

## **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, renewal of licenses, 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) "Animal identification" means a device or means of individual animal identification.
- (2) "Approved test" means diagnostic tests for Chronic Wasting Disease (CWD) surveillance accepted by the United States Department of Agriculture (USDA) and approved by the state veterinarian.
- (3) "Commingle" means maintaining animals where physical contact among animals could occur, including keeping animals in the same pasture or enclosure. "Commingle" does not include holding animals at a sale, during transportation, during artificial insemination, or in other circumstances involving limited contact among animals for a short period.
- (4) "Commissioner" means the commissioner of the Utah Department of Agriculture and Food.
- (5) "CWD-exposed animal" means an animal that commingled with a CWD-positive animal within the previous 60 months.
- (6) "CWD-exposed herd" means a herd in which a CWD-positive animal or a CWD-exposed animal has resided for any period within 60 months before that animal's diagnosis as CWD-positive or exposure to CWD.
- (7) "CWD Herd Certification Program" means the Chronic Wasting Disease Herd Certification Program.
- (8) "CWD-positive animal" means an animal that has had a diagnosis of CWD confirmed by an official CWD test.
- (9) "CWD-positive herd" means a herd in which a CWD-positive animal resided within the previous 60 months.
- (10) "CWD-suspect herd" means a herd in which a suspect domesticated elk resides.
- (11) "Destination Herd" means the intended herd of residence that shall be occupied by the animal proposed for importation.
- (12) "Department" means the Utah Department of Agriculture and Food.
- (13) "Domesticated elk" means an animal of the genus and species *Cervus Elaphus*, born and held in captivity and domestically raised for commercial purposes.
- (14) "Domesticated elk facility" means a facility where domesticated elk are raised or hunted and includes an elk ranch.
- (15) "Domesticated elk farm" means a facility where domesticated elk are raised.
- (16) "Elk ranch" means a facility where domesticated elk are harvested through typical hunting methods.
- (17) "Herd of Origin" means the herd that an imported animal has resided in, or does reside in, before importation.
- (18) "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.
- (19) "Physical inventory" means an on-site inspection of every elk by a department employee where the RFID and visual tag number are collected and reconciled against department and producer records.
- (20) "Quarantine Facility" means a confined area where selected elk can be secured, contained, and isolated from any other elk and livestock.
- (21) "Raised" means possession of domesticated elk for any purpose other than hunting.
- (22) "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.
- (23) "Suspect domesticated elk" means a domesticated elk for which the state veterinarian has determined that unofficial test results, laboratory evidence, or clinical signs suggest that the domesticated elk may be infected with a disease-spreading pathogen and official laboratory results are inconclusive or have not been conducted.
- (24) "Trace Back Herd" or "Source Herd" means a herd of Cervidae where an animal affected with CWD has formerly resided.
- (25) "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 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 facility in conjunction with roads, towns, and other points of interest in the immediate area.
- (3) A premises identification number shall be assigned to an elk farm when a finished application is received by the department.
- (4) A complete facility inspection shall be:
  - (a) conducted before the issuing of a license or entry of elk to any facility;

- (b) made by an approved department employee and a Division of Wildlife Resources (DWR) employee; and
- (c) the responsibility of the applicant to request at least three working days in advance.
- (5) Upon receipt of an application, inspection 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.

#### **R58-18-4. License Renewal.**

- (1) Each elk farm shall apply for license renewal to the department no later than April 30<sup>th</sup>, 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 30<sup>th</sup> will have a late fee assessed.
- (2) Any facility not applying for renewal before July 1st is delinquent.
- (3) If the application and fee for renewal are not received on or before July 1, the license shall not be renewed, and a new license shall be required.
- (4) Any animals on the premises shall be quarantined until a new license is acquired or due process of law has occurred.
- (5) An operator of a domesticated elk facility that has had their license expire or had their license revoked shall remove any elk from the facility within 30 calendar days by:
  - (a) sending elk to an inspected facility for slaughter; or
  - (b) selling elk to another facility.
- (6) The department shall sell any elk remaining on the facility at the end of 30 days during a special sale conducted for that purpose.
- (7) Before license renewal, the facility shall be inspected by a department employee.
- (8) The employee shall inspect the facility within 60 days of license renewal and document that each fencing and facility requirement in Sections 4-39-201 and R58-18-5 is met. The applicant is responsible for arranging an appointment with the department for inspection, giving the department ample time to respond to a request.
- (9) Before renewal of the license, inventory, and other records provided by the licensee shall be reconciled with the records maintained by the department.
- (10) A department employee shall perform a physical inventory of each elk on the premises at least every three years. The records maintained by the department and the physical inventory shall match by at least 95%.
- (11) Annually, the department shall reconcile records received from the elk facility with those maintained by the department. Records from the elk facility include birth reports, death reports, harvest permits, and brand inspections.
- (12) The inventory records provided by the facility and records maintained by the department shall have at least a 95% match.
- (13) Failure to meet the 95% match may result in the revocation of the license.
- (14) Failure to meet the 95% match for two consecutive years shall result in the revocation of the license.
- (15) The facility shall meet the CWD testing requirements listed in Section R58-18-12.

#### **R58-18-5. Facility Requirements.**

- (1) No cervids other than domesticated elk will be allowed to enter and be kept on any elk farm in Utah.
- (2) Each perimeter fence and gate shall meet the minimum standard defined in Section 4-39-201. The perimeter fences and gates shall be constructed to prevent the movement of cervids, both captive and wild, into or out of the facility.
- (3) Internal handling facilities shall be capable of humanely restraining an individual animal to apply or read animal identification, take blood or tissue samples, or conduct other required testing.
  - (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.
- (4) 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 required to separate the animal from other animals on the farm.
- (5) The domesticated elk facility owner shall provide ample signage around the facility indicating that it is a domesticated elk facility so the public is notified that the animals are not wild elk.
- (6) Each location of a licensed facility with separate perimeter fences shall have a separate loading facility. An exception to this section may be granted in cases where the same individual owns another licensed farm within 50 miles of the elk farm, that can be accessed in a reasonably short period.

#### **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 the agent which the elk was bought from;
  - (b) official RFID tag number;
  - (c) visual tag, "ranch" or "visible dangle tag number";

- (d) age;
- (e) sex;
- (f) date of purchase or birth;
- (g) date and method of death or change of ownership, with the name of new owner and address recorded and retained;

and

- (h) Certificate of Veterinary Inspection if bought out of state.

(3) A death record of any elk 12 months of age and over that dies or that is otherwise slaughtered, killed, or destroyed shall be submitted to the department within seven days of the discovery of the death of the animal.

#### **R58-18-7. Genetic Purity.**

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

- (2) Written evidence of genetic purity shall include:

- (a) test charts from an approved lab that has run 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 upon request.

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

#### **R58-18-8. Slaughter of Elk.**

(1) Each licensed elk facility shall be required to submit both the obex portion of the brainstem and medial retropharyngeal lymph nodes of elk over 12 months of age that are slaughtered for testing for CWD by an official test at an approved laboratory. A slaughter establishment may collect and submit the CWD samples.

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

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

#### **R58-18-9. Identification.**

- (1) Each elk shall have two forms of identification including:

- (a) a tamper-resistant RFID tag:

- (i) placed in the right ear;

- (ii) applied before arrival at the premises; and

(iii) applied before or at the time of physical inventory or before leaving the premises where the calf was born, if before physical inventory; and

- (b) a visible dangle ear tag placed:

- (i) before or at the time of physical inventory;

- (ii) before leaving the premises where they were born, if before physical inventory; or

- (iii) upon arrival to the premises.

(2) Replacement RFID tags and the visual tag number shall be reported to the department within seven days of application.

#### **R58-18-10. Brand Inspections.**

(1) Each elk shall be inspected when there is any change of ownership or movement out of state, when leaving the facility, or when slaughter occurs except as shown in Subsection R58-18-10(1)(e) or R658-18-10(1)(f).

(2) It is the responsibility of the licensee to arrange for any inspection with the department's Domesticated Elk Program Manager.

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

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

- (5) Each elk shall have its RFID tag and visual dangle tag recorded on the brand inspection.

- (6) Animals may move from one perimeter fence to another within the same facility without a brand inspection.

(7) Elk moving 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 reported to the department within seven days of movement.

(8) 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.

(9) A Utah Brand Inspection Certificate shall accompany any elk shipment that is to be moved from a Utah elk farm. Shed antlers are excluded from needing an inspection.

#### **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 obtain an import permit from the state veterinarian's office. The import permit shall be:
  - (a) issued only if the destination is a licensed elk facility or an official slaughter facility; or
  - (b) obtained from the department by the veterinarian conducting the official health inspection.
- (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 that meets the following disease testing requirements.
  - (a) Disease testing results and health statements shall be included on the Certificate of Veterinary Inspection. Disease testing requirements may be waived on elk traveling directly to an official slaughter facility.
  - (b) Elk imported from a US herd have tested negative for tuberculosis within 90 days before entry unless enrolled in a tuberculosis herd monitoring accreditation program.
  - (c) Elk imported from Canada have tested negative for Tuberculosis within 90 days before entry and Brucellosis within 30 days before entry.
  - (d) Elk imported from a Brucellosis Designated Surveillance Area participate in their state's Brucellosis surveillance program or have tested negative for Brucellosis within 30 days before entry as shown on a letter from their state veterinarian or the department stating their participation and their last herd test date.
  - (e) The Certificate of Veterinary Inspection shall include the signed statement: "To the best of my knowledge, the elk listed 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) Domesticated elk imported from an international herd shall be:
  - (a) male;
  - (b) imported to an elk ranch for use in the elk ranch; and
  - (c) harvested in the same season that the domesticated elk enters the state.
- (4) Additional disease testing or quarantine may be required at the discretion of the state veterinarian when there is reason to believe other diseases, parasites, or other health concerns are present.
- (5) Treatment of each elk for internal and external parasites is required within 30 days before entry, except for elk going directly to an official slaughter facility.
- (6) Each elk imported into Utah shall originate from a state or province that requires that any CWD-suspect domesticated elk, or CWD-positive domesticated elk 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.
- (7) Based on the state veterinarian's approval, each elk imported into Utah shall originate from states that have implemented a CWD Herd Certification Program.
  - (a) Each elk imported to Utah shall originate from herds that have been participating in a verified CWD Herd Certification Program for at least five years and are "certified" in that program.
  - (b) Animals will be accepted for movement only if epidemiology based on vertical and horizontal transmission is in place.
- (8) No elk originating from a CWD-positive herd or involved in a trace for CWD may be imported to Utah.
- (9) Elk semen, eggs, or gametes require a Certificate of Veterinary Inspection verifying that 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) Any person or laboratory who suspects or diagnosed CWD in a domesticated elk in Utah shall notify the state veterinarian immediately.
- (2) The state veterinarian shall promptly investigate any animals reported as a CWD-positive domesticated elk or CWD-suspect domesticated elk.
  - (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 domesticated elk and exposed domesticated elk 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) Within 30 days of the date a suspect domesticated elk or positive domesticated elk is reported to the department, the state veterinarian shall provide written notice to an owner of a domesticated elk facility of:
    - (i) the status of the animal disease traceability investigation, including any findings; and
    - (ii) the owner's right to appeal.
  - (c) With the approval of the commissioner, the state veterinarian may place an elk facility under quarantine if a domesticated elk at the elk facility, within the previous 60 months:
    - (i) has tested positive for CWD;
    - (ii) is a suspect domesticated elk; or

- (ii) has commingled with a CWD-positive elk in a quarantined domesticated elk facility.
- (d) The state veterinarian may not place an elk facility under quarantine if there is no CWD-positive, CWD-suspect, or commingled domesticated elk residing at the domesticated elk facility.
- (3) Each licensed elk farm shall be required to submit both the obex portion of the brainstem, and medial retropharyngeal lymph nodes of any elk over 12 months of age that die or are otherwise slaughtered or destroyed, for testing for CWD by an official test at an approved laboratory.
- (4) The samples shall be collected by an approved laboratory, or a person approved by the state veterinarian. Approved personnel shall have training on collecting, storing, handling, shipping, and identifying specimens for submission.
- (5) At least 90% of elk shall have at least one sample be testable by the laboratory.
- (6) Samples designated as "location," "unsuitable," or "insufficient follicles," and missing samples are considered untestable.
- (7) Individuals with less than 90% of testable samples may lose their approval to collect samples and may be required to undergo additional training before being re-approved.
- (8) The department may deny, revoke, or suspend a domestic elk farm license if a farm fails to submit at least one testable sample for 90% of elk.
- (9) The CWD surveillance samples from elk residing on licensed elk facilities shall be collected and preserved in formalin within 48 hours following the animals' death and submitted within seven days to a laboratory approved by the state veterinarian.
- (10) Laboratory fees and expenses incurred for the collection and shipping of samples shall be the responsibility of the participating elk farm.
- (11) The designation and disposition of CWD-exposed, positive, or suspect domesticated elk or herds in Utah shall be determined by the state veterinarian.

**R58-18-13. CWD Herd Certification Program.**

- (1) Herds wishing to enroll in the Utah Herd Certification Program shall apply to the department.
- (2) Participating herds shall indicate annually that they wish to continue to be enrolled in the Utah Herd Certification Program.
- (3) Participating herds shall meet the requirements in the USDA Chronic Wasting Disease Program Standards, May 2019 edition, which is incorporated by reference.
- (4) Participating herds who do not meet the CWD Program Standards for recordkeeping, surveillance, sampling, or herd additions may lose certification status.
- (5) Participation in the Utah Herd Certification Program is voluntary.

**R58-18-14. Positive Herd Management.**

- (1) Each elk facility with an elk that has tested positive for CWD or commingled with an elk that has tested positive for CWD shall receive a written herd plan 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 manage CWD in a CWD-positive 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 shall not contain cervids after CWD-positive, exposed, or suspect animals are removed from the premises;
  - (b) fencing requirements;
  - (c) requirements related to 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 the requirements of the herd plan have been met.
  - (b) Elk from a positive farm may be moved to an elk ranch or official slaughter facility as follows:
    - (i) movements comply with Section R58-18-10;
    - (ii) elk going to an elk ranch shall be harvested within the same calendar year they move to the elk ranch; and
    - (iii) elk going to an elk ranch or official slaughter facility shall be tested for CWD.
- (6) The state veterinarian may review and revise a herd plan at any time in response to changes in the herd or premises or improvements in understanding 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) The department shall deny, suspend, or revoke a license to operate a domestic elk facility if the licensee or applicant:

- (a) fails, for two consecutive years, to:
  - (i) meet inventory requirements as required by the department;
  - (ii) submit testable CWD samples for at least 90% of mortalities over 12 months old; or
  - (iii) notify the department that there are wild cervids inside a domestic elk farm or elk ranch;
- (b) fails to present animals for identification at the request of the department or allow the department to have access to facility records; or
- (c) violates the import requirements of Section 4-39-303.

(2) The department may deny, revoke, or suspend a license to operate a domestic elk facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:

- (a) provides:
  - (i) an unfinished application or incorrect application information; or
  - (ii) incorrect records or failure to maintain required records.
- (b) fails to:
  - (i) notify the department of movement of elk onto or off from the facility;
  - (ii) identify elk as required;
  - (iii) notify the department concerning an escape of an animal from a domestic elk facility;
  - (iv) maintain a perimeter fence that prevents escape of domestic elk or ingress of wild cervids into the facility;
  - (v) participate with the department in a cooperative wild cervid removal program;
  - (vi) submit testable CWD samples for at least 90% of mortalities over 12 months old; or
  - (vii) have the minimum proper equipment necessary to safely and humanely handle animals in the facility.
- (c) moves imported elk onto a facility without getting a Certificate of Veterinary Inspection that has an import permit

number from the department;

- (d) imports animals that are prohibited or controlled by the Division of Wildlife Resources; or
- (e) handles animals in a manner that violates acceptable animal husbandry practices.

(3) The department will provide the facility with a written notice if they do not meet the requirements listed in Subsections R58-18-15(1) and R58-18-15(2). The facility will be given 30 days to correct the deficiencies.

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

(5) An operator of a domesticated 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.

(6) 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.

**KEY: chronic wasting disease, elk, inspections**

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