

MEMORANDUM

**TO: Board of County Commissioners
Frank W. Clifton, County Manager**

FROM: Gwen Harvey, Assistant County Manager

SUBJECT: Hunters "Dogging Deer"

DATE: November 5, 2009

This memorandum is an information update on staff efforts in response to complaints from two (2) citizens during the fall/winter 2008-09 concerning hunters who use dogs to hunt deer in the unincorporated areas of the County. Complaints centered upon deer hunters who:

- Lived outside the County but leased hunting land in the County
- Allowed their dogs to run through adjacent private properties and follow behind them, trespassing and disrespecting the property rights of others
- Used GPS collars on the dogs, further luring the hunter across private un-leased property

In February 2009, the County Manager's Office convened a meeting that included representatives from the NC Wildlife Resource Commission (WRC), the Sheriff's Department, Animal Services, Planning, Legal, and County Management. Major points of discussion were:

- History, custom and tradition – Orange County is roughly divided in half – south of I-40 hunting dogs with deer is prohibited. This line was drawn in the late '40s through State legislative action. In 1979 Alamance County received legislative permission to prohibit dogging deer; Durham County received the same in 2001.
- Protecting personal property and public safety – for property owners, neighborhoods, hunters and the dogs
- "Due Process" – hunters who dog deer and the landowners who lease or allow their land to be used to hunt deer should be included in future dialog
- Legislative Approval would be required to further restrict hunting in Orange County – stakeholders would have to be informed and public meetings organized as prologue to any request by the BOCC for state authority

When the BOCC Legislative Agenda Committee met in the spring 2009 to consider its recommendations to the full BOCC and State delegation for consideration in the summer of 2009, the issue of bringing forth a request to

prohibit dogging deer was tentatively raised. One Orange County citizen had already contacted Representative Faison and Senator Kinnaird with this thought in mind. The BOCC Legislative Agenda Committee asked Legal to review the background behind the Alamance and Durham County actions and for County Management to continue its outreach to the hunting community.

On November 4, 2009, County Management convened a meeting consisting of members from the hunt clubs in Orange County that dog deer along with the Sheriff, Animal Services Director, a WRC Officer, and the Staff Attorney. An Orange County resident who makes his land available for hunters from outside the immediate area also participated.

There were only two (2) complaints made to the BOCC in 2008/2009 about dogging deer. The Sheriff reported only one (1) complaint about hunting with dogs to his Department over a five-year period. The WRC Officer indicated that there were ten (10) tracked complaints involving deer throughout his district in 2008, but indicated no violations or citations issued during 2008. He explained the challenges of enforcing certain hunting regulations and indicated that he received more informal complaints that clustered in a particular area of the County known for deer hunting with dogs by non-residents.

A lively but respectful conversation ensued between the hunters and County officials around the items of history, custom and tradition; property rights and public safety; and due process. Feedback from the hunting community is summarized below:

- The Caldwell Hunting Club is the oldest (since 1979) and largest organized club in the County that use dog to hunt deer. They abide by State and local statutes that require written permission from the land owner to hunt on private property. They have standards of conduct, approved by-laws, and "police" their own members. They assert "a hunter will not shoot on private land; but can't guarantee the dogs won't cross over private land" (i.e.; land for which there is no written permission.) They also said their members would not pursue a dog onto properties adjacent to the ones they have permission to hunt carrying a firearm.
- The Triad Club, it was alleged, is "the outlier" or offending club, comprised of persons who live outside of Orange County but who lease private land from Orange County landowners. Triad Club members were said to be the ones creating trouble for those who are responsible and do the right thing. The Triad Club was reported to operate mostly along Wilkerson Road, Hurdle Mills Road, Tapp Road, Hester Road, and Walnut Grove Church Road.
- The hunters felt their club and service activities helped fuel the local economy and provide family-centric recreation: the land leased, the supplies purchased, the meals eaten, and other charitable acts.

- They felt that without their deer hunting or “harvesting”, the deer population would be less controlled and there would be greater damage to local farm crops and vehicle collisions. It was noted that otherwise farmers would obtain more permits to thin the deer population, and that during the summer months the meat would be left to rot rather than be consumed as it is during the hunting season. (In more informal conversation, the WRC Officer noted to staff that he issues only a handful of depredation permits north of I-85 by comparison with the twenty-plus permits he issues in the southern part of the County.)
- They also felt their use of GPS collars on the dogs helped manage and direct their “chase” more effectively and safely than otherwise would be the case; and the collars were not “shock” or control collars as members of the non-hunting public might suspect.
- The hunters in attendance strongly urged the County not to take away their ability to hunt deer with dogs; i.e., seek legislation similar to Alamance and Durham County. They instead called upon citizens with complaints to call upon Fish and Wildlife and law enforcement to respond and take appropriate action against offenders.

As a result the hunters, State and County representatives discussed ideas and alternatives for addressing trouble spots (outside of outright prohibition) and came to the following understanding and agreements.

- WRC would step up its monitoring efforts, particularly in the areas known to be hunted by the Triad Club, and educational outreach to the extent practical within resources.
- The Sheriff would remain cognizant and aggressive in response to citizen complaints and advising hunters on local law and protocol.
- The hunters would increase their own vigilance surrounding safety, courtesy, respect, and peer pressure to hunt responsibly.
- County Management would provide a meeting report (this memorandum) to the Board.

This memorandum is provided as “information only” to the BOCC. Should there be the need for further action at this time the BOCC is asked to advise County Management.

Attachment

Sign-In Sheet from Meeting

November 4, 2009 Meeting Attendees

Dave Hughes
Steve Hamlin
Mac McDade
Tommy Hamlin
Jimmy Wade
Forrest Orr
Earl Brown
Lamar Chapman
Bob Marotto
Mike Rimmer
Sheriff Lindy Pendergrass
Annette Moore
Gwen Harvey