



May 7, 2016

Executive Director Carter Smith and Clayton Wolf
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Susan Schultz
The University of Texas School of Law
727 E. Dean Keeton St.
Austin, TX 78705

Dear Mr. Smith, Mr. Wolf, and Ms. Schultz:

On behalf of our memberships, our Associations sincerely appreciate the Texas Parks and Wildlife Department (TPWD) for allowing us to participate in the recent CWD Stakeholders Rule Development Mediation. The process has been extremely beneficial, promoting collective interaction and input between all the various groups. The meetings were effective and extremely valuable in creating candid interaction and the dispelling of long-standing conflicts and perceptions amongst competing organizations.

As you are aware, representatives of the Texas Deer Association introduced a CWD monitoring, surveillance, and movement qualification rules proposal for consideration to the attendees of the small CWD stakeholder's group. This proposal accomplishes the very premise and purpose of the meeting – to ensure adequate surveillance of the captive deer herd while allowing the deer industry in Texas to remain prosperous and successful. We believe this proposal would create real relief for Texas deer breeders by providing a clear and concise path to avoid release site CWD testing through the establishment of a new minimum testing rate of eligible mortalities in breeding facilities.

Additionally, the proposal represents a significant simplification to the rules proposal submitted to the Texas Register. The proposal accomplishes simplicity and achievability for our industry. It allows our associations to educate our members on compliance and fulfillment of the requirements outlined for appropriate movement within the new rules.

Representing four major cervid industry associations during the smaller stakeholder meetings, we can unanimously support the proposal outlined below for the movement and release of captive deer. We would like to personally thank you, along with other members of the TPWD and TAHC staff, for the opportunity to submit this proposal to the small stakeholder's group. We would also like to commend the various TPWD and TAHC staff present at the meeting for their forthright effort to review our proposal and give it due consideration.

Mr. Smith, Mr. Wolf, and Mrs. Schultz
RE: Industry CWD Surveillance Proposal
May 7, 2016

Should you need more information on any of the concepts included in the below proposal, please feel free to call or email.

Sincerely,



Patrick Tarlton
Texas Deer Association



Tim Condict
Deer Breeders Corporation



Charly Seale
Exotic Wildlife Association



Shawn Schafer
North American Deer Farmers Association

See Attached Proposal

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CWD MANAGEMENT RULES
PROPOSED SUMMARY OF THE 80% SURVEILLANCE MODEL

Under the proposed surveillance model, a breeding facility would be movement qualified with no release site testing so long as it complied with the following stipulations:

- Has “fifth-year” or “certified” status in the TAHC CWD Herd Certification Program; OR
- Has tested 80% of its eligible mortalities;
- Has a minimum number of tests equal to or greater than 3.6% of the herd inventory at the end of the reporting year; and
- Has tested half of the 80% of eligible deaths through post-mortem testing.

The facility can live test at a 2:1 ratio to achieve insufficient post-mortem sampling. If no eligible mortality occurs, the herd owner must provide live tests at a 2:1 ratio to achieve the 3.6% minimum tests. The owner may also be subject to the department for a formal herd reconciliation to avoid being downgraded to non-movement qualified.

Compliance with the above testing model eliminates release site testing, and removes different release sites classifications and transfer categories amongst breeding facilities.

Upon the adoption of the rules, any current Class I release site will have no release site testing.

However, in the interim, prior to April 1, 2017, current Class II release sites will be required to test the first 15 hunter harvested deer (but not more than 15).

A transition provision is being discussed to allow the release of breeder deer without testing if:

- 1) the breeder has tested more than 80% of their eligible deaths in the previous reporting year; or
- 2) the breeding facility is willing to live test 25% of their age eligible animals.

The release of deer in the 2016 - 2017 hunting season without release site testing is contingent upon the ability of the Department to process test results, manually enter the tests into TWIMS, and release registrant from release site testing. We accept and understand, this will take significant time to process.

Movement Qualifications

A breeding facility is Movement Qualified if:

(i) it has “fifth-year” or “certified” status in the TAHC CWD Herd Certification Program; or

(ii) has submitted “not detected” post-mortem test results equivalent to:

(I) at least 80 percent of the total number of eligible mortalities that occurred in the breeding facility in the immediately preceding reporting year and each year thereafter;

(II) a number of “not detected” post-mortem test results submitted during the previous reporting year is equal to or greater than the following number: the sum of the eligible-aged population in the breeding facility at the end of each reporting year, plus the sum of the eligible mortalities that occurred within the breeding facility for each reporting year, multiplied by 3.6 percent.

(III) to meet the requirements of the Breeding Facility Minimum Movement Qualifications, ante-mortem (LIVE) test results may be substituted for post-mortem test results at a ratio of two “not detected” ante-mortem (live) test results for each required “not detected” post-mortem test result; and

(IV) the minimum “not detected” post-mortem test results must be equal to at least 50 percent of the total test results required to have been submitted, unless there are no eligible mortalities;

(V) If no eligible mortality occurs, the herd owner must provide ante-mortem tests at a 2:1 ratio to achieve the 3.6% minimum tests. The owner may also be subject to the department for a formal herd reconciliation to avoid being downgraded to non-movement qualified.

Mr. Smith, Mr. Wolf, and Mrs. Schultz
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May 7, 2016

Potential Transition Provisions (2016-2017 Hunting Season)

Breeding Facility Minimum Testing for the 2016-2017 Hunting Season:

Upon the adoption of the rules, a breeding facility is Movement Qualified if:

(i) it has “fifth-year” or “certified” status in the TAHC CWD Herd Certification Program;

(ii) it was in compliance with the Interim Deer Breeder Rules (41 TexReg 815).

Release Site Testing for the 2016-2017 Hunting Season:

As a reminder, upon the effective date of this proposal, all release sites that were in full compliance with the Interim Deer Breeder Rules (41 TexReg 815) will be reclassified and will assume the status of the lowest level of released onto the release site during the 2016-2017 hunting season.

No Hunter Harvest Testing

Upon the adoption of the rules, for a period of only one year, a release site has no hunter harvest testing if:

(i) it has only received deer from “fifth-year” or “certified” status in the TAHC CWD Herd Certification Program;

(ii) it was classified as a Class I release site and was in full compliance with the Interim Deer Breeder Rules (41 TexReg 815);

(iii) the release site facility has only received deer from breeding facilities that have tested greater than 80% of their eligible mortalities in the preceding reporting year;

(iv) the release site facility has only received deer from breeding facilities that have live-tested greater than 25% of their age eligible animals.

Interim Hunter Harvest Testing

Upon the adoption of the rules, for a period of ONLY one year, release sites that do not comply with the requirements above MUST test the first 15 hunter harvested deer (but not to exceed 15

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May 7, 2016

deer) if:

(i) it has received deer from TC2 or TC 3 breeding facilities that has not live tested to achieve 25% of their age eligible animals or tested 80% of their eligible mortalities in the preceding reporting year;

(ii) was not in compliance with the Interim Deer Breeder Rules (41 TexReg 815).