



June 17, 2022

Lloyd Knight  
Rules Review Coordinator  
Idaho State Department of Agriculture  
PO Box 7249  
Boise, Idaho 83707

**RE: Negotiated Rulemaking for Rules Governing Domestic Cervidae (IDAPA 02.04.19)**

Dear Mr. Knight,

Idaho Wildlife Federation (IWF) appreciates the opportunity to provide comments on the negotiated rulemaking for the Rules Governing Domestic Cervidae (IDAPA 02.04.19).

IWF is Idaho's oldest statewide conservation organization, founded by sportsmen and women in 1936. Today, we represent a nonpartisan voice of 28 affiliate organizations with 45,000 affiliate members and individual supporters who desire to sustain and enhance Idaho's fish and wildlife, conserve their habitat, and maximize sporting opportunity for current and future generations. Our efforts advance "made in Idaho" solutions to the modern challenges of wildlife management.

We thank the Idaho State Department of Agriculture (ISDA) for reviewing IWF's petition and facilitating the two negotiated rulemaking meetings. We also appreciate the robust stakeholder participation during the two meetings. IWF supports the proposed language as submitted in our petition, which, if adopted, would increase chronic wasting disease (CWD) testing for all domestic elk and reindeer at a facility within twenty-five (25) miles from a confirmed case of CWD in wild cervids. We provide our additional comments below.

**Chronic Wasting Disease Overview**

CWD is an infectious disease of cervids caused by misfolded prions transmitted by ingestion of prions from contaminated environmental components or directly from contact with infected animals. The disease has a long incubation period and a long period of prion shedding. CWD is

always fatal in cervids, cannot be treated or controlled with conventional measures, and has no known cure<sup>1</sup>.

CWD is density and frequency-of-contact dependent with both animal-to-animal transmission and environmental contamination serving as prion pathways<sup>2</sup>. Dispersal may enhance the spread of CWD to far greater distances than typical migration. Anthropogenic factors are the artificial translocation and the congregation of cervids, including long-distance movement and placement in high-fence operations or artificial movement of animals due to management decisions such as winter feeding, rehabilitation permits, and relocations<sup>3</sup>.

Once CWD prions are on the landscape, it is considered improbable they will be removed. CWD prions also appear to remain infectious in carcasses for  $\geq$  two years. Wildlife managers have concluded that CWD management actions were too little, too late, too restricted, too passive, or of insufficient duration to be successful<sup>4</sup>. Studies have detected prion shedding as early as 3 months after CWD exposure and sustained shedding throughout the disease course<sup>5</sup>. Given the average course of infection and daily production of those body fluids, an infected deer would shed thousands of prion infectious doses over the course of CWD infection<sup>6</sup>. Researchers concluded that “the direct and indirect environmental impacts of this magnitude of prion shedding on cervid and noncervid species are surely significant.”

CWD was detected for the first time in Idaho in two hunter-harvested mule deer bucks in the Slate Creek drainage of GMU 14 in late 2021. Additional samples collected through hunter harvest detected two CWD-positive white-tailed deer, one buck and one doe, both in Unit 14. Two more suspect animals in GMU 14 tested positive for CWD, one whitetail buck and one cow elk. Since initial detection, Idaho Department of Fish & Game (IDFG) designated both GMUs 14 and 15 as a CWD Management Zone and implemented mandatory CWD testing requirements for these units. Moving forward, all harvested deer, elk, and moose in these GMUs must be tested for CWD.

### **Rules Governing Domestic Cervidae**

IWF participated in ISDAs 2021 rulemaking meetings for Rules Governing Domestic Cervidae, and testified in support for the adoption of the rules in front of the Idaho legislature. Language from the newly adopted rules reads:

---

<sup>1</sup> Idaho Department of Fish & Game. 2021 Strategy for Chronic Wasting Disease. p.1.  
<https://idfg.idaho.gov/sites/default/files/cwd-strategy-2021.pdf>

<sup>2</sup> *Ibid.* p.1

<sup>3</sup> *Ibid.* p.2

<sup>4</sup> *Ibid.* p.2

<sup>5</sup> Henderson, D.M., Denkers, N.D., Hoover, C.E., Garbino, N., Mathiason, C.K., and E.A. Hoover. 2015. Longitudinal Detection of Prion Shedding in Saliva and Urine by Chronis Wasting Disease- Infected Deer by Real-Time Quaking –Induced Conversion. *Journal of Virology* 89 (18): 9338-47.

<sup>6</sup> *Ibid.*

“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 will be required to be tested for CWD for a period of sixty (60) months under the following conditions:

- A facility has imported cervids from a location within twenty-five (25) miles from a confirmed case of CWD in wild cervids
- A facility has received cervids via intrastate movement from a facility under enhanced CWD surveillance requirements at the time of transfer.”

Since participating in the rulemaking process, the severity of CWD on the landscape has changed, with the first detections occurring in the Fall of 2021. The current rules only require enhanced surveillance and testing related to interstate transport and therefore CWD originating from outside of Idaho’s borders. IWF believes these current rules do not consider the threat of CWD transmission from wild animals already in Idaho into domestic facilities, as well as the potential for intrastate movement of domestic cervids in areas with CWD present. Artificial congregation and movement of domestic cervids, as well as interaction between wild and domestic cervids (ingress and egress) will continue to facilitate the spread of CWD. We believe it is necessary for ISDA to increase testing requirements now that CWD is present within Idaho’s borders. Therefore, IWF is overall supportive of the language submitted in the petition.

### **Responses to Concerns Raised by Stakeholders**

IWF appreciates the feedback we received from stakeholders in the negotiated rulemaking meetings in May and June. We remain committed to our advocacy to prevent CWD within Idaho’s borders to the greatest extent possible, but understand this may come at an increased expense or burden to stakeholders. We believe our petition would align testing requirements for animals within 25-miles of a confirmed case in the wild with the 25-mile radius language taken from ISDA’s language from the 2021 rulemaking process for interstate transport. However, if stakeholders have suggested changes to requirements as it relates to the distance from a confirmed case in the wild, as well as the testing percentage requirements, IWF is open to negotiation. We understand that stakeholders feel that 100% testing may not be attainable, so we are open to flexibility in requirements and the use of waivers in limited instances if managers feel it adequately addresses the current threat of CWD on the landscape. However, it should be noted that prior to 2014, ISDA required 100% testing for CWD for all animals that die, regardless of the cause.

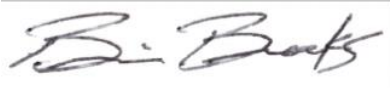
Sportsmen and women also feel the additional burdens and financial investments has IDFG ramps up CWD testing for wild cervids. Evidence from Wisconsin shows that hunting license sales fell sharply after CWD was found in 2002 and has remained about a 5% decline. That decline in hunter participation and associated license sales decline not only impacted local communities but also the state wildlife agency. Wisconsin has now spent more than \$49 million fighting CWD. Other states are grappling with similar declines in hunter participation and negative perceptions on hunting in areas with known CWD presence. Ultimately, we feel that it will take investments from both stakeholders from wild and cervid industries to tackle this threat head on. We hope to take steps with industry stakeholders today before it is too little, too late. IWF hopes that we can work together to gain support for actions such as the Chronic Wasting Disease Research and Management Act to bring critical funding for management actions to our state’s wildlife and agriculture departments. IWF has also advocated for a statewide CWD

Advisory Group and hope that, if developed, industry stakeholders can work with the sporting public to find solutions for our state.

We would like to thank the Department, and especially Dr. Scott Leibsle, for meeting these increasing challenges head on with all stakeholders, and for the opportunity to participate in each of the stakeholder meetings. It has been a pleasure for our organization and we look forward to our future engagement with the Department.



Garret Visser  
Conservation Program Coordinator  
Idaho Wildlife Federation



Brian Brooks  
Executive Director  
Idaho Wildlife Federation