



**South Carolina  
Department of Natural Resources  
Dog Deer Hunting Stakeholders Working Group**

**FINAL PROGRAM REPORT  
November 2008**

**Jae Espey, Facilitator and Principal Investigator  
Dept. of Forestry and Natural Resources  
Clemson University**

## Table of Contents

<b>Executive Summary</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>2</b>
<b>Consensus and the Rationale for the Stakeholder Process</b> .....	<b>2</b>
<b>Meeting Summaries</b> .....	<b>4</b>
Meeting 1 Summary.....	4
Meeting 2 Summary.....	4
Meeting 3 Summary.....	4
Meeting 4 Summary.....	5
Meeting 5 Summary.....	6
Meeting 6 Summary.....	7
Meeting 7 Summary.....	8
<b>Recommendations</b> .....	<b>10</b>
<b>Conclusion</b> .....	<b>14</b>
<b>References</b> .....	<b>16</b>
<b>Appendices</b> .....	<b>17</b>
Appendix 1: List of Stakeholder Participants .....	17
Appendix 2: The Georgia Dog Deer Hunting Law .....	18
Appendix 3: Draft of South Carolina Version of Georgia Law.....	23
Appendix 4: Club/Group Permit Model .....	25
Appendix 5: Pineville Agreement.....	28
Appendix 6: Pineville Agreement with Civil Remedy.....	29
Appendix 7: S. 706 – The Gregory Bill .....	32

## Executive Summary

The use of dogs for hunting deer is a traditional form of hunting in the 28 county coastal plain of South Carolina. The activity is allowed by state law without restrictions. However, in the 18 county Piedmont dog hunting is prohibited. This prohibition stems from the general absence of deer in that region during the early twentieth century and the fact that once deer were present, there was no tradition of dog hunting in the Piedmont.

Opinions vary regarding the extent to which this type of hunting should be regulated, if at all. Increasingly, still hunters and landowners have complained about hunting dogs crossing into private property which can be a significant nuisance even if there is no property damage caused. Aggrieved property owners point to their right to enjoy private property without outside interference. At present, the South Carolina Department of Natural Resources (DNR) does not have regulatory authority to act on these complaints and concerns. If concerns continue to arise, and are not adequately addressed, there will likely be increasing pressure to restrict the tradition of hunting deer with dogs. In response, the legislature and the DNR decided to ask representatives of those who hold a stake in the eventual outcome to work together to find informed solutions.

In that connection, DNR hired a professional facilitator from Clemson University in April of 2008 to design and facilitate a stakeholder working group. This group was charged with the task of developing legislative recommendations to address concerns with the hunting of deer with dogs while also preserving this hunting tradition for those who legally and ethically hunt.

Members of the dog deer stakeholders group were either appointed by a member of the South Carolina Legislature or were directly appointed by the DNR. Efforts were made to select a diverse set of stakeholders so that all points of view could contribute to the final product. However, the appointment process ultimately resulted in roughly two-thirds of the group being dog hunters with the remainder being landowners or still hunters.

The dog deer stakeholders met for a total of seven three-hour meetings beginning in May and ending in October of 2008 resulting in approximately 100 man-days of effort. While the group was unable to reach consensus on a specific set of recommendations, there were several points upon which the group did agree. It is hoped that this information will be useful for those who continue to deliberate on this issue. The following report describes the process, outcomes, and recommendations of the SCDNR Dog Deer Stakeholders Working Group.

## **Introduction**

The hunting of deer with dogs is a popular sport that has been practiced for hundreds of years in the coastal plain of South Carolina. The sport utilizes hunting dogs to track and drive deer within range of hunters. Typically practiced on large tracts of land, the dogs are released on one side while hunters wait or “stand” on the other. The land used is either owned by an individual or leased by a hunting club during hunting season. At times the dogs will run off the tract of land intended for dog deer hunting, ending up on the property of adjacent landowners. Complaints from landowners have ranged from property damage, diminishment of still hunting opportunities, and general upset that their private property is being overrun by unwanted dogs.

Currently, the South Carolina Department of Natural Resources does not have the authority to intervene when such complaints are received. Although leash laws typically apply, an exception exists for any dog used in hunting (SC Code Section 50-11-780). Given the DNR’s inability to regulate dog deer hunting, adjacent landowners have increasingly petitioned their respective state legislators seeking relief. Others have taken the matter to civil court seeking an injunction to halt dog deer hunting altogether on adjacent land. Court action has also been brought against property owners who lease their land to dog deer hunting clubs. While the most important case to date (FOC Lawshee Limited Partnership vs. International Paper Company) was settled out of court, the ultimate result was cancellation of the hunt club’s lease on International Paper Company land for the foreseeable future. The litigation serves to underscore the issues and the need to address complaints related to dog deer hunting.

During the 2007 legislative session Senate Bill 706 (Appendix 7) was introduced with the intent to place certain restrictions on the hunting of deer with dogs in South Carolina. The bill was modeled after legislation which was passed in the state of Georgia in 2003. This bill was assigned to a subcommittee and hearings were held in both 2007 and 2008 with the bill being tabled each time. However, several legislators realized that the issue would eventually need to be addressed. To that end, they asked DNR to form a committee of stakeholders who represent all sides of the deer dog hunting issue. Stakeholders were appointed primarily by legislators with DNR filling in individuals who were not appointed but who had appeared at the Subcommittee Meetings. Under the guidance of a professional third-party facilitator, the group’s task would be to examine the issues and evidence in an effort to reach consensus on recommendations. The group was formed and first met in May of 2008. The seventh and final meeting was held in October of 2008. This report describes the process and outcomes of the group’s work.

## **Consensus and the Rationale for the Stakeholder Process**

Working with a broad cross section of stakeholders to achieve consensus on an important public issue can assist policy makers as they work to craft appropriate legislation. Stakeholders are those who have a “stake” in the outcome of any new legislation or proposed changes to

regulations. In this example, stakeholders include those who hunt deer with dogs, those who are still hunters, and those who own property that is adversely impacted by the practice of deer dog hunting. In a world where people find themselves totally opposed to one side or the other of a political or environmental issue, it is helpful to join in civilized debate and look for common ground in an effort to achieve consensus. Utilizing this sort of “cooperative” approach can be valuable when the issue requires a complex solution. (Howe et al 2008)

Consensus includes:

- Pooling opinions
- Effective listening
- Discussing ideas and differences
- Not getting all you want
- Agreement to the point that you can live with it

In a perfect world, consensus does not include

- Voting
- Majority rule
- Minority rule
- One-person rule
- Bargaining (Harshman 1995)

For the purposes of this project, consensus was explained in terms of four levels of agreement:

Level 1: I love the idea or plan and will work to support it.

Level 2: I love the idea or plan but will not work to support it.

Level 3: I do not agree with the idea or plan but will not work to prevent its adoption.

Level 4: I do not like the idea or plan and will do all I can to obstruct it.

At the outset of the process, it is hoped that all parties approach the discussion with an open mind. While listening to one’s perceived opponent on a particular issue can be painful, it is vital in order to reach a full understanding of the problem. From the facilitator’s point of view, it is hoped that no participants leave the process with a level 4 attitude toward consensus as described above. Such an outcome for more than a very slim minority does not bode well for the legislative process or the prospect of making significant changes to the status quo.

Another way to look at consensus is to strive toward an outcome where every member can say, “I have had an opportunity to express my views fully and they have been thoughtfully considered by the group. Even though this solution may not be the one I believe is optimal, I think it will work and I support it”. (Harshman 1995)

It is important to remember (and this point is emphasized for participants) that consensus should not be confused with unanimity. Unanimity is defined as 100 percent agreement. Such

a level of agreement is the exception and not the rule. If consensus is defined as total agreement, one may never achieve anything useful.

## **Meeting Summaries**

The following sections provide a brief overview of key events taking place at each of the seven stakeholder meetings. These are not intended to be detailed descriptions. Electronic copies of the meeting notes are available upon request.

### ***Meeting 1 Summary***

The first meeting was spent primarily in introductions of individual stakeholders and DNR Staff and learning about the process to come. Ground rules for behavior and participation were established. Director Frampton pointed out that both his agency and many lawmakers have received complaints regarding dog deer hunting. He then charged the group with coming to consensus on recommendations that would preserve the tradition of dog deer hunting while addressing concerns of landowners and still hunters.

### ***Meeting 2 Summary***

The second meeting was held on Wednesday, June 4, 2008 at the F.E. Du Bose campus in Manning. At the direction of the facilitator, stakeholders were asked to share their personal experiences. Stakeholders were asked to refrain from making specific recommendations at this point in the process. Both sides of the debate became clear as dog deer hunters described their love for the sport and landowners (as well as still hunters) described the problems that ensued when dogs are allowed to cross onto property where they are not wanted. Several participants requested information on what neighboring states had done to address issues raised by dog deer hunting and this information was provided by DNR staff in the form of a handout. Additionally, more information on the Georgia law was requested and plans were made to invite individuals from Georgia to the next meeting.

### ***Meeting 3 Summary***

Responding to stakeholders requests, two guests were invited to the meeting to share their knowledge of the Georgia Law; John Bowers, Assistant Chief of the Georgia Wildlife Resources Division and Reggie Dickey (past President of the Georgia Dog Hunters Association). Mr. Bowers played a key role in crafting the legislation that was adopted in Georgia in 2003 and is largely responsible for implementing the new regulations. Mr. Bowers indicated that the new law had to be written quickly as several counties in Georgia were set to eliminate dog hunting

entirely. Faced with this urgent situation, Mr. Bowers worked with Mr. Dickey and others quickly to produce a bill and lobby for its passage.

Mr. Bowers contended that the regulations had drastically improved the situation in terms of complaint calls coming into his agency related to dog deer hunting. He gave a short background on the history of the issue and discussed Georgia's experience with the new law. The main Features of the Georgia Dog Hunting Law (Appendix 2) are:

- A deer-dog hunting license is required for anyone involved in dog deer hunting
- In order to dog hunt on a piece of property a permit must be issued by the department to the owner or hunting lessee. Only properties with a minimum of 1,000 contiguous acres could apply for the "land permit" (note: The law was later amended to allow those who hunt on their own property to get a permit with only 250 acres)
- Dogs must display the permit number related to the land that is being hunted.
- Permit number must be visibly displayed on vehicles used in dog deer hunting.
- Penalties are civil and criminal and can range from a warning to monetary fine and/or revocation of land permit or individual deer-dog hunting license for up to two years.

Mr. Bowers indicated that since the law was enacted in 2003, only 3 land permits had been revoked. Complaints, warnings and citations significantly decreased from 2003-2007. Mr. Bowers also mentioned that the workload on enforcement officers was decreasing as a result of the law.

Reggie Dickey then gave the group his perspective on the process and its aftermath. He noted that eighty-five clubs disappeared immediately because of the minimum acreage requirement. The agency currently processes roughly four hundred permit applications annually. Mr. Dickey warned the group that it is important to get the best bill enacted initially as it is difficult to make changes once the regulations are in place. Overall, he expressed his approval of the new law and contended that the law was working to preserve traditional dog deer hunting. (Note: Mr. Bowers and Mr. Dickey both agreed that, if they had it to do all over again, they would omit the minimum acreage requirement and marking of vehicles entirely.)

### ***Meeting 4 Summary***

Between the third and fourth meeting, several dog hunters asked that they be provided some space of their own to debate the issues in the hope of solidifying their collective position. To that end, rooms outside the formal meeting area were provided to dog hunters and another room was provided for landowners and still hunters to meet before the formal meeting. This meeting marked the first occasion when stakeholders were urged to offer their own preliminary recommendations. Ideas ranged from alternating days with still hunters and dog hunters, to modifications of the Georgia law. Stakeholders debated the merits of each. There seemed to be general agreement that there were ethical dog hunters and those dog hunters who

intentionally run their dogs on property they don't have permission to hunt and that the latter group is creating most of the problems related to this issue.

The general consensus among dog hunters who met prior to the meeting was that they did not have enough time by themselves. This group independently organized a meeting of their own (outside the officially sanctioned stakeholder process). A group of fourteen hunters meet in Pineville on the evening of July 31<sup>st</sup>.

### ***Meeting 5 Summary***

The dog hunters who met in Pineville presented their negotiated agreement. They indicated that they would support recommendations that included:

- An understanding that it is the dog owner's responsibility to keep his animals off of property where they are not wanted.
- Individual hunters should be required to have a special dog-deer hunting license.
- Dog owners should be easily identified on each dog through the use of a numbering or tag system.
- Penalties should apply (i.e., there should be some consequence for violation). Use of the Georgia penalties was mentioned explicitly.
- Land permits should not be required and would not be supported. A minimum acreage requirement should not exist in any fashion. (Note that this concession is irrelevant if there is no land permit).

The preceding points are hereafter referred to as the Pineville agreement. This presentation led to a lengthy discussion of the merits and necessity of land permits. Dog hunters made the case that the land permitting system was an onerous program for both hunters and DNR. They also made the point that land permits would need to be established well in advance of any hunting. This would create a barrier to spontaneous or unplanned "spur of the moment" hunts.

In opposition to the agreement reached in Pineville, the argument was made that without a revocable land permit, a landowner adjacent to property on which dog hunting takes place might have to endure dogs on his property until every single member of the club had lost his individual dog-deer hunting license. The reply from several dog hunters was that the package they had offered was a great change from what had been going on in the past. The culture of dog hunting would gradually change as hunters became accustomed to the idea that their sport is now under regulation.

Other stakeholders began to refine the notion of a land permit into something that would not be quite as formal as Georgia's Law yet be just as effective. A document was offered that was indeed a South Carolina version of the Georgia law. One suggestion was that tracts of land used in dog deer hunting could be easily identified using a Tax Map Sequence (TMS) number.



Other ideas included using a system akin to the Antlerless Deer Quota Program (ADQP) which DNR currently administers. In this case, the applicant would merely indicate in writing where he intended to hunt and also swear that he had permission to use the land.

The notion of a “club” permit was also briefly discussed. This type of permit would require identification of the land to be used along with a complete roster of the club (those allowed to hunt in connection with this permit). There was not sufficient time in the evening to fully develop or debate this idea.

Near the end of the evening, several stakeholders suggested a preliminary vote to gauge support for the various proposals. The results of the vote indicated that, although a clear majority of the group could live with some sort of land permitting system (with no minimum acreage), there were still several versions existing in the minds of the stakeholders. Some would support the land permit system if it were merely a box checked off on a form and did not explicitly require a landowners signature and acknowledgement that dog deer hunting would take place. Others wanted exactly what Georgia has. Others wanted the club permit, albeit tied to the land. Still others wanted a permit only for leased land. Finally, there were those who supported the agreement reached in Pineville. There were thirty-six stakeholders voting. Everyone agreed with the components of the Pineville agreement however, for many, that agreement was contingent on adding land permits to the equation.

Proposal (n=36)	Votes	Percent
Pineville agreement only	7	19%
Pineville agreement with land permit, no minimum acreage	22	61%
Pineville agreement with club permit	6	17%
Pineville agreement land permit on leased land only	1	<1%

Additionally, for the upcoming sixth meeting DNR was asked to provide the answers to questions concerning the agency’s administrative capabilities and to provide some more formal language related to the Georgia law as it might apply to South Carolina.

### ***Meeting 6 Summary***

While a majority had voted for land permits at the previous meeting, it was not clear that all those who voted this way had the same understanding of what was meant by a land permit. Consequently, the facilitator made the decision to steer discussion to the exact nature of the land permit being discussed by the 61% who seemed to support it. While short of a clear consensus, this number did indicate a general direction in which the group was moving. After lengthy debate and discussion it was apparent that, as suspected, the idea of a land permit was not monolithic. Not everyone agreed on the scope or nature of the permit. It is clear in the meeting notes that within the group who advocated a land permit, there was a division among those who wanted the landowner explicitly involved (i.e., being a part of the permit application

process) and those who did not see the need for this at all. This is a key distinction since violation of the regulation could lead to revocation of dog hunting on a permitted tract of land and it seemed logical that the landowner would need to be involved by giving written consent for the activity to take place on his or her land. That is the case with the Georgia law.

During the meeting DNR was asked to provide the material that it was asked to provide during the last meeting. DNR had made the decision not to provide the material for fear of being too involved in the process. Therefore, near the end of the meeting, several stakeholders once again expressed a desire for DNR staff to weigh in on some of the key questions that had been raised. A formal request was made for DNR to answer the following questions:

- Can DNR administer a special Dog Deer Hunting License?
- Can DNR administer a Land Permit system similar to Georgia's?
- Would the prohibition of dog hunting on a tract of land for some period of time amount to a "taking"?
- What is DNR's opinion of the Pineville Agreement? Is it workable?
- Would the Georgia law work in South Carolina?
- Does DNR have any new ideas that have not been identified or considered by the stakeholders?

It should be noted that DNR staff had intentionally stayed out of the discussion prior to this formal request by the group. Up to this point, it had been the agency's intention to listen carefully without being directly involved in the search for consensus. With some reluctance, DNR staff worked diligently to provide answers to these questions at the next meeting.

## ***Meeting 7 Summary***

Prior to the meeting, that facilitator realized through discussion with stakeholders that there was confusion with respect to the Pineville agreement. Although proponents had previously stated that they would accept the Georgia penalties, it became clear that their intention was to support civil penalties only – meaning revocation of the right to dog deer hunt for a specified length of time. The group was not aware that Georgia's law specifies both civil and criminal penalties.

One stakeholder offered a clarification of the Pineville agreement. He prefaced his remarks by stating that he personally did not want to see any restrictions placed on dog deer hunters. Notwithstanding his personal wish he endorsed the Pineville agreement and restated each of its points. He stressed that, although the agreement did not include a land permit, he felt that his proposed regulations would change the culture of dog deer hunting in South Carolina. He argued that the risk of losing one's hunting privileges would likely be incentive enough over time for hunters to reduce the number of landowner complaints with respect to dog trespass.

He also stressed that inclusion of a land permit would result in many hunters fighting the measure politically in Columbia.

The discussion then turned to answers to specific questions posed to DNR staff at the previous meeting. The questions and DNR's responses follow:

*Q: Can DNR administer a special Dog Deer Hunting license?*

A: Yes, a small fee would be required to cover the administrative expenses. Violations could be associated with the license and would not necessarily need to affect other privileges.

*Q: Can DNR administer a "Land Permit" system similar to Georgia's?*

A: Yes, the fee would be dependent on whether or not the program included a dog deer hunting license that had a fee (likely would not need to charge for both)

*Q: Would prohibiting dog hunting on a tract of land for some period of time represent a "taking"?*

A: No. DNR Legal Staff believes that revocation of a land permit which resulted in no dog hunting on a property for some period of time would be legal given the right statutory and permitting authority. This is particularly the case if the application/permitting process involved the landowner. There are arguments out there that this would be difficult for land owners, but in order for this to work, it requires that the land owner is involved

The discussion then turned to DNR's opinion on some of the proposed models:

*What is DNR's Comment on the Pineville agreement?*

DNR believes that the recommendations reached by the dog hunters who met at Pineville will not provide sufficient relief for the concerns expressed by some stakeholders due to numerous loopholes that will not be addressed by this system

*Would the GA Law work in SC?*

DNR believes that a system similar to that found in Georgia will provide sufficient relief to the concerns expressed by some stakeholders.

Refer to Appendix 3 for "draft" language

*New Idea: Mixture of individual licensing and recipe for civil action in the event that a landowner seeks an injunction to halt dog hunting on adjacent property.*

- Result would be same as land permit without requiring land registration

The stakeholders group had also asked DNR to offer any new ideas that had not yet been considered by the group. It was clear from previous meetings that a stalemate had been reached over land permits. The group seemed eager to find a win-win proposition.

A new proposal was offered (See Appendix 6) which took the Pineville agreement and added a recipe for a civil remedy which could, in effect, take the place of a land permit. The proposal

included the awarding of attorney fees and court costs for landowners who successfully used this method. Since the civil remedy already exists, albeit not spelled out as in the new proposal, and since the new proposal addressed several of the dog hunters' complaints, it was hoped that it would be of interest to the group.

## **Recommendations**

Short of a clear set of recommendations that could be readily fashioned into legislation, the best result that could be achieved was to gauge support for various ideas. It should be noted that some support was contingent. Landowners who wanted a system similar to Georgia's were willing to accept everything in the Pineville agreement, if and only if, land permits were a part of the equation. The following represent results of a vote taken at the seventh and final meeting. Stakeholders were asked to self identify as either Dog Hunter (those who actively engage in the sport and consider themselves to be included in this group for that reason) or "Other". The Other category included landowners and still hunters, in effect, anyone who did not believe he had been appointed to express the concerns of dog deer hunters. Thirty-four stakeholders were present to vote. Twenty-three seemed to identify themselves as dog deer hunters and eleven as falling into the "other" category.

### **Percent in Agreement with Each Statement**

#### **It is the dog hunter's responsibility to keep his dog off property where it is not wanted**

Dog hunters 100%                      Others 82%

This is an important point and the fact that there is nearly unanimous agreement that everyone knows there is a problem and that the onus is on the dog deer hunter to respect property rights.

#### **It is the dog hunter's responsibility to keep his dog on property where it is supposed to be**

Dog hunters 70%                      Others 91%

While at first blush this might seem to be the same as the previous question, there is an important distinction. Dog deer hunters who are opposed to the idea of a land permit feel that the issue is dogs entering property where they are not wanted as opposed to running at large or on specific hunting tracts.

This vote does indicate that there may be some dog deer hunters who could live with a land permit scheme if it were properly structured. However, when the question is limited to land permits, most are opposed.

**Penalties should be criminal (misdemeanor) as well as civil (loss of dog deer hunting privilege)**

Dog hunters 13%

Others 82%

Not surprisingly, dog deer hunters did not want to suffer criminal penalties in the event of violations of any new regulations. They were dead set against any kind of monetary fine. They wanted repeated warnings, followed by loss of dog deer hunting privileges, and finally they would allow a loss of all hunting and fishing privileges for the most egregious offenders.

**A special license should be required for dog deer hunting**

Dog hunters 96%

Others 100%

For all intents and purposes, this can be considered unanimous support. An identification system like this does not currently exist. In many cases communities do not know exactly who the dog deer hunters are. At a very minimum, this licensing scheme would necessarily include the ethical hunters along with the rogue hunters who most of the stakeholders agree are at the root of the problem. In addition, issuance of this permit allows the state to revoke it as a form of punishment.

**The owner of a dog used in deer hunting should be identified on the dog**

Dog hunters 100%

Others 100%

All stakeholders agree that the owner of a dog used in dog deer hunting should be easily identified on the dog's collar. Information could include name, address, phone number, and the DNR customer ID number. Proper identification will not only help to identify dog deer hunters whose dogs are on property where they are not wanted, it will also help to document problems while allowing the landowner to contact the owner for retrieval. Under all proposals discussed in these stakeholder meetings, it was agreed that the landowner would need to physically catch the dog to prove any kind of violation had occurred. The Georgia law works this way.

**Failure to identify dog owner as specified in the regulations should be considered a violation**

Dog hunters 96%

Others 100%

Failure to comply with identification requirements could lead to revocation of a personal dog deer hunting privileges. Intentionally loosing dogs without proper identification would be a flagrant violation of any regulations.

**The DNR should thoroughly investigate for validity any complaints from adjacent property owners regarding hunting deer with dogs in violation of regulations**

Dog hunters 100%

Others 100%

Both sides see this as an issue that deserves the attention of DNR law enforcement. Currently, DNR law enforcement has no tool to deal with dog trespass stemming from deer hunting. While some may consider the problems stemming from dog deer hunting to be merely a

property rights issue and thus out of the jurisdiction of DNR, there was unanimous agreement that it is proper for DNR to be the first agency to respond and investigate.

**Penalties should exist for killing or harming an identifiable dog**

Dog hunters 100%                      Others 100%

Both sides agree that the dogs used in this type of hunting should not be killed or harmed in any way. Chasing deer is the dog's nature and is to be expected when the opportunity arises.

**Penalties should exist for stealing, removing, or destroying any means of identification or tracking device from any dog equipped with such device**

Dog hunters 100%                      Others 100%

Several dog hunters mentioned instances where dog collars were removed to confuse the situation or to minimize the finder's responsibility to return the animal. Furthermore, some hunters cited instances when not only were collars removed, but dogs were intentionally moved great distances from the hunt.

**A first offense shall result in a warning instead of punitive action**

Dog hunters 91%                      Others 27%

The dog deer hunters wanted a flexible system in which an offending hunter could receive numerous (approximately three) official warnings from DNR law enforcement before any punishment would take place. Landowners and still hunters were not quite as sympathetic in this regard. The question arose in the discussion as to whether DNR had a system in place to track warnings as opposed to actual citations. No such system currently exists but the stakeholders were assured by DNR that it could be created.

**The DNR has been sufficiently involved in this process.**

Dog hunters 100%                      Others 64%

The DNR's goal in this process was to listen to and observe the proceedings while being available to answer technical questions when the need arose. The answers here reflect a general sense of satisfaction with the degree to which DNR interjected itself in the process, although a relatively high proportion of those self identifying as not being dog hunters seemed to indicate that they would have liked DNR to be more involved.

## Percent in Agreement with Each Model

**Pineville Agreement**                      Dog hunters 83%      Others 9%  
**(No land permit and  
no criminal penalty)**

Landowners and still hunters did not support this model because it did not include land permits. They felt that recurring problems related to dog deer hunting on adjacent land could not be addressed if the use of the land was not in jeopardy. Again, dog hunters felt that they had compromised as far as they were willing to go and that monetary fines and land permits were unnecessary. While dog deer hunters insisted that the risk of losing one's dog deer hunting license would be enough to change the culture over time, landowners were not willing to live with a solution that seemed to them to be arbitrary, non-specific, and relatively easy to defeat due to loopholes.

**Club/Group Permit**                      Dog hunters 9%                      Other 45%  
**(No land permit, Group liability)**

The idea of a club or group permit surfaced in the discussion of the group. It seemed to lose some of its luster when stakeholders considered the fact that a hunter on the roster could lose his or her hunting privileges if the group misbehaved, whether or not that person was even involved in the situation. To some however, the notion of a group liability was appealing. Dog deer hunting is, after all, a group sport.

**Civil Remedy**                              Dog hunters 4%                      Other 0%  
**(Civil remedy takes the  
place of the land permit)**

There was virtually no interest in the combination of the Pineville agreement with a recipe for the civil remedy. Dog deer hunters seemed opposed to any scheme which affected the land and landowners did not seem to like the fact that they would need to proactively sue the offending parties and endure the hassle of going to court. Landowners and still hunters seemed to think that dog deer hunting is an issue in which DNR law enforcement should be involved and should consequently do the heavy lifting when it came to enforcement.

**Modified Georgia Law**                      Dog hunters 17%      Other 82%  
**(No minimum acreage,  
no numbers on trucks)**

Nearly all the landowners and still hunters and even a few dog deer hunters could live with regulations similar to those used in Georgia. While land permits along with minimum acreage requirements are heavily featured in the Georgia law, landowners and still hunters were willing to give up the minimum acreage requirement. Minimum acreage requirements did not seem necessary if dogs were not found on property where they were not wanted. In fact, John

Bowers of the Georgia DNR freely admitted to the group during his presentation, that if he had it to do all over again, he would have omitted acreage requirements from the Georgia's law.

## Conclusion

This group of concerned citizens is to be commended for working so hard at their own expense to attempt to find consensus recommendation on an issue that has been discussed and debated for decades. As South Carolina increasingly confronts demographic changes and resultant fragmentation of what were previously large continuous tracts of land for dog deer hunting, this issue will continue to be the source of heated discussion.

At the root of the problem is a competition of values between dog deer hunters and landowners. Proponents of dog hunting point to the tradition of involving young hunters and using the opportunity to stress issues of ethical hunting. Many also argue that this traditional form of hunting complements other deer management practices. While they are aware that issues of property rights are involved, many feel as though such rights are not as important when compared to preserving a southern tradition. They argue that property rights are not absolute and that they themselves are restricted from doing whatever they please on their own land.

Landowners, on the other hand, expect to be able to enjoy their property without the interference of others. Landowners have complained of property damage, along with interference with deer management practices aimed at improving still hunting. They counter the argument that property rights are not absolute by pointing out that having restrictions on one's own property does not automatically imply that the property rights of others must take a backseat to dog deer hunting.

These competing values reflect changes that are taking place in South Carolina. Abundant wildlife, picturesque scenery, relatively low property values, a generally favorable climate, and a high quality of life will continue to attract Americans from other parts of the country who seek a better place to raise their families or to spend their golden years. Consequently, the clash between dog deer hunters and landowners or still hunters should be expected to increase. Absent any changes to the status quo, the DNR and members of the state legislature can be expected to receive more contacts related to this issue.

The key question for the legislature is "Who will you disappoint?" The stakeholders involved in this project sought to find enough common ground to create a win-win situation. The failure of this group to do so indicates that such a compromise may not be attainable. There are several factors that contributed to this inability to reach consensus.

The first has to do with the characteristics or makeup of the group. Many in the field of public issues management and facilitation argue that the group which the organizer chooses



necessarily impacts the solution. When trying to resolve a complex problem, it is important to ensure early on that all critical stakeholders are present and represent their concerns (Howe 2008). In the case of the dog deer stakeholder working group, members of the group were nominated by members of the legislature or by the DNR itself. While every attempt was made to include a somewhat even number of people on both sides of the deer dog debate this, in hindsight, did not occur. Ultimately, as a simple artifact of the appointment process, the group was made up of two-thirds dog deer hunters and one-third landowners and still hunters. Had the numbers been more equal, it may have been easier to reach consensus.

The second factor contributing to the group's inability to reach consensus was the lack of a sense of urgency. When a problem demands immediate action in the minds of participants, they are more likely to think of common interests rather than remain locked into a position. No such condition of urgency seemed to be felt by many in this group. For example, many dog deer hunters seem to feel that their political position with certain members of the state legislature is strong. They seem confident that their Representatives and Senators will not vote for any legislation that they did not support or that will ultimately kill the sport. This confidence was apparent when a majority of dog deer hunters refused to accept any new law that included land permits.

It is also true that collaboration requires a strong sense among stakeholders that they cannot obtain the desired results on their own. When a group facing a public issue like dog deer hunting includes members who feel they do not need to give anything up in the group setting, it is hard to reach consensus. This position was not limited to dog deer hunters. Some landowners and still hunters held tightly to their demand for land permits because they also felt that, in the absence of a negotiated agreement, their best alternative would be to petition legislators and demand that changes be made.

Finally, this is not an issue where everyone can be expected to be happy with the result. If a bill is introduced that mirrors what Georgia did (including land permits), one should expect a large and vocal opposition from dog deer hunters. They are passionate about what they see as the possible loss of yet another freedom that is integral to their way of life.

If nothing happens, the legislature and the DNR can expect to continue to receive complaints when hunting dogs run afoul of private property rights. Landowners and still hunters are equally passionate about government's vital role in protecting property rights. While this stakeholder group did not reach consensus, the discussion and ideas generated should inform any eventual legislation of dog deer hunting and contribute to a more widely acceptable outcome.

## References

Harshman, Steve. "Team Training: From Startup to High Performance". New York: McGraw-Hill, 1995. pp 61-70.

Howe, Jeff and Jim Browyer, Kathryn Fernholz, Alison Lindburg, Steve Bratkovich, . "Creating Collaboration Out of Chaos: Using Conflict Resolution Process to Bring Diverse Groups Together". Dovetail Partners, Inc. 10/21/2008  
<<http://www.dovetailinc.org/reportView.php?action=displayReport&reportID=90>>.

## Appendices

### *Appendix 1: List of Stakeholder Participants*

The following stakeholders attended at least one meeting:

Dr. Byron Bailey	Mr. Scott Major
Dr. Baynard Boykin	Mr. Willie McCutchen
Dr. Frank Boysia, Sr.	Mr. David McKee
Mr. Frank Boysia	Mr. Griffin Miller
Mr. Campbell Coxe	Mr. Joey Moore
Mr. Bobby Creech	Mr. Ed Muckenfuss
Mr. James Dew	Mr. Jack Oliver
Mr. Marty Easler	Mr. Bobby Padgett
Mr. Carl Fischer	Mr. Dell Parsons
Mr. Randy Floyd	Mr. Woody Richardson
Mr. Tim Ford	Mr. Chip Salak
Mr. Norman Foxworth	Mr. James "Big Jim" Simmons
Hon. Marion Frye	Mr. Philip Smith
Mr. Alfred Givens	Dr. Cleve Smith
Mr. Sel Hemingway	Mr. Van Stickle
Mr. Rick Hemingway	Mr. Edward Stroman
Mr. Albert James, III	Mr. Hunter Suggs
Mr. Derek Johnson	Mr. Tim Taylor
Hon. Patsy Knight	Mr. Rick Thomas
Mr. Jimmy Lee	Mr. Bunn Tyson
Mr. Bert Loadholt	Mr. Step Wiles
Mr. Thomas Lukacs	Mr. Alan Wilson
Mr. Fred Luxmore	Mr. Joel W. Wilson

## ***Appendix 2: The Georgia Dog Deer Hunting Law***

TITLE 27. GAME AND FISH  
CHAPTER 3. WILDLIFE GENERALLY  
ARTICLE 1. HUNTING  
PART 1. GENERAL PROVISIONS

O.C.G.A. § 27-3-17 (2007)

§ 27-3-17. Hunting deer with dogs; seasons; permit required

(a) It shall be unlawful to hunt deer with dogs except during such special open seasons for the hunting of deer with dogs as may be designated by the board on a state-wide, regional, or local basis.

(b) In accordance with subsection (a) of this Code section, the board is authorized to promulgate rules and regulations establishing an open season for the hunting of deer with dogs as may be appropriate based on sound wildlife management principles.

(c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property unless a permit for hunting deer with dogs has been issued by the department for such tract to the owner or owners of such tract or the lessee of deer hunting rights for such tract. A permit for hunting deer with dogs shall not be issued to a lessee of deer hunting rights for any tract of real property that is less than 1,000 contiguous acres or to the property owner or owners for any tract of real property that is less than 250 contiguous acres. Any application for a permit for hunting deer with dogs shall be on such form as prescribed by the department and shall include a written description of the tract boundaries and a map showing key features such as public roads or streams on or bordering the tract and occupied dwellings on adjacent properties. The application must be signed by all persons owning any portion of the tract of real property or an authorized agent thereof.

(d) The owner of any dog that is used for hunting deer must cause such dog to be identified at all times during the hunt with the permit number for the tract being hunted.

(e) Any person operating a motor vehicle used in conducting a deer hunt with dogs shall during such hunt clearly display in the front or rear windshield of such motor vehicle a decal or card showing the tract permit number in numerals not less than two inches high.

(f) The department shall thoroughly investigate for validity any complaints from adjacent property owners regarding hunting deer with dogs in violation of this title or rules and regulations issued pursuant to this title. The commissioner may take action against a permit as provided by Code Section 27-2-25 for violations of the provisions of this title or rules and

regulations issued pursuant to this title occurring on the tract of real property for which the permit was issued.

(g) Any person 16 years of age or older, including without limitation any person hunting on his or her own property, who hunts deer with dogs must obtain and possess a deer-dog hunting license in addition to all other required hunting licenses and permits. The license fee for such deer-dog license shall be \$5.00 for a one-year period, except that there shall be no charge for any holder of a valid honorary hunting license, sportsman's license, or lifetime sportsman's license issued pursuant to this title.

(h) In addition to the provisions of subsection (f) of this Code section, the commissioner may revoke a deer-dog license for any hunter who, within a single hunting season, commits two or more violations of dogs off of permitted property.

**HISTORY:** Ga. L. 1955, p. 483, § 58; Code 1933, § 45-515, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 2003, p. 654, § 11; Ga. L. 2005, p. 655, § 2/SB 206; Ga. L. 2006, p. 502, § 1/ HB 1424.

**Georgia Dog Hunting Regulations - 391-4-2-.17 Hunting Deer with Dogs.**

(1) Permit Requirements. An owner or owners of such eligible tracts of land or lessee of deer hunting rights for such eligible tracts desiring to hunt deer with dogs may do so only if said owner or lessee shall have first applied for and been issued a permit by the Wildlife Resources Division of the Department of Natural Resources. The hunting of deer with dogs subsequent to the receipt of said permit shall be strictly in accordance with the conditions of that permit and shall be authorized only during times and locations as described in 391-4-2-.26(6).

(2) Definitions. As used in these Rules and Regulations, the following terms are defined as follows:

(a) "Contiguous acres" means a single unit of land described on an application for a permit to hunt deer with dogs that may include multiple ownerships and may be transected by public roads, creeks, rivers, or rights-of-way of any public service corporation.

(b) "Eligible tracts" are those tracts of real property that contain a minimum of 1000 contiguous acres or a minimum of 250 contiguous acres owned by the applicant; provided, however, that any eligible tract or any part thereof which was included in an application for a permit pursuant to this Chapter which has been the subject of a revocation or non-renewal pursuant to O.C.G.A. §27-2-25 shall not be eligible for inclusion in any subsequent application for a permit for a period up to 2 years regardless of a change in the name or membership of the applicant until the expiration period of revocation or non-renewal.

(c) "Hunting deer with dogs" shall include the act of placing, releasing or in any other manner causing or procuring the cause of dog(s) to be, or attempting to be, in the pursuit of running, trailing or baying deer, whether such act results in a taking or attempted taking or not. Once

the owner of the dog(s), his agents, or permittees place, release or otherwise cause dog(s) to be in the pursuit of running, trailing or baying deer, then the owner, his agents or permittees shall be deemed to be "hunting deer with dogs" until such time that the dog owner, his agents or permittees have regained physical possession and control of the dog(s), or the dog(s) have otherwise ceased in the pursuit or attempted pursuit of running, trailing or baying deer.

(3) Application for Permit.

(a) The applicant must be the landowner or lessee of deer hunting rights, if applicable, for the eligible tract being considered for a permit.

(b) An application must be on a form provided by the Department. Completed forms must include:

1. Name, social security number or federal identification number if the applicant is a corporation or other entity, address and telephone number of applicant;
2. List of hunters who are allowed to hunt on the permitted property;
3. Printed name and signatures of all persons owning any portion of the eligible tract or an authorized agent thereof. Copies of notarized leases with wording authorizing the use of dogs for hunting deer may substitute for respective signatures on the application form;
4. A written description of the eligible tract boundaries and associated acreage. Acceptable documents are limited to certified plats, recorded deeds, surveys, tax maps or notarized leases;
5. A map showing key features including the boundary of the eligible tract; public roads, streams and rights-of-way on or bordering property, occupied dwellings on adjacent property, and the points of access from public roads that are to be used by hunters and guests.

(4) Issuance of Permits.

(a) Complete permit applications must be received at least 30 days prior to the first day for hunting deer with dogs on an eligible tract.

(b) The following occurrences shall be a violation of this Chapter:

1. Entry into or exit from, the permitted property for any purpose other than points of access from public roads marked on the application map without the express written permission of the adjacent landowner upon whose land entry or exit is made. The express written permission of the adjacent landowner or a copy thereof must be carried on the person making the entry or exit.
2. Failure to control hunting dogs to keep them on the permitted property.

3. Interference with the right of any person to freely and in an unrestricted manner, travel any public road or stream transecting or bordering the permitted property.

(c) Based on the factors set forth in subparagraph (b) above, a permit shall contain limitations or conditions on the following:

1. All hunters authorized under the permit must insure that all dogs used in hunting deer remain on the permitted property at all times.

2. Permittee, hunters, and guests may not enter upon properties not covered under the permit while hunting or retrieving hunting dogs without the express written permission of the landowner. The express written permission of the adjacent landowner or a copy thereof must be carried on the person making the entry or exit.

3. All permittees, hunters, and guests must abide by all applicable rules, regulations and laws governing hunting.

4. Any person not included on the membership list provided with the application for the permit and hunting under the authority of the permit shall be considered a guest of the permittee and must possess written permission on his or her person from the permittee.

(5) Hunting Deer with Dogs on Permitted Tracts.

(a) Any person 16 years of age or older who is engaged in the activity of hunting deer with dogs must possess a valid deer-dog hunting license.

(b) The owner of any dog that is used for hunting deer must cause such dog to be identified at all times during the hunt with the owner's name and permit number for the tract being hunted;

(c) Any person operating a motor vehicle used in conducting a deer hunt with dogs shall during such hunt clearly display in the front or rear windshield of such motor vehicle a decal or card showing the tract permit number in numerals not less than two inches high. Motor vehicles that lack front or back windshields being used in conducting a deer hunt with dogs shall during such hunt clearly display the tract permit number in numerals not less than two inches high in a prominent and visible location on the front or back of the vehicle.

(6) Expiration of Permit. The permit will expire on 30 June next following the date the permit is issued or by the date specified, whichever comes first.

(7) Violation of Permits. Violation of any of the terms and/or conditions of a permit or of this Chapter, including the submission of false information on said application, shall make said permit invalid and deer hunters hunting under authority of that permit may be considered to be hunting in violation of the Rules and Regulations authorizing the hunting of deer with dogs.

(8) Revocation and Denial of Permits and Licenses.

(a) The commissioner may take action against a permit as provided in O.C.G.A. §27-2-25 for violations of the provisions of O.C.G.A. Title 27 or of rules and regulations issued pursuant to O.C.G.A. Title 27.

(b) The commissioner may revoke a deer-dog license of any hunter who, within a single hunting season, commits two or more violations of paragraph (4) (b) (2) of this Chapter.

(c) For purposes of this Chapter only, a serious violation or habitual violations of laws, rules and regulations or conditions of a permit while engaged in deer hunting with dog activities on or commencing from permitted tracts provide justification for revocation and or denial of permitted activities.

(d) The Commissioner, pursuant to O.C.G.A. §50-13-18(c)(1) may, upon a finding that the public health, safety, or welfare imperatively requires emergency action, incorporate such a finding into his order and order a summary suspension of a permit pending proceedings for revocation or other action, which proceeding shall be promptly instituted and determined. Evidence of physical harm or threats of physical harm to adjacent landowners, interference with the free and unrestricted travel of public roads or streams, significant destruction of the property of adjacent landowners or multiple violations of a permit in a single season shall be sufficient for a finding that the public health, safety, or welfare imperatively requires emergency action.

(e) Revocation or denial of a permit shall be for an eligible tract in its entirety, regardless of size and shall be in effect for a period of up to two years.

Authority O.C.G.A. Sec. 27-1-4.

History. Original Rule entitled "Game Animals" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. Aug. 11, 1974.

Repealed: New Rule entitled "Game Birds" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: F. Sept. 14, 1977; eff. Oct. 4, 1977.

Amended: New Rule entitled "Use of Crossbows for Hunting" adopted. F. June 2, 1994; eff. June 22, 1994.

Amended: F. May 29, 2001; eff. June 18, 2001.

Repealed: F. June 4, 2002; eff. June 24, 2002.

Amended: New Rule entitled "Hunting Deer With Dogs" adopted. F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 25, 2006; eff. Sept. 14, 2006.



### ***Appendix 3: Draft of South Carolina Version of Georgia Law***

#### **Hunting Deer with Dogs**

- (A) For the purposes of this section, “hunting deer with a dog” includes:
- (1) the act of releasing or in any other way causing a dog to attempt to pursue or be in pursuit of deer; or
  - (2) taking or attempting to take deer by aid of a dog; or
  - (3) participating in the pursuit of deer with a dog; or
  - (4) a person who possesses a shotgun with buckshot on a public road or railroad right-of-way. “Possession” does not include a or shotgun contained in a closed compartment, closed vehicle trunk, or a vehicle traveling on a public road; and
  - (5) for all of the above, a person must be considered hunting deer with a dog until such time that the dog owner or his agent regains physical possession and control of the dog.
- (B) Any person hunting deer with a dog must cause the dog to be identified with a collar bearing the dog owner’s name and telephone number. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than 30 days.
- (C) Any dog in pursuit of deer, on property for which the dog’s owner does not have permission to hunt, that is found without a collar or without the name and telephone number of the owner on the collar may be considered to be “running at large” and may be impounded under Section 47-3-40 at the request of the property owner (how the owner gets the dog back is found in 47-3-40).
- (D) Any dog with identifiable owner information that is in pursuit of deer is not considered to be “running at large” and if restrained must be treated humanely and the owner of the dog must be notified within twenty-four hours. If the owner of the dog can not be notified local authorities must be notified within the same twenty-four hour period (need to insert misdemeanor violation for no notification). Any dog with identifiable owner information must be surrendered to the owner or his agent. In order to reclaim the dog the owner or his agent must:
- (1) acknowledge ownership of the dog; and
  - (2) pay the person restraining the dog the sum of fifty dollars; and
  - (3) furnish to the person restraining the dog the owner’s name and address and identify the property from which the dog originated.
- (E) The owner of a dog in pursuit of deer that enters onto property for which the dog’s owner does not have permission to hunt is subject to civil action by the owner of the property onto which the dog has entered. Damages for the first offence will be presumed to be one-hundred dollars per occurrence. For a second occurrence within three months by the same owner’s dog(s) damages are presumed to be two-hundred dollars per occurrence up to a maximum of

one-thousand dollars. These actions are non-jury matters and the magistrate has concurrent jurisdiction.

(F) For five or more occurrences on the same day or more than five occurrences involving the same dog(s) owner within three months, the activity is declared to be a public nuisance and the landowner may enjoin the activity and have a cause of action against both the dog(s) owner(s) and the owner(s) of land on which the dogs originated. Liability is established by proof of an intrusion by the dog(s) and damages are presumed to be an amount equal to one fifth of the current assessed value of the land owner's entire property. (Need wording on injunction to stop dog hunting on the land as alternative to monetary damages. Also, if you go the injunction route you may need to be able to seek some form of damage from the dog owner)

(G) The prevailing party in any action brought pursuant to this section is entitled to the costs of the action and attorneys fees.

(H) It is unlawful to steal, harm, or kill any dog in pursuit of deer that has identifiable owner information or to remove or destroy any means of identification or tracking device from such dog. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction must be fined not less than five hundred dollars nor more than ten thousand dollars or imprisoned for no less than 30 days nor more than six months, or both per offense. In addition, each person convicted of a violation of this section shall pay restitution to the legal owner of the dog as determined in the discretion of the court.

## ***Appendix 4: Club/Group Permit Model***

### **Hunting Deer with Dogs**

Any person or group desiring to hunt deer with dogs must register (*like doe quota*) the tracks of land to be hunted and each individual hunter must obtain a deer hunting license. Hunting deer with dogs shall be strictly in accordance with the following regulations and shall be authorized only during times and locations as described in SCDNR hunting regulations.

#### **Definitions**

As used in these Rules and Regulations, the following terms are defined as follows:

“Hunting deer with dogs” shall include the act of placing, releasing or in any other manner causing or procuring the cause of dog(s) to be, or attempting to be, in the pursuit of running, trailing or baying deer, whether such act results in a taking or attempted taking or not. Once the owner of the dog(s), his agents, or registered groups place, release or otherwise cause dog(s) to be in the pursuit of running, trailing or baying deer, then the owner, his agents or registered groups shall be deemed to be “hunting deer with dogs” until such time that the dog owner, his agents or registered groups have regained physical possession and control of the dog(s), or the dog(s) have otherwise ceased in the pursuit or attempted pursuit of running, trailing or baying deer.

#### **Registration of Hunting Groups**

- The applicant must be the representative of the group considered for a registration.
- An application must be on a form provided by the Department. Completed forms must include:
  1. Name, social security number or federal identification number if the applicant is a corporation or other entity, address and telephone number of applicant;
  2. List of hunters who are allowed to hunt on the registered property;
  3. Tax map numbers and printed name and addresses of all persons owning any portion of the eligible tract or an authorized agent thereof.

#### **Issuance of Registration Numbers**

- Complete permit applications must be received at least 30 days prior to the first day for hunting deer with dogs on an eligible tract. One day registration of property may be done online or over the phone and will require a fee of \$20.00.
- The following occurrences shall be a violation of this Chapter:
  1. Failure to control hunting dogs to keep them on the permitted property.

- Based on the factors set forth above, registration of a group shall contain limitations or conditions on the following:
  1. All hunters in the group must insure that all dogs used in hunting deer remain on the permitted property at all times.
  2. Registered group, hunters, and guests may not enter upon properties not registered while hunting or retrieving hunting dogs without the express written permission of the landowner. The express written permission of the adjacent landowner or a copy thereof must be carried on the person making the entry or exit.
  3. All groups, hunters, and guests must abide by all applicable rules, regulations and laws governing hunting.
  4. Any person not included on the membership list provided with the application for registration and hunting under the authority of the registration shall be considered a guest of the group and must possess written permission on his or her person from the group.

#### **Hunting Deer with Dogs on Registered Tracts**

- Any person 16 years of age or older who is engaged in the activity of hunting deer with dogs must possess a valid deer-dog hunting license.
- The owner of any dog that is used for hunting deer must cause such dog to be identified at all times during the hunt with the owner's name and registration number for the tract being hunted;
- Expiration of Registration The registration of the group will expire on 30 June next following the date the registration is issued or by the date specified, whichever comes first.
- Violation of Registration. Violation of any of the terms and/or conditions of a registration, including the submission of false information on said application, shall make said registration invalid and deer hunters hunting under authority of that registration may be considered to be hunting in violation of the Rules and Regulations authorizing the hunting of deer with dogs.

#### **Revocation and Denial of Registration and Licenses**

- The commission (*could be a review board appointed by the commission*) may take action against a permit as provided in rules and regulations issued.
- The commission may revoke a deer-dog license of any hunter who, within a single hunting season, commits two or more violations.

- Serious violations or habitual violations of laws, rules and regulations while engaged in deer hunting with dog activities on or commencing from registered tracts provide justification for revocation and or denial of dog deer hunting activities.
- The Commission may, upon a finding that the public health, safety, or welfare imperatively requires emergency action, incorporate such a finding into their order and order a summary suspension of a registration pending proceedings for revocation or other action, which proceeding shall be promptly instituted and determined. Evidence of physical harm or threats of physical harm to adjacent land owners, interference with the free and unrestricted travel of public roads or streams, significant destruction of the property of adjacent landowners or multiple violations in a single season shall be sufficient for a finding that the public health, safety, or welfare imperatively requires emergency action.
- Revocation or denial of a registration of a group shall be for one calendar year.

## ***Appendix 5: Pineville Agreement***

- Individual dog hunter license/permit required for anyone participating in the taking of deer with dogs (suggested maximum of \$5 )
- Proper/sufficient identification of dogs to clearly indicate the owner
- Dog hunter is responsible for keeping the dog(s) off of property where they are not wanted (as opposed to keeping them on a certain tract)
- Violations of this law can result in the suspension of hunter's privilege to participate in the hunting of deer with dogs (whether or not he is using his own dogs).
- Suspension would be for the remainder of the current season and all of the following season.
- Trigger for the suspension would be third violation within one season, at discretion of DNR (i.e., first two violations would result in warnings; third violation could result in suspension if so deemed by DNR).
- No monetary fines. Deterrent/penalty is loss of hunting privilege
- Persons found guilty of hunting deer with dogs after suspension could lose **all** hunting privileges for two years
- Land owner/still hunter (or DNR) holding a dog under the provisions of this law must notify the dog's owner within six hours of apprehending the dog. Notification must contain instructions for retrieving the dog.
- No minimum acreage requirement
- No land/club permit

## **Appendix 6: Pineville Agreement with Civil Remedy**

### **Hunting Deer with Dogs**

(A) For the purposes of this section, “hunting deer with a dog” includes:

- (i) the act of casting, releasing or causing a dog to seek or pursue deer whether such act results in a taking or an attempted taking of the deer or;
- (ii) taking or attempting to take deer by aid of a dog or;
- (iii) participating in the pursuit of deer with a dog. For all of the above, a person must be considered hunting deer with a dog until such time that the dog owner or his agent regains physical possession and control of the dog.

(B) For the purposes of this section, “occurrence” means an intrusion onto private property by a dog or dogs where the dog is not wanted.

(C) Any person 16 years or older who is hunting deer with a dog must possess a valid Deer-dog Hunting License issued by the department at a cost of five dollars and at no cost for Gratis and Lifetime License holders. Revenue generated from the sale of Deer-dog Hunting Licenses must be used to administer the licensing program.

(D) Any person hunting deer with a dog must cause the dog to be identified with a collar bearing the dog owner’s name, telephone number, and the Department’s customer identification number. **No person may alternate collars to circumvent the provisions of this section.** A person violating the provisions of this sub-section is guilty of a misdemeanor and, upon conviction must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than 30 days.

**(E) The owner of a hunting dog must insure that the dog does not intrude onto private property where the dog is not wanted. The Department may suspend for twelve months the deer dog hunting license of any dog owner whose dog(s) are proved to the satisfaction of the Department to be on private property where they are not wanted on five separate days during the same hunting season.**

(F) It is unlawful to hunt deer with dogs while under suspension. ~~A person convicted of hunting deer with dogs while under suspension is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days. In addition to any other penalty,~~ A person convicted of hunting deer with dogs while under suspension forfeits all hunting and fishing privileges for a period of one year from the date of conviction.

(G) The provisions of subsections B, C, And D do not apply to a person on property that the person has permission to hunt who is accompanied by a single dog in an attempt to recover a

dead or wounded deer. As used in this section “accompanied by” means in sight or voice contact with the dog.

(H) Any dog, whether in pursuit of deer or not, found on property on which the dog is not wanted, that has no collar or has a collar that does not have the name and telephone number of the owner on the collar may be considered to be “running at large” and may be impounded under Section 47-3-40 at the request of the property owner.

[how the owner gets the dog back is found in 47-3-40].

(I) Any dog with identifiable owner information is not considered to be “running at large” and if restrained must be treated humanely; the owner of the dog or animal control must be notified within twenty-four hours. Any person restraining a dog with identifiable owner information must surrender the dog to the owner or his agent. In order to reclaim the dog the owner or his agent must:

(4) acknowledge ownership of the dog; and

(5) furnish to the person restraining the dog the owner’s name and address and identify the property on which the dog was supposed to be.

The person restraining the dog may waive these requirements.

**(J) It shall be a public nuisance for a hunting dog or dogs originating from the same tract of land to be on land of the same injured landowner more than five days times during the same hunting season. Liability is established by proof of the requisite five occurrences by the preponderance of the evidence. Provided, however, the liability of the owner(s) of the land where the dogs originated, shall be limited to an injunction for one year against allowing use of the land for hunting deer with dogs.**

(L) The prevailing party in any action brought pursuant to Section K is entitled to the costs of the action and attorneys fees.

(M) Strike 47-3-510 and replace with;

Sporting (hunting) dogs being used in legal hunting are not considered at-large and are not required to be restrained by a leash.

(N) Repeal 50-11-780; 47-3-520

(O) Penalties for stealing or-killing or harming an identifiable dog.

Strike 47-3-530 and replace with:

(A) ~~Any person stealing~~ It is unlawful to steal, or harm any positively identifiable dog (any dog that has identifiable owner information). Any person violating the provisions of this subsection is guilty of a misdemeanor and upon conviction must be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not less than thirty days nor more than six months, or both. The above does not apply to a dog threatening to



cause or causing personal injury or property damage or in violation of animal control laws.

(B) It shall be unlawful to steal, ~~harm, harass, maim, kill,~~ or to remove and or destroy any means of identification or tracking device from any dog equipped with such device ~~actively engaged in legal hunting of game.~~

A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than ten thousand dollars and or imprisoned for no less than 30 days nor more than six months, or both per offense. ~~Hunting and fishing privileges of a person convicted under the provisions of this section must be suspended for no less than three years.~~ In addition, each person convicted of a violation of this section shall pay restitution to the legal owner of the dog as determined in the discretion of the court.

~~The above does not apply to the killing of a dog threatening to cause or causing personal injury or property damage.~~

## **Appendix 7: S. 706 – The Gregory Bill**

A BILL

TO AMEND ARTICLE 3, CHAPTER 11, TITLE 50 OF THE 1976 CODE BY ADDING SECTION 50-11-320, TO PROVIDE THAT IT IS UNLAWFUL TO HUNT DEER WITH A DOG WITHOUT A PERMIT, TO PROVIDE THE PERMITTING PROCEDURE, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-320. (A) For the purposes of this section, ‘hunting deer with a dog’ includes:

- (1) the act of casting or releasing a dog in an attempt to pursue deer regardless of whether such act results in a taking; or
- (2) attempting to take deer by aid of a dog.

A person who casts, releases, or otherwise causes a dog to be in pursuit of deer is hunting deer with a dog until such time that the person regains physical possession and control of the dog.

(B) It is unlawful for any person to hunt deer with a dog on any tract of real property that the person knows or should know does not have an annual permit for hunting deer with a dog that has been issued by the department to the owner, owners, or the lessee of deer hunting rights for the tract. A permit for hunting deer with a dog may not be issued for any tract of real property that is less than one thousand contiguous acres.

(C) It is unlawful for the owner of a tract of real property to knowingly allow another person to violate a provision of this section on the owner’s land. Upon a second or subsequent conviction for violating this subsection, the department shall revoke the owner’s permit for a period of two years.

(D) An applicant for a permit for hunting deer with a dog must complete an application prescribed by the department. The application must include a written description of the property or properties and a map or other document showing the property’s boundaries. All persons owning any portion of the property, or their authorized agent, must sign the application. A fee of fifty dollars must accompany each application. Revenue generated from permits for hunting deer with a dog must be used to administer the permitting program and for law enforcement related to deer.

(E) Any person using a motor vehicle while using a dog to hunt deer must clearly display, in a prominent and visible location on the front or back windshield or the front or back of the vehicle, a decal or card showing the tract permit number in numerals not less than two inches high.

(F) Any person hunting deer with a dog must cause each dog to be identified at all times during the hunt with the owner's name and permit number for the tract being hunted. Each dog must remain on the permitted tract being hunted.

(G) The provisions of this section do not apply to hunting deer with a dog on Wildlife Management Area lands if done in accordance with department regulations, on federal installations in accordance with federal regulations, or to an individual accompanied by a single dog in an attempt to recover a dead or wounded deer. As used in this subsection 'accompanied by' means in sight or in voice contact with the dog.

(H) Any person convicted of violating a provision of this section is guilty of a misdemeanor and upon conviction must be fined not more than five hundred dollars or imprisoned for not more than thirty days."

SECTION 2. This act takes effect upon approval by the Governor.  
---XX---