

**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Scott Hassett, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

***NOTICE***

***NOTICE IS HEREBY GIVEN*** that The Natural Resources Board will convene at 10:00 a.m. by teleconference on Monday, September 8, 2003, in Room 774B of the state Natural Resources Building (GEF 2), 101 South Webster Street, Madison, Wisconsin.

***NOTICE IS FURTHER GIVEN*** that the Board will take action on one item relating to Adoption of Emergency Rule Order WM-37-03(E) - revision of Chapters NR 10 and NR 19, Wis. Adm. Code, pertaining to the regulation of deer feeding and baiting in counties considered at highest risk for the spread of chronic wasting disease and bovine tuberculosis.

For further information, please contact William Smith, Acting Deputy Secretary of the Department of Natural Resources, at (608) 266-2121.

Deer Feeding and Baiting (1)  
**NATURAL RESOURCES BOARD AGENDA ITEM**

Item No.

1

**SUBJECT:** Adoption of Emergency Order WM-37-03(E) - revision of Chapters NR 10 and NR 19, Wis. Adm. Code, pertaining to the regulation of deer feeding and baiting in counties considered at highest risk for the spread of chronic wasting disease and bovine tuberculosis.

**FOR:** SEPT. 8, 2003 **BOARD MEETING**

**TO BE PRESENTED BY:** Tom Hauge

**SUMMARY:**

As a result of the decision by the Joint Committee for the Review of Administrative Rules (JCRAR), which was to object to the Natural Resources Board recommended statewide ban on deer baiting and feeding, the department has determined that a stop-gap measure is necessary to reduce the risk of disease transmittance in the areas where CWD and TB have been identified. The department realizes the risk with allowing these practices to continue, especially in those areas of higher risk for disease transmission and is recommending adoption of an emergency rule. This emergency rule would help to protect the wild deer herd and domestic livestock from additional exposure to infected animals, and to assist the department with their disease control efforts. The department requests that the Board adopt an emergency rule (WM-37-03(E)) that would eliminate the practices of deer baiting and feeding in those areas of the state where CWD and TB have been identified, since the opportunity to prohibit these activities statewide is no longer available.

**RECOMMENDATION:** Board adoption of WM-37-03(E), an emergency rule that would prohibit deer baiting and feeding in areas determined to be at the highest risk for disease transmittance and establishment.

**LIST OF ATTACHED MATERIALS:**

No	<input checked="" type="checkbox"/>	Fiscal Estimate Required	Yes	<input type="checkbox"/>	Attached
No	<input type="checkbox"/>	Environmental Assessment or Impact Statement Required	Yes	<input checked="" type="checkbox"/>	Attached
No	<input type="checkbox"/>	Background Memo	Yes	<input checked="" type="checkbox"/>	Attached

**APPROVED:**

Tom Hauge  
Bureau Director, Thomas M. Hauge (KAT)

Sept. 4, 2003  
Date

9-5-03  
Date

Laurie Osterndorf  
Administrator, Laurie Osterndorf

9/5/03  
Date

Scott Hassett  
Secretary, Scott Hassett

cc: Linda Jahns - AD/5  
Scott Hassett - AD/5 - 3 copies  
Laurie Osterndorf - AD/5  
Tom Hauge - WM/4  
Bill Vander Zouwen - WM/4

Regional Wildlife Sups. - WM/4 - 5  
Regional LE Sups - LE/5 - 5  
Tom Van Haren - LE/5  
Randy Stark - LE/5  
Kurt Thiede - WM/4

Conservation Congr. Exec. Comm. - 4  
GLIFWIC & Tribes - 14  
Carol Turner/Tim Andryk - LS/5 - 2  
Regional Directors - 5  
Regional Land Leaders - 5

DATE: September 4, 2003

TO: Natural Resources Board Members

FROM: Scott Hassett 

SUBJECT: Board adoption of WM-37-03(E), an emergency rule that would prohibit deer baiting and feeding in counties determined to be at the highest risk for CWD, TB and infectious disease transmittance and establishment.

On August 29, 2003 the Natural Resources Board responded to the Joint Committee for the Review of Administrative Rules (JCRAR) motions pertaining to rule order WM-09-03, which would have established a statewide ban on deer baiting and feeding (Appendix A). The board voted to adopt the first motion, a 10 month sunset relating to the proposed ban, but respectfully declined to incorporate additional modifications that would have compromised the effectiveness of the rule to prevent the spread and establishment of CWD, bovine tuberculosis (TB) and other infectious diseases. Finally, the Board requested that the JCRAR reconsider their motion to suspend the rule if all motions were not accepted and incorporated. However, the JCRAR did not reconsider their previous position and as a result, as of 5 p.m. August 29, the rule to prohibit baiting and feeding was officially objected to by the JCRAR. The rule was suspended thereby leaving no provisions for regulating feeding and allowing 10 gallons of bait statewide.

The department realizes the risk with allowing these practices to continue, especially in those areas where CWD and TB have been identified. As a result of the recent JCRAR rule suspension, the department and Board are faced with no other choice but to adopt an emergency rule, which would as a stop-gap measure to protect the wild deer herd and domestic livestock from additional exposure to infected animals, and to assist the department with their disease control efforts. Therefore, the department requests that the Board adopt an emergency rule (WM-37-03(E)) that would eliminate the practices of deer baiting and feeding in those areas of the state that the department has identified as being at the greatest risk for CWD or TB, since the opportunity to prohibit these activities statewide is no longer available. Simply put, we have been given no other option as a result of legislative action, than to ban these potentially harmful practices in the areas where known cases of CWD (or TB which has more potential to impact our domestic beef and dairy industry) have been confirmed, whether in captive or free-roaming, domestic or wild animals.

Although we realize that the risk of disease transmission and establishment exists statewide, we feel this emergency rule will protect those areas of the state where we know that disease exists and the surrounding areas during the upcoming 2003 deer season.

**Background:**

In April 2003, the NRB adopted rule order WM-09-03 that called for a statewide prohibition on deer baiting and feeding in order to prevent the spread of CWD and to help insure that the disease would not become established in other parts of the state.

In May 2003, the Assembly Natural Resources and Senate Environment and Natural Resources Committees voted to modify the department's proposal by allowing 2 gallons of bait and limited feeding in areas where CWD positive animals (captive or wild) have been discovered. In June 2003, the NRB voted against modifying the original rule order. Upon receipt of the DNR Board decision, the Assembly

The areas where the ban would be in effect include any county where the entire county or any portion of the county is included in a CWD Management Zone (CWD eradication zone, CWD intensive harvest zone or herd reduction zone) or any county within a 10-mile radius of a captive or free-roaming, domestic or wild animal that has been confirmed to have CWD or TB since January 1, 1998 (Figure 1).

This description identifies the current known areas of risk in Wisconsin. In addition to CWD, Bovine TB has been added to the potential diseases of risk, since current research would suggest that this disease poses the most potential risk to Wisconsin's agriculture industry.

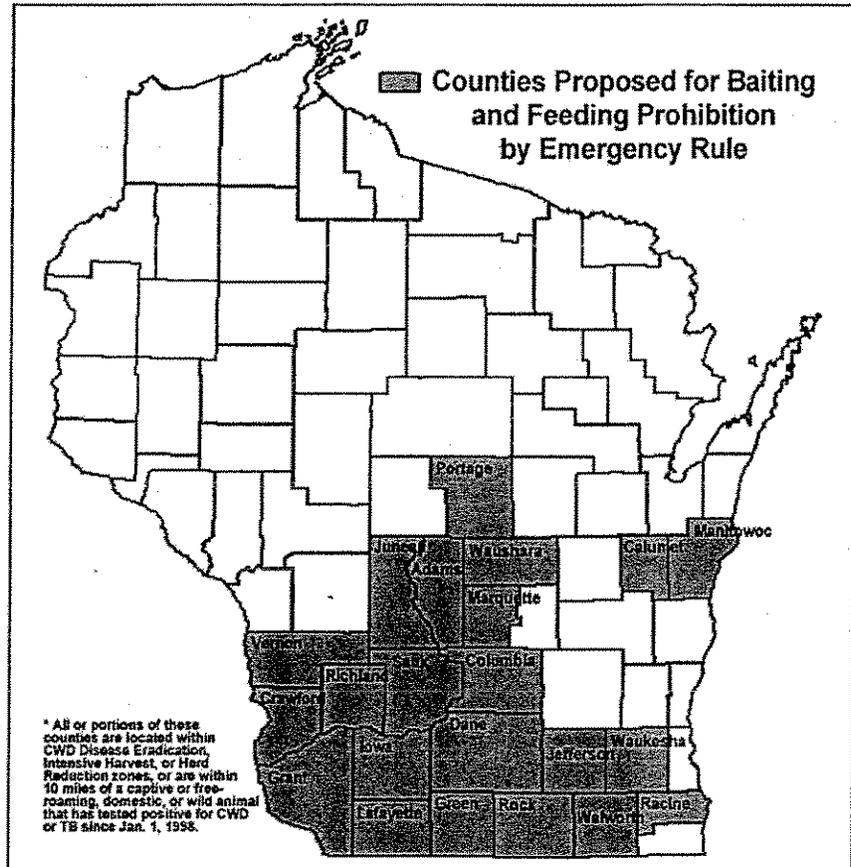


Figure 1. Proposed counties included in a baiting and feeding ban.

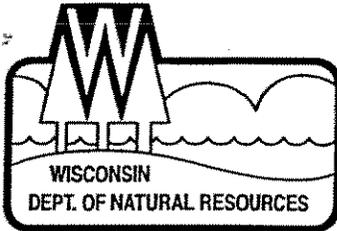
Although this description is fairly well explanatory, the inclusion of counties within a 10-mile radius may need further clarification. The 10-mile radius was chosen as it is believed to be a conservative estimate of the distance a deer is likely to travel based on research in the Midwest. Although longer dispersals have been noted, 10 miles actually encompasses an average dispersal distance.

The reason entire counties have been chosen, is for ease of application and understanding. Since this rule affects hunters and non-hunters alike, county boundaries are the logical choice as a majority of people are more familiar with county boundaries than the alternatives of deer management unit boundaries or township boundaries. In addition, there are a number of counties, such as Manitowoc County that have enacted or are considering enacting a county ordinance that prohibits the feeding of deer.

In addition to the prohibitions on baiting and feeding, this rule clarifies that the existing regulations pertaining to baiting (s. NR10.07(1)(g)) would remain in effect in the counties not included in the ban.

**Initial Regulatory Flexibility Analysis:**

The proposed revisions to NR Chs. 10 and 19 Wis. Adm. Code, pertain to the rules relating to the control and eventual eradication of Chronic Wasting Disease from the state's deer herd and impose no compliance or reporting requirements for small businesses, nor are there any design or operational standards contained within the proposed rule. However, these rules, will have an indirect impact on small



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August 29, 2003

Honorable Joseph Leibham, Chair  
Joint Committee for Review of Administrative Rules  
Room 409 South  
State Capitol

Honorable Glenn Grothman, Chair  
Joint Committee for Review of Administrative Rules  
Room 15 North  
State Capitol

Re: Clearinghouse Rule No. 03-017  
Regulation of baiting and feeding to control and manage chronic wasting disease

Gentlemen:

On August 20, 2003, the Joint Committee for Review of Administrative Rules requested the Department of Natural Resources to modify Clearinghouse Rule No. 03-017 relating to baiting and feeding of wild animals. At a meeting today, the Natural Resources Board adopted the modification that the rule will not apply after June 30, 2004.

The Natural Resources Board declined to make any further modifications to the proposed rule. Baiting and feeding concentrates deer and risks transmission of this and other significant transmissible diseases and it is not in the best interest of the deer herd or the citizens and hunters of Wisconsin.

The Natural Resources Board requests that the Joint Committee for Review of Administrative Rules reconsider its motion to object to the proposed rule and allow the Department to proceed with promulgation.

Under s. 227.19(5)(b)2., Stats., the Department of Natural Resources refers this action to your Committee for an additional 10 working day review. A copy of the proposed rule incorporating the modifications adopted by the Natural Resources Board is attached.

Sincerely,

Scott Hassett  
Secretary

cc: Tom Hauge – WM/4  
Kurt Thiede – WM/4  
Tim Andryk – LSL/5  
Carol Turner – LS/5

Attach.

b. Feeding for the purpose of viewing deer be allowed only when all of the following conditions have been met:

- (1) Feeding occurs north of state highway 54.
- (2) Feeding occurs outside of a chronic wasting disease eradication zone, a chronic wasting disease management zone, or an intensive harvest zone.
- (3) No more than two gallons of feed are spread daily by a scattering method or a broadcast method within 50 yards of an owner occupied residence.

3. If DNR fails to indicate in writing, by 5:00 on Friday, August 29, 2003, that the it will make the recommended modifications described in Motions 1 and 2, then, pursuant to s. 227.19 (4) (d) 5. and 6. and (5), Stats., the Joint Committee for Review of Administrative Rules objects to Clearinghouse Rule 03-017.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,



Senator Joseph Leibham  
Senate Co-Chair



Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG;pvs

**Fiscal Estimate Worksheet — 2003 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-37-03(E)

Subject  
 Prohibition on deer Baiting and Feeding relating to the control of Chronic Wasting Disease in Wisconsin

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 None

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations — Salaries and Fringes		\$ 0	\$ - 0
(FTE Position Changes)		( 0.00 FTE )	( - 0.00 FTE )
State Operations — Other Costs		0	- 0
Local Assistance		0	- 0
Aids to Individuals or Organizations		0	- 0
<b>Total State Costs by Category</b>		<b>\$ 0</b>	<b>\$ - 0</b>
<b>B. State Costs by Source of Funds</b>			
GPR		\$ 0	\$ - 0
FED		0	- 0
PRO/PRS		0	- 0
SEG/SEG-S		0	- 0
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>Total State Revenues</b>		<b>\$</b>	<b>\$ -</b>

**Net Annualized Fiscal Impact**

	<u>State</u>		<u>Local</u>	
Net Change in Costs	\$	0	\$	0
Net Change in Revenues	\$	0	\$	0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 09-04-03

**Section 4. NR 10.001(23e) is created to read.**

NR 10.001(23e) "Scent" means any material except honey, used to attract wild animals solely by its odor.

**Section 5. NR 10.07(1)(g) is repealed.**

**Section 6. NR 10.07(2) is created to read.**

NR 10.07(2) BAITING PROHIBITED. (a) *Affected area.* This subsection applies to an entire county if:

1. CWD eradication zones, CWD intensive harvest zones or herd reduction zones have been established in the county or a portion of the county, or
2. A CWD or bovine tuberculosis positive captive or free-roaming, domestic or wild animal has been confirmed since January 1, 1998 from the county, or
3. The county or portion of the county is within a 10 mile radius of a captive or free-roaming, domestic or wild animal that has been tested and confirmed to be positive for CWD or bovine tuberculosis since January 1, 1998.

(b) *General prohibition.* 1. Except as provided in par. (c) or as authorized by a permit issued under s. NR 12.06(11), no person may hunt with the aid of bait, or place or use bait for the purpose of hunting wild animals or training dogs.

2. No person may hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibitions of s. NR 19.60, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

Note: Removal of unlawfully placed bait or other feeding material does not preclude the issuance of a citation for the original placement of the unlawful baiting or feeding material.

(c) *Exceptions.* A person may hunt with the aid of bait or place or use bait in any of the following circumstances:

1. Bait may be placed in compliance with par. (d) between April 15 and the close of the bear season for hunting bear or training bear dogs during the open seasons for these activities, provided that when the bait is placed and when the bait site is checked or re-baited, the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the material.
2. Liquid scent used for hunting of bear or training bear dogs from April 15 to the end of bear season does not need to be enclosed in a hollow log, a hole in the ground or stump.
3. This subsection does not prohibit hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices.
4. This subsection does not prohibit hunting over crops planted and left standing as wildlife food plots.
5. Scent may be used for hunting deer or elk provided the scent is not placed or deposited in a manner that it is accessible for consumption by deer or elk and non-liquid scents shall be removed daily at the end of hunting hours for deer established in s. NR 10.06(5). Two ounces or less of liquid scent may be placed or deposited in any manner for hunting game.
6. This subsection does not prohibit hunting in accordance with s. 29.337, Stats., with the aid of feed material placed in compliance with s. NR 19.60.

Note: Baiting for purposes of trapping is regulated by ss. NR 10.13(1)(b), 19.27, 19.275 and not this subsection, baiting for migratory birds is regulated by s. NR 10.12(1)(h) and not this subsection. This subsection does not prohibit hunting with the use of decoys except as already prohibited under ss. NR 10.12(1)(f) and (g) and 10.25(4)(d).

(d) *Additional prohibitions for bear hunting and bear dog training.* No person may when hunting bear or bear dog training:

1. Place, use or hunt with the aid of bait material, in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.
2. Except as allowed by par. (b) 1. and 5., place, use or hunt with the aid of bait material, other than scent, which is contained within or containing metal, paper, plastic, glass, wood or other similar processed materials.
3. Place, use or hunt with the aid of bait material within 50 yards of any trail, road or a campsite used by the public.
4. Hunt with the aid of bait material, other than scent, without possessing a valid unused class A or a class B bear license under s. 29.184, Stats.

- (d) Standing crops planted and left standing as wildlife food plots that may be used by wild animals.
- (e) Food material placed for bear hunting or bear dog training as specified in s. NR 10.07(2).
- (f) Food material placed for trapping as specified in s. NR 10.13.
- (g) The use of decoys for non-hunting purposes.
- (h) The placement of plain water for drinking or for bird baths.
- (i) The use of scents provided the material is not accessible for consumption by deer or elk.
- (j) Food or bait material placed or used for fish, reptiles, amphibians or arthropods provided the material is not accessible to bear, deer or elk.

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

(4) INCLUSION OF ADDITIONAL COUNTIES. (a) The department may include a county under this section if the county meets the criteria established in s. NR 10.07(2)(a)1., 2. or 3.

(b) The prohibitions and exemptions in this section shall become effective upon issuance of an order and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators, hunting license outlets in the area affected, and the department's internet web site at [www.dnr.state.wi.us](http://www.dnr.state.wi.us).

**Section 11. Finding.** The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD, bovine tuberculosis and other forms of transmissible diseases pose a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses. These restrictions on deer baiting and feeding need to be implemented through the emergency rule procedure to help control and prevent the spread of CWD, bovine tuberculosis and other forms of transmissible diseases in Wisconsin's deer herd.

**Section 12. Effective date.** The rules shall take effect upon publication in the official state newspaper.

**Section 13. Board adoption.** The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Scott Hassett, Secretary

(SEAL)



3135 Sen. Kedzie, Chairperson Committee on Environmental +  
Natural Resources

9-24-03

## PRESS RELEASE

### Hunters Expand Boycott of Deer Hunt

Attention: All media for immediate release.

In lieu of the passage of Assembly Bill 519 / Baiting and feeding Ban, we are announcing the expansion of our boycott to include the remainder of the archery season, muzzleloader season, zone T hunts, CWD control hunts and, continue the nine day gun season boycott.

In one of our previous press releases we addressed key issues of concern that we would have conceded to. We would have called off our original boycott had we not been ignored. Now we are calling on all Wisconsin deer hunters to boycott their seasons unless the state senate rescinds Assembly Bill 519 or makes amendments in light of our concerns.

The Assembly bill if passed by the state senate will make the ban on baiting and feeding a permanent state law even after CWD is eliminated or found to be un-related to bait and feed practices with which we are convinced, (bait and feed do not spread CWD) is the case already.

The twenty-three counties listed in the ban are inaccurately portrayed as having CWD positive tests. We are including the test results from the extensive testing performed last year. Of these counties only five counties have wild deer with CWD positives results and only two have positive tests on deer farms bringing the CWD positive counties to seven.

This is a direct attack against the landowners included in this ban and will decrease our property values as we are classified in this category. The separation of bait and feeding by HWY 54 is a direct attack against the southern portion of the hunt community. We have and will continue to agree on the two gallon limit but demand the ban be focused on management units' not entire counties.

For more information please contact:

Todd Mascaretti Marquette County Conservation Congress vice-chair @ 920-293-8688  
or Concerned Hunters of Wisconsin Co-Founder Thomas Halverson @ 414-257-1526 /  
262-567-8257



## CWD Deer Testing Results by County



This table shows available CWD test results from all counties where deer tissue samples have been collected. Results are sorted alphabetically by county name.

If a county name does not appear on the list, then zero deer have been sampled from this location to date. If you click on a county, you can see the breakdown for individual hunting periods and CWD zones. Click on the Help button for a glossary.

Please take note of the following when interpreting data for any county where Positive test results have been obtained. CWD occurrence in any County is likely to be restricted to one or more local (isolated) areas. Reports of CWD occurrence may not imply overall prevalence in a county. This is especially true when portions of a county are considered within the boundaries of the eradication zone and the remainder of the county is not. Detailed information on county statistics is provided when a specific County name is selected.

Note that the DNR data reported here only includes wild deer. For information on test results for Game Farm deer and elk, please contact the Wisconsin Department of Agriculture, Trade, and Consumer Protection (phone: 608-224-4872, fax: 608-224-4871).

County	# Sampled	# Analyzed	Positive for CWD	% Positive
Adams	738	738	0	
Ashland	323	323	0	
Barron	322	322	0	
Bayfield	492	492	0	
Brown	137	137	0	
Buffalo	454	454	0	
Burnett	497	497	0	
Calumet	73	73	0	
Chippewa	284	284	0	
Clark	481	481	0	
Columbia	1080	1080	0	
Crawford	277	277	0	
Dane	5989	5983	97	1.62%
Dodge	204	204	0	
Door	430	430	0	
Douglas	423	423	0	
Dunn	259	259	0	
Eau Claire	220	220	0	

CWD Deer Testing Results by County :

Florence	287	287	0	
Fond Du Lac	200	200	0	
Forest	169	169	0	
Grant	547	547	0	
Green	488	488	0	
Green Lake	310	310	0	
Iowa	7673	7658	107	1.4%
Iron	254	254	0	
Jackson	618	618	0	
Jefferson	229	229	0	
Juneau	499	499	0	
Kenosha	31	31	0	
Kewaunee	197	197	0	
La Crosse	302	302	0	
Lafayette	415	415	0	
Langlade	441	441	0	
Lincoln	490	490	0	
Manitowoc	290	290	0	
Marathon	597	597	0	
Marinette	761	761	0	
Marquette	506	506	0	
Menominee	1	1	0	
Milwaukee	37	37	0	
Monroe	507	507	0	
Oconto	591	591	0	
Oneida	694	694	0	
Outagamie	292	292	0	
Ozaukee	37	37	0	
Pepin	116	116	0	
Pierce	126	126	0	
Polk	326	326	0	
Portage	554	554	0	
Price	483	483	0	
Racine	21	21	0	
Richland	638	637	1	.16%
Rock	326	325	0	
Rusk	451	451	0	

St. Croix	137	137	0	
Sauk	1830	1830	2	.11%
Sawyer	575	575	0	
Shawano	680	680	0	
Sheboygan	281	281	0	
Taylor	274	274	0	
Trempealeau	380	380	0	
Vernon	364	364	0	
Vilas	623	623	0	
Walworth	131	130	1	.77%
Washburn	626	626	0	
Washington	202	202	0	
Waukesha	102	102	0	
Waupaca	625	625	0	
Waushara	515	515	0	
Winnebago	192	192	0	
Wood	399	399	0	

Records 1 to 72 of 72

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Chronic Wasting Disease,  
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NEAL

OCT 04 2003

READ CAREFULLY

PAGE BY PAGE

See WHAT YOU THINK?

Bait ban is clearly  
an anti hunter issue  
pushed by farm bureau  
and adopted by DNR

ALSO HERE IS THE  
PROOF DEER

BAIT IS AN ANTI  
HUNTER DEVICE

THANKS

Tom

HAWENSON

(eHow)

STATE OF MICHIGAN

**NATURAL RESOURCES  
COMMISSION**

KEITH J. CHARTERS, Chair  
JIM CAMPBELL  
NANCY A. DOUGLAS  
PAUL EISELE  
BOB GARNER  
WILLIAM U. PARFET  
FRANK WHEATLAKE



JOHN ENGLER, Governor

**DEPARTMENT OF NATURAL RESOURCES**

STEVENS T MASON BUILDING, PO BOX 30028, LANSING MI 48909-7528

WEBSITE: [www.michigandnr.com](http://www.michigandnr.com)

K. L. COOL, Director

September 19, 2001

Memorandum to the Natural Resources Commission:

**SUBJECT:** Deer Baiting in Deer Management Unit 452 – Interim Order

Authority:

Sections 324.40108 and 324.40113a of Part 401, Wildlife Conservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorize the Director and the Commission to amend orders to manage the wild animals in this state.

Discussion and Background:

Recent observations of Commission members visiting private lands within Deer Management Unit (DMU) 452 and discussions with the landowners and property managers lead us to believe that the deer harvest by bow hunters within DMU 452 has declined dramatically due to reduced bow hunter participation and reduced bow hunter effectiveness associated with the prohibition of baiting as a hunting method.

Since this is a core area in our bovine tuberculosis (TB) eradication effort, this reduced bow hunter deer harvest may reduce the effectiveness of our efforts to eradicate bovine TB from our deer herd and prevent its transmission back to cattle.

At the Natural Resources Commission meeting on September 14, 2001, the Commission directed the Department to prepare an Interim Order of the Commission to amend the baiting regulations within DMU 452.

Recommendation:

This order is ready for signature to implement the Natural Resources Commission motion on September 14, 2001. The Department will evaluate this experiment using the most practical means to evaluate whether this increases the harvest of antlerless deer in DMU 452.

George E. Burgoyne, Jr.  
Resource Management Deputy

K. L. Cool  
Director

# **INTERIM WILDLIFE CONSERVATION ORDER**

## **Amendment No. 3 of 2001 to the Wildlife Conservation Order**

Under the authority of sections 40108 and 40113a, Act 451 of the Public Acts of 1994, as amended, being sections 324.40108 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources order that effective October 1, 2001, and remaining effective until November 30, 2001, the following section of the Wildlife Conservation Order shall read as follows:

### **3.100 Taking of deer, prohibited firearms, "bait" and "baiting" defined, conditions for baiting established in certain area; unlawful acts.**

Sec. 3.100. (1) A person shall not use a 5 mm caliber rimfire firearm or a .22 caliber rimfire firearm for the taking of deer.

(2) It shall be unlawful for a person to take or possess, at any time, an albino deer, being a deer with all white or colorless hair, or a deer with a coat of all white or colorless hair similar to an albino deer. Piebald, or partially white deer, may be taken under the provisions of this order.

(3) A person shall not pursue, capture, shoot, kill, chase, follow, harass, or harm a deer while the deer is swimming in a pond, lake, stream, or other body of water.

(4) For the purposes of this section, "bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure, entice or attract deer. "Bait" does not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices. For the purposes of this section, "baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer.

(5) It shall be unlawful for a person to make use of bait to aid in the taking of a deer within the following portions of Michigan:

(a) Within any county having 1 or more confirmed bovine tuberculosis positive deer certified by the director during the period January 2 to the print date of the Michigan hunting and trapping guide for that calendar year except deer management unit 452.

(b) Effective January 2 for any county having 1 or more confirmed bovine tuberculosis positive deer certified by the director during the period from the print date of the Michigan hunting and trapping guide to January 1 of the following calendar year.

(6) In those portions of Michigan not closed to baiting by subsection (5), a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from October 1 to January 1.

(b) The bait material may be of any food type.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10 foot by 10 foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used shall not exceed 2 gallons per day at any 1 hunting site in the Lower Peninsula and 5 gallons per day at any 1 hunting site in the Upper Peninsula.

(7) It shall be unlawful for a person to make use of bait to aid in the taking of a deer, except in deer management unit 452, if the bait and baiting does not meet all of the conditions specified in subsection (6).

(8) In deer management unit 452, a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from October 1 to November 30.

(b) The bait material may only be grain or shelled corn.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10 foot by 10 foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used shall not exceed 1 gallon per day at any 1 hunting site in deer management unit 452.

(9) A person killing a deer in deer management unit 452 from October 1 to November 30, shall present the deer or head at a department office or other designated check station within 120 hours (5 days) after killing the deer. The validated kill tag must be attached to the deer or head and the head surrendered to the department registrar. A confirming tag shall be attached at that time or provided to the hunter and information shall be obtained from the hunter.

(10) It shall be unlawful for a person to make use of bait to aid in the taking of a deer in deer management unit 452 if the bait and baiting does not meet all of the conditions specified in subsection (8).

Issued this 19<sup>th</sup> day of September, 2001.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

K. L. Cool  
Director



Department of Natural Resources



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## Baiting Regulations

**In Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego, and Presque Isle counties:**

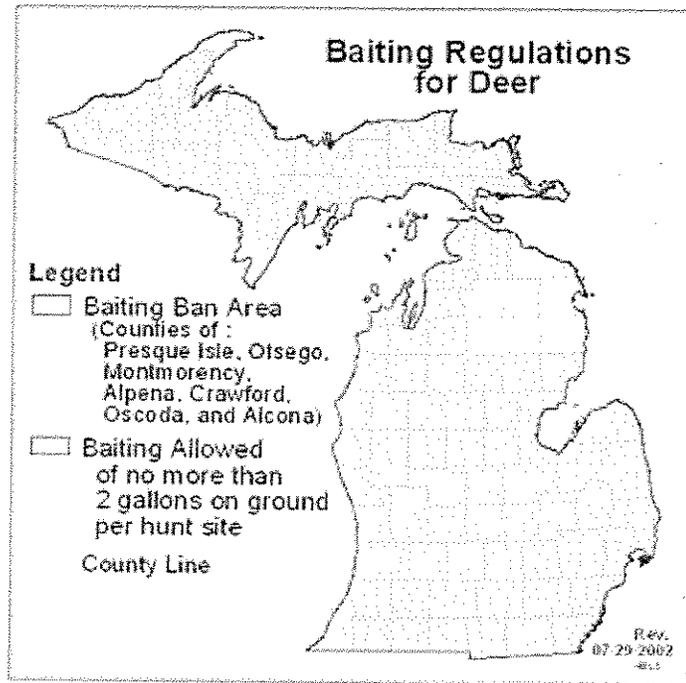
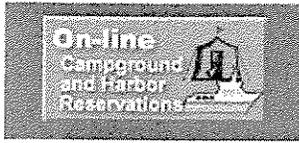
- All baiting is prohibited.

**In the remainder of the state:**

- The volume of bait scattered on the ground cannot exceed two (2) gallons at any one hunting site at any time, statewide.
- Baiting can occur only from October 1 to January 1.
- The bait material may be of any food type.
- The bait must be dispersed over a minimum of a 10-foot by 10-foot area. The bait can be scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed.

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# Wisconsin Farm Bureau Federation

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## AG NEWS

Contact: Tom Thieding  
Executive Director, Public Relations  
608-828-5709

May 14, 2003

### Farm Bureau supports DNR rule to ban deer baiting and feeding Large herd contributes to crop damage and potential disease transmission

The Wisconsin Farm Bureau Federation today said it supports the Department of Natural Resources rule to control a statewide ban on baiting and feeding of deer, not just to control the spread of chronic wasting disease, but also for herd management.

The Assembly Committee on Natural Resources and Senate Committee on Environment and Natural Resources today on the DNR's rules to extend a statewide ban on feeding and baiting of deer and to control CWD.

Paul Zimmerman, Director of Governmental Relations with the Farm Bureau, said the organization has long-standing support to reduce the deer herd due to concerns about crop damage caused by large deer herds, and the potential for disease from large concentrations of deer.

Zimmerman said baiting and feeding of white tailed deer supports artificially large deer herds and unnatural concentrations of deer that lead to crop damage, higher risk of chronic wasting disease transmission, and higher risk of transmissible diseases than could potentially harm the state's livestock industry. He said the statewide ban on baiting and feeding is a cautious approach that provides protection and doesn't contribute to excessive deer herd size.

The Farm Bureau is urging adoption of the rules by considering the science backing the DNR's efforts to control chronic wasting disease, and not allow emotion to overrun the positive effort by the DNR to get a handle on the disease.

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## Hunting: Unfair Game

Today, hunting, which was a crucial part of survival 100,000 years ago, is nothing more than a violent form of recreation that is unnecessary for the subsistence of the vast majority of hunters.<sup>1</sup> Hunting has contributed to the extinction of animal species all over the world, including the Tasmanian tiger<sup>2</sup> and the great auk.<sup>3</sup>

Although less than 5 percent of the U.S. population hunts,<sup>4</sup> it is permitted in many wildlife refuges, national forests and state parks, and other public lands. Forty percent of hunters kill animals on public land,<sup>5</sup> which means that every year, on the half-billion acres of public land in the U.S., millions of animals who "belong" to the more than 95 percent of Americans who do not hunt are slaughtered and maimed by hunters,<sup>6</sup> and by some estimates, poachers kill just as many illegally.<sup>7</sup>

### What Is Truly Being "Conserved"?

To attract more hunters (and their money), federal and state agencies implement programs—often termed "wildlife management" or "conservation" programs—to boost the number of "game" species so that there are plenty of animals for hunters to kill and, consequently, plenty of revenue from the sale of hunting licenses.

Duck hunters in Louisiana persuaded the state wildlife agency to direct \$100,000 a year toward "reduced predator impact," which involved trapping foxes and raccoons so that more duck eggs would hatch, giving hunters more birds to kill.<sup>8</sup> The Ohio Division of Wildlife teamed up with a hunter-organized society to push for clear-cutting (decimating large tracts of trees) in Wayne National Forest to "produce habitat needed by ruffed grouse."<sup>9</sup>

In Alaska, the Department of Fish and Game is trying to increase the number of moose for hunters by "controlling" the wolf and bear populations. Grizzlies and black bears have been moved hundreds of miles from their homes—two were shot by hunters within two weeks of their relocation, and others have simply returned to their homes<sup>10</sup>—and wolves have been slaughtered in order to "let the moose population rebound and provide a higher harvest for local hunters."<sup>11</sup> In the early 1990s, a program designed to reduce the wolf population backfired when snares failed to kill victims quickly, and photos of suffering wolves were seen by an outraged public.<sup>12</sup>

Colorado is dealing with an overpopulation of elks, but programs aimed at

controlling their numbers have led to "mistaken identity" killings of protected moose.<sup>13</sup> Although more hunting permits are being issued and tens of thousands of elks are killed every year by hunters, there has been no reduction in the population.<sup>14</sup>

### **Nature Takes Care of Its Own**

If left unaltered, the delicate balance of nature's ecosystems ensures the survival of most species. Natural predators help maintain this balance by killing only the sickest and weakest individuals. Hunters, however, kill any animal they would like to hang over the fireplace—including large, healthy animals who are needed to keep the population strong.

Even when unusual occurrences cause temporary animal-overpopulation problems, natural processes quickly stabilize the group. Starvation and disease are unfortunate, but they are nature's way of ensuring that healthy, strong animals survive and maintain the strength of the entire herd or group. Shooting an animal because he or she might starve or become sick is arbitrary and destructive.

Sport hunting not only jeopardizes nature's balance, but also exacerbates other problems. For example, the transfer of captive-bred deer and elk between states for the purpose of hunting is believed to have contributed to the epidemic spread of chronic wasting disease (CWD). As a result, the U.S. Department of Agriculture (USDA) has given state wildlife agencies millions of dollars to "manage" deer and elk populations.<sup>15</sup> The fatal, neurological illness that affects these animals has been likened to mad cow disease, and while the USDA and the Centers for Disease Control and Prevention claim that CWD has no relationship to any similar diseases that affect humans or domesticated livestock, the slaughter of deer and elk is slated to continue.<sup>16,17</sup>

Another problem with hunting involves the introduction of exotic "game" animals who, if able to escape and thrive, pose a threat to native wildlife and established ecosystems. A group of non-native wild boars escaped from a private ranch and moved into the forests of Cambria County, Pa., prompting that state to draft a bill prohibiting the importation of any exotic species.<sup>18</sup>

### **Canned Cruelty**

Most hunting occurs on private land, where laws that protect wildlife are often inapplicable or difficult to enforce. On private lands that are set up as for-profit hunting reserves or game ranches, hunters can pay to kill native and exotic species in "canned hunts." These animals may be native to the area, raised elsewhere and brought in, or purchased from individuals who are trafficking unwanted or surplus animals from zoos and circuses. They are hunted and killed for the sole purpose of providing hunters with an exotic "trophy."

Canned hunts are becoming big business—there are an estimated 1,000 to 2,000 game preserves in the U.S.<sup>19</sup> Ted Turner, who owns more land than any other landowner in the nation, operates 20 ranches where hunters pay thousands of dollars to kill bison, deer, African antelopes, and turkeys.<sup>20</sup>

Animals on canned-hunting ranches are often accustomed to humans and are usually unable to escape from the enclosures, which range in size from just a few yards to thousands of acres across. Most of these ranches operate on a "no kill, no pay" policy, so it is in the owners' best interests to ensure that clients get what they came for. Owners do this by offering guides who know the location and habits of the animals, permitting the use of dogs, and supplying "feeding stations" that lure unsuspecting animals to food while hunters lie in wait.

Only a handful of states prohibit canned hunting,<sup>21</sup> and there are no federal laws regulating the practice at this time, although Congress is considering an amendment to the Captive Exotic Animal Protection Act that would prohibit the transfer, transportation, or possession of exotic animals "for entertainment or the collection of a trophy."<sup>22</sup>

#### **"Accidental" Victims**

Hunting "accidents" destroy property and injure or kill horses, cows, dogs, cats, hikers, and other hunters. In 2001, according to the International Hunter Education Association, there were dozens of deaths and hundreds of injuries attributed to hunting in the United States—and that only includes incidents involving humans.<sup>23</sup> It is an ongoing problem, and one warden explained that "hunters seem unfamiliar with their firearms and do not have enough respect for the damage they can do."<sup>24</sup>

#### **A Humane Alternative**

There are 20 million deer in the U.S., and because hunting has been an ineffective method to "control" populations (one Pennsylvania hunter "manages" the population by clearing his 600-acre plot of wooded land and planting corn to attract deer), some wildlife agencies are considering other management techniques.<sup>25</sup> Several recent studies suggest that sterilization is an effective, long-term solution to overpopulation. A method called TNR (trap, neuter, and return) has been tried on deer in Ithaca, N.Y.,<sup>26</sup> and an experimental birth-control vaccine is being used on female deer in Princeton, N.J.<sup>27</sup> One Georgia study suggested for 1,500 white-tailed deer on Cumberland Island concluded that "herd size in closed populations can be regulated in the field relatively quickly if fertile and sterile animals can be identified ... and an appropriate sterilization schedule is generated."<sup>28</sup>

#### **What You Can Do**

Before you support a "wildlife" or "conservation" group, ask about its position on hunting. Groups such as the National Wildlife Federation, the National Audubon Society, the Sierra Club, the Izaak Walton League, the Wilderness Society, the World Wildlife Fund, and many others are pro-sport-hunting or, at the very least, they do not oppose it.

To combat hunting in your area, post "no hunting" signs on your land, join or form an anti-hunting organization, protest organized hunts, and spread deer repellent or human hair (from barber shops) near hunting areas. Call 1-800-448-NPCA to report poachers in national parks to the National Parks and Conservation Association. Educate others about hunting. Encourage your

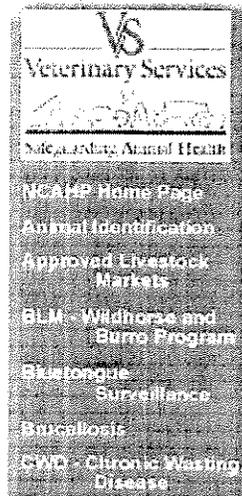
legislators to enact or enforce wildlife protection laws, and insist that nonhunters be equally represented on wildlife agency staffs.

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# Chronic Wasting Disease

## What is Chronic Wasting Disease?



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### Veterinary Services

Chronic wasting disease (CWD) is a transmissible spongiform encephalopathy transmissible spongiform encephalopathy (TSE) of deer and elk. To date, this disease has been found only in cervids (members of the deer family). First recognized as a clinical "wasting" syndrome in 1967 in mule deer in a wildlife research facility in northern Colorado, it was identified as a TSE in 1973. CWD is typified by chronic weight loss leading to death. There is no known relationship between CWD and any other TSE of animals or people.

In the mid-1980s, CWD was detected in free-ranging deer and elk in contiguous portions of northeastern Colorado and southeastern Wyoming. In May 2001, CWD was also found in free-ranging deer in the southwestern corner of Nebraska (adjacent to Colorado and Wyoming) and later in additional areas in western Nebraska. The limited area of northern Colorado, southern Wyoming, and western Nebraska in which free-ranging deer and/or elk positive for CWD have been found is referred to as the endemic area. Soon after diagnosis of the disease as a TSE, Colorado and Wyoming wildlife management agencies stopped the movement of deer and elk from their research facilities; wild cervids have not been translocated from the endemic area. In 2002, CWD also has been detected in wild deer in south-central Wisconsin, southwestern South Dakota, the western slope of Colorado, southern New Mexico, and northern Illinois.

CWD also has been diagnosed in farmed elk and deer herds in a number of States and in two Canadian provinces. The first positive farmed elk herd in the United States was detected in 1997 in South Dakota.

Since then, 25 additional positive elk herds and two positive farmed deer herds have been found: South Dakota (7), Nebraska (4), Colorado (10), Oklahoma (1), Kansas (1), Minnesota (1), Montana (1), and Wisconsin (2). As of October 2002, three of these 27 positive herds remain under State quarantine. Twenty-three of the herds have been depopulated or have been slaughtered and tested, and the quarantine has been lifted from one herd that underwent rigorous surveillance with no further evidence of disease. CWD also has been found in farmed elk in the Canadian provinces of Saskatchewan and Alberta and in free-ranging mule deer in Saskatchewan. For more information on CWD in Canada, visit the Canadian Food Inspection Agency Web site at [www.inspection.gc.ca/english/animal/hasan/disemala/cwdmdce.shtml](http://www.inspection.gc.ca/english/animal/hasan/disemala/cwdmdce.shtml).

Species that have been affected with CWD include Rocky Mountain elk, mule deer, white-tailed deer, and black-tailed deer. Other ruminant species, including wild ruminants and domestic cattle, sheep, and goats, have been housed in wildlife facilities in direct or indirect contact with CWD-affected deer and elk with no evidence of disease transmission. There is ongoing research to further explore the possibility of transmission of CWD to other species.

#### **Causative Agent**

The agent responsible for CWD (and other TSEs, such as scrapie and bovine spongiform encephalopathy) has not been completely characterized. There are three main theories on the nature of the agent that causes CWD: (1) the agent is a prion, an abnormal form of a normal protein, known as cellular prion protein, most commonly found in the central nervous system. The abnormal prion protein "infects" the host animal by promoting conversion of normal cellular prion protein to the abnormal form; (2) the agent is an unconventional virus; (3) the agent is a virino, or "incomplete" virus composed of nucleic acid protected by host proteins. The CWD agent is smaller than most viral particles and does not evoke any detectable immune response or inflammatory reaction in the host animal. Based on experience with other TSE agents, the CWD agent is assumed to be resistant to enzymes and chemicals that normally break down proteins, as well as resistant to heat and normal disinfection procedures.

#### **Clinical Signs**

Most cases of CWD occur in adult animals. The disease is progressive and always fatal. The most obvious and consistent clinical sign of CWD is weight loss over time. Behavioral changes also occur in the majority of cases, including decreased interactions with other animals, listlessness, lowering of the head, blank facial expression, and repetitive walking in set patterns. In elk, behavioral changes may also include hyperexcitability and nervousness. Affected animals continue to eat grain but may show decreased interest in hay. Excessive salivation and grinding of the teeth also are observed. Most deer show increased drinking and urination.

#### **Diagnosis**

Research is being conducted to develop live-animal diagnostic tests for CWD. Currently, definitive diagnosis is based on postmortem examination (necropsy) and testing. Gross lesions seen at necropsy reflect the clinical signs of CWD, primarily emaciation. Aspiration pneumonia, which may be the actual cause of death, also is a common finding in animals affected with CWD. On microscopic examination, lesions of CWD in the central nervous system resemble those of other TSEs. In addition, scientists use a technique called immunohistochemistry to test brain tissue for the presence of the abnormal prion protein to diagnose CWD.

#### **Epidemiology**

The origin and mode of transmission of CWD is unknown. Animals born in captivity and those born in the wild have been affected with the disease. Based on epidemiology, transmission of CWD is thought to be lateral or from animal to animal; although maternal transmission may occur, it appears to be relatively unimportant in maintaining epidemics.

#### **Surveillance**

Surveillance for CWD in free-ranging deer and elk in Colorado and Wyoming has been ongoing since 1983 and has helped define the core endemic areas for the disease in those States. CWD in free-ranging deer in Nebraska was detected in 2000/2001; more intensive surveillance to better define the prevalence and distribution of the disease in free-ranging deer in Nebraska is underway. In addition, an extensive nationwide surveillance effort was started in 1997-98 to better define the geographic distribution of CWD in free-ranging cervids in the United States. This surveillance effort is a two-pronged approach consisting of hunter-harvest cervid

surveys conducted in many States, as well as surveillance throughout the entire country targeting deer and elk exhibiting clinical signs suggestive of CWD. Over 15,000 harvested free-ranging deer and elk have been tested to date, including over 13,000 animals harvested from outside of the endemic area. The recent finding of CWD in wild deer in areas far removed from the known endemic area has resulted in the development of plans for intensive surveillance in the 2002-2003 hunting season to better define distribution of the disease in wildlife in the United States.

Surveillance for CWD in farmed elk began in 1997 and has been a cooperative effort involving State agriculture and wildlife agencies and the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). Farmed cervid surveillance has been increasing each year since 1997 and will be an integral part of the USDA program to eliminate CWD from farmed elk.

#### **Management**

In each State where CWD has been detected in wildlife, State wildlife agencies have enacted response and/or management plans. APHIS has provided assistance to State officials in diagnosing CWD and in monitoring international and interstate movements of animals to help prevent further spread of CWD. Also, APHIS is developing a program to eliminate CWD from farmed elk. In addition, many State animal health regulatory agencies have instituted CWD programs for farmed elk. All of these agencies are committed to limiting the distribution of the disease in free-ranging deer and elk to the current localized area and decreasing its occurrence in both the free-ranging and farmed deer and elk populations.

#### **National CWD Program**

In May 2002, Congress requested that USDA and the Department of Interior develop a plan to assist State wildlife management and agriculture agencies with CWD management. A CWD task force was formed to ensure that Federal and State agencies cooperate in the development and implementation of an effective national CWD program. The task force delivered the Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids to Congress in June 2002 and is currently developing an implementation document for the plan. The plan addresses CWD diagnostics, communication, information dissemination, management, research, and surveillance.

Factsheet last updated: November 2002

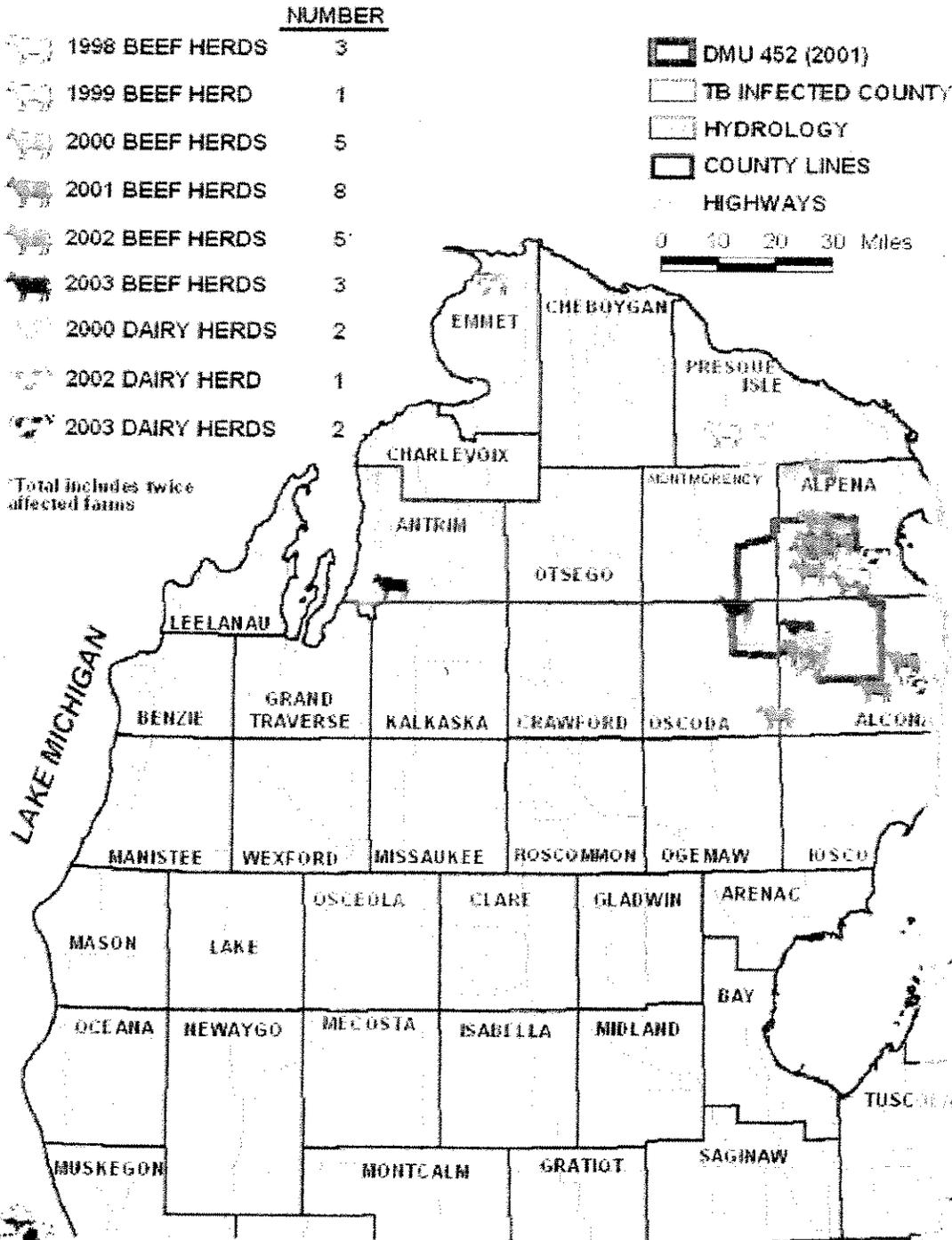
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# BOVINE TUBERCULOSIS SURVEY RESULTS POSITIVE CATTLE FARMS

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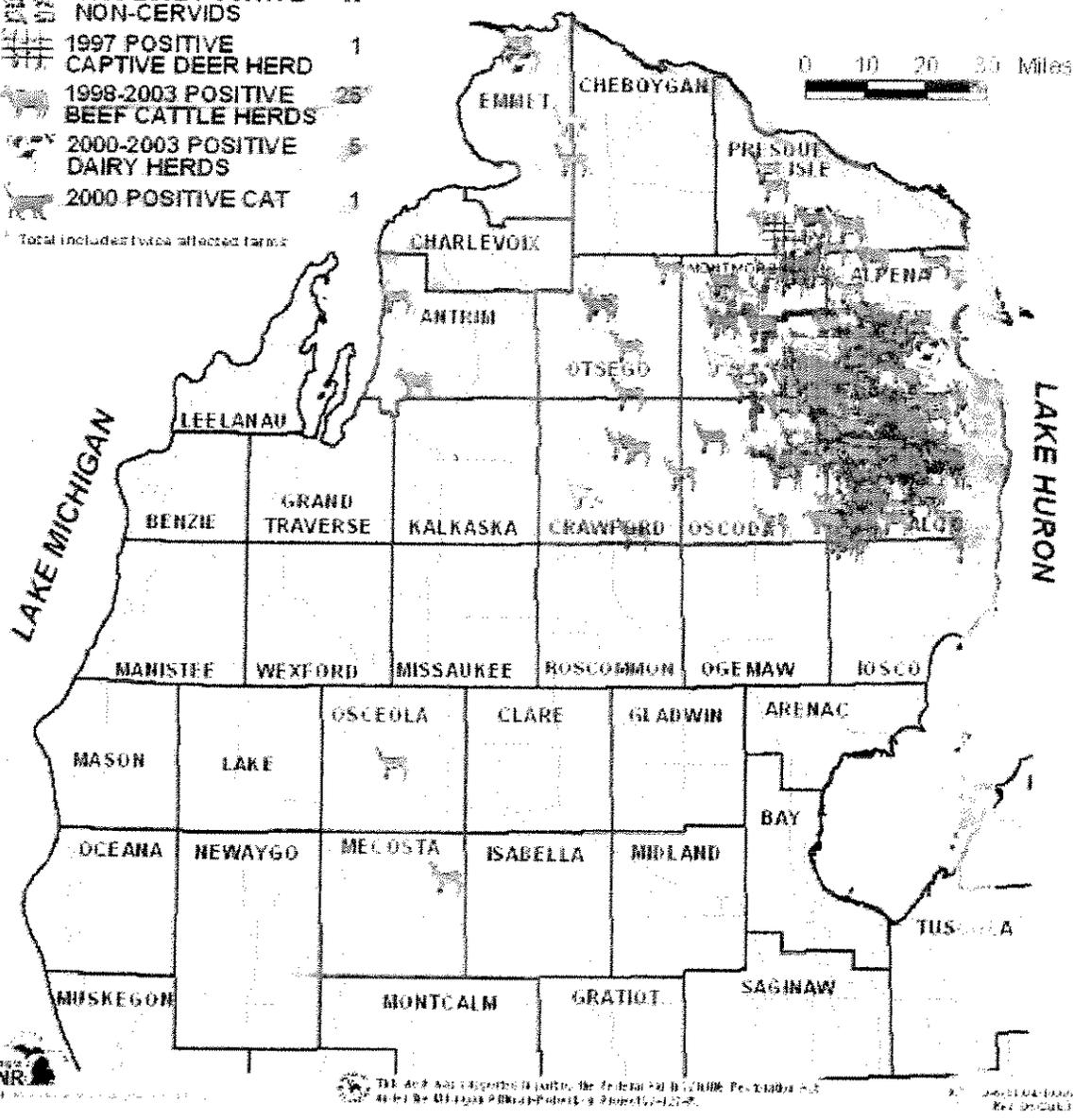
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# BOVINE TUBERCULOSIS SURVEY RESULTS

	<u>NUMBER</u>
1975 POSITIVE TB DEER	1
1994 POSITIVE TB DEER	1
1995-2001 POSITIVE TB DEER	396
2002 POSITIVE TB DEER	51
2000-2001 POSITIVE ELK	2
1996-2002 POSITIVE NON-CERVIDS	40
1997 POSITIVE CAPTIVE DEER HERD	1
1998-2003 POSITIVE BEEF CATTLE HERDS	25
2000-2003 POSITIVE DAIRY HERDS	5
2000 POSITIVE CAT	1

Total included twice affected farms

-  TB CORE AREA
-  TB INFECTED COUNTY
-  HYDROLOGY
-  COUNTY LINES
-  HIGHWAYS

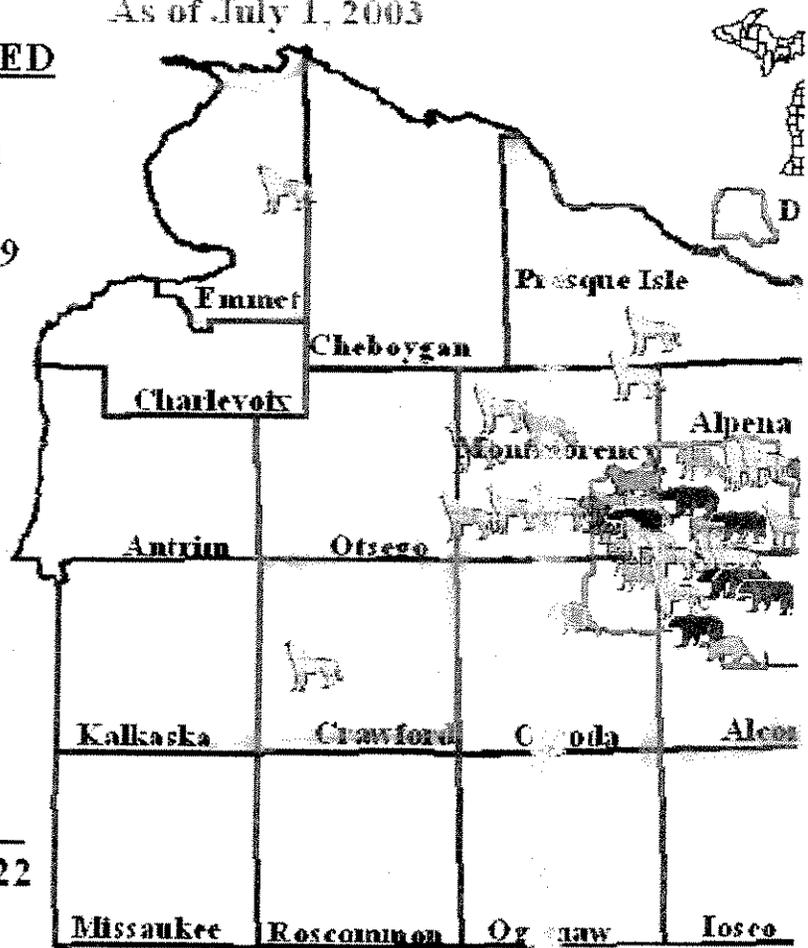


## NON-CERVID WILDLIFE POSITIVE FOR BOVINE TB

As of July 1, 2003

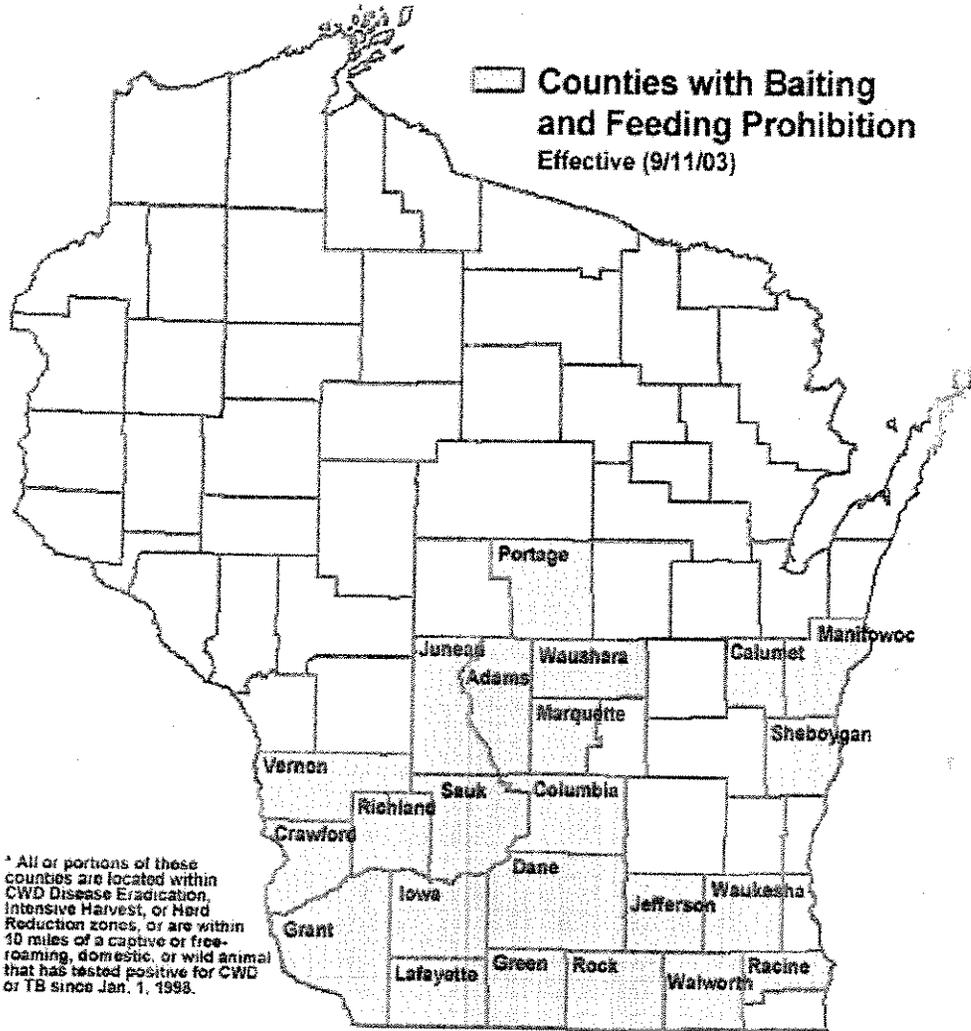
### POSITIVE/TOTAL TESTED

 Am. Badger	0/46
 Black Bear	7/214
 Bobcat	4/58
 Coyote	18/379
 Feral Cat	0/35
 Feral Dog	0/1
 Gray Fox	0/5
 L.T. Weasel	0/1
 Mink	0/5
 Opossum	2/381
 Porcupine	0/1
 Raccoon	8/335
 Red Fox	3/29
 River Otter	0/10
 Snowshoe Hare	0/1
 Striped Skunk	0/21
<b>Totals</b>	<b>42/1522</b>



MICHIGAN DEPARTMENT OF N

# 2003 – 2004 Wildlife Baiting and Feeding Regulations



## Affected Area:

On September 11, 2003 a prohibition on baiting and feeding went into effect in 23 southern Wisconsin counties (shaded). The counties included in the prohibition include Adams, Calumet, Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Manitowoc, Marquette, Portage, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Waukesha, and Waushara in the remaining counties (non-shaded), there are no restrictions on feeding, and baiting for deer hunting is allowed but regulated. Please see below for an explanation of the regulations in place for your county.

## Definitions:

"Bait" means any material used to attract wildlife including liquid scent.

"Bird feeding devices and structures" means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

"Liquid" means a substance, neither solid or gaseous, that flows freely and takes the shape of its container at a temperature of 70°F.

"Liquid scent" means any liquid material except honey used to attract wild animals solely by its odor.

"Scent" means any material except honey, used to attract wild animals solely by its odor.

"Small mammals" mean all mammals other than bear, deer and elk.

## Counties where baiting and feeding is prohibited (shaded counties):

### Baiting

1. Except as provided in number 3. below, or as authorized as a condition listed in a CWD landowner shooting permit, no person may hunt with the aid of bait, or place or use bait for the purpose of hunting wild animals or training dogs.
2. No person may hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibitions listed below, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

(Continued on Side Two)

3. A person may hunt with the aid of bait or place or use bait in any of the following circumstances:
  - a. Scent may be used for hunting deer or elk provided the scent is not placed or deposited in a manner that it is accessible for consumption by deer or elk. Non-liquid scents shall be removed daily by the end of hunting hours for deer. Two ounces or less of liquid scent may be placed or deposited in any manner for hunting game.
  - b. Hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices is allowed.
  - c. Hunting over crops planted and left standing as wildlife food plots is allowed.
  - d. Bait may be placed in compliance with number 4. between April 15 and the close of the bear season for hunting bear or training bear dogs during the open seasons for these activities, provided that when the bait is placed and when the bait site is checked or re-baited, the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the material. Liquid scent used for hunting of bear or training bear dogs from April 15 to the end of bear season does not need to be enclosed in a hollow log, a hole in the ground or stump.
4. When hunting bear or bear dog training, no person may:
  - a. Place, use or hunt with the aid of bait material, in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.
  - b. Place, use or hunt with the aid of bait material, other than scent, which is contained within or containing metal, paper, plastic, glass, wood or other similar processed materials. Use of hollow logs or stumps is permitted.
  - c. Place, use or hunt with the aid of bait material within 50 yards of any trail, road or a campsite used by the public.
  - d. Hunt with the aid of bait material, other than scent, without possessing a valid unused class A or a class B bear license.

## Feeding

1. Except as provided in number 5. Below, or as a condition of a CWD landowner shooting permit, no person may place, deposit or allow the placement of any material to feed or attract wild animals.
2. Any person placing material or feed to attract wild animals other than permitted in number 5. Below, shall remove all food or other material illegally placed or deposited when ordered by the department to do so.
3. Landowners, lessees or occupants of any property where feeding is occurring, other than permitted in number 5. below, shall remove all food or other material illegally placed or deposited upon notification by the department of the illegal activity.
4. Elevated feeders that are designed to deposit food on the ground are prohibited.
5. The following activities are allowed:
  - a. Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy. If wild deer are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer.
  - b. Feeding of wild animals, other than deer, elk or bear, by hand is allowed if:
    - Feed is placed not more than 30 feet away from the person doing the feeding, and
    - The person doing the feeding makes all reasonable attempts to clean up the unconsumed food before moving a distance greater than 30 feet from the deposited food.
  - c. Food deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.
  - d. Standing crops planted and left standing as wildlife food plots that may be used by wild animals.
  - e. Food material placed for bear hunting or bear dog training as specified in numbers 3. and 4. under baiting above.
  - f. Food material placed for trapping as specified in the 2003 Trapping Regulations.
  - g. The use of decoys for non-hunting purposes.
  - h. The placement of plain water for drinking or for bird baths.
  - i. The use of scents provided the material is not accessible for consumption by deer or elk.
  - j. Food or bait material placed or used for fish, reptiles, amphibians or arthropods provided the material is not accessible to bear, deer or elk.

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

## Remaining parts of the state not included in the baiting and feeding ban (non-shaded counties):

### Baiting

It is illegal to:

1. place, use or hunt over bait contained within or containing metal, paper, plastic, glass, wood (other than hollow stumps) or other nondegradable materials.
2. use mechanical feeders for the purpose of hunting.
3. use any baiting material, liquid or scent for attracting wild animals containing honey, bones, fish, meat, solid animal fat (which includes bacon grease) or parts of animal carcasses.
4. place or hunt over baiting material, liquid or scent within 50 yards of any trail, road or campsite used by the public.
5. hunt over baiting material, liquid or scent during the archery season without possessing a valid, unused bear harvest permit or archery deer tag.
6. place more than 10 gallons of bait material or liquid scent in a baited area or hunt over a baited area containing more than 10 gallons of bait material or liquid scent. Note: You may hunt over material deposited by natural vegetation or found solely as a result of normal agricultural practices.

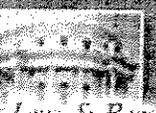
**Clarification:** It is illegal to hunt deer in an area that was baited in violation of 1., 2., 3. or 6. (above) from July 1 to January 31 unless the area is completely free of all baiting material for at least 10 consecutive days prior to hunting. The fact that the illegal bait is removed, allowing the area to be hunted after 10 consecutive days, does not alter any liability for the initial illegal placement of the bait.

### Feeding

There are no limitations or restrictions on feeding wildlife in these counties. However, considering that the risks associated with CWD and Bovine TB may exist statewide, the Department of Natural Resources is requesting that individuals in these counties refrain from feeding deer. The activity of feeding results in an unnatural concentration of deer that can act as a method by which infectious diseases can be spread.



## Bovine Tuberculosis



Bovine tuberculosis (TB) is an infectious disease that is close to being eradicated in the United States, but still poses a significant risk to domestic livestock, wildlife, companion animals and humans throughout the world.

The Michigan Bovine TB Eradication Project involves a multi-agency team of experts from the Michigan Departments of Agriculture (MDA), Natural Resources (DNR) and Community Health (DCH); Michigan State University (MSU) and the US Department of Agriculture (USDA).

This website is a joint project between agencies. The goal is to provide comprehensive and up-to-date information on bovine tuberculosis. Each organization has a unique role in the Michigan Bovine TB Eradication Project with specific missions and resources. Contributions to this web site are made by each partner and reflect the partner's areas of expertise and involvement.

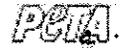
The Michigan Department of Community Health bovine TB eradication coordinator spearheads the eradication activities of each department, keeps the agencies informed and up-to-date and is the primary contact for the media. The TB Eradication Project office is located in the Lewis Cass Building, in Lansing. For additional information and contacts [click here](#).

This web site is continuously updated with the most current additions appearing in the box to your right. Additions are made to the links on the left as information becomes available. Don't miss the News Releases and Library links at the top of the page. To view the 1998 Executive Directive establishing the bovine TB eradication project [click here](#).

### IN THE NEWS

- [VanderKlok to speak at Michigan Ag Department's TB eradication effort](#)
- [Public Mtg in Antrim County](#)
- [Sunrise Side-"morning plan"](#)
- [Gwizdz - NRC vote against feeding of](#)
- [TB Hits North in V](#)
- [Antrim County to be designated as bovine "High Risk Area"](#)
- [USDA Extends State Comment Period](#)
- [Antrim County Co confirmed TB pos](#)
- [USDA Proposed I Two TB Zones in](#)
- [Map of proposed Bovine TB Zones](#)
- [Press Release: Michigan "split state" status](#)
- [Who Commented](#)
- [Details regarding state status](#)
- [Drovers Magazine of Action](#)
- [Free Press Article history](#)

### NEW TOPICS



**Annual Review 2000**

**Animals Are Not Ours to Abuse in Any Way**

**Puppy Mill Owners Charged**

Our investigation into Nielsen Farms puppy mill made headlines—and prompted the U.S. Department of Agriculture to charge the owners with violations of the Animal Welfare Act. PETA worked with NBC's *Dateline* on an hour-long exposé of puppy mills and with mall owners to deny leases to pet shops. We produced a new video, narrated by actor Charlize Theron, urging viewers to adopt animals from shelters.

**Community Animal Project Saves Lives**

Focusing on the southeastern Virginia-North Carolina border, home of PETA's headquarters, our Community Animal Project (CAP) paid to sterilize 730 animals and built and delivered 437 free doghouses to offer warm, dry shelter to animals forced to live outdoors. CAP's many rescues included a dog kept outside, shivering and with nothing to drink but moisture collected in fallen leaves, and an abandoned dog with a chain embedded in his neck.



**Teaching Respect for Wildlife**

PETA's wildlife experts saved countless animals by educating people—and stopped the killing of ground squirrels, coots, beavers, and coyotes. Plans to poison birds in New York City and Las Vegas were canned, bowhunting was banned in Pocono Lakes, New York, and New Jersey canceled a bear hunt.

**Breaking Language Barriers to Save Animals**

PETA produced Spanish-language public service announcements starring Hispanic journalist María Celeste Arrarás. We also distributed Spanish-language literature on animal protection issues, as well as providing educational materials to schools in Puerto Rico, Spain, Mexico, and Central America.

**PETA Caseworkers Exact Justice**

Among our dozens of cruelty-caseworker victories, PETA successfully sought jail time for a Florida woman who left her starving dog to die on a chain and an Iowa man who stabbed and drove industrial-size staples into the family cat's head. We ensured that three teenagers who bludgeoned raccoons to death went to trial for their crimes.



**International Aid**

PETA worked to clean up deplorable conditions at an animal shelter in Turkey and helped a rescue center for dogs and cats in Thailand. We worked with animal protection agencies in India and Puerto Rico and helped sterilize cats in Greece. In the Dutch Antilles, we helped build a shelter for abandoned donkeys.

"PETA protest for pop culture Mikey did for fiber. They have transformed it into something delectable. ... imagine a world where PETA? The organization has inspired people to take action instead of just wondering what dogs out."

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9-29-03

## Press Release

### Farm Bureau Attacks Hunters with DNR assistance

Attention: all media for immediate release.

The organizers of the boycott of all deer hunting for 2003 due to the bait ban have uncovered the fact that the Farm Bureau has been behind the ban on baiting and that the Department of Natural Resources has abandoned its funding source i.e. the Wisconsin hunt community.

The Farm Bureau initiated the ban to protect itself from disease in the wild. Ironically, Mad Cow and Bovine Tuberculosis are just two forms of disease that originate from livestock. The hunt community and wildlife enthusiasts should actually be the most concerned and demand regulations on the farming industry to prevent their livestock from infecting the wild population of game in our woods.

We have been asked to accept the AB 519 bill as an attempt to appease the Farm Bureau and accept a little or risk all. We have been told that the bow hunting community was targeted by this ban knowing their lobbying force was not big enough to go against the Farm Bureau especially after the Farm Bureau enlisted the assistance of the hunter funded Department of Natural Resources.

Hunt groups have been misled into the perception baiting is bad and a disease issue only to put their hunt in jeopardy. The Farm Bureau has a list of additional bans it wants enacted if it does not get its way that includes food plots and use of deer by products.

All this while the hunt community provides the Farm Bureau's members with the funds to off set crop damage through hunter dollars i.e. license purchases.

We encourage continuation of the boycott of all deer hunting seasons and direct the boycott to stopping the funding of a Department out of control and the crop damage programs.

For more information please contact:

Todd Mascaretti 920-293-8688 or Thomas Halverson 1-414-257-1526 or 262-567-8257  
Concerned Hunters of Wisconsin.



State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

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October 21, 2003

Senator Carol Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

At the request of several legislators, we have conducted a review of state efforts to combat chronic wasting disease (CWD), a fatal neurological disease that affects members of the deer family. The Department of Natural Resources (DNR) has primary responsibility for coordinating CWD management efforts in Wisconsin, in cooperation with the Department of Agriculture, Trade and Consumer Protection (DATCP), the Department of Health and Family Services, and the University of Wisconsin. Through fiscal year (FY) 2002-03, we estimate these state agencies spent a total of \$14.7 million combating the disease. The majority of expenditures—64.9 percent—supported the salaries and benefits of an estimated 122.8 full-time equivalent employees dedicated to CWD efforts in FY 2002-03.

DNR had the largest share of CWD-related expenditures. Its spending totaled \$12.6 million, including \$4.0 million for the collection and extraction of deer tissue and for constructing and modifying facilities in which to conduct this work. At \$2.0 million, costs associated with herd reduction and carcass disposal represented the second-largest expenditure category. In addition, DATCP spent a total of \$1.1 million on CWD activities, primarily for regulating and preventing disease among farm-raised deer; the University of Wisconsin Veterinary Diagnostic Laboratory spent \$924,000 to test deer tissue for the presence of CWD; and the Department of Health and Family Services spent \$49,000 to review potential links between CWD and a related disease in humans.

A number of questions regarding efforts to contain CWD will need to be addressed in the future, including how best to ensure the effectiveness of herd depopulation efforts, ensure cooperation between DNR and DATCP in the regulation of farm-raised deer, make the greatest use of a new tissue digester that will likely provide a less-costly means of disposal than incineration, and ensure the most appropriate allocation of limited resources.

I hope you find this information helpful. We appreciate the courtesy and cooperation extended to us by DNR, DATCP, the Department of Health and Family Services, and the University of Wisconsin Veterinary Diagnostic Laboratory.

Sincerely,

Janice Mueller  
State Auditor

JM/PS/bm

## **CHRONIC WASTING DISEASE**

Chronic Wasting Disease (CWD) is a fatal neurological disease that affects members of the deer family, such as white-tailed deer, mule deer, and elk. The Department of Natural Resources (DNR) coordinates CWD management efforts in Wisconsin, in cooperation with the Department of Agriculture, Trade and Consumer Protection (DATCP), the Department of Health and Family Services (DHFS), and the University of Wisconsin. These four agencies have formed an interagency task force to address issues pertaining to CWD:

- DNR is the lead agency for coordinating the development of state policy on CWD-related efforts and for managing the disease in the wild white-tailed deer population;
- DATCP has primary responsibility for managing CWD in farm-raised deer herds and for establishing guidelines and providing information concerning meat safety;
- DHFS is responsible for investigating possible links between CWD and human health; and
- the University of Wisconsin is responsible for researching the spread and effects of the disease and, through the Wisconsin Veterinary Diagnostic Laboratory, for testing samples of deer tissue for presence of the disease.

In May 2002, the Governor called a special session of the Legislature to address CWD management efforts in Wisconsin. In response, the Legislature passed what became 2001 Wisconsin Act 108. The Act provided \$4.0 million in one-time time funding, \$3.0 million from the Fish and Wildlife Account of the Conservation Fund and \$1.0 million from the Recycling Fund, as well as 3.0 project positions for DNR. An additional \$300,000 in supplemental funds has been provided by the Joint Finance Committee since the passage of Act 108. DNR has, however, reallocated staff and funding under its existing expenditure authority to fund the majority of CWD activities.

### **Initial Identification and Management Efforts**

In 1967, the symptoms of a new disease were first noted in mule deer at a northern Colorado wildlife research facility, but it was not until 1978 that CWD was first classified as a transmissible neurological disease of the deer family. CWD belongs to a family of diseases known as transmissible spongiform encephalopathies, which produce microscopic holes in brain tissue and eventually lead to the death of infected animals. The cause of these diseases is believed to be a deformed self-replicating protein known as a prion.

Over time, CWD was found to have infected wild animals in surrounding states. In 1997, CWD was identified in a captive elk herd in South Dakota. As a precautionary measure, DNR began taking steps in early 1999 to monitor and test for CWD in Wisconsin, as well as to educate farmers and the public about the disease. There are no known treatments for CWD. At present, it is believed that the disease is not transmissible to humans or to livestock other than members of the deer family.

The first measures DNR took to address CWD included providing information about symptoms of the disease to hunters, farmers, and game farm owners and working with DATCP on a policy for monitoring and regulating animals imported into the state. In addition, with the permission of hunters, DNR tested the lymph nodes and brain tissue of 231 deer that were harvested during the 1999 fall hunting season. No infection was found. An analysis of lymph nodes and brain tissue for evidence of CWD is currently the only method for identifying the disease. Consequently, deer must be dead before the presence of CWD can be detected.

DNR has continued to test deer for CWD annually, with the first confirmed cases being reported in February 2002, when a report from the National Veterinary Services Laboratory in Ames, Iowa, showed that three samples from deer taken during the 2001 fall harvest tested positive for the disease. All three deer were harvested near Mount Horeb in deer management unit 70A, which includes eastern Iowa and western Dane counties. In March 2002, DNR established a disease surveillance plan to identify and combat the spread of CWD. The plan's initial goals included determining the extent and severity of the disease within the Wisconsin deer herd.

In March 2002, DNR:

- established a 450-square mile surveillance zone that included sections of Dane and Iowa counties around the area where the initial three deer that tested positive for CWD were taken;
- conducted an aerial survey to gather data about the deer population in and around the infected area;
- ordered the shooting of approximately 500 deer within the surveillance zone, which was the number judged necessary to render reliable statistics on the extent of the disease outbreak;
- established a command center in Dodgeville to coordinate the deer sampling program;
- assigned 60 wardens to help investigate CWD in farm-raised deer herds; and
- established a Web site to post information about the disease.

In September 2002, the first case of CWD was identified in a captive deer herd in Portage County. The identification of the disease within a captive herd prompted additional testing of animals at several farms. DATCP ordered all deer known to have been exposed to the disease killed for testing. As required by statutes, DATCP paid owners for each animal slaughtered, at an average cost of \$1,100 per animal. By November 2002, DATCP had quarantined six Wisconsin deer farms in Dane, Marathon, Portage, and Walworth counties. In December 2002, DATCP officials ordered the slaughter of all deer residing at one of the infected farms located in Walworth County. Of the 188 deer residing at the farm, four were found to be infected with CWD. A deer that had previously escaped from the farm was also found to be infected.

In October 2003, a deer from a game farm in Portage County already known to have been infected with the disease tested positive for CWD. A depopulation order requiring all of the deer on the Portage farm to be killed is currently on hold as the owner appeals the order.

### **CWD Containment Strategies**

By summer 2002, DNR had a better understanding of the extent of CWD in the state, which included 18 documented cases of infected deer in southern Wisconsin. Based on available information, DNR established a plan to prevent the spread of the disease by reducing the number of deer within established perimeters of the areas in which the infected deer were found. Specifically, DNR discontinued its initial designation of a 450-mile surveillance zone in favor of a more comprehensive approach that called for the establishment of three distinct geographic zones:

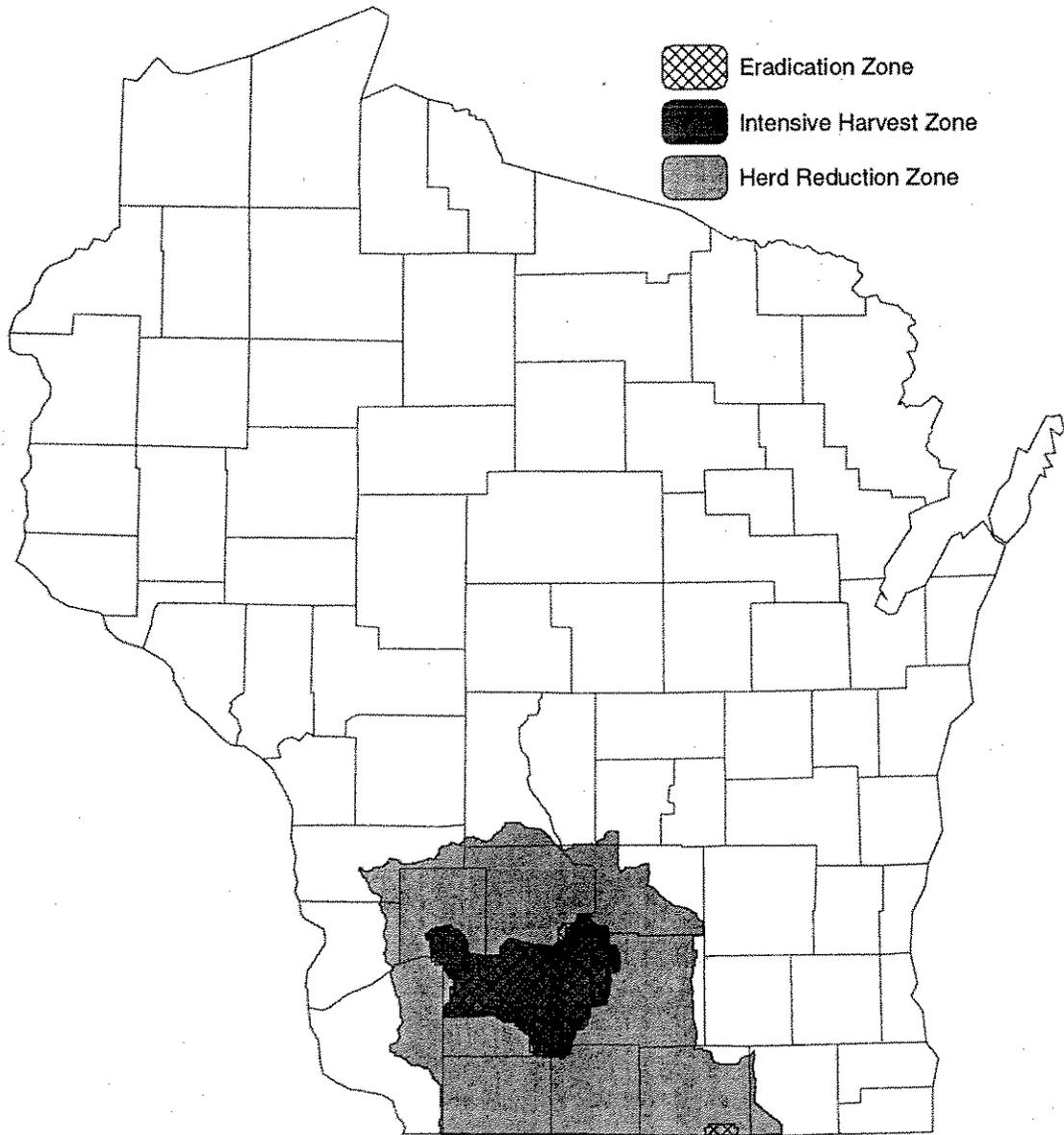
- an eradication zone;
- an intensive harvest zone; and
- a herd reduction zone, which prior to 2003 was known as the management zone.

The current location of these zones is shown in Figure 1.

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Figure 1

**2003 Chronic Wasting Disease Zones**



The eradication zone is the core area of known CWD infection and is designated by DNR as the area in which depopulation of the wild deer herd is required to eradicate, or at least limit the spread of, CWD. The area is defined by township sections and consists of all land contained within or intersected by a circle of up to a 4.5 mile radius drawn from the center of a section of land found to have contained a deer or elk that tested positive for CWD.

The intensive harvest zone is an area that extends slightly beyond the boundaries of the eradication zone and was delineated in order to allow hunters to more easily identify areas in which the depopulation of deer is encouraged. The area of the intensive harvest zone is defined by readily identifiable road boundaries that closely follow the outline of the eradication zone. The deer management goal for this area is identical to the goal for the eradication zone: depopulation of the wild deer herd to eradicate, or at least limit the spread of, CWD.

Finally, the herd reduction zone was established to reduce the risk of CWD transmission to adjacent areas of the state. Unlike the goals for the other two zones, the deer management goal for the herd reduction zone is to reduce the population to approximately 10 deer per square mile of habitat. The area of the herd reduction zone is also based on road boundaries, which are located approximately 40 miles from areas in which CWD-infected deer were first discovered.

### **CWD Testing During the 2002 Hunting Season**

In April 2002, DNR continued its deer testing program by collecting samples of brain tissue and lymph nodes from 516 deer harvested by DNR staff. Fifteen deer from 516 test samples were found to have the disease; all were harvested in the Mount Horeb area.

To reduce the size of the deer herd, DNR implemented a special summer hunt within the eradication zone and the intensive harvest zone. The hunt ran for one week each month from July through September 2002. In total, 1,498 deer were harvested during this period. Of these, 22 tested positive for CWD.

As shown in Table 1, DNR extended the 2002 fall hunts within the eradication and intensive harvest zones into 2003 and included three separate gun seasons within the intensive harvest zone.

Table 1

**2002 Fall Hunting Seasons in the Eradication and Intensive Harvest Zones**

<u>Hunt Type</u>	<u>Eradication Zone</u>	<u>Intensive Harvest Zone</u>
<b>Fall Archery Season</b>		
Start	September 14, 2002	September 14, 2002
End	January 31, 2003	January 3, 2003
<b>Fall Gun Season</b>		
Start	October 24, 2002	October 24, 2002
End	January 31, 2003	October 27, 2002
Start	--	November 23, 2002
End	--	December 15, 2003
Start	--	December 21, 2002
End	--	January 3, 2003

DNR undertook an extensive testing program associated with the 2002 deer hunting seasons that established a goal of 50,000 animals. The program included more than 1,200 employees and volunteers to staff 200 deer collection sites statewide. A total of 41,323 deer samples were collected for testing and included those donated by hunters, as well as deer harvested by DNR staff from every county.

For the first time, testing of deer tissue was performed within the state by the Wisconsin Veterinary Diagnostic Laboratory. In 2002, the Diagnostic Laboratory attained federal certification to test for the presence of CWD and developed additional testing capacity to perform CWD testing. While the Diagnostic Laboratory conducted the majority of the tests performed in 2002, a small number of samples were sent to a laboratory in Illinois to ensure that all tests were completed in a timely manner.

Tests of tissue from the 41,323 deer identified the disease in 207 animals, all of which were harvested in four contiguous counties: Dane, Iowa, Richland, and Sauk.

## Enhancing Regulatory Efforts

In April 2002, the State enacted 2001 Wisconsin Act 56, which enhanced DATCP's authority to regulate captive wildlife. This legislation, which took effect January 1, 2003:

- expanded DATCP's authority to quarantine wild and domestic animals;
- required licensing of markets, dealers, and transporters who handle deer and other wild animals;
- increased registration requirements for farm-raised deer herds;
- transferred regulatory authority for captive white-tail herds from DNR to DATCP; and
- directed DATCP to draft and implement CWD rules.

In April 2002, DATCP used its new legislative authority to adopt an emergency administrative rule intended to prevent the spread of CWD by imposing a moratorium on deer and elk imports until the herd of origin has been monitored for a least five years. A final rule, which essentially incorporated the same provisions as the emergency rule, went into effect on June 1, 2003.

Because there is no reliable test for CWD among live animals, the final rule requires testing of all farm-raised deer at least 16 months old that are shipped to slaughter or die on the herd premises. In addition, the rule prohibits the movement of live captive animals from herds in Wisconsin unless the herd is monitored for CWD under a plan approved by DATCP.

Under the final administrative rule, every deer and elk that is imported into the state must have an import permit and a health certificate signed by a federally accredited veterinarian who examines the animal prior to import. The permit must include the name and address of the importer and the recipient, the type and number of animals imported, the herd of origin, and the herd of destination. Since 1995, a total of 2,604 deer, elk, and their kin have been imported into Wisconsin, which includes 410 animals that have been imported from states in which CWD has been found. DATCP has not authorized imports from herds known to be infected with CWD at the time of import. However, the source herd for 19 elk imported into Wisconsin were found to be infected after the time of import. These imported animals were traced by DATCP and either killed for testing or placed under quarantine until they can be shown to be healthy for five years after the date of exposure to CWD.

DNR has also promulgated rules related to CWD management. In June 2002, the Natural Resources Board approved an emergency administrative rule that placed a statewide ban on deer feeding and baiting, which was designed to prevent the spread of CWD and to help insure that the disease would not become established in other parts of the State. In April 2003, the Board voted to adopt a final rule with similar provisions.

In May, the Assembly Natural Resources and Senate Environment and Natural Resources committees voted to modify DNR's administrative rule by providing for the use of up to two gallons of bait, and limited feeding, in areas in which CWD-positive animals had been

identified. When the Natural Resources Board voted against modifying its original rule, the Joint Committee for Review of Administrative Rules passed motions recommending that the original rule not apply after June 30, 2004, and providing for continued baiting and feeding under some circumstances.

Specifically, the Joint Committee for Review of Administrative Rules recommended that baiting be allowed when:

- it occurs during an open season for hunting deer;
- it occurs outside of a CWD eradication zone, management zone, or intensive harvest zone; and
- no more than two gallons of bait at no more than two sites within a 40-acre parcel are spread daily.

In addition, the Committee recommended that feeding for the purpose of viewing deer be allowed when:

- it occurs north of state highway 54;
- it occurs outside of a CWD eradication zone, management zone, or intensive harvest zone; and
- no more than two gallons of feed are spread daily within 50 yards of an owner occupied residence.

At a special meeting in September 2003, the Natural Resources Board did not adopt the Committee's recommendations and instead approved a second emergency rule prohibiting deer baiting and feeding, in part based on a recently published study in the journal *Nature* that indicated CWD spreads more easily than had previously been thought. The new emergency rule imposes the same restrictions as those adopted by the Board in its April 2003 emergency rule, but limits the restrictions to 22 Wisconsin counties. Both the Board and the interagency task force believe this action was necessary because the 22-county area is known to be at risk for either CWD or bovine tuberculosis either because an infected animal has been identified in them or because they are within a 10-mile radius of animals that had been confirmed to have one of the two diseases. DNR has indicated that it intends to seek two extensions to the emergency rule that would allow the ban to remain in effect until mid-June 2004, rather than lapse after a standard 150-day time period.

In September, the Assembly passed 2003 AB 519, which would allow individuals to feed deer or elk outside of the three CWD zones established by DNR as an exception to DNR's feeding rules, provided that the site of feeding is within 50 yards of an owner-occupied residence and is 100 yards or more from a highway that has a posted speed limit of 45 miles per hour or more. In addition, the bill also would allow individuals to bait deer or elk for hunting purposes north of state highway 54 during open hunting season, provided the baited area consists of no more than

40 acres and is 100 yards or more from a highway. No more than two gallons of food may be placed daily under the provisions of the bill. At present, the Senate is considering a similar bill, 2003 SB 259.

### Program Expenditures

Through fiscal year (FY) 2002-03, \$14.7 million has been spent on combating CWD in Wisconsin. As shown in Table 2, 92.7 percent of these expenditures were from segregated funds. GPR accounted for \$868,800, or 5.9 percent of total expenditures.

Table 2

#### Chronic Wasting Disease Expenditures by Funding Source FY 2001-02 through FY 2002-03

Funding Source	DNR	DATCP	Diagnostic Laboratory	DHFS	Total	Percentage of Total
Segregated revenue	\$12,216,314	\$ 446,996	\$923,844	\$34,304	\$13,621,458	92.7%
General purpose revenue	226,668	642,166	0	0	868,834	5.9
Program revenue	162,328	8,871	0	0	171,199	1.2
Federal revenue	0	16,257	0	14,239	30,496	0.2
Total	\$12,605,310	\$1,114,290	\$923,844	\$48,543	\$14,691,987	100.0%

DNR accounted for the majority of CWD expenditures: it spent \$12.6 million directly and provided an additional \$1.0 million to the other three agencies through memoranda of understanding. Of the remaining \$1.1 million in CWD expenditures, \$14,200 was spent by DHFS from a \$93,000 multi-year federal grant, and the remainder was spent by DATCP, largely from its general program operation funds.

As shown in Table 3, \$9.5 million, or 64.9 percent of all funds, was spent to support staff in the agencies working to combat CWD, while \$5.2 million, or 35.1 percent, was spent on supplies and services. Of the \$12.6 million in expenditures made by DNR, \$1.3 million represents overhead costs: \$931,100 for staff, and \$402,700 for supplies and services. These costs do not represent direct charges for CWD activities, but include overhead costs that were allocated by formula to all of DNR's programs.

Table 3

**Chronic Wasting Disease Expenditures by Type**  
FY 2001-02 through FY 2002-03

Type	<u>DNR</u>	<u>DATCP</u>	<u>Diagnostic Laboratory</u>	<u>DHFS</u>	<u>Total</u>	<u>Percentage of Total</u>
<b>Staffing</b>						
Permanent staff salaries	\$ 4,540,461	\$ 591,789	\$156,666	\$19,959	\$ 5,308,875	36.1%
Fringe benefits	2,282,407	245,320	43,548	10,640	2,581,915	17.6
Allocated staffing costs*	931,054	0	0	0	931,054	6.3
LTE staffing costs	<u>621,101</u>	<u>24,452</u>	<u>61,581</u>	<u>11,850</u>	<u>718,984</u>	<u>4.9</u>
Subtotal	8,375,023	861,561	261,795	42,449	9,540,828	64.9
<b>Supplies and Services</b>						
Purchased services	1,281,505	2,688	0	0	1,284,193	8.7
Materials and supplies	683,968	547	82,114	527	767,156	5.2
Equipment acquisition and maintenance	547,520	76,375	142,329	0	766,224	5.2
Travel	485,930	26,468	5,342	632	518,372	3.5
Building maintenance and utilities	279,801	0	203,139	0	482,940	3.3
Allocated supply costs*	402,724	0	0	2,323	405,047	2.8
Data processing	254,157	0	0	0	254,157	1.7
Facility construction	0	0	229,125	0	229,125	1.6
Miscellaneous	181,230	5,211	0	2,601	189,042	1.3
Indemnity payments**	0	141,240	0	0	141,240	1.0
Printing	75,350	90	0	11	75,451	0.5
Informational advertising	<u>38,102</u>	<u>110</u>	<u>0</u>	<u>0</u>	<u>38,212</u>	<u>0.3</u>
Subtotal	4,230,287	252,729	662,049	6,094	5,151,159	35.1
<b>Total</b>	<b><u>\$12,605,310</u></b>	<b><u>\$1,114,290</u></b>	<b><u>\$923,844</u></b>	<b><u>\$48,543</u></b>	<b><u>\$14,691,987</u></b>	<b><u>100.0%</u></b>

\* Represents overhead costs that were not directly charged to the CWD program but allocated through a formula.

\*\* Payments to captive deer owners for animals that were slaughtered for testing.

As shown in Table 4, an estimated 122.8 full-time equivalent (FTE) staff were dedicated to CWD efforts in FY 2002-03. Ninety percent of all positions were staff employed by DNR. It should be noted that this estimate does not include all efforts dedicated to CWD because data were not always kept in a manner that facilitated a breakout. For example, DNR allocates overhead staffing costs to CWD, but there is no readily available way to convert these costs into FTEs. In addition, DNR staff time charged directly to CWD includes overtime hours, but actual

overtime hours dedicated exclusively to CWD activities could not be calculated from available data. However, DNR staff estimate that overtime costs associated with CWD totaled at least \$530,000 in FY 2002-03.

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Table 4

**Estimated Number of Full-time Equivalent Staff Dedicated to  
Chronic Wasting Disease Activities  
FY 2002-03**

<u>Agency</u>	<u>Number</u>
DNR	109.9
DATCP	6.6
Diagnostic Laboratory	5.4
DHFS	<u>0.9</u>
Total	122.8

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Expenditures can also be defined by the types of activities they support. Because 85.8 percent of all expenditures were made by DNR, and because DNR has typically been engaged in a broader range of CWD-related activities than the other agencies, we focused the majority of our work on identifying the CWD activities of DNR staff. Although DNR has developed specific codes for tracking time staff spend on CWD efforts, these codes do not typically indicate which specific CWD-related task was performed. Therefore, we compiled detailed information from DNR's time reporting system for each of the 1,695 individual staff who recorded time to CWD, and asked DNR officials to use this information to estimate the percentage of time staff spent on a number of broadly defined CWD-related activities.

As shown in Table 5, DNR spent the largest portion of funds—\$4.0 million—on the collection and extraction of deer tissue for testing. Deer heads from harvested animals were transported in refrigerated trucks to five extraction sites, located in Black Earth, Black River Falls, Eagle, Green Bay, and Park Falls, where DNR staff removed the tissue needed for testing. The tissue was placed in a preservative, boxed, and shipped to the Diagnostic Laboratory. The \$4.0 million in expenditures for this activity include staffing costs associated with removal and transportation of deer tissue, laboratory supplies needed for tissue removal and preservation, and site preparation and construction. At four of the collection sites, DNR converted existing space into laboratory collection centers by coating the floors with a sealant and adding walls where necessary to isolate the collection site from the existing facilities. At the Black Earth site, DNR constructed a new facility because existing structures were deemed inadequate to meet long-term tissue extraction needs.

Table 5

## CWD Expenditures by Activity

	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>Total</u>	<u>Percentage of Total</u>
<b>DNR</b>				
Collection and extraction of deer tissue	\$ 301,686	\$ 3,685,751	\$ 3,987,437	27.1%
Herd reduction and carcass disposal	227,694	1,816,537	2,044,231	13.9
Planning and policy development	393,302	1,280,201	1,673,503	11.4
Public relations and outreach	180,204	1,232,804	1,413,008	9.6
Allocated overhead costs*	189,986	1,143,791	1,333,777	9.1
Deer/elk farm oversight	42,834	675,254	718,088	5.0
Research	44,746	533,984	578,730	3.9
Administrative and support services**	15,799	468,375	484,174	3.3
Baiting and feeding enforcement	<u>0</u>	<u>372,362</u>	<u>372,362</u>	<u>2.5</u>
Subtotal	1,396,251	11,209,059	12,605,310	85.8
<b>DATCP</b>				
Farm-raised deer regulation and disease prevention	126,613	418,964	545,577	3.7
Rule/policy development and legal services	130,000	268,269	398,269	2.7
Indemnity payments to game farms	0	141,240	141,240	1.0
Human food safety	9,073	14,027	23,100	0.2
Animal feed safety	<u>3,100</u>	<u>3,004</u>	<u>6,104</u>	<u>&lt;0.1</u>
Subtotal	268,786	845,504	1,114,290	7.6
<b>Diagnostic Laboratory</b>				
Testing of deer tissue	0	923,844	923,844	6.3
<b>DHFS</b>				
Creutzfeldt-Jakob disease surveillance	<u>0</u>	<u>48,543</u>	<u>48,543</u>	<u>0.3</u>
Total	<u>\$1,665,037</u>	<u>\$13,026,950</u>	<u>\$14,691,987</u>	<u>100.0%</u>

\* Represents allocated overhead costs that could not with accuracy be categorized by activity.

\*\* Includes costs such as data processing, Web site development, human resources, and accounting services.

The second-largest category of DNR's expenditures was herd reduction and carcass disposal, which include deer harvesting, and accounted for \$2.0 million in total expenditures. A number of costs are associated with deer harvesting, including contacting landowners within the eradication zone for permission to hunt on their land, issuing special permits to allow landowners to hunt on their own land, baiting hunting sites, and actual hunting conducted by DNR sharpshooters.

Costs associated with carcass disposal include transportation and incineration or landfill disposal, as well as storage of dead deer, and car-kill deer pickups within the eradication and intensive harvest zones. Some of the largest single costs are associated with disposal. For example, in FY 2002-03 DNR made payments totaling \$403,500 for incineration and \$165,300 for landfill disposal of deer carcasses.

At \$1.7 million, planning and policy development was the third largest category of DNR's expenditures. It includes costs associated with establishing rules and regulations, drafting a CWD management plan and environmental impact statement, coordinating efforts with state and federal agencies, and establishing deer management zones.

Finally, DNR spent \$1.4 million on public relations and outreach. This included holding numerous meetings at locations throughout the state to provide hunters and other interested parties with information on CWD and the agency's plans to combat it; maintaining a Web site with information on CWD and test results for deer submitted by hunters; printing costs for informational brochures and pamphlets; and responding to questions from hunters, landowners, legislators, the media, and the public.

Of the \$1.1 million spent by DATCP, the largest expenditure category was farm-raised deer regulation and disease prevention, which totaled \$545,600. DATCP also spent \$398,300 to develop policies, draft rules, and provide legal services for CWD issues. In addition, it spent \$141,200 on indemnity payments to owners of farm-raised deer exposed to CWD that had to be destroyed for testing.

The University of Wisconsin Diagnostic Veterinary Laboratory spent \$923,800 to test deer tissue. Its activities included developing and operating a testing facility, purchasing testing supplies, and staff time associated with testing thousands of tissue samples for the presence of CWD.

It should be noted that the Diagnostic Laboratory recently was alerted by the United States Department of Agriculture (USDA) that it will be permitted to house the only mobile tissue digester in the nation. The digester, to be delivered in late October 2003, will be owned by USDA but may be used by the Diagnostic Laboratory to chemically decompose infected deer. The digester is capable of destroying infectious prions, making incineration unnecessary. The sterile liquid waste produced by the digester will be disposed of through a sewage treatment plant. A total of \$363,000 in state CWD funds has been budgeted to construct a building to house the mobile digester, which was required by USDA. Officials of the Diagnostic Laboratory are optimistic that they will be able to obtain federal funding to support operation of the digester through at least federal fiscal year 2004-05.