

# GameTrails

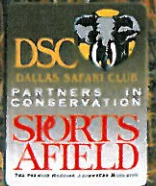
\$8.95

VOL. XIX, NO. 2

SUMMER 2012



JOURNAL OF DALLAS SAFARI CLUB



JAN MARIN MCGUIRE ©

# Wildlife and Private Land: Conservation's Enduring Controversy

PART 2

BY SHANE P. MAHONEY

*Editor's Note: Private land issues and the privatization of wildlife have become major debates within conservation circles. In a series of articles, Shane Mahoney examines this controversy and comments on what has become a divisive issue not only between hunters and non-hunters, but among hunters themselves.*

*In his first article, the author laid out the general issue of wildlife conservation on private land and called for a comprehensive wildlife policy for all lands, public and private. This article deals directly with one of the most polarizing issues, the confinement and commercial use of wildlife on lands legally owned by private individuals.*

## The Confinement, Hunting and Commercial Use of Wildlife

Our North American system of conservation rests fundamentally upon the principle that wildlife belongs to the public collectively and is managed by the state, province or nation for the collective good. This Public Trust Doctrine is a deeply rooted and legally recognized concept that is based on the belief that wildlife, being important to all people and produced naturally by the landscapes of North America, should be part of the national inheritance of every citizen. Managed by government (the trustee) on behalf of the citizenry (the beneficiary), wildlife is thus meant to be equitably shared with all citizens and made available to them for traditional uses such as viewing, hunting and trapping. This arrangement has been long enshrined and accepted as the bedrock of the famous North American Model of conservation, a systematic approach to wildlife use and management that has been hugely successful, for wildlife and the public's enjoyment of it.

However, whether citizens wish to use wildlife in these traditional ways is not the critical issue. The critical issue within the Public Trust arrangement is that the use of wildlife by one citizen should not be unfairly advantageous to the individual or disadvantageous to the public at large. In its purest application, therefore, it is easy to see how the Public Trust Doctrine can be seen as inconsistent with the private ownership of wildlife and the deriving of privileged status or economic benefit from its use. This is not a particularly difficult issue to adjudicate if the wildlife is free-ranging and on public lands. However, the issue is anything but simple when private properties are

involved. Here the Public Trust Doctrine collides with a formidable and equally cherished notion of North American society, that of private property rights and the ownership of products derived from personal investment and toil on those properties. Private land and wildlife are iconic symbols of our North American society and when their boundaries cross or become confused a public reaction is inevitable.

The confinement and use of traditionally hunted native ungulates, such as elk and deer, has become a particularly rancorous debate. For many citizens, "owning" such animals or selling them for personal gain is a foreign and disturbing notion. Hunting these animals behind fences is also something that many citizens, hunters and non-hunters alike, take exception to, claiming it is unsportsmanlike and offers the animals no ultimate chance of escape. But here's where things get even more complex. It has been partly the demand for wildlife hunting opportunities that has led to a growing trend at raising deer and elk on private land, and in some cases, importing exotic ones, and marketing them for personal commercial gain. Hunters may be understandably divided on the issue as they have certainly been part of the motivation for landowners to develop fenced hunting opportunities in the first place. Landowners, from their perspective, see making wildlife a paying crop as one way to keep their land profitable and prevent its sale for development.

While the extensive use of high fences to restrict wildlife (ungulate) movement began in Texas in the 1930s, this trend has been increasing and, today, many U.S. states and Canadian provinces have native ungulates being raised behind fences on private land. Although often referred to as such, it has gone continent wide and is no longer a "Texas Model." Such properties manage the captive animals for a wide range of commercial opportunities, from paid hunting within enclosures large enough to provide the natural forage and space for animals to exist without supplemental feeding, to selling brood stock, meat and antler velvet from much smaller acreages where animals may not only be fed but also genetically manipulated through selective breeding and artificial insemination. Hunting is often permitted in these much smaller enclosures as well.

It is important to understand that this is not a small enterprise. Some individual states now have hundreds of such operations and tens and even hundreds of thousands of ungulates within fenced enclosures. These operations have led to some of the most troubling developments facing wildlife conservation today and include a host of biological as well as social issues that must be debated forthrightly in the public domain. One of the most critical biological issues has to do with communicable diseases which can be passed between wild and captive wildlife and also, in some cases, between wildlife and

humans. Such diseases have the potential to negatively affect wildlife conservation by diverting money away from other wildlife needs, by causing mortality in the diseased populations, and by causing human illness and inducing negative reactions toward wildlife, captive or wild.

Chronic Wasting Disease is a case in point. First recognized among captive mule deer at a research facility in Colorado in the 1960s, CWD has now been reported in 16 states and two Canadian provinces and is certainly present in both captive and free-ranging elk, mule deer and white-tailed deer. While it is debated how much of a risk CWD is to human populations, it is closely associated with diseases such as kuru and Creutzfeldt-Jakob Disease that certainly are; and the management of the disease in captive and free-ranging wildlife is now a daunting task, which consumes precious resources by various government agencies, including wildlife specialists. Culling of both captive and wild populations has been required. We remain uncertain as to the impact this disease has on the viability of free-ranging wildlife populations.

This is also true of Bovine Tuberculosis. This disease was first recognized as a problem on game farms in the 1980s and since then has been discovered in free-ranging white-tailed deer, mule deer, coyotes and other species. Michigan has had a particularly challenging time with Bovine Tuberculosis in a high density white-tailed deer population, leading to very significant expenditures by that state to deal with the problem. This disease is certainly transmissible to humans and has been contracted by workers at game farm facilities. Were it to become more widespread, it could impose great pressures on a host of government agencies.

The future may see many more serious issues along this line, as the number of captive animals increase and the inevitable escapes and contact between captive and wild ungulates occurs. There are many other diseases that may move between captive wildlife and free-ranging populations and increasingly we are seeing the movement of such diseases from animals to humans. We all need to accept that the growth of the captive wildlife industry freights many risks for wildlife, risks we need to collectively address. While diseases are an important factor to consider, so are the broad threats to the Public Trust Doctrine that privatizing wildlife entails. We grapple here with one of the 21st century's great conservation dilemmas. Private land must be a place where wildlife can thrive, but to whom should the benefits derive?

---

*Reprinted from Sports Afield,  
www.sportsafield.com.*