

# Dog-Deer Hunting in Mississippi Today

An article submitted by the Board of Directors for the *Coalition for Ethical Deer Hunting*, a property-rights organization dedicated to resolving the problem of deer-dog trespass. Our members are landowners, leaseholders and still hunters who seek to enjoy their land as they see fit without interference from unethical dog-deer hunters or their dogs. Where opinions are expressed, they are based on our experiences and are provided for informational purposes.

## Dog-Deer Hunting, a Unique Sport

Dog-deer hunting is unlike any other dog sport. When hunting rabbits, ducks, coons, squirrel, quail, and hogs, the hunter and dogs work in close proximity. Even though there is occasional trespass onto private or leased property by these other types of hunting dogs, there are very few complaints. Basically, the hunters are in control of their dogs.

Dog-deer hunting is the opposite of that—hunters are NOT in control of their dogs. Once released, a dog is free to go wherever it wishes. When the dog is on a deer trail, the deer affects the range of the dog, not the hunter. With coon and rabbit hunting, for example, voice commands are used to control the dog. The nature of the coon or rabbit greatly limits the distance the dog travels. Coon and rabbit seldom venture more than 100 acres before being taken by a hunter. A deer, on the other hand, can travel many miles in a short time. Dog-deer hunting involves free-running dogs in pursuit of a deer, wherever it may go.

Because deer can run for miles when being chased by dogs, dog-deer hunting requires large areas of land. Deer dogs in pursuit of a deer can cover a thousand-acre tract in about 20 minutes. Dogs continue to chase until the deer is killed or loses the dogs or until the dogs are caught. A study conducted by the Texas Parks and Wildlife Department in the early 1980s found that 70% of the time, dogs ranged a mile or less during a hunt (Spencer, 1986). That one-mile range translates to a thousand acre hunted tract surrounded by an additional 5,211 acre buffer zone (for a total of 6,211 acres). Even with that seemingly large acreage, the dogs would stay within that six thousand acres *just 70 percent of the time*

The disturbance caused by deer-dog trespass is a major problem. Free-running deer dogs can disturb still hunters, other wildlife, and livestock, and generally create a public nuisance. This constant dog trespassing and abuse has become intolerable for many people. In the Coalition survey of three hundred landowners and leaseholders, **none** complained of problems caused by dog sports other than dog-deer hunting. **All** complained of problems caused by deer dogs and dog-deer hunters. Table 1 summarizes some of the differences in dog-deer hunting and other dog-hunting sports.

Table 1. Differences between dog-deer hunting and other dog hunting sports.

<b>Situation</b>	<b>Dog-deer hunting</b>	<b>Other dog sports</b>
Free running dogs	Yes	Rarely
Dogs trespass on others' land	Often	Seldom
Dog under owner's control	No	Yes
Other hunters threatened	Often	No
Road hunting	Yes	No
Property rights abused	Yes	Rarely
Ruin other people's still hunts	Often	Rarely

### **Smokescreen Arguments from the Mississippi Dog Hunters Association**

At the March 2014 monthly meeting of the Commissioners for the Mississippi Department of Wildlife, Fisheries and Parks, leadership of the Mississippi Hunting Dog Association told the Commissioners that they hope their Association will become just the Mississippi Hunting Association as we all come together to protect our hunting heritage. They want the rest of us to believe that all hunters should stand together to protect the rights of dog-deer hunters. They want the right to run their dogs wherever the deer goes. Dog-deer hunters try to hide behind other dog sports by claiming that other dog sports are somehow threatened with regulation, too, if dog-deer hunting is regulated. Nothing could be further from the truth. Many still hunters also enjoy small game sports such as quail, squirrel, or duck hunting with dogs. Many of them own hunting dogs themselves. Other dog-hunting sports are not causing problems for landowners and leaseholders; only dog-deer hunting is causing problems! The following smokescreen arguments have been used as reasons for landowners, leaseholders and still hunters to tolerate deer-dog trespass.

1. *Dog-deer hunting is our tradition.*

That traditional way of hunting became obsolete with the advent of 4-wheel drive trucks and CB or handheld radios and cell phones. Historically, standers took their places in the woods, the dogs were released, and the standers stayed in place until they were picked up at the end of the day. The "new tradition" is to release deer dogs every quarter of a mile along a public road, then race vehicles up and down the road while communicating on their radios and cell phones to head off dogs and shoot the deer when they cross the road. The end result is often to terrorize the local residents and ruin the still hunts on nearby private or leased land.

The so-called "tradition" dog-deer hunters claim they are trying to save is nothing like the original dog-deer hunting tradition they want us to be sentimental about. In 1960, when almost anyone who hunted deer in Mississippi hunted with dogs, rural land cost \$30 an acre. In 2015 rural land cost \$3000 or more per acre. People spend that kind of money to

have full use of their private property. They don't purchase land for other people and their dogs to trespass on and use for free.

2. *A dog cannot read a "NO TRESPASSING" sign.*

The underlying assumption is that the landowner must tolerate the trespassing deer dog because the dog will not stop at the property line when chasing a deer. Our position is that if you cannot keep the dogs off neighboring land where deer dogs are not wanted, you must stop running deer dogs. We believe that dog-deer hunters can drastically reduce and nearly eliminate deer-dog trespass when they have to. But under current law, they have no incentive to do so. This deficiency in regulation has led to unethical and unsportsmanlike behavior among many dog-deer hunters. Their hunting conduct demonstrates that they think that as long as they can get away with their dogs trespassing, they're going to do it.

3. *The PETA myth*

Some dog-deer hunters would have us believe that there is a threat to all hunting from anti-hunting groups such as People for the Ethical Treatment of Animals (PETA) and all hunters must stick together to fight that. Their contention is that if still hunters are fighting for their property rights, it's hunter against hunter. To our knowledge, PETA has not been interested or involved in any anti-hunting activity in Mississippi. Furthermore, any anti-hunting group will not gain much traction in Mississippi because of the recently passed Right to Hunt Constitutional Amendment.

The issue at hand concerns the violation of both property and civil rights by dog-deer hunters. Landowners/leaseholders have the right to exclude activities from their land that interfere with the peace and enjoyment of their land. Dog-deer hunters knowingly admit they cannot control their dogs and they know their dogs are going to follow the deer wherever it goes. The inevitable trespass is a blatant violation of property rights under the Constitution of the United States

### **You Own Your Land....Until Deer Season**

You own your land at tax time and when the mortgage payment is due. You own your land when you must remove fallen trees from fences; when you must repair washed-out or rutted roads; and when you work and pay for farming, ranching, or timber-producing activities. But when dog-deer season opens, your land becomes the playground for dog-deer hunters to abuse as they see fit. Some dog-deer hunters expect landowners to simply catch and return trespassing dogs. Some believe it is their right to enter your land to retrieve their trespassing deer dogs. They complain loudly when their trespassing deer dogs get caught in a coyote trap placed on private land during trapping season by a licensed trapper. Coalition members seek to own and control what happens on our land at all times, not just outside of dog-deer hunting season.

Some landowners have implemented Quality Deer Management programs on their property in an effort to improve their deer herds. The Deer Management Assistance program implemented by the Mississippi Department of Wildlife, Fisheries and Parks is one such program available to landowners. These programs are ineffective when trespassing deer dogs run the quality deer off private land

and onto dog-permitted land, public land, or roads. Trying to manage for quality deer when deer dogs are trespassing constantly on your land is futile. Additionally, the 1986 Texas study found that deer populations were up to 8 times less dense on dog-hunted tracts as on still-hunted tracts.

## **Road Hunting**

The problem of road hunting is strongly associated with the sport of dog-deer hunting. Road hunting is not a part of any other hunting sport. Still hunters don't road hunt since deer seldom frequent roads unless being chased by dogs. Road hunting is not only unethical but is also a public safety hazard. A study done by the Mississippi Department of Wildlife Fisheries and Parks in 1983 found that 92% of road hunting tickets issued by game wardens were issued during the dog-deer season (Steffen, et al., 1983). Clearly, road hunting will diminish as dog-deer hunting is regulated.

## **The Public Image of Dog Hunting**

Many rural residents and still hunters report being threatened and intimidated by dog-deer hunters. Landowners and leaseholders have reported fences being cut, arson, tires being flattened, cattle and yard dogs being shot, shooting on public roads, camps vandalized, deer guts dumped in driveways and private roadways, shots fired near homes, and numerous incidents of road hunting. Does this sound like sportsmanship? No other dog sport is associated with all these negative activities—only dog-deer hunting.

If you can hardly wait until deer season is over and the racing trucks and dog-deer hunters are gone or if you are afraid or feel intimidated because of dog-deer hunters, you know there is a big problem. Do you feel this way around other types of hunters or just dog-deer hunters? Don't robbery victims feel the same way?

Yes, there are some ethical dog-deer hunters. These are the ones that must save their sport by supporting regulation. Something must be done about the bullies who dominate the sport of dog-deer hunting in Mississippi or it will be eliminated, just as free-range livestock was outlawed in the 1950s.

## **The Need for Regulation**

Because dog-deer hunting is a unique dog sport with inherent risks that are known to cause problems for other hunters, landowners, and leaseholders, dog-deer hunting must be further regulated. At a minimum, we propose that a state-wide permit system for dog-deer hunting be implemented in Mississippi. The permit system is appropriate for allowing landowners and leaseholders to reduce the problems of deer dogs trespassing on their land. The basic framework for the permit system would be modeled after the permit systems in the state of Georgia and in the Homochitto National Forest. It would apply *only to deer dogs*; all other dog sports would be unaffected. Only dog-deer hunters and their dogs would have to comply with the permit system.

Such permit systems have resolved deer-dog trespass in the state of Georgia and have improved the situation for many neighboring landowners and leaseholders in and around the Homochitto National Forest in southwest Mississippi. For the last three deer hunting seasons, tickets have been issued for dog-deer hunters around Homochitto National Forest. The number of tickets has

decreased by half each of the three years the permit system has been in effect; fewer than 100 tickets total have been issued.

The number of dog-deer hunting permits issued has decreased by only 20% by the third year of the permit system. This indicates that most dog-deer hunters are able to comply with the system while continuing to run their deer dogs. Many of those who have been unwilling to comply have left the area (the 20%). If state, county or federal government agencies wish to implement additional regulations on dog-deer hunting beyond the permit system, based on public safety, damage to government roads and infrastructure or decimation of the deer herd, we will not oppose such initiatives. If other organizations or individuals seek additional relief from the problems associated with dog-deer hunting, we will not oppose those, either.

### **How Regulation Will Affect You**

*Dog-deer hunters:* Having some recourse for landowners and leaseholders to balance the playing field will result in reduced tensions between still hunters and dog-deer hunters. Deer dogs can still be run but they must remain on permitted property or permitted public land. You will not be prosecuted unless a landowner or leaseholder is willing to prosecute. If your neighbors don't mind your dogs trespassing on their property, they will not prosecute you. You may have to change your strategy somewhat by running fewer or slower dogs (e.g., Beagles instead of Walker Hounds) and have more hunters in the field rather than riding the roads. Tracking collars are required under the permit system and will greatly assist you in getting your dogs back after the hunt and before they trespass on neighboring land.

*Rural landowners and leaseholders:* You will finally have some recourse after years of abuse by dog-deer hunters. You will be able to prosecute them when their dogs get on your land without your permission if you can catch the dog. They will be fined for each conviction. After two violations, they will not be able to run deer-dogs for 20 days of the next year's dog-deer hunting season. After three violations, they will have their dog-deer hunting privileges revoked for one year.

*The general public:* The state's roads will be safer to travel during dog-deer hunting season. Some road hunting is related to tracts of land where dogs are running without the landowner's permission so the hunters don't have legal access. These unethical hunters turn out their dogs onto others' land and illegally hunt the perimeter from public roads. On the other hand, the hunters will have legal access to permitted tracts. With an internal road network, they can hunt inside the tract and not be hazardous on public roads.

*The state of Mississippi:* A permit system will bring the state's regulatory environment in line with the legal framework and ensure that **all** landowners and leaseholders enjoy their legal rights, not just those who choose to hire attorneys and go to court.

### **Property Rights**

Property ownership consists of a bundle of rights, namely *possession, use or control, quiet enjoyment* and *disposition*. It should be noted that a leaseholder, at least in terms of those rights he's leasing, is entitled to all those rights except the right to dispose of the property. This is why we use the terms "landowner/leaseholder" as one.

The flip side of *rights* is *obligation* and this forms the basis of nuisance law. That is, every owner has an obligation to use his property in such a way as to not create a nuisance for his neighbor. To the best of our knowledge, no property owner has ever lost a lawsuit filed under nuisance law against a deer-dog club and/or landowner leasing to deer-dog clubs. A permit system will strengthen the rule of law in Mississippi, which can only improve the quality of life for all Mississippians.

The Coalition for Ethical Deer Hunting strongly urges the adoption of a statewide dog-deer hunting permit system. To learn more, or to join the effort, visit [www.cfedh.com](http://www.cfedh.com).

**References:**

Spencer, Gary. 1986. Hunting Deer with Dogs. Special Staff Report of the Texas Parks and Wildlife Department, Wildlife Division. 7-B-3818-3/13/86, 19 p.

Steffen, David E., Donald M. Lewis, and Philip J. Strong. 1986. The Incidence and Implications of Road Hunting During the Dog and No-dog Deer Seasons in Mississippi. Proceedings of the Annual Conference of the Southeast Association of Fish and Wildlife Agencies. Volume 37, pages 513-518.