



# *Virginia Hunting Dog Alliance*

## *Powhatan, Virginia*

### *March 22, 2011*

### *The Adam Keith Story*

**A Clear and Present Danger to All of Us**



By now you've probably heard something about Adam Keith and his beagles seized by Botetourt County, under the authorization of its Animal Rights supporting Assistant Commonwealth's Attorney, Gillian Deegan. When the dogs were seized on Jan.17th, under Va. law Mr. Keith had 10 working days to get a lawyer and mount a defense at a hearing before a Judge who would decide whether he would get his dogs back or not. Under Va. law, if the judge ruled against him and he decided to appeal, he would have to post a bond that might amount to thousands of dollars to cover the up to \$85 dog/day charged by "Animal Rescue" groups to "maintain" the dogs until the appeal was heard and the ten prior days. Two of the dogs seized were high dollar dogs used in competitive field trials. The hearing was set for Wednesday, March 2nd.

The facts surrounding the actual seizure are included in the attorney's summary below. Also below is what went out over the local TV news media, describing the dogs' seizure as a "Rescue".

When the VaHDA heard about the seizures, about 3-4 days had elapsed. Mr. Keith was a young man of modest means and did not have sufficient funds to employ a lawyer, whose fee was variously estimated at \$3-5,000 for the first hearing.

After significant fact finding, our Legislative Affairs Vice Chairman Kirby Burch contacted a well-reputed lawyer; Melvin Williams and he agreed to take the case at a fee well under his normal charges. The VaHDA simultaneously started raising money for the defense, \$2000 of which had to be in hand and paid by Monday Feb. 28th. Ultimately both the VaHDA and UEVHDA separately contributed \$500 each and certain board members contributed \$100 each. Some VaHDA members also contributed lesser but significant amounts. Later, a beagler backed club started a separate fund raising operation on the Internet and to date have raised over \$1000.

Since the charges were understood to be abandonment and neglect for a period of 4 hours, the expertise of a Veterinarian was required to be available to testify regarding the effect of being left in a quality dog box for such time. Former VaHDA Co Chairman Bryan Morris,

DVM, volunteered to take a day off and travel to Fincastle to testify. VaHDA Legislative affairs Vice Chairman Kirby Burch, who had worked nearly full time on the issue, also drove to Fincastle to be available to testify if needed.

When the case was called, Ms. Deegan, noting the heavy hitters on the defense team and her total lack of justification for the seizure, dropped the attempt to continue the seizure of the beagles. She however attempted to spin the case as a return of the dogs to their rightful owner, Mr. Henry, a Pennsylvania man Adam Keith was training two of the dogs for. Mr. Henry indeed owned the two older females, Adam Keith owned the 4 puppies, and the puppies were returned to him. Ms. Deegan also told the media that the case “was still under investigation”. RC

*This incident shows how the current law has allowed politically motivated bureaucrats and prosecutors to use the law to carry out their radical Animal Rights agenda. Every hunter in Virginia and indeed the entire nation better take a close look at this case. It is the beginning of an organized effort to end all hunting, beginning with hunting with dogs! If it can happen in a rural Virginia County it can happen anywhere. HB2482 introduced into the 2011 General Assembly at the request of VaHDA was written to give you a chance to defend against this law! The radical Animal Rights crowd made so many phone calls that the sponsor withdrew the bill before it every got a hearing! **KB***

### **Botetourt Co. investigators save 6 beagles from dog box**

By Scott Leamon

Published: February 21, 2011

#### **BOTETOURT COUNTY, VA —**

Animal control officers in Botetourt County saved six beagles last week, after the animals were left alone in a two compartment dog box.

Investigators said the dog box was in the back of a truck parked at a Botetourt County business. The dogs were left alone for more than four hours without access to food or water, an investigator said.

Investigators tell me they were still looking into the case as of Monday evening, and know the identity of the owner. The animals are being cared for at a Roanoke shelter. There are no current plans to adopt the dogs out.

## **Statement of Adam Keith's Attorney**

I am the attorney, Melvin Williams that represented Adam Keith, the fellow accused of neglecting these beagles. First and foremost everyone should note the facts that were never made public by the law enforcement that over-reacted to this situation:

- (1) Adam rode with a friend about a 10-minute drive from the restaurant/convenience store where his truck was parked to show the friend a potential roofing job for the friend to bid on. Adam intended to be gone only about 15 minutes or less.
- (2) When Adam and his friend attempted to leave the location to drive back to the restaurant the friend's vehicle would not start. They spent the next couple of hours working to get the vehicle re-started.
- (3) The restaurant where Adam's vehicle was located was one that Adam often frequented — everyone that worked there knew him. At one point the store manager called Adam on his cell phone to ask him about the dogs and when he would be returning. He explained to the manager about the vehicle problems and said he would return as soon as possible.
- (4) In the meantime, a store employee had let the dogs out of the dog box to walk them and had watered them using pans that Adam always leaves in his vehicle.
- (5) Nonetheless, a “concerned citizen” called Botetourt Animal Control.
- (6) The animal control officer arrived and left not more than 20 minutes later with the beagles, never once attempting to reach Adam.
- (7) Adam returned soon after the officer had left with the beagles to find a note stuck to his windshield by the officer with a phone number to call. Keep in mind that this officer has known Adam and his family for years (Botetourt is a small, albeit growing, semi-rural county), but he never tried to reach Adam by telephone prior to taking the dogs.
- (8) The beagles were examined by a vet and found to be in good health except that two tested positive for Lyme disease (asymptomatic), and one of the dogs had a couple ticks on it. Again, keep in mind that the dogs had just been run the morning before animal control seized them.

Botetourt County has established a reputation for aggressively enforcing animal laws. This is serious over-reach by law enforcement! If they can seize dogs under these circumstances then what stops them from seizing your dogs for any (trumped up) reason?

You have not seen any of this in the news because the reporter who covered it decided to keep it quiet.

Lastly, Adam is not a person who would intentionally leave dogs to suffer He has won dozens of major field trials up with beagles he has trained; he is highly respected in the beagle community. Ralph S. Harrington, the owner/publisher of Better Beagling Magazine, based in Cambridge, New York, said this, "Adam is a well respected beagler that has demonstrated fine character in all facets of hound ownership. I've never heard a bad word spoken about him."

*Mr. Keith wishes to acknowledge and thank the Virginia Hunting Dog Alliance for its support in helping him navigate and garner the resources to fight this very serious miscarriage of justice. The VAHDA was the first organization to come to Keith's aid, because it knew the horrendous precedent that a case like this could set. Without the VAHDA support, guidance and resources Mr. Keith would not have fared so well in court.*

**Melvin Williams, Esq.**

## **DGIF Regulatory Meetings Scheduled**

VaHDA is aware that the Virginia Department of Game and Inland Fisheries is facing serious funding reductions as a result of the cuts of discretionary funds in the current federal fiscal year from two continuing resolutions. Now is not the time for fee or tax increases. The continued economic downturn that has unemployment in double digits in many Virginia counties hits the average hunter the hardest.

We urge our members to turn out at the public hearings and express their feeling on the wide range of issues. We commend the Board of DGIF for being more open and assessable to Virginia's Sportsmen. Your comments **do** make a major difference to the Board when they vote on these proposals so please speak up loud and clear. These are not final regulations and can be amended to be to be more liberal, but cannot be more restrictive! **These regulations will be voted on at the next Board meeting this is your last chance to be heard.**

We will not try to cover all of these issues here, but simply highlight those that we believe will have the greatest impact to those that hunt with dogs. You can read the regulations at <http://www.dgif.virginia.gov/regulations/comment/display.asp> or you can attend the meeting in your area (see below) and let your voice be heard. Please take time to express an opinion.

## **Revenue Proposals and Hunting and Trapping Regulations Public Input Meetings for 2011-12**

The proposal is to increase the fees for hunting, trapping, and fishing licenses and certain permits by the following amounts: (i) Virginia resident annual and lifetime licenses, licenses for additional privileges, and certain permits, by \$5 each; (ii) Virginia resident "sportsman's" licenses by \$30 each; (iii) non-resident annual and lifetime licenses, licenses for additional privileges, by \$50 each; (iv) the nonresident license to freshwater and saltwater fish, by \$63; and (v) the nonresident license to freshwater and saltwater fish for five consecutive days, by \$55.

### **Authorize Animal Shelters**

- 4VAC15-30-50 <http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=030-050>

The amendment would (i) authorize animal shelters or similar facilities to temporarily possess, confine, and euthanize wildlife when conducting these activities under contract with any county, city, or town with animal control responsibilities, (ii) provide a legal means for the public to transport wildlife to these facilities, and (iii) provide a legal provision for non-wildlife agencies and private contractors to assist with pickup, transport, and disposal of road-killed wildlife.

This provision would encourage Animal Shelters, e.g. Humane Society, ASPCA, P.E.T.A. to become active receiving and transporting

wildlife. These are the organizations that are spending millions of dollars to end hunting and DGIF wants to invite them into the wildlife arena. We can just see the pictures now. One deer injured with a bow will provide them with years of fund raising propaganda. **WE MUST OPPOSE THIS ON-LINE and At ALL OF THE PUBLIC HEARINGS!**

**Youth deer hunting day**

- [4VAC15-90-23](http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=090-023) <http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=090-023>

Under the current regulation dogs cannot be used on this special day. Once again the Department is neglecting the majority of hunters in Virginia by denying us the opportunity to teach our young people to hunt in a traditional manner. It makes one wonder what they really mean when the talk about growing the sport. Please speak out on this!

**Game: Deer. General firearms season either-sex deer hunting days.**

- [4VAC15-90-91](http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=090-091) <http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=090-091>

Now is the time to ask for two additional weeks added to the end of general firearms season in all areas where the population is increasing and the objective is to stabilize the population. If you don't ask for it, you won't get it!

**Transporting Deer Carcass Parts**

- [4VAC15-90-231](http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=090-293) <http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=090-293>

*"Past regulations have stated that a check card or personal check card must be kept in possession with a deer carcass until the carcass is processed, but the term "processed" was never defined. **At hunt clubs across Virginia, individual deer carcasses are often cut up (dissembled) and distributed to numerous member and guest hunters.** Possession of unmarked deer carcass parts is not addressed in regulation and has been a law enforcement issue."*

You will have to have the tag number with "cut up" deer parts. A tenderloin will require the tag number for that deer attached. Most skinning sheds are not set up as offices. We believe that this is an unworkable rule that will prove unmanageable for the average sportsman. We urge our members to let their feelings be known.

**Raccoon**

- [4VAC15-210-10](http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=210-010) <http://www.dgif.virginia.gov/regulations/comment/expand.asp?VAC=210-010>

We support the proposed expansion of raccoon train season west of the Blue Ridge.

**Revenue Proposals and Hunting and Trapping Regulations Public Input Meetings  
for 2011-12**

**Date: March 22, 2011**

**Time: 6:00 PM - 10:00 PM**

**Location: Northside High School**

**6758 Northside High School Road**

**Roanoke, VA 24019**

**Staff Contact: Jim Bowman, 434-525-7522, [jim.bowman@dgif.virginia.gov](mailto:jim.bowman@dgif.virginia.gov)**

**Date:** March 22, 2011  
**Time:** 6:00 PM - 10:00 PM  
**Location:** Kings Fork High School  
351 Kings Fork Road  
Suffolk, VA 23434  
**Staff Contact:** Glen Askins, 804-829-6580, glen.askins@dgif.virginia.gov

**Date:** March 23, 2011  
**Time:** 6:00 PM - 10:00 PM  
**Location:** Virginia Department of Game and Inland Fisheries  
4010 West Broad Street  
Richmond, VA 23230  
**Staff Contact:** Glen Askins, 804-829-6580, glen.askins@dgif.virginia.gov

**Date:** March 23, 2011  
**Time:** 5:30 PM - 9:00 PM  
**Location:** Russell County Government Center  
137 Highland Drive  
Lebanon, VA 24266  
**Staff Contact:** Allen Boynton, 276-783-4860, allen.boynton@dgif.virginia.gov

**Date:** March 24, 2011  
**Time:** 5:30 PM - 9:00 PM  
**Location:** Peter Muhlenberg Middle School  
1251 Susan Avenue  
Woodstock, VA 22664  
**Staff Contact:** Jerry Sims, 540-899-4169, jerry.sims@dgif.virginia.gov

**Date:** March 24, 2011  
**Time:** 6:00 PM - 10:00 PM  
**Location:** Virginia Institute of Marine Science  
Waterman's Hall  
1375 Greate Road  
Gloucester Point, VA 23062  
**Staff Contact:** Glen Askins, 804-829-6580, glen.askins@dgif.virginia.gov

**Date:** March 29, 2011  
**Time:** 6:00 PM - 10:00 PM  
**Location:** Prince Edward County High School  
35 Eagle Drive  
Farmville, VA 23901  
**Staff Contact:** Jim Bowman, 434-525-7522, jim.bowman@dgif.virginia.gov

**Date:** March 29, 2011  
**Time:** 5:30 PM - 9:00 PM  
**Location:** Arlington-Fairfax Chapter Isaac Walton League  
14708 Mount Olive Road  
Centreville, VA 20121  
**Staff Contact:** Jerry Sims, 540-899-4169, jerry.sims@dgif.virginia.gov

**Date: March 31, 2011**

**Time: 5:30 PM - 9:00 PM**

**Location: Buffalo Gap High School**

**1800 Buffalo Gap Highway**

**Swoope, VA 24479**

**Staff Contact: Jerry Sims, 540-899-4169, [jerry.sims@dgif.virginia.gov](mailto:jerry.sims@dgif.virginia.gov)**

Written comments on the proposed regulation amendments should be submitted: online or .may be emailed to [regcomments@dgif.virginia.gov](mailto:regcomments@dgif.virginia.gov) or mailed to the Virginia Department of Game and Inland Fisheries, Attn. Policy Analyst and Regulatory Coordinator, 4016 West Broad Street, Richmond, Virginia 23230, and received no later than April 14, 2011.

### **A Separate Bear Tag**

It's safe to say that dog-based hunters of all stripes have a seat at the table we didn't have three years ago. That's the good news and it's enormously significant. We were able to get some bills that would have clearly hurt our sport derailed in the immediate past legislative session. The downside is that issues on the table aren't all palatable, namely having to square up and face some issues that aren't clear win-win, maybe lose more, and maybe lose less.

One of these is dead ahead in the form of DGIF hearings on proposed license fee increases which are to some extent tied up with separating the bear stamp from the now common license for deer, turkey, bear stamp.

Note from the schedule below, the hearing in our district, Farmville, is March 29th There's little time before the hearings start.

Some time ago the legislature gave DGIF the right to raise all hunting license fees \$5 every three years, subject to public hearings. Similarly the legislature gave DGIF the right to separate out the bear big game license some time ago, but DGIF has never acted on same. Both these issues will be subject to the hearings at Farmville and elsewhere, as the DGIF board voted March 1st to consider enacting the license fee increases and separating out the bear license.

### **License increases:**

No doubt DGIF needs more revenue. One hears that cutting of discretionary spending in Washington is going to cost DGIF significantly in customary grants. One reason the Va. Farm Bureau pressed the legislature this year for "Shoot Em Anytime" kill permits was that DGIF with perhaps 180 CPO's and some volunteers couldn't get to assessing nearly all the approximately 3500 requests for damage kill permits. If this problem isn't solved in a hurry the Farm Bureau is certainly coming back for "Shoot Em Anytime" legislation. But the counter to DGIF's needs is that hunters have been harder hit than the average Virginian in this recession, and any fee increase is likely to further drive down hunting license sales to new and just-a-few-days hunters. Most of us very seldom see CPO's since nearly all their time is spent answering a few complaints. Not a clear-cut call.

### **Bear Tag:**

Separating out the bear tag is separate from HB 1553 of this legislative session, which would have instructed DGIF to separate ALL big game (deer, turkey, bear) licenses. The VaHDA board voted to oppose this measure, our lobbyist worked against it, and it was defeated in the General Assembly. Though DGIF later denied it, it was primarily a revenue raising measure.

### **Some background:**

The licenses affected by the \$5 increase include small game, big game, black powder, archery, and crossbow, so for hunters buying all five the increase would be \$25, a significant sum. If the bear license is separated, and if its cost mirrors that of black powder, its cost would be \$25 for those buying that license. For what it's worth, there is some undercurrent That DGIF MAY forego the \$5 big game license increase if hunters support the bear license separation.

**More background.**

The traditional dog based bear hunters West of Rt. 29 have long lobbied for separating out the bear license. My understanding is that their reasons are twofold: 1) that from a harvest of nearly 100% their take has plummeted to 16%. Some of the decrease results from a larger take East of 29, but most results from deer still hunters in the early black powder and archery seasons West of Rt. 29 now opportunistically taking the lions share of the bears, including sows with cubs, before the dog season even opens. Nearly all the bear kill East of 29 is in the early seasons. It's immediately apparent that the one obvious way to correct this is to limit bear kill in the black powder/archery early seasons, but they counter that DGIF has steadfastly refused to do so, bowing to the still hunters who buy special licenses generating money which has become a part of DGIF's budget. So they see a separated license as the only way to reduce the early, significant bear kill before THEIR season starts. 2) The bear hunters further argue that bear are a trophy and that kill of same should be reserved to those willing to support the bear population with a separate stamp. The bear hunters argue that hunters with a "free" license feel obligated to take a bear when they see one, no matter what its effect on the bear population biology. They think that growth of the bear population east of 29 would be beneficial. They also note that out of state bear hunters can hunt bear in Va. for far less than in the states they came from.

It's probably fair to say that for the great majority of dog based deer hunters EAST of Rt. 29, loss of the bear stamp wouldn't mean much. That's because very, very few of us ever encounter a bear during the hunting season.

But for the Southside, the 900 lb. gorilla in the room is that deer and other hunters, both dog and still hunters, would be giving up the right to hapanstance bear harvest which we now have without an additional \$25 license. That's clearly the overriding issue.

A less significant issue is that the dog based hunters may need help from bear hunters' LEGISLATORS in getting a legal deer chase season and other matters (fox preserves, right to retrieve) through the legislature in the future. We (and others) have been successful in moving a lot of decision-making affecting our sport out of DGIF and into the legislature. The downside is that population density not geography determines legislative constituencies and hunters all over need to become aware that it takes legislators from all over to get bills passed in the legislature.

*This article was written by Reg Cook and sent to the members of the Mecklenburg Hunting Dog Alliance Chapter. The proposal requested by the Virginia Bear Hunters was simply to create the separate tag. We believe that if the tag is separated that a special portion of the new funds should be dedicated to Bear Management. The decrease in Federal Discretionary funds will hit DGIF hard. The first federal Continuing Resolution to keep the Federal Government operating for two weeks cut approximately \$1.7 million from DGIF's budget. It is anticipated that additional cuts will be forthcoming. Two issues arise 1) will special programs like "wildlife diversity" (as in tweedy birds) likely to be the hardest hit by Federal cuts, are they going to spread the pain by taking money for game management programs? 2) Will law enforcement funds be further reduced making hunters vulnerable as they already are with the kill permit programs and enforcement of trespass laws? The Virginia Bear Hunters Association, one of the oldest & most active Sportsmen's organizations, is an active member of the VaHDA. In recognition of their long desire for a separate bear license we have agreed to provide a forum to air this issue. The VaHDA must be the organization to provide a forum to discuss issues of important to those that use dogs to hunt. We urge you to discuss this issue and make your views known at the March public hearings and go on-line at [www.vdgif.virginia.gov/regulations](http://www.vdgif.virginia.gov/regulations). The list of meeting is contained in this newsletter.*

## **2011 General Assembly Session**

The 2011 session of the General Assembly was a very challenging one. Due to the length of this newsletter and the press of so many issues we will only touch on a few bills.

House Bill 1553 sought to give the DGIF Board the authority to separate the deer, bear and turkey stamps to create three separate stamps. VaHDA was the only organization to speak in opposition to the bill that we believed would result in large potential fee increases that would strike our in hard financial times. We further believe that such bills should be brought forth as part of the Agency Budget so that the public would have full disclosure.

Three Sunday Hunting bills, two in the House and one in the Senate, were introduced. This marks the sixteenth consecutive year that such bills have been introduced. There were only two positive votes on behalf of these three bills and so all died.

HB 2482 was a bill introduced at the request of the VaHDA. We sought to add commonsense and due process to the worst part of the law that deals with animals. This is the very section of the law that was used as the basis for seizing Adam Keith's dogs!

**Background:**

Va. Code regarding "puppy mill" and animal welfare in general situations contain some draconian elimination of due process rights for those accused of everything from real violations to felony charges for those accused of having dogs with "bad teeth". The Animal Rights crowd has gone ballistic over anyone having the nerve to propose reining in some of the abuses of present code which allows seizure of all dogs when only one could be considered maltreated, with ~\$65/dog/day maintenance fees.

If 10 to 20 dogs and months before a case comes up in court, no one wants to take a \$10-\$20 thousand and more risk just for maintenance. As a result animal owners just give up their dogs, which are then sold for the benefit of the seizers. Loss of these outrageous fees is rightly seen as by the animal rights crowd as a threat to their power to coerce, as is some other rights that this bill would restore.

***This is the essence of the political process that we have to respond, or we lose. If we do lose, shame on us.***

Before this bill even had a hearing the Animal Rights crowd to include HSUS, ASPCA, Richmond SPCA and other radical "Animal Right" groups mounted a major effort to kill the bill. Delegates were overwhelmed by negative phone calls and emails. The sponsor was asked by his colleagues to pull the bill in favor of a request for a study by the Attorney General. We await that study. The Chairman of the Virginia Commonwealth Attorney's Association, Robert Beasley offered this opinion of HB 2482, in part, to VaHDA and the bill's sponsor:

1. *The amendment to section 3.2-6511 simply allows for what I call "impoundment in place." Care for the animal still would be supervised by the appropriate authority. However, the owner of the animal will not be assessed with impoundment fees that often, as a practical matter, prevent the owner from defending the charges against him.*
2. *The amendments to section 3.2-6569 delete the current bond requirement. Bond in these cases can be draconian, and are set so high that animal owners often have no choice but to forfeit the animals, simply because they cannot pay these bonds. Clearly this discourages citizens from defending themselves in court. I don't believe that the citizens should be forced to pay this bill either.*

Sheila Goffe, Director of Government Relations for the American Kennel Club wrote Delegate Lee Ware, sponsor, saying:

*House Bill 2482 is reasonable, effective legislation that protects both the welfare of dogs and the rights of responsible dog owners. It provides owners with the ability in certain circumstances to continue caring for their dogs during trial proceedings and the right to have their own veterinarian examine dogs, while also providing the courts and law enforcement with the ability to remove dogs from dangerous situations and ensure that irresponsible and reckless owners are held accountable for their actions.*

*Your willingness to sponsor House Bill 2482 demonstrates that a balance between protecting the rights of responsible dog owners and the welfare of dogs is attainable. We thank you for your courage and dedication in this cause and we look forward to the possibility of working with you in the future to continue promoting and protecting responsible dog ownership in Virginia.*



Left to Right: Ward Burton, DGIF Board member 5th District, Delegate James Edmunds (R-Halifax), Kirby Burch, VaHDA Vice Chairman, Delegate Watkins Abbitt (I-Appomattox)

The word DRACONIAN has been used repeatedly by both prosecutors and defense attorneys to describe this section of the Code. We will continue to pursue the amendment of these and any other sections of the code that take away or diminish the civil rights and due process under the law for law abiding Sportsmen to keep and hunt their dogs. We strongly support animal welfare, but vehemently oppose Animal Rights!

Senate Bill 868 sponsored by State Senator Richard Stuart (R-Westmoreland) sought to give unlimited year around right for farmers to kill big game damaging their crops without the prior inspection by DGIF to determine the validity of the complaint as is currently required by law. This blatant ANTI-HUNTING Bill is the product of a politician who claimed to be an ardent sportsman, promised to defend our hunting heritage, the right to retrieve and hound hunting in general yet launched a stream of anti-hound hunting attacks at every opportunity, until some members of the Senate, in a rare show of derision, began howling and barking when he rose on the floor of the Virginia Senate to continue his diatribe!

VaHDA and the VA Bear Hunters Association, working together, began signaling the alarm about this bill when it first appeared in the Senate. Because opponents to the bill did not get an opportunity to speak to the bill in committee, it was decided to gather forces and try to defeat it in the House. At first, we were the only organizations that were concerned about the impact of the bill. David Adams of the Virginia State Shooting Sports Association soon joined us and eventually every major hunting organization in Virginia joined the effort to kill this bill.

The Chairman of House Conservation, Chesapeake and Natural Resources, Delegate Harvey Morgan, called the issue “radioactive” because of all the calls, text messages and emails from both sides. Delegate Orrock, a longtime champion of everything farm related, said that the Farm Bureau lost the battle of the calls. After several attempts were made to amend the bill, Delegate Edmunds made the motion to table (kill) the bill, seconded by Delegate Marshall, but asked the Chairman to set up a special study committee to get to the bottom of the problem and solve it and report back to the committee. There were only three votes in favor of the bill.

DGIF has formed a study committee and has promised to include both Sportsmen and farm groups in seeking a solution to the problem.

### **Another story**

Taken from Speeddogs on January 24th

On Sunday December 19th, 2010, an Essex County hunter contacted officer Dobyns in regards to having two of their deerhounds shot the day before. Since both dogs had tracking collars on them, the hunters went looking for them Sunday morning. What they first found was only the tracking collar and no dog. As they looked for the second collar they discovered it on their dog that had been shot. The hunters left things as they found them and awaited officer Dobyns arrival. While on scene and collecting evidence the dog missing the collar was found dead nearby and apparently also shot. With some help from good ol' Mother Nature it wasn't too hard to make out tracks in the snow and get a sense of what occurred. Officer Dobyns could clearly see where someone had walked in the snow up to one of the dogs and removed the tracking collar. The footprints led back to where an ATV had been parked. The ATV tracks went to the opposite side of the property where the first tracking collar found was discarded in the woods. Officer Dobyns recognized the tire tread as being from a Polaris ATV. The ATV track then went to another location on the property where there was a camper and the same footprints went from the camper to the landowner's house. Though the snow helped, there were a lot of ATV trails and other footprints in the snow throughout the property and the property had been hunted several days prior to this incident. Also located on the property were several tree stands baited with corn and some had feeders set up with corn as well. Dobyns contacted the landowner and learned the hunter's camper belonged to a subject from Louisa County and the subject along with 2 other individuals had been there to hunt on Saturday the 18th. Dobyns contacted the hunter from Louisa and learned he has a Polaris ATV. Dobyns told the subject there was a property line dispute and asked the suspect to come out to the property the next day so the issue could be cleared up. A meeting was planned at the property the next day at 1 PM. Officer Dobyns contacted Sgt. Atkins to ask for his assistance because of court the following morning. Sgt. Atkins arrived early the day of the meeting while officer Dobyns was in court and kept the property under surveillance. This was in case the suspect came early to remove bait or make an attempt to move or tamper with the already collected dogs or collars. While checking out the property, baited stands and tracks, Sgt. Atkins located the place where the 2 dogs had been shot along with the shot paths and the 2 spent shotgun shell casings. The suspect arrived at the camper about 2 hours ahead of the meeting time but did not go into the woods. When Officer Dobyns arrived on scene, he and Sgt. Atkins went with the subject into the woods to discuss property lines. The subject showed the officers the tree stand (baited) he had hunted out of on Saturday. He complained

that because of the deer dogs running through the property they had no deer so he admits to feeding them all summer but swore the feeders were empty. (They were not) As they walked the property line and ATV path they got closer to where the dogs had been shot, the suspect wanted to head back to the camper in a different direction, but the officers continued to walk and ask general questions until they came upon the blood in the snow. Pointing out the blood and having a sense of raised curiosity the officer began trailing and putting the pieces together in the presence of the suspect and followed the evidence to the ATV track which the suspect had previously claimed was his tracks. The suspect was then told the true reason for the officers being at the property. The suspect who was already nervous began to deny emphatically any knowledge of the dogs being shot or knowing anything about it. This continued for a brief period until the subject eventually claimed he found the one dog dying and got scared because he did not want the local hunters to find it on the property so he removed the collar. Well to sum up a long story, the suspect finally admitted to shooting the dog(s). Unfortunately for him he thought the other dog had gotten away but it had only run down the hill a little ways to where it also died. The subject is being charged with the killing of the 2 dogs, hunting over bait, and failing to check a deer that was killed Friday, December 17, 2010. The suspect's cousin who resides in WV had also been there hunting on Saturday the 18th. He has no non-resident hunting license and killed a deer on the 18th from a baited tree stand. West Virginia officials have been contacted about the second suspect and a possible Lacy Act violation. Additional warrants will be obtained for the subject from WV.

## **“Too many bucks are killed before the peak breeding period”**

*The North Carolina Wildlife Resources Commission in response to a request from the VaHDA provided this information, after mention of this study in the Charlotte Observer. We think that it applies to Virginia also. Please see the story below these questions and answers.*

Too many bucks are killed before the peak breeding period, and bucks make up too much of the state's total harvest, according to a document that could be approved by N.C. Wildlife Resources Commission Thursday.

The document is not a rule, but it would give wildlife rule makers parameters for evaluating proposed changes to the state's deer regulations as soon as January. The hope is that future rule changes would lead to a more balanced deer herd.

“It is not a proposal for a specific change,” said David Cobb, wildlife management division chief for the commission. “It is a proposal to establish a process to evaluate potential regulation changes.”

Cobb said he has heard “both favorable comments and questions about the document.”

Later asked if there was any opposition, he said, “Not too many. If they have, they haven't opposed it to me.”

Ramon Bell, president of the N.C. Bowhunters Association, is in favor of the document, which was developed by an ad-hoc committee of state wildlife biologists.

“It appears it will produce a healthy deer herd if they follow the guidelines,” Bell said.

He's hopeful the wording won't be tinkered with.

“I think it is a step in the right direction,” Bell said. “We need to follow the direction of our scientists.”

Future rule changes would still go through the current rule-making process, Cobb said.

The commission's Big Game Committee will discuss the measure Wednesday, and it could move before the full commission the following day.

“Our No. 1 charge is to help the well-being of the animals,” said David Hoyle Jr. of Dallas, who is chairman of the big-game committee. “Hunters come second.”

The document listed eight biological objectives and the herd's status from 2007 to 2009.

One objective seeks a total buck harvest, excluding button bucks, that's no more than 30 percent yearling bucks. That has ranged from 35 percent to 49 percent statewide.

Another objective seeks a total harvest that is comprised of at least 50 percent does. The state's northwestern and central zones are close at 49 percent, but the western (37 percent) and the eastern (42) zones are short.

"We obviously need more people to harvest does," Hoyle said. "I don't know what we can do to make people do it."

One objective centers on how many bucks are taken before prime breeding season. That objective is for no more than 20 percent of the total buck harvest (excluding button bucks) to occur before then. Across the state, that percentage now ranges from 34 percent (eastern zone) to 61 percent (western zone).

"The objectives are criteria of a well-managed deer herd," said Evin Stanford, a statistics biologist for the commission. "This is probably how we should have been managing deer."

"This would highlight the age structure of your antlered bucks. It does seek balance."

When future proposed changes to deer management rules are brought forth, they would be evaluated as to how they meet the objectives, Stanford said.

The document acknowledged that "meeting all objectives may not be feasible in areas where hunting is limited by land-use practices, soil productivity is poor, or deer habitat is suboptimal."

"This document doesn't spell out changes," Stanford said. "It's a process to make sure that we won't be taking a step back in deer management."

## **Right To Retrieve Lawsuit**

A resident of Rappahannock County, JOEL POLIN, has filed a lawsuit in Rappahannock County Circuit - Civil Division, seeing to challenge the "Right to Retrieve" law in Virginia. There are seven defendants among them ROBERT W. DUNCAN, Executive Director of the Virginia Department of Game and Inland Fisheries on behalf of the Commonwealth. The Office of Attorney General Ken Cuccinelli represents the Commonwealth in the case. Motions including a motion to dismiss will be heard on March 22nd. We will advise you of developments as information becomes available.

Hunters in our neighboring state face challenges very similar to Virginia's.

**North Carolina Sporting Dog Association**

**January 2011**

**Update on Counties, Wildlife Resources Commission, and NC Legislature**

The tide has turned, and we look forward to this new year of challenge & opportunity. Many bills we fought in 2009-2010 were championed by pro-animal rights legislators who are no longer in the majority or no longer in office. For example, former Senator Don Davis, sponsor of SB#460 "the puppy mill bill" was defeated by incoming Senator Louis Pate. Congratulations to the hunters who voted in the November elections and encouraged others to register and vote!

## **LOCAL COUNTIES**

Richmond Co. Commissioners recently voted to request the legislature allow counties to empower the Wildlife Resources Commission to regulate deer hunting with dogs. We oppose this 100%. Richmond Co. Commissioners ignored the will of the majority of their people,

clearly expressed in local meetings. But, they do not make the ultimate decision. They started this fight, but they cannot finish it. This dog hunting issue must go to the legislature. A certain Big Game member of the WRC is working frantically to (1) pretend he had nothing to do with the Richmond Co. proposal and (2) keep it alive. Now, the fight moves to the legislature, where it belongs. We will be in Raleigh every day to protect the tradition of hunting with dogs. Thanks to Richmond Co. hunters who stood up to protect our sport! A special thanks to new Commissioner Ben Moss, who voted against the Richmond Co. proposal. We are proud of you!

#### WILDLIFE RESOURCES COMMISSION

The WRC is supposed to manage, conserve, and protect the game. But some WRC members (not all) seek statewide power over dog hunting. They want to control the hunters, not just the game. In recent years, WRC has increased "access" to every hunting group BUT dog hunters. We fight annually to defend our sport against rules designed to hinder and limit hunting with dogs. Their latest enthusiasm for "the Georgia Plan" is evidence of their bias against us. This is an ongoing fight. If you are interested in knowing what is really going on, join the NC Sporting Dog Association. Joe and Henri will communicate directly and personally with you and your Club.

#### NC GENERAL ASSEMBLY

On January 26, 2011, a history-making session of the NC General Assembly will begin. The new Republican leadership in both Senate and House are committed to less intrusive government. We will tell our story to the 2011 legislators. One day soon (TBA), we will ask you to travel to Raleigh to express your concerns to your legislators.

Please support the NC Sporting Dog Association in 2011 and JOIN THE FIGHT! 2011 Members will receive our new decal (see attached). Call us for more information. Hope to see you in Raleigh! God bless you in this New Year. Henri and Joe

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## **Shad Planking**

George Allen the Sportsmen's Governor is running for the U.S. Senate. His likely opponent is Tim Kaine the Governor of the Hunting Dog Study. The Allen campaign is looking to the Sportsmen and Women of Virginia for volunteers. If you would like to help read on:

There will be a pre-shad volunteer meeting on **Monday, April 18 at 6PM** at the Richmond Campaign headquarters located at: **2819 N. Parham Rd, Second Floor, Richmond, VA 23294**. At this meeting, we will hand out and confirm Shad Plank job assignments, team members, and assemble the yard signs to be used the day of Shad.

The actual day of the Shad Planking, the campaign team will be meeting at the **Virginia Diner at 7:30AM on Wednesday, April 20, 2011**.

I know you all work hard, and this year is no exception. Virginia is poised to celebrate another great year for Republicans across our Common-

wealth.

If you can help, please e-mail your availability to Julie Coggsdale at [jecoggsd@gmail.com](mailto:jecoggsd@gmail.com)  
804-314-2715 Victory Consulting Group, LLC

Thank you for all you do in your tireless efforts to support our Republican candidates. Please feel free to forward this to anyone you know that may be interested in helping.

Virginia Diner is located at:

Virginia Diner, Inc.  
408 County Drive North  
Wakefield Virginia 23888

#### **Know the Law**

It is a class one misdemeanor in Virginia to remove a tracking collar (§ 18.2-97.1) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-97.1>). The penalty may be up to a one thousand dollar fine and one year in prison. Obviously, there are other charges that may be filed related to the destruction or attempt to dispose of the collar. The theft of the dog (§ 18.2-97) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-97>) or killing a dog (§ 18.2-144) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-144>) are both class five felonies with prison time, fines and the loss of citizenship (loss of the right to keep and bear arms) as a consequence. It is unlawful for any person to deliver or release any animal not owned by that person to a pound, animal shelter or humane society or to pretend to be the agent of the owner (§ 18.2-144.2) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-144.2>).

### **We can be our own worst enemy or our best advertisement**

When people that don't hunt think about hunting with dogs do they think about law-abiding neighbors or outlaws? It is up to every one of us to be ambassadors for the Heritage we love. If you see a law being violated it is your duty to report that person. Tell your hunting friends that you will not tolerate law breakers in your midst. Statistics prove that hound hunters are among the most law-abiding citizens in the commonwealth, but there are still "bad actors" in among us. Help protect the future of our sport!

All VHDA Board members are real hunters who own dogs. The VHDA has no paid staff. We pay our own expenses because "We HAVE a dog in this fight!" If we sometimes sound angry, it is because we are! We would prefer to be hunting, teaching our children about the wonders that God has given us and training our dogs. We know that we must have a strong voice or we will lose to people, who not only disagree with you... but hate and revile you because you hunt.

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