

# CANNED CERVID HUNTING

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## DEFINITION

“Canned cervid hunting” is a trophy hunt in which a member of the deer, reindeer, caribou, moose, or elk family is kept in a confined fenced-in area. “Hunters” pay a large fee to enter the fenced-in enclosure and shoot a trophy buck. The trophy bucks on shooting preserves usually start out on small farms, where farmers selectively breed the deer to produce bucks with large, impressive antlers. These bucks are raised in captivity, fed, medicated, and habituated to humans before they are sold to shooting preserves. Elk and white-tailed deer with extremely large antlers can bring as much as six figures from a shooter.

## REWARDS OF CANNED HUNTING

Because of enormous profits from canned hunting, many state legislatures have been pressured to produce bills allowing private individuals to breed captive cervids for private gain. These legislatures suggest that private individual property rights allow individuals to raise these cervids on their property as “livestock” instead of as wild animals. Defining these animals as livestock allows them to be regulated by state agriculture departments rather than by wildlife agencies. Agriculture departments typically have fewer restraints on livestock husbandry than wildlife agencies do over wild animals.

Today, there are estimated to be over 10,000 captive breeding and shooting facilities in the U.S. resulting in one of the fastest growing billion dollar industries in North America.

## RISKS OF CANNED HUNTING

Chronic Wasting Disease (CWD), similar to mad cow disease, first appeared in 1967 in a captive mule deer population in Colorado. Animals infected with CWD exhibit altered behavior, loss of body condition, excessive salivation, and eventual death, sometimes from aspiration pneumonia. CWD, known as Transmissible Spongiform Encephalopathy (TSE), is a degenerative brain disorder that is always fatal. Other biological agents can be spread among deer through feces, urine, saliva, blood, antler velvet, and parasites.

A critical concern is when an animal is moved, any disease or parasite associated with that animal is also moved. It appears that animals can contract the disease either through direct or indirect contact with an infected animal, although it is unclear when and how infected animals shed disease-causing prions into the environment. Scientists do know that prions have remarkable persistence in the environment and that they resist all conventional treatments used to kill or inactivate infectious agents. Recent studies show that where infected animals reside, abnormal prions shed by the animals

can persist in the environment for many years and infect other animals who later pass through the area. Due to interstate transport of captive-raised cervids, escape of captive deer, or contact through fences with other wild animals, the disease has spread not only to captive deer, but also to free-ranging deer in 24 states. There is the evidence that mule deer and elk can be tested for CWD before they are imported, but there is no similar test for white-tailed deer, which can be tested for the presence of CWD only by an autopsy following their death. There is no known treatment or vaccine for CWD.

## STATE LAWS

Mainly due to a concern of spreading CWD into their state, canned hunting is banned or restricted in 20 states: Alabama, Arizona, California, Connecticut, Delaware, **Georgia**, Hawaii, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Jersey, North Carolina, Oregon, Rhode Island, Virginia, Wisconsin and Wyoming. Laws against canned hunting are also based on cruelty to animals, unethical hunting practices or what hunters consider not be a “fair chase.”

## GEORGIA LAW

In Georgia, a Wild animal is defined as “any animal which is not wildlife and is not normally a domestic species in the state.” According to the Georgia code, it is unlawful for any person to import, transport, transfer, sell, purchase or possess any wild animal (as listed in O.C.G.A. §27-5-5) without first obtaining a wild animal license (as provided in O.C.G.A. §27-5-4) from the Georgia Department of Natural Resources. Farmed deer may be legally held in an approved facility with a deer farming license jointly administered by the Department of Natural Resources and the Department of Agriculture.

Additionally, it is unlawful to shoot, kill or wound any wild animal held under a wild animal license or permit or any farmed deer for **enjoyment, gain, amusement or sport** (O.C.G.A. § 27-5-12). Wild animals are non-native wildlife such as those that may be found in zoos, circuses or educational exhibits. The possession of wild animals is strictly regulated in Georgia because of the risks they pose to public health, safety and welfare, and to native wildlife. These risks include endangering the physical safety of humans, introduction of diseases harmful to humans or wildlife and threats to native wildlife and habitats through competition for natural resources.

## REFERENCES

[www.humanesociety.org](http://www.humanesociety.org)

[www.georgia-outdoors.com/](http://www.georgia-outdoors.com/)

**National Wildlife**, “Loss of the Wild” by Brandon Butler (Oct-Nov 2016)

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**Wildlife Society Bulletin** 40(1), “Risks Posed by Captive Cervids”

[www.aphis.usda.gov](http://www.aphis.usda.gov)

<http://wildlife1.usask.ca>, "Chronic Wasting Disease in Canadian Wildlife: An Expert Opinion on the Epidemiology and Risks to Wild Deer"

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[www.animallaw.info](http://www.animallaw.info)

## APPENDIX A

### **O.C.G.A. §27-5-11 – (2010) Wild animal auction license; applications; filing requirements**

- (a) As used in this Code section, the term "auction" means a public or private sale of wild animals to the highest bidder.
- (b) No person shall conduct an auction of wild animals without first obtaining a wild animal auction license from the department. Such license shall be good only for a specific auction of not more than seven days in duration at a single location.
- (c) All applications for a wild animal auction license shall include:
- (1) A \$5,000.00 wild animal auction license fee which shall be refunded if the application is denied;
  - (2) A cash bond or surety bond issued by a surety company authorized to do business in this state in the amount of \$50,000.00 made payable to the commissioner and conditioned upon the applicant's conducting the auction in accordance with this chapter, any regulations issued by the board pursuant to this chapter, and the terms and conditions of the applicant's wild animal auction license;
  - (3) A description by species and number of the wild animals to be sold at auction and plans of the facilities to be used to house such wild animals which include an explanation of which facilities are to house which animals;
  - (4) A certificate or policy of insurance issued to the auctioneer and the owner of the auction facilities meeting all the requirements of subsection (f) of Code Section 27-5-4 if any wild animals inherently dangerous to human beings are to be sold at auction;
  - (5) A description of facilities to be provided for the obtainment of any insurance required by subsection (f) of Code Section 27-5-4 for persons who buy wild animals at the auction and an affidavit from an officer or agent of such an insurer that it is ready, willing, and able to provide such insurance;
  - (6) Authorization for the department to inspect the proposed facilities for the auction prior to a determination on the application and, if the application is granted, at any time thereafter until all wild animals have been removed from the premises of the auction;
  - (7) Copies of all materials to be distributed to the public or potential participants about the auction; and
  - (8) Such other information as the commissioner deems necessary for the department to discharge its responsibilities under this Code section.
- (d) No application for a wild animal auction license shall be considered unless it is filed and completed at least 60 days prior to the proposed auction. The department shall have 30 days to respond to a completed application.
- (e) All other provisions of this chapter, including, without limitation, those relating to licensing, insurance, humane handling, care, confinement and transportation of wild animals, and seizure and disposal of wild animals shall be applicable to a wild animal auction and any participants therein.

**O.C.G.A. §27-5-12 - (2010)**

**Shooting of any wild animal held under wild animal permit or farmed deer:**

It shall be unlawful to shoot, kill, or wound any wild animal held under a wild animal license or permit or any farmed deer for enjoyment, gain, amusement, or sport. This Code section does not prohibit:

- (1) A licensed veterinarian from diagnosing, treating, or performing other duties within the standards of veterinary practice on a farmed deer;
- (2) The slaughter of wild animals or farmed deer in compliance with the provisions of paragraph (16) of Code Section 27-5-6 and with the laws of this state relating to the slaughter of livestock; or
- (3) The recapture or disposal of farmed deer which have escaped and which have become classified as wild animals pursuant to Code Section 4-4-174 or the disposal of wild animals according to Code Section 27-5-10.

**APPENDIX B  
CASE LAW**

**Ind. Dep't of Natural Res. v. Whitetail Bluff, LLC (Ind. App., 2015)**

In summary, we hold that Article 22 of Title 14 of the Indiana Code does not prohibit high-fence hunting of deer in Indiana. Therefore, in prohibiting Whitetail Bluff from operating its high-fence hunting operation, IDNR went beyond the express powers conferred upon it by the General Assembly in conjunction with its charge to IDNR to manage Indiana's wildlife. We further hold that pursuant to I.C. § 14-22-1-1, IDNR is not authorized to manage the deer on Whitetail Bluff's property because those animals are exempted under I.C. § 14-22-1-1(a) from the general grant of authority conferred upon IDNR under I.C. § 14-22-1-1(b).

**Bean v. Bredesen, No. M2003-01665-COA-R3-CV (TN 5/2/2005) (TN, 2005)**

We have determined that the evidence supports the trial court's conclusion that Tennessee's interest in protecting its indigenous white-tailed deer population outweighs the statutory ban's effect on interstate commerce....

**DNR WRD PRESS RELEASE: [www.georgia-outdoors.com/](http://www.georgia-outdoors.com/)**

ATLANTA, Ga. (April 21, 2009) –The Commissioner of Natural Resources today issued Administrative Orders to Washington County landowner Mr. Jens Brynteson and Mr. David Kilgore of Madison County. The orders impose civil penalties of more than \$70,000.00 on Mr. Brynteson and penalties of \$2,000.00 on Mr. Kilgore for numerous violations of Georgia's Game and Fish laws discovered during an 18-month investigation and subsequent search warrant findings. Additionally, the Commissioner issued Administrative Orders authorizing seizure of fallow deer herds, red deer herds and Mouflon sheep on two properties owned by Mr. Brynteson. Mr. Brynteson and Mr. Kilgore will have 30 days to file an appeal of the Administrative Order. If no appeal is filed within 30 days, the orders will be final. Further, Department officials today issued 29 misdemeanor citations

to Mr. Kilgore for violating Georgia’s trapping laws. “Georgia law imposes strict requirements on those who operate deer farms,” said Dan Forster, Director of the Wildlife Resources Division. “These requirements are designed to ensure the prevention, detection and interception of wildlife-related diseases, such as chronic wasting disease and tuberculosis, which can have a devastating impact on our state’s conservation and agricultural economies.” The statutory purpose of deer farms is to provide an agricultural opportunity to raise non-native deer on a farm for the commercial production of food and fiber. Mr. Jens Brynteson was permitted with the Georgia Department of Natural Resources and the Georgia Department of Agriculture in 1999 for deer farming, but his license expired March 31 and has not been renewed. The resultant violations include multiple counts of possessing regulated wild animals without authorizing licenses and surrendering regulated wild animals to individuals who do not possess authorizing licenses. Moreover, it was discovered that he was moving farmed deer from one property and placing them in a high-fence shooting pen on a different property. These movements raise concern regarding questionable required health certifications. In February of 2009, the Department executed search warrants pertaining to property owned by Mr. Jens Brynteson and the residence of his employee Mr. David Kilgore. Various documents and digital media were seized during the search. The seized items assisted Department officials with further identifying violations. “Not only are these types of ‘canned hunts’ illegal in Georgia, the shooting of farmed deer and sheep for sport in staged hunting venues serves no legitimate role in wildlife conservation and is not supported by the majority of Georgia’s citizens,” said Forster. “These types of unethical activities threaten the use of fair chase hunting as an effective, cost-efficient management tool in Georgia and erodes the existing public support for legal hunting.” Due to the fact that the investigation is ongoing no additional information may be released at this time. For more information about DNR’s Wildlife Resources Division, visit [www.georgiawildlife.com](http://www.georgiawildlife.com).

## APPENDIX C GOVERNANCE

### PUBLIC TRUST DOCTRINE

Governance over wildlife management in the U.S. is divided between the federal government and individual states. The Public Trust Doctrine established the states as trustees of wildlife (Batcheller et al. 2010) except where the Constitution provided for federal oversight (Bean 1983). Three clauses of the Constitution provide for federal oversight: The Commerce Clause, Property Clause, and Supremacy Clause (federal treaty making power). At the federal level, responsibilities for wildlife are assigned to agencies within the Departments of the Interior (Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Reclamation, Bureau of Indian Affairs, Geological Survey), Agriculture (Forest Service, Animal and Plant Health Inspection Service, Natural Resource Conservation Service), Commerce (National Marine Fisheries Service for certain marine mammals), Environmental Protection Agency, and Department of Defense. Within states, 2 governance models predominate: boards or commissions that make policy decisions and oversee an agency, and political appointees that make policy decisions and oversee an agency. Both models are products of

representative democracy (Jacobson and Decker 2008). Representative democracy is the appointment or election of individuals responsible for making decisions that ostensibly fulfill public trust mandates.

#### **NORTH AMERICAN MODEL OF WILDLIFE CONSERVATION**

The Model for global wildlife conservation and management is guided by seven principles:

- (1) Public Trust – wildlife belongs to the people and managed in trust for the people by government agencies;
- (2) Prohibition on commerce of dead wildlife – it is illegal to sell the meat of any wild animal in North America;
- (3) Wildlife allocation is by law – laws developed by the people and enforced by the government will regulate the proper use of wildlife resources;
- (4) Opportunity for all – every citizen has the freedom to hunt and fish;
- (5) Non-frivolous Use – wildlife can be killed for legally legitimate purposes under strict guidelines;
- (6) International resources – because wildlife migrates across boundaries, they are considered an international resource;
- (7) Managed by science – the best science available will be used as a base for informed decision making in wildlife management.

A critical concern in the transmission of prion diseases, including chronic wasting disease (CWD), is the potential presence of prions in body fluids. CWD has a long incubation period, with clinical signs appearing only a few weeks to several months before the animal dies.

*Credit to Kaye Klapper*