

## **Rulemaking Summary**

### **IDAPA 02.04.19 – Rules Governing Domestic Cervidae**

#### **Where is the rulemaking authority?**

Authority for this rulemaking resides in the Title 25 Chapter 3704 Idaho Code – Domestic Cervidae Farms

#### **What does this rule do?**

These rules govern procedures for the detection, prevention, control and eradication of diseases among domestic cervidae, and facilities, record keeping, and reporting requirements of domestic cervidae ranches.

#### **What is the agency proposing to change?**

The agency has performed Zero Based Regulation to simplify, clarify or remove outdated, unnecessary or irrelevant language in sections highlighted **blue** in the attached strawman. The amended language in these sections does not change the regulatory impact, scope, intent or authority in the current rule.

The agency has conducted an internal audit of this rule and identified multiple sections that may require amendments due to inaccurate or confusing language, recommendations to improve the efficiency of the program or changes that must be made to coincide with recent statutory amendments. The changes listed below, and highlighted in **yellow** in the attached strawman, do result in a change to the regulatory impact, scope, intent or authority in the current rule.

- Updating incorporations by reference to current version (Section 004)
- Create a definition of “endemic area” (section 010)
- Correct and clarify definition of “source herd” (section 010)
- Remove prohibition on reindeer farming north of the Salmon River; define what requirements are necessary to transport a reindeer off property for temporary exhibition (Section 020)
- Remove the fee for domestic cervidae that die during the same calendar year (Section 090)

- All facility requirements must be approved prior to population with cervids (Section 101)
- Require a summary report form be submitted with the annual inventory (Section 201)
- Change the due date for intrastate movement fees (Section 208)
- Require reindeer be included in CWD testing requirements (Section 500)

Recent discussions with industry and stakeholders have identified the topics listed below, and highlighted in **green** in the attached strawman, for review and potential amendment:

- Modification to the Red Deer Gene Factor testing and management requirements (Section 050)

## 02.04.19 – RULES GOVERNING DOMESTIC CERVIDAE

### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-203, 25-305, 25-601, and 25-3704, Idaho Code. ( )

### 001. TITLE AND SCOPE.

01. **Title.** The title of this chapter is “Rules Governing Domestic Cervidae.” ( )

02. **Scope.** These rules govern procedures for the detection, prevention, control and eradication of diseases among domestic cervidae, and facilities, record keeping, and reporting requirements of domestic cervidae ranches. ( )

### 002. – 003. (RESERVED)

### 004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference. ( )

01. **Bovine Tuberculosis Eradication, Uniform Methods and Rules, Effective January 1, 2005.** This document can be viewed online at [https://www.aphis.usda.gov/animal\\_health/animal\\_diseases/tuberculosis/downloads/tb-umr.pdf](https://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb-umr.pdf). ( )

02. **Code of Federal Regulations, Title 9, Part 161, January 1, 2016/2021.** This document can be viewed online at <https://www.govinfo.gov/content/pkg/CFR-2016-title9-vol1/pdf/CFR-2016-title9-vol1-chap1-toc-id4.pdf>. ( )

03. **Code of Federal Regulations, Title 9, Part 55, January 1, 2016/2021.** This document can be viewed online at <https://www.govinfo.gov/content/pkg/CFR-2016-title9-vol1/pdf/CFR-2016-title9-vol1-chap1-toc-id4.pdf>. ( )

04. **Code of Federal Regulations, Title 9, Subchapter A, Part 1 and 2, January 1, 2016/2021.** This document can be viewed online at <https://www.govinfo.gov/content/pkg/CFR-2016-title9-vol1/pdf/CFR-2016-title9-vol1-chap1-toc-id4.pdf>. ( )

### 005. – 009. (RESERVED)

### 010. DEFINITIONS.

01. **Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with Title 9, Part 161, CFR, January 1, 2004, to perform functions required by cooperative state-federal animal disease control and eradication programs. ( )

02. **Approved Laboratory.** NVSL, an AAVLD accredited laboratory that is qualified to perform CWD diagnostic procedures, or a laboratory designated by the Administrator to perform CWD diagnostic procedures. ( )

03. **Approved Slaughter Establishment.** A USDA inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by USDA inspectors. ( )

04. **Area Veterinarian in Charge.** The USDA/APHIS/VS veterinary official who is assigned to supervise and perform official animal health activities in Idaho. ( )

**Commented [DSL1]:** Update to 2021 version. Accredited veterinarian standards.

**Commented [DSL2]:** Update to 2021 version. CWD regulations

**Commented [DSL3]:** Update to 2021 version. Animal welfare regulations.

**Commented [DSL4]:** Redundant...defined in 9 CFR 55 & 9 CFR 161

05. **Breed Associations and Registries.** Organizations maintaining permanent records of ancestry or pedigrees of animals, individual animal identification records and records of ownership. ( )

06. **Certificate.** An official document issued by a state or federal animal health official or an accredited veterinarian at the point of origin of a shipment of cervidae that contains information documenting the age, sex, species, individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, the status of the animals relative to official diseases, test results and any other information required by the state animal health official for importation or translocation. ( )

Commented [DSL5]: Definition unnecessary...CVI already a state and federal requirement

07. **Cervid Herd.** One (1) or more domestic cervidae or groups of domestic cervidae maintained on common ground or under common ownership or supervision that may be geographically separated but can have interchange or movement. ( )

08. **Cervidae.** Deer, elk, moose, caribou, reindeer, and related species and hybrids including all members of the cervidae family and hybrids. ( )

09. **Chronic Wasting Disease.** A transmissible spongiform encephalopathy of cervids that is a nonfebrile, transmissible, insidious, and degenerative disease affecting the central nervous system of cervidae. ( )

10. **Commingleing.** Within the last five (5) years, the animals have had direct contact with each other, had less than thirty (30) feet of physical separation, or shared management equipment, pasture, or surface water sources, except for periods of less than forty-eight (48) hours at sales or auctions when a state or federal animal health official has determined such contact presents minimal risk of CWD transmission. ( )

11. **Custom Exempt Slaughter Establishment.** A slaughter establishment that is subject to facility inspection by USDA-FSIS, but that does not have ante-mortem and post-mortem inspection of animals by USDA inspectors. ( )

Commented [DSL6]: clarification

12. **CWD-Adjacent Herd.** A herd of domestic cervidae occupying premises that border a premises occupied by a CWD positive herd, including herds separated by roads or streams. ( )

13. **CWD-Exposed Animal.** A cervid animal that is not exhibiting any signs of CWD, but has had contact within the last five (5) years with cervids from a CWD-positive herd or the animal is a member of a CWD-exposed herd. ( )

14. **CWD-Exposed Herd.** A herd of cervidae in which no animals are exhibiting signs of CWD, but: ( )

a. An epidemiological investigation indicates that contact with CWD positive animals or contact with animals from a CWD positive herd has occurred in the previous five (5) years; or ( )

b. A herd of cervidae occupying premises that were previously occupied by a CWD positive herd within the past five (5) years as determined by the designated epidemiologist; or ( )

c. Two (2) herds that are maintained on a single premises even if they are managed separately, have no commingleing, and have separate herd records. ( )

15. **CWD-Positive Cervid.** A domestic cervid on which a diagnosis of CWD has been confirmed through positive test results on any official cervid CWD test by an approved laboratory. ( )

16. **CWD-Positive Herd.** A domestic cervidae herd in which any animal(s) has been diagnosed with CWD, based on positive laboratory results, from an approved laboratory. ( )

17. **CWD-Suspect Cervid.** A domestic cervid for which laboratory evidence or clinical signs suggests

a diagnosis of CWD. ( )

18. **CWD-Suspect Herd.** A domestic cervidae herd in which any animal(s) has been determined to be a CWD-suspect. ( )

19. **Death Certificate.** A form, approved by the administrator, provided by the Division for the reporting of cervidae deaths and for reporting sample submission for CWD testing. ( )

20. **Designated Epidemiologist.** A state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the Administrator to fulfill the epidemiology duties relative to the state domestic cervidae disease control program. ( )

21. **Disposal.** Final disposition of dead cervidae. ( )

22. **Domestic Cervidae.** Fallow deer (*Dama dama*), elk (*Cervus elaphus*) or reindeer (*Rangifer tarandus*) owned by a person. ( )

23. **Domestic Cervidae Ranch.** A premises where domestic cervidae are held or kept, including multiple premises under common ownership. ( )

24. **Electronic Identification.** A form of unique, permanent individual animal identification such as radio frequency identification tag, radio frequency identification implant, or other forms approved by the Administrator. ( )

**Endemic Area.** A geographical area designated by a state animal health official in the state of origin where animals located within that area are subject to an increased risk of acquiring a contagious disease. Most commonly in reference to Tuberculosis or Chronic Wasting Disease.

Commented [DSL7]: New definition

25. **Escape.** Any domestic cervidae located outside the perimeter fence of a domestic cervidae ranch and not under the immediate control of the owner or operator of the domestic cervidae ranch. ( )

26. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. ( )

27. **Harvest.** Any healthy domestic cervid that is intentionally and lethally removed from a domestic cervidae facility, by an owner, designated employee or customer of the facility, strictly for the purposes of either shooting or meat production. ( )

28. **Herd of Origin.** A cervid herd, on any domestic cervidae ranch or other premise, where the animals were born, or where they were kept for at least one (1) year prior to date of shipment. ( )

29. **Herd Status.** Classification of a cervidae herd with regard to CWD. ( )

30. **Intrastate Movement Certificate.** A form approved by the Administrator, and available from the Division, to document the movement of domestic cervidae between premises within Idaho. ( )

31. **Individual CWD Herd Plan.** A written herd management agreement and testing plan developed by the herd owner and approved by the Administrator to identify and eradicate CWD from a positive, source, suspect, exposed, or adjacent herd. ( )

32. **Limited Contact.** Incidental contact between animals of different herds in separate pens off of the herd's premises at fairs, shows, exhibitions and sales. ( )

33. **National CWD Herd Certification Program.** A federal-state-industry cooperative program administered by APHIS and implemented by participating states that establishes CWD surveillance and testing standards that owners must achieve before interstate transport of cervids will be permitted. ( )

34. **Official CWD Test.** A test approved by the Administrator and conducted at an approved laboratory to diagnose CWD. ( )

35. **Official Identification.** Identification, approved by the Administrator, that individually, uniquely, and permanently identifies each cervid. ( )

36. **Operator.** A person who has authority to manage or direct a domestic cervidae ranch. ( )

37. **Premises.** The ground, area, buildings, and equipment utilized to raise, propagate, control, or harvest domestic cervidae. ( )

38. **Quarantine.** An order issued on authority of the Administrator, by a state or federal animal health official or accredited veterinarian, prohibiting movement of cervids from any location without a written restricted movement permit. ( )

39. **Quarantine Facility.** A confined area where selected domestic cervidae can be secured and isolated from all other cervidae and livestock. ( )

40. **Ranch Management Plan.** A written plan for a domestic cervidae ranch that sets forth best management practices that mitigates the introduction or dissemination of disease among domestic cervidae. ( )

41. **Reidentification.** The identification of a domestic cervid which had been officially identified, as provided by this chapter, but which has lost the official identification device, or the tattoo or official identification device has become illegible. ( )

42. **Restrain.** The immobilization of domestic cervidae in a chute, other device, or by other means for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. ( )

43. **Restricted Movement Permit.** An official document that is issued by the Administrator, AVIC, or an accredited veterinarian for movement of animals from positive, suspect, or exposed herds. ( )

44. **Source Herd.** The herd or herds from where a producer acquired their existing livestock. A herd from which at least one (1) cervid has originated within the previous five (5) years and that cervid has been diagnosed CWD positive. ( )

Commented [DSL8]: Clarify & standardize the definition

45. **State Animal Health Official.** The Administrator, or Administrator's designee. ( )

46. **Status Date.** The date on which the Administrator approves in writing a herd status change with regard to CWD. ( )

47. **Trace Back Herd.** An exposed herd in which at least one (1) CWD positive animal resided within any of the previous sixty (60) months prior to diagnosis with CWD. ( )

48. **Trace Forward Herd.** A herd that has received exposed animals from a positive herd within sixty (60) months prior to the diagnosis of CWD in the positive herd or from the identified point of entry of CWD into the positive herd. ( )

49. **Traceback.** The process of identifying the movements and the herd of origin of CWD positive, or exposed animals, including herds that were sold for slaughter. ( )

50. **Wild Cervidae.** Any cervid animal not owned by a person. ( )

51. **Wild Ungulate.** Any four (4) legged, hoofed herbivore, including cervids and other ruminants, not owned by a person. ( )

52. **Wild Ungulate Cooperative Herd Plan.** A plan, developed cooperatively by the owner of the domestic cervidae ranch, the ISDA, and the Idaho Department of Fish and Game to determine the disposition of any wild ungulates that are found to be located on a domestic cervidae ranch. ( )

**011. ABBREVIATIONS.**

- 01. **AAVLD.** American Association of Veterinary Laboratory Diagnosticians. ( )
- 02. **APHIS.** Animal and Plant Health Inspection Service. ( )
- 03. **AVIC.** Area Veterinarian in Charge. ( )
- 04. **AZA.** Association of Zoos and Aquariums. ( )
- 05. **CFR.** Code of Federal Regulations. ( )
- 06. **CWD.** Chronic Wasting Disease. ( )
- 07. **CWDP.** Chronic Wasting Disease Program. ( )  
**HCP.** Herd Certification Program.
- 08. **ISDA.** Idaho State Department of Agriculture. ( )
- 09. **NAEBA.** North American Elk Breeders Association. ( )
- 10. **NVSL.** National Veterinary Services Laboratory. ( )
- 11. **TB.** Tuberculosis. ( )
- 12. **UM&R.** Uniform Methods and Rules. ( )
- 13. **USDA.** United States Department of Agriculture. ( )
- 14. **VS.** Veterinary Services. ( )

Commented [DSL9]: Updated abbreviation.

**012. APPLICABILITY.**

These rules apply to all domestic cervidae located in, imported into, exported from, or transported through the state of Idaho. ( )

**013. AZA ACCREDITED FACILITIES AND USDA LICENSED FACILITIES.**

AZA accredited facilities and facilities licensed by USDA under 9CFR Subchapter A Parts 1 and 2 as licensees, dealers, exhibitors, research facilities and zoos are exempt from the provisions of this chapter provided that:

**01. Movement Between AZA and USDA Facilities.** AZA accredited and USDA licensed facilities may not sell, give, or in any way transfer cervidae to persons or domestic cervidae ranches within Idaho, except other to AZA accredited or USDA licensed facilities. ( )

**02. Transfer of Cervidae.** Any AZA accredited or USDA licensed facility that in any way transfers cervidae, or title to cervidae, to any person in Idaho, except to other AZA accredited or USDA licensed facilities, must comply with all of the provisions of this chapter. ( )

**014. Importation Of Domestic Cervidae**

All domestic cervidae imported into the state of Idaho must comply with the requirements of the APHIS National CWD Herd Certification Program and IDAPA 02.04.21 "Rules Governing the Importation of Animals," which apply to domestic cervidae. ( )

015. -- 019. (RESERVED)

020. LOCATION OF DOMESTIC CERVIDAE.

Any person who owns or has control of domestic cervidae in Idaho that are not located on a domestic cervidae ranch that is in compliance with the applicable provisions of this chapter, or on an AZA accredited or USDA licensed facility in compliance with this chapter, is in violation of these rules. ( )

01. Department Action. In addition to any other administrative or civil action, the department may seize, require removal from the state, require removal to a domestic cervidae ranch that is in compliance with the provisions of this chapter, or require disposal of any domestic cervidae that are not located on a domestic cervidae ranch, an AZA accredited facility, or a USDA licensed facility which is in compliance with the provisions of this chapter. ( )

02. Reindeer. Reindeer may not be owned, possessed, propagated or held in Idaho north of the Salmon River in order to protect the wild caribou herd in northern Idaho. ( )

Commented [DSL10]: 2021 Statutory Amendment

03. Exceptions. The Administrator may grant exceptions from the provisions of Section 020 on a case specific basis. ( )

04. Natural Disasters. Damage caused to domestic cervidae ranch facilities by natural disasters does not constitute a violation of this chapter, provided that the owner or operator begins any necessary repairs immediately upon discovering the damage, acts expeditiously, as determined by the Administrator, to complete any necessary repairs and reports the extent and cause of any damage to the Division within twenty-four (24) hours of the discovery of the damage. ( )

05. Notification of Temporary Exhibition. Producers must notify ISDA, in advance, of any event where a reindeer will be exhibited outside of an approved cervidae facility. ISDA must be provided with the date and location of the event as well as a description of the temporary facility and an escape plan protocol. ( )

Commented [DSL11]: Comment submitted. Jim Lowe supports this change.

021. OFFICIAL IDENTIFICATION.

All domestic cervidae must be individually, permanently, and uniquely identified, with two (2) types of official identification approved by the Administrator. ( )

Commented [DSL12]: Mandated in statute. 25-3703A

01. Reporting of Identification. The unique individual identification number, type of identification, and the name, address, and telephone number of the owner of each animal identified must be reported to the Administrator, in writing, by the owner or operator. ( )

02. Identification Assigned. Official identification, once assigned to an individual animal, may not be changed or transferred to another animal. Animals that lose identification devices must be re-identified in accordance with Section 031. ( )

03. Progeny. All progeny of domestic cervidae must be officially identified by December thirty-first of the year of birth, upon sale or transfer of ownership, or upon leaving the domestic cervidae ranch, whichever is earlier. ( )

04. Visible Identification. At least one (1) of the official types of identification used must be visible from one hundred and fifty (150) feet. ( )

022. TYPES OF OFFICIAL IDENTIFICATION.

All domestic cervidae must be individually identified by two (2) of the following types of official identification, at least one (1) of the types of official identification must be a bangle or lamb tag that is visible from one hundred fifty

Commented [DSL13]: Mandated in statute. 35-3703A



(150) feet. ( )

01. Official USDA Ear Tag. ( )

02. Tattoo. Legible skin tattoo using an alphanumeric tattoo sequence that has been recorded with the Division of Animal Industries and applied to either the ear or escutcheon. ( )

03. Electronic Identification. A form of electronic identification, approved by the Administrator. ( )

04. Official NAEBA Eartag. ( )

05. Official ISDA Cervidae Program Ear Tag. A tamper resistant, unique number sequenced, individual identification tag approved by the Administrator. ( )

06. Official HASCO Brass Lamb Tag. A brass lamb tag engraved with farm name and individual animal identification number. ( )

07. Freeze Brands. Legible, freeze brands that uniquely identify the individual domestic cervid. ( )

08. Ranch Specific Unique Bangle or Lamb Tags. The Administrator may grant written approval for the use of bangle or lamb tags that are: ranch specific; tamper resistant; uniquely numbered; and correlated with another type of official identification on the annual inventory report. ( )

09. Other Identification. Other forms of unique individual identification approved by the Administrator. ( )

023. National CWD Herd Certification Program Official Identification. All domestic cervidae enrolled in the National CWD Herd Certification Program are required to be identified with two (2) forms of identification for each animal. One (1) form of identification must be a nationally unique official animal identification that uses an APHIS-approved numbering system that is linked to the CWD National Database or equivalent ISDA database. The second form of identification must be unique to the individual animal within the herd and also be linked to the CWD National Database or equivalent ISDA database. ( )

01. APHIS-Approved Identification Devices ( )

a. Electronic Identification; ( )

b. Official USDA Tamper-Resistant Ear Tag; ( )

c. Legible Ear or Flank Tattoo; and ( )

d. Other forms of Identification as approved by APHIS Administrator. ( )

024. -- 029. (RESERVED)

030. OFFICIAL VISIBLE IDENTIFICATION.

01. Ear Tags. All domestic cervidae must be identified with a bangle or lamb tag that is visible from one hundred fifty (150) feet. ( )

02. Size. The large portion of the bangle or lamb tag must be at least two (2) square inches. ( )

03. Color. No visible identification may have a primary color of brown, black, pink, tan, or silver.

Commented [DSL14]: Leave language intact. David Miller

Commented [DSL15]: Federal program requirements. Redundant language. 9 CFR 55

Commented [DSL16]: Mandated in statute. 25-3703A

( )

04. Camouflage Patterns. No visible identification may utilize camouflage patterns. ( )

031. REIDENTIFICATION OF DOMESTIC CERVIDAE.

No domestic Permanent official identification in domestic cervidae cervidae that has been lost or is no longer legible may be replaced only for the purpose to reestablish their original identity. were marked with official identification may be re-tattooed for the purpose of reestablishing their identification nor re-ear tagged with an official identification ear tag at any time subsequent to the original identification, except that re-tattooing or re-ear tagging for the purpose of reestablishing the official identification is allowed only under the following conditions: ( )

01. Supervision. Reidentification is accomplished under the supervision of an accredited veterinarian, or state or federal animal health officials. ( )

02. Permanent Identification. Animals that are presented for reidentification have some permanent identification that identifies the animals as those originally officially identified such as an individual animal registration tattoo, or other approved permanent identification, provided that such identification was submitted on the annual inventory report or other official record. ( )

03. Inventory Evaluation. In absence of permanent identification, the Administrator may conduct an investigation or inventory evaluation to determine identity of the animal that is being presented for reidentification. ( )

04. Reproduction of Original Tattoo. Re-tattooing must reproduce the original tattoo that was placed in the animal's ear at the time of official identification. ( )

05. Records. All animals that have been re-identified must be reconciled to their original identification on the annual ISDA inventory form, due on Dec. 31<sup>st</sup> of each year. The accredited veterinarian or state or federal animal health official who supervises the reidentification must correlate the new identification with previous identification and record the ear tag or other identification numbers, the tattoo symbols and the owner's name and address and submit the reidentification record to the Division within ten (10) days of the date of reidentification. ( )

032. -- 039. (RESERVED)

040. INSPECTIONS.

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect cervidae records, premises, facilities, and domestic cervidae to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to domestic cervidae. State and federal animal health officials must comply with the operation's biosecurity protocol so long as the protocol does not inhibit reasonable access to: ( )

01. Entry. Enter and inspect, at reasonable times, the premises of domestic cervidae ranches and inspect domestic cervidae. ( )

02. Access to Records. Review or copy, at reasonable times, any records that must be kept in accordance with these rules. ( )

041. -- 049. (RESERVED)

050. GENETICS.

Domestic cervidae that have red deer genetic influence may not be imported into Idaho. Additionally, any domestic cervidae located in Idaho that are identified as having red deer genetic influence will be destroyed, removed from the state, or neutered. ( )

051. -- 059. (RESERVED)

Commented [DSL17]: Mandated in statute 25-3705

Commented [DSL18]: Mandated in statute (25-3704)

Commented [DSL19]: Mandated in statute 25-3705

Commented [DSL20]: Comment submitted. Keep language intact. ICL, IWF, IDFG

Commented [DSL21]: Remove instate removal requirement. David Miller, Jeff Siddoway

**060. WILD CERVIDAE.**

Wild cervidae may not be confined, kept or held on a domestic cervidae ranch. ( )

**01. Duty of Ranch Owner.** It is the duty of owners of all domestic cervidae ranches to take precautions, and to conduct periodic inspections, to ensure that wild cervidae are not located within the perimeter fence of any domestic cervidae ranch. ( )

**02. Notification of Administrator.** All owners or operators of domestic cervidae ranches must notify the Administrator within twenty-four (24) hours of gaining knowledge of the presence of wild cervidae inside the perimeter fence of the domestic cervidae ranch. ( )

**03. Failure to Notify the Administrator.** The failure of any owner or operator of a domestic cervidae ranch to notify the Administrator of the presence of wild cervidae within the perimeter fence of a domestic cervidae ranch is a violation of this chapter. ( )

**04. Idaho Department of Fish and Game.** Upon receiving notification that wild cervidae are on a domestic cervidae ranch, the Administrator will notify the Idaho Department of Fish and Game. ( )

~~**05. Wild Ungulate Cooperative Herd Plan.** The Idaho Department of Fish and Game will cooperate with ISDA and the owners or operators of domestic cervidae ranches where any wild cervidae or wild ungulates are present within the external perimeter fence of the domestic cervidae ranch to develop and implement a site specific written herd plan to address the disposition of the wild cervidae or wild ungulates. ( )~~

**Commented [DSL22]:** Mandated in statute. 25-3705B

**061. -- 069. (RESERVED)**

**070. SUPERVISION OF DOMESTIC CERVIDAE PROGRAM.**

A department veterinary medical officer will provide routine supervision of the domestic cervidae program. ( )

**071. -- 079. (RESERVED)**

~~**080. Disposal Of Domestic Cervidae.** All domestic cervidae carcasses and parts of carcasses not utilized for human consumption, except parts of carcasses utilized for taxidermy purposes, must be disposed of in compliance with IDAPA 02.04.17, "Rules Governing Dead Animal Movement And Disposal." ( )~~

**Commented [DSL23]:** Redundant language

**081. -- 089. (RESERVED)**

**090. FEES.**

**01. Annual Assessment Fee.** A fee, not to exceed ten dollars (\$10) per head per year on elk or three dollars (\$3) per head per year on fallow deer and reindeer, is hereby assessed on all domestic cervidae in the state to cover the cost of administering the program covered in these rules. The fee includes all domestic cervidae present at the ranch as of December 31 and all domestic cervidae that die during the same calendar year. This fee is due January first of each year. The annual assessment fee may be reduced if program revenue accumulates to a balance of at least one hundred thousand dollars (\$100,000) in excess of the projected annual cost of operating the program, as determined by the Department on July 1 of each year. ( )

**Commented [DSL24]:** Stop assessment for cervids greater than 12 years old. Jeff Siddoway.

Billy Rasmussen.

**Commented [DSL25R24]:** Not feasible for ISDA to implement – having to verify age of animal if there is a discrepancy.

**Commented [DSL26]:** Mandated in statute. 25-3708

**Commented [DSL27]:** 2020 statutory amendment

**02. Import, Export, and Movement Fees.** The fees imposed in Section 25-3708(2) through (4), Idaho Code, are due no later than December 31 of each year, but the Department requests all movement fees be submitted within five (5) business days of the movement of the domestic cervids. ( )

**091. -- 099. (RESERVED)**

**100. DOMESTIC CERVIDAE RANCHES.**

In order to prevent the introduction or dissemination of diseases, and to control or eradicate diseases, all domestic cervidae ranches must comply with the disease control, facility, and record keeping requirements and all other provisions of this chapter. ( )

**01. Each Premises.** Each separate premises where domestic cervidae are kept or held must comply with all of the provisions of this chapter. ( )

~~**02. Vehicle Access.** Domestic cervidae ranches must have motorized vehicle access to the restraining system on each premises, during the portion of the year that cervidae are held or kept on the premises, adequate to facilitate disease prevention and control as determined by the Administrator. ( )~~

~~**03. Premises Registration.** Each premises where domestic cervidae are kept or held must be registered with the Division and assigned a unique, individual number approved by the Administrator. ( )~~

**101. DOMESTIC CERVIDAE RANCH FACILITY REQUIREMENTS.**

~~Prior to populating the facility with domestic cervids, A~~all domestic cervidae ranches are required to have facilities that include, but are not limited to, perimeter fence, restraining system, gathering system, water system, and if required, a quarantine facility. ( )

**01. Maintenance.** All facilities must be maintained, at all times that domestic cervidae are present, to prevent the escape of domestic cervidae or ingress of wild cervidae. ( )

**02. Inspections.** To ensure compliance with this chapter, state or federal animal health officials will inspect all premises where domestic cervidae are, or will be, possessed, controlled, harvested, propagated, held, or kept. ( )

~~a. Each domestic cervidae ranch will be inspected no less than once every five (5) years. Domestic cervidae ranches may be inspected more frequently if requested by the owner or if specified in a ranch management plan. The Administrator may require additional facility inspections as necessary to aid in the prevention, control, or eradication of disease or to ensure compliance with the provisions of this chapter or other state or federal rules applicable to domestic cervidae. ( )~~

~~b. All facilities relating to the handling or raising of domestic cervidae will be inspected. ( )~~

**102. PERIMETER FENCE REQUIREMENTS.**

A perimeter fence, completely enclosing the domestic cervidae ranch to be constructed of high-tensile, non-slip woven wire or other fencing material approved by the Administrator. ( )

**01. Elk and Fallow Deer.** For elk and fallow deer, the fence must be a minimum of eight (8) feet in height for its entire length at all times. ( )

**02. Reindeer.** For reindeer, ~~the fences constructed and approved prior to 2021 must be at least six (6) feet in height for its entire length at all times. All reindeer fences constructed and approved in 2021 or later must be at least eight (8) feet in height for its entire length at all times.~~ ( )

**03. Wire.** The top two (2) feet of each fence may be smooth, barbed or woven wire (at least twelve and one-half (12-1/2) gauge) with horizontal strands spaced not more than six (6) inches apart. ( )

**a.** Wire must be placed on the animal side of the fence to prevent pushing the wire away from the posts. ( )

**b.** Wire must be attached to all posts at the top, bottom, and not more than eighteen (18) inches apart between the top and bottom of the wire. ( )

**04. Posts.** Wooden posts used in the perimeter fence must be at least butt-end treated with a commercially available preservative and have a minimum of four (4) inch top for line posts and a minimum of five

Commented [DSL28]: Mandated in statute. 25-3705A

Commented [DSL29]: Mandated in statute. 25-3705

Commented [DSL30]: Comment submitted. Double fencing requirement for all domestic cervidae farms in Boundary and Bonner county. ICL

Commented [DSL31]: Comment submitted. Increase fence height requirement to be equal to elk facilities (8'). IWF, ICL

Commented [DSL32]: Comment submitted. Maintain 6' height requirement for reindeer. Jim Lowe

(5) inch top for corner posts. Metal pipe posts must be a minimum of two and one-eighth (2-1/8) inches outside diameter with a three-sixteenths (3/16) inch wall thickness for line posts and two and seven-eighths (2-7/8) inches outside diameter with a seven thirty-seconds (7/32) inch wall thickness for corner posts. Posts must be spaced no more than twenty-four (24) feet apart, with stays, supports or braces as needed, and be placed in the ground a minimum of three (3) feet. ( )

**05. Gates.** Each domestic cervidae ranch must have gates that prohibit the escape of domestic cervidae or the ingress of wild cervidae. ( )

**06. Fence Maintenance.** Fences must be maintained, at all times that domestic cervidae are present, to prevent domestic cervidae from escaping or native wild cervidae from entering the enclosure. ( )

**07. Exceptions.** The Administrator may grant exceptions to the specifications in Section 102 on a case specific basis. ( )

**103. GATHERING AND RESTRAINING SYSTEM.**

Each domestic cervidae ranch must have a system for humanely and effectively gathering and restraining domestic cervidae for the purpose of inspecting, identifying, treating, or testing of animals by state or federal animal health officials. ( )

**01. Gathering System.** Each domestic cervidae ranch must have a system that facilitates the gathering of domestic cervidae so as to be able to move the domestic cervidae through the restraining system, at any time of the year that domestic cervidae are present. ( )

**02. Restraining System.** A system approved by the Administrator, to immobilize domestic cervidae for the purpose of efficient, effective, and safe handling for inspecting, treating, vaccinating, or testing. ( )

**03. Exceptions.** The Administrator may grant exceptions to the provisions of this section on a case specific basis. ( )

**104. Water System.**

Each domestic cervidae ranch must have a water system adequate to supply the need of the cervidae herd. ( )

**105. QUARANTINE FACILITY.**

If animals are to be imported onto the domestic cervidae ranch, a quarantine facility, approved by the Administrator, must be provided for holding animals until any disease retesting is accomplished or other requirements are met. ( )

**106. -- 199. (RESERVED)**

**200. RECORDS AND REPORTING.**

**01. Reports.** Owners of domestic cervidae ranches must submit complete and accurate reports to the Administrator. Failure to submit complete and accurate reports within the designated time frames is a violation of this chapter. ( )

**02. Records.** All owners of domestic cervidae ranches, during normal business hours, must present to state or federal animal health officials, for inspection, review, or copying, any cervidae records deemed necessary to ensure compliance with the provisions of this chapter. ( )

**03. Notification.** State or federal animal health officials will attempt to notify the owners or operators of domestic cervidae ranches, and premises where records are kept prior to any inspections. ( )

**04. Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 200 may be waived. ( )

**201. ANNUAL INVENTORY REPORT.**

**01. Inventory Report.** All owners of domestic cervidae ranches must submit annually, to the Administrator, a complete and accurate inventory and summary report form of all animals held no later than December 31<sup>st</sup> of each year containing the following minimum information: ( )

- a. Name and address of the domestic cervidae ranch. ( )
- b. Name and address of the owner of the domestic cervidae ranch. ( )
- c. Date the inventory was completed. ( )

**02. Individual Domestic Cervidae.** For each individual domestic cervidae that was located on the domestic cervidae ranch during the year for which the report is being made, the following information must be provided: ( )

- a. All types of official and unofficial identification; ( )
- b. Species; ( )
- c. Sex; and ( )
- d. Age or year born. ( )

**202. INVENTORY VERIFICATION.**

~~State or federal animal health officials will verify all domestic cervidae ranch inventories of animals held and individual animal identification annually.~~ ( )

**01. Visible Identification.** Individual animal identification verification may be accomplished by visually noting the unique official visible identification number or visually noting an unofficial visible identification number if the number is correlated with two (2) forms of official identification on the inventory submitted by the cervidae producer. The Administrator may, on a case by case basis, grant written permission for ranch specific unique bangle tags to be used for official identification. ( )

Commented [DSL33]: Mandated in statute. 25-3703

**02. Duty to Gather and Restrain.** It is the duty of the owner of each domestic cervidae ranch to gather and restrain any domestic cervidae that state or federal animal health officials determine are not readily identifiable for inventory verification purposes. The Administrator determines the suitability of the restraint system. ( )

~~203. Change Of Address:~~

~~Owners of domestic cervidae ranches must notify the Division in writing within thirty (30) days of any change in the address of the owners of domestic cervidae, the owner of the domestic cervidae ranch, or the domestic cervidae ranch.~~ ( )

**204. ESCAPE OF DOMESTIC CERVIDAE.**

It is the duty of each owner or operator of a domestic cervidae ranch to take all reasonable actions to prevent the escape of domestic cervidae from a domestic cervidae ranch. ( )

Commented [DSL34]: Mandated in statute. 25-3705A

**01. Notification of Escape.** When any domestic cervidae escape from a domestic cervidae ranch, the owner or operator of the domestic cervidae ranch must notify the Administrator by phone, facsimile, or other means approved by the administrator within twenty-four (24) hours of the discovery of the escape. ( )

**02. Duty to Retrieve Escaped Cervidae.** It is the duty of each owner or operator of a domestic cervidae ranch to retrieve or otherwise bring under control all domestic cervidae that escape from a domestic cervidae ranch. ( )

03. **Fish and Game.** The Administrator will notify the Idaho Department of Fish and Game of each escape. ( )

~~04. **Sheriff and State Brand Inspector.** When domestic cervidae escape from a domestic cervidae ranch and the owner or operator is unable to retrieve the animals within twenty-four (24) hours, the Administrator may notify the county sheriff or the state brand inspector of the escape pursuant to Title 25, Chapter 23, Idaho Code.~~ ( )

05. **Capture.** In the event that the owner or operator of a domestic cervidae ranch is unable to retrieve escaped domestic cervidae in a timely manner, as determined by the Administrator, the Administrator may effectuate the capture of the escaped domestic cervidae to ensure the health of Idaho's livestock and wild cervidae populations. ( )

06. **Failure to Notify.** Failure of any owner or operator of a domestic cervidae ranch to notify the Administrator within twenty-four (24) hours of the discovery of an escape of domestic cervidae is a violation of this chapter. ( )

07. **Taking of Escaped Domestic Cervidae.** A licensed hunter may legally take domestic cervidae that have escaped from a domestic cervidae ranch only under the following conditions: ( )

a. The domestic cervidae has escaped and has not been in the control of the owner or operator of the domestic cervidae ranch for more than seven (7) days; and ( )

b. The hunter is licensed and in compliance with all the provisions of the Idaho Department of Fish and Game rules and code. ( )

**205. NOTICE OF DEATH OF DOMESTIC CERVIDAE.**

~~Notice of death of domestic cervidae twelve (12) months or older and all domestic cervidae officially identified and inventoried that died on a ranch or at an approved slaughter or custom exempt slaughter establishment must be submitted by the owner or operator to the division on a report approved by the Administrator: ( ) All domestic cervidae that die on a ranch or are sent to slaughter must be reported to the Department except for calves that died prior to being reported on an annual inventory.~~

~~01. **Submission of Death Certificates.** A complete and accurate copy of all CWD sample submission forms/death certificates must be submitted to the division on a form approved by the Administrator by regular mail, facsimile, electronic mail, or by other means as approved by the Administrator within ten (10) business days of when the owner or operator knew or reasonably should have known of the death, no later than Dec. 31<sup>st</sup> in the year the animal died. The CWD sample submission form/death certificate must contain the following minimum information:~~

~~a. Name and address of the domestic cervidae ranch; and ( )~~

~~b. Name and address of the owner of the domestic cervidae ranch. ( )~~

~~02. **Individual Domestic Cervidae.** For each individual domestic cervidae death, the following minimum information must be provided: ( )~~

~~a. All individual identification numbers; ( )~~

~~b. Sex; ( )~~

~~c. Age or year born; ( )~~

~~d. Date and time of death; ( )~~

~~e. Cause of death; ( )~~

f. Specify animals submitted for CWD testing; and ( )

g. Dated signature. ( )

**206. (RESERVED)**

**207. Notification Of Exposure To Disease.**

Any owner, operator, veterinarian practicing in Idaho, laboratory conducting cervidae testing, or any other person who has reason to believe that domestic cervidae are exposed to or infected with a dangerous or reportable disease or parasite must notify the Division immediately. ( )

**208. INTRASTATE MOVEMENT CERTIFICATE.**

All owners of domestic cervidae ranches who move cervidae, from one premises to another, including movement from one (1) premises to another premises owned, operated, leased, or controlled by the owner, within the state of Idaho must submit, to the Administrator, a complete and accurate intrastate movement certificate signed by the owner, within ten (10) business days of the movement no later than Dec 31<sup>st</sup> in the year the movement occurred. The Administrator will provide blank intrastate movement certificates to the owners of domestic cervidae ranches upon request. ( )

**209. RANCH MANAGEMENT PLAN.**

~~01. Voluntary Ranch Management Plan. A domestic cervidae ranch may apply, on a form prescribed by the Administrator, to enter into a voluntary ranch management plan. The ranch management plan will be developed cooperatively by the owner or authorized agent and the Administrator. For the ranch management plan, the Administrator will conduct a risk assessment considering the factors in Subsection 209.03. A voluntary ranch management plan may, notwithstanding other rule requirements to the contrary, establish inventory verification requirements and CWD sampling requirements specific for a domestic cervidae ranch. Failure to adhere to an approved voluntary ranch management plan is a violation of these rules. ( )~~

**02. Mandatory Ranch Management Plan.** Domestic cervidae ranches are required to develop and implement an approved ranch management plan if the ranch is found in violation of Sections 060, 204 or 500 of these rules. The ranch management plan must be completed and implemented within six (6) months of the disposition of the violation. For the ranch management plan, the Administrator will conduct a risk assessment considering the factors in Subsection 209.03. Failure to comply with the mandatory ranch management plan is a violation of these rules. ( )

**03. Risk Assessment for Ranch Management Plans.** The Administrator will conduct a risk assessment for each ranch management plan. A ranch management plan will not include a double fencing requirement but may require that double gates be installed. The Administrator will consider the following factors when conducting a risk assessment at a domestic cervidae ranch: ( )

a. Risk of egress. The risk of egress may be evaluated based on, but not limited to, history of domestic cervidae escape during the previous five (5) years, recovery rate of escaped domestic cervidae, length of time domestic cervidae were outside of the perimeter fence, annual average precipitation, topography, altitude and tree density. ( )

b. Risk of ingress. The risk of ingress may be evaluated on, but not limited to, history of ingress during the previous five (5) years, annual average precipitation, topography, altitude, tree density and proximity to wildlife migration corridors. ( )

c. Compliance with CWD sample submission. The Administrator may, based on a risk assessment of the facility, adjust the number of tissue sample submissions required under this rule. The adjustment will be based on, but not limited to, the following: ( )

i. Whether the domestic cervidae on the ranch have commingled with any domestic cervids of



unknown CWD status. ( )

ii. Whether the domestic cervidae ranch has been in compliance with all requirements of Title 25, Chapter 35, Idaho Code, and these rules. ( )

iii. Whether the domestic cervidae ranch has had documented cases of ingress of wild cervids or egress of domestic cervidae within the eighteen (18) months prior to the risk assessment. ( )

**210. -- 249. (RESERVED)**

**250. INTRASTATE MOVEMENT OF DOMESTIC CERVIDAE.**

All live domestic cervidae moving from one premises to another premises within the state of Idaho must be officially identified, except calves during the year of birth accompanying their dam, and accompanied by: ( )

**01. TB Test.** An official negative test for tuberculosis of all cervidae over twelve (12) months of age, conducted within the last ninety (90) days, or written permission from the Administrator, except: ( )

a. Animals originating from an accredited, qualified or monitored herd, as described in "Bovine Tuberculosis Eradication, Uniform Methods and Rules," effective January 1, 2005, if they are accompanied by a certificate signed by an accredited veterinarian or the Administrator stating such domestic cervidae have originated directly from such herd; or ( )

b. Those domestic cervidae consigned directly to an approved slaughter establishment or domestic cervidae approved feedlot; or ( )

c. Those domestic cervidae moving from one premises to another premises owned, operated, leased, or controlled by the same person. ( )

**02. Intrastate Movement Certificate.** All intrastate movements of live domestic cervidae, including movement from one premises to another premises owned, operated, leased, or controlled by the same person, must be reported to ISDA on the annual inventory form, due Dec. 31<sup>st</sup> in the year the movement occurred, accompanied by a complete and accurate intrastate movement certificate, which has been signed by the owner or operator of the domestic cervidae ranch where the movement originates and includes a statement of the CWD and TB status of the cervidae. ( )

**03. Movement of Cervidae Between Accredited AZA or USDA Licensed Facilities.** Movement of cervidae between accredited AZA and USDA licensed facilities is exempt from the requirements of this chapter. All other movement from AZA accredited or USDA licensed facilities must comply fully with all of the provisions of this chapter. ( )

**251. -- 299. (RESERVED)**

**300. DISEASE CONTROL.**

The Administrator may require domestic cervidae in the state to be tested for brucellosis (*Brucella abortus* or *Brucella suis*), tuberculosis (*Mycobacterium bovis*), meningeal worm (*Parelaphostrongylus tenuis*), muscule worm (*Elaphostrongylus cervus*), CWD or for other diseases or parasites determined to pose a risk to other domestic cervidae, livestock, or wildlife. ( )

**301. DUTY TO RESTRAIN.**

It is the duty of the owner of each domestic cervidae ranch to gather and restrain domestic cervidae for testing when directed to do so in writing by the Administrator. The Administrator determines the suitability of the restraint system. ( )

**302. TESTING METHODS.**

The Administrator determines appropriate testing procedures and methods. ( )

**Commented [DSL35]:** Remove TB testing requirement for intrastate movement. David Miller. Chase Jones. Jeff Siddoway, Kami Marriot

**Commented [DSL36]:** Redundant 25-218 & 02.04.03.522

**303. TESTING, TREATMENT, QUARANTINE, OR DISPOSAL REQUIRED.**

The Administrator determines when testing, treatment, quarantine, or disposal of domestic cervidae is required at any domestic cervidae ranch pursuant to Title 25, Chapters 2, 3, 4, 6, and 37, Idaho Code. If the Administrator determines that testing, treatment, quarantine, disposal of domestic cervidae, or cleaning or disinfection of premises is required, a written order will be issued to the owner describing the procedure to be followed and the time period for carrying out such actions. ( )

Commented [DSL37]: Idaho Code 25-218

**304. QUARANTINES.**

All domestic cervidae animals or herds that are determined to be exposed to, or infected with, any disease that constitutes an emergency, as provided in Title 25, Chapter 2, Idaho Code, will be quarantined. ( )

Commented [DSL38]: 25-2 Idaho Code

**01. Infected Herds.** Infected herds or animals must remain under quarantine until such time that the herd has been completely depopulated and the premises has been cleaned and disinfected as provided by the Administrator, or the provisions for release of a quarantine established in these rules have been met. ( )

**02. Exposed Herds.** The quarantine for exposed herds or animals may take the form of a hold order which remains in effect until the exposed animals have been tested and the provisions for release of a quarantine as established in these rules have been met. ( )

**03. Validity of Quarantine.** The quarantine is valid whether or not acknowledged by signature of the owner. ( )

**305. DECLARATION OF ANIMAL HEALTH EMERGENCY.**

The Director is authorized to declare an animal health emergency. ( )

Commented [DSL39]: 25-212 Idaho Code

**01. Condemnation of Animals.** In the event that the Director determines that an emergency exists, animals that are found to be infected, or affected with, or exposed to an animal health emergency disease may be condemned and destroyed. ( )

**02. Indemnity.** Any indemnity is paid in accordance with Sections 25-212 and 25-213, Idaho Code. ( )

**03. Notification to Administrator.** Every owner of cervidae, every breeder or dealer in cervidae, every veterinarian, and anyone bringing cervidae into this state who observes the appearance of, or signs of any disease or diseases, or who has knowledge of exposure of the cervidae to diseases that constitute an emergency must give immediate notice to the Administrator by telephone, facsimile, or other means as approved by the Administrator. ( )

**04. Failure to Notify.** Any owner of cervidae who fails to report as herein provided forfeits all claims for indemnity for animals condemned and slaughtered or destroyed on account of the animal health emergency. ( )

Commented [DSL40]: 25-212 Idaho Code

306. -- 399. (RESERVED)

**400. Brucellosis.** Owners of domestic cervidae ranches must comply with the provisions of IDAPA 02.04.20, "Rules Governing Brucellosis," that apply to domestic cervidae. ( )

401. -- 449. (RESERVED)

**450. TUBERCULOSIS.**

**01. Change of Ownership.** All domestic cervidae that are sold, or are in any way transferred from one person to another person in Idaho are required to be tested negative for TB within ninety (90) days prior to the change of ownership or transfer, except: ( )

Commented [DSL41]: Remove TB testing requirement for change of ownership. David Miller.

a. ~~Animals originating from an accredited, qualified or monitored herd, as described in "Bovine Tuberculosis Eradication, Uniform Methods and Rules," effective January 1, 2005, if they are accompanied by a certificate signed by an accredited veterinarian or the Administrator stating such domestic cervidae have originated directly from such herd; or~~ ( )

b. ~~Those domestic cervidae consigned directly to an approved slaughter establishment or domestic cervidae approved feedlot.~~ ( )

c. ~~The Administrator, following an evaluation, may grant exceptions to the provisions of this Section on a case-by-case basis.~~ ( )

02. ~~Rules and UM&R—Owners of domestic cervidae ranches must comply with the provisions of IDAPA 02.04.03, "Rules Governing Animal Industry," that apply to domestic cervidae, and the Bovine Tuberculosis Eradication, UM&R, Effective January 1, 2005.~~ ( )

451. -- 499. (RESERVED)

500. SURVEILLANCE FOR CWD.

01. ~~Slaughter Surveillance.~~ Brain tissue from no less than ten percent (10%) of all ~~domestic cervidae~~ ~~and reindeer~~ sixteen (16) months of age or older that are slaughtered at approved slaughter establishments or custom exempt slaughter establishments must be submitted annually by the owner of the slaughtered cervidae to official laboratories to be tested or examined for CWD as provided for in these rules. If ten (10) or less cervids on a domestic cervidae ranch are slaughtered in a calendar year, at least one (1) testable brain sample must be submitted to meet the annual CWD surveillance requirement. Tissues samples submitted to an official laboratory that are untestable or are given an indeterminate test result do not count towards the tissue submission requirement. ( )

02. ~~Domestic Cervidae Ranches Surveillance~~ ~~Receiving No Imports or Transfers.~~ Brain tissue from no less than ten percent (10%) of all ~~domestic cervidae~~ ~~and reindeer~~ sixteen (16) months of age or older that are harvested on domestic cervidae ranches must be submitted for CWD testing annually. If ten (10) or less cervids on a domestic cervidae ranch are harvested in a calendar year, at least one (1) testable brain sample must be submitted to meet the annual CWD surveillance requirement. In addition to the tissue samples from the harvested domestic cervidae, brain tissue from one hundred percent (100%) of all domestic cervidae sixteen (16) months of age or older that die for any reason other than being harvested must also be submitted for CWD testing annually. ~~Reindeer and fallow~~ ~~Fallow~~ deer are exempt from CWD testing, ~~unless the reindeer and fallow deer are part of a CWD positive, exposed, trace, source, or suspect herd or part of an elk herd.~~ The owner or operator of the domestic cervidae ranch must submit all tissue samples to an official laboratory to be tested for CWD, as provided for in these rules. Tissues samples submitted to an official laboratory that are untestable or are given an indeterminate test result do not count towards the tissue submission requirement. ~~In the event a domestic cervidae ranch cannot submit a testable brain sample, the domestic cervidae ranch must submit a CWD Sample Submission Waiver Request within ten (10) business days of determining that a testable brain sample cannot be submitted.~~ ( )

03. ~~Ranches Receiving Imports or Transfers.~~ Brain tissue from one hundred percent (100%) of all ~~domestic elk and reindeer~~ sixteen (16) months of age or older that die for any reason on a facility that receives imported or transferred cervids must be submitted for CWD testing for no less than sixty (60) months following the most recent date of import or transfer. ~~Fallow deer are exempt from CWD testing. The owner or operator of the domestic cervidae ranch must submit all tissue samples to an official laboratory to be tested for CWD, as provided for in these rules. Tissues samples submitted to an official laboratory that are untestable or are given an indeterminate test result do not count towards the tissue submission requirement.~~

501. COLLECTION OF SAMPLES FOR CWD TESTING.

~~Only accredited veterinarians, state and federal animal health officials, and other persons, approved by the Administrator, may collect brain or other tissue samples for CWD testing.~~ Samples must be collected immediately upon discovery of the death of a domestic cervid. ( )

**Commented [DSL42]:** Comment submitted. Increase CWD testing requirement to 100% for all deaths. ICL, IWF

**Commented [DSL43]:** Would like to see additional wild cervid surveillance to justify increase in domestic testing. Chase Jones; David Miller

**Commented [DSL44]:** New section.

01. **Brain Samples.** Only persons trained by state or federal animal health officials, and approved by the Administrator, may remove the obex portion of the brainstem for submission as the sample for CWD testing. ( )

02. **Submission of Head.** Only persons trained by state or federal animal health officials, and approved by the Administrator, may submit a head with the official identification attached to the head as the sample for CWD testing. ( )

03. **Handling of Samples.** All CWD samples must be handled in a manner that prevents degradation of the sample. ( )

04. **Sample Submission Time.** Fresh samples for CWD testing must be submitted, to an approved laboratory, within seventy-two (72) hours of the date of collection. Formalin preserved samples must be submitted, to an approved laboratory, within ten (10) business days of the date of collection. ( )

05. **Non-Testable or Samples That Do not Contain Appropriate Tissues.** The Administrator may conduct an investigation to determine if a domestic cervidae ranch is complying with the provisions of Section 500 if: ( )

a. The owner or operator of a domestic cervidae ranch submits samples for CWD testing which are non-testable; or ( )

b. The owner or operator of a domestic cervidae ranch submits samples for CWD testing that do not contain the obex portion of the brainstem or other appropriate tissues, if available, for CWD testing. ( )

c. The owner or operator of a domestic cervidae ranch submits samples for CWD testing which cannot be identified to the animal of origin. ( )

06. **Failure to Meet Annual CWD Tissue Submission Requirement.** An owner or operator of a domestic cervidae ranch who fails to submit samples for CWD testing or who fails to meet the annual tissue submission requirements of this chapter, or both, is in violation of these rules, except the Administrator may approve, in writing, a variance from sample submission requirements on a case specific basis. ( )

## 502. OFFICIAL CWD TESTS.

01. **Official Tests.** Official tests for CWD, approved by the Administrator, include: ( )

a. **Histopathology** **Enzyme Linked Immunosorbent Assay (ELISA)**; ( )

b. Immunohistochemistry; ( )

c. **Western Blot**; ( )

d. Negative Stain Electron Microscopy; ( )

e. **Bioassay**; and ( )

02. **Other Scientifically Validated Test.** The Administrator may approve other scientifically validated laboratory or diagnostic tests to confirm a diagnosis of CWD. ( )

## 503. CWD STATUS.

CWD status is validated pursuant to the Federal CWD Herd Certification program standards, based on the number of years that a herd of domestic cervidae has been determined to be in compliance with the provisions of this chapter, during which there is no evidence of CWD in the herd. ( )

~~01. **Status Review.** The Administrator will review the CWD status of each domestic cervidae herd located in Idaho on at least an annual basis. ( )~~

~~02. **Status Date.** The status date is the date that the Administrator approves a change in the CWD status of a domestic cervidae herd in Idaho. ( )~~

~~03. **Cervidae of Lesser Status.** If a herd of domestic cervidae has contact with cervidae of a lesser status, the status of the herd with the higher status will be lowered to the status of the cervidae with the lesser status. ( )~~

~~04. **Change of Ownership.** A herd's status may remain with the herd when a change of ownership, management or premises occurs, if there is no contact with cervidae of lesser status, and no previous history of CWD on the premises. ( )~~

~~05. **Contact with CWD Positive Animals.** Any herd of domestic cervidae that has contact with CWD positive or exposed animals may have its status reduced or removed. ( )~~

**504. INVESTIGATION OF CWD.**

An epidemiological investigation will be conducted on all CWD positive, suspect, and exposed animals and herds, herds of origin, source herds, all adjacent herds, and all trace herds as determined by the Administrator. ( )

**01. Quarantine.** All positive, suspect, and exposed herds or animals, herds of origin, adjacent herds, and herds having contact with positive or exposed animals must be quarantined; and ( )

**02. Identification.** CWD suspect and exposed animals must be identified and remain on the premises where they are found until they have met the provisions for release of quarantine established in this chapter, are destroyed and disposed of as directed by the Administrator, or are moved at the Administrator's direction on a restricted movement permit. ( )

**505. DURATION OF CWD QUARANTINE.**

Quarantines imposed because of CWD in accordance with this chapter remain in effect until one (1) of the following criteria are met: ( )

**01. CWD Positive Herds.** The quarantine may be released after the herd is completely depopulated as provided in Subsection 505.07, or after five (5) years of compliance with an individual herd CWD plan and all provisions of these rules, during which there was no evidence of CWD. ( )

**02. CWD Suspect Herds.** The quarantine may be released after the herd is completely depopulated as provided in Subsection 505.07, or after a minimum of five (5) years of compliance with an individual CWD herd plan and all provisions of these rules and during which there was no evidence of CWD, or an epidemiologic investigation determines that there is no evidence CWD exists in the herd as determined by the Administrator. ( )

**03. Source Herds and Herds of Origin.** The quarantine may be released after a minimum of five (5) years of compliance with an individual CWD herd plan and all provisions of these rules and during which there was no evidence of CWD, or an epidemiologic investigation determines that there is no evidence CWD exists in the herd and that the herd is not the source of infection as determined by the Administrator. ( )

**04. Exposed Herds.** The quarantine may be released after the herd is completely depopulated as provided in Subsection 505.07, or after a minimum of five (5) years of compliance with an individual CWD herd plan and all provisions of these rules and during which there was no evidence of CWD, or an epidemiologic investigation determines that there is no evidence CWD exists in the herd as determined by the Administrator. ( )

**05. Adjacent Herds.** The quarantine may be released when directed by the Administrator based upon an epidemiological investigation and in consultation with the designated epidemiologist. ( )

**06. Fencing Requirements.** Any owner of a domestic cervidae ranch who chooses to remain under

quarantine for five (5) years must construct a second perimeter fence that meets the requirements for perimeter fence, as provided in Section 102, such that no domestic cervidae on the domestic cervidae ranch can get within ten (10) feet of the original exterior perimeter fence or as approved by the Administrator. ( )

**07. Complete Depopulation.** The quarantine may be released after: ( )

a. Complete depopulation of all cervidae on the premises as directed by the Administrator; and ( )

b. The premises have been free of all livestock as specified in an individual CWD herd plan approved by the Administrator; and ( )

c. The soil and facilities have been cleaned, treated, decontaminated, or disinfected as directed by the Administrator. ( )

**08. Disposal of Positive or Exposed Cervidae.** All CWD positive or exposed domestic cervidae must be disposed of as directed by the Administrator. ( )

~~506. **Cleaning, Treating, Decontaminating, Or Disinfecting.** Premises must be cleaned, treated, decontaminated, or disinfected under state or federal supervision as directed by the Administrator within fifteen (15) days after CWD positive or suspect animals have been removed. ( )~~

~~01. **Exemptions.** The Administrator may authorize, in writing, an exemption from cleaning, treating, decontaminating, or disinfection requirements on a case-by-case basis. ( )~~

~~02. **Extension of Time.** The Administrator may authorize, in writing, an extension of time for cleaning and disinfection under extenuating circumstances. ( )~~

~~03. **Requests for Extensions or Exemptions.** The owner of the contaminated facility must submit requests for extensions or exemptions to the Administrator in writing. ( )~~

507. -- 999. (RESERVED)

**Commented [DSL45]:** Redundant. 25-218 & 02.04.03.590-1