



By Gary Pettus

# High fences spark controversy among deer hunters

**F**or Scott Wadleigh, the crisis occurred on a day in the woods several years ago when, from a deer stand on his land, he spotted an eight-point buck. "It was a beautiful deer, but it hadn't reached its potential. So I let it go," Wadleigh says. "Later in the evening, I heard a shot from just outside my property line. I found that same buck, and the hunter who shot it. And I thought, 'Well, congratulations.'"

"There wasn't anything I could do. And that's when I decided to high-fence my property. That's the only way I can manage the deer, and the only way they're going to reach their potential."

Wadleigh, a resident of Pearl River, La., and owner of about 1,200 acres of fenced property near Poplarville, is on one side of a fence (literally) of a controversy involving property rights vs. ownership of a public resource: deer.

Labeled "fenced properties" and "high-fence areas" by some, this con-

troversy, whatever it's called, is raising questions whose answers may be a long time coming. Among them:

- How do you enforce the state's game laws inside a private, fenced-in area?
- How can you render deer inaccessible to those who have a right to them as well -- the people of the state of Mississippi?
- Are the deer actually owned by anyone?
- Does a landowner have the right to control the movement of those animals?

In this year's legislative session, state lawmakers began to confront an issue that, at last count, would affect 120 documented fenced properties in Mississippi, a state in which about 350,000 deer are "harvested," or killed for trophies and meat, each year. "That inventory was conducted two years ago by us," says Larry Castle, chief of wildlife for the state Department of Wildlife, Fisheries and Parks. "We know there are more than 120 fenced areas today."

A figure on total acreage isn't available, but individual property owners have enclosed as many as 1,000 acres or more. Many, such as Wadleigh, say that in areas with many landowners, it's the only way to ensure proper deer management. "Proper deer management" is defined by Castle as "the intelligent harvest of the correct numbers of males and females of the population." Fencing properties for deer management began in earnest in Texas during the 1960s and has "increased exponentially in recent years," says Steve Demarais, a research wildlife biologist with Mississippi State University's Department of Wildlife and Fisheries (a separate entity from the state's Department of Wildlife, Fisheries and Parks).

"Typically, these landowners are hunters themselves," he says. "These fences are about eight feet high and cost about \$15,000 to \$20,000 a mile, so the property owners are not going to do this just because the other hunters they let on their property want it done. It's because they have been unable to harvest as many trophy deer as they want – deer that are four or more years of age, with good antler development. "Harvesting is the major source of mortality for deer in Mississippi, so to be able to control the harvest greatly improves the effectiveness of a deer management program," he adds.

Effective deer management by conscientious landowners, Demarais says, can be foiled by adjacent property owners, and other hunters, who harbor less lofty goals. A buck doesn't reach maturity until five or six years, he says, "but the average age of a buck harvested in Mississippi is two and a half years."

Those on either side of this issue tend to agree that there is a moral responsibility among landowners to properly manage an enclosed deer population. That would include using measures to ensure that the population conforms "to the natural carrying capacity of the land," Demarais says.

"The danger is overpopulation if they aren't properly harvested, because the deer have no other place to go. The problem with trying to improve deer management on open property is that the deer are very mobile. They move on and off of your property, and you have no influence on whether the deer is harvested off your land. You have no influence on what the deer is eating.

"So many land owners have felt frustration over the years with the inability to control these factors." Hal Hicks, too, feels frustrated, but for different reasons. A Natchez resident who owns 7,300 acres in Wilkinson County, his land abuts two separate fenced properties – 800 acres on one side, 1,000 on another.

"I believe these people are jeopardizing the resources of the state of Mississippi," Hicks says. "These structures interfere with wildlife when they attempt to escape from high water or fire. The activities inside these fences include the artificial feeding of deer and enclosing the deer in small areas.

These are things that promote disease in the animals. I and others who agree with me believe this is a violation of state law. "Our goal is to take the management of public resources out of the hand of politicians and people who have the money to influence the enforcement of state law. We want to put it back into the hands of scientists who know how to properly manage game and take it away from special interest groups.

"These enclosures have native white-tailed deer, which are being used by these property owners for their own personal benefit. We believe that under the laws of the state of Mississippi, all wildlife native to the state belongs to the state." Says Castle: "This is a contentious issue. Concerns do

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include CWD – chronic wasting disease (an affliction that affects deer much the same way Mad Cow Disease affects cattle). This year, legislation was passed that defines when the Department of Wildlife, Fisheries and Parks can enter a facility to test or to monitor or perform general surveillance of these animals. It requires owners of these facilities to register with us, and they have until January 1 to do that. It's really a simple process of telling us where you are and who you are, and all our officers out there have access to these registration forms. "So we are now in the process of finding and mapping these areas. The purpose is to find out where these animals are, in the event we have a disease outbreak."

A growing number of CWD animals have been detected in the Midwest, raising concerns that the disease could reach Mississippi, Castle says. No cases of CWD have been found in this state or the Southeast, he adds, "but the concern is that if the disease is found, it will continue to grow and spread. It moves slowly, and it would take generations to get here naturally. But if somebody illegally imported animals that were CWD positive, it could be here tomorrow."

Another potential danger is the "supplemental" feeding of deer, says Demarais. "Often, landowners who build fences implement supplemental feeding programs to maintain artificially high deer populations. Supplemental feeding combined with artificially high deer density can lead to increased disease transmission."

Breeding within enclosed deer populations is also a potential liability, Demarais says. "Biologically, there are no proven short-term or long-term genetic problems, although, it's reasonable to expect some long-term loss of genetic variation within a small enclosure. Mississippi State University is conducting a study looking at genetic characteristics inside enclosures, how the size and age of enclosures affect these characteristics."

A loss of "genetic variability," Demarais says, "can be a problem if the variation lost is important to the population's well being. If a couple of deer that die had the only natural immunity to a certain disease, that population can never get that immunity back. But that's purely speculative."

The spectrum of the fenced-properties controversy "involves some legal issues that are still unresolved," Castle says. "Hunters are concerned, biologists are concerned. Does this mean we at the department are opposed to each and every high-fence area? No. We know there are owners of high fences who are doing everything right. We just have concerns, long term, about a multitude of issues associated with this. We're not opponents or proponents. We just want to do the best thing for the hunters and for the resources of Mississippi."