



The Florida Senate

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Committee on Environmental Preservation and Conservation

REVIEWING ALLOWING HUNTERS TO RUN FOXES AND COYOTES IN ENCLOSURES IN THE STATE

Statement of the Issue

The brief discusses the current state and the history of running foxes and coyotes in enclosures in Florida. The Florida Fish and Wildlife Conservation Commission's (FWC) investigations coupled with public testimony into fox and coyote enclosures led to the suspension and eventual ruling to ban the practice. The brief reviews FWC's investigations, staff conclusions, and public testimony for and against fox and coyote enclosures.

Discussion

Background

According to the Humane Society of the United States,¹ there are 20 Southern and a few Midwestern states that allow enclosures to operate. North Carolina has about 110 of these arenas; South Carolina has some 130, Georgia more than 60 and Virginia around 404. The Humane Society campaigns against the use of enclosures for running dogs and tries to educate the public about the mistreatment of the animals and the risk of spreading disease. There is also a wide variety of regulations for this practice and it varies greatly from state to state and in some states county to county. In 2010, the Minnesota legislature banned the importation and exportation of coyotes. Florida prohibits the importation of coyotes and only allows coyotes to be captured and transported to another part of the state.

In 1988, the former Game and Fresh Water Fish Commission created the fox/coyote enclosure permit process after receiving requests from fox hunters to allow for the stocking of foxes and coyotes in large enclosures for the purpose of chasing them with hunting dogs. The opportunity to chase foxes by trailing hounds in Florida had diminished due to the decreased amounts of suitable land available for running dogs. The permit process was designed to allow the hunters to chase foxes and coyotes with dogs and prevent those dogs from trespassing on private land. It was also thought that requiring a permit for this practice would reduce the risk of dogs being hit while crossing roads or being stolen, lost, or shot for running on private land. Fox enclosures, it was argued, was a legitimate method for training dogs. Advocates of the enclosure permit also reasoned that by only allowing imported foxes to be used it would protect the native wild fox population in Florida. Only persons who possess an appropriate permit may import foxes for the purpose of stocking fox/coyote enclosures. This method was chosen to insure that the licensee would be able to account for the coyotes/foxes they were using to stock enclosures.

Historically there have been up to 50 plus fox enclosures operating in the state at one time, located from the northwestern panhandle to central Florida. According to FWC staff, there are currently approximately 20 fox/coyote enclosures around the state. The hunting of fox and coyote in enclosures with dogs is a unique practice isolated to a few locations. It is not a typical form of hunting and should not be associated with raccoon hunting with dogs, waterfowl hunting with dogs, deer dog hunting, etc. This form of hunting as stated earlier, developed in the late 1980s as land development boomed and hunters were looking for ways to safely run their dogs.

¹ "Fox Penning: All About Violence", M. Satchell, January 19, 2010. The Humane Society of the United States.

Permit Requirements (as of 2009)

The agency required a no-cost permit to operate a private area for the hunting of fox and/or coyote. The fox/coyote enclosure permit was designed to meet the requirements of Rules 68A-24.002 (no possession of fox unless authorized by permit) and 68A-9.002 (possession of wildlife for justifiable purposes may be authorized by permit), Florida Administrative Code (F.A.C.).

To qualify for a permit, persons must submit a letter of application that includes a legal description of the property and the total number of acres enclosed by a fence. Applicants must also include a map depicting all fencing boundaries, escape areas, and food/watering areas. The FWC's Division of Law Enforcement must conduct an on-site inspection of the area prior to the issuance of a permit. Facilities that do not meet the minimum requirements and do not receive a permit may apply for re-inspection after 30 days. It is important to note that the requirements of the fox/coyote enclosure permit were never spelled out in a rule and only exist as conditions of the permit.

What Permits Allow²:

- With an appropriate permit, foxes may be imported for the purpose of stocking private fox/coyote enclosures.
- The trapping of foxes for any purpose in Florida is prohibited.
- The importation of coyotes from other states is prohibited.
- Coyotes may be trapped in Florida and relocated to private fox/coyote enclosures in a different part of the state.
- Foxes and coyotes can only be purchased and/or sold by an individual who possesses an Exhibition or Sale of Wildlife License for the stocking of private fox/coyote enclosures.

Onsite inspection checklists for fox/coyote enclosures include specific requirements for ground cover, adequate fencing, escape routes, food and water, de-worming treatment, and veterinary records. Fox and coyote are provided one escape area for every 20 acres. Escape areas can be natural or man-made but they must be dog proof. Foxes and coyotes must be kept in a sanitary and humane manner including being provided adequate food, water and escape cover. Such facilities are open to inspection by the FWC at anytime. Foxes or coyotes injured during the hunt must be immediately treated and released, immediately turned over to a licensed veterinarian for treatment, or euthanized. The checklist also includes guidelines for the maximum number of dogs per acre that can be released based on the amount of ground cover available in that facility. Fox enclosures ground cover typically contains cypress ponds, fields or pastures, pine flatwoods, oak hammocks, planted pines, and scrubs.

2007-2008 Alabama/FWC Investigations

According to FWC's staff, the Alabama Department of Conservation and Natural Resources (DNR) completed an investigation in November 2007 that uncovered unlawful activity regarding fox enclosures and the illegal importation, sale and delivery of coyotes. Investigators in Alabama met and shared their information with FWC's Investigation Section, which indicated that annually, hundreds of coyotes were being shipped to fox enclosures in northwest Florida.

In addition to the illegal importation of coyotes, the judges also videotaped the killing of foxes/coyotes. Their investigators concluded that the practice of killing foxes and coyotes was not only encouraged but accepted by the participants. In early 2008, FWC investigators corroborated some of the infractions by inspecting existing fox enclosures to determine how they were acquiring their enclosure populations. According to FWC³ all of the inspected enclosures denied acquiring coyotes from outside Florida but did not have documentation or receipts for their existing animals. This substantiated the intelligence received from the Alabama DNR that coyotes were being illegally smuggled into Florida. Furthermore, the inspections revealed that the fox enclosures were routinely ignoring the permit provisions regarding record keeping and vaccination requirements.

² Florida Fish and Wildlife Conservation Commission, Fox and Coyote Enclosures presentation, February 17, 2010.

³ Florida Fish and Wildlife Conservation Commission, February 17, 2010, Division of Law Enforcement.

FWC formally reviews fox/coyote enclosures

The FWC formally requested that FWC staff review the practice at the next FWC meeting, which was held in September 2009. FWC staff was directed to report back to the Commission on the practice of permitting fox/coyote enclosures. Specifically, staff was asked to explore the history behind the practice, examine the permitting process, and determine how many fox/coyote enclosures were currently operating in Florida. In the fall of 2009 FWC staff conducted inspections of all the permitted enclosures. This provided the FWC with a snapshot/inventory of all the permitted enclosures in the state. All permitted enclosures failed to submit some or all quarterly acquisition reports in 2009.

Results of FWC's investigations:

- Eight enclosures illegally purchased foxes and coyotes.
- Three had expired permits.
- Three were never permitted.
- Two were permitted but operated by a person other than the permit holder.
- Two permitted enclosures refused to purchase foxes and coyotes.

Summary of violations:

- Purchase of foxes/coyotes from an unpermitted person.
- Possession of Class II animal (coyote) without a permit.
- Purchase of a fox unlawfully taken from Florida.
- Failure to vaccinate prior to release.
- Failure to control animal diseases.

Twelve suspects received a notice to appear on 46 violations. These violations are second-degree misdemeanors and carry a penalty of up to \$500 and up to 60 days in jail. The FWC was building a case to charge the suspects with violations that carried significantly stiffer penalties but simply ran out of time before the flagrant permit violations were featured on internet sites and news stories. As a result of the investigations, citizen complaints and witness accounts of particularly troublesome infractions, the FWC decided to formally review the practice and examine what steps would need to be taken to insure the safety of the public and the animals⁴.

Based on the number of documented violations and witness accounts of abuse there was more than sufficient evidence to warrant a temporary suspension of the practice. Also, to insure the safety of the public and the animals, on September 22, 2009, former Executive Director Ken Haddad issued an Executive Order temporarily suspending the issuance of any new permits for the operation of private fox areas pending a review of the program by the Commission. The Order applied to all applications for new private fox enclosures, including pending applications for new and lapsed permits.

FWC staff, at the February 17, 2010, Commission meeting, discussed ways to insure the humane treatment of the animals and solicited public comments from stakeholders. FWC staff presented the current permit process and summarized the results of their investigations. The ongoing theme from the investigations was the large number of illegal introductions of coyotes to Florida and the insufficient health records of those animals. The undocumented exchange of animals into the state and the potential for those animals to spread disease and create a potentially catastrophic health issue was a concern for many of the animal activists, citizens, hunting advocates, and neighbors of enclosures operators.

In order to facilitate a review of the permit process and to examine a permanent suspension of the practice, FWC staff presented the Commissioners and the public with three options. The first option was to resume issuing permits to operate enclosures. The staff would develop draft rules that would allow the chasing of fox and coyote in enclosures with stricter requirements and regulations. The second option would be to temporarily prohibit (by

⁴ Florida Fish and Wildlife Conservation Commission meeting February 17, 2010, Division of Law Enforcement.

Executive Order) the chasing of fox and coyote in an enclosure and bring forward recommendations for draft rules from fox enclosures owners. This option would give the fox enclosures participants some ownership in the development of the rules. No chasing would be allowed at any permitted facility and no renewals or new permits would be issued until after completion of the rulemaking process. The last option would be to prohibit (by Executive Order) the chasing of fox and coyote in an enclosure. The one existing permitted facility (as of 2/10) would have to stop chasing. The FWC staff would develop rules that would permanently ban the practice.

FWC staff met with fox/coyote stakeholders and reviewed options that would allow the hunters to continue to run their dogs but keep the animals safe. The fox/coyote enclosures advocates suggested the use of “catchers” that would not allow the coyotes or foxes to be killed and would “call the dogs off.” This scenario was determined not feasible as many of these hunts would not have enough trained manpower to employ these catchers and furthermore it would be impossible for one person to call a pack of dogs off the fox/coyote. Also, it is certainly likely that the fox/coyote would be severely injured at that point and would need to be euthanized. This would defeat the purpose of utilizing a catcher. The catcher might also end up injuring some of the hunting dogs while trying to extract the fox/coyote. FWC staff also suggested using muzzles on the dogs chasing the foxes/coyotes. The pen/enclosure community rejected this option stating that use of muzzles could interfere with the dog’s ability to breathe and debris can get lodged in the muzzle which might further jeopardize the dog’s safety. The fox/coyote enclosures advocates were not able to establish a consensus and lobbied that any further restrictions on the sport would lead to more restrictions on all hunting.

Originally, some advocates and stakeholders for hunting were working with the fox/coyote enclosures advocates to help them with permit requirement suggestions. However, it became clear that the fox/enclosures stakeholders could not maintain an agreement to revise the permit requirements with the FWC staff and the negotiations came to an impasse. Further the animal activists maintained an active internet and media campaign and the hunting community decided to disassociate with the fox/coyote enclosures advocates. Between February and June 2010, the FWC staff held meetings with fox/coyote enclosures advocates and solicited public input from stakeholders. The FWC staff was not able to reach an agreement with the fox/coyote enclosures advocates that would insure the safety and human treatment of the fox/coyote and the hunting dogs.

Conclusion

After more than six hours of oftentimes emotional testimony from over 80 members of the public, the FWC voted on June, 23, 2010, to move forward with prohibiting the operation of fox and coyote enclosures by no longer issuing permits. Over 180 people attended the meeting to support or oppose the ban on fox/coyote enclosures. The media attention put a spotlight not only on the practice of fox/coyote enclosures but on Florida and the FWC. The neighbors of an enclosure in Holt, Florida, testified and described how they had documented dogs mauling coyotes against the enclosure fence. A variety of animal activists including the Humane Society, Big Cat Rescue, Florida Voices for Animals, Defenders of Wildlife, SPCA Wildlife Care Center, etc., all spoke against fox/coyote enclosures and requested that the FWC ban the practice. Proponents of enclosures testified that fox/coyote enclosures were created to help control the coyote population and allow fox hunters to hunt without trespassing or disturbing neighbors. Some enclosures proponents also testified that this hunting practice is a tradition and any further restrictions to this practice would parlay into further limitations on all hunting. At the conclusion of the June FWC meeting, the Commissioners agreed to discontinue issuing permits, and to move forward with ending the practice. The commissioners instructed FWC staff to provide the Commissioners with an official definition for an “enclosure.” The public and the Commissioners also requested that FWC staff at the September 1-3, 2010, meeting, provide the logistics related to the discontinuation of the permits, and the options available to participants who would like to continue to run their dogs, and for the animals remaining in the enclosures.

At the September 2010 Commission meeting the FWC staff restated that the fox/coyote enclosure permit was created under Rules 68A-24.002 (no possession of fox unless authorized by permit) and 68A-9.002 (possession of wildlife for justifiable purposes may be authorized by permit), F.A.C. Essentially, the Commission issued permits for the chasing of foxes and coyotes under the rule that allows for the possession of those animals in certain circumstances. The Commission had permit requirements but did not create rules for the practice. Therefore, by no longer issuing permits under this rule, it is now illegal to chase coyotes/foxes in an enclosure. No permits had

been issued or renewed since the Executive Order was issued in September 2009. Permitted enclosure owners who had animals in their possession at the time of the Executive Order have been allowed by FWC to continue to possess those animals until the Commission reached a decision.

The FWC staff also presented a draft definition of an enclosure. The draft definition states that the enclosure must provide a natural ingress/egress for the animals to the area. The definition was written so it was clear that existing enclosures cannot continue to enclose foxes and coyotes. The FWC staff also provided options for the relinquishing of foxes and coyotes currently in possession. Staff reviewed a list of Wildlife Refuge and Rehabilitation facilities that would accept the fox or coyotes remaining in the enclosures should the owners decide not to modify their enclosures or keep the stock animals in their possession. Finally, the FWC staff shared with the public the existing options for dogs to chase foxes and coyotes on open public lands around the state. This included naming county facilities and state parks that allow dog owners to chase foxes and coyotes in an open area during certain times of the year. The Commission then opened the meeting to public comment and enclosure owners, animal advocacy groups and legislators provided their testimony. The majority of the testimony was in favor of ending the practice. Both the enclosure owners and the animal advocacy groups/activists applauded the Commission and FWC staff for meeting with all stakeholders and providing opportunities to voice their opinions. Finally, the Commissioners accepted the draft definition of an “enclosure“ and voted to no longer issue permits under the rule (68A-24.002 and 68A-9.002, F.A.C.,) that allowed for chasing foxes/coyotes in an enclosure, which bans the practice in Florida.