

R58. Agriculture and Food, Animal Industry.

R58-18. Elk Farming.

R58-18-1. Purpose and Authority.

- (1) Promulgated under the authority of Section 4-39-106.
- (2) This rule establishes procedures for the application and renewal of licenses, standards and requirements, and health requirements and standards for operating a domesticated elk facility.

R58-18-2. Definitions.

In addition to the definitions found in Sections 4-1-109, 4-7-103, 4-24-102, 4-32-105, and 4-39-102, the following terms are defined for this rule:

- (1) "Adjacent Herd" means a herd of Cervidae occupying premises that border an affected herd, including herds separated by fences, roads, or streams, herds occupying a premises where Chronic Wasting Disease (CWD) was previously diagnosed, and herds that share the same license as the affected or source herd, even if separate records are maintained and no commingling has taken place.
- (2) "Affected herd" means a herd of Cervidae that includes an animal that has been diagnosed with CWD confirmed by an approved test, within the previous five years.
- (3) "Animal identification" means a device or means of individual animal identification.
- (4) "Approved test" means approved tests for CWD surveillance that shall be those laboratory or diagnostic tests accepted nationally by the United States Department of Agriculture (USDA) and approved by the State Veterinarian.
- (5) "Commingled" or "commingling" means animals that have had any contact with a CWD-positive animal or contaminated premises within the last five years, and:
 - (a) have direct contact with each other;
 - (b) have less than 10 feet of physical separation; or
 - (c) share equipment, pasture, feed, water sources, or watershed.
- (6) "Commissioner" means the commissioner of the Utah Department of Agriculture and Food.
- (7) "CWD-exposed animal" means an animal that is part of a CWD-positive herd, or that has been exposed to a CWD-positive animal or contaminated premises within the previous five years.
- (8) "CWD-exposed herd" means a herd in which a CWD-positive animal or a CWD-exposed animal has resided for any period within five years before that animal's diagnosis as CWD-positive or exposure to CWD.
- (9) "CWD Herd Certification Program" means the Chronic Wasting Disease Herd Certification Program.
- (10) "CWD-positive animal" means an animal that has had a diagnosis of CWD confirmed by an official CWD test.
- (11) "CWD-positive herd" means a herd in which a CWD-positive animal resided when it was diagnosed and which has not been released from quarantine.
- (12) "CWD-suspect animal" means an animal for which it has been determined that laboratory evidence or clinical signs suggest a diagnosis of CWD.
- (13) "CWD-suspect herd" means a herd in which a CWD-suspect animal resided that has not been released from quarantine.
- (14) "Destination Herd" means the intended herd of residence that shall be occupied by the animal that is proposed for importation.
- (15) "Department" means the Utah Department of Agriculture and Food.
- (16) "Domestic elk" as used in this chapter, in addition to the definition in Section 4-39-102, means any elk that has been born inside of, and has spent its entire life within captivity.
- (17) "Elk" as used in this rule, means North American Wapiti or *Cervus Elaphus nelsoni*.
- (18) "Epidemiologically-linked herd" means that an investigation has determined that CWD-exposed animals have resided with a CWD-positive animal within five years before the diagnosis of CWD in the positive herd or from the identified date of entry of CWD into the positive herd and have since moved to or through other herds. Those herds are then considered epidemiologically-linked. An epidemiologically-linked herd can be a Trace-back-Epi-linked Herd, Trace-forward-Epi-linked Herd or Pass-through Epi-linked Herd.
- (19) "Herd of Origin" means the herd that an imported animal has resided in, or does reside in, before importation.
- (20) "Official slaughter facility" means a place where the slaughter of livestock occurs that is under the authority of the state or federal government and receives state or federal inspection.
- (21) "Quarantine Facility" means a confined area where selected elk can be secured, contained, and isolated from any other elk and livestock.
- (22) "Raised" as used in this rule, means any possession of domestic elk for any purpose other than hunting.
- (23) "Secure Enclosure" means a perimeter fence or barrier that is so constructed as to prevent domestic elk from escaping into the wild or the ingress of native wildlife into the facility.
- (24) "Separate location" in addition to the definition in Subsection 4-39-203(5), means any facility that may be separated by two distinct perimeter fences, not more than 10 miles apart, owned by the same person.
- (25) "Trace Back Herd" or "Source Herd" means a herd of Cervidae where an animal affected with CWD has formerly resided.

(26) "Trace Forward Herd" means a herd of Cervidae that has received exposed animals that originated from a CWD-positive herd within five years before the diagnosis of CWD in the positive herd or from the identified date of entry of CWD into the positive herd.

R58-18-3. Application and Licensing Process.

- (1) Each applicant for a license to operate a domesticated elk facility or elk farm shall submit a signed, complete, accurate, and legible application on a department issued form.
- (2) In addition to the application, a general plot plan shall be submitted showing the location of the proposed farm in conjunction with roads, towns, and other points of interest in the immediate area.
- (3) A facility number shall be assigned to an elk farm when a finished application is received by the department.
- (4) A complete facility inspection and approval shall be conducted before the issuing of a license or entry of elk to any facility.
 - (a) This inspection shall be made by an approved department employee and Division of Wildlife Resources (DWR) employee.
 - (b) It shall be the responsibility of the applicant to request this inspection at least three working days in advance.
 - (5) Upon receipt of an application, inspection and approval of the facility, completion of the facility approval form, and receipt of the license fee, a license shall be issued.
 - (6) Each license expires on July 1st in the year following the year of issuance.
 - (7) Elk may enter the facility only after a license is issued by the department and received by the applicant.

R58-18-4. License Renewal.

- (1) Each elk farm shall apply for license renewal to the department on the prescribed form no later than April 30th indicating its desire to continue as an elk farm. This application shall be accompanied by the required fee. Any license renewal application received after April 30th will have a late fee assessed.
- (2) Any application received after July 1st is delinquent and any animals on the premises shall be quarantined until due process of law against the current owner has occurred. This may result in any of the following:
 - (a) revocation of the license;
 - (b) loss of the facility number;
 - (c) closure of the facility; or
 - (d) removal of the elk from the premises.
- (3) Before renewal of the license, the facility shall again be inspected by a department employee.
 - (a) The employee shall document that each fencing and facility requirement is met.
 - (b) The licensee shall provide a copy of the complete inventory sheet of live animals to the inspector when the elk farm is inspected.
 - (c) The employee shall perform a physical inventory count of each elk on the premises.
 - (i) The individual animal identification numbers shall match with the inventory records received from the owner or manager of the elk facility and those maintained by the department.
 - (d) The employee shall perform a visual general health check of each animal.
 - (e) Each year, the employee shall perform an inventory of each elk by matching individual animal identification with the inventory records received from the owner or manager of the elk facility.
 - (f) The physical inventory and bookkeeping inventory shall have at least a 95% match.

R58-18-5. Facilities.

- (1) Each perimeter fence and gate shall meet the minimum standard defined in Section 4-39-201.
 - (a) The perimeter fences and gates shall be constructed to prevent the movement of cervids, both captive and wild, into or out of the facility.
 - (2) Internal handling facilities shall be capable of humanely restraining an individual animal for the applying or reading of any animal identification, the taking of blood or tissue samples, or conducting other required testing by an inspector or veterinarian.
 - (a) The restraint shall be properly constructed to protect inspection personnel while handling the animals.
 - (b) Minimum requirements include a working pen, an alleyway, and a restraining chute.
 - (3) The licensee shall provide an isolation or quarantine holding facility that is adequate to contain the animals and provide proper feed, water, and other care necessary for the physical well being of the animal for the period necessary to separate the animal from other animals on the farm.
 - (4) Each location of a licensed facility with separate perimeter fences shall have its own separate loading facility.

R58-18-6. Records.

- (1) Licensed elk farms shall maintain accurate and legible office records showing the inventory of each elk on the facility.
 - (2) The inventory record of each animal shall include:
 - (a) name and address of agent which the elk was bought from;

(b) official identification number on a tamper-resistant ear tag or USDA metal tag, and the secondary identification number;

(c) age;

(d) sex;

(e) date of purchase or birth;

(f) date of death or change of ownership, with the name of new owner and address recorded and retained; and

(g) Certificate of Veterinary Inspection if bought out of state.

(3) The inventory sheet may be one that is either provided by the department or may be a personal design of similar format.

(4) Any animal born on the property or transported into a facility shall be added to the inventory sheet within seven days.

(5) Any elk bought shall be shown on the inventory sheet within 30 days after acquisition, including source.

(6) A death record of elk 12 months of age and over that die; or that are otherwise harvested, slaughtered, killed, or destroyed shall be submitted to the department within 48 hours of the discovery of the death of the animal.

R58-18-7. Genetic Purity.

(1) Elk entering Utah, except those going directly to slaughter, shall have written evidence of genetic purity.

(2) Written evidence of genetic purity shall include:

(a) test charts from an approved lab that have run either a:

(i) blood genetic purity test; or

(ii) DNA genetic purity test;

(b) registration papers from the North American Elk Breeders Association; or

(c) herd purity certification papers issued by another state agency.

(3) Genetic purity records shall be kept on file and presented to the inspector when elk are brought into the state.

(4) Any elk identified as having red deer genetic factor shall be destroyed, or immediately removed from the state.

R58-18-8. Acquisition of or Slaughter of Elk.

(1) Only domesticated elk will be allowed to enter and be kept on any elk farm in Utah.

(2) New elk brought into a facility shall be held in a quarantine facility until a livestock inspector has inspected the animal to verify that health, identification, and genetic purity requirements have been met. New animals may not commingle with any elk already on the premises until this verification is completed by the livestock inspector.

(3) Elk presented for slaughter at an official slaughter facility that have come from an out of state source, shall arrive on a day when no Utah raised elk or elk carcasses are present at the plant.

(4) Individual elk identification shall be maintained throughout slaughter and processing until a time that CWD test results have been returned from the laboratory.

(5) Out of state elk shall be tested for Brucellosis when slaughtered.

R58-18-9. Identification.

(1) Each elk shall have two forms of identification attached to each animal.

(2) Each animal shall be permanently identified with a tamper-resistant electronic radio-frequency identification (RFID) tag.

(3) A reader shall be made available, by the owner, to the inspector when the animal is inspected to verify the electronic identification number. The RFID tag shall be placed in the right ear.

(4) Each newly purchased elk will not need to be re-tagged using the RFID tag if they already have this type of identification.

(5) Any purchased elk not already identified shall have the RFID tag applied within 30 days after arriving on the premises.

(6) Each calf shall have the RFID tag applied within 15 days after weaning or in no case later than January 31st or before leaving the premises where they were born.

(7) In addition to the RFID tag an additional form of identification either a metal tag with a number unique to the farm, or a visible dangle ear tag within 15 days after weaning or in no case later than January 31st or before leaving the premises where they were born or within 30 days after arriving on the premises.

R58-18-10. Inspections.

(1) Each facility shall be inspected within 60 days before a license or the renewal of an existing license is issued. It is the responsibility of the applicant to arrange for an appointment with the department for inspection, giving the department ample time to respond to a request.

(2) Each elk must be inspected for inventory purposes within 60 days before a license renewal can be issued.

(3) Each elk must be inspected when any change of ownership, movement out of state, leaving the facility, or slaughter occurs except as shown in Subsection R58-18-10(3)(f).

(a) It is the responsibility of the licensee to arrange for any inspection with the local state livestock inspector.

(b) At least 48 hours advance notice shall be given to the inspector.

(c) For the inspection, the licensee or their representative shall make available the records that will certify ownership, genetic purity, and animal health.

(d) Elk to be inspected shall be properly contained in facilities adequate to confine each individual animal for proper inspection.

(e) Animals shall be inspected before being loaded or moved outside the facility.

(f) Animals moving from one perimeter fence to another within the facility or from a licensed facility to another licensed facility owned by the same person within the state may move directly from one site to another site without a brand inspection, but shall be accompanied with a copy of the facility license.

(4) Any elk purchased or brought into the facility from an out of state source shall be inspected upon arrival at a licensed farm before being released into an area inhabited by other elk. Each requirement of Subsection R58-18-10(3) shall apply to the inspection of the animals.

(5) A Utah Brand Inspection Certificate shall accompany any shipment of elk that are to be moved from a Utah elk farm.

(a) Shed antlers are excluded from needing an inspection.

(6) Proof of ownership and proper health papers shall accompany any interstate movement of elk to a Utah destination.

(7) Proof of ownership may include:

(a) a brand inspection certificate issued by another state;

(b) a purchase invoice from a licensed public livestock market showing individual animal identification;

(c) court orders;

(d) registration papers showing individual animal identification; or

(e) a notarized bill of sale.

R58-18-11. Health Rules.

(1) Before the importation of elk, whether by live animals, gametes, eggs, sperm, or other genetic material into Utah, the importing party shall get an import permit from the Utah State Veterinarian's office.

(a) An import permit number shall be issued only if the destination is licensed as an elk farm by the department or an official slaughter facility.

(b) The import permit number for Utah shall be obtained by the local veterinarian conducting the official health inspection by contacting the department.

(2) Each elk imported into Utah shall be examined by an accredited veterinarian before importation and shall be accompanied by a valid Certificate of Veterinary Inspection, health certificate, certifying a disease free status.

(a) Minimum specific disease testing results or health statements shall be included on the Certificate of Veterinary Inspection. Minimum disease testing requirements may be waived on elk traveling directly to an official slaughter facility.

(b) A negative tuberculosis test shall be within 60 days before entry into the state. A retest is also optional at the discretion of the State Veterinarian.

(c) If animals do not originate from a tuberculosis accredited, qualified, or monitored herd, they may be imported only if accompanied by a certificate stating that the domestic Cervidae have been classified negative to two official tuberculosis tests that were conducted not less than 90 days apart, that the second test was conducted within 60 days before the date of movement. The test eligible age is six months or older, or less than six months of age if not accompanied by a negative testing dam.

(d) Elk being imported shall test negative for Brucellosis if six months of age or older, by at least two types of official USDA Brucellosis tests.

(e) The Certificate of Veterinary Inspection shall include the signed statement: "To the best of my knowledge the elk listed herein are not infected with Johne's Disease (Paratuberculosis), CWD or Malignant Catarrhal Fever and have never been east of the 100 degree meridian."

(f) The Certificate of Veterinary Inspection shall also contain the name and address of the shipper and receiver, the number, sex, age, and any individual identification on each animal.

(3) Additional disease testing may be required at the discretion of the State Veterinarian before importation or when there is reason to believe other diseases, parasites, or other health concerns are present.

(4) Imported or existing elk may be required to be quarantined at an elk farm when the State Veterinarian determines the need for and the length of a quarantine.

(5) The USDA published documents "Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999" and "Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 2003" are incorporated by reference into this rule. Any movement of elk outside of a licensed elk farm shall comply with these documents.

(6) Treatment of each elk for internal and external parasites is required within 30 days before entry, except elk going directly to slaughter.

(7) Each elk imported into Utah shall originate from a state or province that requires that any suspected or confirmed cases of CWD, be reported to the State Veterinarian or regulatory authority. The state or province of origin shall have the authority to quarantine source herds and herds affected with or exposed to CWD.

(8) Based on the State Veterinarian's approval, each elk imported into Utah shall originate from states that have implemented a Program for Surveillance, Control, and Eradication of CWD in Domestic Elk.

(a) Each elk imported to Utah shall originate from herds that have been participating in a verified CWD surveillance program for at least five years.

(b) Animals will be accepted for movement only if epidemiology based on vertical and horizontal transmission is in place.

(9) No elk originating from a CWD affected herd, trace back herd, source herd, trace forward herd, adjacent herd, or from an area considered to be endemic to CWD, may be imported to Utah.

(10) Elk semen, eggs, or gametes require a Certificate of Veterinary Inspection verifying the individual source animal has genetic purity and certifying that it has never resided on a premises where CWD has been identified or traced. An import permit obtained by the issuing veterinarian shall be listed on the Certificate of Veterinary Inspection.

R58-18-12. CWD Surveillance and Investigation.

(1) The owner, veterinarian, or inspector of any elk that is suspected or confirmed to be infected with CWD in Utah shall report that finding to the State Veterinarian immediately upon finding.

(2) The State Veterinarian shall promptly investigate any animals reported as CWD-exposed, CWD-suspect, or CWD-positive animals

(a) The State Veterinarian may:

(i) conduct an epidemiologic investigation of CWD-positive, CWD-exposed, and CWD-suspect herds that includes the designation of suspect and exposed animals and that identifies animals to be traced;

(ii) conduct tracebacks of CWD-positive animals and traceouts of CWD-exposed animals and report any out of state traces to the appropriate state promptly after receipt of notification of a CWD-positive animal; and

(iii) conduct tracebacks based on slaughter or other sampling promptly after receipt of notification of a CWD-positive animal at slaughter.

(b) With the approval of the commissioner, the State Veterinarian shall place the facility under quarantine and any trace-back or trace-forward-facility as needed.

(c) Any elk over 12 months of age that dies or is otherwise slaughtered or destroyed from a CWD-positive, CWD-exposed, and CWD-suspect herd shall have the brain stem, the obex portion of the medulla, and medial retropharyngeal lymph nodes collected for testing for CWD by an official test.

(i) The samples shall be collected by an accredited veterinarian, or an approved laboratory, or person trained and approved by the State Veterinarian.

(ii) Carcasses and tissues from these animals shall be either secured by a state or federally inspected slaughter establishment until testing is finished.

(iii) Carcasses and tissues from animals testing positive shall be disposed of by incineration or other means approved by the State Veterinarian.

(3) Each elk farm, licensed in Utah, shall be required to submit the brain stem, obex portion of the medulla, and medial retropharyngeal lymph nodes of any elk over 12 months of age that dies or is otherwise slaughtered or destroyed, for testing for CWD by an official test.

(a) The samples shall be collected by an accredited veterinarian, an approved laboratory, or person trained and approved by the State Veterinarian.

(b) Farms owning 20 or more elk may be allowed up to a 10% error rate on samples each year; farms owning less than 20 elk shall not have an acceptable error rate.

(4) Each hunting park licensed in Utah shall be required to submit the brain stem, obex portion of the medulla, and medial retropharyngeal lymph nodes of each elk over 12 months of age that die, or that are otherwise harvested, slaughtered, killed, or destroyed, for testing for CWD with an official test.

(a) The samples shall be collected by an accredited veterinarian, approved laboratory, or person trained and approved by the State Veterinarian.

(b) Hunting parks may be allowed up to a 10% error rate on samples per year with consideration taken when elk are shot in an area of the elk that causes an unacceptable sample.

(5) The CWD surveillance samples from elk residing on licensed elk farms and elk hunting parks shall be collected and preserved in formalin within 48 hours following the death of the animal, and submitted within seven days to a laboratory approved by the State Veterinarian. Training of approved personnel shall include collection, storing, handling, shipping, and identification of specimens for submission.

(6) Laboratory fees and expenses incurred for collection and shipping of samples shall be the responsibility of the participating elk farm or hunting park.

(7) The designation and disposition of CWD-exposed, positive, or suspect animals or herds in Utah shall be determined by the State Veterinarian.

R58-18-13. CWD Herd Certification Status.

(1) Initial and subsequent status.

(a) When a herd is first enrolled in the CWD Herd Certification Program, it shall be placed in First Year status, except that; if the herd is comprised solely of animals obtained from herds already enrolled in the program, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd.

(b) If the herd continues to meet the requirements of the CWD Herd Certification Program, each consecutive year, on the anniversary of the enrollment date the herd status will be upgraded by one year, to Second Year status, Third Year status, Fourth Year status, or Fifth Year status.

(c) One year from the date a herd is placed in Fifth Year status, the herd status will be changed to "Certified" and the herd will remain in "Certified" status as long as it is enrolled in the program, provided its status is not lost or suspended in accordance with this section.

(2) Loss or suspension of herd status.

(a) If a herd is designated a CWD-positive herd or a CWD-exposed herd, it shall immediately lose its program status and may only re-enroll after entering into an approved herd plan.

(b) If a herd is designated a CWD-suspect herd, a trace back herd, or a trace forward herd, it shall immediately be placed in Suspended status pending an epidemiologic investigation.

(i) If the epidemiologic investigation determines that the herd was not commingled with a CWD-positive animal, the herd shall be reinstated to its former program status, and the time spent in Suspended status will count toward its promotion to the next herd status level or maintenance of Certified status.

(ii) If the epidemiologic investigation determines that the herd was commingled with a CWD-positive animal, the herd shall lose its program status and will be designated a CWD-exposed herd.

(iii) If the epidemiological investigation cannot make a determination regarding the exposure of the herd, because the necessary animal or animals are no longer available for testing, for example, because a trace animal from a known positive herd died and was not tested, or for other reasons, the herd status shall continue as Suspended until a herd plan is developed for the herd.

(iv) If a herd plan is developed and implemented, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level; Except that, if the epidemiological investigation finds that the owner of the herd has not fully complied with program requirements for animal identification, animal testing, and recordkeeping, the herd shall be reinstated into the CWD Herd Certification Program at the First Year status level, with a new enrollment date set at the date the herd entered into Suspended status.

(v) Any herd reinstated after being placed in Suspended status shall then comply with the requirements of the herd plan as well as the requirements of the CWD Herd Certification Program. The herd plan:

(A) shall require testing of any animals that die in the herd for any reason, regardless of the age of the animal;

(B) may require movement restrictions for animals in the herd based on epidemiologic evidence regarding the risk posed by the animals in question; and

(C) may include other requirements found necessary to control the risk of spreading CWD.

(c) If the department determines that animals from a herd enrolled in the program have commingled with animals from a herd with a lower program status, the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.

(3) Cancellation of enrollment by the department.

(a) The department may cancel the enrollment of an enrolled herd by giving written notice to the herd owner.

(b) In the event of cancellation, the herd owner may not reapply to enroll in the CWD Herd Certification Program for five years from the effective date of the cancellation.

(c) The department may cancel enrollment after determining that the herd owner failed to comply with any requirements of this section. Before enrollment is cancelled, the department shall inform the herd owner of the reasons for the proposed cancellation in writing.

(d) Herd owners may appeal cancellation of enrollment, loss, or suspension of herd status by writing to the commissioner within 10 days after being informed of the reasons for the proposed action.

(i) The appeal shall include the facts and reasons upon which the herd owner relies to show that the reasons for the proposed action are incorrect or do not support the action.

(ii) The commissioner shall grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for the commissioner's decision.

(iii) If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict.

(iv) The cancellation of enrollment, loss, or suspension of herd status shall become effective pending final determination in the proceeding if the commissioner determines that the action is necessary to prevent the possible spread of CWD.

(A) The action shall become effective upon oral or written notification, whichever is earlier, to the herd owner.

(B) In the event of oral notification, written confirmation shall be given as promptly as circumstances allow.

(v) This cancellation of enrollment or loss or suspension of herd status shall continue in effect pending the completion of the proceeding, and any judicial review, unless otherwise ordered by the commissioner.

(4) Herd status of animals added to herds.

(a) A herd may add animals from herds with the same or a higher herd status in the CWD Herd Certification Program with no negative impact on the certification status of the receiving herd.

(b) If animals are acquired from a herd with a lower herd status, the receiving herd reverts to the program status of the sending herd.

(c) If a herd participating in the CWD Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd reverts to First Year status with a new enrollment date of the date of acquisition of the animal.

R58-18-14. Herd Plan.

(1) A written herd plan shall be developed by the State Veterinarian with input from the herd owner, USDA, and other affected parties.

(2) The herd plan sets out the steps to be taken to eradicate CWD from a CWD-positive herd, to control the risk of CWD in a CWD-exposed or CWD-suspect herd, or to prevent introduction of CWD into another herd.

(3) A herd plan shall require:

(a) specified means of identification for each animal in the herd;

(b) regular examination of animals in the herd by a veterinarian for signs of disease;

(c) reporting to a state or USDA representative of any signs of central nervous system disease in herd animals; and

(d) maintaining records of the acquisition and disposition of any animals entering or leaving the herd, including the date of acquisition or removal, name and address of the person from whom the animal was acquired or to whom it was disposed, and cause of death, if the animal died while in the herd.

(4) A herd plan may also contain additional requirements to prevent or control the possible spread of CWD, depending on the particular condition of the herd and its premises, including:

(a) specifying the time for which a premises must not contain cervids after CWD-positive, exposed, or suspect animals are removed from the premises;

(b) fencing requirements;

(c) depopulation or selective culling of animals;

(d) restrictions on sharing and movement of possibly contaminated livestock equipment; and

(e) cleaning and disinfection requirements, or other biosecurity requirements.

(5) The State Veterinarian shall approve any movement of cervids onto or off the facility.

(a) Movement restriction of cervids shall remain in place until requirements of the herd plan have been met.

(6) The State Veterinarian may review and revise a herd plan at any time in response to changes in the situation of the herd or premises or improvements in understanding of the nature of CWD epidemiology or techniques to prevent its spread.

R58-18-15. Grounds for Denial, Suspension, or Revocation of Licenses for Domestic Elk Facilities.

(1) A license to operate a domestic elk facility may be denied, suspended, or revoked by the department for any of the following reasons:

(a) unfinished application or incorrect application information;

(b) incorrect records or failure to maintain required records;

(c) not presenting animals for identification at the request of the department;

(d) failure to notify the department of movement of elk onto or off the facility;

(e) failure to identify elk as required;

(f) movement of imported elk onto facility without getting a Certificate of Veterinary Inspection that has an import permit number obtained from the department;

(g) importing animals that are prohibited or controlled as listed in Rule R657-3;

(h) failure to notify the department concerning an escape of an animal from a domestic elk facility;

(i) failure to maintain a perimeter fence that prevents escape of domestic elk or ingress of wild cervids into the facility;

(j) failure to notify the DWR that there are wild cervids inside a domestic elk farm or hunting park;

(k) failure to participate with the department and DWR in a cooperative wild cervid removal program;

(l) failure to have inventories match with at least a 95% match;

(m) failure to submit the acceptable rate of CWD test samples;

(n) failure to have the minimum proper equipment necessary to safely and humanely handle animals in the facility; or

(o) inhumane handling or neglect of animals on the facility as determined by the department.

(2) Once the department has notified the operator of a domestic elk facility of the denial, suspension, or revocation of a license to operate a domestic elk facility, the operator has 15 calendar days to request an appeal with the commissioner.

(3) An operator of a domestic elk facility that has had their license revoked shall remove any elk from the facility within 30 calendar days by:

(a) sending any elk to an inspected facility for slaughter; or

(b) selling elk to another facility.

(4) Any elk remaining on the facility at the end of 30 days shall be sold by the department during a special sale conducted for that purpose.

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