

Credit: *Intelligencer Journal/Lancaster New Era*

A Growing Threat

HOW DEER BREEDING COULD PUT PUBLIC TRUST WILDLIFE AT RISK

By James E. Miller

A recent news story in Iowa's *The Gazette*, dated September 21, 2012, began: "Iowa's first seven cases of chronic wasting disease—all directly related to confined white-tailed deer—have put a bull's eye on the backs of the state's deer breeders and the pay-to-shoot facilities they supply" (*The Gazette* 2012). Less than one month later, Pennsylvania confirmed its first case of CWD, which was traced to a deer farm in Adams County (*The Sentinel* 2012). And in Indiana, an October 19 news report noted concerns about the spread of CWD after 20 deer escaped from a farm that was breeding trophy bucks for fenced-in private hunting preserves (*Indystar.com* 2012). That article quoted Indiana's DNR spokesman as saying the case "underscores the concern many have about how the commercialization of wildlife and interstate trafficking in wildlife presents a Pandora's Box, with the potential spread of a deadly disease that does have some wide-ranging consequences."

Wide-ranging consequences indeed. The spread of chronic wasting disease from captive deer populations is only one of many potential problems related to the commercialization of Public Trust Wildlife (PTW) resources. Under the guise of promoting "economic development," thousands of for-profit deer-breeding and canned-shooting operations have proliferated across the nation. Their proponents are aggressively promoting legislation to expand the industry—a trend that has snowballed since 2007.

All wildlife professionals who care about wildlife resources should take note—and take action. Such legislation has the potential to shift authority for PTW resources, specifically captive white-tailed deer, away from state fish and wildlife agencies to departments of agriculture or state veterinarians, thereby undermining science-based management by wildlife biologists. The rise of deer breeding and farming also threatens fair-chase hunting, our nation's hunting heritage, funding for conservation, wildlife health, and the essential principles of the North American



Model of Wildlife Conservation, which created the greatest wildlife restoration in history. Unless we're willing to accept these consequences, we need to fight.

The Legislative Onslaught

In 2007-2008, legislation was proposed in a few states stimulated by deer breeding/farming proponents, most of which didn't survive the legislative process. But in 2012, such legislation was proposed or introduced in at least 10 states including Georgia, Indiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Tennessee, and West Virginia. The Quality Deer Management Association (QDMA) issued a press release in February 2012 outlining existing or proposed legislation in seven of those states and urging hunters "to oppose the expansion of the deer-breeding industry, which QDMA perceives as a growing threat to wild deer and the deer-hunting heritage."

The bills proposed in Mississippi were fairly representative of what deer-farming proponents hope to accomplish legislatively. Mississippi Senate Bills 2554 and 2555 had asked the state to "allow the importation of farm-raised white-tailed deer, semen, ova, and embryos ... to allow the establishment of deer-breeding farms." The bills also requested that Chapter 7 of Title 49 in the Mississippi Code of 1972 be amended so that it would "not apply to farm-raised white-tailed deer contained in breeding facilities or to deer-breeding farms." That amendment would have exempted cervid breeding and farming facilities from regulations regarding canned shoots, hunting seasons, bag limits, hunting license requirements, disease and animal care monitoring and surveillance, and any other applicable regulations set by the Mississippi Department of Wildlife, Fisheries and Parks. Fortunately, those bills were defeated—but that doesn't mean they won't be reintroduced next year.

Some of us in the wildlife profession have tried to warn colleagues of the dangers of such legislation, which could undermine the success of the North American Model of Wildlife Conservation, threaten the continued success of scientific wildlife management, and exploit PTW resources that belong to the public. Our warnings are often met with apathy, however, or expressions such as "it won't happen in my state." To raise the alarm, I have spoken to a



Credit: Wisconsin Dept. of Natural Resources/CWD Alliance

Captive white-tailed deer like those on a farm in Lancaster County, Pennsylvania (opposite) are sometimes bred to produce "trophy" deer for fenced shoots. Captive deer have contributed to the spread of chronic wasting disease (CWD), a fatal infectious illness. A bony young buck shot in Wisconsin (above) tested positive for CWD, which has spread to 22 states.

number of state chapters of The Wildlife Society, and at professional meetings around the country, about how deer-breeding and canned-shooting proponents are pushing for legislation that is favorable to their industries. As wildlife professionals, we have a responsibility to challenge those who will exploit public trust resources. But to do that effectively, we need to understand the tactics and what is at stake.

Costs and Consequences

At its core, this effort to privatize PTW resources for private gain violates the principles of the North American Model, which calls for the science-based management of wildlife held in trust by the government for the benefit of present and future generations. Yet the apparent goal of deer-breeding proponents is to assume private ownership of any white-tailed deer they can enclose, to manipulate those deer (genetically or through selective breeding and hormones), to raise them in an animal-husbandry environment, and to transport and market the deer and their products within and between states for personal gain. To quote QDMA Chief Executive Officer Brian Murphy, "Not only does this industry undermine the North American Model of Wildlife Conservation ... it also threatens the health of wild deer and the public's perception of hunting." Such concerns are worth exploring here.

Transfer Authority. If PTW resources can be commercialized, owned, modified, bought, and sold, they



Credit: Katherine Jacobs

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effectively become livestock or alternative livestock. The authority for managing the animals would therefore pass from state natural-resource agencies to state departments of agriculture or the state veterinarian. However, those agencies may not have the appropriate scientific capability, educational background, funds, desire, or trained professionals to effectively handle the task or conduct the proper oversight. After talking with the state veterinarian in Tennessee, for example, a representative of the Tennessee Cattleman's Association sent a letter to a state legislator who had introduced

a deer breeding bill (HB 1112). In that letter, dated March 3, 2011, the author wrote, "I spoke with the state veterinarian ... about the enforcement of the testing requirements and importation guidelines [proposed in the bill] for the deer. It appears as though the state's veterinarian's office and their animal health technicians are already stretched thin and are not able to enforce many of the health requirements already in place." This suggests that transferring authority over wildlife resources would not only erode the time-honored system of managing and regulating PTW

resources via responsible state, federal, and provincial fish and wildlife agencies, but could potentially put those resources in peril.

"Hornography" vs. Fair Chase.

Commercial deer-breeding enterprises typically involve keeping animals in high-fence enclosures or breeding pens where they are fed, medicated, and habituated to people. The deer may be genetically manipulated or given growth-enhancing substances, practices that sometimes create bucks with abnormally large "trophy" antlers. Some producers create "breeder bucks," hugely antlered animals that generate semen straws, inseminated does, embryos, and fawns that can be sold to other breeders. Somewhat smaller-antlered "management/shooter/stocker bucks" may be sold for shooting in a fenced area, where owners may guarantee a certain antler score for a fee.

No doubt some breeding operations strive to follow best practices of animal husbandry. However, in some cases, the antlers of some deer are so deformed that the animals appear to have difficulty moving, and some animals may be baited or held in such small areas there is no chance of escape from shooters. In some states the shooter is not required to purchase a state license, there is no bag limit, and the method of harvest is not defined. Those of us who deplore these practices and care about fair-chase hunting describe this as "hornography," the antithesis of fair chase and a practice that anti-hunting groups could use to turn public sentiment against ethical fair-chase hunting.

A brochure (right) from the Quality Deer Management Association promotes its views against captive breeding and for fair-chase hunting. Fair chase brought hard-won success to a hunter in Wyoming, who hiked six miles and hunted three days before harvesting a mule deer to pack home.



Credit: QDMA Photo by Tes Randall Jolly



Credit: David Hewitt



Vermont Draws a Line Legislation Determines Who Owns Wildlife

The National Wildlife Federation shows an extreme example of captive shooting in a [video \(http://vimeo.com/5680646\)](http://vimeo.com/5680646) it produced in 2005 to alert legitimate hunters about problems associated with this industry. It shows a grotesquely-antlered deer staggering toward a bait pile near a tree where a bow hunter waits to shoot it. According to video narrator Brian Preston, the deer are sometimes drugged and kept in three-to-six-acre enclosed pens where they can be shot for fees of up to \$20,000. “This re-commercialization of wildlife,” says Preston, “has produced increasingly publicized poor ethics, noncompliance with even basic regulations, economic damages, and incredible disease risk to free-ranging wildlife.”

Spread of Disease. This risk has become reality as the recent headlines make clear. Diseases such as CWD, bovine tuberculosis (BT), and others have become more widespread among both captive cervid facilities and in wild populations in recent years, with CWD in cervids now reported in 22 states and two Canadian provinces ([CWD Alliance 2012](#)). The NWF video notes that the spread of CWD has been “directly linked to movement of captive deer and elk,” adding that some captive facilities fail to report escapes or to test dead captive deer for CWD as required by law. “This relatively new industry,” says Preston, “has rapidly digressed in ethical standards while at the same time putting free-ranging wildlife at continually increased risk of nearly a dozen diseases”



Credit: VTDFW

In 2010, the Vermont Fish and Wildlife Department (VTDFW) was caught off guard. State legislators passed a bill with a provision granting a private elk farmer ownership of wild moose and white-tailed deer that had become entrapped inside his 700-acre farm enclosure, where he was feeding the wildlife. The bill effectively threatened the public’s state constitutional right to hunt, dating back to 1777. “It was an affront to the constitution and the concept of the Public Trust Doctrine,” says Thomas Decker, VTDFW Chief of Operations.

Prior to the 2010 bill, Vermont had only allowed non-native wildlife such as elk to be kept in fenced areas. As chronic wasting disease (CWD) began to spread in the U.S.—posing a serious health concern for wild and captive cervid populations—markets for elk products began to drop sharply. In the 1990s, elk farmers asked the Vermont General Assembly to allow trophy hunting on their farms to make up for lost income. After years of regulatory wrangling, the state Fish and Wildlife Board decided not to allow any new private hunt facilities to open, but agreed to allow regulated elk hunting on existing farms, and only if native white-tails and moose were removed to prevent the possible spread of CWD, which can pass easily among concentrations of animals. “Many people don’t understand the risks associated with that type of ‘farming,’” says Decker.

One elk farm faced a unique problem because its enclosure held roughly 150 native moose and white-tailed deer as well as nonnative ungulates, which mingled at feed sites (left). The farmer was unwilling to remove the animals as required by law. Subsequently, the state legislature transferred the jurisdiction of his farm from the VTDFW to Vermont’s Secretary of Agriculture, Food, and Markets, effectively allowing him to profit from private hunts of native species. The legislation made the entrapped wild animals a “Special Purpose Herd” and gave de facto ownership of the animals to the farmer.

After an outcry from many sportsmen, conservation groups, and the VTDFW, in May 2011 the General Assembly signed the [Vermont Wildlife Public Trust Act](#), which returned authority over the farm to the VTDFW, stating that “the fish and wildlife of Vermont are held in trust by the state for the benefit of the citizens of Vermont and shall not be reduced to private ownership.” Today, Decker believes these protections are “strong.”

– By Jessica P. Johnson

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Some in the industry dispute such claims. A June 20, 2012 news release produced by the American Deer and Wildlife Alliance ([ADWA](#)) quotes the group’s president as saying, “There has never been one documented case of a herd (wild or farmed) being lost due to a contagion of CWD so we have to get past the propaganda.” Yet numerous captive herds with a contagion of CWD have been depopulated in recent years, including a white-tailed deer farm in central Wisconsin, where 79 percent of the herd tested positive for CWD ([Keane et al. 2008](#)). Some states are so concerned about the threat of disease from captive facilities that restrictions on inter- and intra-state transport and sale of cervids have increased as a means to combat the expansion of disease. In Georgia, for example, a letter co-signed March 6, 2012 by

the Director of the Georgia Department of Natural Resources and the Georgia State Veterinarian says that “Georgia is one of several states that have chosen to minimize the threat of Chronic Wasting Disease (CWD) by prohibiting the importation of any live member of the cervid family.”

False Economics? Such transport restrictions, and the increased monitoring and surveillance for wildlife disease, are making some people in the deer farming/breeding industry eager to find new markets and buyers—and to pressure lawmakers into relaxing restrictions and passing industry-friendly laws. In today’s economy, legislators often hope to be perceived



as promoting any form of “economic development,” and many of the recently-introduced bills claim to do just that. For example, one legislator who introduced a Mississippi deer-breeding bill reportedly argued that it was not a wildlife issue, but more of a business or commerce issue ([NECN.com 2012](#)). And proponents of the industry try to paint opponents as anti-commerce. According to the ADWA [website](#), “Wildlife professionals resort to scare tactics, heated rhetoric, and lies to close down wildlife commerce and shut off new hunting opportunities.”

Yet those who support deer-breeding legislation sometimes make exaggerated claims about the potential economic impacts of this industry. In Georgia, proponents gave a presentation that claimed that the economic impact of deer breeding in Texas alone is \$1.3 billion and supports 14,883 jobs, citing a 2008 Texas A&M University study. However, that study actually says, “The industry generates an estimated \$652 million in economic activity, while supporting 7,335 jobs” ([Frosch et al. 2008](#)). I’ve reviewed the entire 19-page study carefully, and I find the estimated economic impacts questionable. As for the issue of canned shooting, I’d concur with the Indiana Sportsmen’s Roundtable, which wrote in a statement earlier this year, “See this for what it really is—this is a debate between making a fast dollar today vs. ensuring the future of our hunting heritage for tomorrow.”



Credit: Todd Cornish

Conducting a tonsil biopsy on a white-tailed buck in Wyoming, David Edmunds (left)—a Ph.D. candidate in veterinary pathology—uses forceps to remove tissue that will be tested for chronic wasting disease. This buck tested positive for CWD, which occurred in 29 percent of bucks tested over the course of this study.

Hidden Costs. Can we afford to allow the privatization and exploitation of wildlife resources—which will benefit only a few individuals who want to turn our wildlife into livestock—and, in the process, jeopardize a traditional hunting industry that in 2011 involved 13.7 million people who expended \$34 billion on recreational hunting ([FWS 2012](#))? The dollars that hunters pour into states through license fees and excise taxes fund state conservation of game and non-game species alike. States cannot afford to lose game herds through the continued

spread of disease from captive penned or escaped animals, nor can they afford to have the public turn against hunting in general because of disgust with captive deer/cervid shooting.

Consider one case in point: In late October of this year, a doe escaped from a deer farm in Pennsylvania where the state’s first case of CWD had been confirmed. This reportedly prompted Pennsylvania Game Commissioner Ronald Weaner to say that the potential of CWD to spread into the wild deer population “is the No. 1 priority for the Game Commission right now” ([The Evening Sun 2012](#)). When states must spend scarce resources to track down potentially infected animals that have escaped from farm facilities, those state resources are not available for other essential wildlife conservation priorities.

Mount an Effective Fight

If properly approached, state legislators may come to understand the biological, social, and economic risks posed by deer-breeding operations, and may therefore be inclined to oppose related legislation that is being pushed under the guise of economic development. Based on my personal experience in successfully helping to oppose such legislation in Mississippi and elsewhere, I offer the following four techniques that can help wildlifers and others who value our PTW resources to effectively oppose and shortstop such legislation.

Get the Facts. Collect and assimilate facts and case histories about the deer farming/deer breeding facilities and organizations. Dig into news accounts and reports by state and federal agencies regarding cervid diseases, non-compliance with regulations, and problems with deer breeding/farming operations, including escapes and related costs of herd surveillance and disease monitoring. Obtain up-to-date information about diseases such as CWD and BT from websites such as those from the [USGS National Wildlife Health Center](#), the [Chronic Wasting Disease Alliance](#), the [National Wildlife Federation \(NWF\)](#), and the [Michigan DNR](#), which has extensive information regarding BT and its impact on wildlife and livestock. And know what the deer-breeding industry is claiming so you can effectively refute false claims.

The June-July 2012 issue of [Quality Whitetails](#), published by the QDMA, contains an article titled “Disease Dangers of Captive Deer,” which exposes some misleading statements from the deer breeding industry ([Adams 2012](#)). For instance, the article



says that the industry claims that there have only been a “small handful” of captive white-tailed herds that have been found with CWD. “This statement is false,” notes the article. In fact, according to the USDA-APHIS National Wildlife Research Center, “by mid-2012, 55 cervid herds in 11 states were reported to be CWD positive” (USDA). If you have the facts, your arguments will have more sway.

Lobby the Lawmakers. Determine the critical state or federal House and Senate committees that deal with deer-breeding/farming legislation, then get the email addresses and phone numbers of the chairs and co-chairs of those committees and focus your efforts on them. If possible, meet with them face-to-face, share your concerns as respectfully and succinctly as possible, and be willing to provide them with further information if they request it.

For example, Glenn Dowling—the National Wildlife Federation’s Regional Representative for Kentucky, Mississippi, Puerto Rico, Tennessee, and the Virgin Islands—recently sent a letter to the Chairman of Georgia’s House Game, Fish and Parks Committee. The letter cited a news article from Iowa about the state’s first cases of CWD, which stemmed from captive deer (*The Gazette* 2012). “Mr. Chairman,” wrote Dowling, “The article ... is a ‘must read’ as hunters and professional wildlife managers around the country are ‘up in arms’ over the captive white-tailed deer breeders’ denial of their negative consequences and ‘clean-up’ costs to the state and county governments. Ultimately it is the hunting public that will pick up the tab as taxpayer dollars will dry up and agencies will go after sportsman dollars to help fund the clean-up and correction.” This type of direct, forceful letter—especially if signed by partners—can have clout.

Form Partnerships. You can display cooperative opposition by partnering with organizations that might have a dog in this fight. These might include NWF state affiliates, the state Farm Bureau or Grange, local livestock producers, the QDMA, Audubon Society, hunting organizations such as the Boone & Crockett Club, and NGOs such as the Rocky Mountain Elk Foundation. Find out if any of them have policy statements that relate to the issue, and use or cite their resources such as fact sheets and press releases. Also note that cervid breeding/farming facilities and their operations are in direct conflict with The Wildlife Society’s 2010 Technical Review on the Public Trust Doctrine and with several TWS [Position Statements](#), including statements about confinement of un-



gulates, baiting and feeding of game, responsible use of wildlife, and the North American Model.

Persevere. Do not settle for being a bench warmer. Instead, take action and be vigilant. New legislation can move very quickly, so do not procrastinate. If you find out that a bill is likely to be introduced, contact legislators whom you know are open-minded and willing to discuss it and respectfully inform them of your concerns. Once legislation has been introduced, review the bills carefully, assemble your opposition statement and supportive information, and promptly submit it to all members of the House and Senate and to the Governor’s office. We did this in Mississippi, and our efforts helped defeat deer-farming bills in that state. Finally, alert the state and local news media to generate coverage, which might sway public opinion and influence lawmakers.

During this continued economic recession, mounting effective opposition to deer-breeding and deer-farming legislation introduced in the guise of economic development is neither an easy nor an enjoyable task. You may get some scars and be strongly challenged by deer-breeding proponents. I heard a legislator at a public hearing say he did not want to hear any more facts from those “damned wildlife biologists.” That’s what we’re facing.

Not everyone will understand the gravity of the issue or be willing to take action, but it is our responsibility to educate people about wildlife resource issues and good stewardship. So stay informed, get your facts straight, present them logically, partner with others, and be persistent. If we are complacent, our profession will lose, wildlife will lose, those who follow us will lose, and our hunting heritage could be lost forever. ■



Credit for photo above: David Hewitt

The massive antlers of a farm-bred deer (top left) illustrate what some wildlife professionals refer to as “hornography”—the breeding of deer to create “trophy” animals for fenced shoots. Conversely, some captive deer—such as those at Texas A&M University-Kingsville (top right)—help researchers learn about nutrition, physiology, behavior, and other issues that enhance wild-game management.



To access additional resources on captive deer breeding and chronic wasting disease, go to news.wildlife.org/twp.

This article has been reviewed by subject-matter experts.