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Fish and Game HB 277

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GAME AND FISH

Wildlife Generally: Amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, Relating to General Provisions Relative to Hunting, so as to Change Certain Provisions Relating to Unlawful Enticement of Game and Hunting in the Vicinity of Feed or Bait; Change Certain Provisions Relating to Restrictions on Hunting Feral Hogs; Repeal Conflicting Laws; and for Other Purposes.

CODE SECTIONS:	O.C.G.A. §§ 27-3-9, -24 (amended)
BILL NUMBER:	HB 277
ACT NUMBER:	61
GEORGIA LAWS:	2011 Ga. Laws 249
SUMMARY:	The Act removes the restriction of being at least 200 yards away from and not within sight of feed or bait when hunting deer in the southern zone of Georgia. However, while hunting on private property in the southern zone, placing feed or bait for the enticement of deer shall not result in an adjacent property owner being prohibited from hunting any game bird or game animal on his property. The Board of Natural Resources may restrict the hunting of deer over feed or bait if there is any documented occurrence of communicable disease in the deer population. A person who takes any big game animal, other than a deer, within 200 yards of feed or bait that constitutes enticement of any game bird or game animal shall be guilty of a misdemeanor of a high and aggravated nature. The Act removes the restriction

on hunting feral hogs over feed or bait, but the Board of Natural Resources may restrict the hunting of feral hogs over feed or bait if there is any documented occurrence of communicable disease in the feral hog population. However, a person may not place feed or bait for the enticement of feral hogs within fifty yards of any property ownership boundary.

EFFECTIVE DATE: July 1, 2011

History

Deer hunting over bait has been a highly debated topic in Georgia[1] with many failed attempts in past years by members of the Georgia General Assembly to remove the restrictions on hunting deer over bait.[2] Past versions of House Bill (HB) 277 failed to pass during previous legislative sessions for various reasons, including opposition by sportsman's groups based on concerns that ethical standards of hunting would be compromised if deer baiting was allowed.[3]

However, these ethical concerns are routinely countered by proponents that point to the measure's usefulness as an additional tool for the management of Georgia's deer population.[4] Also, by

1. *See, e.g.*, Rob Pavey, *Deer Baiting Debate Revived by Legislation*, ATHENS BANNER-HERALD, Mar. 16, 2007, *available at* http://onlineathens.com/stories/ 031611/spo_800335327.shtml (noting the "heated committee meetings" over deer baiting and the many failed attempts at removal of deer baiting restrictions in the past).

2. *See, e.g.*, SB 328, as introduced, 2003 Ga. Gen. Assem.; HB 345, as introduced, 2005 Ga. Gen. Assem.; HB 466, as introduced, 2007 Ga. Gen. Assem.

3. *See, e.g.*, Larry Gilbert, *Georgia Wildlife Baiting Controversy*, SAFARI CLUB INT'L LOW COUNTRY CHAPTER, http://www.scilowcountry.org/georgia_wildlife_baiting_controversy.htm (last visited May 15, 2011) (discussing the ethical concerns of the deer baiting bill as introduced in 2005 (HB 345) and encouraging its membership to call the General Assembly and voice their opposition to the legislation).

4. *See* Telephone Interview with Rep. Jason Shaw (R-176th) (Apr. 3, 2011) [hereinafter Shaw Interview] (on file with the Georgia State University Law Review); *see also Heard Management,* QUALITY DEER MGMT. ASS'N, http://www.qdma.com/who-we-are/what-is-qdm/qdm-building-blocks/herd-management/ (last visited June 13, 2011) ("[D]eer health will decline if the heard exceeds the habitat's capacity to provide quality forage and cover."). Furthermore, the overpopulation of deer is an ongoing issue in Georgia. *See, e.g.*, GA. DEP'T OF RES., http://www.georgiawildlife.org/node/794

having the right to hunt deer over bait, hunters will likely make better decisions when harvesting deer due to the increased chance of seeing more deer in the field.[5] Furthermore, by increasing the likelihood of seeing wildlife, deer baiting may attract more children to the sport of hunting.[6]

Nonetheless, despite the heated nature of the deer baiting issue,[7] the topic again reached the General Assembly in 2011 as advocates and opponents voiced their opinions on deer baiting.[8] Prior to the passage of HB 277, Georgia only allowed the supplemental feeding[9] of wildlife. Under no circumstances could a person "place . . . any . . . feeds or bait [to] lure . . . any game bird or game animal on or over any area [where people were hunting]."[10] In fact, in order to ensure that supplemental feeding was not used by hunters to bait deer, hunters were required to be at least 200 yards away and not

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(last visited June 13, 2011) (Noting that Georgia's current deer population exceeds 1.2 million and "deer densities in some localized areas have the potential to inflict significant damage to forestry, agricultural or horticultural crops, home gardens, and shrubbery"). Thus, the Georgia Department of Resources continues to promote ways to keep deer levels under control. *See, e.g.*, GA. DEP'T OF RES., http://www.gadnr.org/natural (last visited June 13, 2011) ("Where the deer population has been overabundant, quota hunts have been used improve botanical and ecological health of the eco-system.").

5. Shaw Interview, *supra* note 4.

6. *Id.*

7. *See, e.g.*, Roy Kellett, *Deer Baiting Bill Dies on 30th Day, Scopes Could Pass in '06,* GA. OUTDOOR NEWS, http://www.gon.com/article.php?id=75 (last visited June 13, 2011) (equating the issue of deer baiting to abortion in terms of passion on each side).

8. *See* Shaw Interview, *supra* note 4 (noting the large amount of calls received from all over the state on the issue). Although this Act includes the authorization of hunting feral hogs over bait, the main focus of this article will be on the issue of deer baiting. The topic of feral hogs was generally not debated and had vast approval given the nuisance that has resulted from their overpopulation in Georgia. *See, e.g.*, *Hogs*, THE NEW GA. ENCYC., http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2100&hl=y (last visited May 15, 2011) (Feral hogs "are considered to be an exotic nuisance that destroys property, especially crops and livestock. They also compete for the food resources of native wildlife species and often carry diseases that are communicable to domestic animals and humans. The hunting of feral hogs . . . is encouraged by state wildlife authorities as a means of population control.").

9. *See Wildlife Baiting and Feeding*, THE WILDLIFE SOC'Y, http://joomla.wildlife.org/index.php?option=com_content&task=view&id=174&Itemid=174 (last visited May 15, 2011) ("'Supplemental feeding' is defined as the act of purposefully providing food for use by wildlife for any length of time with the objective of: [s]upporting animals during emergency situations when natural foods are scarce[;] [a]ttracting wildlife away from their preferred locations in an effort to reduce damage to domestic industry or human safety[;] [c]oncentrating wildlife in a particular area to enhance recreational opportunities[;] [a]ttempting to improve the physical condition of individual animals (i.e., body mass or antler size), or the performance of the overall population (i.e., survival or fecundity).").

10. O.C.G.A. § 27-3-9 (2011).

within sight of any feed or bait while hunting deer.[11] This specific provision of Code section 27-3-9 was the subject of most of the debate regarding the issue of deer baiting.

Bill Tracking of HB 277

Consideration and Passage by the House

Representatives Jason Shaw (R-176th), Gene Maddox (R-172nd), Jay Roberts (R-154th), Al Williams (D-165th), and Ellis Black (R-174th) sponsored HB 277.[12] The bill was read in the House for the first time on February 17, 2011[13] and for the second time on February 22, 2011.[14] Speaker of the House David Ralston (R-7th) assigned the bill to the House Game, Fish, and Parks Committee.[15]

The bill, as introduced, removed the requirement that deer hunters have to be at least 200 yards away from and not within sight of any feed or bait.[16] The bill also contained explicit language clarifying that any prohibitions on feeding or baiting of bird game or other game animals would "not apply to feeding or baiting deer or feral hogs."[17] However, the Board of Natural Resources, by rule or regulation, could restrict the feeding or baiting of deer and feral hogs in a county where there is a documented occurrence of a communicable disease in deer and in any county adjoining such county for a period of up to and including 180 days.[18] Such restriction could be extended up to and including one year if the communicable disease continues to be present in the deer of such a county.[19] The bill also stipulated a procedure for providing notice to hunters in a county where such restrictions are present.[20]Additionally, the bill extended the deer

11. O.C.G.A. § 27-3-9 (2011).
12. HB 277, as introduced, 2011 Ga. Gen. Assem.
13. *Id.*; State of Georgia Final Composite Status Sheet, HB 277, May 24, 2011.
14. State of Georgia Final Composite Status Sheet, HB 277, May 24, 2011.
15. *Id.*
16. HB 277, as introduced, § 1, p. 1, ln. 17–19, 2011 Ga. Gen. Assem.
17. *Id.* § 1, p. 1, ln. 20–22.
18. *Id.* § 1, p. 2, ln. 31–35.
19. *Id.* § 1, p. 2, ln. 36–37.
20. *Id.* § 1, p. 2, ln. 40–43 ("The department shall give notice of such restriction by mail or electronic means to each person holding a current license to hunt whose last known address is within a restricted county. The department may place or designate the placement of signs and markers so as to

hunting season through the third Monday in January for counties in south Georgia.[21] Finally, the bill removed the restriction on hunting feral hogs over feed or bait.[22]

The House Committee on Game, Fish, and Parks (the Committee) offered a substitute to HB 277.[23] Like the bill as originally introduced, the substitute removed the requirement that deer hunters have to be at least 200 yards away and not in sight of any feed or bait;[24] however, the substitute divided the state into northern and southern zones[25] and only removed the requirement for the southern zone.[26] The creation of this dichotomy was the result of more opposition to the measure from constituents in north Georgia than south Georgia.[27] Consequently, Representative Shaw felt that the only way the measure would pass was to compromise and calm the opposition by having the deer baiting restriction continue in the northern zone of Georgia.[28]

The Committee substitute kept the other language of HB 277, as introduced, with three exceptions. First, the substitute removed the provision that extended the deer hunting season through the third Monday in January in southern Georgia.[29] This change was due to opposition that included organizers of January rabbit hunts. These

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give notice of such restriction.”).

21. *Id.* § 2, p. 3, ln. 63–70 (South Georgia constitutes all counties including and below Harris, Talbot, Taylor, Macon, Peach, Houston, Twiggs, Wilkinson, Washington, Jefferson, and Burke counties.).

22. HB 277, as introduced, § 3, p. 5–6, ln. 161–67.

23. *See* HB 277 (HCS), 2011 Ga. Gen. Assem.

24. *Id.* § 1, p. 1, ln. 19–22.

25. *Id.* § 1, p. 1, ln. 12–16; *see* O.C.G.A. § 27-3-15 (2011). The southern zone of Georgia is established pursuant to subsection (c) of Code section 27-3-15, which authorizes the Board of Natural Resources to establish such zone, through rules and regulations, based on “sound wildlife management principles.” O.C.G.A. § 27-3-15(c) (2011).

26. *Compare* HB 277 (HCS), § 1, p. 2, ln. 30–33, 2011 Ga. Gen. Assem. (requiring hunters in the northern zone to be “at least 200 yards away from and not within sight of such feed or bait”), *with* HB 277 (HCS), § 1, p. 2, ln. 34–37, 2011 Ga. Gen. Assem. (allowing deer hunting over feed or bait in the southern district “other than on lands under the ownership or control and management of the state or federal government, if the hunter has written permission of the landowner to hunt upon, over, around, or near such feed or bait”).

27. *See* Shaw Interview, *supra* note 4 (noting that the majority of the people he heard from in the southern part of the state were overwhelmingly in support of HB 277, and although not everyone in the northern part of the state opposed the bill, a majority of the phone calls that came in opposition of the bill where from the northern area of the state).

28. *See* Shaw Interview, *supra* note 4.

29. *See* HB 277 (HCS), 2011 Ga. Gen. Assem.

opponents did not want to lose rabbit hunters who, if given the chance, would hunt deer instead of rabbit.[30] Second, the substitute extended the Board of Natural Resources' authority for restricting hunting deer over bait in a southern zone county if there is a documented occurrence of communicable disease in the deer population in the county or any adjoining county. Thus, while the bill as originally introduced, allowed the restriction to run for a maximum of a year and a half, the substitute allowed the restriction to be imposed for one year and potentially extended to a maximum of two years, if there was documentation that the communicable disease was still present in deer in the applicable county.[31] Finally, the substitute granted the Board of Natural Resources the authority to regulate the feeding or baiting of feral hogs in the event of a documented occurrence of a communicable disease in the feral hog population in a county.[32] As a result, this addition created parity between the regulation of deer and feral hogs in the event of a communicable disease outbreak.

The House Committee on Game, Fish, and Parks favorably reported the substitute on March 8, 2011, and the bill was read to the House for the third time on March 16, 2011.[33]

On the House floor, Representative Shaw introduced an amendment to the Committee substitute.[34] The amendment restricted any baiting of deer within fifty yards of any property boundary.[35] This provision was added in response to concerns from the Department of Natural Resources (DNR) and Representative David Knight (R-126th) about the possibility of hindering an adjacent property owner from legally hunting bird game or other game animals due to bait or feed being placed too near his or her property boundary by the adjacent landowner.[36] Also due to concerns by the

30. Shaw Interview, *supra* note 4.

31. HB 277 (HCS), § 1, p. 2, ln. 45–48, 2011 Ga. Gen. Assem.

32. *Id.* § 2, p. 4, ln. 101–12.

33. State of Georgia Final Composite Status Sheet, HB 277, May 24, 2011.

34. HB 277 (HCSFA), 2011 Ga. Gen. Assem.

35. *Id.* § 1, p. 1, ln. 23–26 ("It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a lure, attraction, or enticement for any game bird or game animal within 50 yards of any property ownership boundary.").

36. *See* Shaw Interview, *supra* note 4; Video Recording of House Committee on Game, Fish, and

DNR, the amendment raised the fine for the hunting of other big game animals over feed or bait in order to deter such abuse where the baiting of deer and feral hogs was allowed.[37] The House passed the floor amendment to the Committee substitute on March 16, 2011, by a vote of 146 to 22.[38] The House then passed HB 277 on March 16, 2011, by a vote of 122 to 48.[39]

Consideration and Passage by the Senate

The bill was introduced and read for the first time to the Senate on March 21, 2011.[40] Lieutenant Governor Casey Cagle (R) assigned the bill to the Senate Natural Resources and Environment Committee.[41] This Committee favorably reported the bill on March 29, 2011.[42] The bill was then read for a second time on March 30, 2011,[43] and read for a third time on March 31, 2011.[44]

During consideration of the bill on the Senate floor, Senators Jim Butterworth (R-50th), Chip Rogers (R-21st), and Bill Heath (R-31st) offered an amendment to the bill that deleted some wording and replaced certain language; however, the amendment was later withdrawn.[45] The same three senators then offered the amendment a second time, but withdrew it once again.[46]

Parks Proceedings, Mar. 8, 2011 at 13 min., 53 sec. (remarks by Rep. David Knight (R-126)), http://www1.legis.ga.gov/legis/2011_12/house/Committees/gameFishParks/ gameArchives.htm [hereinafter House Committee Video].

37. *See* Shaw Interview, *supra* note 4; HB 277 (HCSFA), § 1, p. 2, ln. 54–59, 2011 Ga. Gen. Assem. ("Any person who takes any big game animal, other than deer, within 200 yards of any place where any corn, wheat, or other grains, salts, apples, or other feed or bait has been placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction, or enticement for any game bird or game animal shall, upon conviction of (sic) thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished as provided by Code Section 17-10-4.").

38. Video Recording of House Proceedings, Mar. 16, 2011 at 2 hr., 42 min., 40 sec. (remarks by Rep. David Ralston (R-7th)), http://www.gpb.org/lawmakers/2011/day-30-crossover-day.

39. Georgia House of Representatives Voting Record, HB 277 (Mar. 16, 2011).

40. State of Georgia Final Composite Status Sheet, HB 277, May 24, 2011.

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *See* HB 277 (SFA #1), 2011 Ga. Gen. Assem. ("Amend House bill 277, as amended and passed by the House of Representatives by deleting the words 'other than deer' in line 19; By deleting lines 23 through 26 and by inserting in lieu thereof: '(a.2) Nothing in paragraph (a.1) of this section shall prohibit any person from placing, exposing, depositing, distributing, or scattering any corn, wheat, or

Later, Senators Butterworth, Heath, and John Bulloch (R-11th) offered the amendment for a third time.[47] The amendment replaced the language that restricted any baiting of deer within fifty yards of a property boundary with new wording.[48] Instead of requiring an arbitrary buffer of fifty yards, the new language simply prevented the use of deer baiting—for purposes of hunting—that would result in the hunting of game birds or other game animals on adjoining property to be prohibited.[49] After hearing no objections when asked by Lieutenant Governor Casey Cagle, the amendment was adopted.[50] Immediately following the adoption, the Senate passed HB 277, with the third amendment incorporated, by a vote of 34 to 17.[51]

Consideration and Agreement to the Senate's Changes by the House

The House agreed to the Senate's version of HB 277 on April 14, 2011.[52]

The Act

The Act amends Title 27 of the Official Code of Georgia Annotated.[53] Section 1 of the Act amends portions of Code section 27-3-9. In this section, the Act removes the restrictions on hunting deer over bait or feed in the southern zone of Georgia,[54] along with

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other grains, salts, apples, or other feeds or bait so as to constitute a lure or attraction or enticement for deer on lands that are not under the ownership or control and management of the state or federal government, provided, however, that any such lure or attraction or enticement shall not cause hunting on any adjoining property to be prohibited under paragraph (b) of this section.").

46. *See* HB 277 (SFA #2), 2011 Ga. Gen. Assem.

47. *See* HB 277 (SFA #3), 2011 Ga. Gen. Assem.; *see also* Video Recording of Senate Proceedings, Mar. 31, 2011 (Afternoon Senate Session 1) at 5 min., 53 sec. (remarks by Sen. Bulloch (R-11th)), http://www.gpb.org/lawmakers/2011/day-37 [hereinafter Senate Video] (noting that the third amendment "is the same [as the first two amendments]; it just doesn't have the lines struck through it").

48. *See* HB 277 (SFA #3), 2011 Ga. Gen. Assem.

49. *See* HB 277 (SFA #3), 2011 Ga. Gen. Assem.

50. *See* Senate Video, *supra* note 47, at 1 hr., 9 min., 11 sec. (remarks by Lt. Governor Casey Cagle (R)).

51. State of Georgia Final Composite Status Sheet, HB 277, May 24, 2011.

52. *Id.*

53. *See* O.C.G.A. § 27-3-9, -24 (2011).

54. O.C.G.A. § 27-3-9(a)–(c) (Supp. 2011).

defining the northern and southern zones.[55] Next, the Act strikes the language in this Code section requiring hunters to be 200 yards from and not within sight of feed or bait.[56] The Act further establishes that prohibitions on hunting bird game and other game animals over bait does not constitute a prohibition on hunting deer over bait, provided that the baiting conforms with other parts of the Act.[57] However, baiting deer for hunting purposes shall not cause hunting game birds or other game animals on adjoining property to be prohibited.[58] The Act also makes wording in Code section 27-3-9 consistent by replacing the word "such" with "corn, wheat, or other grains, salts, apples, or other" to conform with other sections in the amended Code.[59] The section then clarifies that the restriction on hunting deer over feed or bait is still in effect for the northern zone of Georgia.[60]

Additionally, the Act gives the Board of Natural Resources the authority to restrict hunting deer over bait in a southern zone county if there is a documented occurrence of communicable disease in the deer population in the county or any adjoining county.[61] This restriction may be imposed for one year, and extended to a maximum of two years, if there is documentation that the communicable disease is still present in deer in the applicable county.[62] The DNR shall give notice by mail or electronic means to each current licensed hunter with a last known address in any county where a restriction on deer baiting is imposed.[63] Finally, the Act in section 1 imposes a "misdemeanor of a high and aggravated nature" on any person found guilty of hunting any game animal, other than deer, "within 200 yards of any . . . feed or bait that has been placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction or enticement for any game bird or game animal."[64]

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55. O.C.G.A. § 27-3-9(a) (Supp. 2011).
56. O.C.G.A. § 27-3-9(a.1) (Supp. 2011).
57. O.C.G.A. § 27-3-9(a.2) (Supp. 2011).
58. *Id.*
59. O.C.G.A. § 27-3-9(b)(1) (Supp. 2011).
60. O.C.G.A. § 27-3-9(b)(2) (Supp. 2011).
61. O.C.G.A. § 27-3-9(b)(3)(A) (Supp. 2011).
62. *Id.*
63. O.C.G.A. § 27-3-9(b)(3)(B) (Supp. 2011).
64. O.C.G.A. § 27-3-9(b)(4) (Supp. 2011).

In section 2, the Act removes the restrictions against hunting feral hogs over feed or bait in the State of Georgia.[65] The Act also strikes language from the Code that required hunters, after removing feed or bait that was placed to attract feral hogs, to wait ten days before hunting with a firearm or bow and arrow in the area where the bait was located.[66] Additionally, the Act provides the DNR the same authority to restrict the hunting feral hogs over bait as it does baited deer, including the requirements of notification to the requisite licensed hunters in a restricted county.[67] Finally, it prohibits any person from placing any "feed or bait so as to constitute a lure, attraction, or enticement for feral hogs within 50 yards of any property ownership boundary."[68]

Analysis

Policy Considerations

Although hunting animals over feed or bait does not raise any constitutional or legal issues,[69] the topic has sparked many scientific and ethical questions and concerns.[70]

Biological Concerns

Research in other states has established a link between bait sites and the spread of disease among deer.[71] Thus, although Georgia's deer population currently has no communicable diseases of concern, baiting results in deer populations congregating in one general area, thereby making the removal of such diseases much more difficult if any such disease were to appear.[72] However, because Georgia law

65. O.C.G.A. § 27-3-24(a) (Supp. 2011).
66. O.C.G.A. § 27-3-24(a)(3) (Supp. 2011).
67. O.C.G.A. § 27-3-24(a.1)(1)–(2) (Supp. 2011).
68. O.C.G.A. § 27-3-24(a.2) (Supp. 2011).
69. *See, e.g.*, Shaw Interview, *supra* note 4 (noting that the Attorney General's office reviewed the bill and did not see any legal problems).
70. *See, e.g.*, HOUSE OF REPRESENTATIVES COMMITTEE ON GAME, FISH, AND PARKS MINORITY REPORT, HB 277 (2011) [hereinafter MINORITY REPORT].
71. *Id.*
72. *See id.*

currently allows feeding of wildlife—as long as the feeding is not done in a way that "constitutes a lure or attraction or enticement for any game bird or game animal on or over any area where hunters are or will be hunting"[73]—the concerns about the health risks to deer that gather together in one spot are already present.[74] Furthermore, to allay these concerns, the Act provides the DNR the authority to restrict baiting if such communicable diseases were to occur in Georgia.[75]

Moreover, advocates for baiting argue that the practice helps better manage the deer population because hunters are able to make better decisions when harvesting deer due to the increased number of deer that will be observed.[76] The idea behind this argument is that, depending on the harvest management goal, the hunter can be more selective in harvesting the desired type of deer in order to facilitate the optimal ecosystem balance.[77] However, opponents of baiting argue that hunting deer over bait does not increase deer harvest success[78] nor does baiting assist hunters in being more selective in order to avoid harvesting immature bucks.[79]

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73. O.C.G.A. § 27-3-9(a.1) (Supp. 2011).

74. *See* Shaw Interview, *supra* note 4.

75. O.C.G.A. § 27-3-9(b)(3) (Supp. 2011).

76. Shaw Interview, *supra* note 4.

77. *See, e.g.*, W. VA. DIV. OF NAT. RES. & W. VA. UNIV. COOP. EXTENSION SERV., *Fundamentals of Deer Harvest Management*, PUBLICATION NO. 806, (Mar. 1999), http://anr.ext.wvu.edu/r/download/48142 (last visited June 13, 2011) ("After the landowner has determined a deer harvest management objective on his property, which may be to improve the deer herd quality; increase antler size; or to decrease, increase, stabilize, or even eliminate the herd, then goals to achieve the objective must be planned. Goals will be formulated by the number and quality of deer, both does and bucks, to be removed and/or left on the property."); *see* GA. DEP'T OF NATURAL RES., WILDLIFE RES. DIV., *Deer Herd Management for Hunters*, http://www.georgiawildlife.org/node/276 (last visited June 13, 2011) (stating that Quality Deer Management techniques "produce deer herds within biological and sociological carrying capacity").

78. MINORITY REPORT, *supra* note 70 (noting that deer baiting does not increase harvest success because most activity around bait sites is at night). Further, a study in South Carolina found that "where baiting is prohibited total deer harvest rates were 33 percent greater . . . than where baiting occurred." *Id.*

79. *Id.* (noting that South Carolina, where baiting is legal in a portion of the state, "has the highest percentage of immature bucks in the buck harvest in the nation (65% of all bucks harvested in [South Carolina] are just over one year old)").

Social Concerns

In a 2004 survey, eighty-two percent of the general public in Georgia supported legal deer hunting.[80] However, fifty-nine percent of the general public and forty-nine percent of hunters opposed hunting over bait.[81] These numbers reflect public concern that such baiting is unethical.[82] Additionally, sportsmen who oppose baiting are concerned that the unethical perception of baiting by the non-hunting public will create a poor image of the sport of hunting all together and may result in the erosion of the sport's credibility.[83] As a result, sportsmen who oppose baiting feel that such a perception by the non-hunting majority could eventually affect, through the legislative process, their right to hunt all together.[84] Nonetheless, proponents argue that those concerned about the ethics behind deer baiting should simply not hunt over bait themselves, instead of hindering someone's choice to do so.[85]

Advocates and critics will continue to debate as to whether deer baiting should be allowed. This Act proved to be a victory for proponents that have long pushed for the legalization of hunting over deer bait in Georgia. However, even after years of lobbying, the fact that those proponents were only able to remove the restriction on deer baiting in southern Georgia is an indication of just how polarizing this issue is to the state's population.

Russell Britt & Matthew Jones

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80. *Id.*

81. *Id.*

82. *See* Gilbert, *supra* note 3 (noting that "[s]urvey respondents opposed to baiting believed that baiting was unethical").

83. *See id.* ("Non-hunters' perceptions of 'unsporting' behaviors can also create a poor image of those who participate in or allow such practices, and thus erode the credibility of . . . hunting constituents.").

84. *See id.* ("When the non-hunting public determines that hunters are not using fair chase standards, [hunters] invariably increase [their] chances of losing [the] right to hunt.").

85. *See* House Committee Video, *supra* note 36, at 1 hr., 4 min., 34 sec. (remarks by Reggie Dickey, President of the Georgia Hunting and Fishing Federation) (noting that hunters can currently hunt over planted food plots, which produce the same results as baiting with a feeder, thus those ethically against deer baiting should simply not hunt over bait themselves instead of "penaliz[ing] the small man . . . [who] can't afford a feed plot").