

Draft Minnesota Rules, Chapter 1721

Proposed Revisions to 1721.0370 to 1721.0420

Farmed Cervidae

Preface

This is a DRAFT document. None of the changes are adopted or reflect current law.

The Board's proposed changes (or new language) are underscored. Existing language in the current rules that the Board proposes to remove or repeal is stricken with a ~~strike out~~.

For this draft: Language in **this color font** are proposed changes new to the rules draft dated 2.05.21; language in **this color font** are proposed changes new to the 2.09.21 rules draft.

Guiding principles in this revision:

- Incorporate changes made by the Minnesota legislature in 2019 to Minnesota Statute 35.155
- Update, simplify, and clarify existing rules
- Add or change definitions to improve clarity
- Add or change language to align the rules with current and relevant scientific evidence related to transmission of CWD
- Omit language that is inconsistent with federal guidelines for regulating farmed Cervidae
- Add or change language to allow the Board to better respond to and manage animal disease events
- Incorporate revisions based on feedback and comments the Board has received from the Advisory Committee, listening sessions held with Tribes and Tribal Organizations, and comments received from the General Public to date

It is the Board's intent to continue work on its Farmed Cervidae rulemaking.

Although the first formal comment period closed at 4:30 p.m. on October 30, 2020, the Board encourages your review and welcomes your comments and feedback.

There will be a second formal comment period when the Board publishes its notice of intent to adopt the rules, planned for early 2021.

**Minnesota Rules Chapter 1721
Board of Animal Health**

Deer and Elk

1721.0370 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1721.0370 to 1721.0420, the terms in this part have the meanings given them.

Subp. 2. **Animal.** "Animal" means an animal that is a member of the family Cervidae.

Subp. 3. **Annual inventory.** "Annual inventory" means a complete, and accurate record of each animal in the herd that is required to be identified with official animal identification, to include the age, sex, and species of the animal.

Subp. 4. **Authorized CWD Sample Collector.** An "Authorized CWD Sample Collector" means an individual who has met all training, sample collection, and submission requirements to be authorized by the board.

~~Subp. 35. **Brucellosis certified free herd.** "Brucellosis certified free herd" means a farmed Cervidae herd that has tested negative to at least two official brucellosis tests and is recognized by the board as brucellosis free meets all requirements of the voluntary brucellosis certification program, as required by the board.~~

~~Subp. 5. **Commingled animals.** "Commingled animals" means the definition given in part 1721.0010, subpart 13. Animals that meet this definition are commingling.~~

Subp. 46. **CWD.** "CWD" means chronic wasting disease.

Subp. 7. **CWD exposed animal.** "CWD exposed animal" means an animal that is part of a CWD positive herd, or that has been exposed to a CWD positive animal or contaminated premises within the previous 5 years.

Subp. 58. **CWD certified state level 6 herd.** "CWD state level 6 herd" means a farmed Cervidae herd that is enrolled in a CWD herd certification program approved by the board and has reached level 6 herd status as specified in part 1721.0420, subpart 1, item F-E.

Subp. 6. ~~**CWD contaminated premises.** "CWD contaminated premises" means a premises on which a CWD positive animal has been identified. A CWD contaminated premises is further categorized depending on the degree of contamination as follows:~~

- ~~A. A premises shall be categorized as having minimal environmental contamination if there is no evidence that there has been transmission of CWD on the premises and there is no evidence of long-standing infection of the herd. The number of positive animals identified on a premises of this type must be three or fewer. This category shall be used in cases where history and records indicate that the positive animal likely contracted the disease on another premises. Positive animals on a premises in this category must be preclinical at the time of CWD diagnosis or very early in the clinical course of the disease.~~
- ~~B. A premises shall be categorized as having moderate to severe environmental contamination if there is evidence that transmission of CWD has occurred or where a positive animal dies of CWD or is euthanized late in the clinical course of the disease.~~

Subp. 789. ~~**CWD endemic area farmed Cervidae management zone.** "CWD endemic area farmed Cervidae management zone" means a geographic area as determined by the board where CWD is confirmed present in wild Cervidae populations.~~

Subp. 8910. **CWD herd certification program.** "CWD herd certification program" means a herd CWD surveillance and control program administered by a state, federal, or provincial government agency. For a CWD herd certification program to be approved by the board, it must meet the requirements in part 1721.0420.

Subp. 1011. ~~**Official CWD test.** "Official CWD test" means any test for the diagnosis of CWD approved by the board. A list of approved CWD tests approved by the board is available through the Internet at <http://mn.gov/bah> or by calling the board office at 651-296-2942 on the board's website or by calling the board office.~~

~~Subp. 12. **Exclusionary Fencing.** "Exclusionary Fencing" means a method of preventing the commingling of wild and farmed Cervidae.~~

Subp. 9113. **Farmed Cervidae.** "Farmed Cervidae" means Cervidae that are raised for any purpose and are subject to registered registration in a manner approved by the board. As provided by section 17.452, f farmed Cervidae are livestock and are not wild animals for purposes of game farm, hunting, or wildlife laws.

Subp. ~~1214~~. **Herd.** "Herd" means all Cervidae:

- (1) in a group of at least 1 one animal; and
- (2) maintained on common ground for any purpose; or
- (3) under common ownership or supervision, geographically separated, but that have an interchange or movement of animals without regard to whether the animals are infected with or exposed to diseases.

Subp. ~~1315~~. **Official Animal Identification.** "Official Animal Identification" means a device or means of animal identification approved for use by APHIS to uniquely identify individual animals. A list of official identification approved for farmed Cervidae is available on the board's website or by calling the board office.

Subp. ~~1416~~. **Physical Inventory.** "Physical Inventory" means the visualization of all the numbers and letters of all forms of animal identification in each animal in the herd required to be identified with official animal identification at the time the physical inventory is performed. All the animal identification must be recorded completely and accurately with the age, sex and species of the animal.

Subp. ~~1517~~. **Redundant Gating.** "Redundant Gating" means 2 gates, an inner and outer gate, at entry areas for farmed Cervidae enclosures that are regularly used for feeding, managing, or handling farmed Cervidae. The redundant gates must allow all personnel and the equipment used regularly to feed, manage, or handle farmed Cervidae, to get completely inside the enclosure between the gates, and allow the outer gate to be secured before opening the inner gate and gaining entrance to the enclosure.

Subp. ~~1618~~. **Successful CWD Test Result.** "Successful CWD Test Result" means a test result where the CWD status of the animal can be determined, including which include the test results of not detected, suspect, or positive.

~~Subp. 1117. **Tuberculosis accredited free herd.** "Tuberculosis accredited free herd" means a herd of farmed Cervidae that has tested negative to at least two official tuberculosis tests and is recognized by the board as tuberculosis free meets all requirements of the tuberculosis accreditation program, as required by the board.~~

Subp. ~~1218~~~~19~~. **Wild Cervidae.** "Wild Cervidae" means Cervidae that are born in and live in the wild.

1721.0380 GENERAL REQUIREMENTS.

Subpart 1. **Possession of live Cervidae in Minnesota.** A person may not possess live Cervidae in the state unless the person is registered with the board and meets all the requirements for farmed Cervidae in parts 1721.0370 to 1721.0420 and ~~Minnesota Statutes~~, sections 17.452; 35.153; 35.155; 97A.401, subdivision 3; and 97A.505, subdivision 8.

Subp. 2. **Registration.** To be registered with the board, the owner of farmed Cervidae must have the owner's herd inspected by a representative of the board and demonstrate that the owner has fulfilled all the requirements for farmed Cervidae in parts 1721.0370 to 1721.0420. The owner must also sign and submit to the board a registration agreement in which the owner agrees to maintain the owner's herd in compliance with this part.

- A. The failure of the owner to comply with this part or to pay a civil penalty assessed by the board pursuant to Minnesota Statutes, section 35.95, for failure to comply with the requirements of this part shall constitute grounds for the board to cancel the registered status of a farmed Cervidae herd.
- B. In accordance with ~~Minnesota Statutes~~, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the registration revocation ~~board's determination~~ under the Administrative Procedure Act, Minnesota Statutes, chapter 14, within 30 days of the revocation notice.
- C. The board may refuse to register a premises or person that has had their herd registration revoked by the board, by taking into consideration the factors leading to the revocation.

Subp. 3. **Inspections.** A representative of the board shall be permitted to inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records. Each herd and all premises where the herd is located must be inspected annually by a representative of the board ~~at least once every 12 months~~ to document compliance with this part. The annual inspection shall include a physical inspection of all perimeter fencing, and a viewing to verify that all animals are tagged as required under part 1721.0390.

- A. If a fence deficiency is detected during an inspection, the deficiency must be corrected, and the facility must be reinspected at least once in the subsequent three months. The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection fee under ~~Minnesota Statutes section 35.155, subdivision 7(a)~~, for each reinspection related to a fence violation. If the fencing deficiency compromises the ability of the farmed Cervidae owner to prevent the escape of farmed Cervidae from the enclosure, the owner must take immediate steps to keep the herd confined within the enclosure. ~~For new farmed Cervidae facilities where no farmed Cervidae have ever been kept, a representative of the board shall be permitted to conduct a prestocking inspection to document compliance with this part and verify an initial null inventory for the herd.~~

- B. Prior to stocking with Cervidae, the owner shall permit a representative of the board to conduct an inspection of the premises to document compliance with this part, including verifying that perimeter fencing meets requirements, and verifying an initial null inventory for the herd.
- C. When a farmed Cervidae owner closes out a farmed Cervidae herd and will no longer possess farmed Cervidae, the owner shall permit a representative of the board to conduct an inspection of the premises to verify a null inventory.

Subp. 4. **Herd inventory.** ~~The~~ A farmed Cervidae owner must keep records for the acquisition and disposition of each animal, as outlined in subpart 10. For each farmed Cervidae herd, a complete animal inventory must be ~~conducted every 12 months~~ compiled by the owner and submitted to the board annually every 12 months. Every third year, a physical inventory must be performed by the owner, and a copy of the signed and verified physical inventory record must be submitted within 14 days of the physical inventory.

- A. The accuracy of ~~the any~~ herd inventory must be verified by two individuals, the farmed Cervidae owner and an accredited veterinarian who is not also the owner of with no ownership interest in the herd or the premises upon which the herd is confined, by signing and submitting the inventory to the board. ~~The~~ A herd inventory must be filed on forms approved by the board and include the age, sex, type of animal, and all current identification numbers for each animal in the herd, indicating which animals were retagged since the previous inventory was completed.
- B. Upon request, the owner of a farmed Cervidae herd must allow a representative from the board access to the premises and herd to conduct a physical animal by animal inventory to reconcile animal identification numbers with the records maintained by the owner and the board. If the board determines it is necessary to verify an a farmed Cervidae owner's compliance with farmed Cervidae requirements, the board may request a physical inventory at any time, and ~~the~~ the herd owner must present the entire herd for inspection under conditions where ~~the a~~ board representative or accredited veterinarian with no ownership interest in the herd or the premises upon which the herd is confined, can safely read all identification on the animals. The owner is responsible for assembling, handling, and restraining the animals and for all costs incurred to present the animals for ~~inspection~~ physical inventory.

Subp. 5. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent escape. Perimeter fences for farmed Cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed Cervidae or entry into the enclosure by wild Cervidae.

- A. All fencing installed or repaired after July 01, 2019, shall be constructed of either high tensile material or a material that is equivalent to or more effective in preventing ingress or egress of Cervidae than high tensile, as determined by the board. Entry areas for farmed Cervidae enclosures shall have redundant gates. If an entry does not require redundant gating per part 1721.0370, subpart 15, then the gate to the entry must be secured with two forms of latching closures.
- B. As provided in section 35.155, subdivision 4, if the facility fails to correct a fencing deficiency found during an inspection, the board may revoke the facility's registration and order the owner to remove or destroy the animals as directed by the board. If the board revokes a facility's registration, the commissioner of natural resources may seize and destroy animals at the facility.
- B-C. All new farmed Cervidae premises with white-tailed deer that are registered after January 1, 2022, must have perimeter fences that are at least ~~120~~ 108 inches in height and must be:
 - (1) all high tensile mesh wire fencing, or
 - (2) 96 inch-high mesh wire fencing plus either 3 strands of high-tensile fence-top deterrent wire, such as 10-12.5 gauge wire or cable, placed no less than 4 inches apart, or
 - (3) other fence plans as approved by the board.
- D. Fence plans must be approved by the board.

Subp. 6. **Running at large prohibited.** ~~An~~ A farmed Cervidae owner may not allow farmed Cervidae to run at large. The owner must make reasonable efforts to return escaped farmed Cervidae to their herd enclosures as soon as possible. The owner must notify the board and the commissioner of natural resources and the board of the escape of farmed Cervidae, and create and maintain a record documenting the escape event, if the farmed Cervidae are not returned to their herd enclosures or euthanized by the owner within 24 hours of ~~their~~ the escape.

- A. All escaped farmed Cervidae that are ~~harvested~~ killed or found dead must be tested for CWD, regardless of age.
- B. As provided in section 35.155, subdivision 4, if ~~h~~ a farmed Cervidae facility experiences more than one escape incident in any 6-month period, the board may revoke the facility owner's registration and order the owner to remove or destroy the animals as directed by the board.

Subp. 7. **Removal of wild Cervidae.**

- A. When a tract of land is initially enclosed with a perimeter fence for the purpose of establishing a new farmed

Cervidae ~~facility enclosure~~, the facility's owner must remove wild Cervidae ~~must be removed~~ from the premises by herding them off of the land to be enclosed at the owner's expense prior to bringing any farmed Cervidae to the premises.

- B. ~~An~~ The owner of an existing farmed Cervidae facility or an employee or agent under the direction of the owner must destroy wild Cervidae found within the owner's farmed Cervidae ~~facility enclosure~~. The owner, employee, or agent must report wild Cervidae that are destroyed to the board and a conservation officer or an employee of the Department of Natural Resources Division of Wildlife within 24 hours. Testing of wild Cervidae destroyed within the farmed Cervidae ~~facility enclosure~~ shall be conducted by or under the supervision of the board. The wild Cervidae must be disposed of as prescribed by the commissioner of natural resources.

Subp. 8. **Sales of farmed Cervidae and meat products.** A person selling or buying farmed Cervidae sold as livestock, sold for human consumption, or sold for slaughter must comply with parts 1721.0370 to 1721.0420 and ~~Minnesota Statutes~~, chapters 17A, 31, 31A, 31B, and 35.

Subp. 9. **Slaughter of farmed Cervidae.** Farmed Cervidae must be slaughtered and inspected according to ~~Minnesota Statutes~~, chapters 31 and 31A.

Subp. 10. **Record keeping.** A herd owner must maintain all herd records that include a complete inventory of animals pertain to a herd inventory and reportable disease traceability, including the type, age, and sex of each animal, the date of acquisition, records that indicate the source of each animal that was not born into the herd and the date of acquisition; the date of disposal and destination of any animal removed from the herd; and all individual identification numbers associated with each animal while in the herd; ~~and~~ reportable disease and CWD testing; and a record of all escape events which includes the number of escaped animals, with each animal's official identification and their disposition. ~~If animals enter or leave the herd, Source and destination records must include the names, addresses, and telephone numbers contact information of previous or subsequent owners of the animals must be recorded.~~ Records must be maintained for at least ten years.

1721.0390 ANIMAL IDENTIFICATION.

All ~~f~~ farmed Cervidae in the state must be officially identified with an official ear tag that. All farmed Cervidae must have identification must be that is visible to the naked eye during daylight under normal conditions from a distance of 50 yards.

- A. Before any animal may be moved off a premises, unless the movement is to slaughter, all animals in the herd that are required to be identified must be identified with 2 forms of identification: at least 1 official animal identification and an additional identification that must be unique within the herd.
- B. White-tailed deer must be identified with official animal identification before October 31 of the year the animal is born, at the time of weaning, or before movement from the origin premises, whichever occurs first. All other newborn animals must be officially identified with official animal identification before December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first.

1721.0400 IMPORTATION OF FARMED CERVIDAE.

Subpart 1. **Import permit.** A permit must be obtained from the board prior to the importation of live Cervidae into Minnesota.

Subp. 2. **Certificate of veterinary inspection.** Live Cervidae imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian.

Subp. 3. **Movement reports.** If farmed Cervidae are brought into a herd from another herd, the owner of the destination herd must report the age, sex, and all identification numbers of the animals, and the name and address of the source herd, to the board within 14 days.

Subp. 34. **Chronic Wasting Disease (CWD).**

- A. Live Cervidae must originate from a herd that has been subject to an state, federal, or provincial-approved CWD herd certification program and that has reached a status equivalent to level 6 as specified in part 1721.0420, subpart E.
- B. CWD endemic areas:
- (1) Live Cervidae may not be imported into the state from a CWD endemic area, as determined by the board. Live Cervidae may not be imported into the state from an area where CWD endemic area has been detected, as determined by the board.
 - (2) Cervidae carcasses may not be imported into the state from a CWD endemic area, as determined by the board, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are

- ~~cleaned of all brain tissue.~~
- C. ~~Live Cervidae or Cervidae carcasses~~ may not be imported into Minnesota from a herd that is infected with or exposed to CWD.
 - D. Farmed Cervidae carcasses may not be imported into the state from a CWD endemic area except for cut and wrapped meat; quarters or other portions of meat with no part of the spinal column or head attached. Antlers; hides; teeth; finished taxidermy mounts; and antlers attached to skull caps that are cleaned of all brain tissue may be imported.
 - E. Live Cervidae Returning from Display. Live farmed Cervidae that are from a registered Minnesota herd and are returning to Minnesota from a display are exempt from the importation requirements of subparts 1, 2, and 3 if they were housed and maintained according to board-approved guidelines, which includes ensuring they were not exposed to other farmed Cervidae, wild Cervidae, or areas where other Cervidae are/have been kept.

1721.0410 INTRASTATE MOVEMENT OF FARMED CERVIDAE.

Subpart 1. **Movement reports.** Movement of farmed Cervidae for any reason from any herd to another location must be reported to the board within 14 days of the movement on forms approved by the board. If farmed Cervidae are brought into a herd from other herds, the owner of the destination herd must report the age, sex, and all identification numbers of the animals, and the name and address of the source herd, to the board within 14 days.

Subp. 2. **Movement requirements.** Farmed Cervidae ~~moved moving from~~ any herd to another location in the state must:

- A. be identified ~~per part 1721.0390 with an official ear tag 2 forms of identification, one must be official animal identification;~~ and
- B. be accompanied by a farmed Cervidae movement report; ~~and~~
- C. ~~originate from a herd that is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F, or move directly to a slaughtering establishment having state or federal inspection.~~

Subp. 3. **CWD Herd Surveillance status.**

- A. Animals originating from a herd that has achieved a level 6 under the board's CWD herd certification program may move to any location within the state.
- B. Animals originating from a herd that has achieved a level 4 or 5 status under the board's CWD herd certification program may not be moved to another location in the state other than directly to a slaughtering establishment having state or federal inspection, unless they animals meet the requirements of subpart 2 items A and B, and the owner has obtained a permit from the board prior to movement.
- C. Animals from a herd that has only achieved a level 1, 2, or 3 status under the board's CWD herd certification program may not be moved to another location in the state unless the owner has obtained a permit from the board prior to movement.

~~Subp. 4. **Movement of animals to slaughter.** Animals from registered herds may be moved directly to a slaughtering establishment having state or federal inspection, unless the animals are moving from a CWD management zone. Animals moving from a CWD management zone must be moved as specified in subpart 7.~~

Subp. ~~354~~. **Restraint of animals in transit.** Farmed Cervidae that are moved from one location to another for any reason including sale, exhibition, or entertainment, must always be ~~restrained confined~~ at all times in a manner to prevent escape.

Subp. ~~465~~. **Restriction on herd additions.** Farmed Cervidae may not be moved into an existing farmed Cervidae herd unless the receiving herd is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F. A person may not move a farmed Cervidae to a premises that is not in compliance with the legal requirements for possession of farmed Cervidae in Minnesota.

Subp. ~~576~~. **Movement into, within, and out of CWD endemic areas farmed Cervidae management zones.**

- A. ~~Farmed Cervidae that originate from a CWD endemic area~~ farmed Cervidae management zone may not be moved to other locations in the state unless permitted by the board. ~~they move directly to a slaughtering establishment having state or federal inspection. A shipping permit must be obtained from the board prior to movement of farmed Cervidae from a premises located within a CWD endemic area. With a permit from the Board, farmed Cervidae that originate from a CWD management zone may only be moved to:~~
 - (1) other registered farmed Cervidae premises within the same CWD management zone; or
 - (2) a slaughtering establishment having state or federal inspection.
- B. ~~Farmed Cervidae may not be moved into a CWD endemic area management zone unless they the herd owner has obtained a permit from the board and moves the animal directly to a slaughtering establishment having~~

state or federal inspection. A shipping permit must be obtained from the board prior to movement of farmed Cervidae into a CWD endemic area.

- C. Farmed Cervidae carcasses must be tested per part 1721.0420 and may not be moved from a CWD endemic area farmed Cervidae management zone to other locations in the state, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, or unless permitted by the board. Antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue may be moved to other locations in the state.

1721.0415 EXHIBITION.

Subpart 1. Requirements for Exhibition. Movement of farmed Cervidae for exhibition must be reported to the board within 14 days of the movement on forms approved by the board. All farmed Cervidae at exhibitions must be identified with 2 two forms of identification, and one must be official animal identification. All farmed Cervidae present at exhibitions must be confined in a manner to prevent escape.

Subpart 2. Intrastate Movement Exemption. With prior approval from the board, farmed Cervidae that are exhibited intrastate are exempt from the requirements in part 1721.0410, subpart 6, and may be returned to the herd of origin if the animals are maintained so that they are not exposed to other farmed Cervidae, wild Cervidae, or land where Cervidae are kept.

1721.0420 CHRONIC WASTING DISEASE (CWD).

Subpart 1. State CWD herd certification program.

- A. The owner of a farmed Cervidae herd must be enrolled in the CWD herd certification program and must comply with all the requirements of this part.
- ~~B. The owner of a farmed Cervidae herd must sign and submit to the board a CWD herd certification program agreement in which the owner agrees to comply with the requirements in this part.~~
- ~~CB.~~ When farmed Cervidae that are officially identified die or are ~~slaughtered~~ harvested-killed, the owner must report the age, sex, and all official identification numbers of the animals to the board within 14 days.
- ~~DC.~~ Animals from farmed Cervidae herds that are 12 months of age and over that die or are ~~slaughtered~~ harvested killed must be tested for CWD with an official CWD test. Samples to be tested for CWD must be collected by an Authorized Sample Collector and submitted to a laboratory approved by the board-APHIS within 14 days of sample collection. Other testing protocols for the detection of CWD in farmed Cervidae herds may be used if they are approved by the board and are equally effective for the detection of CWD in farmed Cervidae herds. Testing must be completed at owner expense unless state or federal funds are available for this purpose.
- ~~(1) For each animal not successfully tested, the herd status may be reduced based on compliance history and the most recent 12 months of surveillance in the herd in accordance with board surveillance standards for farmed Cervidae, available on the board's website. For each animal not successfully tested and/or recurring missed samples of test-eligible animals, per the APHIS-Veterinary Services CWD Program Standards the board shall implement consequences based on risk-based assessments of the farmed Cervidae owner's herd. The risk-based assessments the board will apply to farmed Cervidae herds shall be in accordance with the board's farmed Cervidae CWD surveillance standards, available and kept updated on the board's website. [Author's note that will be deleted from final rules draft: To be reviewed in conjunction with document titled: Farmed Cervidae Program CWD Surveillance Standards, available on the Board's website]~~
- ~~(2) With approval from the Board, for each animal that does not have a successful CWD test result, tissues from an equal number of test-eligible animals of the same species that has have resided in the same location in the herd, for at least as long as the unsuccessfully tested animals, may be substituted by the herd owner to meet surveillance requirements.~~
- ~~(3)~~(2) The board may grant an exception to these requirements in this part if animals die from anthrax or another zoonotic disease where sample collection poses a public health risk, or if animals are lost due to an outside act of vandalism or due to a mass mortality event such as a natural disaster.
- ~~ED.~~ The CWD surveillance period for a herd is the continuous length of time the herd has been enrolled in the program and the owner has met all the requirements of this part.
- ~~FE.~~ Herd status is divided into six levels based on the period of time the herd has been under continuous CWD surveillance without evidence of CWD or a determination that the herd has been exposed to CWD. Progression from one level to the next is based on successful program participation for a continuous period of time as follows:

- (1) level 1 is from time of enrollment to 12 months;
- (2) level 2 is from 12 months to 24 months;
- (3) level 3 is from 24 months to 36 months;
- (4) level 4 is from 36 months to 48 months;
- (5) level 5 is from 48 months to 60 months; and
- (6) level 6 (~~certified herd~~) is greater than 60 months.

~~GF.~~ If farmed Cervidae are brought into a herd from other herds, the owner must report the age, sex, and identification numbers of the animals and the name and address of the source herd to the board within 14 days on forms approved by the board. New animals may be introduced into the herd only from other herds enrolled in a CWD herd certification program. If animals are received from a herd with a lower herd status, the receiving herd reverts to the program status and enrollment date of the source herd.

~~HG.~~ A newly formed herd that is comprised solely of animals obtained from herds already enrolled in the CWD certification program ~~must start at~~ will assume the lowest status of any herd that provided animals for the new herd.

~~I.~~ Except as provided in item J, the CWD surveillance period for a herd must be shortened each time an animal over 12 months of age dies, is slaughtered, escapes, or is lost and is not tested for CWD. For each such animal that is not tested for CWD, the surveillance period will be shortened:

- ~~(1) by the length of the surveillance period for herds in status level 1;~~
- ~~(2) by 365 days for herds in status levels 2 to 3;~~
- ~~(3) by 180 days for herds in status levels 4 to 5; or~~
- ~~(4) by 90 days for herds in status level 6.~~

~~J.~~ The board shall grant an exception to the requirements of item I if animals die from anthrax or from another disease where necropsy is contraindicated due to public health risks or if they are lost due to an act of vandalism or natural disaster such as a tornado or flood.

~~H.~~ The failure of the owner to comply with the requirements in parts 1721.0370 to 1721.0420 shall constitute grounds for the board to cancel herd status. ~~In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14.~~

Subp. 2. **Quarantine procedures.** The board must immediately quarantine a farmed Cervidae herd that is ~~determined~~ suspected to be infected with CWD based on a suspect test result or clinical signs, or that is known to be exposed to CWD.

- A. Unless a permit is obtained from the board, farmed Cervidae may not be moved into or out of a quarantined herd. The board may allow farmed Cervidae from quarantined herds to be moved under permit directly to a state or federally licensed slaughtering establishment, to an approved veterinary diagnostic laboratory, or to another location if that movement is determined by the board not to endanger the health of other animals in the state.
- B. Upon request from the board, ~~the~~ owner of a farmed Cervidae herd determined to be infected with or exposed to CWD must, ~~upon request~~, furnish to the board a list of sources of farmed Cervidae, during the preceding five years and a list of movements of farmed Cervidae to other locations, and all records pertaining to escapes during the preceding five years.
- C. Farmed Cervidae herds shall be released from quarantine by any of the following methods:
 - ~~(1) Depopulation. To release a quarantine by depopulation, all Cervidae in the herd must be euthanized and tested with an official CWD test. If the premises has no environmental contamination and all CWD tests are negative, the quarantine shall be released immediately. If the premises has minimal environmental contamination, the quarantine shall be released one year after depopulation and cleaning and disinfection. If the premises has moderate to severe environmental contamination, the quarantine shall be released five years after depopulation and cleaning and disinfection;~~
 - ~~(2) Test of exposed animals. If a premises has no environmental contamination and all CWD-exposed animals on the premises are tested and are found to be CWD negative, the quarantine shall be released;~~
 - ~~(3) Test for five years. If any animal that dies or is slaughtered from the herd is tested, regardless of age, with an official CWD test for a period of 60 months, and no positive animal is identified, the quarantine shall be released; or~~
 - ~~(4) Other procedures. Quarantines may be released by procedures in addition to those in subitems (1) to (3) if they are approved by the board and are equally reliable and effective as the other methods in this item.~~

Farmed Cervidae herds with CWD exposed animals may shall be released from quarantine when:

- (1) all CWD exposed animals that currently reside or resided in the herd have a CWD test result of not detected, or
 - (2) it has been 5 years since the animals were exposed to a CWD infected animal and the animals are determined by the board to be free of clinical signs of CWD infection.
- D. CWD-contaminated premises must be cleaned and disinfected prior to quarantine release by a method approved by the board. If ~~the a~~ farmed Cervidae herd is determined to be infected with CWD, then the herd owner must depopulate the farmed Cervidae herd as outlined in accordance with Minnesota Statutes section 35.155, subdivision 11. If an indemnification application is not submitted, then no appraisal is required or requested, the herd owner must depopulate the herd must be depopulated in a timely manner.
- (1) The board may require a herd owner of a CWD infected farmed Cervidae herd to take measures to minimize commingling of the herd with wild Cervidae until the herd is depopulated.
 - (2) All carcasses of animals determined to be infected with CWD must be disposed of according to the direction of an agent of the board.
 - (3) The farmed Cervidae herd owner shall maintain enclosure fencing for 5 five years from the date of detection and post biohazard signs as directed by the board.
 - (4) The farmed Cervidae premises must be cleaned and disinfected in a manner approved by the board.
 - (5) The premises owner may not possess farmed Cervidae on the premises for a period of 5 years from the date the cleaning and disinfection of the premises is approved by an agent of the board as complete.

Subp. 3. **Determining boundaries of CWD endemic areas farmed Cervidae management zones in the state.** ~~If the board determines that CWD is endemic in the state, all locations within ten miles of a confirmed case of CWD in wild Cervidae in the state must be designated as part of the endemic area. The board shall determine the area of a CWD farmed Cervidae management zone to prevent the spread of CWD to farmed Cervidae when CWD is confirmed in wild Cervidae. The board shall designate larger geographic areas of the state as part of a CWD endemic area if necessary to prevent the spread of CWD. Individual farmed Cervidae herds where animals are kept on premises within a designated CWD endemic area shall be excluded from and not considered to be a part of a CWD endemic area if one of the following conditions is met:~~

- A. ~~the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for a continuous period of time that began no later than 180 days following the initial designation of the area as CWD endemic; or~~ The board shall designate the geographic area of a CWD farmed Cervidae management zone by including all locations within at least 15 miles of an area where CWD is confirmed in wild Cervidae as the CWD farmed Cervidae management zone.
- B. ~~the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for at least 36 consecutive months. Individual farmed Cervidae herds where animals are kept on premises within a designated CWD farmed Cervidae management zone shall be excluded from and not considered to be a part of a CWD farmed Cervidae management zone if:~~
 - (1) the herd is maintained in such a way that commingling of farmed Cervidae and wild Cervidae is prevented for at least 36 consecutive months by exclusionary fencing, from the date the CWD farmed Cervidae management zone is designated; or
 - (2) the board had previously released the herd from board movement restrictions for a CWD endemic area; or
 - (3) exclusionary fencing is installed within 14 days of the designation of a CWD farmed Cervidae management zone, and the herd is assessed by the board and determined to either be low risk for CWD infection or meets other factors that would have limited the introduction of CWD into the herd.