

Meeting Minutes: Farmed Cervid Advisory Task Force

Date: June 25, 2019
Minutes prepared by: Michael Crusan
Location: Buffalo Community Center, Buffalo, MN

Member Attendance

- Jim Byrne, Minnesota Elk Breeders Association, Alternate
- Mary Donahue, USDA APHIS Veterinary Services
- Linda Glaser, Board of Animal Health
- Brenda Hartkopf, Minnesota Elk Breeders Association
- Brooks Johnson, Farmed Cervid Producer At Large
- Mark Luedtke, Minnesota Elk Breeders Association
- Rich Meech, Minnesota Deer Farmers Association
- Todd Miller, MN Deer Farmers Association, Alternate
- Don Myren, Board of Animal Health
- Gary Olson, Minnesota Deer Farmers Association
- Daryl Simon, Non-Native Species Cervid Producer
- Steve Uchytel, Hunting Preserve Producer
- Brian Wagner, Minnesota Elk Breeder's Association, Alternate
- Glen Zebarth, Cervid Veterinarian

Non-Member Attendance

- Michael Crusan, Board of Animal Health
- Terry Sistad, Board of Animal Health
- Denny Suelflow, Elk breeder

Members not in Attendance

- Scott Josephson, Cervid veterinarian

Review of Minutes from March 19, 2019 meeting

Linda Glaser sent the minutes to members before the meeting and asked for comments. None of the task force members had comments. The minutes were approved.

Board of Animal Health Update – Dr. Linda Glaser

Dr. Glaser began the conversation by pointing out changes were made to the farmed cervid program by the legislature this session. She stated the goal of today's meeting is to discuss changes to the laws and how they will be implemented by the Board. She mentioned a staffing update; Dr. Mackenzie Reberg has left the Board for a field position with the USDA as a District Veterinarian in southeast Minnesota. The Board is currently working on filling the vacant position in its St. Paul office.

Dr. Glaser passed around paper copies of the legislative changes pertaining to 35.155 Farmed Cervidae. (Attachment 1) She then discussed changes in each section.

Fencing

- Effective dates of the language and when changes will be enacted. Read through the line item changes to the group.
- Draft guidelines pertaining to redundant gates were distributed. (Attachment 2). This included comments from task force members prior to the meeting. #3 Required objectives of redundant gate. Linda asked if there are any other activities to include in this section to further define that point.
- Steve Uchtyl asked, on the interior redundant gate, why height wasn't specified at 96 inches? Don Myren replied, current inspections do not include measuring the height of interior fences. They only measure the exterior fence of the enclosure. Linda said the point is spelled out that way to give people latitude to build what they deem sufficient on the interior gate.
- A non-member said there's no language about a walk-through, spring-loaded gate. He asked if there should be language added that spells out a walk-through gate, specifically, do walkthrough gates also need a redundant gate? Linda said if it meets the criteria outlined in the current draft. Brenda Hartkopf asked if a walk-through gate is considered a gate? Linda said yes, if it is used to gain access to the herd from outside the enclosure, it needs to be considered as a gate that needs a redundant gate.
- The task force recommended she highlight the word "infrequently" in the gate language so producers know how to address gates along their perimeter that are used infrequently.
- A non-member asked what changed with the 96 inch perimeter fencing requirements? Linda said the only thing that changed is enforcement of the 96 inch rules. Rich Meech highlighted the language about fence height extensions. How many inches of space is the maximum for any additions above 96 inches? Linda said she's going to come to a decision if it should be a maximum 12 inch extension, and have an answer at the next task force meeting. Mark Luedtke said producers are seeking consistent interpretation of the fencing rules.

Identification

- The updated timeline for identifying white-tailed deer fawns was reviewed.
- Glen Zebarth raised a question about unique ID and official ID. He asked, about an animal losing its official ID tag, not its management tag, can a producer replicate an official ID tag with a management tag so they don't have to amend their records with a new official ID? Linda said no, producers must replace any lost official ID with another official ID tag and amend their records to reflect the change.

Inspection

- The DNR may inspect a cervid farm with reasonable suspicion there is a threat to wildlife.
- Language that annual inspections now require a physical inspection of the perimeter fence.
- A non-member asked where collected fees go? Fees are paid to the Board and used to offset the costs of the oversight and administration of the farmed cervid program. The producer asked a follow-up question about why

other livestock species don't have inspection fees? He cited dairy farms as an example, because they do not have a fee for their inspections. The increased fees were part of a legislative decision.

- Members expressed concern about the fees being higher than other states with cervid programs. They also questioned the reinspection fee

Inventories

- The Board will require physical inventories every three years. Brooks Johnson asked what a physical inventory consists of, and Linda said you need to be able to read the animal's eartag and write down the ID. One option is to photograph every animal in the herd's identification tags within a one-month period and provide those photos with the inventory.
- Rich Meech asked when was the three-year physical inventory established? Producers have anytime during the required calendar year to conduct a physical inventory. For producers that test their herd for brucellosis certification or TB accreditation, the physical inventory coincides with that same year for reaccreditation or recertification. Producers can always be accommodated on their timelines for TB reaccreditation or brucellosis recertification if they want to test before the three-year deadline, but not later.
- A non-member asked why all herds need to be physically inspected every three years, because that language is not in the new laws. This came from a recommendation in the 2018 Office of the Legislative Auditor farmed cervid program audit and is now a Board policy. It also aligns with the USDA CWD Herd Certification program standards.
- When a herd veterinarian signs off on a physical inspection, they sign off on the herd inventory form and are verifying a physical inventory was done.

Contested Case Hearing

- A producer has a right to request contested case hearings.

Mandatory Registration

- Anyone who has their registration revoked is ineligible for future registration unless the Board determines their facility makes future escapes extremely unlikely.

Mandatory Surveillance for Chronic Wasting Disease; Depopulation.

- Responsibilities of an owner of a premises where CWD is detected.

Brenda Hartkopf asked if the task force could receive notice when legislative meetings regarding cervidae take place at the capitol. She cited a recent meeting where a University of Minnesota researcher spoke at a committee meeting and members of the cervid industry were unaware. Linda said she would pass along word whenever she is aware of meetings.

Glen Zearth requested Linda send a letter of expectations to all cervid veterinarians for how they should conduct a physical inventory. Linda said she could draft something.

Minnesota Elk Breeders and Deer Farmers Updates

No updates from deer farmers.

No updates from elk breeders.

Summary of CWD biosecurity survey – Dr. Scott Wells

Dr. Wells presented a PowerPoint outlining preliminary results of his CWD pathways risks study.

Gary Olson asked if any of the herds on the first slide are connected to one another? Linda said yes, the 2016 cases in Minnesota were traced and had moved animals between the two herds.

A non-member asked why 50 miles was chosen for the study? Dr. Wells said that's the number used by Wisconsin in some of their epidemiological reports, so they used it to be consistent.

Daryl Simon asked how researchers know that cervidae can get CWD from saliva and urine? Dr. Wells said there have been several peer-reviewed studies done to confirm these pathways. Daryl asked another question, if those pathways are known, then why can't we test saliva and urine? That evaluation was done in a research study and there is no testing of these samples available on a fee for service basis.

Dr. Wells asked the task force if anyone would be willing to collaborate with his team on ways to interpret the data. He wants to follow-up with members after this meeting.

Topics for discussion – Dr. Linda Glaser

Rich Meech said the associations would like to find some way to get the information of who Minnesota's non-affiliated producers are so they can contact them to improve their operations. Linda said producers names and addresses are non-public data and can be shared under only specific circumstances. Rich asked if there would be a way for the Board to send out a survey from the organizations to those producers who may be unaware of their groups.

Rich Meech asked why exclusionary fencing is so popular at the legislature, he asked if it's to eliminate escapes? He said, if producers can limit escapes and fix fencing, exclusionary fencing is not a necessity. He asked why exclusionary fencing is the standard to move animals in an endemic area. Linda said exclusionary fencing is to prevent commingling of farmed and wild deer. Our rules allow those producers in a Board CWD Endemic area to be considered not part of the endemic area if they have exclusionary fencing and therefore can move live animals in or out of their herd. Rich said he'd like to see the task force examine the exclusionary fencing rules and what it does to serve a farm that ends up in an endemic area. Linda said the task force can discuss this at its next meeting.

Gary Olson asked if farms can move deer within an endemic zone or between endemic zones in Minnesota? How many infected animals dictates an endemic zone? Linda said once the Board establishes an endemic area in Minnesota, then any other CWD positive wild deer prompt the expansion of an endemic area. We can discuss this further at the next meeting.

Closing Remarks

The task force agrees to schedule another meeting to continue discussions including the Board's CWD endemic area and continuity of business for the industry in the face of CWD. Goals for this meeting include discussing the report the task force will deliver to the Board, and suggestions for the farmed cervid program.

Date: August 6, 2019

Time: 1-4 p.m.

Location: Cabela's, 20200 Rogers Drive, Rogers, MN

Agenda items:

- Review of Task Force objectives including continuity of business
- Review of Board rules for the Farmed Cervid program
- Exclusionary fencing

Attachment 1

Minnesota Statutes 2018, section 35.155, subdivision 4, is amended to read:

Subd. 4.

Fencing.

Farmed Cervidae must be confined in a manner designed to prevent escape. All 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 premises by free-roaming Cervidae. After the effective date of this section, all new fencing installed and all fencing used to repair deficiencies must be high tensile. By December 1, 2019, all entry areas for farmed Cervidae enclosure areas must have two redundant gates, which must be maintained to prevent the escape of animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner must repair the deficiency within a reasonable time, as determined by the Board of Animal Health, not to exceed 45 days. If a fence deficiency is detected during an inspection, 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 subdivision 7a for each reinspection related to a fence violation. If the facility experiences more than one escape incident in any six-month period or fails to correct a 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.

Sec. 4.

Minnesota Statutes 2018, section 35.155, subdivision 6, is amended to read:

Subd. 6.

Identification.

(a) Farmed Cervidae must be identified by means approved by the Board of Animal Health. The identification must include a distinct number that has not been used during the previous three years and must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. Newborn animals White-tailed deer must be identified before December October 31 of the year in which the animal is born, at the time of weaning, or before movement from the premises, whichever occurs first. Elk and other cervids must be identified by December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first. As coordinated by the board, the commissioner of natural resources may destroy any animal that is not identified as required under this subdivision.

(b) The Board of Animal Health shall register farmed Cervidae. The owner must submit the registration request on forms provided by the board. The forms must include sales receipts or other documentation of the origin of the Cervidae. The board shall must provide copies of the registration information to the commissioner of natural resources upon request. The owner must keep written records of the acquisition and disposition of registered farmed Cervidae.

Sec. 5.

Minnesota Statutes 2018, section 35.155, subdivision 7, is amended to read:

Subd. 7.

Inspection.

The commissioner of agriculture and (a) The Board of Animal Health may must annually inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records. For each herd, the owner or owners must, on or before January 1, pay an annual inspection fee equal to \$10 for each cervid in the herd as reflected in the most recent inventory submitted to the Board of Animal Health, up to a maximum fee of \$100. As coordinated by the board, the commissioner of agriculture and an enforcement officer as defined under section 97A.015, subdivision 18, may participate in the inspection.

(b) The annual inspection must include a physical inspection of all perimeter fencing around the facility and a viewing to verify that all animals are tagged. The owner of a farmed Cervidae facility must present to the inspectors an accurate inventory of the owner's farmed Cervidae and other records for review. During an annual inspection, the owner must present individual animals in a herd for a physical inventory, if required by the board.

(c) The commissioner of natural resources may inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records with reasonable suspicion that laws protecting native wild animals have been violated and must notify the owner in writing at the time of the inspection of the reason for the inspection and must inform the owner in writing after the inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an ongoing investigation or continuing evaluation.

Sec. 6.

Minnesota Statutes 2018, section 35.155, is amended by adding a subdivision to read:

Subd. 7a.

Inspection fees.

For each herd, the owner must, on or before January 1, pay to the board an annual inspection fee of:

(1) \$500 if the owner manages the herd for profit or monetary gain and engages in transactions or exchanges for consideration, including sale, barter, the offer to sell, or possession with the intent to sell;

(2) \$500 if the owner sells the ability to shoot animals in the herd;

(3) \$500 if the herd consists of more than one species; or

(4) \$250 for all other herds.

Sec. 7.

Minnesota Statutes 2018, section 35.155, subdivision 9, is amended to read:

Subd. 9.

Contested case hearing.

(a) A person raising farmed Cervidae that is aggrieved with any decision regarding the farmed Cervidae may request a contested case hearing under chapter 14.

(b) A person requesting a contested case hearing regarding a registration revocation under this section must make the request within 30 days of the revocation notice.

Sec. 8.

Minnesota Statutes 2018, section 35.155, subdivision 10, is amended to read:

Subd. 10.

Mandatory registration.

(a) A person may not possess live Cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed Cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.

(b) A person whose registration is revoked by the board is ineligible for future registration under this section unless the board determines that the person has undertaken measures that make future escapes extremely unlikely.

Sec. 9.

Minnesota Statutes 2018, section 35.155, subdivision 11, is amended to read:

Subd. 11.

Mandatory surveillance for chronic wasting disease; depopulation.

(a) An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian and filed with the Board of Animal Health every 12 months.

(b) Movement of farmed Cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of the movement on forms approved by the Board of Animal Health.

(c) All animals from farmed Cervidae herds that are over 16_12 months of age that die or are slaughtered must be tested for chronic wasting disease.

(d) The owner of a premises where chronic wasting disease is detected must:

(1) depopulate the premises of Cervidae after the appraisal process for federal indemnification has been completed or, if an indemnification application is not submitted, within a reasonable time determined by the board in consultation with the commissioner of natural resources;

(2) maintain the fencing required under subdivision 4 on the premises for five years after the date of detection; and

(3) post the fencing on the premises with biohazard signs as directed by the board.

Attachment 2

The Board has identified the following criteria for the construction of redundant gates and will include the inspection of redundant gating in future annual inspections.

- If the redundant gate is added to the outside of the enclosure, it must meet the requirements of a perimeter fence – be at least 96” in height and maintained in a way to prevent egress and ingress of wild or farmed cervids.
- If the redundant gate is added to the inside of the enclosure, it would not need to meet the requirements of a perimeter fence but still accomplish the objectives of a redundant gate.
- Required objectives of a redundant gate:
 - Must allow all the equipment used regularly to feed, manage, or handle farmed cervids to get completely inside allowing the outer gate to be secured before opening the inner gate and gaining entrance to the enclosure.
 - The outside gate must always remain secured when not directly in use.
- Gates requiring redundant gating: Gates used to access areas within the farmed cervid enclosure to feed, manage, or handle farmed cervids. Gates used infrequently to manage pastures, fields or infrequently move equipment are considered access to agricultural land and would not need redundant gates. Any perimeter gates used infrequently to access agricultural land must be secured by at least two mechanisms when not in use.