Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

**DOCUMENT ID**
WM-19-0011-C

**DOCUMENT TITLE**
Chronic Wasting Disease – Responding to New Wild Deer Detections in New Locations

**PROGRAM/BUREAU**
Wildlife Management

**STATUTORY AUTHORITY OR LEGAL CITATION**
Wisconsin State Statutes Chapter 29

**DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)**
Nov. 4, 2019

**DATE FINALIZED**
Dec. 9, 2019

**DNR CERTIFICATION**
I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.


Signature  
Date
Wisconsin Statute 29.063(1) gives the Wisconsin Department of Natural Resources (DNR) authority to manage chronic wasting disease (CWD) in cervids. Managing and responding to CWD is a top priority of the DNR and the Wildlife Management program. On-going surveillance and responding quickly and effectively to new positive CWD detections in wild deer in new areas where CWD has not previously been detected, are two of our highest priority activities.

Summary

When CWD is detected in the wild in a new area, the first step is verification of the location. The next step is to collect tissue samples from wild deer to determine the possible distribution of CWD in the surrounding area, also referred to as disease assessment surveillance. This surveillance method is intended to determine the extent and geographic distribution of a possible CWD infection by collecting tissue samples from dead deer in the area using a variety of methods including hunter harvested deer, car-killed deer, and reported sick deer. Surveillance is not intended to significantly reduce local deer populations.

If additional CWD positive deer are found through these assessment efforts, then disease management goals may be established, and direct actions may be applied to contain the spread and reduce the number of CWD-infected deer in the area. The purpose of this document is to describe the steps that will be taken to identify disease surveillance plans, including CWD sample collection efforts and the citizen engagement process, that will be used to develop localized disease management actions when CWD is detected in a new county or a positive detection outside of a 10-mile surveillance area within a county with a known CWD positive detection. (See Appendix I: Response for Initial CWD Positive Detection in Wild Deer, for a summary of the procedures outlined in this text.)

Outreach and engagement with local stakeholders are important components of the DNR’s response to new wild CWD detections in new locations. In order to inform effective decisions in response to new detections it is critical to obtain sufficient sampling to understand the extent and location of the disease. The choice of methods to obtain sufficient CWD sampling intensity will be made by the DNR, in consultation with the County Deer Advisory Councils (CDACs) and other local stakeholders. In general, preference will be given to obtaining samples through voluntary submission from hunters and landowners, which will be informed by local education and outreach, including contacts with local media.

The DNR will not require CDACs to schedule meetings on issues that fall outside their scope of authority as described in Administrative Rule 10.104 (5)(b)(c)(d)(e). For CWD discussions, individual CDACs may choose to schedule meetings on these issues as requested by the DNR. If a CDAC does not choose to meet to discuss CWD, then the DNR will lead public meetings on the issue in the county.

Sequence of Actions in Response to New CWD Detections in New Locations

Initial CWD Detection

Within the first two weeks

- The local DNR wildlife biologist and conservation warden will work with the hunter/observer to confirm the location of the deer that tested positive.
- A map identifying the affected counties within a 10-mile radius of the positive will be created.
An intensive surveillance area of approximately 10 miles will be delineated, with the exact boundary of this area determined based on local deer populations, habitat, and terrain. This area will be the focus of surveillance and if warranted, future management efforts.

- Rules regarding rehabilitation of deer from CWD-affected counties will apply to the counties affected by the new positive detection.
- NR 10.105, Wis. Admin. Code, concerning the movement of deer carcasses will apply to counties affected by the new positive detection.
- Per s. 29.336(2), Wis. Stats., and s. NR 10.40(f), Wis. Admin. Code, a baiting and feeding ban for deer will be enacted by order of the Secretary in the county where the positive detection occurred and in adjoining counties within ten miles of the positive detection.
- A local DNR Response Team will be led by the Area Wildlife Supervisor and assisted by the Area Warden Supervisor.
- The Area Wildlife Supervisor will notify CDAC members, select local conservation groups/constituents, and appropriate elected local officials in affected counties to make them aware of the detection and answer questions.
- DNR Wildlife Health staff will notify the Department of Agriculture, Trade, & Consumer Protection (DATCP).
- DNR Tribal Liaison will notify tribal representatives if a new detection is within or in close proximity to the ceded territory or lands of a federally recognized tribal entity.
- The DNR Wildlife Management program will issue a statewide news release when the first CWD positive detection is confirmed within a county.

Within the first month:

- The Area Wildlife Supervisor in conjunction with the local wildlife biologist and the CDAC chair will schedule a public meeting with CDAC members to review information per the CDAC advisory role and discuss next steps. If the new detection area affects multiple counties or if there is interest from CDAC members, a CDAC CWD Advisory Team may be formed, but is not required. (See Appendix II CDAC CWD Advisory Team Template). Advisory team recommendations will be advanced to the District Wildlife Supervisor and final decisions will be made by the DNR’s Bureau of Wildlife Management and Office of the Secretary.
- In consultation/collaboration with DATCP, the DNR Response Team will review any applicable information relative to captive cervid facilities and wild deer surveillance efforts in the area.
- The DNR Wildlife Management program will disseminate up-to-date information statewide as efficiently and effectively as possible, however, the focus of primary communications will occur with individuals that live and hunt in the focus area.

**CWD Surveillance and Sample Collection**

Surveillance planning within the first month:

- Local DNR Wildlife Management staff will use field and aerial survey techniques to identify deer concentration areas and estimate the deer population in the surveillance area as soon as feasible.
- The Area Wildlife Supervisor, in consultation with the DNR Office of Applied Science Statistician and Wildlife Health Section Chief and other appropriate Wildlife Health team members, will develop a sampling plan and determine a sample goal for the surveillance area to assess the intensity and distribution of CWD based on the estimated deer population in the area. For a given population size and disease prevalence (i.e. 0.1%, 1.0%, and 2.0%), the number of samples that will need to be collected to have 90%, 95%, or 99% probability of assessing the disease.
- Existing surveillance data for the surveillance area will be evaluated. Typically, existing surveillance data will be derived from hunter submitted CWD testing within the 12-24 months prior to the new detection. Unless surveillance goals for the surveillance area have already been met as a result of existing recent testing, the DNR will issue CWD surveillance permits to landowners to collect additional CWD samples from adult deer within the surveillance area. The heaviest weight of sampling will be within a 2-mile radius.
of the new detection location; however samples will also be collected within the whole surveillance area based on the surveillance sampling plan the DNR will develop.

**Sample Collection**

A suitable CWD sample is the medial retrophyargneal lymph nodes and/or in some cases, the obex. Suitable samples may be taken in the field (ex. Field sample collection) or may be submitted as a suitable deer head. A suitable deer head refers to the lymph nodes, head, and at least three (3) inches of neck. Samples for CWD analysis will be collected in the following ways:

**Year-round:**
- As part of a local communications effort, the DNR will encourage the public to report sick deer observations to the local wildlife biologist. Staff will prioritize response to reports of sick or possible symptomatic deer per sick deer response guidance.
- DNR WM/LE staff can verbally grant the authority to landowners (who are comfortable doing so) to remove deer exhibiting CWD symptoms, at any time of year.
- The DNR may require CWD samples be submitted for all vehicle-killed adult deer by vehicle-killed pickup contractors or DNR staff, or for adult deer harvested via agricultural damage or nuisance deer harvest permits.
- The DNR may require CWD samples be submitted from adult deer harvested via agricultural damage or nuisance deer harvest permits.

**During Fall Hunting Season:**
- The local DNR wildlife biologist will work with the local hunting community to encourage voluntary submission of samples for CWD analysis from hunter harvested deer. Samples may be submitted in the following ways:
  - Self-service kiosks
  - Participating cooperators (meat processors, taxidermists)
  - DNR sample collection stations
  - By appointment with the local wildlife biologist
- Per s. 23.09(2)(p), Wis. Stats., and s. NR 10.085(7) and (8), Wis. Admin. Code, the DNR may require that all deer harvested within a defined area be submitted for testing and registered at a DNR operated sample collection station within a defined period.
- The DNR will continue to provide hunter service testing for adult deer anywhere in the state.

**During Winter Following Fall Hunting Season:**
- DNR may issue property-specific surveillance permits for antlerless and/or antlered deer for public and private land to landowners and local hunters.
- DNR may perform localized culling of deer on public and/or private land through landowner involvement or contracting.
- DNR may perform or may permit trapping with subsequent euthanasia for sample collection.

If the above listed sources are insufficient to meet sample goals, the following options are available and may be recommended by the County Deer Advisory Council. As recommended by the CWD Response Committee, the following options could be applied:

- Localized culling on public and/or private land through landowner involvement or contracting.
- Trapping with subsequent euthanasia (post-deer season).
- Mandatory in-person deer registration and sample submission.
- Other options would be considered as presented by the local CDAC.
Surveillance will be conducted for up to five (5) years following the initial detection. At that time, surveillance will be reassessed in collaboration with the CDAC and local area citizens. If no additional CWD positive results are identified during this timeframe, the sampling effort may be suspended. If additional CWD positives are identified, then disease management actions may continue.

**CWD Management**

Controlling the prevalence and distribution of CWD requires both the reduction of CWD-positive animals and reducing the number of susceptible deer through overall herd reduction.

If additional positives are detected during the preliminary disease surveillance efforts, a more intensive disease management course of action will be considered for a minimum of five (5) years. CWD samples will continue to be collected using the techniques described above. Efforts to remove and sample sick deer will remain a priority year-round in accordance to staff guidance for responding to sick deer. To ensure the best possible statewide monitoring of the health of Wisconsin’s deer herd, the staff guidance document on responding to sick deer will be followed for tracking and documenting reports of sick deer including any subsequent sampling, result reporting, communication, and carcass disposal. Management actions will depend on the results of surveillance to determine CWD prevalence and distribution. The management actions below will be discussed with the CDAC to reduce the spread and number of CWD infected deer in the area.

**During Fall Hunting Season:**
- Additional days of hunting opportunity.
- Additional harvest tags.
- Required CWD testing and deer registration within the surveillance area

**During Winter Following Fall Hunting Season:**
- Localized culling on public and/or private land through landowner involvement or contracting.
- Trapping with subsequent euthanasia.
- Surveillance permits may be issued on private and/or public land within the surveillance area

These CWD management actions will be reassessed when there have been five (5) successive years of no CWD positive detections found in wild cervids in the area. Other options would be considered as presented by the local CDAC.
Appendix I: Response for Initial CWD Positive Detection in Wild Deer.

When a new CWD positive wild deer is detected in a new area, the following response actions and increased CWD sampling efforts will begin in the 10-mile focus area around the location. Efforts will continue for at least 5-years unless additional CWD positive detections are identified.

### Response & Planning

**Immediate**
- Deer rehabilitation restrictions
- Deer carcass movement restrictions
- Baiting and feeding bans

**First week**
- Confirm location
- Form DNR Response Team
- Notify CDAC(s), DATCP, Tribal Liaison, local government legislators
- Statewide press release

**First month**
- Identify **10-mile focus area** and **2-mile focus area** around location, and sample collection goal
- Estimate deer population in focus area
- Evaluate recent year and cumulative CWD sample numbers in focus area
- Public meeting
- DATCP consult on captive cervid farms nearby
- Statewide and local updates
- Issue CWD surveillance permits, if needed
- Continue response efforts in focus area for **up to 5 years**

### CWD Sampling

**Fall hunting season**
- Collect samples via self-service kiosks, cooperators, DNR sample locations, DNR staff appointment, hunter service request

**Winter following fall hunting season**
- Surveillance permits
- Localized culling
- Trapping with subsequent euthanasia

**Year-round**

**Required**
- Sick deer reports and testing
- Authorize removal of sick deer on landscape
- Car-killed deer testing

**Optional**
- Localized culling
- Trapping with euthanasia
- Required in-person registration and testing
- Other options to be determined

---

Additional CWD positives detected?

**No additional detections**
Reassess increased response and sampling monitoring actions

**Yes additional detections** = 5 more years of increased response & sampling
- Continue response and sampling efforts listed above
- Additional actions:
  - **Fall hunting season**
    - Increase days of hunting and harvest authorizations
  - **Winter following fall hunting season**
    - Localized culling and/or trapping with euthanasia
Purpose and Objectives
The CWD Advisory Team is an ad-hoc advisory team made up of representatives of County Deer Advisory Councils for each county with a wild CWD positive and within the 10-mile area surrounding the location. The purpose of the team is to serve as an advisory body to the DNR regarding local CWD surveillance and management and will seek to meet the following objectives:

- Gather and consider public opinion regarding CWD and options for surveillance and management.
- Review and consider the best available peer reviewed information on CWD.
- Provide the Department with recommendations regarding local surveillance areas, surveillance methods and management options.

Membership
The team will be made up of two members from the detection county, and if applicable, one representative from each county within the 10-mile area surrounding the location. Representatives will be selected by their respective CDAC membership. In addition to the standing members, each county will also have one alternate member. The team will be chaired by one of the two selected members from the detection county, and the alternate-chair will be elected by the team.

Member Expectations
Members are expected to attend all scheduled meetings. If a member is unable to attend, they should let the chair know they will not attend and ensure that the alternate member attends. Member comments will be brief, not dominate the discussion, and allow other members to speak. Members can politely disagree with ideas but will not be disrespectful to other’s opinions. Disrespectful behavior or comments towards any other team member, facilitator, attendees or citizens will lead to removal of people displaying such behavior from the meeting and possibly from the team.

Roles of the Chair
The chair is responsible for facilitating the activities of the advisory team, including but not limited to:

1. Maintain impartiality toward the views of all members and the public. Remain neutral except in order to make or break a tie in a decision-making situation.
2. Work with the DNR’s Wildlife Liaison to help schedule meetings and determine meeting locations in the timeframe requested by the DNR.
3. Communicate meeting details to all team members.
4. Keep the team on-task and manage public comments to focus on the meeting objective and responsibilities.
5. Enforce the rules of debate and restrict debate to the merits of the pending question.
6. Initiate team votes on recommendations.
7. Ensure meetings are run in accordance with Robert’s Rules of Order and the guidelines provided here.
8. Ensure the meetings provide a safe and respectful environment for discussion.
9. Provide all team members and citizens with an opportunity to voice their opinion. Individual public comments should adhere to a 3-minute time limit.
10. Recognize who may have the floor.

In this leadership role, the chair only votes in a situation to cast the final vote that would make or break a tie. If the chair’s vote makes a tie, then the motion is removed, and a new motion must be proposed and voted on. If the total votes of council members result in a tie, then the vote of the chair can be used to break that tie.
Appendix II: CWD Advisory Team Template

Roles of the Alternate-Chair
The alternate-chair is responsible for presiding over the meeting in the absence of the chair and taking notes to create a complete set of minutes for each meeting.

1. The alternate-chair has all of the rights of a member of the team. The alternate chair may participate in discussion and make or second a motion.
2. In the event that the alternate-chair is fulfilling the role of chair, the alternate-chair would then vote only to make a break a tie.
3. Meeting minutes and recommendations must be completed and shared with the team and Wildlife Liaison.
4. Chairs and alternate-chairs should work closely to ensure minutes from each meeting are complete, accurate, and provided to the DNR.

Roles of Department Wildlife Liaison
Local Wildlife Management staff will serve as the primary liaisons to the team and will work with them to help schedule meetings, determine meeting locations and provide professional input on deer management issues. The Wildlife Liaison is responsible for publicly noticing all meetings on the DNR public hearing calendar as far in advance as possible, but no less than 24 hours prior to any single meeting. Wildlife liaisons will present a variety of metrics including but not limited to existing CWD surveillance data, proposed CWD surveillance plan, car kill deer information, forest browse data, deer hunter survey results, deer harvest data, season summaries, population estimates and additional metric information as requested by the team. Wildlife liaisons will share their professional opinion at meetings. Wildlife liaisons will collect and keep any comment cards from public meetings for 30 days in accordance with the Wildlife Management Records Disposition Authorization (RDA). DNR Law Enforcement staff will serve as contacts for the team on an as-needed basis.

Meetings
Frequency: At least one annual meeting with additional meetings scheduled as requested by the team or the DNR. All meetings are subject to Wisconsin’s Open Meeting Law. Meeting agendas will be provided by the DNR in consultation with the chair at least 48 hours prior to any meeting.

Quorum: A quorum is a majority of the voting committee members. A quorum must be present, either in person or by telephone/Skype, at a meeting for any voting action to be taken. If a quorum is not present, then the meeting may continue as informational only.

Citizen participation: All meetings will provide an opportunity for citizen participation and may only provide comments/testimony during the public comment period. Each citizen’s comments and testimony may be limited by the chair to 3-minutes. Team members may ask clarifying questions of citizens presenting testimony, but members should not get into debates with the public.

Governance: This team will operate under the parameters set forth in the CDAC governance document.