

## SIGNIFICANCE OF LAW ENFORCEMENT – VIRGINIA SPECIAL AREAS

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When the various Game Commissions of the Country were brought into being it was to a great extent a law enforcement venture being the answer to problems. The Conservation Officers, Protectors, Game Wardens or what ever they might be named, went forth to do the job of saving and replenishing our dwindling wildlife resources. As to be expected, those old and noble men met bitter opposition from the meat hunters and the fishermen. I suspect many of them were called names much stronger in our language than those titles used.

In the past decade we have seen come to the front in our own state, a great law enforcement division within its own rights, and this is true all over our great country in other states.

As in all organizations it was found in wildlife circles, it would take much more than just enforcement as a deterrent to our further loss of our wildlife resources, so today we have strong divisions to handle various phases of our respective commission work. In Virginia we are working allied with vigorous Game, Fish and Education Divisions to seek to provide and protect a supply of game and fish that will not satisfy the greed of some of our citizens, but will furnish a reasonable amount of recreation to our sportsmen, keeping in mind the generations yet unborn.

I will attempt to give to you some of the duties related to our program of special areas for the improvement of fishing and hunting in Virginia, and how we are successfully meeting together as working divisions of the Commission, the rising problem of supply and demand.

In the Commonwealth we have many acres of National Forest land which we manage and control through our cooperative program with the U. S. Forest Service. This program alone stands as a tribute to the forethought and effort given to a project by all our various divisions. I would like to pay tribute here to a group of gallant men in the front lines of this program – our Game Managers – assigned to these units. They have done many hours of fruitful enforcement as well as land and stream improvements working closely with our Enforcement Division. The Game Managers are in the Game Division.

We feel in Virginia we have been successful in these areas of management, but when we launched out on our land acquisition programs we found another door opening through which perhaps we can go to even greater heights. We can point with much pride to the accomplishments of our Fish Division for the fine work it has done in its various efforts of improving the fisherman's plight. Our outstanding achievement in this division is our trout program. The number of persons enjoying this program which amounts to a put and take situation, has grown in such a staggering way, that it needed a shot in the arm so to speak. It had become a one day affair, consequently still leaving the real trout fisherman a short time of enjoyment.

Under the leadership of our Executive Director, Mr. Chester Phelps, and with our then Chief of the Fish Division, Mr. Robert Martin, a plan was spawned in Virginia similar to one being used in Missouri. This was presented to our Commission who gave the go ahead. The idea of "pay as you go" trout streams was taken to the Legislature in its 1962 session, and resulted in passage of the necessary law which allowed the Commission the right to establish (3) three such areas.

The decision was made to locate the first area in Southwest Virginia in the Clinch Mountain Wildlife Area, consisting of some 18,500 acres through which flows Big Tumbling Creek, one of the finest trout streams in the Eastern United States.

Under the direction of the Game Division this land had been acquired and with the tireless efforts and very efficient work of our District Game Biologist, Mr. Charles Peery, this land was developed, looking to its full potential for and use of fishing and hunting. In the development, the Park Division was called in and agreed to make further recreation available by furnishing camp sites and development of a camping area to make the "pay as you go" trout stream even more enticing for the sporting

public, this being done in cooperative agreement between our Commission and the Park Division of Virginia.

In 1964 the stream was opened to trout fishing on a "pay as you go" basis. The fee of \$1.00 was charged on a daily permit basis, and either a non-resident county combination or state license required in addition. In the enabling legislation it allowed the use of our 3 day permit on these "pay as you go" streams which heretofore were not legal for taking trout, but only warm water fish.

Law enforcement found its place in this program from the very first. Mr. Ben Bird who was at the time our Supervisor, and since then has retired, had a number of the wardens on hand for the opening day. We immediately began to see some problems with which we were going to be faced mainly the time element, and the using of the personnel in the Counties involved, along with taking care of other expected duties with which we were charged.

Upon the retirement in 1965 of our District Supervisor, I was appointed to this position, and along with the Chief of Law Enforcement, Mr. John McLaughlin, and the wardens, we began to look to our various needs for this "pay as you go" area. I cannot subscribe to the idea to pat people on the back as to game and fish law violations and they will not do it any more; however I do believe in our officers being discreet. I believe in informing the public, and our Education Division does an excellent job of this with our cooperation, and then use good, strong, fair and impartial enforcement.

Violations were prevalent and of various kinds. Fishing illegal means — taking with hand landing nets, unlawful hours, fishing without a license, without daily permits, borrowed licenses or permits, or loaning fishing licenses. The most serious of these violations was one of taking by illegal methods, mainly running fish into certain points in the creek when the water was at a low flow level, this has been corrected to a great extent by enforcement, and by better rainfall conditions.

Violations have continually fallen off. The 1967 and 1968 seasons have shown a marked improvement. Perhaps two things account in part for this. The consistent law enforcement and favorable court decisions, along with, I think, a growing appreciation of the sporting public for such a program. We have tried in our regulations for the area to keep them to a minimum, but plain and to the point.

The license requirements for fishing in this area as stated before is a valid State, County combination, or 3 day permit and a \$1.00 daily permit. Permits and licenses must be signed. Seasons are from 12:00 noon on the first Saturday in April extending through Labor Day.

Regulations covering hours are:

April . . . . .	6:00 A.M. to 7:00 P.M. — E.S.T.
May through July . . . . .	6:00 A.M. to 8:30 P.M. — E.D.T.
August . . . . .	6:30 A.M. to 8:00 P.M. — E.D.T.
September . . . . .	7:00 A.M. to 7:00 P.M. — E.D.T.

"Pay as you go" areas revert back to regular trout fishing as on other streams until the season closes on December 31, but a trout license is then required.

#### FISHING REGULATIONS FOR THE AREAS

Each fisherman shall use a separate stringer, creel or container by which to keep his fish. Fishing is not permitted after creeling 5 trout. Uninjured trout may be released immediately, but not from net, creel or stringer. Natural or artificial baits may be used. Chumming or feeding to attract trout is not permitted. Creel limit is 5 trout per day. Camping as already mentioned has its place in the area. Briefly, there are 20 campsites located near the head of Big Tumbling Creek available nightly for a fee of \$1.50 per site for up to 6 persons. No reservations are taken but a person may purchase a permit for more than one night at a time. Campsites are of a primitive type in keeping with the outdoor atmosphere of the area. Camping is not permitted after Labor Day.

The area also has a great hunting potential and is being stocked with deer and turkey which are doing very nicely. Bear are native to the area. Hunting has been allowed in the area for all species of game except bear, deer and turkey. Raccoon

hunting will not be allowed in the future, this being a means of keeping dogs from disturbing growing deer herds. The laws and regulations covering hunting are the same as for other hunting in our State for given species.

The actual operation of the area brings into very close working relations the Game, Fish and Law Enforcement Divisions. The Game Division, as already stated, purchased the land and developed it ready for use. They now have supervision of the land and maintenance of the roads as well as the game management for the area which the Law Enforcement Division assists in as needed. One of our main problems in this is loose and stray running dogs. We are working at this problem continually. The Game Division also maintains the buildings in the area.

The Fish Division is in charge of the fish management for the area. About 4 miles of the stream runs through this property. About 2 miles is on the state owned Clinch Mountain Wildlife Management Area, and the other 2 miles is on private land to which the Commission has the fishing rights. In this 4 miles of water is some of the finest trout water to be found. It varies in width from 20 to 40 feet, and flows in part through a gorge that has its equal only on western trout streams. The elevation at its upper reach is about 3,000 ft. above sea level, and the lower regions is about 2,300 ft. The stream has sufficiently large pools except for severe drought conditions and normally makes excellent trout cover as the water cascades down the mountain over numerous boulders.

There is now under construction and near completion, a 300 acre lake on Laurel Bed Creek, which flows in above the creek area used now for the fee fishing area. This will further enhance the value of this area to our sportsmen adding more fishing and in addition allowing the controlled flow of the area in time of excess water fall as well as using stored water supply in case of drought. It is contemplated perhaps to further explore our already successful primitive camping area program by building another area near the lake site; however at this time this is only in the planning stage. To my thinking when this lake area is completed, nothing anywhere will surpass it in beauty due to its peculiar location.

A Fish Culturist from the Fish Division is in charge of the ground operation of the fee fishing area. He manages and attends to all problems in this and the camping area. He has a special Game Wardens commission and is able to lend great assistance in law enforcement by actual participation plus the psychological effect of his presence. His most time consuming task is the stocking of the fish. The fish must be well scattered, so we stock one part of the stream one day and the other part the next day. Doing this provides more sport for the fishermen who really fish. When the fee fishing season is finished the Fish Culturists time is spent on law enforcement. This man is under my supervision, as I work closely with and help out with the "grass root" management for the Fish Division Chief as he formulates all policy for the fee fishing program. The Fish Culturist keeps all records of the area operation. The area is stocked daily except Sunday after legal fishing hours. We follow the practice of replacing 3 fish for each daily permit sold. This has proven to be very satisfactory with no great objections from the fishermen. We have made actual creel checks and we find the fishermen are taking close to an average of 3 fish per trip. The creel check made by the concessionaire is only an oral report. It is not an actual fish count, but we find in most instances the sportsman is usually close to correct in his reporting.

A few days before the opening day, the area is stocked rather heavily. The Game Wardens assist with this stocking. We have one full time employee and two part time employees who help with the stocking and other duties. Some parts of the area are stocked by bucket on a cable and let down from the road to the stream. This is in the gorge section of the creek. The fish for the stocking are kept in a holding pond in the area and are transferred from the hatchery as needed.

The Fish Division is responsible for cleaning of the camping area, the expense being borne by the Park Service. We have had very satisfactory working relations with the Park Service. The main idea of the camping area is to accommodate hunting or fishing parties. The Fish Division leases to a concessionaire the rights to operate a food stand in the area for which in return he issues our daily fee fishing permits along with the 3 day licenses. The fishermen report their catch to the concessionaire who

keeps a creel census record. He also issues the camping permits and keeps records of this operation.

Bob Wollitz our District Fish Biologist has done constructive work in management by his creel census, and checking the actual usage of the area. In addition to checking creels for the catches, information is asked of fishermen as to the number of times they have used the area and where they are from. I think it can be said it is evident from his findings that the program is rendering a needed service, and also that it would be feasible to put in another area closer to the existing ones in operation than previously thought. The record of the area has been somewhat better than was hoped for. People have accepted this program with much enthusiasm. This is shown in the report that follows for the years it has been in operation. The figures for 1968 are incomplete.

Year	permits sold	trout stocked	trout caught	percent of trout caught
1964	17,387	51,948	44,453	86%
1965	22,314	71,205	55,576	78%
1966	22,632	71,206	55,500	78%
1967	22,852	70,520	48,218	68%

The number of people using the camping area is growing as shown by the figures for the years: 1964 – 551, 1965 – 1016, 1966 – 1216, 1967 – 965, (Very wet and unfavorable for camping), 1968 – Figures are incomplete, but on the basis of what we have at the time of this paper it will be our biggest year with perhaps 1500. You will also notice a drop in the catch for the year 1967. This was due for the most part to unfavorable weather and water conditions, being a high water flow most of the time.

Law enforcement in the area has to be of an intensive nature since the number of persons using the facilities is so great. I believe one of the contributing factors to the success of this program to date is the manner in which the law enforcement personnel have gone about commending the program to the sportsmen with much pride, because we actually see results at the time. The patrol in this area is not too different from patrol of any other fishing stream except for the need for constant observation due to the amount of usage. For the most part the fisherman who uses this type area is an avid follower of his sport and is very helpful to us in keeping violations in check. Patrol is done from time to time by our personnel in plain clothes. Field glasses have been very helpful. One case in point happened this way – a warden was in fishing clothes and another warden came by checking who was in uniform. He checked our man along with the other fisherman. The warden in fishing clothes advised the officer in uniform that one person in his group had fished considerably earlier than regulations permitted. Of course the party was arrested, charged, and a conviction was obtained. We are having to do less plain clothes work because the word does get around.

All kinds of thoughts occur to some of our patrons as to how they can get their fish or game. I am sure the situation is about the same in your state. A fellow tried fishing in the holding ponds on our area, but was observed by a man and his wife who fish for the sport. These parties informed one of our wardens as to what had happened, along with a description of the man, and the last three numbers of his car license. This information was given to the Area Leaders asking them on a slack day to check all automobile license agencies in each county of our district. We felt like this party was from our own immediate area. Four weeks later, Warden Newman who had been given the information by the witness observed this man who he thought was the man sought. He contacted Fish Culturist Litton who staked himself out at the holding ponds. Warden Newman moved below the holding ponds and while waiting for the suspect to make his move picked up a non-resident case. The suspect came from the area past the ponds on his way out. Litton advised Newman he was on his way. Officer Newman stopped the suspect and on his inspection found the man's licenses were not signed. Newman had noticed his witnesses camped in the area, so he took the suspect back to where the witness could notice him. When they looked the

suspect over the officer got the sign that this was his man. The officer advised the suspect he was charging him with taking 5 trout from the holding pond some four weeks before. At this point the suspect told him he did not catch 5, only 4. The court collected from this person \$125.00, and revoked both his hunting and fishing licenses for the period of one year.

The Code of Virginia gives to Game Commission enforcement personnel general law enforcement powers on any properties owned or controlled by the Commission. We have not had too many problems in this field except we have used it on disorderly campers and litter bugs. This has mostly been in the form of warnings. I assign enforcement details through our Area Leaders who plan the routine of tours for their men. We find that cases are less numerous each year than when we opened, yet we have to maintain strict patrol, our critical hours are before opening hours each day and if water becomes low, snagging or dipping becomes a problem. I believe that enforcement personnel has done an excellent job of its first line of work, and has excelled in public relations in assisting our fishing and hunting public. I think that law enforcement does, and is playing a most significant part in the success of these special areas. Of course I would not take away anything from our other technical divisions such as fish, game and education, as they must function in relation to their respective areas of responsibility, and this they have done and are doing in Virginia.

The cases made in the area since its opening in 1964 have amounted to approximately 405 through and up to the time of my writing this paper. They were for such offenses as already mentioned — taking by illegal methods and exceeding creel limits being the most frequent, amounting to 225 cases, which is over half of the total. The Courts have been most helpful in our enforcement problems, giving fair and just judgment to the law to all parties concerned. I cannot say enough in praise of our Commonwealth Attorneys who have been most helpful in getting our cases presented to the court when called upon. The following will show the various types of cases:

Fishing by illegal methods . . . . .	150
Exceeding creel limits . . . . .	75
Improper licenses . . . . .	41
Fishing at unlawful hours . . . . .	31
Fishing without fishing licenses . . . . .	27
Fishing without fishing permit . . . . .	18
Feeding fish . . . . .	13
Fishing permit unsigned . . . . .	40
Fishing on borrowed licenses . . . . .	4
Loaning fishing licenses . . . . .	6
Total	405

This program was not conceived with the idea of it being a money making proposition, but rather to give another means of answering the call of the sportsman for more developments to pursue their sports. I think we have had this success.

My conclusions of the program then would be these: The program is accepted by the fisherman we need to look to establishing more programs of the same nature.

We should reserve any areas that could be developed for use as a hunting and fishing area and our department is doing this.

We know that normal fishing licenses fees will not carry the program, but with our one dollar daily permit it is almost self-sustaining. I believe the sportsman would pay more if the need arises to keep the program.

The joint operation of these special areas by all departments wherever they can overlap in serving a need will lower operation cost.

The regular stocking of sufficient fish is necessary to keep the sportsmen interested and returning to the areas. Our records of the operation will show the average angler is fifty-percent successful. The real heavy fishing pressure of 1000 or more per week on this stream contributes to a lower catch per person, but they like it, and if we make the people we work for happy, then this is good business.

I think my observation of our open streams which we normally stock, indicate we are beginning to offer more prolonged fishing periods along with better success in

catches for those people who like to fish longer than the opening day. I believe this special area accounts in part for this improvement by getting the continued pressure off. I do not have any documented data on this, and this is merely from observation and talking with fishermen found using these streams.

I want to thank my Chief of Law Enforcement, Mr. John McLaughlin, for giving me the opportunity of bringing to you a report on one of the very important parts of our ever growing program in Virginia, to serve our great sporting public. This is reported to you as I see it from the Enforcement Officers viewpoint. I do believe we have the finest group of people in our Commissioners and each person working for our organization, from the Executive Director, Mr. Chester F. Phelps, right on down the line in all ranks. I would like to say of our Law Enforcement Division, that we are members of a profession of which I am proud to belong. We know the duties of the law enforcement division make it the very nerve center of any Game Commission from the standpoint of revenue and manpower. I feel that in our Law Enforcement Division are found some of the finest men, and through their efforts they play a significant role in our very successful programs on Virginia Special Areas. The sky is the limit when we all work together in a positive way for an end to the betterment of all concerned.

## MAXIMUM PROTECTION FOR WILDLIFE THROUGH COOPERATION

*By Jack Taylor — Maryland Wildlife Officer  
Willie J. Parker — U. S. Game Management Agent*

We believe the enforcement of game laws is a professional discipline and that we who work in this highly selective field should approach all problems in a professional manner. We do not believe the contribution made to North American conservation by enforcement of the regulations has ever been fully recognized. To gain recognition, we must intensify our efforts to be a completely professional and effective law enforcement group.

It is recognized the history of game law enforcement has been explored, developed, and presented dozens of times to many groups. The base thought evolved from such studies is that enforcement of game laws is necessary but very unpopular with a certain percentage of our people who actively participate in the harvest of game and fish in this country. But, unpopular or not, there has never been a time in the history of our country when effective game law enforcement was as important to the renewable resources of our nation as it is today. The need and importance of effective law enforcement will increase daily due to declining wildlife populations, dwindling habitat, and increased pressure from the hunting public.

We believe the competent way to furnish maximum protection to wildlife resources in a State is through a cooperative understanding between the Game Management Agents and the Law Enforcement Section of the State. We know that the prime prerequisite to such an agreement is the absolute necessity for both agencies to recognize the need for, and the benefits to be derived from such a cooperative effort. Recognizing this, Game Management Agents in Maryland and the Law Enforcement Section of the Maryland Game and Inland Fish Department entered into a cooperative law enforcement agreement in the late summer of 1966. Today, we would like to discuss our cooperative effort with you because we believe it has been good for the resources in this State, as well as mutually beneficial to the respective agencies. To discuss this intelligently, we must retrogress and acquaint you with our exact situation at that time.

First, we had to have a complete understanding that our responsibilities and goals were, for all practical purposes, identical. We then discussed what each agency could contribute toward a joint operation. We discussed all aspects and ramifications of a joint program, including obvious benefits and dangers. We were aware from immediate past history that unless the program was well planned and implemented, it could fail because the type program contemplated would certainly work to the