

Department of Wildlife Resources
Hound-Hunters & Private Landowners Stakeholder Advisory Committee
October 19, 2023

Monacan Soil & Water Conservation District
2748 Dogtown Rd, Goochland

Executive Summary

Eleven primary members and six alternate members attended the fifth meeting of the Department of Wildlife Resources (DWR) Stakeholder Advisory Committee (SAC), held at the Monacan Soil & Water Conservation District in Goochland. In the first portion of the day members participated in small group discussions around topics that had been generated by the group through the previous meetings. In the latter half of the day the large group reconvened to review the results of those discussions and to further advance ideas.

The next meeting of the SAC will be held on November 3rd.

Welcome and Introductions

The meeting was opened by the facilitation team from the Institute for Engagement & Negotiation:

- Kelly Altizer, Associate Director of Operations
- Mike Foreman, Special Projects Manager
- Chamie Valentine, Project Consultant

Stakeholder Advisory Committee (SAC) members were asked to introduce themselves by sharing their name and organization or seat represented on the committee, and what connects them to this issue.

Meeting attendance was as follows:

- Greg Austin, Virginia Bear Hunter's Association (alternate)
- Kirby Burch, Virginia Hunting Dog Alliance
- Joel Cathey, Citizen Representative
- Sean Clarkson, Virginia Chapter, American Bear Foundation
- Bill Collins, Citizen Representative

- Troy Cook, Virginia Hound Heritage (alternate)
- Sherry Crumley, Citizen Representative
- David Griffith, Virginia Deer Hunters Association
- Michael Hayes, Virginia Property Rights Alliance (alternate)
- Kevin Marshall, Spotsylvania County
- Jim Medeiros, Property Rights Coalition of Virginia (alternate)
- Nolan Nicely, Appalachian Habitat Association
- Steve Nicely, Virginia Bear Hunter's Association
- Sam Norman, Virginia Farm Bureau (alternate)
- Chris Patton, Virginia Property Rights Alliance
- Amanda Savignano, Property Rights Coalition of Virginia
- Billy Stafford, Sport Dog Coalition of Virginia (alternate)

Participants listed above are primary members unless otherwise noted. Alternate members participated in observer role only, except those who were representing their organization in place of the primary member

DWR team members attending included:

- Jenn Allen, Assistant Chief, Wildlife Division
- Ryan Brown, Executive Director
- Jon Cooper, Board of Wildlife Resources
- Lieutenant Jessica Fariss, Conservation Police Region Manager – Region 2
- Nelson Lafon, Forest Wildlife Program Manager
- Aaron Proctor, Policy Manager
- Major Ryan Shuler, Deputy Chief of Law Enforcement

Remarks from Director Brown

Ryan Brown (*Executive Director, Department of Wildlife Resources*) shared with the group the follow-up to a discussion from the last SAC meeting around § 18.2-132.1 Trespass by hunters using dogs; penalty. As he had indicated to the group, he met with staff from the Attorney General's office to discuss the statute and to learn from them whether they believed there are additional instances where DWR could be enforcing this statute better and with more consistency. Director Brown's view was that there might be additional instances where this code could be enforced, but that those numbers were minimal. Director Brown indicated that the agency would provide guidance to their law enforcement staff regarding how to address those cases. Director Brown shared that the Attorney General's staff indicated the statute, as currently written, could not be interpreted to address many cases shared by concerned stakeholders.

A question-and-answer period followed Director Brown's remarks. Several participants acknowledged that any attempt to revise a code section could lead to unforeseen changes to

language and intent by members of the General Assembly whose constituents have different expertise and interests.

Ground Rules, Meeting Summary, and Process Review

Mr. Foreman reviewed the ground rules developed by the SAC at the first meeting. Ms. Altizer provided an overview of the Meeting Summary of the September 29th meeting, which members received as a handout, and previewed the agenda for the day, which would be primarily focused on further developing ideas generated by the SAC.

Small Groups

Members were divided into two groups of seven participants each plus a facilitator/facilitators. Each group reviewed a list of topics generated through previous SAC discussions. These are as follows: law enforcement efforts, relationships and understanding between hound-hunters and private landowners, hound identification, use of technological solutions in hound hunting, accountability for “bad actors”, and use of public lands for deer and bear hound hunting. Members received this list as a handout and had also received it via email prior to the meeting. They were asked to consider:

- Is this idea a valid topic area for consideration?
- Are any topics missing?
- What recommendation would you offer to accomplish the topic/outcome, and why?

Following a lunch break (with lunch provided by DWR), members resumed their small group conversations before reconvening as a large group.

Consensus Building Process Discussion

Mr. Foreman and Ms. Valentine shared the results of each small groups’ discussion. Following the report out, the notes from each group were combined into a single document which was displayed on a screen. The group spent the remaining time discussing and further developing these ideas.

Discussion Summary

The following topics and ideas were discussed by SAC members at this October 19 meeting. No recommendations have been finalized, and none of these items constitute a recommendation of the group.

1. Law Enforcement efforts

- 18.2-132.1: SAC members thought it was good to hear from Ryan after his discussion with staff at the attorney General’s office on the extent of the statute’s application.

- Staff education and training are very important to understand how to apply this law (and how to explain it to hunting and landowner communities).
 - Education on the law may reduce some landowners' reluctance to testify.
 - Is there a way that hunter can show she or he is not hunting intentionally on someone else's lands? (The SAC member thought the burden of proof should not only be on the landowner.)
 - A permitting system could be used to address repeat offenders. (See section 7 below for more on permits.)
 - "RTR is not about the dogs getting on the property, it is about getting dogs OFF the property."
 - Stakeholders would need compelling reasons to change any statutes. (Will changes actually result in reducing conflicts while supporting hound hunting?)
- The need for additional dedicated staffing and funding for them
 - Increase conflict resolution training
 - Increase investigative training
 - Increase funding: Members discussed how more funds can be generated.
 - i. Use of Wildlife Management Areas: WMAs could charge fees to the public for non-consumptive uses (e.g., birding).
- The weakness of the posted property law: Some perceive the law as weak and feel it should require better landowner identification and contact information.
 - Note: A SAC member noted that current law criminalizes unposted property for hunting.
 - Suggestion: Put a name and contact number on posted signs so hunters know who to contact to retrieve their dog. Hunters should not have to do a title search to find out who the landowner is. The name and contact number can be someone other than the owner. There may be an animal welfare issue if the owner cannot provide immediate care to an endangered dog.
- Creation of a Specific CPO Position
 - Could explore the possibility of adding a specialist position for conflict resolution (such as one each for East/West parts of the state).
- Enforcement
 - Some statutes may need amendments for clarification so they can be better enforced – i.e., put name and contact number on posted signs so hunters know who to contact to retrieve dogs.
 - Better dog identification, such as a permit number, is needed to aid in enforcement.

- Fox Pen and Foxhound Field Trials
 - The current law makes it hard for younger hunters to have fox pens and to be able to hunt this way. Some members feel this approach should be reconsidered.
- Data
 - DWR should increase outreach to the public about how to make appropriate complaints now that data categorization has changed (effective February 2023) and results are more accurate.

Additional Perspectives:

- Regulatory/statutory changes are needed before it makes sense to talk about increasing law enforcement staffing.
- Regional constraints – increasing law enforcement presence is not needed as much for bear dog hunting in the western part of the state.

2. Relationships and Understanding Between Hound-Hunters and Private Landowners

- A better communication program is needed for hunters and landowners.
 - For example, educate landowners on how to tell the difference between a hunting dog vs stray dogs.
 - i. Hunting dogs will have tracking collars.
 - Communication needs to be the #1 focus on how to improve community relationships. – Involve the hunting community, the local community, the Board of Supervisors, DWR law enforcement, and landowners.
 - DWR could provide a standard communication to each county (where hound hunting occurs) and ask counties to post on their website.
 - Hunt clubs can be a venue for delivering education.
- Create an ombudsmen program for hound hunters and hunt clubs.
 - DWR needs to set up this program’s framework
 - DWR can define criteria on how to apply and be approved (including background checks,)
 - Being an ombudsmen should be an honor.
 - How can it be incentivized?
 - The program could be carried out by DWR law enforcement instead
 - Do a pilot program in a mix of hotspot and non-hotspot areas.
- Expand Hunter Safety Education program for hound hunting – “Teach the children how to hunt with the hounds.”

Additional Perspectives:

- The relationships piece could be beneficial but that doesn't mean it should rise to the level of a recommendation for the Board.

3. Dog Identification

- Require a GPS collar – make it a regulation or make it a “best practice.”
 - Can young hunters afford the collars? Maybe DWR can provide incentives?
 - Some disagreement in group re: whether hunters can or cannot afford GPS collars
 - There are bad actor landowners who have taken GPS collars off dogs (this is a Class III misdemeanor)
- DWR could consider implementing a permitting system to allow hunting dogs to run off-leash.
 - A special dog ID would be required. – The permit marking could be placed on the dog in addition to a collar.
 - Could add a dyed large number on each dog, but this is still problematic. –
 - What can work in one county for large numbers does not work in all counties.
 - Not all dog breeds can be dyed, etc.
 - (See more on permits below in section 7.)
- DWR could encourage placing microchips in dogs. Currently, few dog hunters have their dogs chipped.
 - Include a chip registry.
 - If a CPO has a chip scanner, then she or he can identify the dog.
 - County dog wardens have scanners.
 - Scanners cost \$100 per
 - Chips can be implanted by a vet (chip cost is around \$6, but still add to vet service costs.)

4. Use of Technological Solutions in Hound Hunting

Some members noted that technological solutions could be a helpful “tool in the toolbox”, but many noted challenges that have been previously discussed (e.g. signal interference, limits to geofencing, etc.). See above for more on use of technology for dog identification/location. (GPS and microchips)

5. Accountability for “bad actors”

- Implementing a parcel registration system like FI/GA could be helpful to cutting off access to repeat offenders.
- 18.2-132.1: When there are multiple offenses/convictions, the pattern of behavior should have consequences - e.g.:
 - Losing a hunting license for a period of time should be on the table for bad actors.
 - What are the parameters for accountability? – (“three strikes you’re out?” See more below under permits.
 - §18.2-132.1 already allows for consequences for a pattern of behavior. – Law enforcement needs to apply it.
- Ombudsman approach may be helpful for some locations, but maybe not in all locations (Some hunt clubs have a lot of distrust with local law enforcement and/or the local communities.)
- Hunting Community Self-Policing Idea
 - Ride alongs.
 - Increased access to lands.
 - The concern expressed here was that the self-policing program may not improve certain areas that have extreme bad actors.
- Implementing a permitting system could address many of the issues the group has discussed.
 - A permitting system would not penalize “good actors” mistakes.
 - A violation must include a substantial enough of a penalty to change behavior.
- False or Unsubstantiated Claims by Landowners about Hound Hunters
 - There are insufficient laws to address people who are bad actors in this way.
 - Those who makes these claims need to be able to show evidence of harm by the animal or hunter.

Additional Perspectives:

- DWR Hound Complaint Maps: Data for 5 hot spots show that there are a small group of people who make most of these calls.
- Some hound hunters exhibit unsafe behavior on roads.

6. Use of Public Lands for Deer and Bear Hound Hunting

- Have a program for hound hunt days on state lands. (WMAs; State Parks; State Forests) – Close public land to other public uses on hunt days.

Additional Perspectives:

- A discussion around expanding access to additional state land should be contingent on additional factors.

Note: Topics below were not part of the original list and were added in discussion during the meeting by one of the small groups.

7. Permits

- Possibility of a permitting system as a mechanism for encouraging best practices and addressing repeat offenders and “bad actors.”
 - Hunter would be given a permit to run his or her dogs off leash. The affordable permit fee would fund enforcement. (\$25)
 - Permit holders would agree to DWR’s dog hunters code of ethics, which would include giving notice to landowners to retrieve dogs on posted property when the owner has posted contact information.
 - A member asked how this permitting system would apply across all species being hunted. The intention is not to create new loopholes.
 - Violations could be addressed by the “3 Strikes you’re out” system or a gradually increasing penalty for an increasing number of violations and establishing a lesser penalty than a criminal violation.
 - Can DWR design a system addressing multiple incidents by a single dog? (An example is a dog crossing 15 properties before it is caught. This could be recorded as one violation rather than 15 violations.)
 - Whose discretion would determine violations? Could there be an appeal to an Administrative Law Judge (ALJ) in accord with the Administrative Process Act?
 - Dog identification is an important component.
 - SAC members do not want to impact the “good actors.”
 - Would a permitting system allow for a deer dog training season?
 - Concern was expressed about “bad actors” copying ID numbers of good actors.
 - DWR maintains a system of trapper ID numbers to address this specific issue with trapping.

- A permit system would be a regulatory change driven by the board of DWR and not a statutory change.
- The permit system would require a reasonable effort to notify landowners.
 - Not all landowners want to post their phone number. Non-owner contact numbers can be posted but calling an intermediary could create delays, and typically there is an urgency to retrieving the dogs.
 - Concern was expressed about bad actors removing posted signs (paint as an option, criminal penalties for removing signs)

8. Statutory/regulatory changes

- Some landowners would like to see a number of changes, including:
 - Changing or removing “intent” in the code language;
 - Closing the species-specific loopholes;
 - A prohibition on dog trespass;
 - An ability to deny entry to property;
 - A requirement for a reasonable effort by the hunter to notify landowners when the hunter’s dog is on the landowner’s property.
- SAC members broadly acknowledge that such changes are intended to address repeat offenders and “bad actors”, not mistakes by “good actors.”

9. Safety

- A member proposed a statewide prohibition on loaded firearms in vehicles in use for hunting , a prohibition specific to transporting firearms for hunting (not concealed carry).
- Members indicated support for changes to road hunting laws or ordinances.
 - Road hunting contributes to dog trespass.
 - Rights of way vary by county and are not consistent across the state.
 - A state regulation or statute prohibiting hounds men road hunting would improve safety.

Additional Perspectives:

- When still hunting and hound hunting is underway on a property, there is an increased danger to both the still hunter and the hound hunter retrieving hound.
- Nighttime hound hunting disruptions are an additional threat to safety.

10. Conflict Reduction Measures

- Closing species-specific loopholes
- Shifting still hunting/deer dog season to reduce overlap. DWR can explore the biological constraints to understand feasibility and impact.
- Fencing as conflict reduction measure – fencing for both landowners and hound hunters

Other Topics:

- Why are there counties that have bear chase days but do not allow bear hunts?
- Hunting unposted property
- DWR Funding
 - Side question: Where the National Forest hunt permit money go to each year?

Next Steps

The next SAC meeting will be held on November 3rd. Some members indicated that they felt another meeting would be needed in addition to the November 3rd gathering to finalize consensus recommendations. The project team is working to identify prospective dates so that those will be ready if the SAC determines that they would like an additional meeting.

Ms. Altizer thanked members for their efforts, and the meeting adjourned.