

Markor, Kelly A - DATCP

From: Steve and Marsha Bertram <windyridge@frontier.com>
Sent: Tuesday, August 28, 2018 10:23 PM
To: Girard, Alexander C - DATCP
Subject: Comment on DATCP Permanent Rule

Please accept my comments as to the movement restriction and the additional fencing requirement that is being proposed.

Not allowing the deer farmers to move deer from one farm to another no matter what the county is labeled is like telling a beef farmer he cannot haul his cows to market, like telling the chicken farmer to throw out any eggs that are laid, like telling the Amish they can't use the horse for crop work or like telling the pig farmer he can only pet the pigs. There would be no purpose to farming. No farmer could afford to feed livestock unless he can sell them to *try* to make a profit in order to feed the next group of young livestock. That's the whole concept of farming and how farm families pass on work ethics to their children.

The cervid farmers have been under the toughest regulations of all livestock industries but yet a certain minute group of people are trying to use their status and media connections to persuade the public and lawmakers to add the "last straw to break the farmers' backs." Deer farmers and deer organizations are the ones that are funding the ground-breaking science that has been arising lately. The proposed rules would cut the scientific progress off at the knees.

A second fence did NOT stop us from getting CWD. We live and began deer farming in Iowa County back in 1997. In 2002 CWD was discovered in Iowa County within the wild deer. We double fenced in 2005 (12 years before getting CWD) and hadn't brought any new deer into our herd since 2008 (9 years as a closed herd). We were TB accredited and Brucellosis certified since 2003. All those years we tested for CWD 100% of any deer dying over 1 year of age. So how did our deer contract it from the wild? Is it because we live next to Highway 151 where deer are hit by traffic, left to bloat and carried off by the eagles, right over our pens as they fly to the back valley? Or was it carried in by the raccoon that have feasted at night at our deer feeders, leaving their markings on the deer's face or undersides as they fought for the deer for food and pooped in the feeders? I can think of more scenarios that might have caused it. NOTHING in our experience proves that the double fence stops CWD. What it stops is the hopes and dreams for the farmers and their families that cannot afford to put up even a lowest-cost/highest-maintenance electric fence let alone have the room for a lowest-maintenance/highest-cost double fence.

If there were science to back up the reasoning or proof that a double fence would stop CWD, the deer farmers would insist one be put up to protect their deer. But the science just doesn't show it – it's an expensive band-aid to the finger-pointing opposition.

It would be more beneficial for the government to join us and donate dollars towards science efforts rather than depopulating a livestock industry that is already regulated with a program that works and detects CWD at its earliest stages.

By the way, has any law maker ever questioned a deer farmer about how their farmed deer react when a wild deer is within say 25 feet of the fence? I can tell you one thing, they don't lick each other's noses like you're led to

believe. Ours literally would stomp, snort and run to the furthest end of the pen as if they were alerting each other there was a coyote nearby.

Marsha Bertram
Windy Ridge Whitetails
Mineral Point, WI
(608) 341-9520



Virus-free. www.avg.com

Markor, Kelly A - DATCP

From: Amy <amy.casetta@qualheim.net>
Sent: Wednesday, August 29, 2018 7:34 AM
To: Girard, Alexander C - DATCP
Cc: cindy@reindeergames-wi.com
Subject: ATCP 10 Animal Disease and Movement

Dear Sir,

My name is Amy Casetta from Qualheims True Value in Shawano, Wisconsin. I am writing you about the Department of Ag's emergency rule ATCP 10.

We have worked with Jeff and Cindy Phillips for 13 years. We have an event named "Reindeer Games" at our True Value store in Shawano. Thirteen years ago, we were looking for something for a Christmas event that would be unique, something that no one in the area has ever done. Then, I heard about Reindeer Games in Wisconsin. Our customers were amazed at the event. Many have never seen reindeer. The event continues to grow every year. Last year, we had over 250 children here.

At the event, we have Jeff and Cindy's reindeer set up in front of our store, for families to see and ask questions. They may have a "snapshot" taken with the reindeer and Santa's elf, if they wish. The event brings in hundreds of families in our area and has become "a family tradition" for Christmas. When the reindeer come off the truck, the sighs and "awh's" from the crowd give me "tingles". We are creating memories for all these families and we don't want this to end!!!

Jeff and Cindy have been compliant with all the rules set forth. Please help us to keep this tradition going. Don't let this be an end to something "great" for parents, grandparents and children to share at the most magical time of the year...Christmas!

Sincerely, Amy Casetta from Qualheims True Value

Markor, Kelly A - DATCP

From: L Clark <lclark@dietaryprosinc.com>
Sent: Wednesday, August 29, 2018 9:14 AM
To: JOEL ESPE
Cc: Girard, Alexander C - DATCP; Becker, Kelly - LEGIS; Jerome Donohoe; roxanne lotts; ray hanson; Brian Wolf; Bruce Krueger; Corey Siegler; Longsine, Tyler - LEGIS; Rep.Edming - LEGIS; Sen.Petrowski - LEGIS; Sen.Moulton - LEGIS; Sen. Tom Tiffany; Rep.Quinn - LEGIS
Subject: Re: Permanent Rule Public Comment

Well said.

I agree whole heartedly with each and every statement in this correspondence from Mr. Espe. For many years, I have know him to be reputable in all respects. He does not promulgate misinformation or exaggerate business or political issues in any way.

His facts and assertions are able to be corroborated by 3rd parties.

Please accept his letter for further analysis, and fact check with reliable sources in order to be as confident as I am, in these statements.

On behalf of myself, and Mr. Karl Schreiner, who has maintained a successful whitetail herd for over 25 years, we respect the commitment of DATCP toward promoting Wisconsin Trade and Agriculture, we ask sincerely, that you protect the hundreds of families from this atrocious attack on our industry, and our way of life. Many small businesses are at imminent risk here, I see no recovery available, should this situation not be reversed from it's current course.

With dwindling hope of fairness and science based decisions, I give you my kindest regards.

Lisa Clark
Haymarsh Whitetails
Athens, Wisconsin
715.409.6972

Lisa Clark

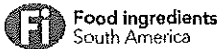
Lisa Clark
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direct: 715.409.6972
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21 - 23 August 2018
São Paulo, Brazil



CO-LOCATED WITH



Stand No: 2-87

On Wed, Aug 29, 2018 at 8:50 AM, JOEL ESPE <hawkshillelkranch@gmail.com> wrote:

Mr. Girard, I hope you will share my comments with the entire DATCP Board. To begin with: The economic impact will be devastating to the cervid industry in Wisconsin. The cost of building and maintaining the double fence will cripple the cervid farmers especially with the limited time line to construct. Last year I was forced to double fence at my own expense because the DNR claimed but had no proof that a CWD positive deer was found within 5 miles of my farm. (no photos, chain of custody, and or gps locations.) This can be verified from the minutes of the informal hearing I had with DATCP including Atty Didinsky (sp?) I was not allowed to ship any animals for sale, slaughter or to hunting preserves until the project was completed and inspected. In addition to missing out on the selling season and lost revenue, My costs exceeded \$20,000 in just material. This is an unfunded mandate and entire cost of fencing materials and labor paid for by the DNR to protect our healthy animals from the diseased wild deer.

The double fence has proven to not prevent the spread of CWD, closed herd that have been double fenced for many years have still been hit with CWD, whether from contaminated hay, birds, raccoons, possums or contaminated mineral blocks.

This rule pushed by the DNR assumes that farmers will do their own labor and therefore there is no cost. Bad assumption as not all farmers have the equipment, physical ability, much less the money to complete this project. Will existing hunting preserves be grandfathered in if they have less than the required 80 acres left after building a double fence inside of their current fence?

90 days is given to fulfill the fencing project, this is unrealistic in most of the farms unless they are very small and do not require movement of trees and other natural obstacles. It took the DNR over 3 years to single fence the Sand Hill Preserve.

The provision that "FRD from CWD affected counties may not, under any circumstances, be moved to non-CWD counties." This contradicts what we have heard for the past few years from DATCP's Top veterinarian that moving animals to hunting preserves is a very low threat as no animal leaves there alive. This economically will put more farmers out of business by eliminating their established sales markets. I will be impacted financially if not allowed to sell breeding stock or shooter bulls to clients in non CWD counties.

The carcass removal provision for hunters of wild whitetail deer as no penalty or fine for violators, will be unenforceable and actually leave more contaminated deer parts (spinal column, obex, and lymph nodes on the landscape to spread CWD than ever before. No provision for pick up of those parts from taxidermists which means they still will be left on the landscape. Meat processors will send those parts to rendering companies who will grind them up for fertilizer and eventually spread prions in the soil.

The expiration date change for farm raised deer registration change from March 15th to August 31st provides another economic hardship on cervid farmers who raise 15 or less animals. The current expiration date would not include fawns or calves born after the March 15th deadline. The current rule charges \$350. per year to raise over 15 head, and half that amount for farmers with 15 or less animals. The new rule would include all newborns for that year and double the fee for small farmers. If DATCP has a good reason for changing the dates other than added fees on farmers, then they should exempt all newborns under 1 year of age, otherwise it is a coverup for more money from farmers.

The new proposed rule includes, "Upon request, farm-raised deer keepers must provide transportation to department staff to inspect the enhanced fencing." Does that include transportation to and from Madison or other facilities? Does that only cover transportation on the farm? Are bicycles sufficient for the fence inspectors use? A lot of loopholes in that statement. Skateboards?

To the DATCP Board, I have never missed any of these meeting until very recently. My wife was recently diagnosed with cancer and we have been busy with chemotherapy and radiation treatments. Cancer does not discriminate based on occupation, age, sex or ancestry. We know what we are up against and will fight it every step of the way. In some ways this is easier than dealing with the latest (Emergency/Permanent Rule).

Over the years, more and more fees, restrictions and requirements are placed on this select number of farmers in Wisconsin. Each time we give up a few more freedoms and incur all the expenses. Since CWD first came to Wisconsin in 1999 game farmers have been blamed and penalized for something they did not do. Dr. Beth Williams was the key note speaker at the first CWD Symposium in Madison Wisconsin sponsored by DATCP, DNR and the University of Wisconsin. She stated that CWD was originated and spread by Colorado Division of Wildlife Research Facilities at Fort Collins, Meeker, Colorado State Univ. and Sylbal Wyoming. This was also presented at the International CWD Symposium held in Utah years later. In spite of the this, our DNR has successfully blamed the deer farmers for a disease their counter parts in Colorado originated.

You have been pressured to push forward more rules and regulations that lacks any science or research to back it up. This Emergency/Permanent rule will not eradicate, control, or manage CWD in any way. Can you justify in good conscience putting 416 hard working farm families out of business, destroying their investments and income in farming based the DNR's most recent grasping for straws to solve their growing problems which they have failed miserably at every turn.

Many of us were encouraged by DATCP years ago to go into farming elk and deer to supplement and diversify and save the family farms when other markets were failing. We believed in you then, this isn't the time to turn your backs on us now. you will have to live with your vote for the rest of your lives

Respectfully submitted

8/29/2018

Joel K. Espe

Hawks Hill Elk Ranch

W4840 Pierce Road

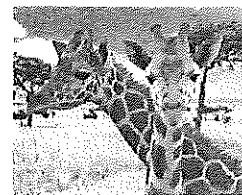
Monticello, WI 53570

608 558 8445

Call me if you have any questions on any of this
Thanks, Joel

Wildwood Wildlife Park
10094 Hwy 70 West
Minocqua, WI 54548

Judy and Duane Domaszek
Park Owner/Director



Phone (715) 356-5588

E-Mail nature@wildwoodwildlifepark.com

Wisconsin Department of Agriculture, Trade and Consumer Protection
ATTN: DATCP Board Members
DATCP Board Member
PO Box 8911
Madison, WI 53708-8911

August 28, 2018

Dear DATCP Board Members; Miranda Leis, Andy Diercks, Dennis Badtke, Dean Strauss, Nicole Hansen, Paul Palmby, Greg Zwald, Kurt Hallstrand, Paul Bauer, Dr. Darlene Konkol

For the past five years I have been engaged in legislative hearings in regard to more restrictive animal rules. At every hearing the following exemption is discussed:

EXEMPTIONS. 1. An entity that is an accredited member of the Association of Zoos and Aquariums (AZA)

I have asked several of the DATCP Board members many times why the exemption was in place and not one person could give me a reason why.

Given the current statutory recognition by Kansas, Texas, Nevada, Arizona, Arkansas, Ohio, Oregon, Nebraska, Connecticut, Illinois, South Carolina (Beaufort Co.) and Maine, which uses its written standards, it would make sense for the current DATCP rulemaking to include an exemption for facilities accredited by the Zoological Association of America (ZAA) as well. The second-largest zoological accrediting association in the nation has equivalent standards for animal care and a better safety record than the currently exempted older association.

As upgrades to Admin. Code Chapter ATCP 10 (Animal Disease and Movement) are considered in this rule-making, parity with the Association of Zoos and Aquariums on preferential exemptions as listed in Agriculture Trade and Consumer Protecting (ATCP10) is clearly warranted as state-of-the-art regulation.

We are a privately owned zoological park and have been accredited with the Zoological Association of America (ZAA) since 2008. As you can see I do not fit into any of the exempt categories, which literally threatens to run my family business out of business.

Wildwood Wildlife Park has been a cornerstone for the community for over 60 years. Tourism plays a critical role in our community and Wildwood Wildlife Park is the #1 attraction in the Northwoods. Our park draws by itself over 169,000 tourists annually from local and surrounding communities, Wisconsin, Minnesota, Illinois, Michigan, Iowa and many other states. Lodging, restaurants, retail shops, grocery stores, and gas stations are all beneficiaries of this zoologically inspired tourism. Wildwood Wildlife Park also positively impacts the education industry by providing a learning environment for over 18,000 elementary, middle, and high school students and teachers. Wildwood Wildlife Park also provides valuable internship programs for university undergraduates.

Wildwood Wildlife Park continues to offer zoo memberships with over 4,000 zoo members that come back to the community endless times throughout the season, bringing additional revenue to the area.

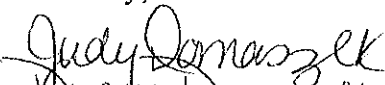
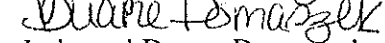
Wildwood Wildlife Park hosted an annual Halloween Zoo Boo event for one day that brings over 5,000 people into the area during late fall which is very helpful to the community since the tourism season is winding down. We always hear from the surrounding restaurants thanking us for giving them one last shot of tourist revenue before winter.

Wildwood Wildlife Park employees 40-45 people consisting of college graduates in Zoology/Biology/Animal Science (Zookeepers) Commercial Construction (Builders) and many seasonal employees.

Every year Wildwood Wildlife Park tourism attendance has grown 2-3%, which in turn brings more people into the area spending more money keeping the revenue at home!

Wildwood Wildlife Park continues to grow and expand the park. In the past five years 15 new building/exhibits were completed. These projects have a major economic impact on construction plumbing/electricians, concrete, landscaping, painters, excavators, and fencing. We have 26 family-owned and operated businesses that we network with for all our zoo projects. The DATCP rule making would impact not just our business but also a huge number of businesses in our community.

Sincerely;



Judy and Duane Domaszek

Carlson, Michael M - DATCP

From: Jerome Donohoe <ag_o3@earthlink.net>
Sent: Tuesday, August 28, 2018 5:15 PM
To: Girard, Alexander C - DATCP; Jerome
Subject: [WARNING: ATTACHMENT(S) MAY CONTAIN MALWARE]Response to Permanent Rule
Attachments: NOTICE OF SOLICITATION OF PUBLIC COMMENT DATCP.doc

Hi Alexander, attached is my response re rule making for the permanent rule making process and cervid farms.
Jerome

Jerome Donohoe CEO
Agricultural Omega Solutions LLC
2020 N. 53rd st
Milwaukee, Wisconsin 53208
414-699-9332
ag_o3@earthlink.net

Comments in red below in opposition to proposed permanent rules being proposed

NOTICE OF SOLICITATION OF PUBLIC COMMENT

Concerning permanent rule-making related to **Animal Disease and Movement** and **Animal Markets, Truckers and Dealers**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) seeks

- a. input from the public concerning the anticipated economic impact of the pending rule
- b. relating to Wis. Admin. Code Chapters ATCP 10 (Animal Disease and Movement) and
- c. Chapter 12 (Animal Markets, Truckers and Dealers),

including perspectives on how this rule may affect

- d. businesses,
- e. local governmental units, and
- f. individuals.

All comments will be considered when DATCP prepares an economic impact analysis for this rule, as required by Wis. Stat. § 227.137.

The text of the documents pertinent to this rule are attached, namely:

- g. The hearing **draft of the permanent rule (which has yet to be approved by the DATCP Board)**,
- h. an initial regulatory flexibility analysis, and
- i. the approved statement of scope.

You may also obtain free copies of these documents by contacting DATCP at the address below.

Comments may be sent to the address or e-mail below. **DATCP requests that comments be communicated within 60 days (by August 29, 2018).**

DATCP contact for document requests, submission of comments, and questions:

Alexander Girard

DATCP

Office of the Secretary

P.O. Box 8911

Madison, WI 53708-8911

AlexanderC.Girard@wisconsin.gov

(608) 224-5114 2

**PROPOSED ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION ADOPTING RULES**

The Wisconsin department of agriculture, trade and consumer protection **proposes the following 1 permanent rule to repeal the following** ATCP 10.20 (1) (b), 10.20 (2) (b), 10.21 (2) (b) 5., 10.22 (10), 10.31 (2) 2 (a) 3., 10.36 (4) (a) and (b) and Note, and (e) and Note, 10.40 (1) (a) 1. and 2., 10.40 (1) (c) 3 Note, 10.40 (1) (d) (intro.), 10.40 (1) (d) 2. Note and (g), 10.40 (2) (e), 10.40 (3) (c), 10.40 (4) 4 (b) 3. and (d), 10.40 (5), 10.40 (7) (b) 2 Note, 10.40 (8), 10.41 (4), 10.45 (2) (c), 10.46 (1m), 5 10.46 (7) (a) 1. c. Note, 10.47 (4m) Note, 10.53 (4) (b) 1. and 2., 10.53 (7) (a) 4., 10.53 (7) (b) 6 Note, 10.54 (1) (d) and (e), 10.55 (3) (d) Note, 10.56 (3) (d) 2. Note, 10.56 (4) (c) and Note, 7 10.73 (3) Note, 10.87 (1) (c) 1. and 2., 10.90, 12.05 (1) (a) Note, 12.05 (1) (b) 2. Note, 12.05 (2) 8 (b) 2. first Note; **to renumber** ATCP 10.20 (1) (a), 10.20 (2) (a), 10.52 (7); **to renumber and 9 amend** ATCP 10.31 (1) (a), 10.56 (1), 10.89 (2) (title) (intro.) and (a) to (c) and (4) (title) 10 (intro.); **to consolidate, renumber and amend** ATCP 10.40 (2) (a) and (b) (intro.), 10.40 (3) (a) 11 and (b) (intro.); **to amend** ATCP 10.01 (60) to (62), (90), and (105) (d) and Note, 10.03 (3), 12 10.04 (1) (title), 10.04 (1) (e), 10.05 (1) (intro.) and (2) (a) 3., 10.055 (3) Note, 10.06 (1) (b) Note 13 and (c) 10., 10.06 (3) (a) Note, (4) (a), and (6) (a), (b) and (c) Note, 10.07 (4) (a) 1., 10.08 (2) (b) 14 Note, (r) Note, and (s) Note, 10.21 (2) (a) (intro.) and 1., 10.22 (1) (b) 1., 10.22 (6) (c) (intro.) 15 and (d) (intro.), 10.26 (4), 10.291 (title), and (1) (intro.), 10.291 (2) (intro.) and (a) 2., 10.291 (2) 16 (c) Note, 10.291 (3), (4) (a) and (5), 10.30 (1) (a) 3. and (b) 3., 10.30 (2) (b) 3., 10.31 (1) (intro.), 17 10.31 (1) (b), 10.32 (2) (title), and (a), 10.35 (1) (b) 3. and 4., 10.36 (4) (intro.), 10.36 (5) (b) 18 (intro.), 10.40 (title) and (1) (title), (intro.) and (a), 10.40 (1) (b) and (c), 10.40 (1) (d) 1., 10.40 19 (2) (b) 4. Note, 10.40 (2) (c) (intro.), 10.40 (7) (a) and (b) (intro.) and 1., 10.41 (1), 10.41 (5) (a) 20 and (d) 1., 10.41 (7), 10.42 (1) (a) 1. and 2., 10.46 (1) (a), (d) and (f), 10.46 (2) (c) Note, (3), (4) 21 (b) (intro.) and 1. and (c), 10.46 (5) (a), (b) 2. (intro.) and a., (c) 1., (d), and (e), 10.46 (6) (intro.), 22 (e) and (f), 10.46 (7) (a) 1. (intro.) and b., 10.46 (7) (a) 2. and 3., 10.46 (7) (b), (c) and (d), 10.46 23 (10) (a) 1. and 6., (am) 1., (b) 6. Note, and (c) 2., 10.46 (11) (c) and (d) 1., 10.46 (12) (d) and 24 Note, (13) (b) and (14) (b), 10.47 (2) (a) and (b), (3) (b) 5., (4) (intro.) and (4m), 10.47 (8) (a), 25 10.51 (2) (c), 10.52 (1m) (a) 2. and (b) 3., 10.52 (2), 10.52 (3) (c) (intro), 1. and 1m. and 2. a. and 26 b. and (d), 10.52 (4) (b), 10.52 (7m) and (8) (a) 3., 10.53 (1) Note, 10.53 (2) (d) 4. and (f), 10.53 27 (4) (a) and (b) (intro.), 10.53 (4) (g) Note and (h), 10.53 (5) (a) 4. and (b) 2., 10.53 (5m) (b) 28 Note, 10.53 (7) (a) 4., 10.53 (8) (d) Note, 10.53 (11) (c) 1., 10.54 (1) (am) and (c) (intro.), 10.54 29 (2) (a) and (b) (intro.), 10.55 (1) Note, and (3) (d), 10.55 (3) (e) 1., 10.56 (1) (a) 2. (intro.) and 3., 30 10.56 (2) (c) and (3) (b), 10.56 (4) (b), 10.61 (5m) (b) and (c), 10.61 (6) (intro.), 10.61 (6m) (b) 31 6. and 7., 10.61 (7) (f), 10.61 (10) (a) 5., (c) 5., and (13) (b), 10.62 (1) (a) 3., (2) (e) and Note, 32 10.63 (1) (b) and Note, 10.64 (1) and Note, and (3) (a), 10.645 (intro.) and (2) Note, 10.65 (1), 33 3, 10.65 (4) (a) (intro.), and 4. and (b) (intro.), 3. and Note, and (c) (intro.), 2. and Note, and (d) 3. 34 Note (intro.), 10.655 (1) (intro.), 10.68 (2) and (2m), 10.73 (2) to (3), 10.76 (2) (b), (c) (intro.) 35 and (d), 10.80 (3) (a) and (b), 10.82 (3) (a) Note and (b), 10.84 (4) (b) 4., 10.86 (3) (b), 10.87 (1) 36 (a) and (c), 10.87 (2) (b) 2., 3. and 5., 10.89 (3), 10.91 (2), 10.92 (3), (4), (5) (intro.) and (b), 37 (11), and (13), Ch. ATCP 12 second Note, 12.01 (25), 12.02 (8) (g), 12.02 (11) (c), 12.03 (2) (d), 38 12.04 (9) (a), 12.05 (1) (b) 1., 12.05 (2) (a) and (b), 12.05 (5) (a) and (b), 12.06 (1m) (f) and (h), 39 12.06 (2), 12.08 (4), (5) (intro.) and (b), (6), (8) and (26);

1. **to repeal and recreate** ATCP 10.11, 40 10.13, 10.28, 10.40 (1) (d) 2., 10.42 (1) (b), 10.46 (11) (d) 2., 10.48, 10.50, 10.58, 10.61 (7) (b), 41 **Ch. ATCP 10, Appendices A and B**; and
2. **to create** ATCP 10.01 (30m), (112m), 10.025, 10.03 42 (7), 10.04 (1) (am), 10.045 (3), 10.052, 10.055 (5) and (6), 10.07 (4) (a) 5. and (bn), 10.07 (5), 43 10.14 (2) (a) 3., 10.21 (2) (c) Note, 10.291 (2) (a) 3., 10.31 (1) (a) 1. and 2., 10.31 (3) (c) Note, 44 10.32 (2) (b) 3., 10.40 (2) (b), 10.40 (3) (b), 10.46 (1) (g), 10.46 (4m), 10.46 (7) (ab), (ac) and 45 (ad), 10.46 (10) (cm), 10.46 (11) (e) and (f), 10.46 (12) (a) 3., 10.47 (8) (c), 10.49 (3) (a) 3., 46 10.52 (1m) (c) and (d), 10.52 (7) (b), 10.53 (7) (a) 8., 10.53 (7) (c) and Note, 10.53 (8) (d), 10.54 47 (3), 10.56 (1) and Note, 10.56 (1) (d) Note, 10.56 (3) (e), 10.56 (4) (c) and Note, 10.61 (6) (d) 48 Note, 10.74 (3) (a) 3., 10.80 (1) (d) to (f) and Note, 10.80 (2m) and (2n), 10.89 (1) (a) 3. and (2) 49 (b) and (4) (b), ATCP 10.92 (19), (20), and Note, 12.01 (14), 12.02 (8) (k), (L), and (m), 12.03 50 (9) (j) and (k), 12.06 (1m) (j) and (k), 12.08 (28), **relating to animal disease movement and 51 animal markets, dealers and truckers**. 52 53 **Animal disease movements are controlled and not allowed by CVI form as current**.

3. Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

Chapter ATCP 10 specifies requirements relating to animal diseases and movement and ch. ATCP 12 specifies requirements for animal truckers, markets, and dealers.

For the most part, this proposed rule will modify current animal health rules to provide for clarity and consistency.

This proposed rule will also require farm-raised deer herds to be

- a. enclosed by enhanced fencing and
- b. will ban movement of any farm-raised deer located in a county designated by the Department of Natural Resources as being affected by chronic wasting disease
- c. unless that deer is moved directly to a slaughter establishment,
- d. other herds within CWD affected counties,
- e. or out of state.

Statutes Interpreted

Statutes interpreted: Wis. Stat. §§ 93.06, 93.07, 93.15, 95.20, 95.22, 95.38, 95.42, 95.43, 95.45, 95.55, 95.57, 95.60, 95.68, 95.69, 95.71 and 95.715.

Any statute Interpretations are suggestive and needs legislative review.

Statutory Authority 4

Statutory authority: Wis. Stat. §§ 93.06 (1f), (1n), and (1p), 93.07 (1), (2) and (10), 93.15 (1) to (3), 95.20, 95.22 (1) and (2), 95.38 (3), 95.42, 95.43 (1) and (2), 95.45 (4) (c), and (5), 95.55 (2), (3) and (6), 95.57 (1) and (2), 95.60 (3), (4) (c), (4s), (5), and (5m), 95.68 (2m) and (8), 95.69 (2m) and (8), 95.71 (8), and 95.715 (2), and (3).

Explanation of Statutory Authority

The Department of Agriculture, Trade and Consumer Protection (DATCP) **has broad authority to promulgate rules for the proper enforcement of its programs under Wis. Stat. §§ 93.07 (1) and (10).**

Proper enforcement of programs are ill-fated actions in rule promulgation without the science to backup the proposed rule making for disease identification, mitigation or the potential spread of CWD disease process.

DATCP has broad authority under Wis. Stat. § 95.20 to prohibit or regulate the importing of animals into this state or the movement of animals if there are reasonable grounds to believe it is necessary to prevent the introduction or spread of disease in this state.

Will DATCP Stop last group of elk from Kentucky to Wisconsin with the CWD concern being portraided against cervid farmers about CWD? Seems the DNR gets a pass because of these elk being wildlife but Wisconsin wild deer have more CWD positive free to roam on the landscape. At least make DNR to rectal biopsy the elk before entry into State upon a clean bill of health. DNR does this practice with the ir whitetail deer study.

DATCP **has specific rulemaking authority** on reporting animal diseases under Wis. Stat. § 95.22 (2),

- a. certificates of veterinary inspection under Wis. Stat. § 95.45 (4) (c),
- b. regulation of the farm-raised deer industry under Wis. Stat. § 95.55 (6),
- c. regulation of fish farms under Wis. Stat. § 95.60 (3) and (4s),
- d. regulation of animal markets under Wis. Stat. § 95.68 (8),
- e. regulation of animal dealers under Wis. Stat. § 95.69 (8),
- f. regulation of animal truckers under Wis. Stat. § 95.71 (8), and
- g. regulation of feed lots under Wis. Stat. § 95.715 (2) (d).

h.

DATCP makes and enforces these rules through its Division of Animal Health (Division)

Related Statutes and Rules

The Department of Natural Resources (DNR) has statutes and rules that are closely related to some of the program areas in DATCP. Wis. Admin. Code § NR 16.45 establishes fencing requirements and harvest plan requirements for keepers of farm-raised deer that are white-tailed deer.

Wis. Stat. § 29.87 establishes guidelines by which the DNR may dispose of escaped farm-raised deer. Wis. Stat. § 29.735 establishes requirements for importation of fish other than health requirements, and Wis. Stat. § 29.736 establishes requirements for the stocking of fish into waters of the state, other than health requirements.

WHAT ARE THESE health requirements??

Plain Language Analysis

Wis. Admin. Code ch. ATCP 10 specifies requirements relating to animal diseases and movement, and Wis. Admin. Code ch. ATCP 12 specifies requirements for animal truckers, markets and dealers. This proposed rule makes the following modifications:

Definitions

Some definitions have been updated to reflect appropriate terminology. 5

County or counties affected by chronic wasting disease. The proposed rule creates this definition as any county designated by the department of natural resources as being affected by chronic wasting disease

WHY does DATCP follow a wildlife agency regarding animal health when the USDA MOU gives DATCP oversight over wildlife agencies (DNR) under animal health program of the state. DATCP should restrict any CWD zone as a 10 mile radius for DNR to manage as stipulated in the state statutes

Equine infectious anemia test (EIA). Current rule requires the EIA test to be conducted in a laboratory approved by the department *or* the federal bureau. The proposed rule requires an EIA test to be conducted in a laboratory approved by the department *and* the federal bureau.

Feed lot. The proposed rule creates this definition as a facility at which feeder cattle are assembled for feeding prior to slaughter.

Farm-raised deer keeper. The proposed rule adds “Farm-raised deer keeper” to the current definition of “Keeper of farm-raised deer” as both terms are used throughout ch. ATCP 10.

Livestock. The proposed rule clarifies that the term applies to South American camelids (llama, alpaca, vicuna, and guanaco) and not all camelids.

Slaughtering establishment. Current rule specifies that a slaughtering establishment must be licensed by the department or subject to inspection by the USDA, which is not accurate. The proposed rule specifies that a facility must be both licensed and inspected and the licensing and inspection may be by either by the department or USDA. The proposed definition also encompasses an *approved* intermediate livestock handling facility if the latter is affiliated with a slaughtering establishment.

Tuberculosis test. Current rule specifies the tests that may be used for Tuberculosis. The proposed rule specifies that a post axillary Tuberculosis test may be used for all camelids (not just South American camelids) but not for exotic ruminants.

The proposed rule replaces the definition term “Axillary tuberculosis test” with “Post axillary tuberculosis test” to accurately define the test to be used when testing camelids for Tuberculosis.

Wild deer disease control area. The proposed rule creates this definition to mean a CWD-affected area designated by the department of natural resources under ch. NR 10 or other disease area affecting wild cervid designated by the department of natural resources or the department.

WILD deer “control” area by definition is not a definition of an affected area. Semantics of meaning as to DNR by statutes can only manage CWD in the wild population and does not “control” cwd in any part of the state. DATCP has many farms in counties that are certified CWD free but by allowing this affected definition to prevail shows that DNR is controlling CWD inside of the cervid farm for which DNR has no animal health oversight of farm raised deer inside of the fenced area of the farm. Restrict CWD affected areas of the state to the 10 mile rule as is as it is plenty big for DNR to manage something vs. a whole county much less 54.

Medical Separation

Currently, medical separation provisions are listed under farm-raised deer and fish farms, respectively, as these are the species for which medical separation is most requested.

Current rule requires fencing and facilities to be adequate to maintain separation of animals at all times. Current medical separation inspection fees are \$200 for farm-raised deer and \$400 for fish farms. **The \$400 fee more accurately reflects the cost involved with these inspections. No comparisons / justification on price increase**
The proposed rule creates a new section relating to medical separation of any species.
The proposed rule reflects the federal requirement that fencing and facilities must maintain at least 30 feet of separation at all times for bovine animals and farm-raised deer.

Medical separation fees are \$400 for each day or portion of a day needed to complete the inspection. Also, see medical separation requirements for Federally Approved Livestock Marketing Facilities below.

Both the current and proposed rule specify that no inspection is required for the renewal of an existing medically separated premises if the department has previously inspected the premises for medical separation and there have been no changes in registration, licensure, certification, ownership or use of premises.

Disease Reporting

Appendices A and B list diseases that must be reported to the department within one day or 10 days, respectively.

The proposed rule updates the diseases listed in these appendices.

The proposed rule requires:

- a. that a person who reports a disease listed under either of the appendices must include the official individual identification of the animal tested.
- b. If the animal has no official individual identification, the person collecting the test sample must apply such identification to livestock (other than fish), or another appropriate identifier for other non-livestock animals.
- c. Identification must be applied prior to collecting the test sample.

The proposed rule specifies that if the state veterinarian determines that a new disease is reportable because it presents a threat to animals or humans in the state, he or she may issue an order to make the disease reportable within one or ten days.

The proposed rule requires that test samples for Brucellosis, Johne’s disease, pseudorabies, Tuberculosis, chronic wasting disease, and viral hemorrhagic septicemia, be submitted to a laboratory approved by the department.

Wisconsin Certified Veterinarians

Current rule specifies requirements for a veterinarian to automatically become a Wisconsin certified veterinarian. It also specifies reasons for decertification. The proposed rule requires Wisconsin certified veterinarians to follow accreditation standards under 9 CFR 160-162 or risk suspension or revocation of Wisconsin certification. The proposed language clarifies the department's authority, thereby allowing the department to take swift action if a veterinarian does not follow accreditation standards. This authority is not new, but will allow the department to be more responsive when action is needed.

Brucellosis Testing and Control

Current rule specifies Brucellosis testing and control requirements under bovine, farm-raised deer, and swine portions of the rule. The proposed rule creates a new, general section relating to Brucellosis testing and control that applies to all animals and deletes the Brucellosis provisions currently under bovine, farm-raised deer and swine. Elk from Kentucky? Whitetail from rehab or other DNR oversight? Dogs? From humane societies

Tuberculosis Testing and Control

Current rule lists most of the provisions relating to Tuberculosis testing and control in a general Tuberculosis testing and control section as it pertains to all animals. Current rule also lists Tuberculosis requirements under bovine and farm-raised deer portions of the rule. The proposed rule will consolidate all the Tuberculosis testing and control requirements into the general Tuberculosis testing and control section.

Certificate of Veterinary Inspection (CVI)

Current rule requires the number, species, breed, sex and age of animals included in a shipment to be listed on the CVI.

The proposed rule requires that the purpose of movement also be listed on the CVI.

Current rule requires the veterinarian that signed the CVI for imported animals to file copies with the department and the chief livestock health official in the state of origin within 7 days after movement.

The proposed rule reflects federal requirements by requiring the veterinarian to file copies with the chief livestock health official in the state of origin within 7 calendar days of issuance, and requiring the chief livestock health official (rather than the veterinarian) to file the certificate with the department within 7 calendar days of receipt.

If the state of origin does not have a chief livestock health official that submits certificates of veterinary inspection for a particular species, the veterinarian who signs the certificate must file copies with the department within 7 calendar days after issuance.

Current rule requires a Wisconsin certified veterinarian that issues a CVI for export or intrastate movement of Wisconsin animals to file copies with the department within 7 days after the export or intrastate movement. If the animals are being exported, the veterinarian must also file a copy of the CVI with the chief livestock health official of the state of destination. The proposed rule reflects federal requirements by requiring the veterinarian to file copies with the department within 7 calendar days after issuance. If the animals are being exported, the department (rather than the veterinarian) must file a copy of the CVI with the chief livestock health official of the state of destination within 7 calendar days of issuance.

Federally Approved Livestock Marketing Facilities

Current rule requires federally approved livestock marketing facilities to meet certain requirements in order to qualify as such a market. The proposed rule also requires these facilities to:

- Be licensed as a Class A animal market.
- Be medically separated.
- Test animals for specified diseases prior to import.

Intermediate Livestock Handling Facility Certification

Current rule specifies requirements to be approved as an intermediate livestock handling facility under bovine imports. The proposed rule moves these requirements to the general import section as these facilities may handle a variety of imported species, including bovine. **The proposed rule also specifies that the department will grant or deny an intermediate livestock handling facility certificate within 60 days after a complete application is filed and charge a nonrefundable fee of \$140 for the certificate.**

The certificate will expire June 30, annually. The proposed rule specifies the reasons for which a certificate may be denied, suspended or revoked, allows the department to make certificates conditional, and **requires that animals imported to a certified handling facility be tested for diseases specified under the rule prior to import.**

Tuberculosis-Free Herd Certification

Current rule allows a herd of bovine, farm-raised deer, and goats to be certified as tuberculosis-free.

The proposed rule clarifies that all commingled species must be of comparable tuberculosis status or risk suspension or revocation of certification.

Johne's Disease Certified Veterinarians

Current rule requires that veterinarians recertify for Johne's risk assessment or management plans (RAMPs) and Johne's vaccination every five years and pay an initial and renewal fee of \$50.

The proposed rule eliminates the renewal requirement and the fee for initial certification.

Bovine Identification

Current rule specifies slaughter identification requirements under ch. ATCP 10 that differ slightly from the requirements under ch. ATCP 12. The proposed rule will make the provisions the same, including deleting the requirement of where a back tag must be placed.

Swine Slaughter Identification

Current rule requires a slaughtering establishment operator to apply, if the swine doesn't already have it, an official back tag, premises identification number ear tag or other approved slaughter identification if the animal does not already have official identification. Information regarding the animal's identification, date of receipt, name and address of the person from whom the animal was received, and the swine's class must be recorded.

The proposed rule will require a slaughtering establishment to apply identification to swine only if the animal does not pass the inspection process completed by state or federal inspectors or if the animal is tested for disease at the facility. Information must be recorded only if the animal is required to have identification applied.

Current rule requires that slaughtering establishments record the date identification was applied to the swine, if applicable, or a note that the swine already had identification upon arrival. The proposed rule no longer requires this information to be recorded.

Bovine Animal and Goat Imports

Current rule specifies bovine and goat import requirements. Except bovine animals and goats going directly to slaughter, no person may import a bovine animal or goat originating from a tuberculosis modified accredited state or a modified accredited zone in a state which has split multiple tuberculosis statuses (as determined by USDA) unless that person meets certain requirements.

One of those requirements is to obtain an import permit which will require the owner of a bovine animal or goat imported from a tuberculosis modified accredited state to have the animals tested for tuberculosis. The proposed rule clarifies that this provision pertains to owners of bovine animals and goats imported from a modified accredited zone as well.

Swine Disease Testing

Diseases to be tested. Current rule requires that swine be tested for Porcine Reproductive and Respiratory Syndrome (PRRS) and the Swine Enteric Coronavirus Disease (SECD) within 90 days prior to movement into or within Wisconsin.

The proposed rule requires swine to be tested for Porcine Epidemic Diarrhea virus (PEDv) rather than SECD. Testing for SECD includes testing for the Porcine Deltacoronavirus (PDCoV), Transmissible Gastroenteritis (TGE), and PEDv. At the time the rule requirements were originally developed, the United States Department of Agriculture (USDA) required reporting of PEDv and PDCoV. However, recently, the USDA discontinued the required reporting of these diseases. Although no longer required to be reported, PEDv remains a devastating disease in swine, causing diarrhea and vomiting, and death of 50-100 percent of infected piglets. Thus, the proposed rule will require that swine continue to be tested for PEDv. While harmful, PDCoV and TGE are not nearly as damaging and testing for these diseases will no longer be required.

Number of swine tested. Current rule specifies requirements when testing swine for PRRS and SECD. Again, except for PEDv, swine will no longer be tested for the diseases that fall under SECD. Currently:

- Herds with less than 150 swine must have one pooled sample of swine collected and tested. The number of swine to be pooled for samples is determined by the owner in consultation with the herd veterinarian.
- Herds with 150 or more swine must have three pooled samples of at least five swine collected and tested.

The proposed rule maintains the testing requirements for herds with less than 150 swine, but changes the requirements for testing herds with 150 or more swine as follows:

- Herds with 150 to 299 swine must have two pooled samples of swine collected and tested.
- Herds with 300 or more swine must have three pooled samples of swine collected and tested.
- The number of swine to be pooled for samples in either scenario must be determined by the owner in consultation with the herd veterinarian.

Imports. Current rule requires that swine imported to Wisconsin, with some exceptions, test negative for PRRS and the SECD within 90 days prior to import. Swine that test positive or that are not tested may be imported to Wisconsin with an import permit. Upon arrival to Wisconsin, the swine imported and/or swine at the premises will be quarantined until a herd plan is developed by a Wisconsin certified, accredited, licensed veterinarian and approved by the department.

The proposed rule:

- Allows the herd plan to be developed by an accredited veterinarian in another state but the plan must still be approved by the department.
- Exempts swine imported to a licensed animal market from having to test for PRRS and PEDv (formerly SECD) prior to import if all swine on the market premises the day of sale are shipped directly to slaughter. However, under this scenario, the swine must still be accompanied by a CVI unless going to a federally approved livestock market.
- Clarifies that swine imported directly to a federally approved livestock marketing facility do not have to get an import permit if there is a negative PRRS and PEDv (formerly SECD) test from the swine's herd of origin conducted within 90 days prior to movement.

Movement within Wisconsin.

For intrastate movement, current rule requires that documentation of negative PRRS and SECD test reports be made available to the department upon request. The proposed rule requires test reports of PRRS and PEDv to be made available at the time of sale as well as to the department upon request.

Current rule provides PRRS and SECD testing exemptions for swine moving intrastate. The proposed rule adds an exemption for commercial swine moving directly to an animal market if all the swine on the market premises the day of the sale are shipped directly to slaughter.

Current rule requires the exhibitor of commercial exhibition swine that originate from Wisconsin and return to Wisconsin after an exhibition in another state to notify the department before returning to Wisconsin. The proposed

rule exempts exhibitors from providing this notification if the out-of-state exhibition organizer requires all participating swine to have originated from herds that have tested negative for PRRS and PEDv (formerly SECD) within 90 days prior to the event.

Equine Infectious Anemia (EIA)

Current rule requires, with some exceptions, EIA testing when purchasing, selling or transferring ownership of any equine animal. EIA testing is not required when:

- An equine animal is *consigned* to an animal dealer or market or *sold* to an animal market operator for sale directly to slaughter, or
- The dealer/market has the animal tested for EIA within 10 days after the animal is received/purchased.

The provisions relating to markets are unclear and the usage of the term *consigned* for animal dealers (and markets) vs *sold* for market operators is confusing. Also, markets are required to remove animals from the premises within 4 days of receipt (unless awaiting test results). Thus, it is not permissible for markets to wait 10 days to test an animal.

The proposed rule will clarify that EIA testing is not required when an equine animal is consigned or sold as follows:

- To an animal dealer provided the animal dealer ships the animal directly to slaughter or has the animal tested for EIA within 10 days after its consignment or sale to the dealer or arrival at the premises. Until the negative EIA test results are obtained, the dealer may not consign, sell, or move the animal from the premises or allow the animal to commingle with other animals.
- To an animal market provided that the animal market operator ships the animal directly to slaughter or has the animal tested for EIA within 4 days after it arrives at the premises. Until the negative EIA test results are obtained, an equine animal may not leave the premises or be commingled with any other animal.

Equine Animal Imports

Current rule specifies equine import requirements. With some exceptions, no person may import an equine animal unless the animal has tested negative on an equine infectious anemia test (EIA) conducted within a certain timeframe.

One of those exceptions is to obtain an import permit which will allow the animal to be imported if samples are collected from the animal prior to import and the animal is confined to the premises and not commingled upon import until negative test results are received. The proposed rule deletes this exception.

Poultry and Farm-Raised Game Birds

Enrollment requirements.

Current rule requires poultry and eggs used for breeding, hatching, or exhibition to originate from a certified flock or be individually tested for certain diseases. A certified flock includes a flock enrolled in the national poultry improvement plan (NPIP), a Wisconsin tested flock, or a Wisconsin associate flock.

The proposed rule will no longer require persons to enroll their flock in a Wisconsin tested flock or Wisconsin associate flock with the department.

Instead, a flock owner must provide documentation of being a Wisconsin tested flock or Wisconsin associate flock by completing a department approved form that requires certain information to be listed. This new form will include the same information as the application currently used to apply for flock certification from the department. The Wisconsin tested flock form will be valid for one year from the date the disease testing was conducted. The Wisconsin associate flock form will be valid as long as all birds or eggs introduced to the flock are acquired directly from a Wisconsin tested flock, a Wisconsin associate flock, or a flock enrolled in the National Poultry Improvement Plan.

The proposed rule requires that poultry and eggs exhibited at fairs or poultry shows (rather than those used for breeding, hatching and exhibitions) to either: reside in a flock that is certified under NPIP; have a completed, valid

Wisconsin tested flock form or Wisconsin associate flock form; or be an individual sexually mature bird tested for certain diseases.

Current rule requires a person who sells poultry or eggs from certified flocks (or individually tested birds) to provide a copy of the flock certification (or individual bird test) to the buyer and to report the sale to the department.

The proposed rule requires these persons to provide a copy of a current NPIP flock certification, a Wisconsin tested flock form, a Wisconsin associate flock form, or individual bird tests to the buyer and to maintain poultry sale information (rather than report the information to the department). Sale information must be maintained for at least 3 years and be made available to the department for inspection and copying upon request.

Current rule provides an alternative method for youth exhibiting poultry at county fairs. The proposed rule deletes this provision as it is rarely, if ever, used.

National Poultry Improvement Plan (NPIP).

Current rule specifies that the department may certify a flock as U.S. pullorum typhoid clean or Mycoplasma gallisepticum clean, or both, according to standards set forth in the national poultry improvement plan.

The proposed rule deletes this provision as it is already described under the NPIP standards and does not need to be repeated in the rule.

Current rule establishes fees to be paid for enrollment in the program and is ambiguous as to when the \$40 fee or the \$80 fee applies. The proposed rule clarifies that the \$40 fee applies to a flock consisting of not more than 200 breeders and the \$80 fee applies to a flock consisting of more than 200 but not more than 1,000 breeders.

The proposed rule specifies that the department may, rather than shall, inspect enrolled flocks and take other actions as appropriate, based on plan requirements.

Poultry Imports.

Current rule requires that live poultry, eggs used for hatching, **farm-raised game birds**, and farm-raised game bird eggs used for hatching that are imported to Wisconsin be accompanied by a federal bureau form VS 9-3 or a valid certificate of veterinary inspection. These documents must certify that the birds/eggs originate from flocks meeting specified requirements or a plan that the department determines to be equivalent to Wisconsin requirements.

The proposed rule requires a person who imports poultry to keep the federal bureau form VS 9-3 or certificate of veterinarian inspection (whichever is applicable) for at least three years and to make them available to the department for inspection and copying upon request.

The **proposed rule replaces** the term *originate* from with *are directly imported* from to clarify that the document accompanying the birds/eggs must certify the most recent location from which the birds were imported and not the original location from which the birds were purchased. Also, the proposed rule eliminates the equivalent plan as determined by the department as it has never been used.

Current rule prohibits the import of turkey poults from hatcheries that hatch eggs other than turkey eggs. It also prohibits the import of started poultry, other than turkey poults, from hatcheries that hatch turkey eggs. The proposed rule eliminates this prohibition as it cannot be justified based on disease risk.

Farm-Raised Deer

Farm-raised deer herd registration. The current rule specifies that no person may keep farm-raised deer at any location in this state unless the department has issued a current annual farm-raised deer herd registration certificate authorizing the person to keep farm-raised deer at that location.

There is an exception for persons who own less than 50% of a farm-raised deer or group of farm-raised deer, if certain requirements are met.

The proposed rule eliminates this exemption, as it is not being used.

The **proposed rule creates two new exemptions as follows:**

Licensed animal dealers who purchase farm-raised deer from a keeper whose herd is currently registered, and who move those deer directly to slaughter, are not required to obtain a farm-raised deer herd registration, if certain requirements are met.

One such requirement mandates the dealer to keep certain records for that deer, including chronic wasting disease test results.

Temporary farm-raised deer exhibits, if certain requirements are met.

Current rule specifies March 15 as the expiration date of any farm-raised deer herd registration. The proposed rule changes the expiration date to August 31. The new expiration date will first apply to the 2020-2021 registration year. Most registrations for that year will be effective March 16, 2020 through August 31, 2021 (17.5 rather than 12 months). License fees for that registration year only will increase proportionally to reflect the longer period of time for which the registration is effective. The regular registration fee will apply to initial applicants who apply for a 2020-2021 registration after August 31, 2020, as that license will be effective for the standard 12 months.

No explanation of extra costs

When applying for a farm-raised deer herd registration certificate, an applicant must include a breakdown by species, age, and sex of the farm-raised deer in the herd. The proposed rule requires only the breakdown of species of deer to be included on the application while eliminating the breakdown by age and sex.

The proposed rule allows a farm-raised deer keeper to maintain ownership of a deer that is moved to another premises as long as the owner at the new premises has a valid farm-raised deer herd registration certificate and movement requirements are met.

In addition, certain records must be kept by both parties, as follows:

A person who receives a farm-raised deer but does not own the deer must keep records relating to deer that enter the herd, leave the herd, escape, are killed, etc. He or she must test the deer for CWD upon death and keep those CWD test results for at least 5 years.

A person who provides a farm-raised deer to another premises, including a hunting ranch, but who retains ownership of the deer must keep records relating to that deer leaving the herd and when that deer dies, is killed, or slaughtered. He or she must also keep the CWD test results for at least 5 years.

Prohibitions.

Current rule prohibits persons keeping farm-raised deer from commingling deer with bovine animals on the same premises, building, enclosure, or vehicle unless all the animals go to slaughter. The proposed rule will allow these animals to be on the same premises without having to send them all to slaughter if one of the following requirements is met:

The herds of the two species are medically separated.

The herds of both species are certified by the department as accredited Tuberculosis-free.

The herds of both species meet the testing requirements to become a TB qualified herd, and the animal to be moved has been classified negative to an official TB test that was conducted within 90 days prior to the date of movement for farm-raised deer and 60 days prior to the date of movement for bovine animals. If the herd test was administered and the herd qualified (within 90 days prior to the date of movement for farm-raised deer and 60 days prior to the date of movement for bovine animals), the animal to be moved does not require an additional individual test.

The proposed rule creates the following prohibitions:

Prohibits a keeper from intentionally releasing farm-raised deer to the wild or taking no action to prevent recurring escapes.

Prohibits a keeper from feeding or baiting in a manner that may attract wild deer to the fence of the farm-raised deer herd.

Chronic Wasting Disease Testing (CWD).

The current rule requires farm-raised deer to be tested for CWD.

In most cases, 25 percent of deer sent to a slaughtering establishment must be tested for CWD.

The proposed rule includes deer slaughtered on the farm within the 25% mandate, provided that the department conducts an ante mortem inspection of the deer and a post-mortem inspection of the carcass(es). **MORE COSTS??**

The proposed rule also requires a farm-raised deer keeper whose herd is enrolled in the CWD herd status program, and who moves a deer to another location owned by the keeper, to test that deer for CWD upon death.

Current rule requires a person who is qualified to collect a CWD test sample to label the test sample with the animal's official individual identification, or if the official individual identification is not available, with the back tag, official slaughter identification, or carcass tag.

The proposed rule changes the term "carcass tag" to "dead tag" for consistency throughout the rule. It also requires that all identification tags and numbers from the animal accompany the test sample.

The current rule requires a person who is qualified to collect a CWD test sample to submit a CWD sample to a veterinarian within 2 business days. The proposed rule allows that submission to occur within 9 calendar days after the farm-raised deer dies or is killed or slaughtered.

The proposed rule clarifies that a veterinarian who accepts the CWD sample must submit the sample to an approved laboratory within 10 days of receipt.

Current rule allows the department to disqualify a person from collecting CWD test samples, including a veterinarian. The proposed rule clarifies that if a veterinarian is disqualified from taking CWD test samples, he or she will not be allowed to accept or submit CWD test samples.

Farm-Raised Deer Identification.

The **current rule specifies** farm-raised deer identification requirements under the "Farm-raised deer; chronic wasting disease herd status program" section of the rule.

The **proposed rule** moves the identification requirements to the "Farm-raised deer; identification" section of the rule as it is a more logical area to look for identification requirements.

The cross-references relating to farm-raised deer identification requirements throughout the rule have been changed to reference its new location.

The **current rule requires** farm-raised deer in herds enrolled in the chronic wasting disease herd status program to have two individual identifications. **One must** be an official individual identification, and the **second** identification must be either an official individual identification or individual identification unique to the herd.

Under federal law,

- a. a person may not apply an official individual identification to any animal that already has an official individual identification, **except that:** an "840" tag may be applied to an animal that has a national uniform ear tagging system ear tag;
- b. a brucellosis vaccination tag may be applied when vaccinating an animal for brucellosis (although this would not apply to farm-raised deer); or
- c. an official individual identification may be applied as approved by the department.

The **proposed rule has been modified to meet federal requirements**. Thus, whenever a farm-raised deer is required to have two individual identifications, one must be an official individual identification, and the second must be an individual identification unique to the herd or an official individual identification that meets one of the following:

- It was applied prior to the effective date of this rule.
- An "840" tag was applied to an animal that has a national uniform ear tagging system ear tag.
- An official individual identification as approved by the department.

A person who applies additional official individual identification specified above must keep a record of the existing and newly applied official identification numbers.

CWD Herd Status Program Suspension.

Current rule allows the department to suspend enrollment in the CWD herd status program under certain circumstances. The **proposed rule adds to the list of reasons enrollment may be suspended: a farm-raised deer keeper who fails to renew (maintain) his or her farm-raised deer herd registration.**

The **current rule has a note** that no live farm-raised deer may be moved from a herd while a suspension is in effect. The proposed rule includes that language as part of the official rule, rather than a note.

Certificates of Veterinary Inspection for Farm-Raised Deer.

The **current rule specifies** that farm-raised deer may not be imported to or moved within Wisconsin (with some exceptions) without a certificate of veterinary inspection (CVI). The CVI must include the official individual identification of the farm-raised deer.

The **proposed rule requires the CVI to list two individual identifications of each farm-raised deer.**

Enhanced Fencing.

The **current rule requires** farm-raised deer to be enclosed by enhanced fencing if the Department of Natural Resources (DNR) notifies the department that at least two or more wild deer tested positive for CWD and were found or killed within five miles of the farm-raised deer herd.

Because all farm-raised deer herds will be required to have enhanced fencing, provisions requiring enhanced fencing for farm-raised deer herds located within 5 miles of two or more wild deer that have tested positive for CWD **will be removed.**

The **current rule**, in Wis. Admin. Code § 10.58, describes the meaning of enhanced fencing and requires enhanced fencing in only certain circumstances.

The proposed rule now requires that all farm-raised deer herds install enhanced fencing. TOO EXPENSIVE FOR THE INDIVIDUAL FARMER. No scientific basis provided by DATCP or DNR as to this rule "controlling" CWD. UNFUNDED MANDATE!

The current rule specifies one of the following systems, or a combination of any of the following systems:

1. A double fence that meets all of the following requirements:
 - Each fence is at least 8 feet high at every point.
 - The 2 fences are at least 8 feet but not more than 16 feet apart at every point.
 2. A solid barrier that is at least 8 feet high at every point. The proposed rule requires that *all* farm-raised deer herds be enclosed by enhanced fencing that meets either the requirements listed in 1. or 2. above, or have:
 3. **At least three strands of electrified wire on the inside or the outside of the entire length of the perimeter fence, including gates, at heights ranging from 6 inches to 48 inches from the ground.**
- The proposed rule requires that enhanced fencing be completed within 90 days of the effective date of the rule, or other timeline as approved by the department.
- Upon request, farm-raised deer keepers must provide transportation to department staff to inspect the enhanced fencing.**

Does this also mean room and board is coming down the road after providing transportation?

Movement.

The current rule specifies strict movement requirements.

To move farm-raised deer, the herds in which they are located

- a. must be enrolled in the CWD herd status program with at least five years of status,
- b. must have tuberculosis certification, and

c. must have two individual identifications applied to each FRD.

The CWD herd status program requires that all farm-raised deer in the herd that are at least 12 months old be tested for CWD upon death.

The **proposed rule will ban movement of any FRD located in a county designated by the Department of Natural Resources as being affected by chronic wasting disease unless that deer is moved directly to a slaughter establishment, other herds within CWD affected counties, or out of state.**

These deer must continue to meet specific movement and record keeping requirements.

Farm-raised deer may not move from a location in a county affected by chronic wasting disease to a location in a non-CWD affected county.

For a herd with multiple locations in both CWD affected counties and non-CWD affected counties, no FRD in the part of the herd located in the CWD affected county may be moved to a location in a non-CWD affected county. FRD from CWD affected counties may not, under any circumstances, be moved to non-CWD-affected counties.

Fish Farms

Current rule refers to the federal bureau when identifying fish or fish eggs of a species susceptible to viral hemorrhagic septicemia. The department is now responsible for identifying these species of fish or fish eggs. The proposed rule reflects this change and includes a note as to how to find the list of susceptible species.

To apply for a fish farm registration, current rule requires a fish farm operator to submit an application to the department on a form provided by the department. The **proposed rule**, in accordance with s. 29.733 (1h), Stats., requires a person applying for an initial fish farm registration certificate to first contact the Wisconsin Department of Natural Resources to determine whether a natural waterbody permit must be obtained.

Current rule requires that, in most cases, fish imported to Wisconsin be accompanied by a health certificate and requires fish imported for certain purposes be accompanied by an import permit. Current rule implies that health

certificates only have to be kept as records if they accompany an import permit. The proposed rule clarifies that all health certificates and import permits must be kept as records.

Current rule requires a person importing fish to a registered fish farm (unless the fish are imported from another fish farm) to have an import permit issued by the department. The proposed rule requires an import permit for this situation only when fish or fish eggs harvested from the wild are imported to a registered fish farm.

Current rule requires that a valid health certificate must accompany fish that are found to be susceptible to viral hemorrhagic septicemia (VHS) and that are moved from a type 3 fish farm to any other location in this state. The proposed rule allows movement of VHS susceptible fish between type 3 fish farms without a health certificate.

Dog and Cat Imports

Current rule prohibits the import of a dog or cat unless the animal has a current rabies vaccination. The **proposed rule also prohibits** the following:

Brucella Canis Requirement. No person may import a sexually intact dog for breeding and no dog seller or dog facility operator licensed under ch. ATCP 16 may import a sexually intact dog without obtaining a negative test for Brucella canis completed within 30 days prior to the import using a test method approved by the department. If the dog is less than six weeks old, it must be accompanied by its dam and the dam must have documentation meeting the requirement under this subdivision.

Heartworm Test Requirement. No dog seller or dog facility operator licensed under ch. ATCP 16 may import a dog without obtaining a negative heartworm test completed within 6 months of the import using a test approved by the department. If the dog is less than six weeks old, it must be accompanied by its dam and the dam must have documentation meeting the requirement under this subdivision.

The proposed rule requires that the certificate of veterinary inspection (CVI) that accompanies any imported dog must document the Brucella canis and heartworm information, if applicable, with a negative Brucella canis test and/or a negative heartworm test.

The proposed rule also requires the CVI of any imported dog to include a statement that the dog has no known prior positive heartworm test or if the dog had a prior positive heartworm test, the dog received appropriate treatment protocol as recommended by the American Heartworm Society and list the treatment dates.

Current rule specifies that a CVI is not necessary when a dog is imported for treatment or returning home from treatment if certain requirements are met. The proposed rule specifies that cats do not need a CVI for these purposes either.

Fairs and Exhibitions

Current rule specifies requirements relating to organizers of fairs and exhibitions. It also specifies requirements for a licensed veterinarian that more properly should be the responsibility of the organizer.

The proposed rule makes it clear that the organizer of a fair or exhibition (rather than a veterinarian) must ensure that all exhibitors comply with rule requirements, including:

Movement and exhibition of animals, including documentation to show compliance with import requirements, disease testing and other health requirements of ch. ATCP 10.

Exhibitor information and the official ID (or if not applicable, the identification) of the animals exhibited.

Current rule requires an exhibitor to provide appropriate and reliable documentation to show that the animals were lawfully imported or moved to the fair or exhibition, if requested by the organizer of the fair or exhibition. The proposed rule requires the exhibitor to provide this information regardless of whether it is requested by the organizer. Current rule requires an exhibitor to identify the animals exhibited. The proposed rule requires the exhibitor to provide official individual identification, if required, of the animal exhibited.

Enforcement

Current rule allows the department to issue an order quarantining animals for certain purposes. The proposed rule creates an additional purpose to "protect the health of animals located in this state and of humans residing in this

state, relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department determines are necessary.”

Current rule requires proof of service by staff whenever a quarantine is issued to a person having custody or control of the quarantined animals. Proof of service must be an affidavit or certified mail return receipt. The proposed rule requires a certificate of personal service or certified mail return receipt (instead of an affidavit) as proof of service.

The proposed rule allows the department to issue an emergency quarantine order that will affect a particular geographical location, county, counties or the entire state in the event of a national, state, or regional animal disease outbreak. As with current quarantines, persons adversely affected by this quarantine may request a hearing to review the quarantine order.

Current rule allows the department to issue a temporary animal hold order if there is reason to believe the animal has been illegally moved or exposed to a disease.

The proposed rule deletes the section relating to animal hold orders as they are rarely used and quarantines may be issued for the same purpose.

Current rule specifies prohibited conduct. The proposed rule adds that no person may:

- Misrepresent to any person the age of any animal.
- Falsify, remove, alter, or tamper with any official identification or official back tag, regardless of how current rule may be interpreted to allow such action.
- Fail or refuse to permit reasonable access by the department to a premises to review certain records, documents and any other records required under this chapter.
- Prevent the department from taking records off site for copying if deemed necessary for efficiency.
- Apply official individual identification to any animal that already has an official individual identification except under certain specified circumstances.

Current rule also prohibits the commingling of different livestock species other than different species of fish, poultry, camelids, or ratites during transit. The proposed rule also allows the commingling of sheep and goats or different species of South American camelids (rather than camelids).

Current rule prohibits the commingling of bovine animals and farm-raised deer unless all the animals go to slaughter at some point. The proposed rule will allow bovine animals and farm-raised deer to be on the same premises and not be sent to slaughter, if certain conditions are met. See “Prohibitions” under “Farm-Raised Deer Herd Registration” for more information.

Animal Truckers, Markets and Dealers

Current rule lists requirements relating to animal truckers, markets, and dealers under both ch. ATCP 10 and ch. ATCP 12. The proposed rule deletes some of the duplicated requirements from ch. ATCP 10 and includes a note to clarify that animal trucker, market and dealer requirements are under ch. ATCP 12.

Current rule requires animal market operators to remove animals from the animal market within 4 days after they enter the market. However, some markets have personal livestock on the market premises which do not have to be moved.

The proposed rule requires that animal markets clearly separate market animals from any other livestock on the premises and clarifies that market animals must be removed from the market within 4 days after entry.

Current rule requires animal markets and dealers to comply with certain requirements. The proposed rule adds compliance with federal traceability requirements when moving cattle interstate or releasing cattle for interstate movement. This requirement is not new but will allow the department to be more responsive when action is needed.

Current rule specifies requirements for moving and testing swine for Porcine Reproductive and Respiratory Syndrome (PRRS) and the Porcine Epidemic Diarrhea virus (PEDv) under ch. ATCP 10. The proposed rule modifies ch. ATCP 12 to require animal market operators and dealers to notify potential buyers of any swine that test positive for PRRS or the PEDv before selling those swine. Market operators and dealers must also keep records of PRRS and PEDv test results and herd plan numbers, when those swine are required to have them.

Current rule exempts a licensed meat establishment that buys livestock solely for slaughter at the meat establishment from getting an animal dealer license. The proposed rule changes term "licensed meat establishment" to "slaughtering establishment" as that is the correct terminology to be used.

Current rule prohibits animal market operators from delivering livestock or wild animals to an unlicensed animal trucker if the operator knows or has reason to know the animal trucker is unlicensed. The proposed rule also prohibits animal market operators from delivering to an unlicensed animal dealer.

Current rule prohibits animal truckers from causing or permitting different species of animals to be commingled on the same animal transport vehicle or enclosure. The proposed rule allows the commingling of different species of animals if the animals are of comparable size and do not pose a known disease threat to the other species.

Current rule lists general prohibitions for animal truckers, markets and dealers. The proposed rule prohibits a person from refusing to permit access to a premises or vehicle to an authorized agent of the department.

Current rule requires an animal trucker that receives any bovine or swine for sale or shipment to slaughter to immediately identify the animals with an official back tag and record the back tag number if the animal is not already identified. The proposed rule exempts an animal trucker from this requirement if the trucker 1) picks up bovine animals/swine from a farm premises and takes the bovine animal/swine directly to a slaughtering establishment and 2) the bovine animals/swine are not commingled with animals picked up from other farms.

Current rule requires an animal dealer or market operator that receives swine to immediately record the official individual identification of that swine or to apply such identification if the swine does not already have it. The proposed rule exempts market swine from having to be identified with official individual identification unless shipment to slaughter does not occur. Market swine is defined as either a barrow which is a castrated boar, or a gilt which is a female that has not reproduced, that are sold to go directly to a slaughtering establishment.

Current rule requires an animal dealer or market operator that receives farm-raised deer to identify the deer with an official individual identification if it doesn't already have it. The proposed rule deletes this requirement as current rule requires any farm-raised deer that is moved to have two individual identifications (one of which must be official identification) before it may be moved. Thus, the animal dealer or market operator should never have to apply identification.

Current rule requires animal market operators, dealers or truckers to keep a copy of any certificate of veterinary inspection that accompanied the animal. The proposed rule clarifies the CVI must be kept if it was required to accompany the animal.

Summary of, and comparison with, existing or proposed federal statutes and regulations

The USDA administers federal regulations related to the interstate movement of animals, particularly with respect to certain major diseases. States regulate intrastate movement and imports into the state.

Federal CWD Herd Certification Program (HCP) requirements include official individual identification of animals, regular inventories, and CWD testing of cervids over 12 months of age that die. Interstate movement of cervids will be dependent on a state's participation in the program, maintaining compliance with program requirements, and having achieved herd certification status.

Federal traceability requirements establish minimum national official identification and documentation for the traceability of livestock moving interstate. These regulations specify approved forms of official identification and documentation for each species.

Comparison with Rules in Adjacent States

Surrounding state animal health programs are comparable to those in Wisconsin. Programs for historically important diseases, such as tuberculosis, brucellosis and CWD in other Midwest states, **are similar to Wisconsin, as all are based on well-established federal standards.**

States may apply to become an Approved State HCP if they meet (or exceed) national program requirements. Cervid owners can enroll and participate in their Approved State CWD HCP. Interstate movement of animals is dependent on a state's participation in the program, maintaining compliance with program requirements, and having achieved herd certification status. Wisconsin, Illinois, Iowa, Michigan and Minnesota have approved CWD HCPs by the USDA Animal and Plant Health Inspection Service (APHIS). Therefore, all are implementing the federal requirements and thus are similar to current Wisconsin rules.

To meet federal CWD HCP requirements for farm-raised deer to move interstate, a state program must meet approved forms of official identification. Wisconsin, Illinois, Iowa, Michigan and Minnesota programs are approved as meeting the federal traceability identification requirements in order to move livestock interstate. Therefore, all are implementing the federal requirements, and **all should have similar state rules.**

No other state bans the movement of farm-raised deer from a CWD affected county. [Indiana?](#)

Summary of Factual Data and Analytical Methodologies

For the most part, this proposed rule makes minor, technical changes based on the Division's review and use of the rule and does not depend on any complex analysis of data.

However, changes relating to **movement of farm-raised deer** and **requiring enhanced fencing** to separate them from wild deer are based on attempting to stop the spread of chronic wasting disease (CWD) in Wisconsin.

Fence all wild deer? Test all wild deer hunter harvested?

Since its discovery in Wisconsin in 2002 (**1999**), 53 counties either have experienced a positive test for CWD or are within ten miles of a positive testing event. While the pathways for the transmission of CWD remain unclear, Wisconsin has made efforts to slow the progression of the disease by **restricting baiting and feeding** and **by requiring additional fencing that restricts contact between wild deer and captive populations.** **No scientific evidence of transmission?**

These efforts have not prevented the spread of CWD. **Farms yes, quarantined or de-populated? Wildlife spread?**

The progression of CWD threatens the welfare of Wisconsin's unique hunting culture as well as the multi-billion dollar hunting industry within the state. CWD also threatens captive deer herds maintained by Wisconsin's deer farms. **At the hands of hunters who should be mandated to test all harvested deer each year**

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

The majority of these proposed rule changes are to make the requirements throughout the rule consistent.

The most significant rule changes (and fiscal impact) relate to farm-raised deer keepers (FRDKs) enrolled in the Wisconsin CWD HCP. The department heard from several keepers at the DATCP Board meeting on May 24, 2018.

What was effect? Movement? Other?

Effect on Small Business

The majority of these rule modifications serve to re-organize the contents, **to reflect federal requirements**, or to make purely technical changes that have no fiscal effect. The rule modifications that may have an economic impact on small business and the entities that may be affected are as follows:

Animal Health Licensees (Medical Separation)

Upon the effective date of this rule, any person licensed by the division of animal health who wishes to have medical separation of species on their premises will **pay \$400 for each day** or portion of a day needed to complete the inspection by the department. Most medical separation inspections are completed within one day. However, the time needed to complete an inspection may vary depending on the number of acres and terrain to be inspected. It is unknown how many entities licensed by the division will request medical separation of their premises.

Currently there are 31 farm-raised deer herds and 3 fish farms that are medically separated. No inspection is required for renewal of an existing license if the department has previously inspected the premises and there have been no changes. Thus, there will be no fiscal effect to licensees whose premises are currently medically separated.

Owners of Intermediate Livestock Handling Facilities

Upon the effective date of this rule, an entity that imports any livestock (not just bovine), may request certification to become an intermediate livestock handling facility and pay an annual fee of \$140. Currently, the department has approved one intermediate livestock handling facility in Wisconsin.

This facility will be charged \$140 annually for certification as the review process for certification is extensive and there is continuous review of permits and monitoring of the facility throughout the year.

Johne's Disease Certified Veterinarians

Upon the effective date of this rule, veterinarians will no longer be required to recertify, after having been initially certified, for Johne's risk assessment or management plans (RAMPs) and Johne's vaccination. These veterinarians will no longer have to pay an initial fee of \$50 for these certifications. This proposal is anticipated to affect approximately 460 veterinarians.

Swine Disease Testing

Upon the effective date of this rule, swine owners and veterinarians will continue to be required to test swine for Porcine Reproductive and Respiratory Syndrome (PRRS) and Porcine Epidemic Diarrhea virus (PEDv) within 90 days prior to movement. However, swine will no longer have to be tested for other diseases that fall under the Swine Enteric Coronavirus Disease (SECD) which includes the Porcine Delta Coronavirus (PDCoV) and Transmissible Gastroenteritis (TGE).

Testing costs will likely be less as currently a multiplex test must be used to screen for PEDv, PDCoV, and TGE. The proposed rule will require only a test for PEDv so a multiplex test will no longer be necessary. The cost difference between requiring the use of a multiplex vs a single PEDv test is unknown. Also, costs relating to the development of herd plans for swine that test positive for PDCoV will decline. The costs associated with developing a herd plan will vary greatly depending on the location of the swine herd within the state, the type of farm operation, the number of swine in the herd, the amount of time it takes to write the plan, and veterinarian fees. Thus these costs are indeterminate.

Since the time that the rule became effective on February 1, 2018, 32 herd plans have been developed by veterinarians. Of that total, 16 plans were developed because of PRRS positive swine and 6 plans were developed because swine were not tested or were anticipating movement. The 10 remaining herd plans were developed because of SECD positive cases. All were due to weak positives for PDCoV. Thus far, the department has not received notice of a positive PEDv herd.

The pigs that have tested positive for PDCoV were not ill and had not shown clinical signs, according to the private practitioners that were involved. It has been found that birds carry their own Delta Corona viruses that can interfere/cross-react with the swine tests. There is not a cost effective or reasonable test that would enable producers to differentiate between the avian and porcine viruses. While destructive, PDCoV is not as devastating as PEDv.

Poultry Producers

Upon the effective date of this rule, only poultry and eggs exhibited at fairs or poultry shows (rather than those used for breeding, hatching and exhibitions-egg swap meets) must be acquired directly from a certified flock (namely a flock enrolled in the national poultry improvement plan, a Wisconsin tested flock, or a Wisconsin associate flock) or be an individual bird tested for certain diseases.

The antigen used to conduct individual bird testing costs \$200. One bottle of antigen can test up to 1,000 birds. The cost is the same whether testing one bird or 1,000 birds. The proposed rule will reduce or eliminate testing costs for hundreds of poultry producers that attend swap meets or breed or hatch birds.

Farm-Raised Deer Keepers

Farm-Raised Deer Herd Registration. For the 2020-2021 registration year only, a farm-raised herd registration will be effective from March 16, 2020 through August 31, 2021.

License fees for that registration year will increase to \$124.34, \$237.74 or \$475.48, as appropriate, to reflect the longer period of time for which the registration is effective (17.5 rather than 12 months).

The fees will return to \$85, \$162.50 or \$325, respectively, annually thereafter as the license will be issued for 12 months.

Farm-Raised Deer and Bovine Animals on the Same Premises. Upon the effective date of this rule, there will be options to allow farm-raised deer and bovine animals to be kept on the same premises without having to send them all to slaughter. Any costs associated with these options are voluntary as the owner of the premises may choose not to keep these two species on the same premises and the owner that chooses to keep both species on the premises may send all to slaughter. For those who choose to move these animals to a place other than slaughter, the rule provides the following options:

- The herds of both species are medically separated. Costs related to medical separation are discussed above.
- The herds of both species are certified by the department as accredited Tuberculosis-free. Tuberculosis-free certification costs include:
 - o For farm-raised deer, there will be no additional cost as currently deer must meet Tuberculosis testing requirements (in addition to other requirements) prior to movement.
 - o For a herd of bovine animals, \$100 for a 2-year Tuberculosis-free certification. All animals in the herd must be tested for Tuberculosis every 2 years. The cost to conduct a whole-herd test will vary depending on a veterinarian's fee, location of the herd, and the number of animals to be tested. Department staff contacted 4 veterinarians in different areas of the state regarding fees charged to conduct Tuberculosis testing. Fees varied greatly in amount and structure. For instance, one clinic charges \$140 per hour regardless of the number of animals to be tested, another

charges a \$32 trip fee and \$4 per head of cattle, while other providers varied on the amount charged per trip and the amount charged per head.

□ The herds of both species meet the testing requirements to become a Tuberculosis-qualified herd and the animal to be moved has been classified negative to an official Tuberculosis test that was conducted prior to the date of movement (90 days for farm-raised deer and 60 days for bovine animals).

Herds do not have to be certified as Tuberculosis-qualified but they must meet testing requirements to become a Tuberculosis-qualified herd. Whole herd testing is effective for 365 days. An individual Tuberculosis test must be conducted for the animal that is leaving the herd unless the herd test was conducted prior to the date of movement (within 90 days for farm-raised deer, and 60 days for bovine). Tuberculosis-qualified costs include:

- For farm-raised deer, there will be no additional cost as currently deer must meet Tuberculosis testing requirements (in addition to other requirements) prior to movement.
- For a herd of bovine animals, all animals in the herd must be tested. The cost to conduct a whole-herd test will vary depending on a veterinarian's fee, location of the herd, and the number of animals to be tested. The cost for a Tuberculosis test to be conducted for an individual bovine animal will also vary depending on when the whole-herd test was conducted, the veterinarian's fee and location of the herd. As indicated above, costs for Tuberculosis testing can vary widely.

Enhanced Fencing.

Currently, the department has registered approximately 370 locations as having farm-raised deer. Some of these 370 locations are already enclosed with enhanced fencing.

Of that total, approximately 244 have white-tailed deer and 120 have other species of cervid.

Locations with white-tailed deer have approximately 30,300 acres.

- a. **Fencing costs will vary depending on the acreage and terrain of the land to be fenced, labor costs, and type of fence to be installed.**
- b. Fencing materials included 8' tall woven wire high tensile fence (2096-6) 20 horizontal wires with vertical stay wires 6" apart and 96" tall. Set post was 6" x 12' treated wood post, and corner braces post were 6" x 12' treated wood post with a 5" x 12' treated wood post as a brace and 12 ½ ga. brace wire. Line post was spaced 20' apart and were 4" x 12' treated wood posts. There were 4 gate openings 14' wide and 1-14' pipe frame gate and wire over the pipe for each opening.
- c. **Labor costs will presumably be less if the owner installs the fence.** Using fencing materials provided by Kencove.com, the department estimates fencing costs to be as follows per one square acre:

1. **A second fence would cost approximately \$1,556 per square acre (\$1.85 per foot), not including labor, gates or shipping and handling, calculated and using materials as follows:**

□ Using Fastlock Deer Fence, 20 horizontal lines, 96 inch height, 6 inch vertical spacing, 12.5 gauge high tensile wire, 330' roll (\$363.50 per roll) and 5" x 12' tapered pine wood post (\$15.15 per post).

□ One square acre would require 836 feet of fencing or 2.53 rolls of fence (\$919.65) + 42 posts (20 ft spacing) (42 x \$15.15 = \$636.30) for a total of \$1,556 per square acre.

2. Three strands of electric fence would cost approximately \$75.96, or \$350 per square acre (\$.09 or \$.41 per foot), not including labor, insulators, electric power unit, electricity, or shipping and handling, calculated using materials as follows:

□ Using 14 gauge ¼ mile (1,320 feet) electric fence wire (\$31.99 per roll) and 5' steel T posts (\$5.95 per post).

□ One square acre would require 836 feet of electric fencing x 3 strands (\$31.99 x 3 = \$99.97) + 42 posts (20 ft spacing) (42 x \$5.95 = \$250) for a total of \$350. If the electric wire is attached directly to the existing fence posts, T posts would not have to be purchased and the total cost would be \$75.96 per square acre.

Movement. As of 2018, there are 53, out of 72, counties that are designated by the DNR as CWD affected. These counties include 288 FRD herd locations with a total of approximately 14,500 FRD. The proposed rule will ban movement of any FRD located in a county designated by the Department of Natural Resources as being affected by

chronic wasting disease unless that deer is moved directly to a slaughter establishment, other herds within CWD affected counties, or out of state. 27

The proposed rule allows farm-raised deer to be moved directly to a slaughtering establishment (meeting current movement requirements). Allowing farm-raised deer in a CWD-affected county to move (meeting current movement requirements) to another herd within a CWD-affected county will allow a hunting ranch to re-stock from their own breeding farm. Otherwise, keepers would pay more and move deer greater distances by either importing FRD from out of state or receiving FRD from a non-affected county. Also, allowing farm-raised deer in a CWD-affected county to move (meeting current movement requirements) out-of-state will allow FRD keepers to sell their deer in another venue.

Licensed and Unlicensed Dog Breeders, Licensed Dog Sellers and Licensed Dog Facility Operators

Upon the effective date of this rule, no person may import a sexually intact dog for breeding and no licensed dog seller or dog facility operator may import a sexually intact dog without obtaining a negative test for *Brucella canis* on a test approved by the department and completed within 30 days of import.

There will be no cost to the dog breeder or licensed dog breeder, seller or dog facility operator if the *Brucella canis* test is done before the animal is imported to Wisconsin. Otherwise, the importer will have veterinarian costs associated with testing the imported dog. According to inquiries by Department staff to 3 veterinarians in different areas of the state, fees charged for a *Brucella canis* test ranged from \$35 to \$92. The total number of imported dogs that are subject to this requirement is unknown,

Upon the effective date of this rule, no licensed dog seller or dog facility operator may import a dog without obtaining a negative heartworm test approved by the department completed within 6 months of import.

There will be no cost to the licensed dog seller or dog facility operator if the heartworm test is done before the animal is imported to Wisconsin. Otherwise, the importer will have veterinarian costs associated with testing the imported dog. According to inquiries by Department staff to 3 veterinarians in different areas of the state, fees charged for heartworm test ranged from \$16 to \$45.75. The total number of dogs imported by a licensed dog sellers or dog facility operators is unknown.

Upon the effective date of this rule, the CVI of any dog imported to Wisconsin must have a statement that the dog has no known prior positive heartworm test or if the dog had a prior positive heartworm test, the dog received appropriate treatment protocol as recommended by the American Heartworm Society and the treatment dates must be listed.

These statements are not expected to increase costs to persons importing dogs as a CVI must accompany all imported dogs and the statement does not require the dog to be tested for heartworm prior to import.

Fairs and Exhibitions 28

[64 pages of the submitted comment have been omitted as the pages were printouts of the documentation published as part of the department's Notice of solicitation for public comment, without any highlighting or annotation by the commenter.]

Markor, Kelly A - DATCP

From: Suanne Ebert <dsjj@nconnect.net>
Sent: Sunday, August 26, 2018 7:51 AM
To: Girard, Alexander C - DATCP
Subject: Comments on Permanent rule from Hillcrest Whitetails

Mr. Girard:

My name is Dean Ebert from Hartford Wisconsin. We own and operate Hillcrest Whitetails. I am sending this email to comment on the proposed permanent rule for double fencing of all game farms.

We have been enrolled in the CWD program for 16 years. (Since 2002) For the past 16 years we have Cwd tested all our animals that have died according to state standards, we have double ear tagged, we have kept census reports, we have TB tested our entire herd 5 times according to state standard, we have had mandatory fence inspections, vet checks, vet transfer paperwork for animals to and from our farm. We have complied 100% to operate. The cost of all this has been a burden but we do it knowing what the purpose was and to comply to move our animals. We are a small farm with under 15 animals annually on 2 acres. We sell our mature bucks to a preserve in fairchild Wisconsin. If we sell 3 or more bucks we pay for our annual expenses and operate another year. Like most farms some years are profitable some aren't.

I am opposed to double fencing for several reasons. The cost on our small farm is around \$7000-\$8000 for material, custom labor would be another \$7000. Our business can't afford itespecially if we happen to get a CWD positive inspite of double fencing which has happened on different farms throughout the state. DOUBLE FENCING DOES NOT STOP CWD! Why would I invest \$15,000 when I know we can still get CWD and be forced to depopulate our herd? The prions can be moved by birds, can be moved with feed or possibly running water. Double fenced farms still can get CWD. I feel we test 100% of our animals, if we get a positive we are done farming I get that. Now you want us to spend money on a feel good policy that doesn't protect my farm. Research Dr.Nicholas Haley proves that prions from an infected carcass contain a million fold more infectivity than saliva or urine from a CWD deer. The science proves that this is a fruitless process to worry about nose to nose contact. Again we test 100% already. We responsibly dispose of our carcasses on farm now. Require the public to do the same with the 350,000 deer that are shot every deer season in WI. My family hunts, we never throw a carcass from a hunted deer in a line fence, we dispose of it properly.

This rule has the serious potential to close our farm and many others. CWD is a political issue. I say NO to more regulations. Thank you for reading my concern.

Dean Ebert
Hillcrest Whitetails

Markor, Kelly A - DATCP

From: JOEL ESPE <hawkshillekranch@gmail.com>
Sent: Wednesday, August 29, 2018 8:51 AM
To: Girard, Alexander C - DATCP; Becker, Kelly - LEGIS; Jerome Donohoe; roxanne lotts; ray hanson; L Clark; Brian Wolf; Bruce Krueger; Corey Siegler; JOEL ESPE
Subject: Permanent Rule Public Comment

Mr. Girard, I hope you will share my comments with the entire DATCP Board. To begin with: The economic impact will be devastating to the cervid industry in Wisconsin. The cost of building and maintaining the double fence will cripple the cervid farmers especially with the limited time line to construct. Last year I was forced to double fence at my own expense because the DNR claimed but had no proof that a CWD positive deer was found within 5 miles of my farm. (no photos, chain of custody, and or gps locations.) This can be verified from the minutes of the informal hearing I had with DATCP including Atty Didinsky (sp?) I was not allowed to ship any animals for sale, slaughter or to hunting preserves until the project was completed and inspected. In addition to missing out on the selling season and lost revenue, My costs exceeded \$20,000 in just material. This is an unfunded mandate and entire cost of fencing materials and labor paid for by the DNR to protect our healthy animals from the diseased wild deer.

The double fence has proven to not prevent the spread of CWD, closed herd that have been double fenced for many years have still been hit with CWD, whether from contaminated hay, birds, raccoons, possums or contaminated mineral blocks.

This rule pushed by the DNR assumes that farmers will do their own labor and therefore there is no cost. Bad assumption as not all farmers have the equipment, physical ability, much less the money to complete this project. Will existing hunting preserves be grandfathered in if they have less than the required 80 acres left after building a double fence inside of their current fence?

90 days is given to fulfill the fencing project, this is unrealistic in most of the farms unless they are very small and do not require movement of trees and other natural obstacles. It took the DNR over 3 years to single fence the Sand Hill Preserve.

The provision that "FRD from CWD affected counties may not, under any circumstances, be moved to non-CWD counties." This contradicts what we have heard for the past few years from DATCP's Top veterinarian that moving animals to hunting preserves is a very low threat as no animal leaves there alive. This economically will put more farmers out of business by eliminating their established sales markets. I will be impacted financially if not allowed to sell breeding stock or shooter bulls to clients in non CWD counties.

The carcass removal provision for hunters of wild whitetail deer as no penalty or fine for violators, will be unenforceable and actually leave more contaminated deer parts (spinal column, obex, and lymph nodes on the landscape to spread CWD than ever before. No provision for pick up of those parts from taxidermists which means they still will be left on the landscape. Meat processors will send those parts to rendering companies who will grind them up for fertilizer and eventually spread prions in the soil.

The expiration date change for farm raised deer registration change from March 15th to August 31st provides another economic hardship on cervid farmers who raise 15 or less animals. The current expiration date would not include fawns or calves born after the March 15th deadline. The current rule charges \$350. per year to raise over 15 head, and half that amount for farmers with 15 or less animals. The new rule would include all newborns for that year and double the fee for small farmers. If DATCP has a good reason for changing the

dates other than added fees on farmers, then they should exempt all newborns under 1 year of age, otherwise it is a coverup for more money from farmers.

The new proposed rule includes, "Upon request, farm-raised deer keepers must provide transportation to department staff to inspect the enhanced fencing." Does that include transportation to and from Madison or other facilities? Does that only cover transportation on the farm? Are bicycles sufficient for the fence inspectors use? A lot of loopholes in that statement. Skateboards?

To the DATCP Board, I have never missed any of these meeting until very recently. My wife was recently diagnosed with cancer and we have been busy with chemotherapy and radiation treatments. Cancer does not discriminate based on occupation, age, sex or ancestry. We know what we are up against and will fight it every step of the way. In some ways this is easier than dealing with the latest (Emergency/Permanent Rule).

Over the years, more and more fees, restrictions and requirements are placed on this select number of farmers in Wisconsin. Each time we give up a few more freedoms and incur all the expenses. Since CWD first came to Wisconsin in 1999 game farmers have been blamed and penalized for something they did not do. Dr. Beth Williams was the key note speaker at the first CWD Symposium in Madison Wisconsin sponsored by DATCP, DNR and the University of Wisconsin. She stated that CWD was originated and spread by Colorado Division of Wildlife Research Facilities at Fort Collins, Meeker, Colorado State Univ. and Sylbal Wyoming. This was also presented at the International CWD Symposium held in Utah years later. In spite of the this, our DNR has successfully blamed the deer farmers for a disease their counter parts in Colorado originated.

You have been pressured to push forward more rules and regulations that lacks any science or research to back it up. This Emergency/Permanent rule will not eradicate, control, or manage CWD in any way. Can you justify in good conscience putting 416 hard working farm families out of business, destroying their investments and income in farming based the DNR's most recent grasping for straws to solve their growing problems which they have failed miserably at every turn.

Many of us were encouraged by DATCP years ago to go into farming elk and deer to supplement and diversify and save the family farms when other markets were failing. We believed in you then, this isn't the time to turn your backs on us now. you will have to live with your vote for the rest of your lives

Respectfully submitted

8/29/2018

Joel K. Espe

Hawks Hill Elk Ranch

W4840 Pierce Road

Monticello, WI 53570

608 558 8445

Call me if you have any questions on any of this

Thanks, Joel

8/28/18

DATCP
Office of the Secretary
PO Box 8911
Madison, WI 53708

RE: Wis. Admin. Code Chapters ATCP 10 and Chapter 12

To Whom it May Concern:

I am respectfully submitting my comments concerning the permeant rule-making related to Animal disease and movement and animal markets.

I own and operate a cervid (elk) farm, Hemlock Hills Trophy Ranch, LLC, near Medford WI. I have been in operation for 10 years and still struggle to pay the bills as I attempt to grow my business to be profitable. The current rules we now must abide by are onerous enough and already make it extremely difficult to operate; the addition of new unfunded mandates will make it almost impossible for me to survive. My comments and concerns are as follows:

- 1) Enhanced Fencing- Regardless of the type, this will be a huge economic impact on our farm. Double fencing or solid fence is not even an option for us as I cannot afford the cost and would be forced to shut down. My rough guess for either of these options would be \$50,000+. For the electric option, I am not even sure the cost of this since the specifications are so vague. My initial guess would be \$10,000 or more. In addition to the financial costs, this does not include the time to comply. 90 days is not even close to the timeframe one would need to prepare. Even before fencing could be constructed, I would need to do extensive brush mowing and logging on several sides of my pen. Then there is the additional maintenance to keep electric fence functional. I also have no clue how the gates would work with 3 strands of electric fence and would add significant logistical difficulties especially in winter. All this would maybe be realistic and worth doing if it would actually have even the slightest impact on the spread of CWD. There is not even a single shred of scientific proof or historical (case) data that would indicate this would be effective. It is a complete waste of time and money for myself and the state. As a matter of fact, in my case with elk, there is a 0% chance of any nose-to-nose contact. Elk and deer do not like each other and will not touch noses. Besides this, saliva is one of the least effective ways to transmit CWD. There is a way greater chance of transmittal thru predators, soil, etc. Finally, I will NOT be providing any transportation for department staff to inspect fencing. Am I supposed to provide meals and lodging too?
- 2) Movement- If a farm is in the CWD program they should be able to move animals; period. Again is there any proof or scientific evidence that moving an animal from an affected county spreads CWD? Putting any additional restrictions could severely impact the ability to move to other states as other states may see your additional rules negatively and not issue permits.

In summary, if the new rules are put in place, I would have to seriously consider getting out of the business as it is just too costly and cumbersome. We are already considering relocating to another (more cervid farmer friendly) state.

Sincerely,
Rick Ewert
Hemlock Hills Trophy Ranch, LLC
W4155 Center Ave
Medford, WI 54451
715-560-1328

Markor, Kelly A - DATCP

From: gflees@charter.net
Sent: Wednesday, August 29, 2018 11:54 AM
To: Girard, Alexander C - DATCP
Subject: Comments in regards to additional rules regarding deer farms

My family has been raising deer in Wisconsin since 1977. It has been a very rewarding experience to say the least. The number of lives we have positively impacted with our business is incredible. I grew up as a child on a deer farm and my kids have done the same. It was a great way to grow up. Unfortunately our family business is now under attack because of a disease that runs freely all throughout our state. The new rules will cause financial devastation to our family business and many other family businesses. As a deer farming family we have always accepted and adapted to the new regulations. However these regulations have now gone too far without science to back them up.

CWD is a Wisconsin problem, not a deer farming problem. The major risk to the wild herd in Wisconsin is the wild herd itself. When there are roughly 100,000 deer in a 4 county CWD hot zone and 30-40% of those deer are testing positive that means you could easily have 30,000+ CWD positive deer running freely on the WI landscape at all times. I recently heard of a study where it has shown that radiocollared whitetails travelled as far as 80 miles from their home range. With this being the case we obviously cannot be naïve enough to think that CWD is not spreading every single year from the thousands of positive deer running around the wild of Wisconsin. Instead of recognizing this as the biggest threat the fakenews media and those with political agendas blame game farms. We realize that game farms also have CWD. The disease doesn't care what side of the fence a deer lives. The difference is that the risk posed to the wild deer from less than 100 positive animals contained behind fences in Wisconsin is extremely minimal. In fact it would be easy to argue that the CWD in the wild is infinitely more risky to the other wild deer across the state than the low number of positive animals behind fences.

Not only do living wild deer pose a risk but the carcass movement of the hunted animals all across the landscape poses a much bigger risk than deerfarmers do. Unfortunately the cat is long out of the bag on this one. We all know carcasses have littered our landscapes from CWD areas for the last 50 years. They have been spread throughout the state of WI and the country.

What about all the feed products being shipped from the CWD endemic areas? Are these being restricted? We all have seen the research about CWD being brought up in plants. What about a farmer who rakes his hay and kicks up dirt from the 4 county hot zone. This dirt is shipped with the alfalfa hay to who knows where. Easy to argue that this poses a bigger risk to wild deer everywhere than deer contained behind a fence.

Deer farmers are constantly being attacked by the fake news. Just the mention by our government of how we need to stop CWD in WI so we must put on all these new regulations on deer farms implies that deer farms are the problem. Everybody who is being honest knows that is not the case! Our former State Vet Dr. McGraw knew that deer farms were not the problem. Deer farms are more a victim of CWD in Wisconsin than the problem. CWD hit one of my farms and Dr. McGraw told me at that time that every case of CWD in a deer farm has a wild connection to it. Meaning CWD is being transmitted from the wild population to our deer farms. Please show me where CWD has been transmitted from a deer farm to the wild. I don't believe that there has ever been a case that we know of. Deerfarmers also find the diseases quickly when it appears on our farms because we test 100%. In the wild they are lucky if they test 1% of the animals so it is obvious where it is going to be found first.

A few things about the double fence. Unfortunately in numerous cases it has already proven not to work. If it would work I am sure you would have very little resistance to it from deer farmers. Reality is it is a huge cost that is not going to do much if any good at all. There are a number of closed herd double fenced deer farms that have gotten CWD already. Where did it come from? Likely source is the wild deer! Did the double fence work? Obviously not!

In regards to the double fence. If we are trying to keep deer from having contact with other deer why do the fences need to be at least 8 feet apart? You could have them 6 inches apart and it would be impossible for deer to have contact with each other. Why is the maximum 16 feet apart? I already double fenced my breeding farms and I built the fences much further than that. The reason I double fenced was because other states required it for allowing interstate movement of deer. The reason I put the 2nd fence up further than 16 feet is it allowed me to utilize this additional land plus wolves are a big problem in this state and in our area and by putting up the fence further from my pens I kept the wolves further away from my deer. A 16 foot maximum is ridiculous and like an 8 foot minimum it does not make sense in all cases. Many of our already double fenced facilities do not conform to those standards. Those minimum and maximum distances need to be eliminated.

Forcing double fencing on these large hunting preserves is going to force some of these preserves out of business. It may have a negative affect. Instead of putting up the 2nd fence the farmer may go out of business and take down the original fence which could cause a different set of issues. In all the years of having deer I have yet to see deer having contact thru a single fence. I realize I am not watching 24 hours a day but I have had used a ton of cameras to monitor our fencelines in our preserves. If double fencing is forced on deer farmers the fence should be allowed to be as close as 1 foot from the other fence. If we are forced to put it 8 feet away it will force additional costs of excavating on us as well. There also should not be a maximum distance at all! I would also argue that there should not be any requirement for double fencing of these large preserves as deer inside the preserves have so much land to use that they are rarely if ever are using the fenceline. I also believe that if the state is going to all of a sudden add all these additional fencing regulations on deer farms that have proven not be effective the state should pay for the entire cost of constructing these fences. Forcing people to waste money they don't have to waste on something that isn't effective isn't right.

Electric fence is a cheaper option but it is not realistic in many cases either. Electric fence would only work on the outside. I would fear what would happen when bucks would get tangled in it if it was on the inside. I would also bet that you could expect that to happen on a regular basis in a smaller pen situation. The problem with putting it on the outside is that in many cases our fences are already on the property line and we can't just go putting fences on our neighbors land. We would be forced to move entire fencelines in order to put in an electric fence. Wire at 6" off the ground is also not an option in WI. The bottom strand would not be operating all winter long with the snow. Electric fence especially at 6" off the ground would be a maintenance nightmare all year round.

Deer farmers are working hard at coming up with solutions. CWD affects our daily thoughts 365 days a year. CWD has devastated our bank accounts and our businesses already. The deerfarmers are constantly being blasted by media cowards who spread fake news to fit their anti-deerfarming agendas. Deer farmers get blasted by various hunting groups because these groups are believing all the fake news that is being spread. Deerfarmers are not the problem! We know it and DATCP knows it and I am sure the DNR knows it too. Deer farmers like myself and many others in the state of WI are spending our money on CWD research. Deer farms have been providing research opportunities to many of the best CWD researchers in the country. Because of the work that is being done between these researchers and our deer farms we believe we are very close to developing the only thing out there that can beat CWD. This is an animal that is resistant to getting CWD. This is very similar to how the sheep industry got rid of a similar disease of scrapies in sheep. With the number of WI deer farmers planning to breed for the CWD resistant genetics it will only be a matter of a few short years and the most CWD resistant whitetails in the world will be living in our breed pens and preserves. It might be a few years down the road but if the state truly wants to try beat CWD maybe the state leaders should look for opportunities work closely with our deer farms. If we are able to prove this cwd resistance works maybe deer farmers could help the state develop a program to greatly increase the CWD resistance in the wild populations. If someone out there has a better idea I would love to hear it! Right now nobody has a solution to CWD. Everything that is being proposed in these emergency rules is not going to make CWD go away. In fact we all know it is just going to continue to get worse in time. Unless.....maybe the state starts working with deer farmers on the solution! I would be willing to bet anybody out there that the solution to CWD will be found on a deer farm.

If you got rid of every deer farm in WI it would not change the CWD wild situation in the state one bit. If the state of WI truly wants to be a leader in the fight against CWD it should embrace the deerfarms of WI and begin working with deer

farmers to come up with the solution to CWD. WI deer farmers in the end will be a much bigger part of the solution to CWD than we ever were a part of the problem. I urge DATCP and the DNR to reject forcing additional rules on our game farms. We already have a very strict program that is working well to find the disease. I also would urge DATCP to get behind the deer farmers and support us against this fake news media and overregulation. By forcing this regulation on deer farmers nothing is being solved. The only thing that is being accomplished is that those in government are supporting blaming of deer farms for CWD in Wisconsin.

Thanks for your consideration of my comments

Greg Flees

Markor, Kelly A - DATCP

From: woodsmeadow@centurytel.net
Sent: Saturday, August 25, 2018 5:25 PM
To: Girard, Alexander C - DATCP
Subject: FRD Permenate Rule

August 25, 2018

Regarding: DATCP Rule ATCP 10.58 Enhanced Fencing

In reviewing this proposed rule, I am opposed to enhanced fencing for FRD herds that do not move deer or have not had a positive CWD animal on their preserve. **Also my concern is who has actual rule making authority over FRD Whitetail fencing, DNR or DACTP.**

Our deer are on a 520+ acre hunting preserve licensed by DATCP. We have 4.3 miles of 8ft high tensile wire, which exceeds DNR fencing rule NR 16 standards. We have been CWD testing our animals since the program started in 2003 never having a positive deer.

The enhanced fencing rule offers no protection from my deer getting CWD from the deer/elk and environment outside our fence. If a person is going to invest the capital and time into our farm you have to look at some kind of payback or justification. Other than staying in business for another year or two until another political rule moves through there can be no other reason to double fence. The economic return in doing the additional fencing does not justify expense. Even though the 3-wire electric fence is much less expensive than the 8ft tensile, there would still be a significant expense incurred.

High Tensile 8ft materials and labor would cost us over \$128,000.00 alone, not including the land preparation cost. It would take two winters to accomplish the project, so we are in violation before we even begin without even putting the enhanced fenced if the permeate rule follows the emergency rule language.

Electric fencing would require 14 miles of wire, insulators, and additional posts. Power would have to be brought in, and significant labor cost incurred to install. Also putting it in the inside will cause problems with our bucks when they are hard If any of you have had electric fences the maintenance once installed is constant if you want to keep it operational it would be very labor intensive and to what end.

My Est. cost:

Materials: 14 miles - 14ga wire - \$128.00/mile = \$1,792.00 (high Tensil smooth wire 3x cost)

Additional Posts \$1,230.00 / Tension Springs 20 sets of 3 (8.75 per) \$525,00

Insulators 3 per post @ \$3.50 (4600) (15ft post spacing) = \$16,100.00

**Electrical = Trenching and electrical service hook up and electric fencer
\$9,800.00**

Labor @ \$22.75 per hr. Est. 240hrs per employee = \$10,920.00(land prep, installing)

Total Est. Cost \$40365.00

The 90-day period to complete could not be met. Plus, the electric fence according to DNR and USDA damage people will have minimal effect on whitetails and no effect in the winter. I have personal experience with this through the damage abatement program in dealing with the Jackson County Elk herd and our farms. So why would a person want to invest capital into a fence that has proven not to be effective? The only reason to force a rule like this one on non-movement zoo's, petting farms and hunting preserves with acreage would be to prevent nose to nose contact correct? I do not see any sign of deer in, or outside our fence having this type of contact, very easily observed during winter with snow, and doesn't occur.

At this moment I cannot justify doing the enhanced fencing for reasons stated above. Please have an exit plan for the farms that don't comply. This is the questions I have for these new rules on healthy deer herds.

- 1) How long after the 90 days or what is decided before we are declared non-compliant?
- 2) Once non-compliant how long before action is taken to de-populate my healthy deer, we cannot be asked to kill healthy does with fawns in spring or summer, the love for my deer won't allow to do that fines or not?
- 3) What is the process for the deer to be depopulated since this administrative rule is causing the killing of my herd not a disease?
- 4) Is there a fining process after you are declared non-compliant?
- 5) Who determines my farm is depopulated under this new rule?
- 6) Since my deer have tested clean, what can I do with my farm and fencing after the depopulation and I am out of the deer hunting preserve business?

This is a major loss to our farm's income. We live on a farm that has been in my family since the 1890's. Our family has learned to diversify and think outside of the box to stay on our farm. We do 200+ acres of row crops, Pheasant Hunting, Deer hunting and Sporting Clays. It's this diversity that will help us weather this political rule, just like it has with weather, low commodity prices and markets. But please consider the families, our rural farms and how this rule impacts them vs. if this rule helps stop the spread of CDW in our state considering the areas it has popped up in wild herds with no FRD herds around.

Thank you for your consideration,

Scott Goetzka
Woods and Meadows Hunting Preserve
N4335 Potter Rd
Warrens WI 54666
608-343-4603
woodsmeadow@centurytel.net

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July 7, 2018

Regarding: DATCP Rule ATCP 10.58 Enhanced Fencing

In reviewing this proposed rule, I am opposed to enhanced fencing for FRD herds that do not move deer or have not had a positive CWD animal on their preserve.

Our deer are on a 520+ acre hunting preserve licensed by DATCP. We have 4.3 miles of 8ft high tensile wire, which exceeds DNR fencing rule NR 16 standards. We have been CWD testing our animals since the program started in 2003 never having a positive deer.

The enhanced fencing rule offers no protection from my deer getting CWD from the deer/elk and environment outside our fence. If a person is going to invest the capital and time into our farm you have to look at some kind of payback or justification. Other than staying in business for another year or two until another political rule moves through there can be no other reason to double fence. The economic return in doing the additional fencing does not justify expense. Even though the 3-wire electric fence is much less expensive than the 8ft tensile, there would still be a significant expense incurred.

High Tensile 8ft materials and labor would cost us over \$118,000.00 alone, not including the land preparation cost. It would take two winters to accomplish the project, so we are in violation before we even begin without even putting the cost of the enhanced fenced.

Electric fencing would require 14 miles of wire, insulators, and additional posts. Power would have to be brought in, and significant labor cost incurred.

Materials: 14 miles - 14ga wire - \$128.00/mile = \$1,792.00

Additional Posts \$1,230.00

Insulators 3 per post @ \$3.50 (4600) (15ft post spacing) = \$16,100.00

Electrical = Trenching and electrical service hook up and electric fencers \$9,800.00

Labor @ \$22.75 per hr. Est. 160hrs per employee = \$7,300.00

Total Est. Cost \$33,522.00

The 90-day period to complete could not be met. Fall is our crop harvest time, pheasant hunting preserve and deer hunting. We do not have the staff available to accomplish what would be asked of us. Plus, the electric fence according to DNR and USDA damage people will have minimal effect on whitetails and no effect in the winter. I have personal experience with this through the damage abatement program in dealing with the Jackson County Elk herd and our farms. So why would a person want to invest capital into a fence that has proven not to be effective? The only reason to force a rule like this one on non-movement hunting preserves with acreage would be to prevent nose to nose contact correct? I do not see any sign of deer in, or outside our fence having this type of contact, very easily observed during winter with snow, and doesn't occur.

I will not be doing the enhanced fencing for reasons stated above. Please have an exit plan for the farms that don't comply. This is the questions I have for these new rules on healthy deer herds.

- 1) How long after the 90 days before we are declared non-compliant?

- 2) Once non-compliant how long before action is taken to de-populate my healthy deer, we cannot be asked to kill healthy does with fawns in spring or summer, the love for my deer won't allow to do that fines or not?
- 3) What is the process for the deer to be depopulated since this administrative rule is causing the killing of my herd not a disease?
- 4) Is there a fining process after you are declared non-compliant?
- 5) Who determines my farm is depopulated under this new rule?
- 6) Since my deer have tested clean, what can I do with my farm and fencing after the depopulation and I am out of the deer hunting preserve business?

This is a major loss to our farm's income. We live a farm that has been in my family since the 1890's. Our family has learned to diversify and think outside of the box to stay on our farm. We do 200+ acres of row crops, Pheasant Hunting, Deer hunting and Sporting Clays. It's this diversity that will help us weather this political rule, just like it has with weather, low commodity prices and markets. But please consider the families, our rural farms and how this rule impacts them vs. if this rule helps stop the spread of CDW in our state considering the areas it has popped up in wild herds with no FRD herds around.

Thank you for your consideration,

Scott Goetzka
Woods and Meadows Hunting Preserve
N4335 Potter Rd
Warrens WI 54666
608-343-4603
woodsmeadow@centurytel.net

To whom it may concern:

CWD Rules, we don't even know 50 % about CWD and we are making rules mainly affecting captive deer farmers financially.

Problems we have,

1. Car kill: Pick them up, not let them lay to spread CWD that have CWD.
“ High percent of problem”
2. Predators eat infested deer, birds of pray fly over or sit in pens,
“deposit” and we have infection. No double fence will cure this.
3. Second fence will cost \$ 80,000 to \$100/000 labor, material,
landscaping.
4. Electric won't initially cost as much , but maintenance will be very
costly. Two to three miles of fence with wire six inches to forty eight
inches from ground unrealistic. Wire running through woods, marsh,
lowlands full time job cutting grass and spraying fence lines very
costly. Also fire hazard when dry.
5. Non infected herds, State should pay 100% for fencing to protect our
deer that don't have CWD.
6. Non infected Preserves are going to be limited where they can buy their
animals from.
7. Wild versus captive deer , almost never mingle.
8. Ninety days to do new fence, unrealistic.
9. A very big dig from the “State” captive farmers pay for states
transportation to check our deer ?
10. Effective counties won't be able to move within counties, what is
the difference , you already have them restricted.

I think we should look at how to cure our problem by working on
research. All parties involved , not put sever cost on captive farmers
which no one knows if it is to be cost effective or not.

Thank You,
Balsam Hollow Ranch
Wayne and Shirley Hamann

Markor, Kelly A - DATCP

From: Julie Harrison <jharrison@ci.verona.wi.us>
Sent: Wednesday, July 18, 2018 10:09 AM
To: Girard, Alexander C - DATCP
Subject: Reindeer in Wisconsin

Dear Mr. Girard,

The Verona Public Library has been working with Reindeer Games from Hartford, Wisconsin, for the past four years. Over 1200 people attend our annual reindeer event at the Verona Public Library, which last year was in conjunction with the Verona Road Business Coalition's Jingle and Mingle event. Attendees came from up to an hour away, which had a positive economic impact on our area.

At the library, we offer live music, crafts and hot apple cider inside with the reindeer outside. The Phillips family and their staff are kind and generous, care greatly for their animals, and educate the public on their unique features. It is our most popular program of the year, and a festive, happy time for everyone who attends.

Please reconsider the restriction of their movement in our state. If ATCP 10 is released as written, they will not be able to operate as in the past, and their business will be in jeopardy.

Sincerely,
Julie Harrison

Julie Harrison
Head of Youth Services/Assistant Director
Verona Public Library
608.845.7180

Becky Heath
W13055 Akron Ave.
Plainfield, WI 54966
zaneka@uniontel.net

Dear Alexander Girard or to whom it may concern,

I am mystified by this whole process and totally confused. The proposed emergency rules and now permanent rule are just wrong. I understand you have a process that has to be completed, but without studies, facts, or some reasonable amount of assurance, how can you tell that these rules will make a difference? I thought the lack of facts would stop or at least delay the extinction of the deer farm industry.

I was hopeful when both the DNR board and the DATCP board agreed, not enough was known about what caused the transmitting of CWD. Both boards wanted some science or facts to help make their decisions. They got no facts or science but have continued to make the rules that imply the deer farmer has a direct impact on the wild deer hunting in Wisconsin even though our deer are contained in pens and trailers during movement.

We do have impact on hunting in Wisconsin but it's an impact on captive deer hunting. We supply hunting ranches with the deer, the out of state hunter comes to hunt, and when they do, they stay in hotels and eat at our local establishments. You will not only cut off our market for deer, but could affect the business of other establishments.

I ask you again, please, do what your mission statement implies. Work with us on future solutions and research on CWD and protect our fair market. We have the legal right to raise deer within pens and by your rules. Now protect our rights and give us our fair market to sell the animals we raise. It may be too late for many of us to survive with all of these implications that the deer farmers are guilty of causing/spreading CWD without the proof to support it. Come on and work with us and reread your mission and the direction DATCP was working for.

Thank you,
Becky Heath.

Wisconsin Department of Agriculture, Trade and Consumer Protection

Our mission is to partner with all the citizens of Wisconsin to grow the economy by promoting quality food, healthy plants and animals, sound use of land and water resources, and a fair marketplace.

My name is Brad Heath and my family, and I operate Orion Whitetails. I would like to comment on the proposed permanent DATCP rule relating to Wis. Admin. Code Chapters ATCP 10 (Animal Disease and Movement) and Chapter 12 (Animal Markets, Truckers and Dealers. We have been raising whitetails for over 20 years. We were raising whitetails when CWD was first discovered in Wisconsin. Deer farmers have been concerned about this disease since that time. We have watched the progression of the disease thru our state always worried that our animals could somehow catch it. Thru the years we have continually done everything we could to keep our deer healthy and protect them from this disease. We routinely vaccinate and worm our animals. Our farm has been a closed herd, TB accredited, and Brucellosis certified since 2001. Because we are a breeding facility we also put up a second fenced in 2005. Even with all the precautions we have taken I can honestly say that I am more worried about CWD showing up in our facility today than ever before.

CWD has been spreading across our state and it has not been from captive deer. The deer farmers have been very heavily regulated for a long time. When we find CWD on a farm it can be controlled. The problem is there are so many vectors that can spread CWD and it is already across our landscape. Putting more restrictions on deer farmers will do nothing to change the course of this disease in our state.

More regulations and a second barrier will only put more hardship on an industry that has been struggling. Because of CWD in the wild in Wisconsin I have lost Thousands of dollars in sales to other states. The expense of a second barrier, along with installation and maintenance will cause many preserves in Wisconsin to close and us breeders losing even more market.

I would hope that science and common sense would prevail with the permanent rules. Deer farmers are not the problem and more regulations will not stop CWD.

Markor, Kelly A - DATCP

From: Steve Hookstead <dochook@netwurx.net>
Sent: Monday, August 27, 2018 3:06 PM
To: Girard, Alexander C - DATCP
Subject: Rules

To whom it may concern,

My name is Steve Hookstead. I've lived in Helenville Wi for over 32 years on the same farm. I have raised Elk, Bison and whitetail deer for almost 25 years. Before that I was a dairy farmer (all my life, grew up in Whitewater Wi.)

Also I am the agri representative on the Jefferson CDAC.

First let me say that having been a deer hunter since I was 15 and I am all for stopping/ slowing CWD. I learned years ago how important the deer hunting is to the State and the people. I tell everybody that even though it is the 21 century and we live with things that our grand parents only dreamed about. That hunting is still in our DNA. Whether it be for the socialization of it or feeding our families. The fact that it has turn into BIG business for a lot of people – the facts are still the facts.

Lets then agree we all want the same thing here. But we will disagree when it comes to the enhanced fencing. The science doesn't prove this move to have any value. Look at the last few positives on a farm. Most were double fenced and had not added animals in years. It is also safe to say the county's that have not yet had a positive CWD have done very little testing done to date.

Lets look at what we could / should have done for the last 15 years but we didn't.

1. All the stores that sell deer bait should get it off the shelves. We (wisconsin) sell more deer baits today in every county in every retail outlet than we ever have. Yet only 20 % of the county's can still bait and most of them are limited. Why is this??? From where I sit it is just another law that DNR has made –yet either can't or won't enforce. Making criminals out of good people as they see and hear that their friends ignore the law.

2. Why for the love of god do we not shot White deer at least in positive CWD county's??? This spring next to my farm/ deer farm there were 10 deer in the neighbors field and 8 were white.... So put the white deer back on the harvest list- don't be spineless about this- are we trying to slow/stop CWD or only doing what gets us elected?

3. Last but not least lets think about this- The state of Wisconsin's generates 2.54 billion dollars a year with the deer hunting. DNR figures not mine. The farmers for FOX CONN got 10x the going rate for there land (50,000.00 an acre) and the realtor/ broker got 30,000.00 an acre to put the deal together. FoxConn if you Google it –their project revenue to the state of Wisconsin will only be 3.41 billion dollars a year and that's when their up and running at full strength. That will take a few years I've been told. Fox Conn didn't know where Wisconsin was 3 years ago and when it goes down –and it will – then what?

My point is this. Do the right then here for the people that for DECADES have been doing what is right for Wisconsin. Putting people to work, tourism, restaurants, supply stores, feed stores ect ect. The people that will be here long after FOX CONN will be gone. Buy us out! Don't squeeze every dime out of us with ENHANCED

fencing. Only to put us out of business anyway. Only to find out there is Nothing you can do to stop CWD like Colorado.

Because if your not going to stop baiting and not put the white deer on the harvest list then really what have you done?

Thank you
Steve Hookstead

Markor, Kelly A - DATCP

From: Le Jordan <ljordan@veronawi.com>
Sent: Tuesday, September 4, 2018 11:53 AM
To: Girard, Alexander C - DATCP
Subject: Please let Rudolph join in the reindeer games to aid our community

Dear Mr. Girard,

The story of Rudolph the Red Nosed Reindeer is a staple in our holiday history. As such, children of all ages love to see live Reindeer and let their imaginations run wild about Santa and Christmas. My own twins - now 21 - still love to go see them each year at the library's event.

Our local library here in Verona - Verona Public Library - has been working with Reindeer Games from Hartford, Wisconsin, for the past four years. Over 1200 people attend their annual reindeer event, which is in conjunction with the Verona Area Chamber of Commerce's annual Hometown Holidays Weekend and Tree Lighting and the Verona Road Business Coalition's Jingle and Mingle event. Attendees come from up to an hour away, which has a very positive economic impact on our area.

At the library, they offer live music, crafts and hot apple cider inside with the reindeer outside. The Phillips family and their staff are kind and generous, care greatly for their animals, and educate the public on their unique features. It is our most popular program of the year, and a festive, happy time for everyone who attends. The uniqueness of this event helps our tourism industry.

Please reconsider the restriction of their movement in our state. If ATCP 10 is released as written, they will not be able to operate as in the past, and their business will be in jeopardy.

I would be happy to discuss the impact this event has on our community and our local businesses.

Sincerely,
Le Jordan

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Le Jordan
Executive Director
Verona Area Chamber of Commerce
120 W. Verona Avenue
Verona, WI 53593
(608) 845-5777
ljordan@veronawi.com

Markor, Kelly A - DATCP

From: Tom Justmann <tomjustmann@yahoo.com>
Sent: Wednesday, August 29, 2018 3:13 PM
To: Girard, Alexander C - DATCP
Subject: Farm Raised Deer Proposed Double Fence Ruling

Dear Alexander;

As a concerned farm raised deer hunting preserve operator I'm sending this email in hopes that science and objective evidence prevail in limiting the wasteful and unnecessary expenses the WI government is proposing to impose on me and my operation, as well as the rest of our industry in Wisconsin.

I am pleased to hear that DATCP is proposing to remove the requirement for a full 8 foot second fence if two wild positives are found within 5 miles of my farm. DATCP is rumored to be replacing that language to allow for an electric fence as another option. If the Governor finds funding to assist with the second fence, this could be a positive change for numerous farms that are located close to CWD in the wild. This also would apply to any CWD positive facilities that have decided to remain in business rather than depopulate.

A second fence will impact my business with an added cost estimated to be in the range of \$25,000 to install. An 8' double fence is estimated to cost \$125,000 for my operation. I installed my fence just 10 years ago and built it according to the rules and regulations in effect at that time. If the State of Wisconsin is going to change the rules now, I think they should have some responsibility for cost reimbursement of at least one-half of the cost to install the necessary fencing approved by the State.

I have not seen or heard any objective evidence to suggest that a second fence of any sort is going to stop the spread of CWD in Wisconsin. In addition, I only know of two fence companies that do a good job servicing the needs of our industry so 90 days is unrealistic to have any fences complete. A 90 day period to install may simply be a means to extract more funds from deer farms, why? We cannot under any circumstances expect farms to have secondary fences installed for 1-2 years based on available businesses to install fences to approved standards (depending on the number of farms driven out of business by the ruling).

Even better would be to have an exemption for "non-moving herds" such as hunting ranches (like mine) and hobby farms, they pose a very low risk of spreading CWD, thus should be exempt from the second fence requirement.

Fence line contact with farmed deer/elk and the free ranging deer/elk seldom takes place therefore spending millions of dollars on a second fence is a waste of valuable resources.

According to Dr. Nicholas Haley, a CWD researcher, a carcass from a CWD positive deer or elk may contain a million-fold more infectivity than an equivalent weight of urine and 100-1000 times higher infectivity than an equal weight of saliva. This is proof positive that carcasses pose a much higher risk than any live deer movement (free ranging or farmed) or deer touching each other at the fence line!

Best regards,

Tom Justmann, Owner

Tomorrow River Ranch
Amherst, WI
925 890 6936

Markor, Kelly A - DATCP

From: thealdos01@core.com
Sent: Saturday, July 21, 2018 12:03 PM
To: Girard, Alexander C - DATCP
Subject: ATCP 10 Reindeer Games

I am Dwayne Ketterer, President of Germantown Kiwanis and have had reindeer games at our Breakfast with Santa events for the past 4 years. Their appearance affect our community's economic impact. Last December, our event drew more than 1000 people. I am convinced that reendeer games played a huge part in drawing that many people. Please reconsider restricting their movement in our state. If ATCP 10 is released as written, they will not be able to operate as they have in the past.

Thank you

Dwayne Ketterer



Dear Governor Walker,

My name is Sara Kroll and I started my own reindeer farm at 17 years old in the town of Luxemburg. This will be my third year of my business, after much investment I am equipped to do events safely and compliantly with my animals. During November and December, I have so far visited 16 communities in Wisconsin with my reindeer.

If this were enacted, it would end my business. I could not continue as I have in the past, nor could I afford to feed and care for my animals. It would prevent me from moving my reindeer to many of the Christmas displays that I do.

I have been very mindful about biosecurity of my animals when traveling and never co-mingle the herd with other animals. My herd is CWD certified and complies with keeping records of animals up to date. This ruling would prevent many people and children from enjoying the sight of reindeer, adding to their Christmas spirit. Communities come together and some businesses profit from having the reindeer.

Please reconsider this rule. After the three years of growing my business I have established something that I once dreamt of, but this ruling would take it all away. This not only affects me but many others as well.

Thank you,

Sara Kroll

Owner

Santa's Crew LLC.

Santa's Crew LLC. • 482 S. Sugarbush Rd. • Luxemburg, WI 54217

(920) 639-3420 • santascrew.sara@gmail.com

Markor, Kelly A - DATCP

From: Bruce Krueger <bruce@kruegerlumber.com>
Sent: Tuesday, August 28, 2018 12:53 PM
To: Girard, Alexander C - DATCP
Subject: Permanent rule comment

Mr. Girard; My name is Bruce Krueger, I have been involved in raising elk since the 1970's in Manitowoc County WI. We have never had a CWD positive animal on our farm. The enhanced fence fencing rule for double fence will cost me about \$5 per lineal foot plus labor with the estimate I got from a fencing contractor. The electric fence option will have a lot of maintenance with snow depth, vegetation growth grounding out the fence. I have seen no evidence presented at any of the hearings that this enhanced fencing will reduce the spread of CWD. The 90 day timeline is not possible in my case as I have over a mile of fence to consider. I think DATCP should put a 365 timeline on the fence rule as the NRB has. I don't think that there was any due diligence done to verify that any of these proposals will slow the spread of CWD. As Dr. McGraw has said the reason you haven't found CWD in a certain area is that you haven't tested enough animals in the area. I think the DNR testing in most areas is below 5% of the harvested deer. Thank you for your time.
Bruce Krueger



I'd like to thank the Department of Ag for this opportunity to comment on the proposed permanent rule changes to WI ATCP10 and its economic impact.

I am co-owner of K & M Whitetail Ridge, LLC located in Green County. We are a three-generation family run business. My daughter, her husband and six-year old daughter are partners with my husband and me.

I am fervent believer that requiring deer farmers to enhance fence will do nothing to stop the spread of CWD. As we are already double fenced, the proposed changes regarding enhanced fencing does not affect us. We naively believed that double fencing our farm would protect our deer from the wild herd. With the June depopulation of an Iowa County farm and the finding in the same month of CWD in a Dane County farm, both double-fenced operations for many years, we now all know there are no assurances. I realize the Department is now proposing enhanced fencing in lieu of a double fence but even that is a pointless, expensive exercise. While it makes great headline news for the ill-informed, it's only true outcomes will be an ongoing maintenance nightmare for deer farmers/ranchers and many hunting ranches will be forced out of business due to the enormous cost involved. Hunting ranches in Wisconsin each have many miles of fence, I spoke with one ranch that alone has nine miles of fence. If the hunting ranches go out of business, so does our deer farm along with many others. Without ranches, we and other deer farmers will have no one to sell our deer to and support our operation. We alone will be forced to euthanize eighty-five whitetails.

There is no scientific evidence that supports that enhanced fencing of any kind will slow down the spread of CWD. A more effective method to curtail the spread of CWD is to address carcass removal. Carcasses are allowed to lay across the landscape for weeks providing numerous opportunities for animals of prey to feed off of and then spread these prions across the landscape. Earlier this week, I travelled south on I39 and Hwy 51 between Minocqua and Madison, I easily counted nine carcasses laying alongside the roadway. Many of these same deer were there when I drove north the week before. We travel this path on average twice monthly and this was no new observation. In fact, one can see this anywhere you travel in Wisconsin. DNR's attitude that is already on the landscape so carcass removal or having hunters leave the prion infected body parts on the landscape is ludicrous! According to Dr. Nicholas Haley, a CWD researcher at Midwestern University Arizona, a carcass from a CWD positive deer or elk may contain a million-fold more infectivity than an equivalent weight of urine and 100-1000 times higher infectivity than an equal weight of saliva. This is evidence that carcasses on the landscape pose the real risk and that probability of deer infecting deer at the fence line is extremely low.

If the State persists with imposing enhanced fencing on the captive deer industry, the State should completely fund this "do nothing, little approach" requirement. Secondly, a ninety-day time frame for installation is unrealistic and more time is needed especially for large hunting ranches. Further, hunting ranches are non-moving herds posing a very low risk of spreading CWD and should be exempt from any

enhanced fencing requirements. Fence line contact with farmed deer/elk and the free ranging deer/elk seldom takes place; therefore, spending millions of dollars on a second or enhanced fence is a waste of valuable resources.

Though I disagree that live deer movement between counties is or even contributes to the spread of CWD; I am grateful to WIDATCP that it has listened to our concerns about the ban on live animal movement and now is proposing in the permanent rule to allow movement between CWD affected counties. This provision will allow our family farm that we have invested our heart, time, effort and financial resources in to survive.

CWD is a concern to deer farmers and ranchers. There is no evidence that captive deer are spreading CWD in the wild. When CWD is found in a captive environment, it is easily contained and the herd is depopulated. The captive herd represents one percent of the total population of deer in the State. I find it frustrating that the State believes that CWD crisis can be slowed by mainly focusing its attention on this one percent of the population while not truly addressing the other ninety-nine percent of the population with the same urgency. What predicament can be solved with this approach? We all need to work together and spend our financial resources to develop strategies that really can decrease the spread of CWD. K&M is doing its part, our farm is already working with Dr. Haley's genetic research and will be utilizing his research in our breeding program this Fall.

Let's not support regulations that will have little to no impact on CWD other than to cost small businesses and the taxpayers of our State.

Thank you,

Carol Casey Kubly

Carol Casey Kubly, August 28, 2018
K&M Whitetail Ridge, LLC
W3796 County Road EE
Monticello, WI 53570

Markor, Kelly A - DATCP

From: afabwhitetails@aol.com
Sent: Wednesday, August 29, 2018 8:22 AM
To: Girard, Alexander C - DATCP
Subject: Fwd: Farm raised deer

-----Original Message-----

From: afabwhitetails <afabwhitetails@aol.com>
To: AlexanderCGirard <AlexanderCGirard@wisconsin.gov>
Sent: Tue, Aug 28, 2018 10:46 pm
Subject: Farm raised deer

I do not agree with the proposed rule emergency rule changes. I believe it was an emergency in 2002 when it was first discovered, at that time we should have restricted movement of deer and elk carcass's from the western states. I am a small deer farmer trying to suppliment my retirement income and with the cost of feed and having to raise a typical deer for 4-5 years to get to a break-even point if the deer doesn't die for a multiple reasons and now having to double fence I am being forced out of business. I don't understand that if CWD is so contagious that a farm or ranch that has hundreds of deer and find 2 or 3 deer with CWD why don't they all have it. I think it is natures way of reducing over population. I also think the DNR will lower license sales big time when the hunters find out they cannot process there own deer without disposing of the bones in a licensed landfill which maybe 20-30 miles or more away. Thank you for letting me rant

Do

n Lessor co-owner AFAB Whitetails

Markor, Kelly A - DATCP

From: roxanne lotts <indianheadwt@gmail.com>
Sent: Monday, August 27, 2018 12:50 PM
To: Girard, Alexander C - DATCP
Subject: Code Chapters ATCP 10 - economical impact of proposed rule for deer fencing
Attachments: CWD and Natural Urine Fact Sheet.pdf

I am responding to the proposed rule that will require all farm-raised deer herds to install enhanced fencing.

We own and operate a Urine Collection Facility, we own over 550 deer, and our farm fenced to the wild deer on many sides. We do not see wild deer on the outside of our pens at the fence trying to touch our captive deer nose to nose. If just isn't done, so a double fence will not stop CWD. If it did occur, we would see it as we check every fence line every day 365 days a year. We have 400 does in heat in outside pens in the fall that do not get bred and we do not see wild bucks walking the fence (even on our trail camera's on the outside fence line at night) trying to get close to the does ready to breed. Deer also do not lick unknown animals that are not in their immediate family, such as fawns. We know that deer do not lick nose to nose as we have over 100 pens for urine collection and we see these deer every day, 24/7, they do not lick each others mouths or noses.

By requiring the Captive herds to double fence you are caving to the pressure of other agencies who would like to see deer farming done away with. You are not using scientific studies or facts to base your regulations, your allowing politics to sway you. Get the facts, talk to the farmers who work with these animals everyday, many have more than 30 years experience. Do a study at a facility like ours to see what is natural for deer and elk and what is not.

The current rule specifies one of the following systems, or a combination of any of the following systems:

1. A double fence that meets all of the following requirements:
 - Each fence is at least 8 feet high at every point.
 - The 2 fences are at least 8 feet but not more than 16 feet apart at every point.
2. A solid barrier that is at least 8 feet high at every point. The proposed rule requires that all farm-raised deer herds be enclosed by enhanced fencing that meets either the requirements listed in 1. or 2. above, or have:

3. At least three strands of electrified wire on the inside or the outside of the entire length of the perimeter fence, including gates, at heights ranging from **6 inches** to 48 inches from the ground. The proposed rule requires that enhanced fencing be completed within **90 days of the effective date of the rule**, or other timeline as approved by the department. **Upon request, farm-raised deer keepers must provide transportation to department staff to inspect the enhanced fencing.**

6 inches from the ground - keeping the growth of brush from touching a fence at 6 inches from the ground will be a constant challenge as well as keeping snow from touching the hot wire at 6 inches from the ground.

12 inches from the ground or 18 inches from the ground would be a better height if this is passed. Deer do not crawl under fences, to get from one pen to another.

90 days to complete fencing - we could not get fencing, posts and do the work ourselves in 90 days as we already work full time jobs and doing this work on the weekends would only allow 24 days to work on fencing. Because we can not hire a maid, a landscaper, a personal grocer, or any other person who could do our weekend chores, we would only be able to commit 1 day a week to this project. 12 days

If you have ever put up deer fence you would know that it takes at least 2 people and best with 4 to do the work, and that is only putting up the posts and hanging the wire. So we would still need to hire weekend help and work around their schedules. We would also need 7 to 14 days of clearing brush, removing trees and leveling the terrain. We know this because we own our own fencing equipment to allow us to expand and repair our 2 deer farms and our Elk farm.

Because some of our land is on the property lines, we will not be able to fence on the outside of our current pens. We will have to put the second fence inside the existing fences. This will create **additional time** and materials as we will have to tie into all inner fences.

Upon request, farm-raised deer keepers must provide transportation to department staff to inspect the enhanced fencing.

This is unreasonable, we are having to put up the fence and now we have to give you a ride to our farm to inspect it. We do not offer transportation services, how can you expect us to leave a full time job, drive to Madison, pick you up and then drive you back. That would put me behind the wheel of a vehicle for 4 hours down, 4 hours back to the farm, 1 to 2 hours touring the fencing, 4 hours back to Madison and then another 4 hours home. That would be 16 hours behind the wheel and my CDL does not allow that, so now I would have to stay overnight in Madison and return home the next day. Not that I would mind voicing my concerns for the 8 hours we will be driving together. If I have to comply with this you will be seeing the inside of our farm truck (that you might not like it) and we will probably be praying we make the trip with no difficulties.

Enhanced Fencing. Currently, the department has registered approximately 370 locations as having farm-raised deer. Some of these 370 locations are already enclosed with enhanced fencing. Of that total, approximately 244 have white-tailed deer and 120 have other species of cervid. Locations with white-tailed deer have approximately 30,300 acres. Fencing costs will vary depending on the acreage and terrain of the land to be fenced, labor costs, and type of fence to be installed.

Fencing materials included 8' tall woven wire high tensile fence (2096-6) 20 horizontal wires with vertical stay wires 6" apart and 96" tall.

Set post was 6" x 12' treated wood post, and corner braces post were 6" x 12' treated wood post with a 5" x 12' treated wood post as a brace and 12 ½ ga. brace wire.

Line post was spaced 20' apart and were 4" x 12' treated wood posts.

There were 4 gate openings 14' wide and 1-14' pipe frame gate and wire over the pipe for each opening.

Labor costs will presumably be less if the owner installs the fence. **Using fencing materials provided by Kencove.com**, the department estimates fencing costs to be as follows per one square acre:

1. A second fence would cost approximately **\$1,556 per square acre** (\$1.85 per foot), not including labor, gates or shipping and handling, calculated and using materials as follows:
 - Using Fastlock Deer Fence, 20 horizontal lines, 96 inch height, 6 inch vertical spacing, 12.5 guage high tensile wire, 330' roll (**\$363.50 per roll**) and 5" x 12' tapered pine wood post (\$15.15 per post).
 - One square acre would require 836 feet of fencing or 2.53 rolls of fence (\$919.65) + 42 posts (20 ft spacing) (42 x \$15.15 = \$636.30) for a total of **\$1,556 per square acre**.

I obtained a quote from **Kencove directly**, (not off the internet) and the price you got off the internet is not the current cost of the fencing or the posts. It is much higher, \$405 for wire and \$18 per post and the cost to ship a roll of wire to Wisconsin is just over \$100 per roll. So your total cost of \$1556 per square acre is way off and must be re-evaluated. **A more accurate price per acre of outside straight line fence is \$3023 with shipping costs. This does not include installation.** Some costs will be associated with installation even if the farmer does the fencing, as I stated above, 1 person can not do all the installation. The quote is also for the incorrect fence type, the item you priced is for keeping deer out of a garden, not for keeping them inside a pen.

CWD Herd Status Program Suspension.

Current rule allows the department to suspend enrollment in the CWD herd status program under certain circumstances. The proposed rule adds to the list of reasons enrollment may be suspended: a farm-raised deer keeper who fails to renew (maintain) his or her farm-raised deer herd registration.

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The current rule has a note that no live farm-raised deer may be moved from a herd while a suspension is in effect. **The proposed rule includes that language as part of the official rule, rather than a note.**

Having been in a few trace out quarantine's DATCP has only put a stop movement on the animals directly involved in the trace out, not the entire herd. **This new language should not be included.** We have tested over 500 animals for CWD from our farm and are now a closed herd coming into our farm, we should not be further restricted for animals going directly to a hunting ranch as we require every animal from our farms be tested 100% for CWD. Maybe that should be included in your proposal, that every animal leaving be tested 100% still allowing movement if under a quarantine.

ATCP 10.92 (3) Misrepresent to any person the age, identity, origin, or disease status of any animal, or of the herd from which an animal originates. (4) Falsify, remove, alter, or tamper with any official identification or official back tag required under this chapter or ch. ATCP 12. (5) (intro.) Fail or refuse to permit reasonable department access to premises or inspection of any of the following: (b) Relevant records related to the health and movement of animals, including health or shipping documents related to animals in transit, and any other records required under this chapter. (11) Cause or permit the commingling of different livestock species, other than sheep and goats or different species of fish, poultry, South American camelids, or ratites, during transit. (13) Falsify, or fail to submit to the department, upon request, any record required under this chapter or ch. ATCP 12 **or prevent the department from taking such records off site for copying if deemed necessary for efficiency.**

We are willing to allow copies of any records pertaining to our deer herd to be copied at our office, but we can not allow our computers that we use to operate our businesses to be removed off site. All our customers confidential information is in our systems and we are by contract now allowed that information to be released.

ATCP 12.06 (2) RECORDS RETAINED FOR 5 YEARS; INSPECTION AND COPYING. A person who is required to keep records under sub. (1), (1m), or (1s) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request. **The department may take records off site for copying if deemed necessary for efficiency.**

We are not willing to allow original paperwork to leave our premise, but are willing to provide copies of any and all paperwork related to our deer or elk herds. This should be reworded to say " The department may require copies of all necessary records relating to your deer keepers license".

Chronic Wasting Disease Testing (CWD). The current rule requires farm-raised deer to be tested for CWD. In most cases, 25 percent of deer sent to a slaughtering establishment must be tested for CWD. The proposed rule includes deer slaughtered on the farm within the 25% mandate, provided that the department conducts an ante mortem inspection of the deer and a post-mortem inspection of the carcass(es). **The proposed rule also requires a farm-raised deer keeper whose herd is enrolled in the CWD herd status program, and who moves a deer to another location owned by the keeper, to test that deer for CWD upon death.**

This proposed rule should not be included. If I own a breeding farm that has CWD status and I move animals to a hunting ranch that I also own I am now required to test at 100% instead of the lesser % for hunting ranches. I might as well drop the CWD status at the breeding farm if this is passed.

Conclusion This rule will not have a significant adverse effect on "small business," and is not subject to the delayed "small business" effective date provided in Wis. Stat. § 227.22(2)(e).

I can only assume this is a mistake, because anyone with common sense can understand that this will have a **huge impact on the deer farming industry**. If we can not afford to double fence our herds, we will be forced to kill healthy animals and will loose "everything" we have put into these farms. If that is "**not a significant adverse effect**" I do not know what is. It will be a shame if any farmer is force out of business by this needless enhanced fencing rule.

7. Anticipated economic impact The Department expects the rule to **have minimal to no economic impact statewide and locally**.

Once again you state in your findings that **this rule will have minimal to no economic impact statewide and locally**.

Putting businesses out of business is a huge impact and our farming industry will be forced to incur millions of dollars of expense to stay in business. This will impact local and state economy.

I am also attaching a scientific paper put out by the leading experts in CWD. They state that CWD from carcasses are 1 million times more likely to transmit the disease than urine or saliva such as nose to nose contact.

We contain our animals behind fences and can contain the enviroment if it becomes infected unlike the wild herds. If we are required to install enhanced fencing to protect our herds from infected wild herds the state should pay all costs associated with the fence including labor.

Thank you for the opportunity to respond.

Roxanne Lott,

Indianhead Whitetails and Indianhead Elk

2644 10th ave Chetek, WI 54728

NATURAL DEER URINE AND CWD TRANSMISSION

FACT SHEET

Leading scientists on the subject of CWD transmission and natural deer urine provide their risk assessment.

THE CHANCE OF BOTTLED URINE TRANSMITTING CWD IS VIRTUALLY ZERO.

**Urine bottled by ATA Deer Protection Program producers.*

11 facilities in the ATA Deer Protection Program provide 95% of commercial urine.

FACT: CWD in urine can not be detected without amplification.

Urine from even clinically sick deer must be highly concentrated in order to produce enough prions to test. The popularly referenced study for CWD in deer required a dosage of urine concentrated **TEN TIMES GREATER** than normal and had to be injected **DIRECTLY INTO THE BRAIN**.

FACT: Even under experimental conditions that were extremely unnatural, **ONLY 1 IN 10** subjects proved infected.

Haley NJ, Seelig DM, Zabel MD, Telling GC, Hoover EA (2009) Detection of CWD Prions in Urine and Saliva of Deer by Transgenic Mouse Bioassay. *PLoS ONE* 4(3): e4848. doi:10.1371/journal.pone.0004848

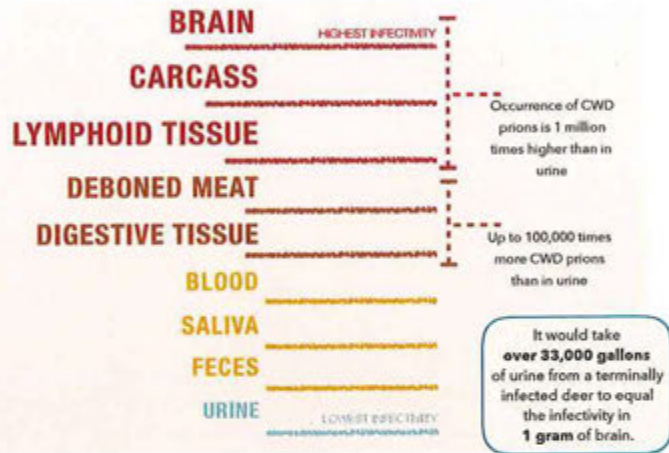
RANKING THE INFECTIVITY

Barely detectable levels of CWD prions have been found in whitetail deer urine, requiring million-fold or more concentration methods to identify experimentally. The volumes of urine required for experimental infection and detection make the likelihood of urine serving as a natural route of transmissibility infinitely small.

Research shows that urine is the **least** likely carrier of CWD prions.

The experts believe deboned meat and tissues of the digestive system (stomach, intestines) contain up to 100,000 times more CWD prions than found in urine. The brain, carcass (particularly if the carcass contains a brain), and lymphoid tissue contain an exponentially higher number of CWD prions, believed to be 1 million times more.

FACT: The experts, with **over 50 years** of collective research knowledge in whitetail health, consider **urine the lowest risk** for transmitting CWD.



THE EXPERTS



HARRY JACOBSON, PhD
Professor Emeritus
Department of Wildlife, Fisheries and Aquaculture
Mississippi State University
Dr. Jacobson has over 40 years of experience researching captive and free-ranging deer.



DAVIN M. HENDERSON, PhD
Department of Microbiology, Immunology, and Pathology
Colorado State University
Dr. Henderson developed the next-generation tests to detect and quantify CWD prions in the saliva, urine and feces of deer and elk. He has authored or co-authored over 13 studies on CWD prions.



NICHOLAS HALEY DVM, PhD
Department of Microbiology and Immunology
Midwestern University - Glendale Campus
Dr. Haley authored the seminal study which first reported CWD prions in urine. He currently works with wildlife and agricultural agencies on developing live animal testing strategies for CWD in deer and elk as well as methods to identify CWD-resistant animals.

FACT: ATA DEER PROTECTION PROGRAM EXCEEDS USDA STANDARDS

- Greater monitoring for more thorough testing
- Closed to animal importation / severely restricted exportation
- Double fences to prevent interaction between captive and wild herds
- Annual facility and herd inspections

Participating urine providers must be whole herd certified participants in good standing in the Federal APHIS CWD program and/or related state programs. This ensures that the participating providers have at least a 5-year history of no positive CWD findings within their herds.

FACT: The 11 participating facilities have been in business much longer than five years and **none** have ever had a positive CWD finding.

FACT: Participating urine providers undergo annual inspections from an accredited veterinarian. This includes a review of animal records, state and federal documents, an inspection of the perimeter fencing and physical review of 20% of the herd. Additionally, every third year will include a 100% physical inspection of the herd.

FACT: Urine-based scents from ATA Deer Protection Program participants are essentially **triple-insulated from CWD:**

1. Due to the inherently low risk of urine transmitting CWD.
2. 100% monitoring for CWD at the urine collection facilities further reduces any possible risk.
3. Additional requirements of the ATA Deer Protection Program that go beyond USDA standards takes the risk to **VIRTUALLY ZERO**.



All major manufacturers participate in the program and use this seal on product packaging.

Markor, Kelly A - DATCP

From: Quinn Musch <loutfitters@ymail.com>
Sent: Wednesday, August 29, 2018 9:57 AM
To: Girard, Alexander C - DATCP
Subject: Comments on proposed double fencing rule

Cade Musch and Quinn Musch
Long Lake Whitetails
7649 s Najt rd
South range ,WI 54874
Douglas County

Good morning Alexander,

My name is Cade Musch, I'm a new deer farmer in Douglas county.

Here are a couple comments concerning the proposed fencing and transportation rules facing the industry.

1. Putting up a second fence of any nature would be crippling to our operation. Since we have only been farming for less than a year and have no money coming in yet , the added expense would be detrimental.
2. Also a 90 day time frame to up that fence is very unrealistic.
3. If a second fence is to be added, the state would need to fund at least the materials.
4. I do believe stopping the transport of dead deer carcasses all over the state, and in and out of state ,by hunters and others is one of the best places to start. As research from Dr Nicholas Haley shows,that a carcass from a CDW positive deer can contain 100-1,000 time the infectivity as the same weight in saliva.

Thank you for reading,

Cade Musch

Markor, Kelly A - DATCP

From: Lynn Peterson <dr1ynn.89@sbcglobal.net>
Sent: Thursday, September 6, 2018 10:30 AM
To: Girard, Alexander C - DATCP
Subject: Fwd: Reindeer movement in Wisconsin

Re-sending as I had initial email address entered incorrectly. Dr. Lynn Peterson

----- Forwarded Message -----

Subject: Reindeer movement in Wisconsin
Date: Wed, 29 Aug 2018 12:00:44 -0500
From: Lynn Peterson <dr1ynn.89@sbcglobal.net>
To: AlexanderC.Girard@wisconsin.gov
CC: Phillips, Jeff and Cindy <cindy@reindeergames-wi.com>

To Whom it may concern:

As a large animal veterinarian, I have the opportunity to work with a reindeer farm in the Washington county area. I have worked with them for 12 years. They have been very conscientious in maintaining and meeting all the requirements of the State of Wisconsin for fencing, premise maintenance, CWD and disease control. The only time the animals leave the farm is for exhibitions, parades and shows. They are always in portable pens or on halter and back home the same day. All manure is cleaned up and disposed of properly. In my professional opinion, they pose no risk to the general population or to the state cervid population. The exhibits are a major part of their income. If they lose the ability to exhibit and show the animals, they would most likely depopulate most of the herd and close that portion of their business. The rules being proposed are an excessive burden and unwarranted as they are compliant with all current regulations and of absolute minimal risk.

CWD is a complex disease to control. However, until the baiting and feeding of cervids in the wild populations are banned/restricted, any other attempts to control the disease will be seriously flawed. Research shows when deer congregate together, this is a major way the disease is spread. While on the surface this may look like a good thing to do, its like trying to plug the hole in the dam from the backside using a finger when your missing the opportunity to plug the bigger hole in the front of the dam that would be much more effective. Without the latter, the dam will break anyway.

Feel free to contact me if you have further questions.

Dr. Lynn Peterson

License #403756

--
Lynn Peterson DVM Kettle Hills Veterinary Service 232 W. State St.
Hartford, WI 53027



Reindeer Games

Alexander Girard
Legislative Advisor
Office of the Secretary
Department of Agriculture, Trade, and Consumer Protection

Dear Alexander,

RE: PERMANENT rule relating to WI's Admin. Code Chapters ATCP 10 Animal Disease and Movement

We own a reindeer farm in Erin, Wisconsin. We are actively involved with Reindeer Owners and Breeders Association; Jeff is a board member and we also mentor new reindeer owners.

We do holiday events with our reindeer each November and December. We are in 29 communities in WI, providing a positive service by drawing shoppers and media to downtown events. If ATCP10 is released as it's currently written, we would not be able to travel to many of these locations, since they are in CWD clean counties. CWD was found in our county, more than 15 miles from our farm, this past March.

The reindeer's absence is a huge deal. These communities count on us for their holiday celebrations – reindeer are their main draw. Those we have contacted are very surprised this could possibly happen and they are disappointed. They have spoken in our favor during this process by sending in their comments. And we have their support as we proceed.

In addition, if we can't travel, we cannot afford to keep our business open. It would affect our family negatively in that regard as well. Currently Reindeer Games is a business with sales of approximately \$70,000. We do not make a profit since that's what it takes to maintain our animals, farm and equipment. All our dollars go back in our local community,

We have been compliant with state and federal regulatory programs for close to 20 years. We have been double fenced and CWD certified for over 10 years. Which by the way, when we doubled fenced, we were given a verbal promise from the Dept of Ag that double fence will protect us from any type of travel restriction or quarantine.

After a recent visit, our insurance underwriter said he was convinced that we do everything that a best in class operation would do to prevent unnecessary claims. That is how we run our farm and treat our reindeer on and off our property. We have safe exhibit procedures in place, and insist we are never near other animals.

It took us 16 years to develop our clients for our display work. A majority of our business is repeat, communities of Delafield, Kohler and Port Washington, as well as corporations such as WeEnergies and American Family have been with us since the beginning. This ruling will eliminate 30% of our business. We do not have time or financial ability to re-build our business only in the counties you allow us to travel. Why would we be punished? We do not have CWD on our property. Please exempt reindeer from this ruling.

Jeff and Cindy Phillips
Owner
Reindeer Games

Reindeer Games • 5751 East Waterford Road • Hartford, WI 53027 • 262/670-9515
www.reindeergames-wi.com

"Believe"

PIERCE WHITETAIL FARMS INC.

W4661 PIERCE ROAD

SARONA, WISCONSIN 54870

TO WHOM IT MAY CONCERN:

I am writing to you on behalf of our farm and family. The proposed rules that are being offered will most definitely put my husband, myself, my son and our grand children's future to an end. This is my husband and my retirement, we have no bonds, cd's, or 401 K's this is our life's savings our farm. If implemented the additional fencing requirement will put us in financial ruin. I do not see how this will stop the spread of CWD, the birds will still be able to come into our pens and spread whatever they have eaten by feces or by picking in our pens from eating on wild dead deer. We live $\frac{3}{4}$ of a mile from HWY 53 interstate, where dead deer litter the road for miles all year long. Apparently there seems to be no concern about these wild deer with CWD, this has gone on for years and years.

The movement restrictions will as well put us out of business. I cannot see how we will no longer be able to ship to a non-affected county. For one there was only one wild deer with CWD shot in Washburn county in 2011, not tested until 2012.

Our farm has been on the CWD program since 2001 testing every animal 1 year of age and older. We have been on every program out there, TB and Brucellosis also since 2001. I believe our farm has been very vigil in doing all that is to be done with keeping a healthy herd. We vaccinate as any farmer does and make sure our animals are fed a quality feed, and alfalfa.

Can you explain to me how, if making it so we cannot sell to another county because of maybe a spread of CWD what is stopping the wild deer from going county to county? This is absolutely absurd common sense will prevail if someone will just think about that for a minute! Let it sink in.

We are not an enemy of the state or of CWD, as people want to put us out of business for political reasons.

Please consider what you would do to fight for your business if you were put in our shoes.

Thank you for your time

Mary Pierce

715-296-2432

Markor, Kelly A - DATCP

From: Girard, Alexander C - DATCP
Sent: Friday, July 20, 2018 7:03 PM
To: Girard, Alexander C - DATCP
Subject: FW: (ATCP 10) Reindeer in Wisconsin

From: Jim Plaisted <jplaisted@historichirdward.org>
Sent: Friday, July 20, 2018 2:53 PM
To: Girard, Alexander C - DATCP <AlexanderC.Girard@wisconsin.gov>; Cramer, Megan J - GOV <Megan.Cramer@wisconsin.gov>; Fuller, Lucas N - DNR <Lucas.Fuller@wisconsin.gov>
Subject: Reindeer in Wisconsin

Good afternoon,

My name is Jim Plaisted, Executive Director of the Historic Third Ward Association in Milwaukee. We utilize Reindeer Games and I'd like to share with you how they impact our community's economy during the holiday season.

This year, the Historic Third Ward Association will be celebrating the 30th Anniversary of our signature event, Christmas in the Ward. This event brings the community together for an old-fashioned tree lighting ceremony in the heart of Milwaukee's Historic Third Ward neighborhood.

Last year's event was, by all accounts, the biggest and best event in recent memory attracting nearly 5,000 visitors to downtown Milwaukee and the Historic Third Ward. Neighborhood retailers and restaurants benefit directly from the visitors attending the event. And in 2017, cookie sales at the event allowed us to donate over \$1,700 to Ronald McDonald House Charities of Eastern Wisconsin.

In addition to the tree lighting, we offer chestnuts roasting on an open fire, horse-drawn carriage rides, a cookie sale, fireworks over the river, photos with Santa, and live reindeer provided by Reindeer Games located in Hartford, Wisconsin.

We've worked with Cindy and Jeff Phillips from Reindeer Games since 2006. They are an absolute delight to work with and their reindeer are an essential component of our event. Part of the allure of the event for parents is helping their children believe in the spirit of Christmas. When the children see Santa's reindeer and get to whisper their Christmas wishes to the jolly old elf himself it provides the children with a sense of magic and wonder around the holiday.

Since reindeer are a separate animal from white-tailed deer, I respectfully ask you please amend the order to allow for movement of reindeer. This change will allow the reindeer continue being part of making children's holiday dreams come true at community events such as Christmas in the Ward and others around the state.

Sincerely,

Jim Plaisted, Executive Director

Historic Third Ward Association

525 E. Chicago St.

Milwaukee, WI 53202

jplaisted@historicthirdward.org

414-273-1173 w

414-916-8975 c

Markor, Kelly A - DATCP

From: Willis Qualheim <willis.qualheim@qualheim.net>
Sent: Wednesday, July 18, 2018 1:47 PM
To: Girard, Alexander C - DATCP
Subject: ATCP10 and Reindeer Games

We have had Reindeer Games at our holiday event for approximately the last 15 years. Their appearance here is deeply appreciated and looked forward to by our employees, customers and community. We have people coming from up to 45 miles away to see the reindeer. Please reconsider restricting their movement in our state, If ATCP 10 is released as written, they will not be able to operate as in the past. The reindeer will no longer be available for our holiday event.

Sincerely,

Willis

Willis Qualheim
Qualheim's True Value
1345 E Green Bay St.
Shawano Wi. 54166
715-526-6108 Fax 715-526-2319
Willis.qualheim@qualheim.net



526 Sandy Lane Mosinee, WI 54455
715-693-3322 or 920-290-2108
www.empowereddreamhuntsinc.org
joeandlaurieramsey@gmail.com

HUNTS Inc

July 23, 2018

Dear Rule Committee,

We want to “DREAM BIG”.

My name is Joseph Ramsey, and I am representing Empowered dream Hunts Inc.

To all that will listen:

Why has it come to this!

WE are against the over regulation of deer farms and the double fencing!

I hope that those who are leading this push to make more regulation really understand that it have done more harm than good. Yes, I keep hearing that we are making hunting better; I believe we are working against each other in finding common ground in enjoying the hunt. The DNR keeps trying to get more hunters in to the woods, but the CWD scare has had a negative impact. The truth only comes from the side that wants a “VOTE”.

As a boy, I helped put posts in the ground in Merrill WI. I asked why we are doing this. The answer was that we can. That was back in the late 1980’s...

Now, why has it come to this! Deer herd up in the winter; people feed deer, hunt deer and have ranches. I say, if it is so bad for us, “Then shut it down and don’t let anyone hunt.

Empowered Dream Hunts Inc., a non-profit organization 501(c) (3) that was created to help the disabled outdoor enthusiast to overcome nature’s challenges, break barriers, and develop friendships to fulfill their dream
Fulfilling one dream at a time...

Joe and Laurie Ramsey
Empowered Dream Hunts Inc.
Founder/President and Treasurer

Empowered Dream Hunts Inc. is a State of Wisconsin Charitable Organization No. 13955-800

Markor, Kelly A - DATCP

From: Ryan Rodenkirch <ryanroads32@gmail.com>
Sent: Tuesday, August 28, 2018 4:46 PM
To: Girard, Alexander C - DATCP
Subject: Comments regarding ATCP 10 & 12

To whom it may concern,

This comment is in regards to the proposed permanent rule. I see a number of challenges with the proposed rules that will create both economic hardships to the deer keepers as well as create challenges for DATCP management of said programs. Please see below.

- Changing of the expiration date for registration from March 15th to August 31st will cause issues for both keepers and DATCP officials. When asked by DATCP for opinion regarding this Whitetails of Wisconsin asked for the date to remain in March, which clearly isn't being done. No justification has been provided for the movement of dates, especially for an industry that is in its busiest time of year at the end of August through September.
- Enhanced fencing- For herds that are enrolled in the CWD program (most of which since 01-03) are being forced to enhance fence the government should be prepared to pay for such requirements. These animals are in a federal program and need protection from wild deer, who can be found to have a 25% CWD prevalence rate in some counties. While my herd is and always has been double fenced, my county found its first CWD positive animal last fall in the wild. Since my herd has met this requirement prior to its enforcement, if my herd is some day found to have a positive is the state of Wisconsin and the Department of Agriculture prepared to be held liable for the loss of my business (animals)? The wild animals are free to walk across county lines and are even spread by carnivores and plant based products. A double or enhanced fence will not prevent the spread of CWD. The 90 days is also a bit on the ridiculous side. My farm butts up to corn on three sides, am I supposed to endure more economic hardship during growing season (150 days) in order to meet this requirement. Some farms will have to clear trees and brush. 90 days is not possible.
- Movement-Why are FRD who are enrolled in a federal CWD program not being allowed to move to counties that are unaffected? It is implying that are animals are sick, yet they are the most regulated agricultural industry in the country. Why is WI trying to supersede the federal guidelines? If my farm meets the federal rules for CWD standards and is double fenced I should be able to move my animals to any county in the state. Why is the Department of agriculture trying to limit the trade and commerce of farmed goods? This will create incredible amounts of economic hardship and could cause hard working families to lose everything. It makes zero sense why my program (2003 CWD accredited) is hurt because Dodge County found its first wild positive deer last fall. Why should these wild animals affect my business? How could I have prevented this? The DNR and its wild animals should be classified completely different than my farm raised herd.

I hope these comments are strongly considered and that more farming families are not lost due to unwarranted politics with no scientific justification. Sincerely, Ryan Rodenkirch

Markor, Kelly A - DATCP

From: Cheri R. Schadeberg <cheri.schadeberg@fbfcwi.com>
Sent: Friday, July 20, 2018 1:13 PM
To: Girard, Alexander C - DATCP; Cramer, Megan J - GOV; Fuller, Lucas N - DNR
Subject: Ruling ATCP 10

Hello Mr. Girard, Ms. Cramer, and Mr. Fuller,

My name is Cheri Schadeberg—I am currently a board member of Germantown Kiwanis Club in Germantown, Wisconsin and chairperson for our annual Breakfast with Santa event.

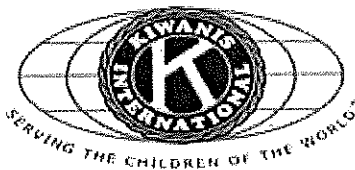
Kiwanis of Germantown has had the pleasure of working with Cindy Phillips of Reindeer Games in Erin, WI for the past 6 years. Cindy's crew and her wonderful reindeer have been a fantastic addition to our annual Breakfast with Santa event. Their professionalism with our guests and the fun that they bring to our event would be very hard to replace. At our December, 2017 event held at Florian Park in Germantown—we hosted over 900 adults and children. I can tell you that the live reindeer were definitely as appreciated as the visit with Santa!

This Breakfast with Santa event is one of the major fundraisers for Kiwanis of Germantown. The net revenue that we make from this event helps us fund many of the youth and education projects/scholarships which our club supports each and every year. If this ruling is passed and businesses such as Reindeer Games are not allowed to bring their live reindeer to the many events around the state—it will certainly have a negative effect on many levels. Their business will be profoundly hurt with a huge reduction of events (and therefore revenue) and may make it impossible for them to continue their business.

Please reconsider restricting the reindeers' movement within our state. If ATCP 10 is released as written—it will have a detrimental effect as it trickles down to each economy affected by this change throughout the state.

Sincerely,

Cheri Schadeberg
Board Member
Germantown Kiwanis



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Markor, Kelly A - DATCP

From: Laurie Seale <maplehillfarms@centurytel.net>
Sent: Wednesday, August 29, 2018 10:59 AM
To: Girard, Alexander C - DATCP
Subject: Response to DATCP rule
Attachments: CWD urine fact sheet.pdf

Dear Mr. Girard,

I would like to submit this email correspondence and the attachment as a comment to the proposed DATCP rule. The first part of this email is an email I received from Dr. Nicholas Haley (one of the researchers who helped put together the urine fact sheet that is attached) regarding the risk carcasses left on the landscape pose vs. the body fluid from a live deer. The second part of the email is a press release regarding the fencing rule written by the board of Whitetails of Wisconsin with assistance from Dr. Haley to get the science portion.

Thanks,
Laurie Seale

From: Nicholas Haley [mailto:nicholas.j.haley@gmail.com]
Sent: Thursday, August 16, 2018 11:31 AM
To: Laurie Seale
Subject: Re: FW: FW: Response to fencing rule

Morning Laurie,

Got your message then got tied up with samples and forgot to respond.

I'm estimating here, but the first thing we need to do is get everything on a standard volume or amount. For carcasses, we can roughly include a little bit of muscle, fat, brain, lymph nodes, gut pile, etc. Let's set the average infectivity of a typical carcass at 1 unit of infectivity per gram. With that standard, I would estimate it is 100,000-1,000,000 times more infectious than a milliliter of urine, 100-1000 times more infectious than a milliliter of blood, 100-1000 times more infectious than a milliliter of saliva, and 1000-10,000 times more infectious than a gram of feces.

I think it's also important to consider that a lot of people from out of state come to Wisconsin to hunt deer, and those carcasses leave the state and put other states at risk. I would guess a lot of deer hunted on preserves never leave the state, apart from the cape. Wisconsin's wild deer herd probably poses the biggest risk to the rest of the country as far as infected carcasses moving around.

Let me know if that helps answer your question!

-N

Nicholas J. Haley, DVM PhD
Department of Microbiology and Immunology
Midwestern University - Glendale campus
(c) 970-219-2420 (w) 623-572-3710

Press release regarding the fencing rule

The Wisconsin DNR Board recently passed an emergency rule imposing costly and unnecessary new fencing requirements on Wisconsin deer farmers. The DNR's rule requires an additional fence on all deer farms—an expensive and redundant measure to farms, which are already fenced. While misleadingly promoted as a measure to fight Chronic Wasting Disease, deer farms are already required to test for CWD and have to follow stringent rules in order to move live animals within the state. This measure does nothing to address free-roaming deer that have spread the disease freely in Wisconsin and other states. Further, fences are easily bypassed by birds of prey or water drainages that contribute to the spread of CWD from decaying carcasses.

However, Whitetails of Wisconsin is glad to see the DNR finally address the high risk that CWD infected carcasses play in the spread of CWD around the state. But the DNR needs to go further by requiring hunters to remove the carcasses from the landscape in the CWD-affected areas and dispose of them properly at landfills or dumpsters. Until this happens, the infection rate is going to continue to climb and the disease will continue to spread. According to Dr. Nicholas Haley, a CWD researcher, a carcass from a CWD positive deer or elk may contain a million-fold more infectivity than an equivalent weight of urine and 100-1000 times higher infectivity than an equal weight of saliva. This is proof positive that carcasses pose a much higher risk than any live deer movement (free ranging or farmed) or deer touching each other at the fence line!

There are a lot of out of state hunters who come to Wisconsin to hunt deer and many times infected carcasses leave the state and put other states at risk. Hunters need to be informed of the high risk carcasses pose in the spread of CWD. Unfortunately, in most states, wildlife agencies have failed to relay the message and therefore hunters continue to blame deer farms for the CWD fiasco.

In response, Laurie Seale of Whitetails of Wisconsin offered the following statement:

The DNR's rule threatens the livelihood of small businesses while bizarrely focusing on only the 1% of the deer population in the state that exists on farms. Given the stringent regulations already in place on deer farms, this rule will do nothing to stop Chronic Wasting Disease. The only thing this rule will do is to make uninformed people think the state is finally doing something to stop the deer farmers from spreading CWD throughout Wisconsin. Deer farmers have been made out to be the scapegoats in this disease. All one needs to do is look at a Wisconsin map showing the distribution of CWD in the free-ranging herd and compare it to where deer farms are located in the state to see that deer farms are not the problem. Instead of regulating deer farms out of business, the wildlife agencies should fund more research to help eliminate CWD

from the landscape. Deer farmers are currently engaged in funding research and breeding for animals that are more resistant to CWD, using an approach that the sheep industry is currently using to eliminate scrapie, a prion disease very similar to CWD.

With any questions or to schedule an interview, please contact Laurie at [830-928-3143](tel:830-928-3143) or maplehillfarms@centurytel.net.

NATURAL DEER URINE AND CWD TRANSMISSION

FACT SHEET

Leading scientists on the subject of CWD transmission and natural deer urine provide their risk assessment.

THE CHANCE OF BOTTLED URINE^{*} TRANSMITTING CWD IS VIRTUALLY ZERO.

^{*}Urine bottled by ATA Deer Protection Program producers.

11 facilities in the ATA Deer Protection Program provide 95% of commercial urine.

FACT: CWD in urine can not be detected without amplification.

Urine from even clinically sick deer must be highly concentrated in order to produce enough prions to test. The popularly referenced study for CWD in deer required a dosage of urine concentrated **TEN TIMES GREATER** than normal and had to be injected **DIRECTLY INTO THE BRAIN**.

FACT: Even under experimental conditions that were extremely unnatural, **ONLY 1 IN 10** subjects proved infected.

Haley NJ, Seelig DM, Zabel MD, Telling GC, Hoover EA (2009) Detection of CWD Prions in Urine and Saliva of Deer by Transgenic Mouse Bioassay. PLoS ONE 4(3): e4848. doi:10.1371/journal.pone.0004848

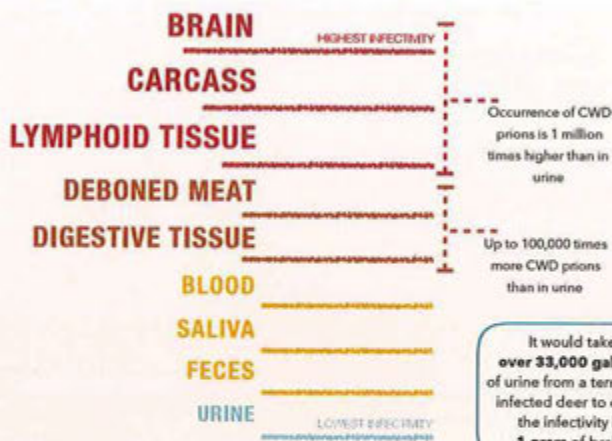
RANKING THE INFECTIVITY

Barely detectable levels of CWD prions have been found in whitetail deer urine, requiring million-fold or more concentration methods to identify experimentally. The volumes of urine required for experimental infection and detection make the likelihood of urine serving as a natural route of transmissibility infinitely small.

Research shows that urine is the **least** likely carrier of CWD prions.

The experts believe deboned meat and tissues of the digestive system (stomach, intestines) contain up to 100,000 times more CWD prions than found in urine. The brain, carcass (particularly if the carcass contains a brain), and lymphoid tissue contain an exponentially higher number of CWD prions, believed to be 1 million times more.

FACT: The experts, with **over 50 years** of collective research knowledge in whitetail health, consider **urine the lowest risk** for transmitting CWD.



THE EXPERTS



HARRY JACOBSON, PhD
Professor Emeritus
Department of Wildlife, Fisheries and Aquaculture
Mississippi State University

Dr. Jacobson has over 40 years of experience researching captive and free-ranging deer.



DAVIN M. HENDERSON, PhD
Department of Microbiology, Immunology, and Pathology
Colorado State University

Dr. Henderson developed the next-generation tests to detect and quantify CWD prions in the saliva, urine and feces of deer and elk. He has authored or co-authored over 13 studies on CWD prions.



NICHOLAS HALEY DVM, PhD
Department of Microbiology and Immunology
Midwestern University - Glendale Campus

Dr. Haley authored the seminal study which first reported CWD prions in urine. He currently works with wildlife and agricultural agencies on developing live animal testing strategies for CWD in deer and elk as well as methods to identify CWD-resistant animals.

FACT: ATA DEER PROTECTION PROGRAM EXCEEDS USDA STANDARDS

- Greater monitoring for more thorough testing
- Closed to animal importation / severely restricted exportation
- Double fences to prevent interaction between captive and wild herds
- Annual facility and herd inspections

Participating urine providers must be whole herd certified participants in good standing in the Federal APHIS CWD program and/or related state programs. This ensures that the participating providers have at least a 5-year history of no positive CWD findings within their herds.

FACT: The 11 participating facilities have been in business much longer than five years and **none** have ever had a positive CWD finding.

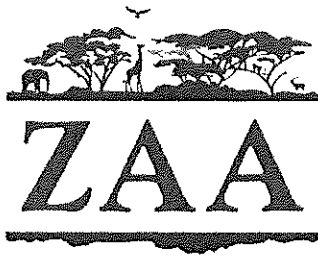
FACT: Participating urine providers undergo annual inspections from an accredited veterinarian. This includes a review of animal records, state and federal documents, an inspection of the perimeter fencing and physical review of 20% of the herd. Additionally, every third year will include a 100% physical inspection of the herd.

FACT: Urine-based scents from ATA Deer Protection Program participants are essentially **triple-insulated from CWD:**

1. Due to the inherently low risk of urine transmitting CWD.
2. 100% monitoring for CWD at the urine collection facilities further reduces any possible risk.
3. Additional requirements of the ATA Deer Protection Program that go beyond USDA standards takes the risk to **VIRTUALLY ZERO**.



All major manufacturers participate in the program and use this seal on product packaging.



ZOOLOGICAL ASSOCIATION
OF AMERICA

Wisconsin Department of Agriculture, Trade and Consumer Protection
ATTN: DATCP Board Members
DATCP Board Member
PO Box 8911
Madison, WI 53708-8911

August 28, 2018

Dear DATCP Board Members; Miranda Leis, Andy Diercks, Dennis Badtke, Dean Strauss, Nicole Hansen, Paul Palmby, Greg Zwald, Kurt Hallstrand, Paul Bauer, Dr. Darlene Konkol

Zoological Association of America (ZAA) is a zoological trade organization that represents professionally managed zoos, aquaria, conservation breeding facilities, wildlife conservation ranches, and conservation education-based animal ambassador programs. With more than sixty accredited members, the ZAA is the second largest trade association in the zoological sector. ZAA accreditation of professional zoological facilities is predicated on promoting the highest standards of animal welfare, as well as public and staff safety. ZAA supports professional animal ownership and the concept that animal care and management is most effective when it is tailored to the specific needs of respective collections. Our leadership team is comprised of experienced zoological professionals having decades of firsthand experience.

ZAA is proud to inform you that one of your very own, Wildwood Wildlife Park Zoo and Safari owners Duane and Judy Domaszek located in Minocqua WI, is an accredited member of ZAA since 2008. Wildwood Wildlife Park went through another intensive reaccreditation process in July 2018. Wildwood Wildlife Park is the 2nd largest private zoological facility in the state of Wisconsin and is ZAA accredited assuring the public that when they visit we meet the highest standards.

ZAA seeks parity with the Association of Zoos and Aquariums (AZA) on preferential exemptions as listed in Agriculture Trade and Consumer Protection (ATCPI0) Animal Disease and Movement. ZAA accredited facilities follow USDA/APHIS policies and protocols for animal health and movement. The movement of wildlife including Swine and Cervids requires pre-shipping health screen accompanied by a veterinary health certificate and a 30-day quarantine for incoming animals. This is the same for AZA accredited facilities.

ZAA is on par with the Association of Zoos and Aquariums (AZA) animal welfare standards, safety and accreditation. ZAA has the best safety record of any zoological trade association in North America and an accreditation process to establish an extremely high bar with respect to professional animal standards, best management practices and exemplary animal care and welfare.

ZAA's stringent accreditation focuses on staff, animal and guests' safety; animal care, welfare, and husbandry; state and federal compliance; veterinary care; nutrition; enrichment; security; facility maintenance; recordkeeping; and a review of policies, procedures, and protocols. The accreditation program maintains a

P.O. Box 511275 • Punta Gorda, FL 33951-1275 • (941) 621-2021 • info@zaa.org • www.zaa.org

benchmark for standards of operation and surpasses the standards of the federally mandated USDA/APHIS Animal Welfare Act.

Accreditation is an extremely intensive, multi-phased process that may take up to one year or more to complete. The first phase of this process requires an application that may reach more than one hundred pages or more in length. Applications, which must be sponsored by two existing ZAA members, undergo internal peer review, site inspection, accreditation committee approval and full Board of Directors approval. Following approval of the first phase, a three-month review period is required prior to pursuing the second phase of the application process. During this period, ZAA works in partnership to ready the applicant for the formal accreditation process, which includes a second site inspection, accreditation committee approval and full Board of Directors approval.

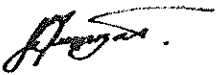
ZAA recognizes that exotic animals are wild animals and their care requires specialized training, housing, safety, veterinary attention, and compliance with state and federal regulations, therefore, ZAA condemns the keeping of Class I animals and primates as pets.

ZAA accredited members are professional institutions that set the bar high with respect to professional animal standard, best management practices and exemplary animal care and welfare. USDA/APHIS Animal Welfare Act regulates all the zoos in the United States and all the zoos hold the same licensing through USDA/APHIS to operate their businesses.

ZAA has been in existence for 14 years and is an inclusive trade association focusing on responsible animal ownership while serving the needs of its members. ZAA accomplishes this through an objective facility accreditation process and animal welfare standards.

Please visit <http://zaa.org> and get to learn more about our association and its membership. If you have any questions, please do not hesitate to contact us.

Sincerely,



John Seyjagat
Executive Director
Zoological Association of America
john@zaa.org
<http://zaa.org>
4433925897



Judy and Duane Domaszek
Owners/Directors

Wildwood Wildlife Park Zoo & Safari
Minocqua, WI 54548
nature@wildwoodwildlifepark.com
715-358-7808 or 715-892-0215

- Attachment (2 pages) Economic Impact

My name is Richard A. Sitarski

I came to Wisconsin from Illinois to start an elk farm 15 years ago. My goal was to establish the farm, gain a deep understanding of the industry and then get serious about the elk farming business. My approach has been methodical, structured and sincere.

I have worked to insure the quality of my fencing meets Wisconsin Department of Agriculture standards and guidelines. I have been diligent in making certain our farm follows the rules set by the Department. I have kept all my required records and the Department has inspected my records without any noted problems or concerns.

Additionally, I am in the process of starting a much-needed new butcher shop business in the town of Soldiers Grove WI. The new company plans on providing needed butchering service to the areas, beef, hog, lamb, cervid and bison farms. We plan on opening later this year.

Up until this point in time, I have looked forward to working with the Department of Agriculture at a deeper level with the start of a new butcher shop business. My past experience with the department has been that this department utilizes logic and scientific evidence based on research. That makes the Department a pleasure to work with. However, this “**unfunded**” mandate does not seem to follow the departments past operating logic.

I have invested quite a bit of time, effort and money into Wisconsin.

The additional enhanced fencing rules that are being considered for the proposed permanent rule has made me question as to whether I should continue to move forward here in Wisconsin. If after following all the current rules and regulations, I will now be forced to comply with additional very costly and burdensome regulations, I cannot see the logic in moving forward. Where will the new rules and regulations ever stop?

This “**unfunded**” very costly and burdensome mandate is not founded or based on science and research. I have attended the public listening meetings that were held in Madison and Sheboygan WI. One of the questions that the advisory board asked Department of Ag Veterinarians: “Has there been any study done anywhere to prove that double fencing can help to stop or mitigate the transmission of CWD?” The answer was “no”? Is this “**unfunded**” costly and burdensome mandate going to be proven ineffective in the years to come? There have already been a few farms that have been double fenced for nearly ten years with closed herds and have tested positive for CWD?

The board did point out that there have been research studies that prove the CWD prion will exist in the soil for many, many years. My concern is that if the prion can exist in the soil for many years, logic dictates that double fence cannot and will not stop soil movement. CWD will continue to expand regardless of whether our industry is forced to double fence and or shut down. Good cervid farmers are the best guardians of helping to make sure this disease is monitored properly. Nature will continue to expand this disease thru multiply paths that fences will not stop. CWD will also continue to expand by deer carcass movement, wild animal movement, and live animal relocations to WI from other states.

The wild cervid herds that the DNR is responsible for are roaming the landscape unimpeded? This natural movement of nature will move disease and nature will address this disease. Additional testing of the wild deer herd will continue to find this disease in every county of the state.

This disease has never affected a human. I am more concerned with Lyme's disease than I have ever been about CWD? Lyme's disease has had severe effects on many of my friends here in WI. Yet you don't ever hear about Lyme's disease being a concern of government regulation. This makes me wonder what is really going on here?

My hope is that Wisconsin will work with the cervid farmers rather than literally mandating them out of business. Cervid farmers are very interested in providing the farming community alternatives to the struggles that traditional farms are facing.

Cervid farming is better for marginal land, provides competitive alternative products, and can become an American farm success story if the government allows this to happen.

I urge the department to reconsider this mandate and realize that our industry is already under enough regulation. Thank you for hearing my concerns.

Markor, Kelly A - DATCP

From: Karen <karen@kfspr.com>
Sent: Friday, July 20, 2018 11:03 AM
To: Girard, Alexander C - DATCP
Subject: Live Reindeer Displays a Plus

Dear --

As president and owner of KFS PR, Inc., a Shorewood-based public relations agency, I've had occasion to hire Reindeer Games for client Holiday events for the past 10 years. I have nothing but praise for the professionalism of the Reindeer Games organization and their top flight team. Their live displays are always a huge draw, thereby enabling our largest client to "give back" to the communities in which it works. Similarly, it appears that other organizations in our area recognize the benefits and importance of live reindeer during the holidays, including our local government.

Unfortunately, we now learn that you are may be restricting where displays are allowed in our state. It's our understanding that if ATCP 10 is released as written, Reindeer games and similar businesses will not be able to operate as in the past. The result? Reindeer will not be available for holiday events in many locations and much of the spirit of the holiday will be lost. Therefore, I urge you to carefully reconsider placing any restrictions on their movement within our state.

Please keep in mind that live reindeer displays attract families of all ages and are considered a beautiful holiday tradition for many. These people look forward to visiting the Reindeer and their handlers and to having pictures taken with them. Indeed, losing this tradition would be a shame, especially since the Reindeer are isolated from wild animals, are shown in safe environments, and have a positive economic impact on the communities where they appear.

Sincerely,
Karen Strom,
President, KFS PR
A Division of KFS Creative Services, Inc.
4490 N. Prospect Ave.
Shorewood, WI 53211
414-962-0417

Markor, Kelly A - DATCP

From: Rep.Swearingen - LEGIS <Rep.Swearingen@legis.wisconsin.gov>
Sent: Thursday, August 23, 2018 9:34 AM
To: Ripp, Keith - DATCP; Girard, Alexander C - DATCP
Subject: FW: ATCP10
Attachments: ATCP1012EconomicImpact.pdf; ADTCP 10 AZA Exemptions_compress (dragged).pdf; ADTCP 10 AZA Exemptions_compress (dragged).pdf; ADTCP 10 AZA Exemptions_compress (dragged).pdf; ADTCP 10 AZA Exemptions_compress (dragged).pdf; ADTCP 10 AZA Exemptions_compress (dragged).pdf

Good Morning Keith and Alex,

Below is an email my office received from Judy Domaszek, the director of the Wildwood Wildlife Park in Minocqua regarding ATCP 10. Keith, I know that you and I talked about this a while back. I would really like to see the ZAA receive the same exemption status as the AZA. I think this would solve a few reoccurring headaches.

I would appreciate hearing both of your thoughts on this issue. Anyway we can move forward?

Thanks,

Rob

From: Judy Domaszek [mailto:nature@wildwoodwildlifepark.com]
Sent: Wednesday, August 22, 2018 3:32 PM
To: Rep.Swearingen <Rep.Swearingen@legis.wisconsin.gov>;
Subject: ATCP10

Hello All;

The department of Ag is revising chapter ATCP 10 and I was hoping you could help me get Zoological Association of American (ZAA) in the exemptions just like the other trade organization is in the docs. Every year for the past 5 years we are fighting for our business to survive. The AZA exemption comes up every time. We spend a great deal of time every year fighting for our rights. Both organizations report to the same inspection governing agency APHIS. We both hold the same USDA licensing to operate. It is just the trade organization name that is the hang up.

Please let me know what we can do. This is the time to address since the revisions are open for comment.

DATCP requests comments be communicated by August 29, 2018.(attached)

I Put the page numbers on the left top corner and highlighted them in the documents.(attached)

Thank you

Judy

Judy Domaszek
Park Director
10094 Hwy 70 West
Minocqua, WI 54548
715-356-5588

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AZIA
EXEMPTIONS

Chapter ATCP 10

ANIMAL DISEASES AND MOVEMENT

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- ATCP 10.02 Domestic animals.
- ATCP 10.03 Disease reporting.
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- ATCP 10.26 Swine pseudorabies; testing and control.
- ATCP 10.27 Swine pseudorabies; herd certification.
- ATCP 10.28 Swine brucellosis; testing and control.
- ATCP 10.29 Swine brucellosis-free herd; certification.
- ATCP 10.291 Swine porcine reproductive and respiratory syndrome and swine vesicular stomatitis disease; testing and control.
- ATCP 10.30 Swine imports.
- ATCP 10.31 Slaughter swine identification.
- ATCP 10.32 Moving commercial swine in Wisconsin.

Subchapter V — Equine Animals

- ATCP 10.35 Equine infectious anemia.
- ATCP 10.36 Equine animals; imports.
- ATCP 10.37 Foreign equine imports; quarantine station.

Subchapter VI — Poultry and Farm-Raised Game Birds

- ATCP 10.40 Poultry and farm-raised game birds; breeding, hatching, and exhibition.
- ATCP 10.41 National poultry improvement plan.
- ATCP 10.42 Poultry imports.

Subchapter VII — Farm-Raised Deer

- ATCP 10.45 Farm-raised deer; disease testing.
- ATCP 10.46 Farm-raised deer herds; registration.

- ATCP 10.47 Farm-raised deer; hunting ranches.
- ATCP 10.48 Tuberculosis in farm-raised deer.
- ATCP 10.49 Farm-raised deer; tuberculosis herd certification.
- ATCP 10.50 Brucellosis in farm-raised deer.
- ATCP 10.51 Farm-raised deer; brucellosis herd certification.
- ATCP 10.52 Chronic wasting disease in farm-raised deer.
- ATCP 10.53 Farm-raised deer; chronic wasting disease herd status program.
- ATCP 10.54 Farm-raised deer; identification.
- ATCP 10.55 Farm-raised deer; imports.
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- ATCP 10.58 Farm-raised deer; separation from diseased wild deer.

Subchapter VIII — Fish

- ATCP 10.60 Definitions.
- ATCP 10.61 Fish farms.
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- ATCP 10.645 Ban fish from wild sources.
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- ATCP 10.66 Fish diseases; reporting.
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Subchapter IX — Sheep

- ATCP 10.68 Sheep; brucella ovit-free flock.
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- ATCP 10.73 Goats; brucellosis-free herd certification.
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Subchapter XI — Other Animals

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Subchapter XII — Fairs and Exhibitions

- ATCP 10.87 Fairs and exhibitions.

Subchapter XIII — Enforcement

- ATCP 10.89 Quarantines.
- ATCP 10.90 Temporary animal hold order.
- ATCP 10.91 Destruction or removal of animals illegally moved.
- ATCP 10.92 Prohibited conduct.
- ATCP 10.93 Waiver.

Note: Chapter Ag 10 as it existed on December 31, 1990 was repealed and a new ch. Ag 10 was created effective January 1, 1991; Chapter Ag 10 was renumbered ch. ATCP 10 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 443. Chapter ATCP 10 as it existed on September 30, 2006 was repealed and a new chapter ATCP 10 was created Register September 2006 No. 592, effective 10-1-06.

Note: The Wisconsin department of agriculture, trade and consumer protection has adopted this chapter to interpret portions of ch. 95, Stats. Violations of this chapter may, among other things, subject the violator to penalties and remedies provided in s. 95.99, Stats. Nothing in this chapter constitutes a warranty, by the state of Wisconsin or the department, related to the health status of any animal.

Form requests and communications related to this chapter may be directed to any of the following addresses, except where this chapter specifies a different address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-3911
Phone: (608) 224-4872
Fax: (608) 224-4871
<http://atcp.wis.gov>

Subchapter I — Definitions and General Provisions

ATCP 10.01 Definitions. In this chapter:

(1) "Accredited tuberculosis-free herd" means a herd of bovine animals, farm-raised deer, or goats that is certified as tuberculosis-free by one of the following:

(a) The department under s. ATCP 10.14, 10.49, or 10.74.

(b) The authorized animal health agency in the state where the herd is located, under standards equivalent to those in s. ATCP 10.14, 10.49, or 10.74.

(2) "Accredited veterinarian" means a veterinarian who is both of the following:

(a) Licensed to practice veterinary medicine.

(b) Specifically authorized by the federal bureau and responsible state agency, pursuant to 9 CFR 160 to 162, to perform animal

(3) **FEEDER SWINE PSEUDORABIES MONITORED HERD.** The department may certify a herd of swine as a feeder swine pseudorabies monitored herd if the herd qualifies for that certification under the pseudorabies national eradication standards. Every certification application shall include a nonrefundable fee of \$50 for each year of certification. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

Note: The pseudorabies national eradication standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/portal/portal/aphis/ourfocus/animalhealth. Copies may be obtained by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(4) **SUSPENDING OR REVOKING CERTIFICATION.** (a) The department may summarily suspend or revoke any certification under this section if any of the following occur:

1. An animal in the herd tests positive for pseudorabies.
2. The herd owner fails to comply with certification requirements.

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

Note: A herd owner affected by a suspension or revocation may request a hearing before the department under ch. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay the summary suspension or revocation.

History: CR 06-009, cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061, am. (1) to (3) Register June 2008 No. 630, eff. 7-1-09.

ATCP 10.28 Swine brucellosis; testing and control.

(1) **WHO MAY COLLECT TEST SAMPLES.** A person who collects a swine brucellosis test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

- (a) An accredited veterinarian. If the veterinarian collects the test sample from a swine in this state, the veterinarian shall also be a Wisconsin certified veterinarian.
- (b) An authorized employee or agent of the department or the federal bureau.

(2) **TEST PROCEDURES.** Swine brucellosis test sample collection and testing shall comply with the brucellosis uniform methods and rules. A laboratory approved by the department or the federal bureau shall conduct swine brucellosis tests.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/portal/portal/aphis/ourfocus/animalhealth. Copies may be obtained by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) **REPORTING TEST RESULTS.** A veterinarian who collects a swine brucellosis test sample from a swine in this state shall report the test results to the department and the swine owner according to s. ATCP 10.04 (1).

(4) **REACTORS.** (a) The department or the federal bureau shall classify, as a brucellosis reactor, any swine that qualifies as a reactor under the brucellosis uniform methods and rules.

(b) Within 15 days after the department or the federal bureau classifies a swine as a brucellosis reactor, the herd owner shall do all the following:

1. Have the swine identified as a reactor, and shipped to a slaughtering establishment for slaughter, according to the brucellosis uniform methods and rules. The operator shall obtain a department permit under s. ATCP 10.08 (3) for the slaughter shipment.
2. Clean and disinfect the premises where the swine was kept.
- (c) The department may, for good cause, extend a deadline under par. (b), but may not extend a deadline under par. (b) 1, by more than 15 days.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website

at: www.aphis.usda.gov/portal/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(d) A swine owner may request an indemnity under s. 95.26 (7), Stats., for a brucellosis reactor slaughtered under par. (b) 1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. A swine owner does not qualify for an indemnity if the owner fails to comply with par. (b).

History: CR 06-009, cr. Register September 2006 No. 609, eff. 10-1-06.

ATCP 10.29 Swine brucellosis-free herd; certification. (1) **CERTIFICATION.** The department may certify a herd of swine as a validated brucellosis-free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. Every certification application shall include a nonrefundable fee of \$50 for each year of certification. To maintain the herd certification, the herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/portal/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(2) **SUSPENDING OR REVOKING CERTIFICATION.** (a) The department may summarily suspend or revoke a certification under sub. (1) if any of the following occur:

1. A swine in the herd tests positive for brucellosis.
 2. The herd owner fails to comply with sub. (1).
- (b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

Note: A herd owner affected by a suspension or revocation may request a hearing before the department under ch. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

History: CR 06-009, cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061, am. (1) Register June 2008 No. 630, eff. 7-1-09.

ATCP 10.291 Swine porcine reproductive and respiratory syndrome and swine enteric coronavirus disease; testing and control. (1) **WHO MAY COLLECT TEST SAMPLE.** A person who collects a porcine reproductive and respiratory syndrome and swine enteric coronavirus disease test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

- (a) An accredited veterinarian and, if the accredited veterinarian collects the test sample from swine in this state, a Wisconsin certified veterinarian.
- (b) A person working under the direction of a veterinarian under par. (a), provided that the veterinarian submits the sample for testing.
- (c) An authorized employee or agent of the department or the federal bureau.

(2) **TEST PROCEDURE.** A test and test strategy used to determine whether the porcine reproductive and respiratory syndrome and the swine enteric coronavirus disease is in the herd of origin shall be approved by the department and shall provide 90% confidence that the disease would be identified if present at 30% prevalence in the herd by using one of the following:

(a) Collecting a pooled sample of swine by hanging a cotton rope in a group of swine as follows:

1. For herds with less than 150 swine, one pooled sample of swine shall be collected and tested. The number of swine to be pooled for samples shall be determined by the owner in consultation with his or her herd veterinarian.

(b) A farm-raised deer imported directly to a slaughtering establishment for slaughter shall comply with all of the following:

1. The farm-raised deer shall be accompanied by a completed federal bureau form VS 1-27 or a valid certificate of veterinary inspection.

Note: Federal bureau form VS 1-27 must be completed by an accredited veterinarian, an authorized state animal health official, or the federal bureau.

2. The farm-raised deer shall be tested for chronic wasting disease under the testing standards established by the state of origin.

(3) **CERTIFICATE OF VETERINARY INSPECTION; CONTENTS.** A certificate of veterinary inspection under sub. (2) (a) shall include all of the following:

(a) A tuberculosis certification under sub. (4).

(b) A report of compliance with brucellosis testing requirements specified, in the brucellosis uniform methods and rules, for interstate movement of farm-raised deer.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wopeportal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(d) Official individual identification on the farm-raised deer.

Note: See ss. ATCP 10.47 (hunting ranches), 10.53 (chronic wasting disease herd status program enrollment), and 10.54 (deer identification) for requirements for 2 forms of individual identification on farm-raised deer.

(e) The following statements or substantially similar statements:

1. "All cervids identified on this certificate originate from a herd enrolled for the past 5 years in a state chronic wasting disease program meeting the federal bureau standards."

2. "All cervids identified on this certificate originate from a herd that has shown no clinical signs of chronic wasting disease in the past 12 months."

3. "All cervids identified on this certificate originate from a herd that is adequately separated from any wild deer herd known to be infected with chronic wasting disease."

(4) **TUBERCULOSIS STATUS.** A certificate of veterinary inspection under sub. (2) (a) shall certify one of the following:

(a) The farm-raised deer originates from a herd that qualifies as an accredited tuberculosis-free herd under s. ATCP 10.49 (1) (a).

(b) The farm-raised deer originates from a herd that qualifies as a tuberculosis qualified herd, based on a whole herd test completed within 365 days prior to the import date.

History: CR 08-009, cr. Register September 2008 No. 609, eff. 10-1-08; CR 07-107, r. (3) (c), (d), (4) (c), (d) and (5), am. (4) (b) Register November 2008 No. 635, eff. 12-1-08; CR 11-048, am. (3) (c) Register July 2013 No. 679, eff. 8-1-12; CR 15-058, am. (2) (b) (intro.), 1., 2., cr. (3) (d), am. (3) (c) Register March 2014 No. 699, eff. 6-1-14; CR 15-092, resub. (3) (c) to (3) (e) (intro.) and 1. and am., cr. (3) (e) 2., 3. Register July 2016 No. 727, eff. 10-1-16.

ATCP 10.56 Moving farm-raised deer in Wisconsin.

(1) **CERTIFICATE OF VETERINARY INSPECTION REQUIRED.** A valid certificate of veterinary inspection shall accompany every farm-raised deer that is moved from a herd in this state, except that no certificate of veterinary inspection is required for any of the following:

(a) A farm-raised deer moved directly to slaughter, if all the following apply:

1. The farm-raised deer is accompanied by a completed federal bureau form VS 1-27, or a department permit under s. ATCP 10.08 (3).

Note: Federal bureau form VS 1-27 may be completed by an accredited veterinarian, an authorized state animal health official, or the federal bureau.

2. The farm-raised deer is tested for chronic wasting disease after being slaughtered as required under s. ATCP 10.52 (1) (a) or (b), if the deer is any of the following:

a. At least 12 months old and originates from a herd enrolled in the chronic wasting disease herd status program under s. ATCP 10.53.

b. At least 16 months old and does not originate from a herd enrolled in the chronic wasting disease herd status program under s. ATCP 10.53.

3. The farm-raised deer has identification required under s. ATCP 10.54 (2) (a).

(b) A farm-raised deer moved, pursuant to a permit under s. ATCP 10.08 (3), between institutions that are accredited by the association of zoos and aquariums.

(c) A farm-raised deer moved between 2 locations that are covered by the same registration certificate under s. ATCP 10.46 (4) (b).

(d) A farm-raised deer movement that is treated as a movement within a single herd for purposes of s. ATCP 10.46 (5) (b).

(2) **CERTIFICATE OF VETERINARY INSPECTION; CONTENTS.** A certificate of veterinary inspection under sub. (1) shall be signed by a Wisconsin certified veterinarian who is the herd veterinarian for the herd of origin. The certificate shall include all of the following:

(a) The tuberculosis certification under sub. (3).

(b) The chronic wasting disease certification under sub. (4).

(c) Official individual identification of the farm-raised deer.

Note: The certificate of veterinary inspection may also include any auxiliary identification on the farm-raised deer.

(3) **TUBERCULOSIS CERTIFICATION.** A certificate of veterinary inspection under sub. (1) (a) shall certify one of the following:

(a) The farm-raised deer originates from an accredited tuberculosis-free herd under s. ATCP 10.49.

(b) The farm-raised deer originates from a herd that is classified as a tuberculosis qualified herd under s. ATCP 10.49, based on a whole herd test completed within the preceding 365 days.

(c) The farm-raised deer meets all of the following requirements:

1. It originates from a tuberculosis monitored herd under s. ATCP 10.49.

2. It has tested negative on a tuberculosis test conducted no more than 90 days prior to the movement date.

3. It has been continuously isolated since the test under subd. 2., in a manner that prevents it from contracting tuberculosis from other cervids.

(d) The farm-raised deer meets all of the following requirements:

1. It has tested negative on 2 tuberculosis tests conducted 90 to 170 days apart, and the second test was performed within 90 days prior to the movement date.

2. It has been isolated since the first test under subd. 1., in a manner that prevents it from contracting tuberculosis from other cervids.

Note: The department offers a pamphlet describing suggested bio-security measures to prevent the transmission of tuberculosis. You may obtain a copy by calling (608) 224-4872, by visiting the department website at <http://atcp.wis.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(f) The farm-raised deer meets all of the following requirements:

1. The farm-raised deer is moving into a hunting ranch holding a certificate under s. ATCP 10.47.

2. It originates from a herd that has completed a whole herd test.

3. It has tested negative on a tuberculosis test conducted no more than 90 days prior to the movement date.

(c) A goat imported from a modified accredited state may not be removed from the premises where it is first received in this state unless one of the following applies:

1. The goat test negative for tuberculosis under par. (d).
2. The goat is shipped directly from the premises to a slaughtering establishment for slaughter.
3. The goat is imported directly to an exhibition in this state, and is returned directly from that exhibition to its state of origin.

(d) The owner of a goat imported from a tuberculosis modified accredited state shall have the goat tested for tuberculosis not less than 60 days nor more than 90 days after it is imported.

History: CR 06-079; cr. Register September 2006 No. 689, eff. 10-1-06; CR 11-048; am. (1) (b) 4, (2) (table) (a) (intro.) Register July 2012 No. 679, eff. 8-1-12; CR 15-092; am. (1) (b) 4, Register July 2016 No. 717, eff. 10-1-16.

ATCP 10.77 Moving goats in Wisconsin. (1) Except as provided in sub. (2), no person may sell or move a goat within this state unless that goat bears an official individual identification.

(2) Subsection (1) does not apply to any of the following:

- (a) A neutered goat under 12 months old.
- (b) A goat under 12 months old that is shipped directly to a slaughtering establishment for slaughter.

History: CR 06-079; cr. Register September 2006 No. 689, eff. 10-1-06.

Subchapter X1 — Other Animals

ATCP 10.80 Dogs and domestic cats; imports. (1) CERTIFICATE OF VETERINARY INSPECTION. Except as specified under sub. (3), no person may import any dog or domestic cat into this state unless it is accompanied by a valid certificate of veterinary inspection. The certificate shall indicate all of the following:

- (a) The age of the dog or domestic cat.
- (b) A report of rabies vaccination if required under sub. (2). The report shall include the date on which the dog or domestic cat was last vaccinated for rabies by a licensed veterinarian.
- (c) The date on which the dog or domestic cat is due to be vaccinated or re-vaccinated for rabies.

(2) RABIES VACCINATION REQUIREMENT. (a) Except as provided in par. (b), no person may import a dog or domestic cat into this state unless the dog or domestic cat has a current rabies vaccination.

(b) An imported dog or domestic cat that is under 5 months of age may be imported without a current rabies vaccination administered by a licensed veterinarian, provided that the owner has the dog or cat vaccinated by a licensed veterinarian by the date on which the dog or cat reaches 5 months of age.

(c) A rabies vaccination under this section shall comply with label instructions, age standards, and time standards approved by the federal bureau for the type of vaccine used.

(3) A certificate of veterinary inspection is not required under sub. (1) for any of the following:

(a) A dog imported directly to a veterinary facility for treatment, provided that the dog is returned to its place of origin immediately following treatment and there is no change of ownership while the dog is in this state.

(b) A dog returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the dog was taken directly to the veterinary facility and there was no change of ownership while the dog was outside the state for veterinary treatment.

History: CR 06-079; cr. Register September 2006 No. 689, eff. 10-1-06; CR 11-048; cr. (1) (title), r. and rec. (1) (a), am. (1) (b), (c), r. and rec. (2), renum. (3) to be (2) (c) Register July 2012 No. 679, eff. 8-1-12; CR 15-092; am. (1) (intro.), cr. (3) Register July 2016 No. 717, eff. 10-1-16.

ATCP 10.81 Circus, rodeo, and menagerie animals; imports. (1) PERMIT REQUIRED. No person may import any cir-

cus, rodeo, or menagerie animal into this state without a written permit from the department under s. ATCP 10.07 (2).

(2) PERMIT CONDITIONS. A permit under sub. (1) is subject to the following conditions:

(a) Every animal shall be accompanied by a valid certificate of veterinary inspection. The certificate shall include the number of the import permit issued by the department under sub. (1).

(b) All animals shall meet applicable import requirements under this chapter.

(c) All animals shall be isolated from non-circus, non-rodeo, and non-menagerie animals, and from native wildlife in the state. Facilities and vehicles used for the animals shall be cleaned and disinfected before being used for other animals.

Note: Animals used for racing events must comply with the import requirements for that species under this chapter.

History: CR 06-079; cr. Register September 2006 No. 689, eff. 10-1-06; CR 11-048; am. (title), renum. (1) (a) to be (1) and am. r. (1) (b), am. (2) (a) Register July 2012 No. 679, eff. 8-1-12; CR 15-055; renum. (1) (a) to (1) Register March 2014 No. 699, eff. 6-1-14.

ATCP 10.82 Exotic ruminants; imports. (1) CERTIFICATE OF VETERINARY INSPECTION. No person may import an exotic ruminant into this state unless a valid certificate of veterinary inspection accompanies the animal. The certificate shall include the following information:

- (a) The import permit number under sub. (2).
- (b) A report of a negative tuberculosis test under sub. (3).
- (c) A report of a negative brucellosis test under sub. (4).

(2) IMPORT PERMIT. No person may import an exotic ruminant into this state without an import permit under s. ATCP 10.07 (2).

(3) TUBERCULOSIS TEST REQUIRED. (a) Except as provided under par. (b), no person may import an exotic ruminant into this state unless the exotic ruminant tests negative on a tuberculosis test that is approved by the department for that species of exotic ruminant. The test shall be conducted not more than 60 days prior to the import date.

Note: To obtain a list of tuberculosis tests approved for various species of exotic ruminants, contact the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608)224-4872

(b) Paragraph (a) does not apply to an exotic ruminant imported directly to an institution accredited by the association of zoos and aquariums. An animal imported to an accredited institution under this paragraph may not be moved to any place that is not an accredited institution unless the animal tests negative on a tuberculosis test approved for that species by the department. The test shall be conducted not more than 60 days before the animal is moved.

(4) BRUCELLOSIS TEST REQUIRED. (a) Except as provided in par. (b), no person may import an exotic ruminant into this state unless the animal tests negative on a brucellosis test conducted not more than 30 days prior to the import date.

(b) Paragraph (a) does not apply to any of the following:

1. An exotic ruminant imported directly to an institution accredited by the association of zoos and aquariums. An exotic ruminant imported to an accredited institution under this paragraph may not be moved to any place that is not an accredited institution under this paragraph, unless the exotic ruminant tests negative on a brucellosis test conducted not more than 30 days before the exotic ruminant is moved.

2. An exotic ruminant that has been gelded.

History: CR 06-079; cr. Register September 2006 No. 689, eff. 10-1-06; CR 11-048; am. (2) Register July 2012 No. 679, eff. 8-1-12; CR 15-055; am. (3) (b), (4) (b) Register March 2014 No. 699, eff. 6-1-14; CR 15-092; r. (3) (c), renum. (4) (b) to (4) (b) (intro.) and 1. and am., cr. (4) (b) 2. Register July 2016 No. 717, eff. 10-1-16.

ATCP 10.83 Ratites; imports. No person may import a ratite into this state unless both the following apply:

Markor, Kelly A - DATCP

From: Rep.Swearingen - LEGIS <Rep.Swearingen@legis.wisconsin.gov>
Sent: Tuesday, August 28, 2018 5:17 PM
To: Ripp, Keith - DATCP; Girard, Alexander C - DATCP
Subject: FW: DATCP Testimony from Judy Domaszek
Attachments: Wildwood Letter.pdf; Wildwood Wildlife Park Economic .pdf

Good Afternoon Keith and Alex,

I wanted to forward the attached testimony from Judy Domaszek, the Director of the Wildwood Wildlife Park, regarding certain zoo exemption provisions under Wis. Admin. Code Ch. ATCP 10.

I know we touched based regarding this issue last week, but instead of submitting another full testimony, I wanted to make it known that I wholeheartedly agree with Judy. It is my hope that we can find an adequate solution on this.

Thanks again. Have a good week.

Rob



ZOOLOGICAL ASSOCIATION
OF AMERICA

Wisconsin Department of Agriculture, Trade and Consumer Protection
ATTN: DATCP Board Members
DATCP Board Member
PO Box 8911
Madison, WI 53708-8911

August 28, 2018

Dear DATCP Board Members; Miranda Leis, Andy Diercks, Dennis Badtke, Dean Strauss, Nicole Hansen, Paul Palmby, Greg Zwald, Kurt Hallstrand, Paul Bauer, Dr. Darlene Konkol

Zoological Association of America (ZAA) is a zoological trade organization that represents professionally managed zoos, aquaria, conservation breeding facilities, wildlife conservation ranches, and conservation education-based animal ambassador programs. With more than sixty accredited members, the ZAA is the second largest trade association in the zoological sector. ZAA accreditation of professional zoological facilities is predicated on promoting the highest standards of animal welfare, as well as public and staff safety. ZAA supports professional animal ownership and the concept that animal care and management is most effective when it is tailored to the specific needs of respective collections. Our leadership team is comprised of experienced zoological professionals having decades of firsthand experience.

ZAA is proud to inform you that one of your very own, Wildwood Wildlife Park Zoo and Safari owners Duane and Judy Domaszek located in Minocqua WI, is an accredited member of ZAA since 2008. Wildwood Wildlife Park went through another intensive reaccreditation process in July 2018. Wildwood Wildlife Park is the 2nd largest private zoological facility in the state of Wisconsin and is ZAA accredited assuring the public that when they visit we meet the highest standards.

ZAA seeks parity with the Association of Zoos and Aquariums (AZA) on preferential exemptions as listed in Agriculture Trade and Consumer Protection (ATCP10) Animal Disease and Movement. ZAA accredited facilities follow USDA/APHIS policies and protocols for animal health and movement. The movement of wildlife including Swine and Cervids requires pre-shipping health screen accompanied by a veterinary health certificate and a 30-day quarantine for incoming animals. This is the same for AZA accredited facilities.

ZAA is on par with the Association of Zoos and Aquariums (AZA) animal welfare standards, safety and accreditation. ZAA has the best safety record of any zoological trade association in North America and an accreditation process to establish an extremely high bar with respect to professional animal standards, best management practices and exemplary animal care and welfare.

ZAA's stringent accreditation focuses on staff, animal and guests' safety; animal care, welfare, and husbandry; state and federal compliance; veterinary care; nutrition; enrichment; security; facility maintenance; recordkeeping; and a review of policies, procedures, and protocols. The accreditation program maintains a

P.O. Box 511275 • Punta Gorda, FL 33951-1275 • (941) 621-2021 • info@zaa.org • www.zaa.org

benchmark for standards of operation and surpasses the standards of the federally mandated USDA/APHIS Animal Welfare Act.

Accreditation is an extremely intensive, multi-phased process that may take up to one year or more to complete. The first phase of this process requires an application that may reach more than one hundred pages or more in length. Applications, which must be sponsored by two existing ZAA members, undergo internal peer review, site inspection, accreditation committee approval and full Board of Directors approval. Following approval of the first phase, a three-month review period is required prior to pursuing the second phase of the application process. During this period, ZAA works in partnership to ready the applicant for the formal accreditation process, which includes a second site inspection, accreditation committee approval and full Board of Directors approval.

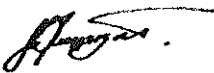
ZAA recognizes that exotic animals are wild animals and their care requires specialized training, housing, safety, veterinary attention, and compliance with state and federal regulations, therefore, ZAA condemns the keeping of Class I animals and primates as pets.

ZAA accredited members are professional institutions that set the bar high with respect to professional animal standard, best management practices and exemplary animal care and welfare. USDA/APHIS Animal Welfare Act regulates all the zoos in the United States and all the zoos hold the same licensing through USDA/APHIS to operate their businesses.

ZAA has been in existence for 14 years and is an inclusive trade association focusing on responsible animal ownership while serving the needs of its members. ZAA accomplishes this through an objective facility accreditation process and animal welfare standards.

Please visit <http://zaa.org> and get to learn more about our association and its membership. If you have any questions, please do not hesitate to contact us.

Sincerely,



John Seyjagat
Executive Director
Zoological Association of America
john@zaa.org
<http://zaa.org>
4433925897



Judy and Duane Doimaszek
Owners/Directors
Wildwood Wildlife Park Zoo & Safari
Minocqua, WI 54548
nature@wildwoodwildlifepark.com
715-358-7808 or 715-892-0215

• Attachment (2 pages) Economic Impact

Wildwood Wildlife Park
10094 Hwy 70 West
Minocqua, WI 54548

Judy and Duane Domaszek
Park Owner/Director



Phone (715) 356-5588
E-Mail nature@wildwoodwildlifepark.com

Wisconsin Department of Agriculture, Trade and Consumer Protection
ATTN: DATCP Board Members
DATCP Board Member
PO Box 8911
Madison, WI 53708-8911

August 28, 2018

Dear DATCP Board Members; Miranda Leis, Andy Diercks, Dennis Badtke, Dean Strauss, Nicole Hansen, Paul Palmby, Greg Zwald, Kurt Hallstrand, Paul Bauer, Dr. Darlene Konkol

For the past five years I have been engaged in legislative hearings in regard to more restrictive animal rules. At every hearing the following exemption is discussed:

EXEMPTIONS. 1. An entity that is an accredited member of the Association of Zoos and Aquariums (AZA)

I have asked several of the DATCP Board members many times why the exemption was in place and not one person could give me a reason why.

Given the current statutory recognition by Kansas, Texas, Nevada, Arizona, Arkansas, Ohio, Oregon, Nebraska, Connecticut, Illinois, South Carolina (Beaufort Co.) and Maine, which uses its written standards, it would make sense for the current DATCP rulemaking to include an exemption for facilities accredited by the Zoological Association of America (ZAA) as well. The second-largest zoological accrediting association in the nation has equivalent standards for animal care and a better safety record than the currently exempted older association.

As upgrades to Admin. Code Chapter ATCP 10 (Animal Disease and Movement) are considered in this rule-making, parity with the Association of Zoos and Aquariums on preferential exemptions as listed in Agriculture Trade and Consumer Protecting (ATCP10) is clearly warranted as state-of-the-art regulation.

We are a privately owned zoological park and have been accredited with the Zoological Association of America (ZAA) since 2008. As you can see I do not fit into any of the exempt categories, which literally threatens to run my family business out of business.

Wildwood Wildlife Park has been a cornerstone for the community for over 60 years. Tourism plays a critical role in our community and Wildwood Wildlife Park is the #1 attraction in the Northwoods. Our park draws by itself over 169,000 tourists annually from local and surrounding communities, Wisconsin, Minnesota, Illinois, Michigan, Iowa and many other states. Lodging, restaurants, retail shops, grocery stores, and gas stations are all beneficiaries of this zoologically inspired tourism. Wildwood Wildlife Park also positively impacts the education industry by providing a learning environment for over 18,000 elementary, middle, and high school students and teachers. Wildwood Wildlife Park also provides valuable internship programs for university undergraduates.

Wildwood Wildlife Park continues to offer zoo memberships with over 4,000 zoo members that come back to the community endless times throughout the season, bringing additional revenue to the area.


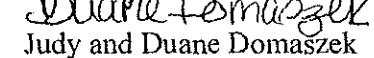
Wildwood Wildlife Park hosted an annual Halloween Zoo Boo event for one day that brings over 5,000 people into the area during late fall which is very helpful to the community since the tourism season is winding down. We always hear from the surrounding restaurants thanking us for giving them one last shot of tourist revenue before winter.

Wildwood Wildlife Park employees 40-45 people consisting of college graduates in Zoology/Biology/Animal Science (Zookeepers) Commercial Construction (Builders) and many seasonal employees.

Every year Wildwood Wildlife Park tourism attendance has grown 2-3%, which in turn brings more people into the area spending more money keeping the revenue at home!

Wildwood Wildlife Park continues to grow and expand the park. In the past five years 15 new building/exhibits were completed. These projects have a major economic impact on construction plumbing/electricians, concrete, landscaping, painters, excavators, and fencing. We have 26 family-owned and operated businesses that we network with for all our zoo projects. The DATCP rule making would impact not just our business but also a huge number of businesses in our community.

Sincerely;



Judy and Duane Domaszek

Markor, Kelly A - DATCP

From: Gary Thompson <gwdjthom@comcast.net>
Sent: Sunday, August 26, 2018 5:41 PM
To: Girard, Alexander C - DATCP
Subject: Emergency Rule regarding Deer Farm Fencing

Dear Mr Girard,

We have a 700 acre deer farm with probably less than 20 deer. We have a current annual farm raised deer herd registration. We have tested 128 deer for CWD since 2002 and have had all negative results. We have no other farm raised animals.

There are 5 miles of fencing around our 700 acres. It is expensive and impractical to even think of the suggested options for new fencing. According to Dr Nicholas Hailey the risk for infection of live deer through urine or saliva at the fence line is very low.

We do not move deer. Non moving deer or hunting ranches such as we have, have very low risk of spreading CWD.

We would hope to have an exemption for this very low risk situation from the new emergency rules for fencing.

Gary W Thompson,
Twin Lakes Camp,
27260 Thompson Road
Webster WI



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

August 29, 2018

Wisconsin Department of Agriculture, Trade and Consumer Protection
ATTN: DATCP Board Members
PO Box 9811
Madison, WI 53708

Dear DATCP Board Members:

We are writing you today on behalf of Wildwood Wildlife Park Zoo and Safari which is located in Minocqua, WI and is an accredited member of the Zoological Association of America (ZAA). Wildwood is an outstanding zoo that has been a part of the community for over 60 years.

As you contemplate modifications to ATCP 10, we ask that you consider establishing more parity by holding zoos accredited by the Association of Zoos and Aquariums (AZA) and zoos accredited by the ZAA to the same rules. There are exemptions throughout the chapter that apply to some zoos but not others simply because of the association they belong to.

Wildwood Wildlife Park is the second largest private zoo in Wisconsin. It is highly professional organization with an outstanding health and safety record. They follow very stringent animal standards and provide exemplary animal care and welfare. Wildwood follows the same USDA/APHIS Animal Welfare Act regulations and is licensed through the same USDA/APHIS to operate their business as an AZA accredited zoo.

Extensive rules and regulations are a detriment to any business. We have seen first-hand the excellent work Wildwood does and ask for a fair playing field for them. Please consider allowing the same exemptions for the Wildwood Wildlife Park that other zoos are afforded.

Sincerely,

Tom Tiffany
Wisconsin State Senate
12th Senate District

Rob Swearingen
Wisconsin State Representative
34th Assembly District

August 29, 2018

Division of Animal Health
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

TO: alexanderc.girard@wisconsin.gov

RE: Public comment on Wis. Admin. Code Chapters ATCP 10

The proposed Emergency Scope Statement Regarding Farm-Raised Deer Movement and Fencing

Mr. Girard,

It has come to my attention that the Department of Agriculture is again seeking input from the public regarding the economic impact of the pending permanent rule regarding to WI Admin Code Chapters ATCP10 (Animal Disease and Movement).

As I commented on this issue before, I'm the owner of Tannenbaum Acres, a choose-and-cut Christmas Tree Farm West of Janesville. We are also a Wisconsin Licensed Deer Farm because of Reindeer on our property for marketing purposes. Even though we grow Christmas Trees on our farm, what we really sell is a Wisconsin Ag-Tourism experience of Jump Starting the Christmas Holiday Season by shopping for and cutting down a Christmas Tree in our field. We have customers coming from all over Southern Wisconsin and Northern Illinois in November and December to find a tree and make their annual visit to see our Reindeer.

As for CWD, Wisconsin Licensed Deer Farms are very much aware of the current situation and are very concerned about it's continued progression. In our situation, our farm is a little different than most farms in that we are not in the business of buying and selling deer. Our deer are more like pets and are esthetically appealing to our customer base at the farm and are frequent subjects of customer photo shoots.

As for the double fencing proposal, it makes sense for us because it would protect the captive CWD Certified Deer from the unknown, untested wild deer that may be infected with the disease. Thus, it could be viewed as a way to protect an investment. Although, our farm is quite small compared to some deer farms that occupy several hundred acres. For us, the investment of constructing an additional fence would be nowhere near what some deer farms would have to pay to double fence their farm. Maybe the state can come up with some type of program to financially help or assist these larger farms double fence their property. If the state can help Giant Foxconn, why can't it come up with some way to help it's own Wisconsin Licensed Deer Farms.

As for the proposed rule of banning the movement of farm-raised deer in any county affected by CWD, I am **in total opposition**. First of all, this would devastate Wisconsin Licensed Deer Farms financially

because unlike my little farm, most deer farms thrive on the ability to buy and sell deer which results in the ability to move deer. It has been estimated that this rule alone would force 80% of Wisconsin Licensed Deer Farms out of business because they could not afford to feed their herd. Now this would qualify as a major negative economic impact! Farms would be forced to put down their herd and possibly file for bankruptcy!

On the non-financial side of the issue is the fairness of the movement issue. Here we are looking at banning deer movement for Wisconsin residents owning Wisconsin Licensed Deer Farms which have been paying taxes and complying with current DATCP regulations with their registered herd while Wild unregistered deer roam the Wisconsin countryside at will with no accountability, no testing, spreading the disease at will. I am constantly reminded of this every time I drive a country road in Wisconsin where I come across deer hit by cars laying dead along side the road for days and weeks.

In closing, I think the proposed ban on the movement of farm-raised deer is not the solution to preventing the spread of CWD. If we take away the ability to move farm-raised deer, we are shutting down the farm-raised deer industry which could possibly eliminate the controlled herd. Why are we penalizing the Deer Farmer here when they are probably the potential solution for the problem? The state needs to work with these farmers to eradicate this disease. If we put the Deer Farmer out of business, we will still have CDW in the wild herd.

Thank You for the opportunity to comment on this issue

Mark Utzig
Tannenbaum Acres

Markor, Kelly A - DATCP

From: John Wetzel <john769@centurytel.net>
Sent: Saturday, July 21, 2018 1:27 PM
To: Girard, Alexander C - DATCP
Cc: Wetzel, John
Subject: Comments - Statement of Scope

To: Board of Agriculture, Trade and Consumer Protection
21, 2018

July

Subject: ATCP 10 (Emergency Rule) - Animal Diseases and Movement (Statement of Scope)

I am very concerned about the spread of CWD in the state's wild deer herd. I live in La Crosse County and with a CWD positive deer found last fall only 3 miles south in Vernon, County, we will soon have CWD here.

As CWD spreads (51 counties presently have baiting and feeding rules), it will dramatically change our long tradition of deer hunting and will greatly impact our smaller and northern communities as well as this overall billion dollar industry. We can't let this happen!

I therefore urge you at your meeting on July 24 to adopt the Statement of Scope to enhance fencing on all cervid deer farms and prohibit movement of deer and all cervids from deer farms in CWD affected counties.

We need to all work together to prevent any further expansion of CWD and protect our wild deer herd and our deer farms.

Sincerely,

John Wetzel
N8020 Amsterdam Prairie Rd
Holmen, WI 54636
608-526-4238

Markor, Kelly A - DATCP

From: cathy wilger <cwilger@sbcglobal.net>
Sent: Tuesday, August 28, 2018 8:44 AM
To: Girard, Alexander C - DATCP
Subject: Allowing Reindeer to appear at Port Washington's Christmas on the Corner

Good Morning Mr. Girard;

My name is Cathy Wilger and I am a Co-Director/Event Coordinator of the Port Washington Main Street Organization in Port Washington, WI. I am writing to you today regarding the ATCP 10 ruling.

Annually, the first Saturday of December, we have an event called Christmas on the Corner. For over 10 years one of the highlights of the event has been the Reindeer from Reindeer Games. Reindeer Games has been a wonderful business to work with. They conduct themselves professionally and have always kept the safety of the event attendees and the safety of the reindeer a #1 priority. In the 10+ years working with them, we have never had an incident to have concern for the safety of our patrons.

This event kicks off the holiday season for our downtown businesses. Roughly 1500 -2000 people attend this event with their families. Not only do they shop in the stores that evening, but many return before Christmas to purchase something they have seen during the event. The reindeer are a big reason why people attend Christmas on the Corner. Their appearance has an economic impact on our community. People come to our event because they enjoy the feeling of a small town USA Christmas and how it puts you in the Christmas spirit. Not having the reindeer will not only take some of that Christmas magic away but it will have an effect on sales at our businesses.

Please reconsider restricting their movement in our state. If ATCP 10 is released as written, they will not be able to operate as they have in the past. Reindeer will not be available for holiday events.

Sincerely,
Cathy Wilger
PWMS Co-Director/Event Coordinator
262-416-8031

Markor, Kelly A - DATCP

From: Brian Wolf <bwolf2@frontier.com>
Sent: Tuesday, August 28, 2018 10:19 AM
To: Girard, Alexander C - DATCP
Subject: Public Comment relating to the Animal Disease and Movement... Rules
Attachments: Public Comment of Animal Movement Legislation 08292018.docx

Please see attached comments.

8/28/2018

Alexander Girard
Wisconsin DATCP
Office of Secretary

Dear Sir,

Following are comments on proposed, permanent rule-making related to Animal Disease and Movement and the economic impact these changes will incur upon the producer.

1. If 2 CWD positive deer are found within 5 miles of a cervid farm, the DNR must be required to Put up a fence around the cervid farm to protect it from the spread of CWD to the fenced-in, Monitored cervids at their expense. This is only fair as currently a CWD positive animal found within a fenced-in ranch results in the farmer having to bear the cost of double fencing along with the devastating effects of being quarantined. The DNR is failing in protecting the farmer But excellent at shifting blame and expense to the monitored cervid farm operation.
2. Movement restrictions. I believe the proposed rule will prohibit the movement of a live animal from a cervid farm to slaughter if the farm resides in a CWD-affected county. This must not be allowed to happen. Paying for an inspector to come to your farm would be cost prohibitive, Especially if the slaughter facility is a considerable distance from your farm. Also, the butcher shop needs the inspector at the facility on the kill floor on the scheduled day. If a cervid farmer requires need for an inspector to come to his farm, the slaughter facility will refuse to butcher the cervid animals so that the schedule of the inspector's schedule is not disrupted. Working slaughter into the butcher shops schedule is already difficult, and not being allowed to bring our Animals to slaughter live would be a huge burden. All my animals heads are then taken to the veterinarian and hour drive away. I have never had a positive in 15 years.
In addition, killing a cervid on the farm and then transporting the animal to a butcher facility Will turn a half day job into a full day job. This will be time consuming and the quality of the meat may be affected.
3. Enhanced fencing. The cost of enhanced fencing is prohibitive. Double fencing a 20 acre farm 12 years ago cost about \$38,000. I'm sure today's cost is much higher.
The electric fence option, while less expensive to install, is labor intensive to keep grass and shrubs from shorting out the fence. While spraying the area under the fence with round-up may seem to offer a viable solution to weed growth, round-up is associated with causing cancer and I wouldn't allow it to be used on my property. Farming elk is extremely close to organic, natural farming. Using a chemical herbicide anywhere near the cervids would cause the customers to loose faith in my product, causing a loss in customer base.

According to your writing, the lower strand would be 6 inches from the ground. This is unworkable. I would have to be checking the fence daily for grass and shrub shorting the fence. Why 6 inches? The person writing this rule has obviously never worked with electric fences. The lower strand, even at 24 inches, would be a burden but perhaps less of one. I suggest 24", 30" and 36" to make it a little more workable.

Unfortunately, none of the fencing is supported by science. I suggest holding off with this expensive requirement until more is known about the spread of CWD.

4. Providing transportation upon request. There is a statement in the proposed rule in the enhanced fencing section which requires the farmer to provide transportation to department staff upon request. Is this from DATCP to the farm and back? This would be totally cost prohibitive.
5. Change in Deer Farm registration date. Currently this date is March 15th of each year.
Since calves are born in late May and June, the unborn animals do not count in your annual census until the following year. For a small farmer with less than 15 animals, this could put him into the more expensive bracket of more than 15 animals. This could easily double the registration fee for the small producer and be a burdensome expense yearly.
6. I think DATCP should look at requiring rectal biopsies before animals are sold to another farm or sold out of state. They are widely used in Texas and there must be considerable data on its effectiveness. In addition, it can detect CWD months before the animal tests positive with the IHC test. This would be forward thinking by the department and welcomed by the industry.
7. Wisconsin will have a huge problem with CWD down the road. The problem is manageable with fenced-in cervids, but not with unmanaged wild deer spreading the disease. These regulations are killing a wonderful industry. The industry will lead the way to solving this issue for the state. There is much interest in breeding animals resistant to CWD. Industry success would eventually transfer to the wild herd. Putting the cervid industry out of business is not the solution. My gut feeling is that this whole issue is a front by the DNR to bring in more wild elk into the state after the cervid industry is put out of business. Then they can make a ton of money selling licenses for the chance of shooting an elk. I would hope that DATCP is above this attempt to put the cervid farmer out of business. All cervid farmers love farming and love their animals. Please help us!

Thank you.

Brian Wolf
Bugling Pines Elk Farm
414-313-0718
Bwolf2@frontier.com

Markor, Kelly A - DATCP

From: Jim Wysocki <jim.wysocki@rpespod.com>
Sent: Wednesday, August 29, 2018 2:39 PM
To: Girard, Alexander C - DATCP
Subject: DATCP permanent deer rule

I and my two brothers-in-law own a 140 acre hunting ranch and adjoining 20 acre breeding facility in Portage county.

We do not ship any live deer so our only sale of deer is for hunts or slaughter.

We are very concerned with the enhanced fencing requirements.

Our farm is located in a beautiful cedar and lowland hardwood forest and it is inaccessible to heavy equipment except for some hard freeze winters.

We currently have a 10' tall fence (2' higher than required) with 5" thick posts (1" thicker than required), spaced at 19' apart, and a 22" fence on the ground attached to the bottom of the fence to eliminate digging animals from making openings. We feel that this answers the requirement of preventing escapes.

If we end up installing a second interior fence with the sole benefit to stop direct contact we would like the option of installing an 8' fence with a pole spacing of 50'. This fence is a barrier to prevent direct contact and therefore should have lower cost requirements.

If we are to install an electric fence to address CWD in this rule then that farmer deserve compensation of the cost of materials, installation labor, site preparation. The deer farmer will end up paying the costs to maintain and control weed growth to ensure it works. The last estimates for the DNR emergency rule only listed materials for electric fence. Is DATCP doing the same? Is that lying to us? The public? Or just making it seem like the deer farmers can afford this?

I respectfully ask and expect that he state will reimburse the installed cost of the enhanced fencing. As I said earlier the deer farmer has preparation and maintenance costs incurred.

A 90 day or even 1 year installation period is extremely difficult to accomplish and with the surge of installation the availability of professionals will make it impossible. Also since ours will be a difficult installation the costs will far exceed what has been discussed and is more than what we can install ourselves.

Requiring us to provide vehicle transport of DNR employees to fence inspect 12 months of the year is in direct opposition of proper management of a wetland forest. Damned if we don't and damn poor land stewards / damned if we do. So how do we tell a DNR employee that we won't drive in a cedar swamp in the summer after a rain?

The worst part is that this **enhanced fencing will not STOP, SLOW, or reduce the spread of CWD**. But the leaving of carcasses in the field by hunter, along roads after car kills, and disposed behind houses or on country roads, by hunters, is a prime vector of CWD transmission. Yet the DNR is going slow and wanting to not inconvenience the hunting populations while demonizing our hunting business as the cause.

Respectfully submitted

Jim Wysocki

StoneHurst Woods LLC



Wisconsin Bear Hunters Association, Inc.

August 29th, 2018

Alexander Girard
DATCP Office of the Secretary
P.O. Box 8911
Madison, WI 53708-8911

Mr. Girard:

The Wisconsin Bear Hunters Association would like to go on record in opposition to proposed rule ATCP 10.80 (2m). This section of the proposed permanent rule would require all dogs that are being imported into Wisconsin (unless neutered) to have a recent brucellosis test.

This would place a very undue and unfair burden, particularly on sporting dog owners, who frequently purchase hunting hounds from out of state.

There is an active and well-developed marketplace for hunting hounds, with well-known breeders able to command a premium for hound pups with a good genealogy. Most of these breeders in Wisconsin are hobbyists who only raise a few litters a year, and so do not come under dog seller regulations. The same is generally true for breeders in other states.

It is current practice for the buyers and sellers to agree as to whether a Brucellosis test is needed. For many, it is an additional cost and hassle with very little payback as there is very little evidence of Brucellosis among these breeds of hounds. Hounds are often purchased at the end of an out of state hunting trip, so trying to get a test done without cutting short your enjoyment of the hunt would be very difficult.

The cost benefit analysis would show very little need for this new and onerous regulation.

We urge the Department and the DATCP Board to drop this provision altogether from the proposed permanent rule.

Thank you for your consideration and we are happy to discuss.

Carl Schoettel
President, WBHA