

DRAFT

OPERATIONAL STANDARDS FOR REGISTERED PRIVATELY OWNED CERVIDAE FACILITIES

Revised December, 2005

Adopted by the Michigan Commission of Agriculture, January 9, 2006

Adopted by the Natural Resources Commission, January 12, 2006

REGISTRATION GUIDELINES

The Director of the Michigan Department of Natural Resources (MDNR) may grant registration for privately owned cervidae facilities. Limited registrations may provide for modified record-keeping or individual cervidae identification requirements, fee requirements, and limitations on movements of cervidae or cervidae products. The following are current registration classes:

1. Registration CLASS I (Hobby)

-must meet all requirements of PA 190 of 2000, as amended, for record-keeping and individual cervidae identification.

-prior MDA approval is required for addition of cervidae to the herd, other than through natural reproduction.

-no live privately owned cervidae are allowed to be removed from the herd.

-no new Class I registration will be issued after the effective date of amendments to Act 190

2. Registration CLASS II (Exhibition)

-must meet all requirements of PA 190 of 2000, as amended, for record-keeping and individual cervidae identification.

-prior MDA approval is required for addition or movement of cervidae to or from the herd, other than through natural reproduction.

-live privately owned cervidae are allowed to be moved from the herd for a period not to exceed 60 consecutive days without approval of the department, and can have no direct physical contact with any other livestock during that time.

3. Registration CLASS III (Ranch)

-exempt from record keeping requirements of PA 190 of 2000, as amended, for cervidae added to the herd through natural reproduction.

-exempt from individual cervidae identification requirements of PA 190 of 2000, as amended, for cervidae added to the herd through natural reproduction. Class III facilities that cannot tag cervidae added to the herd through natural reproduction must submit a disease testing plan to be jointly approved by the MDA and MDNR. Additionally, double gating in perimeter fence, or MDNR approved method to assure automatic closure of perimeter gates, is required.

-no live privately owned cervidae are to be removed from the herd.

-individual cervidae identification and record keeping requirements will apply to any cervidae added to the herd through any method other than natural reproduction.

-records must be kept including date, gender, and age for any cervidae which are removed from the herd.

-records must be kept including name and address of the destination of any cervidae products removed from the herd.

4. FULL REGISTRATION

-must meet all requirements of PA 190 of 2000, as amended.

The MDNR may approve a change in registration classification upon receipt of a modified and completed application and fee. A registered cervidae livestock facility shall apply for a modification of the cervidae livestock facility registration before any change in the registration class of activities for which the registration is issued.

FACILITY STANDARDS

All registered privately owned cervidae facilities must have continuous perimeter fencing and perimeter gates constructed of woven wire or other material if deemed appropriate by the MDNR to meet or exceed the standard of continuous woven wire for the entire vertical height, and be constructed and maintained in a condition as specified in these standards.

NEW CONSTRUCTION

The industry standard wire is referred to as *fixed-knot 20-96-6-12.5* and is required for the lower 8 feet in new construction. All new construction shall utilize at least 10 foot continuous or 8 foot and 2 foot top panel vertical woven wire or structurally stronger material securely connected at minimum 3 foot intervals using metal wire. The wire shall not have openings greater than 6 inches by 6 inches. Posts shall not be placed greater than 20 feet apart. Posts shall be constructed of 2 inch minimum diameter (inside diameter) metal or round wood posts not less than 4 inches at the smallest end. If square or rectangular wooden posts are used, the dimension shall not be less than 3 1/2 inches. Posts shall be at least 14 feet in length with a minimum 42 inches below the ground. All corner and gate posts shall be at least 15 feet long and be at least 5 feet below the ground. Deviations from these standards will require department approval before installation. The following fence heights shall apply for species within the registered facilities:

1. White tailed deer, elk, red deer, sika deer, fallow deer, mule deer species - the minimum vertical fence height shall be 10 feet from the ground level and be sufficient to prevent the ingress and egress of cervidae.

2. Reindeer and Caribou - the minimum vertical fence height shall be 4 ½ feet from the ground level. Fences for reindeer and caribou shall be continuous woven wire and use either steel T-posts, 2 inch minimum diameter (inside diameter) metal, or wooden posts greater than 3 ½ inches in diameter.

EXISTING FACILITIES

All fences constructed by piecing together woven wire shall be securely connected at minimum 3 foot intervals using metal wire. Posts shall not be more than 25 feet apart. Posts shall be constructed of 2 inch minimum diameter (inside diameter) metal or round wood posts not less than 4 inches at the smallest end. If square or rectangular wooden posts are used, the dimension shall not be less than 3 1/2 inches. Posts shall be at least 14 feet in length. Deviations from these standards will require department approval. Facilities with single strands of wire for the top two feet will be required to replace the strands with 2 feet of continuous woven wire securely connected at minimum 3 foot intervals using metal wire. The following fence heights shall apply for species within the registered facilities:

1. White tailed deer, elk, red deer, sika deer, fallow deer, mule deer species - the minimum vertical fence height shall be 10 feet from the ground level and be sufficient to prevent the ingress and egress of cervidae.

2. Reindeer and Caribou - the minimum vertical fence height shall be 4 ½ feet from the ground level. Fences for reindeer and caribou shall be continuous woven wire and use either steel T-posts, 2 inch minimum diameter (inside diameter) metal, or wooden posts greater than 3 ½ inches in diameter.

All existing facilities shall comply with these standards by January 1, 2008.

ALL FACILITIES

The integrity of all perimeter fencing shall be monitored by the owner, or their authorized representative, for integrity on not less than a weekly basis and following any possible physical damage. The date and name of the person conducting the inspection must be contained within the farm records. The ground edge of the fencing shall remain at or below ground level at all times. Openings not to exceed 6 inches square may be present at ground level to facilitate the movement of small mammals and reptiles, if determined necessary by the MDNR in consultation with the MDA.

Fence height for any other cervidae species not listed above may be approved under a limited registration set by the MDNR Director. For any registered facilities that are to be approved for multiple commingled species, the fence height requirement for the applicable species that requires the highest minimum vertical height shall apply to the facility.

Any additions to the facility, gate or corner post replacements, or fence replacements that are greater than or equal to 40 feet in length, shall utilize new construction fencing standards indicated above.

Gates must be constructed of continuous woven wire or structurally stronger materials and meet or exceed facility fencing heights. Gates must be adjusted seasonally, or more often if necessary, to ensure that the bottom of the gate extends no higher than 6 inches from the ground along the entire length. Gaps between the gate and adjacent fence shall be no more than 4 inches on both sides.

RECORDS

Farm records must be kept on site for all cervidae included within the herd, regardless of species. Any cervidae contained within the perimeter fence are considered to be within the herd. Availability of a record-keeping system on farm must be demonstrated during a preregistration inspection prior to approval of registration. Farm records must include the following for each individual cervidae within the herd.

1. Official identification numbers.
2. Species and gender.
3. Age upon entry into the herd.
4. Date and method of entry into the herd including purchase, non-purchase transfer or natural reproduction.
5. For any purchased cervidae, the complete name, address, farm name, registration number, and phone number of the person from whom the cervidae was acquired.
6. Copies of any test certificates, herd status letters, or official interstate or international health certificates, required to show compliance with any state or federal law, for cervidae entering the herd.
7. Date and method of disposition for any cervidae which are removed from the herd, including sale, transfer, and mortality. For all mortalities, records must contain whether the mortality was intentional or non-intentional, and method and site of disposal, consistent with PA 239 of 1982.
8. For any cervidae sold or transferred live, the complete name, address, farm name, registration number, and phone number of the person who received the cervidae at the destination.
9. Any cervidae from within the perimeter fence which become located outside the perimeter fence, not under the direct control of the owner, the type of escape/release, duration of time outside the perimeter fence, and the manner of recovery or disposition. For any cervidae outside of the perimeter fence for more than 12 hours, the operator must notify the MDNR at 1-800-292-7800 and the MDA at 1-800-292-3939.
10. Copies of any required test certificates, herd status letters, or official interstate or international health certificates required to show compliance with any state or federal laws, for cervidae removed from the herd.

Copies of these records must be kept and be available for inspection for a period of 7 years following the removal of each individual cervidae from the herd. All records from 2003 forward shall be retained consistent with the reporting requirements for each year.

INDIVIDUAL ANIMAL IDENTIFICATION

It is the expressed intent that privately owned cervidae should be visibly identified as privately owned. In Class III facilities where owners are unable to visibly identify cervidae, the owner must work with the MDNR, to adequately address biosecurity issues and have a MDA-MDNR jointly approved plan to conduct disease surveillance.

All cervidae species within the enclosure occupied by the privately owned cervidae must be officially identified by 2 forms of identification with at least one visible (minimum tag diameter of 1 1/8 inches) from the following methods:

1. Official alpha-numeric ear tag.
2. Registration tattoo for cervidae registered with an official breed registry only.
3. Electronic identification placed at the base of the left ear. This type of official identification may only be used to meet registration requirements if an electronic identification reader capable of being used to identify the cervidae is present at the registered facility. It is the responsibility of the owner at the registered facility to ensure that the appropriate electronic reader is present at the facility.
4. Any other official identification approved by the MDA Director.

For cervidae located on Class I (Hobby), Class II (Exhibition), or Class IV (Full) registered facilities, official identification must be present upon entry into the herd for all cervidae acquired other than through natural reproduction. For cervidae that are added to the herd through natural reproduction, official identification must be applied prior to the cervidae reaching one year of age.

For cervidae located on Class III (Ranch) registered facilities, official identification must be present upon entry into the herd for all cervidae acquired other than through natural reproduction or for cervidae when individually handled. Class III facilities that cannot tag cervidae added to the herd through natural reproduction must submit a disease testing plan to be jointly approved by the MDA and MDNR. Double gating in perimeter fence or a MDNR approved method to assure automatic closure of perimeter gates is required.

RECOVERY PROTOCOL FOR ANY CERVIDAE WHICH BECOME RELEASED

Any cervidae from within the perimeter fence which become located outside the perimeter fence, not under the direct control of the owner that is recovered within 12 hours, must be recorded in the farm records. In the event that cervidae meet the criteria of released, the owner must contact MDNR at 1-800-292-7800 and the MDA at 1-800-292-3939 within 24 hours of discovery of the release. Any cervidae that becomes released from a registered facility and is recovered within 48 hours of the discovery of

the release must immediately be placed in an isolation facility that maintains the cervidae no less than 30 feet from all other livestock on the registered facility at all times, as specified by the MDNR Director, in consultation with the MDA.

In the event that the cervidae is not recovered within 48 hours from the time the cervidae is discovered as released, the cervidae is to be culled and, at the discretion of the MDA, tested for disease.

MDNR will evaluate the cause of the release, and may require modifications of fencing or management practices to prevent reoccurrence of release.

Tagged cervidae that become released are not exempted from legal taking under a permit issued by MDNR (hunting license, deer damage permit, or disease control permit).

OVERSIGHT RESPONSIBILITIES AND REPORTING

The Michigan Department of Natural Resources will have primary inspection and oversight responsibilities for compliance with requirements of the act following acceptance into the registration program. The Michigan Department of Agriculture, under the authority of the Animal Industry Act, has oversight responsibility for compliance with cervidae health testing and cervidae movement. Execution of these responsibilities includes, but is not limited to: access to the registered premises and related cervidae records; reportable disease sample collection, submission and testing authority; and the authority to place, enforce, and release quarantines.

Each owner of any registered privately owned cervidae facility must submit an annual report to MDNR that indicates completed inspection of perimeter fencing for integrity and maintenance. This report must contain the date and time of inspection, name of person completing inspection, any noted deficiencies, and method of repair.

An annual report of inventory must be sent to MDNR by January 15 of each calendar year that specifies the total number of each species present within the registered facility, and number of each species added or removed from the herd during the previous 12 months (January – December), including all escapes/releases more than 12 hours in duration. Farm records must be provided to MDNR and MDA representatives upon request at any reasonable hour, and must be kept for a minimum period of 7 years following removal of cervidae from the facility.

MDNR will conduct inspection of each registered privately owned cervidae facility at least once every 3 years.

Inspection intervals for individual registered facilities may be determined on a risk basis, utilizing criteria which may include type of registration approved, difficulty of complying with registration requirements, risk of cervidae becoming released, size of facility, number of cervidae movements reported, risk of occurrence of a reportable disease, and complaint, inspection or compliance history. MDNR inspection intervals may be modified based upon the presence or absence of any industry-sponsored private inspection or education programs.

DECOMMISSIONING FACILITIES

The owner of a privately owned cervidae facility shall not abandon, or discontinue the operation of a facility, unless the following steps are adhered to:

- (1) The owner shall notify the MDNR and MDA in writing of his/her intent to decommission the facility.
- (2) The owner shall harvest, sell, transfer, depopulate, or otherwise remove all cervidae from the facility by means authorized by PA 190 of 2000, as amended.
- (3) The owner shall submit all records required to be kept on site by the Operational Standards to the MDNR and MDA for review.
- (4) Upon satisfactory review of submitted records, the MDNR shall confirm that there are no cervidae species remaining within the enclosure.
- (5) The MDNR shall notify the owner in writing that the facility removal or modification process may begin. Such notice shall include a time limit for this activity.
- (6) The owner shall remove the facility or bring the facility into compliance with the Wildlife Conservation Order (WCO), Section 2.11 and notify the MDNR in writing within the time limit established by the MDNR.
- (7) The MDNR shall confirm that the facility conforms to the WCO, Section 2.11 and shall notify the owner in writing that the facility is officially decommissioned.

VIOLATIONS

A person who violates the requirements set forth in the OPERATIONAL STANDARDS FOR REGISTERED PRIVATELY OWNED CERVIDAE FACILITIES is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or more than \$1,000.00 or imprisonment for not less than 30 days or more than 90 days, or both.

A person intentionally or knowingly causing the ingress of free-ranging cervidae species into a registered cervidae livestock facility is guilty of a felony.

A person abandoning a registered cervidae livestock facility without first notifying the MDNR and MDA in compliance with these standards, or intentionally or knowingly releasing or allowing the release of any cervidae species from a cervidae livestock facility is guilty of a felony.

Additionally,

- (1) A court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation.
- (2) The director, upon finding that a person has violated any provisions of this act, an order issued by the director as a result of an informal or administrative hearing, or a rule promulgated under this act, may do any of the following:
 - (a) Issue a warning.
 - (b) Impose an administrative fine of not more than \$1,000.00, plus the costs of investigation, for each violation after notice and an opportunity for a hearing. A person aggrieved by an administrative fine issued under this section may request a hearing

pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.

(3) The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine. Civil penalties collected shall be paid to the general fund.

(4) Notwithstanding any other provisions of this act, the director may bring an action to do either or both of the following:

(a) Obtain a declaratory judgment that a method, activity, or practice is a violation of this act.

(b) Obtain an injunction against a person who is engaging in a method, activity, or practice that violates this act.

(5) The remedies under this act are cumulative and use of 1 remedy does not bar the use of another unless otherwise prohibited by law.

For further information contact:
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