NEBRASKA ADMINISTRATIVE CODE

TITLE 23, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 16

NEBRASKA DEPARTMENT OF AGRICULTURE

DOMESTICATED CERVINE ANIMAL REGULATIONS

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TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

Chapter 16 - ~~Domesticated Cervine Animal Regulations~~ DOMESTICATED CERVINE ANIMAL REGULATIONS

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TITLE 23 - DEPARTMENT OF AGRICULTURE~~, BUREAU OF ANIMAL INDUSTRY~~

Chapter 16 - DOMESTICATED CERVINE ANIMAL REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in administering the Domesticated Cervine Animal Act, Neb. Rev. Stat. §§54-2302 to 54-2323 (the Act) and the domesticated cervine animal section of the Game Law, Neb. Rev. Stat. §37-505. These regulations are in addition to the Act, and are to be used in conjunction with the Act.

002 Definitions In addition to the definitions below, the definitions set forth in the following shall also apply to such terms when used in these regulations: (a) Neb. Rev. Stat. §54-2304, (b) USDA Chronic Wasting Disease Program Standards (May 2014), and (c) the Program Guidelines for the Voluntary Nebraska Chronic Wasting Disease Herd Certification Program (April 11, 2013).

002.01 APPROVED LABORATORY means a laboratory approved by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) to conduct Chronic Wasting Disease (CWD) tests. (Contact the Department for a list of laboratories that the Department currently utilizes for such testing.)

002.02 CERTIFICATE OF VETERINARY INSPECTION (CVI) means a legible document, either paper or electronic, issued by an accredited veterinarian at the point of origin of an animal movement.

~~002.01 COMMISSION means the Game and Parks Commission or its authorized agent.~~

~~002.04~~ 002.03 CHRONIC WASTING DISEASE (CWD) means a transmissible spongiform encephalopathy of cervine animals.

~~002.02~~ 002.04 DEPARTMENT means the Nebraska Department of Agriculture or its authorized agent.

~~002.03~~ 002.05 DIRECTOR means the Director of Agriculture or his or her designee.

~~002.04~~ 002.06 ~~DOMESTICATED CERVINE ANIMAL means any elk, deer, or other member of the family cervidae legally obtained from a facility which has a license, permit, or registration authorizing domesticated cervine animals which has been issued by the state where the facility is located and such animal is raised in a confined area.~~ DCA means domesticated cervine animal or animals.

~~002.05~~ 002.07 DOMESTICATED CERVINE ANIMAL FACILITY means a premises where ~~one or more~~ domesticated cervine animals are kept or reared for any purpose, or two or more premises under common ownership or supervision geographically separated but ~~has~~ have an interchange of domesticated cervine animals, without regard to whether the domesticated cervine animals are infected or exposed to disease, as long as the premises are located within a county or adjacent county.

~~002.09~~ 002.08 ENROLLED HERD means a herd participating in a CWD Program which has met the requirements of either the Voluntary Nebraska CWD Herd Certification Program or the USDA CWD Program Standards.

002.09 HERD STATUS means the status of a herd assigned under the CWD Herd Certification Program in accordance with 9 C.F.R. §55.24.

~~002.06~~ 002.10 INDIGENOUS DOMESTICATED CERVINE ANIMAL means elk, mule deer, white-tailed deer and any other domesticated cervine animal native to Nebraska.

002.11 NEW CONSTRUCTION means the installation of a first-time fence; the entire removal and rebuild of an existing fence; or any other construction that does not meet the definition of repair or maintenance as set forth in 23 NAC 002.15 below.

~~002.07~~ 002.12 NON-INDIGENOUS DOMESTICATED CERVINE ANIMAL means any domesticated cervine animal not native to Nebraska which shall include, but not be limited to, sika deer, fallow deer, reindeer and Pére David's deer.

~~002.08~~ 002.13 PARTS means any meat, hide, antlers, hooves, or other parts of a domesticated cervine animal.

~~002.09 PERSON means any individual, firm, group of individuals, partnership, limited liability company, corporation, unincorporated association, cooperative, or other entity, public or private.~~

~~002.10~~ 002.14 PRE-MOVEMENT PERMIT means an authorization for intrastate (within the state) movement obtained from the Department prior to movement, and such pre-movement permit may only be issued during normal business hours of the Department (8:00 a.m. to 5:00 p.m., Monday thru Friday, except holidays). This authorization shall state the conditions under which the movement may be made. The permit number shall be recorded on the CVI.

002.15 REPAIR OR MAINTENANCE means to mend or replace deteriorated or damaged portions of fencing and includes anything less than the entire removal and rebuild of an existing fence.

~~002.10~~ 002.16 USDA means the United States Department of Agriculture.

003 Domesticated Cervine Animal Facility Permit.

~~003.01 On and after January 1, 2000, it is unlawful for any person to own, possess, buy, sell, or barter any domesticated cervine animal in this state unless such animal meets the individual identification requirements in Section 006 and is kept at a premises for which a Domesticated Cervine Animal Facility Permit has been issued by the Department.~~

~~003.02 On and after August 1, 1999, any person required to obtain a Domesticated Cervine Animal Permit shall file an application with the Department on an application form provided by the Department. Only applications which contain the following information, and are complete, will be considered:~~

~~003.02A Name, residence, and place of business, telephone number, city, state, zip code, name of business, whether business is individual, partnership, association, or corporation; and~~
~~003.02B Legal description for location of a domesticated cervine animal facility including county, section, township, range; and the nature of applicant's title to the land, whether in fee or under lease; and~~

~~003.02C Listing of the kind and number of domesticated cervine animals authorized to be kept, or reared in the facility, with an indication of the animal's age, whether over or under twelve (12) months of age on the date of the application.~~

~~003.03 The fee for a Domesticated Cervine Animal Facility Permit shall be two dollars and fifty cents ($2.50) per animal twelve (12) months of age or older as indicated on the permit application. When multiple premises are held under control of one ownership, the annual permit fee for a Domesticated Cervine Animal Facility Permit shall be based on the accumulated total of the domesticated cervine animals over 12 months of age on all premises. The minimum fee shall be twenty-five dollars ($25); the maximum fee shall be two hundred dollars ($200). The permit fee shall be paid to the Department when the annual permit application is submitted prior to October 1, annually.~~

~~003.04 Domesticated Cervine Animal Facility Permits shall expire on December 31 of the year of issuance.~~

~~003.05 A Domesticated Cervine Animal Facility Permit shall not be issued until the permit fee(s) and inspection fee(s), in years when an inspection fee(s) is required, are paid in full.~~

~~003.06 Renewal applications, along with the permit fee, shall be filed annually with the Department on or before October 1 of each year, as provided in Section 003.02 above. The Department may impose a penalty for delinquency of twenty-five dollars ($25.00) per month or a portion of a month, in addition to the permit fees.~~

003.01 A DCA Facility Permit Application shall contain the following information:

003.01A Name of the applicant;

003.01B Mailing address and telephone number of applicant's residence.

003.01C Business name, facility manager's name, business address and telephone number, if different than 23 NAC 16-003.01A and 23 NAC 16-003.01B;

003.01D Legal description (county, section, township and range) of such facility and physical street address (Global Positioning System (GPS) coordinates) of the DCA facility;

003.01E Nature of applicant's title to the land, whether in fee or under lease;

003.01F Type of business operation: any individual, firm, group of individuals, partnership, limited liability company, corporation, unincorporated association, cooperative, or other entity, public or private.

003.01G Listing of the species and number of DCA authorized in accordance with the Game Law, to be kept or reared in the facility, with an indication of the DCA's age and whether such DCA is over or under twelve (12) months of age on the date of the application.

003.02 DCA Facility Permit Fee.

003.02A The DCA Facility Permit shall be two dollars and fifty center ($2.50) per animal twelve (12) months of age or older, as indicated on the permit application.

003.02B When multiple premises are held under control of one ownership, the annual permit fee for a DCA Facility Permit shall be based on the accumulated total of the DCA's over 12 months of age on all premises.

003.02C The minimum fee shall be twenty-five dollars ($25.00); the maximum fee shall be two hundred dollars ($200.00).

003.02D Renewal applications, along with the permit fee, shall be filed annually with the Department on or before October 1st of each year, as provided in 23 NAC 16-003.02 above.

003.02E If the permit fee is not paid on or before October 1st of each year the Department may impose an administrative fee for delinquency of twenty-five dollars ($25.00) per month or a portion of a month, in addition to the permit fees.

003.03 At any time an inspection fee is due, the annual DCA facility permit shall not be issued until both the annual fee and the inspection fee are paid in full.

004 Inspection of Facility.

~~004.01 No person shall be issued a Domesticated Cervine Animal Facility Permit without an initial inspection by Department personnel.~~

~~004.02 Department personnel shall inspect each facility prior to issuing the initial Domesticated Cervine Animal Facility Permit. Each domesticated cervine animal facility shall be inspected at least once in a three-year (3) period thereafter. The Department may perform additional inspections as needed.~~

~~004.03 The inspection fee for a Domesticated Cervine Animal Facility Permit shall be three dollars ($3.00) per animal twelve (12) months of age and older as indicated on the permit application. When multiple premises are held under the control of one ownership, the inspection fee shall be based on the accumulated total of all domesticated cervine animals on all premises. The minimum fee shall be thirty dollars ($30); the maximum fee shall be three hundred dollars ($300). The inspection fee shall be due at the time of the inspection.~~

~~004.04 A Domesticated Cervine Animal Facility Permit shall not be issued until the permit fee(s) and inspection fee(s), in years when an inspection fee(s) is required, are paid in full.~~

004.01 Department personnel shall inspect each facility prior to issuing the initial DCA Facility Permit. Each DCA facility shall be inspected at least once in a three-year (3) period thereafter. The Department may perform additional inspections as needed.

004.02 DCA Facility Inspection Fee.

004.02A The inspection fee for a DCA Facility Permit shall be three dollars ($3.00) per animal twelve (12) months of age and older as listed on the permit application.

004.02B When multiple premises are held under the control of one ownership, the inspection fee shall be based on the accumulated total of all DCA on all premises.

004.02C The minimum fee shall be forty dollars ($30.00); the maximum fee shall be four hundred dollars ($300.00).

004.02D The inspection fee shall be due at the time of the inspection.

005 Minimum Construction Requirements for Perimeter Fencing and Handling Facilities.

~~005.01 Existing Facilities for Indigenous Domesticated Cervine Animals. Minimum requirements for perimeter fencing for facilities which were constructed prior to the effective date of these regulations:~~

~~005.01A Perimeter fences constructed prior to the effective date of these regulations shall be allowed to exist if the existing enclosure, upon inspection by the Department, is found to be structurally sound, maintained in good repair, and of sufficient height and construction to contain the animals. Any new construction of perimeter fence on such a facility shall meet the standards of Section 005.02.~~

005.01 Existing Facilities prior to January 1, 2000, for Indigenous DCA. Minimum requirements for perimeter fencing for facilities which were constructed prior to January 1, 2000, shall be allowed to exist if the existing enclosure, upon inspection by the Department, is found to be structurally sound, maintained in good repair, and of sufficient height and construction to contain the animals. Any new construction of a perimeter fence on such a facility shall meet the standards of 23 NAC 16-005.02.

005.02 New Construction for Indigenous ~~Domesticated Cervine Animals~~ DCA. Minimum requirements for construction of perimeter fencing for facilities constructed after ~~the effective date of these regulations~~ January 1, 2000:

005.02A Height. Minimum height shall be eight (8) feet above ground level.

005.02B Enclosure Material.

005.02B(1) Fencing shall be eight (8) foot mesh fencing material or equivalent. The mesh size shall be of sufficient size to contain juvenile and adult indigenous ~~domesticated cervine animals~~ DCA.

005.02B(2) Minimum Wire Gauges. Minimum wire gauges shall be twelve and one-half (12½) gauge for conventional fencing or fourteen and one-half (14½) gauge for woven high-tensile wire.

005.02B(3) Posts. Wood posts ~~or equivalent~~ must be four inches (4") diameter at the top, spaced no more than fifty feet (50') apart; sixty feet (60') spacing is allowed if there are at least two (2) steel posts between the wood posts. Posts which are made of a material other than wood shall be of an equivalent strength to such wood posts. Tops of posts must be at least eight (8) feet above ground level. Corners shall be braced wood or equivalent material.

005.02B(4) Gates. All gates entering animal holding facilities shall be constructed to maintain the same or greater holding capacity as the perimeter fence.

005.02C Equivalent Construction. Construction which is equal to or exceeds the above requirements shall be allowed ~~after~~ if ~~approval~~ approved by the Department.

005.03 Existing Facilities for Non-indigenous ~~Domesticated Cervine Animals~~ DCA. Minimum requirements for perimeter fencing for facilities which were constructed prior to ~~the effective date of these regulations~~: January 1, 2000, shall be allowed to exist if the existing enclosure, upon inspection by the Department, is found to be structurally sound, maintained in good repair, and of sufficient height and construction to contain the animals. Any new construction of a perimeter fence on such a facility shall meet the standards of 23 NAC 16-005.04.

~~005.03A Perimeter fences constructed prior to the effective date of these regulations shall be allowed to exist if the existing enclosure, upon inspection by the Department, is found to be structurally sound, maintained in good repair, and of sufficient height and construction to contain the animals. Any new construction of perimeter fence on such a facility shall meet the standards of Section 005.04.~~

005.04 New Construction for Non-indigenous ~~Domesticated Cervine Animals~~ DCA. Minimum requirements for perimeter fencing for facilities constructed after ~~the effective date of these regulations~~ January 1, 2017.

005.04A Height. Minimum height shall be ~~six (6)~~ eight (8) feet above ground level.
005.04B Enclosure Material.

005.04B(1) Fencing shall be ~~six (6)~~ eight (8) foot mesh fencing material or equivalent. The mesh size shall be of sufficient size to contain juvenile and adult non-indigenous ~~domesticated cervine animals~~ DCA.

005.04B(2) Minimum Wire Gauges. Minimum wire gauges shall be twelve and one-half (12½) gauge for conventional fencing and fourteen and one-half (14½) gauge for woven high-tensile wire.

005.04B(3) Posts. Wood posts ~~or equivalent~~ must be four inches (4") diameter at the top, spaced no more than fifty feet (50') apart; sixty feet (60') spacing is allowed if there are at least two (2) steel posts between the wood posts. Posts which are made of a material other than wood shall be of an equivalent strength to such wood posts. Tops of posts must be at least six feet (6') above ground level. Corners shall be braced wood or equivalent material. shall be braced wood or equivalent material.

005.04B(4) Gates. All gates entering animal holding facilities shall be constructed to maintain the same or greater holding capacity as the perimeter fence.

005.04C Equivalent Construction. Construction which is equal to or exceeds the above requirements shall be allowed ~~after~~ if ~~approval~~ approved by the Department.

005.05 Minimum Construction Requirements for Internal Handling Facilities.

005.05A Internal handling facilities shall be ~~capable of~~ constructed in a manner which allows gathering, sorting, and restraining of permitted animals for applying or reading any identification or performing required diagnostic tests.

005.05B Hunt pastures shall have pens or enclosures of sufficient strength and height capable of holding animals in order to load and transport to a handling facility for any of the purposes stated ~~above~~ in ~~section 009.~~ 23 NAC 16-009.

005.05C It shall be the responsibility of the permitholder to provide the necessary restraint to allow Department personnel to carry out any authorized procedures.

005.06 Maintenance Requirements. The fencing requirements set forth in this section shall be met on a continuous basis.

006 ~~Identification Requirements for Individual Animals and Parts.~~ Identification and Inventory Requirements for Individual Animals and Parts. ~~It shall be unlawful to own, possess, buy, sell, or barter any domesticated cervine animal, or part thereof, unless such animal, or part thereof, is appropriately marked for proof of ownership.~~

006.01 Indigenous ~~domesticated cervine animals~~ DCA shall be individually identified with at least one (1) form of permanent individual identification and with the visible individual identification ~~listed~~ pursuant to 23 NAC 16-006.03 and 23 NAC 16-006.04, below.

006.02 Non-indigenous ~~domesticated cervine animals~~ DCA shall be required to have at least one (1) form of permanent individual identification listed below when moving in commerce~~.~~ pursuant to 23 NAC 16-006.03,

006.03 Permanent Individual Identification.

006.03A A USDA approved silver, metal eartag which has a nine-character alpha-numeric identification number; or

006.03B An ear tattoo which is legible and provides a unique number that can identify an individual animal. New tattoos applied on Nebraska ~~farms~~ DCA facilities shall have the state code "NE" followed by the ~~domesticated cervine animal~~ DCA herd number in the right ear. A unique four (4) digit number must also be tattooed on each animal and may be applied to either ear. All tattoos shall be at least three-eights (3/8) inch high; or

006.03C A form of tamper-proof eartag, approved by the Department, which includes the ~~domesticated cervine animal~~ DCA herd number and a unique animal number.

006.04 Visible Individual Identification. Such identification shall be to differentiate a DCA from a wild cervine animal and shall be a plastic eartag (bangle tag) that is at least one and three-fourth inches by one and three-fourth inches (1¾" x 1¾") in size, and such tag shall be of a color that is clearly distinguishable from the animal on which it is placed.

~~006.04A Such identification shall be to differentiate a domesticated cervine animal from a wild cervine animal and shall be a plastic eartag that is at least one and three-fourth inches by one and three-fourth inches (1¾" x 1¾") in size, and such tag shall be of a color that is clearly distinguishable from the animal on which it is placed.~~

006.05 Indigenous ~~domesticated cervine animals~~ DCA which are born into a herd shall be required to have both permanent and visible individual identification before they reach twelve (12) months of age. ~~or before being moved from the premises~~. DCA younger than twelve (12) months of age need both permanent and visible individual identification if they leave the DCA facility.

006.06 Non-indigenous ~~domesticated cervine animals~~ DCA which are moved from the ~~premises~~ DCA facility on which they are born shall have permanent individual identification prior to movement.

~~006.07 The permitholder shall maintain books and records that provide the individual identification for all indigenous domesticated cervine animals over twelve (12) months of age currently maintained in the herd, non-indigenous domesticated cervine animals when moved in commerce, destination information for all animals leaving the herd, origin information on all animals added to the herd, and information requested on forms provided by the Department on any animals that die of any cause. These records shall be maintained by the permitholder for review for five (5) years after the death or disposal, which shall include the sale, of any domesticated cervine animal.~~

006.07 The permitholder shall keep and maintain records and DCA inventories as follows:

006.07A Records required to be kept pursuant to the Act and these regulations, shall be maintained by the permitholder for review by the Department for five (5) years after the death or disposal, including all sales, of any DCA.

006.07B Records for all non-indigenous DCA, when moved in commerce, shall include species of cervine, date of exit from the herd, reason for exit from the herd, and destination information for all DCA leaving the herd.

006.07C Inventory records for all indigenous DCA over twelve (12) months of age shall include all forms of identification, sex of the animal, date of birth, date of entry into the

DCA herd, place of origin, species of DCA, date of exit from herd, reason for exit from herd and destination information for all DCA leaving the herd.

006.08 Parts, as defined in 23 NAC 16-002.12, of a ~~domesticated cervine animal~~ DCA, ~~consisting of any hide, antler, meat, or other part~~ being bought, sold, or bartered, shall be appropriately marked for proof of ownership by affixing a tag or label to the part or package containing parts. The information required on the tag or label shall be the name and address of the ~~domesticated cervine animal~~ DCA herd owner, ~~Domesticated Cervine Animal~~ DCA Facility Permit number, description of the contents or part, and the date harvested. The tag or label shall be provided by the owner or shipper. The approved size for such tag or label shall be a minimum of one and one-half (1½) inches by three (3) inches, up to a maximum of three (3) inches by five (5) inches. The tag or label attached shall remain until the carcass or parts of the ~~domesticated cervine animal~~ DCA is sold or cut up for retail consumption, at which time, the tag or label may be removed by the person receiving or finally disposing of the carcass or parts.

007 Identification or Proof of Ownership Requirements for Transporting Taken (Hunted) ~~Cervids.~~ DCA. The Department shall provide metal seals and multi-part ownership tags to those farms that provide hunts for DCA. The permitholder shall request metal seals and multi-part ownership tags from the Department prior to the hunting of animals, and it shall be mandatory that a metal seal is affixed to the animal and a multi-part ownership tag completed for each taken animal. The three (3) copies of the tag are to be distributed as follows: one (1) copy to accompany the animal carcass; one (1) copy to be sent with the hunter; and, one (1) copy to be kept on file by the permitholder.

~~007.01 The Department shall provide metal seals and multi-part ownership tags to those farms that provide hunts for domesticated cervine animals. The permitholder shall request metal seals and multi-part ownership tags from the Department prior to the hunting of animals, and it shall be mandatory that a metal seal is affixed to the animal and a multi-part ownership tag completed for each taken animal. The three (3) copies of the tag are to be distributed as such: one (1) copy to accompany the animal carcass; one (1) copy to be sent with the hunter; and, one (1) copy to be kept on file by the permitholder.~~

~~008 Quarantine of Animals, Premises, and Areas.~~

~~008.01 In order to prevent, suppress, control, and eradicate dangerous transmissible diseases among the domesticated cervine animals of this state, the Department may place in quarantine any county, or part of any county, any premises, or any private or public stockyards, and may quarantine any domesticated cervine animal infected with such disease or which has been, or is suspected of having been, exposed to such disease.~~

~~008.02 The Department may regulate or prohibit the arrival into, departure from, and movement within the state of any domesticated cervine animal infected with a dangerous transmissible disease or exposed or suspected of having been exposed to such disease.~~

~~009~~ 008 Responsibility of Owner to Gather, Confine, and Restrain ~~Animals.~~ DCA. When applying or reading identification or performing required diagnostic tests on DCA performed pursuant to an order by the Department, the owners of such animals are responsible for the cost of gathering, confining, restraining, and testing such animals, and for providing the necessary facilities and assistance.

~~009.01 When applying or reading identification or performing required diagnostic tests on cervine animals performed pursuant to an order by the Department, the owners of such animals are responsible for the cost of gathering, confining, restraining, and testing such animals, and for providing the necessary facilities and assistance.~~

~~010 Escape and Ingress Procedures.~~

~~010.01 Any permitholder under the Domesticated Cervine Animal Act shall, within twenty-four (24) hours after the discovery of the escape of any such animals, notify the Department, which shall immediately notify the Commission, of such escape.~~

~~010.02 It is the responsibility of the permitholder to recapture or destroy any escaped domesticated cervine animal within five (5) days.~~

~~010.03 If the permitholder is unwilling or unable to capture any escaped domesticated cervine animal within five (5) days after the discovery of such escape, the Commission may destroy such escaped animal. The Commission may, on a case-by-case basis, extend the number of days for a permitholder to recapture or destroy any escaped domesticated cervine animal.~~

~~010.04 Any escaped domesticated cervine animal known to have originated from an area placed under quarantine by the Department may be destroyed by the Commission upon notice of the escape of such animal.~~

~~010.05 Any expenses incurred by the Department or the Commission to recapture or destroy escaped domesticated cervine animals shall be assessed to the permitholder. The Department and the Commission shall not be held liable for the value of any domesticated cervine animal destroyed under this section.~~

~~010.06 Any permitholder under the Domesticated Cervine Animal Act shall, within twenty-four (24) hours after the discovery of wild cervidae in a domesticated cervine animal facility, notify the Commission and the Department of such occurrence. The Commission shall adopt policies providing for the disposition of wild cervidae found in a domesticated cervine animal facility and shall consult with the Department before removal of such animals from the facility.~~

~~011~~ 009 Intrastate Change of Ownership Requirements.

~~011.01 All domesticated cervine animals, twelve (12) months of age and older, which are moved intrastate and have a change of ownership, shall be required to be tested and classified negative for tuberculosis and brucellosis within ninety (90) days prior to movement, unless such animals originate from a herd which is in a herd certification program established by the Department.~~

009.01 DCA may not move to a slaughter facility within Nebraska unless a pre-movement permit has been issued for such animals by the Department.

009.02 DCA moving intrastate, except those moving direct to slaughter, shall be accompanied by a CVI, listing the permanent individual identification, issued by an accredited veterinarian. Prior to issuing a CVI, the accredited veterinarian or herd owner or manager shall request a pre-movement permit number from the Department.

009.03 Both the DCA herd of origin facility and the DCA herd of destination facility shall have a DCA facility permit under the Act, and each facility shall be in compliance with the Act at the time of movement.

009.04 DCA moving intrastate shall meet the following CWD requirements:

009.04A DCA may move from a CWD enrolled herd to another CWD enrolled herd having the same or higher herd status and the herd status will remain the same as prior to the acquisition. If the acquired DCA is of a lower herd status, the entire herd will take on the lower status of the DCA which were acquired.

009.04B DCA may move without CWD enrolled herd status if they move to a facility and are harvested within one year of arrival and tested for CWD at owner's expense.

009.04C Non-indigenous DCA without a CWD herd status may move to a DCA facility that contains either indigenous or non-indigenous DCA provided the receiving herd has no CWD status.

009.04D Contact the Department for approval of any other intrastate movements that do not meet the above criteria. A review of the CWD testing in the herd, epidemiology, and other factors will be conducted to establish the risk of transmitting CWD.

009.05 DCA moving intrastate, except those moving direct to slaughter, shall be tested for tuberculosis and brucellosis within 90 days prior to movement, unless such DCA are imported directly from a tuberculosis-free accredited herd, a certified brucellosis free herd. or both.

~~012~~ 010 Herd Certification Programs.

~~012.01 A permitholder may voluntarily request participation in a brucellosis, tuberculosis, chronic wasting disease, or other herd certification program. It shall be the responsibility of the permitholder to furnish the Department with the individual animal identification, test results, death loss, and animal movement information necessary to meet the program standards developed by the Department, for each disease herd certification program.~~

010.01 A permitholder may voluntarily request participation in a brucellosis, tuberculosis, CWD, or other herd certification program. It shall be the responsibility of the permitholder to furnish the Department with the individual animal identification, test results, death loss, and animal movement information necessary to meet the program standards developed by the Department, for each disease herd certification program.

010.02 A copy of the Bovine Tuberculosis Eradication, Uniform Methods and Rules (January 22, 1999), is attached as Appendix A; a copy of the Brucellosis in Cervidae, Uniform Methods and Rules (September 30, 2003), is attached as Appendix B; a copy of the Program Guidelines for the Voluntary Nebraska Chronic Wasting Disease (CWD) Herd Certification Program (HCP) (April 11, 2013), is attached as Appendix C; and a copy of the USDA Chronic Wasting Disease Program Standards (May 2014), is attached as Appendix D. Each of these documents is adopted herein by reference so long as the requirements do not conflict with the Act or these regulations.

~~013 Access to Facility and Records.~~

~~013.01 Department agents and employees shall have access, upon notification, to any premises occupied by a permitholder, at any reasonable time, to examine the facility, animals, individual identification, and records maintained by the permitholder. Such records shall be maintained by the permitholder for review for five (5) years after the death or disposal, which shall include the sale, of any domesticated cervine animal.~~

~~014 Chronic Wasting Disease Control Program (CWD).~~

~~014.01A All indigenous domesticated cervine animals sixteen (16) months of age or older, which die from illness, slaughter, hunting, or any other cause, shall be reported to the Department by telephone within twenty-four (24) hours of the discovery of the death of the animal.~~

~~014.02 Submission of Brain Tissue.~~

~~014.02A It shall be the responsibility of the permitholder to immediately arrange for submission of the required brain tissue of all indigenous domesticated cervine animals sixteen (16) months of age or older, which die from illness, slaughter, hunting, or any other cause, to an approved laboratory for chronic wasting disease testing. All expenses shall be paid by the permitholder. The permitholder may contact the Department for information at (402) 471-2351.~~

~~014.02B The Department may enter into an agreement with the permitholder of a facility used exclusively for hunting or feeding for slaughter, to reduce the number of animals requiring submission of tissues for chronic wasting disease testing.~~

~~014.03 Approved Laboratory Examinations of Brain Tissue.~~

~~014.03A The approved laboratories in Nebraska for chronic wasting disease submissions are:~~

~~014.03A(1) University of Nebraska Veterinary Diagnostic Center, Lincoln, Nebraska (402)472-1434.~~
~~014.03A(2) University of Nebraska West Central Research and Extension Center, North Platte, Nebraska (308)532-3611, Extension 142.~~

~~014.03A(3) University of Nebraska Veterinary Extension and Diagnostics, Panhandle Veterinary Diagnostic Laboratory, Mitchell, Nebraska (308) 635-7002.~~

011 Chronic Wasting Disease Control Program (CWD)

011.01 Reporting. The permanent identification and bangle tag identification of all indigenous DCA twelve (12) months of age or older, which die from illness, slaughter, hunting, or any other cause, shall be reported to the Department at (402) 471-2351, within twenty-four (24) hours of the discovery of the death of the animal.

011.02 Submission of CWD Samples. It shall be the responsibility of the permitholder to immediately arrange for submission of the required CWD samples of all indigenous DCA twelve (12) months of age or older, which are harvested for possible human consumption to an approved laboratory for CWD testing. All expenses shall be paid by the permitholder. The permitholder may contact the Department for information at (402) 471-2351.

011.03 Approved Laboratory Examinations of CWD Samples. CWD samples shall be tested at an approved laboratory. Contact the Department for information regarding current approved laboratories.

012 Publications Adopted. See Appendix.

~~015~~ 013 Annotations. Neb. Rev. Stat. §§37-505 ~~(Reissue 1998)~~, 54-701.03 ~~(Laws 1999, LB404)~~ and 54-2302 to 54-2323 ~~(Laws 1999, LB404)~~.

APPENDIX

A. Bovine Tuberculosis Eradiation, Uniform Methods and Rules, Effective January 22, 1999.

B. Brucellosis in Cervidae, Uniform Methods and Rules, Effective September 30, 2003.

C. Program Guidelines for the Voluntary Nebraska Chronic Wasting Disease (CWD) Herd Certification Program (HCP), Effective April 11, 2013.

D. USDA Chronic Wasting Disease Program Standards, Effective May 2014.