources, like local hunt clubs. Request that DWR seek an increase in authorized staffing levels to 225 positions to include adequate funding, perhaps from additional sources, to address the need for more law enforcement staff and retention of staff.	<b>Yes:</b> 11 <b>No:</b> 4	<b>3:</b> 10 <b>2:</b> 3 <b>1:</b> 1  <b>No consensus achieved</b>

### **SAC Discussion Related to Law Enforcement**

This proposal is grounded in two main assumptions by the proposal authors (hound hunters): 1) most complaints stem from a few “hot spot” areas, and do not represent a state-wide problem; and 2) current laws are sufficient to address those complaints if sufficient law enforcement personnel are available to enforce them. To that end, this proposal seeks to establish a Law Enforcement Task Force to focus on those geographic “hot spot” areas that experience the highest level of complaints. The proposal authors offered that this effort could be supported by advanced conflict resolution training for those involved in the Task Force, and by taking a

community policing approach that would engage local hunt clubs and others, such as the local Farm Bureau chapters. This proposal also seeks to increase the number of CPOs to 225, which represents an addition of 43 CPOs over current authorized staffing levels. It emphasizes the need for additional funding to support the new positions and retention of existing CPOs.

Those who were not in support of this proposal stressed that the biggest challenge to enforcing current laws is proving that hounds have been intentionally released onto property where they are not wanted. Because Virginia’s current laws do not provide landowners with the recourse needed to prevent hound hunters from repeatedly allowing their hounds to venture onto property where they are not wanted, increasing law enforcement efforts would result in more officers available to “admire the problem” but not in changes that would address the issue. Landowners on the SAC indicated they would be more supportive of this proposal if it included some level of commitment to keeping hounds only on lands where hunters had permission to hunt.

#### ***Proposal Category 4***

<b>Proposal Category 4</b>	<b>Initial Balloting</b>	<b>Test for Consensus</b>
<b>Education &amp; Outreach</b>		
<b>Proposal 4.1</b> A DWR public information program and public forums should be held annually throughout Virginia and address areas of conflict.	<b>Yes:</b> 11 <b>No:</b> 3	<b>3:</b> 11 <b>2:</b> 3 <b>1:</b> 2  <b>No consensus achieved</b>
<b>Proposal 4.2</b> DWR should create and implement an “ombudsman” program modeled on the successful Hunter Education mentor program with experienced, vetted and trained individuals within the dog hunting community who will act as conflict resolution experts to defuse situations in their region before they escalate to conflicts between hunters and landowners.	<b>Yes:</b> 12 <b>No:</b> 3	<b>3:</b> 10 <b>2:</b> 1 <b>1:</b> 2  <b>No consensus achieved</b>
<b>Proposal 4.3</b> Request DWR to develop and implement advanced Hunter Education training to encourage proper hunting ethics and etiquette when using dogs.	<b>Yes:</b> 15 <b>No:</b> 0	<b>3:</b> 15 <b>2:</b> 0 <b>1:</b> 0  <b>Consensus achieved</b>
<b>Proposal 4.4</b> Request DWR to provide hound-hunting education information to hound-hunting Counties [localities] for them to post on their websites	<b>Yes:</b> 12 <b>No:</b> 2	<b>3:</b> 9 <b>2:</b> 1 <b>1:</b> 4  <b>No consensus achieved</b>

## SAC Discussion Related to Education & Outreach

The Education & Outreach proposals reflect the belief that more education about best practices and ethics would be beneficial, and that members of the hound hunting community could help alleviate and address problematic situations before they escalate. The latter idea was captured in a recommendation to establish an “ombudsman” program modeled on the existing Hunter Education mentor program. This ombudsman program would serve as a community liaison and assist in reducing conflictual situations. Furthermore, this approach would provide conflict training to community members who could then act as a conflict resolution resource.

Most SAC members were generally supportive of or not opposed to the idea of expanding education and information sharing opportunities. Those who did not support these proposals felt that educational measures would be insufficient to decrease the level of conflict and that changes to laws and/or regulations are needed to increase enforceability and fully address the issues. Those members indicated their support for educational measures was predicated on amending laws or regulations to increase enforceability.

All members present at the final SAC meeting supported a proposal (4.3) requesting DWR to develop and implement advanced Hunter Education training to encourage proper hunting ethics and etiquette when using dogs.

### ***Proposal Category 5***

Proposal Category 5	Initial Balloting	Test for Consensus
<b>Proposals Related to DWR Guidance, Regulations, and Miscellaneous</b>		
<b>Proposal 5.1</b> Request DWR to explore a permit/license/registration system.	<b>Yes:</b> 8 <b>No:</b> 7	<b>3:</b> 5 <b>2:</b> 1 <b>1:</b> 8  <b>No consensus achieved</b>
<b>Proposal 5.2</b> Implement a Hound Hunting Parcel Registration System – on private land to be hunted with deer or bear dogs the property must be registered by the hunt club or property owner through DWR.	<b>Yes:</b> 3 <b>No:</b> 12	<b>Not tested due to lack of support in balloting</b>
<b>Proposal 5.3</b> Road Hunting – DWR should establish a <u>mandatory minimum</u> safe distance for hunting from roads	<b>Yes:</b> 6 <b>No:</b> 9	<b>3:</b> 4 <b>2:</b> 2 <b>1:</b> 8  <b>No consensus achieved</b>

<b>Proposal 5.4</b> Road Hunting – DWR should <u>recommend</u> a <u>minimum</u> safe hunting distance from roads for Counties [and independent cities].	<b>Yes:</b> 10 <b>No:</b> 5	<b>3:</b> 9 <b>2:</b> 1 <b>1:</b> 2  No consensus achieved
<b>Proposal 5.5</b> Request DWR to create a deer hound training season. Requires electronic tracking collars, and dog owners to stay in the accompaniment of the dogs being trained.	<b>Yes:</b> 9 <b>No:</b> 6	<b>3:</b> 8 <b>2:</b> 1 <b>1:</b> 4  No consensus achieved
<b>Proposal 5.6</b> Request to DWR to expand bear chase season statewide to begin June 1 and run through to and include the first Friday in October (ends before bow season). Includes 24 hours a day in that time.	<b>Yes:</b> 9 <b>No:</b> 6	<b>3:</b> 9 <b>2:</b> 0 <b>1:</b> 6  No consensus achieved
<b>Proposal 5.7</b> Request DWR to open certain Counties for the hunting of bear with dogs during the regular fall firearms bear season.	<b>Yes:</b> 11 <b>No:</b> 4	<b>3:</b> 10 <b>2:</b> 1 <b>1:</b> 4  No consensus achieved
<b>Proposal 5.8</b> Request DWR to explore reducing the overlap of [deer] hound hunting and still hunting seasons	<b>Yes:</b> 9 <b>No:</b> 6 1 abstention	<b>3:</b> 2 <b>2:</b> 1 <b>1:</b> 12  No consensus achieved
<b>Proposal 5.9</b> Request for DWR to explore how to close the coyote/fox loophole of hound hunters.	<b>Yes:</b> 8 <b>No:</b> 7	<b>3:</b> 5 <b>2:</b> 1 <b>1:</b> 7  No consensus achieved
<b>Proposal 5.10</b> Require electronic tracking collars for all deer and bear hunting dogs while hunting	<b>Yes:</b> 11 <b>No:</b> 4	<b>3:</b> 10 <b>2:</b> 0 <b>1:</b> 4  No consensus achieved
<b>Proposal 5.11</b> Require all deer and bear hunting dogs to be fitted with an identification chip that can be read by law enforcement and animal control agencies.	<b>Yes:</b> 2 <b>No:</b> 13	Not tested due to lack of support in balloting
<b>Proposal 5.12</b> Repeal §29.1-525.2 - Fox and coyotes enclosures prohibited	<b>Yes:</b> 10 <b>No:</b> 5	<b>3:</b> 10 <b>2:</b> 1 <b>1:</b> 3  No consensus achieved

## **SAC Discussion Related to Proposed Changes to DWR Guidance, Regulations, and Miscellaneous**

### **Proposal 5.1: Request DWR to explore a permit/license/registration system**

The proposal for creating a license, permit, or registration system was seen as a way for DWR to address, from a regulatory perspective, many of the concerns raised by SAC members. Many group members were reluctant to propose or amend a state law, as mentioned above, due to the “pandora’s box” concern that once a statute was opened for revision, many others (particularly those lacking subject matter expertise) would have the opportunity to make much broader changes that would not be acceptable to SAC members. A license, permit, or registration system could be a way to approach this issue while keeping it under the purview of DWR’s regulations, which was seen as a safer approach. Also, there would be the added benefit that even a nominal fee would offer revenue to support the agency’s law enforcement efforts. Multiple SAC members submitted proposals to this effect, and key facets were deliberated at length by SAC members, as summarized below.

- Most discussions presumed that the right to retrieve would be preserved. In addition, some SAC members proposed that a permit system could specify the terms of a landowner notification approach. This system would need to apply to all dogs used for hunting, thereby removing loopholes to allow someone to claim their hounds were pursuing whatever type of game that is exempt from the notification system.
- Hounds would be required to be labeled with the hunter’s permit number. Landowners have noted that they often can document with trail cameras some of the unwanted hounds entering their property but are not always able to catch them, and those they do catch are not always wearing collars, so it is often difficult to identify the owner of the hounds. Some type of external marking with the hound hunter’s license or permit number would more easily identify whose hounds were entering the property. Challenges to this include that not all hunting dogs can be as easily marked as others with something like paint, and that some type of external jacket fitted to a dog to convey the number might easily come off through their movements or get caught on brush, etc.
- These proposals share an expectation that hounds would hunt on property where their hunters have permission to hunt, and that there should be a graduated system of penalties for those violating this permission. All SAC members were united in recognizing that ethical hunters do make occasional mistakes, and nobody is seeking to penalize ethical hunters. The graduated system of penalties could introduce a way to address the repeated offender; some favored capping the penalties with the loss of the hound hunting permit, while others favored capping the penalties with a criminal offense.

Those opposed to a permit/license/registration system noted their belief that, if the intention was to establish dog trespass as illegal, it would require reopening the statute §18.2-132.1 . Additional concerns were raised about the administrative cost for DWR, and the view that it would require the establishment of a formal complaint resolution system which would entail significant and additional administrative costs for the agency.

**Proposal 5.2: Implement a Hound Hunting Parcel Registration System on private land to be hunted with deer or bear dogs; property must be registered by the hunt club or property owner through DWR.**

This proposal reflects a perspective that hunt clubs could be an effective resource for addressing behavior of individual hunters and that having parcels registered to specific hunt clubs would establish a system through which clubs could self-police bad behavior or risk losing their access to land where they have permission to hunt. As described, this system would require all hunters to be a member or guest of a hunt club to access property for hunting. This proposal received little support in balloting and, due to lack of support, was not tested for consensus.

**Proposal 5.3 and 5.4: Road Hunting**

- **5.3. DWR should establish a mandatory minimum safe distance for hunting from roads**
- **5.4. DWR should recommend a minimum safe hunting distance from roads for Counties**

This two-part proposal was developed to address another type of conflict where hunters sometimes block roads with their trucks, shoot firearms near roads, and/or drop hounds on a road near land where their dogs are likely to run, but where the hunter does not have permission to hunt. Many members noted that it is already illegal to shoot from or across roads, but there is significant variability across counties and cities regarding how close to the road shooting can occur. SAC members were largely not interested in implementing a new road hunting law statewide. However, they were willing to consider the approach of DWR establishing a mandatory minimum safe distance for hunting from roads (Proposal 5.3) or a recommended minimum safe hunting distance for hunting from roads (Proposal 5.4) which could be provided to localities. Neither proposal achieved consensus, but 5.4 garnered much greater support due to the softening of “mandatory,” which implies a law or regulation, to “recommended,” which could take the form of a model ordinance for localities.

**Proposal 5.5: Request DWR to create a deer hound training season. Requires electronic tracking collars, and dog owners to stay in the accompaniment of the dogs being trained.**

This proposal was offered as a possible conflict reduction measure by providing an opportunity for hunters to better train their hounds prior to hound hunting season, meaning that this

training season opportunity could result in hounds less likely to break off of a track and more likely to return on command, and thus, ideally reducing the likelihood that they wind up on property where they are not wanted. The member proposing this approach believed it would only be successful if the training season timeframe was sufficient and specific. It was argued that it could also reduce misuse of other hound seasons, such as fox and coyote. The electronic tracking collar requirement and accompaniment of the dogs could help to ensure that the training season does not introduce new complaints. Some members shared that they are not opposed to this idea, but that other enforceable measures like changes to laws or regulations should be a greater priority for reducing conflict, and other members were concerned that this could introduce more opportunity for conflict. Some members indicated they would be open to this measure if it included the expectation that dogs were to remain on property where their owners had permission to hunt.

**Proposal 5.6: Request to DWR to expand bear chase season statewide to begin June 1 and run through to and include the first Friday in October (ends before bow season). Includes 24 hours a day in that time.**

**Proposal 5.7: Request DWR to open certain Counties for the hunting of bear with dogs during the regular fall firearms bear season.**

These two above proposals reflect the view that the current approach to bear chase season causes hunters to hunt in pocketed concentrations in time and space and expanding opportunities would allow hunters to disperse and thereby reduce opportunities for conflict. According to proponents of this proposal, expanding the bear chase season could also reduce agricultural damage by bears, which is of significant interest to agricultural producers. Some members were resistant to the idea of expanding opportunities for bear hound hunting (as mentioned above) without any commitment that the hounds be contained to land where their hunters had permission to hunt and felt that these proposals could result in an increase rather than decrease in conflicts.

**Proposal 5.8: Request DWR to explore reducing the overlap of [deer] hound hunting and [deer] still hunting seasons.**

This proposal seeks to reduce conflict between hound and still hunters for deer by scheduling still hunting and hound hunting seasons for deer with less overlap. The proposal began with the more specific idea to move the start date of deer dog hunting season to 16 days after the start of general firearms season to reduce conflict with still hunters. It then evolved through group discussion to more generally explore the separation of hunting seasons while relying on DWR's expertise to take biological impacts into consideration for defining appropriate yet separate hound and still hunting seasons. When asked about this idea at the January 12 SAC meeting,

Nelson Lafon, Forest Wildlife Program Manager for DWR, shared two primary concerns that would need additional evaluation:

- Extending the season further into January when bucks begin to shed their antlers could potentially introduce unintended harvest of bucks.
- Overall harvest of female deer could be reduced by the shift in seasons, potentially impacting the ability to manage deer populations in certain areas.

**Proposal 5.9: Request for DWR to explore how to close the coyote/fox loophole of hound hunters**

This proposal arises from the desire to stop the practice of some hound hunters who run their dogs out of season under the false pretense of pursuing coyote or fox. One possible approach could be to establish a specific fox and coyote dog hunting season that does not overlap with deer fawning season, turkey nesting and hunting seasons, such as the deer archery and muzzleloader seasons. Some SAC members felt that this issue could be addressed by implementing a training season giving the hounds an opportunity to run but with guidelines in place. Additional members were not comfortable supporting proposals that impact fox hunters without fox hunters being represented in the conversation.

**Proposal 5.10: Require electronic tracking collars for all deer and bear hunting dogs while hunting**

This proposal seeks to reduce conflicts by requiring use of available technologies, such as GPS or telemetry collars, so that hound hunters will know the location of their hounds that have gone astray and therefore be able to find them more quickly. Many hound hunters are already using this technology, but there are some limitations to its use, primarily in more mountainous areas. This proposal received considerable support from the SAC, though some members felt it could be cost-prohibitive and introduce a barrier to participation for some hound hunters. Other members thought that all hunting dogs should be required to wear these tracking collars.

**Proposal 5.11: Require all deer and bear hunting dogs to be fitted with an identification chip that can be read by law enforcement and animal control agencies.**

This proposal similarly seeks to reduce conflicts by requiring use of available hound identification microchipping technologies and providing CPOs with the equipment needed to scan and read microchip data to facilitate rapid identification of hunting dogs running loose. Several participants noted that there is already a requirement in place for hounds to wear a collar with identification, and that microchipping relies on registration data that would need to be updated anytime a hound changed ownership. Many were skeptical that this would happen. This proposal received very little support in balloting and therefore was not tested for consensus.

#### **Proposal 5.12: Repeal § 29.1-525.2 - Fox and coyotes enclosures prohibited**

This proposal seeks to reduce conflict by lifting the prohibition on the establishment of new fox and coyote enclosures, thereby encouraging establishment of additional enclosures and giving hound hunters more opportunities to train young dogs in a controlled setting. Some SAC members postulated that more enclosures could reduce the presence of hounds on prohibited lands outside of the normal firearms season. It was noted that this was a legislative issue, and that there had been quite a bit of history at the General Assembly on the topic and considerations involved that were beyond the scope of the SAC. Some members were opposed to an expansion of hound hunting opportunities if the issue of enforceability of laws and regulations is not addressed.

#### **Proposal Considered but Not Evaluated by Ballot nor Testing for Consensus**

**Proposal: Complaint data – DWR must improve the current tracking of “hunting dog” complaints to require that, before any complaint be coded as a “hunting dog complaint,” details regarding the type of dog be collected at the time of the complaint and determination made as to whether in fact it was a hunting dog involved at all.**

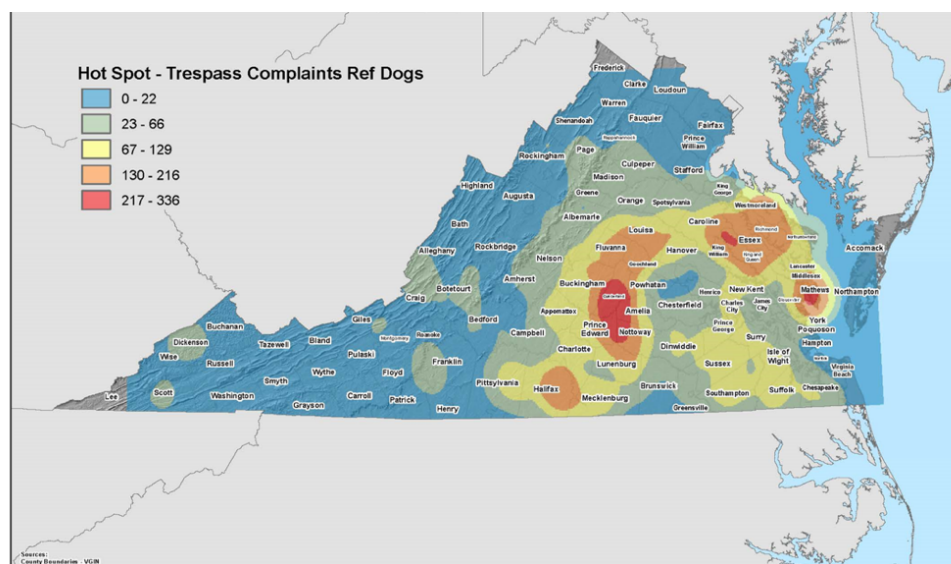
At the September 29, 2023, SAC meeting, members heard a presentation from Lieutenant Fariss and Major Shuler that included an explanation of how DWR receives and processes complaint data. DWR had been working on ways to improve the complaint reporting system, and in February 2023, the agency made changes to its complaint process that introduced a new form for complaints involving hunting dogs. This change will result in better data moving forward.

Several SAC members expressed frustration that the way the data were categorized prior to February 2023 makes it difficult to clearly identify areas where complaints have increased or decreased. The group largely acknowledged that the changes made in February 2023 will be helpful to having a more accurate understanding of complaints moving forward; however, SAC members also shared that some of them are still experiencing inconsistency on whether all questions included in the updated process are asked when they call in a complaint. Others noted that, since there is no legal definition of “hunting dog,” the data could be misconstrued by those who are reporting the presence of any dog on their property. Many members felt this proposal does not suggest anything that will address conflict, but members also understand that the complaint system should support the identification of repeated offenses.

This proposal was discussed, but not evaluated by the SAC via balloting or testing for consensus, because the SAC felt that DWR Law Enforcement is already credibly continuing to work on improving the complaint tracking procedures. It is included here because it was a topic of discussion throughout the SAC meetings and is important to understanding where members diverged on this issue. DWR’s complaint data are a source of information used by hound hunters to justify their contention that conflicts are not widespread but more of a “hot spot”

issue concentrated only in specific areas of the state. However, landowners conveyed through the survey, interviews, and throughout the SAC process that they often do not report complaints for several reasons: fear of retaliation, lack of follow-through on complaints due to enforceability issues discussed above, limited support from law enforcement, and a lack of time and resources to address the issue effectively. For this reason, they contend that complaints are significantly underreported. For reference, Figure 1 below shows the trespass complaints referencing dogs from January 2, 2022 to January 7, 2023.

**Figure 1. Hot Spots – Trespass Complaints Referencing Dogs from January 2, 2022 to January 7, 2023**



Source: Department of Wildlife Resources

## Section Six: IEN's Observations on Areas of Common Understanding

In summary, there was significant agreement among SAC members about the nature of the specific longstanding conflicts and the issues that need addressing, but little agreement on the appropriate methods to address or resolve these conflicts. Through these discussions, despite continuing differences over what actions could or should be taken to resolve the conflicts, a number of areas of common understanding did emerge on what specifically needs to be resolved in order for the conflicts to be successfully managed and reduced. These areas of common understanding offer a potential starting point for future discussion among the SAC members and for evaluation by the Board of Wildlife Resources along with the proposals recommended by SAC members (Section Five).

- The legacy of hound hunting for deer and bear in Virginia is long-standing and important, and this form of hunting can be continued through management and reduction of conflicts between hound hunters and landowners.
- Frequent and repeated instances of hounds going on the same property, where landowner permission has not been provided to the hunters, are indicative of hunting practices that need to be addressed.
- Hound hunters believe they have a legitimate interest in retrieving their dogs when the dog may be in danger, and landowners believe they have a legitimate interest in the enjoyment and use of their property without unwanted conflict with hound hunters.
- There are key differences in deer hound hunting and bear hound hunting, including geographic areas where each is allowed, methodologies and practices, and landowner responses to those practices.
- The nature and prevalence of conflicts differs geographically, and areas of high conflict should be enforcement priorities.
- More effective law enforcement measures are required for meaningful conflict reduction between landowners and hunters who hunt with hounds.
- Hunters should provide landowners with notification prior to retrieving their dogs from posted land with exceptions allowed for emergency actions such as dog endangerment.
- Properties should be posted with complete, accurate landowner/agent contact information to enable landowner notification by hound hunters.
- To support the hound hunter's ability to maintain control of hounds, electronic tracking collars should be used for hunting dogs during hunting and training seasons.
- The aim of any change in laws or regulations is not to entrap or unfairly burden hunters using ethical methods and best practices.

- Reduction of conflicts between hound hunters, landowners, and still hunters should be an important objective when the DWR defines hunting and training seasons for deer and bear.
- DWR, the hound hunting community, and other relevant interests should continue to implement and evolve public educational and outreach efforts to promote an understanding of hound hunting, its relevant laws and regulations, ethical hound hunting methods and best practices, and how landowners and hunters can report illegal activity.

## Conclusion

The 2023-2024 stakeholder engagement process has elicited detailed information regarding stakeholder issues and concerns, proposals for reducing conflict, and SAC members' perspectives on these proposals. Although the SAC members did not find consensus on a final set of recommendations, their work will be critical to the shaping and implementation of conflict-reduction strategies. The following general findings and determinations support further deliberation to discern effective solutions.

- Conflict between hound hunters and landowners continues to be a significant problem as demonstrated by formal complaints received by DWR as well as the thousands of stakeholder incidences shared in the IEN survey and the narratives shared during IEN's stakeholder interviews;
- Most of the areas where the 2008 stakeholder committee recognized the need for improvement is similar in nature to ones the 2023-2024 engagement process has recognized, and so remain a priority;
- Although few proposals reached consensus, individual SAC members revealed their own needs and interests, and, if they represented an organization, then their organization's needs and interests, in the detailed components of the proposals they offered, and so these proposals (listed in Section Five) deserve careful analysis; and
- The reasons for not fully supporting a particular proposal were shared by the SAC members through the consensus-building process (as described in Section Five), and these reasons can be further evaluated and may provide guidelines for conflict reduction to be successful.

The longstanding conflict between hunters with hounds and landowners involves complex social, cultural heritage, and property rights issues. The conflicts are real and serious, impacting the safety, security, and quality of life for all parties. This stakeholder engagement and advisory committee process was an attempt by the DWR, once again, to try to find areas of common ground and potential solutions to the continuing conflicts. In 2008, a similar effort by DWR yielded similar results. Based on the 2023-2024 stakeholder engagement efforts, the following general areas were identified as possible paths for reducing conflicts:

1. Hold repeat offenders accountable;
2. Improve effectiveness of law enforcement;
3. Increase the number of law enforcement personnel and improve their training in conflict resolution;
4. Continue to improve the record keeping of complaints regarding hound hunting;
5. Focus enforcement efforts in areas of high conflict;
6. Establish hound hunting training seasons;

7. Modify Virginia's right to retrieve law to require attempted landowner notification prior to retrieving hounds from posted land;
8. Utilize electronic collars for hunting dogs to support tracking of dogs;
9. Improve identification of hunting dogs;
10. Continue to implement and refine the hunter education program, including hound hunter's code of ethics and best practices; and
11. Identify safety guidelines for hound hunting from or near roads.

Since 2008 some progress has been made on some of these measures, such as aspects of agency record keeping, the establishment of a Code of Ethics by hunting groups, development of a module on hunting with hounds in DWR hunter's education courses, requirements to identify hunting dogs, and new technologies for tracking hounds while hunting. These improvements have not significantly reduced conflict. In addition, other factors over the past two decades, such as population demographic shifts in rural areas, increased non-hunting recreational use of public land, and the increased prevalence of social media use, have escalated the tension and conflict between hound hunters and landowners.

In most of the SAC discussions where consensus was not reached, there were broad areas of agreement within the group about the problem, as outlined in Section Six, but the group then diverged significantly on the methods of how to best solve the problem or whether to even address the problem. It is often said that "the devil is in the details," and the 2023-2024 stakeholder engagement process revealed significant differences in perspectives and an inability to creatively collaborate on mutually satisfactory solutions when proposals offered included a degree of specificity. For example, as explained in Section Five, proposals focused on statutory changes were viewed by some SAC members as having a high risk of unintended consequences, i.e., legislators changing statutes differently than SAC members desired which could engender yet more conflict. While SAC members agreed that most of the problems are caused by "bad actors" or repeat offenders, possible pathways for addressing those bad actors are fraught with complexities and potential undesirable impacts on those who are acting ethically.

Although the consensus building process did not result in many recommendations fully supported by most SAC members, it did result in crystalizing the primary contentions between the hound hunting and landowner communities (Sections Three and Four), developing a meaningful list of proposals (Section Five) for how to reduce conflict, and understanding the broad areas of agreement across these stakeholder interests (Section Six). While only a few proposals did achieve consensus, there are numerous proposals discussed above that offer significant potential for consideration from the Board. That consensus was not achieved on many of the proposals is less a reflection of their content, and more a reflection of the philosophical differences SAC members were bringing to the process.

Some hound hunters rejected any proposals that took a state-wide approach to implementation because of their view that this is a “hot spot” issue. Some landowners rejected any proposal that did not establish dog trespass as a violation, and conversely, hound hunters rejected any proposals that would result in dog trespass as a violation. There were numerous ideas shared within the proposals that gained significant traction within the SAC, but these fundamentally opposing differences kept the SAC from being able to shape most of the proposals collaboratively.

Even when stakeholders are not able to reach consensus among themselves on the best solutions, the consensus building process is useful in identifying potential pathways forward. In this process, the stakeholders agreed on a clear set of issues that need to be addressed. For each of the proposals, participants were able to share their rationale for support as well as their concerns, fears, and potential pitfalls. In this way, the “solution arena” now has been more clearly mapped for decision-makers going forward.

IEN is submitting this report to the Board of Wildlife Resources for its review and consideration and will present this to members at the Board meeting to be held on March 20, 2024.

# Appendices

## Appendix One: SAC Membership

Stakeholder Advisory Committee representatives reflect various stakeholder interests regarding hound-hunting (for deer and bear) and private landowner concerns. Committee Members bring the perspectives of private landowners, hound-hunters, local governments, still hunters, Native Americans, agricultural landowners, and wildlife management interest groups to the discussion; some Committee Members represent more than one of these perspectives. There are 21 primary representatives on the Stakeholder Advisory Committee. Except for the At-Large Citizen representatives, each organizational body selected its own primary and alternate representatives to serve on the Committee. The representatives include:

- **American Bear Foundation, Virginia Chapter:** Sean Clarkson (primary), Jared Hubbard (alternate)
- **Appalachian Habitat Association:** Nolan Nicely (primary)
- **B&W Hunt Club:** Donald Parham (primary)
- **Property Rights Coalition of Virginia:** Amanda Savignano (primary), Jim Medeiros (alternate)
- **Sporting Dog Coalition of Virginia:** Jim Hackett (primary), Billy Stafford (alternate)
- **Virginia Association of Responsible Sportsmen:** Daryll Toomer (primary), Justin Smith (alternate)
- **Virginia Bear Hunters Association:** Steve Nicely (primary), Greg Austin (alternate)
- **Virginia Deer Hunters Association:** Dave Griffith (primary), Gary Martel (alternate)
- **Virginia Farm Bureau:** Daryl Butler (primary), Sam Norman (alternate)
- **Virginia Hound Heritage:** William Gillette (primary), Troy Cook (alternate)
- **Virginia Hunting Dog Alliance:** Kirby Burch (primary), John Morse (alternate)
- **Virginia Property Rights Alliance:** Chris Patton (primary), Mike Hayes (alternate)
- **1 representative from a federally recognized tribe:** Chief Frank Adams-Upper Mattaponi Indian Tribe (primary)
- **6 representatives serving as At-Large Citizen Representatives:** Bill Collins, Sherry Crumley, Kristi Martel, Debbie Oliver, Andrew Pullen, Joel Cathey
- **1 representative each for 2 Local Governments:** Rachel Jones (Louisa County Board of Supervisors), Kevin Marshall (Spotsylvania County Board of Supervisors)

## **Appendix Two: 2008 Report Recommendations**

To review the recommendations from the Hunting with Hounds report from 2008, please view the following document at the link provided below.

Sarah G. Lupis Kozlowski, Steve L. McMullin, and James A. Parkhurst. 2008. Hunting with Hounds in Virginia: A Way Forward. Stakeholder Advisory Committee Final Recommendations Report. Department of Fisheries and Wildlife Sciences, Virginia Tech. 28 pages. <https://dwr.virginia.gov/wp-content/uploads/media/HLSAC-Hunting-with-Hounds-in-Virginia-SAC-Recommendations-2008.pdf>