

**Wisconsin Natural Resources Board Special
Committee on Deer Baiting and Feeding Final Report
and Recommendations**

June 11, 2001

**Prepared for the NRB Special Committee by
Kurt A. Thiede, WDNR**

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Introduction and Background:

The issue of deer baiting and feeding has been and continues to be a hotly debated topic amongst the citizens of Wisconsin. Deer 2000 attempted to bring the various constituencies together and develop a consensus on the issues associated with the topic, such as disease transmission, privatization of the herd, public land conflicts, ATV use on public land, cabin shooting, and many others. The Baiting and Feeding Study Group of Deer 2000 developed their recommendations based on input gathered during public meetings and a statewide questionnaire (Appendix 1).

In 1996 the Natural Resources Board asked the Wisconsin Conservation Congress to investigate deer management issues through Deer 2000. In October 2000, the Department of Natural Resources and the Conservation Congress presented the implementation plan for the final recommendations of the Deer Management for 2000 and Beyond initiative to the Natural Resources Board.

However, the Deer 2000 baiting and feeding recommendations generated some concerns and it was evident that the recommended rules and legislation would not have sufficient support to advance through the rule-making process. Specifically, the following concerns were expressed by legislators:

- The reduction in the number of gallons per bait site is not warranted from a disease perspective.
- Spreading bait over a 10' by 10' area is difficult to enforce.
- Disease concerns should be addressed proactively and not after a disease situation occurs.
- Seasonal complexity of the feeding recommendations should be reduced.

As a result, the Natural Resources Board Chair established a special committee that would convene to discuss these concerns and draft alternative recommendations, if needed, for public consideration. The NRB chairman Trygve Solberg chaired the special committee. This report is a summary of their findings and recommendations.

Committee Mission and Process:

Mission:

The committee's purpose is to explore deer feeding and baiting issues and decide whether state statutory or regulatory changes are warranted. The committee's purpose is not to ban deer or bear baiting in Wisconsin, nor will the special committee make such a recommendation.

Process:

At the direction of the DNR Board the Deer 2000 baiting and feeding recommendations did not go out to public hearings as administrative rules nor was legislation sought to grant the DNR authority to draft additional administrative rules. Instead the Board created a citizen advisory committee to review these recommendations.

The NRB Special Committee on Deer Baiting and Feeding reviewed the Deer 2000 recommendations pertaining to baiting and feeding at their initial meeting in December 2000. Committee members Dave Nowak and Jerry Aulik, who also served as the co-leaders for the Deer 2000 baiting and feeding study group, presented their study group's recommendations and provided pertinent background information regarding their decision making and recommendation processes. Specifically, they provided the reasoning behind the 6 gallons baiting recommendation. They reported that it was an attempt to reach a compromise within the study group between those in support and those in opposition to baiting. In addition, the June 2000 statewide Deer 2000 questionnaire results showed that a majority of the respondents wanted less than 10 gal. Also, there was concern over the privatization of the deer herd

occurring on private and public lands, they felt that a reduction in the amount of bait allowed may help to disperse deer that are suspected to be congregating on private property. Another reason for the recommendation was the argument that if you had residual bait left over (approximately 1 gallon) at the bait site and a hunter brought in a 5-gallon pail; the hunter would not be in violation.

There was some question on behalf of the Deer 2000 study group whether the Special Committee would recognize their recommendations. They did not want to see their recommendations overlooked. The committee chairman assured them that their work would not be ignored, however the Special Committee would need to focus on what is legislatively feasible. The Deer 2000 recommendations stand on their own and the Special Committee would not disassemble the work that had already been done. The viability of the recommendations would be the focus of the Special Committee.

Executive Summary:

The Natural Resources Board held four meetings from December 2000 to March 2001 to discuss the issues surrounding deer baiting and feeding. Meetings were held in Madison, Wisconsin to facilitate the legislators who served on the committee. The Special Committee from the outset clarified that they were not going to propose a ban of deer baiting or deal with bear baiting in any way. The committee supported the use of bait for bear and deer as a legitimate hunting practice. They also realized that any recommendations developed in the committee meetings needed to be legislatively feasible and enforceable. Finally, they applauded the work of the Deer Management for 2000 and Beyond Baiting and Feeding Study Group and recognized their work as a stand alone process with stand alone recommendations, however the committee viewed their work as one reference source. They reviewed Deer 2000's recommendations in addition to other pieces of information, such as expert testimony, research, and personal expertise in policy matters.

Upon review of the Deer 2000 recommendations, committee discussions, and expert testimony from natural resource professionals, the committee decided to forward the following recommendations:

1. That the Legislature and Governor provide the Department of Agriculture and the Department of Natural Resources with the budgets and additional positions needed to prevent livestock and captive cervids infected with Bovine TB or other significant diseases from entering Wisconsin, including mandatory testing of animals and mandatory animal health check points.
2. The Legislature should develop legislation to empower the Department of Natural Resources and the Department of Agriculture, Trade, and Consumer Protection (DATCP) to take swift action to eradicate infected wild deer, cattle, and captive cervids immediately upon detection.
3. The legislature should develop legislation to empower the DNR and DATCP to implement emergency measures governing supplemental feeding of deer, cattle, and captive cervids, within specific deer management units and adjacent units, if and when Bovine TB or other significant disease is found in wild deer. Outdoor feeding of hay, grains, and minerals, whether intended for wild deer, domestic livestock, or captive cervids, must be regulated under this provision to effectively curtail the spread of Bovine TB or other significant diseases in an area where the disease is present.
4. We recommend that the DNR board, DNR secretary, and State Legislature maintain the current 10-gallon limit for bait used in hunting bear and deer and no further restriction be placed on the content of such bait.
5. The Legislature should develop legislation to empower the DNR and DATCP to regulate captive wildlife.

These recommendations and the committee final report will be forwarded to the Natural Resources Board. The Board will review this report along with the Deer 2000 recommendation prior to sending any recommended rule changes out for public hearing and rule adoption or drafting of statutory language. It is expected that the Board as a whole at their August 2001 NRB meeting will address this issue.

Special Committee Participants:

Committee Members:

Chairman, Trygve Solberg, Chair, Wisconsin Natural Resources Board
Herb Behnke, Wisconsin Natural Resources Board
Dan Paulson, Wisconsin Natural Resources Board; President, Wisconsin Farm Bureau
Rep. Al Ott, Wisconsin State Assembly
Sen. Kevin Shibilski, Wisconsin State Senate
Steve Oestreicher, Chair, Wisconsin Conservation Congress
Dave Ladd, Chair, Deer 2000 and Beyond; Chair, Conservation Congress Big Game Committee
Jerry Aulik, Co-Chair Deer 2000 Baiting and Feeding Study Group, Conservation Congress
Dave Nowak, Co-Chair Deer 2000 Baiting and Feeding Study Group, Conservation Congress
Dave Grewe, President, Wisconsin Bear Hunters
Dick Chier, Conservation Congress Executive Council
Rich Kirchmeyer, Chair, Conservation Congress Bear Committee

Department of Natural Resources Liaisons:

Tom Hauge, Director, Bureau of Wildlife Management
Dave Zueg, Conservation Warden
Julia Langenberg, Wildlife Health Specialist
Kurt Thiede, Deer 2000 Project Coordinator

Guest Speakers:

Dr. Clarence Siroky, Veterinarian, Department of Agriculture Trade and Consumer Protection (DATCP)
Dr. Julia Langenberg, Veterinarian, Wisconsin DNR
Dr. Sarah Hurley, Wisconsin DNR
Dr. Bob Ehlenfeldt, Veterinarian, DATCP
Duane Harpster, Conservation Warden
Dr. Bob Holsman, Professor, Michigan State University
Rebecca Humphries, Director, Bureau of Wildlife, Michigan DNR
Dr. Steve Schmitt, Veterinarian, Michigan DNR
Dr. Vanderclock, Veterinarian, Michigan DATCP

Meetings:

December 5, 2000 - GEF 2 - Madison, WI
January 23, 2001 - GEF 2 - Madison, WI
February 26, 2001 - GEF 2 - Madison, WI
March 27, 2001 - Inn on the Park - Best Western - Madison, WI

Expert Testimony and Presentations:

DNR and DATCP personnel were in attendance and were called on to provide insight and expertise at the request of the committee. In addition, the committee requested that experts from Michigan, which is currently dealing with a Bovine TB outbreak in their wild deer herd and domestic livestock, present their findings and experiences as they relate to the issues surrounding baiting, feeding and disease transmission. There are other diseases that are also being monitored closely such as Chronic Wasting Disease and Hemorrhagic Disease.

Bovine Tuberculosis (TB) is a contagious respiratory disease caused by the bacterium *Mycobacterium bovis*. Bovine TB can infect most warm blooded animals, including humans. The federal government has done nationwide testing of cattle herds to control bovine TB, but it still occurs in cattle, penned exotic livestock such as elk, and wild deer. TB has been diagnosed in captive elk herds in several states including Wisconsin. Michigan has found TB in their wild free-ranging white-tailed deer since 1994.

Chronic Wasting Disease (CWD) is a newer disease threat to North American deer populations. CWD is a brain disease related to Bovine Spongiform Encephalopathy, also known as "Mad Cow Disease". CWD affects elk, mule and white-tailed deer. It has been diagnosed in free-ranging deer and elk from northeastern Colorado/southeastern Wyoming, and Nebraska, and it has been found in captive elk in Colorado, Montana, Nebraska, Oklahoma, South Dakota, Manitoba, and Saskatchewan.

Epizootic Hemorrhagic Disease of deer and Bluetongue Virus are closely related arboviruses which can cause significant hemorrhagic disease (HD) mortality in wild ruminants. HD activity (mortalities and serologic exposure) is generally reported from the southeastern and southern United States, as biting midges found in these locations are the insect vector for virus transmission. HD mortalities usually occur in late summer/early fall, and are evidenced by massive internal hemorrhages. Chronic lesions typical of HD infections include ulcerative oral cavities or cracked and sloughing hooves. Negative serologic results may indicate no previous or current infections.

I. Wisconsin Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection

Julie Langenberg, Sarah Hurley (WDNR), and Clarence Siroky (DATCP) made informational presentations at the request of the Special Committee on the topic of disease, specifically Bovine TB. They explained what the state of Wisconsin has in place to deal with a disease outbreak, as well as the implications of baiting and feeding as they relate to disease.

A. WDNR:

Langenberg reported that the DNR is responsible for permitting and regulating the captive white-tailed deer farms in the state, and cautioned that the state should be concerned about regulating the transmission of disease across the captive/wild interface. Bovine TB and CWD have been identified in captive elk herds in the state and an escape animal could be the vector by which the disease may find its way into the state's wild deer herd. A disease would more likely be introduced through a captive animal, rather than an infected animal crossing the border naturally. However, all possibilities should be considered.

Currently there are 500 captive deer herds in the state and 200 captive elk farms along with a smaller number of exotic deer licensed farms in the state. There are four high-interest areas for TB or CWD, one of which is in Manitowoc County where four captive elk herds have had Bovine TB since 1996. Three of the others are where animals have been quarantined due to their origin from a CWD positive herd in Colorado.

There is very little testing for disease taking place on Wisconsin's game farms. The procedure for a TB test is for the farm or vet needs to notify DATCP, and there have not been many reports. There have only been perhaps 20 TB tests conducted in the last year on captive white-tailed deer. Farms are not required currently to test if deer are shipped within the state, but are supposed to be tested if farms are bringing deer into the state or shipping them out to another state. Dr. Hurley suggested that the state needs to start testing on farms where animals are being moved within the state. More testing needs to be done in order to find out what diseases, if any, are present in the state's deer farms.

Wisconsin has very little control of what goes on outside its borders in relation to captive cervids, the reality is that the laws will be broken (especially with captive herds). Disease has been within the state's borders. The question is not whether or not it will get to Wisconsin it is more of question of when it gets to Wisconsin. When it does get here the DNR and DATCP will need to have ways of controlling it.

Cooperation between the DATCP and DNR, the development of an effective way to test for semi-wild deer farms that would be accurate and cost-effectively, and a policy for dealing with escaped deer and elk are all requirements to prevent the spread of TB/CWD from captive cervids to a wild population in Wisconsin.

In order to prevent the establishment of any disease in the Wisconsin deer herd, the herd needs to be maintained at a healthy population level and there needs to be a decrease in the unnatural congregation of deer, such as that which occur through baiting and feeding. To help prevent the introduction of disease the DNR must continue and intensify the monitoring of wild deer for TB, CWD, and HD. In addition DATCP must continue and intensify its surveillance and control programs for TB and other diseases in captive deer, elk, and domestic herds.

Wisconsin is currently focusing on testing wild white-tailed deer in the previously mentioned high-interest areas during the deer gun season and at the request of managers or citizens who identify an animal exhibiting suspect characteristics that may suggest a potential disease. However, the DNR is not comfortable with the current numbers and more testing needs to be done. Thus far 1,400 deer have been tested for TB, 600 for CWD, and all have been negative. Deer tissue samples and sera from the 16 Deer Management Units were tested in year 2000. Results from year 2000 deer TB surveillance found approximately 500 hunter-harvested, sharp shot, or deer submitted for necropsy TB sampled, and all results were negative. Five hundred wild WI deer were checked for CWD, and none have been positive for the disease. No deer sampled during the 2000 hunting season were positive for CWD. One hundred seventy-three usable blood samples were assayed in 2000. No Wisconsin deer sera was serologically positive for exposure to (antibody positive) Epizootic Hemorrhagic Disease Virus, Bluetongue Virus, or *Brucella abortus* in 2000.

According to the Department a significant disease outbreak is finding one animal with TB in the state. With a disease such as Bovine TB that is so economically devastating, the state needs to try and be proactive to prevent the disease from getting to the wild deer herd. Under current law the Department cannot be proactive or limit the quantity of feed being used. Admittedly the regulations regarding shipping and transferring cattle are not perfect and illegal transfers of livestock take place. There is no way for the Department or the USDA to blanket the borders and monitor all of the animals entering the state. She clarified that the Department and DATCP need to be proactive, the question is not if TB occurs in Wisconsin, but when. Management techniques need to be developed to deal with the disease issue and be proactive where possible.

Hurley added that for 10-years the Department and DATCP have had a hard time getting the Captive Wildlife Bill through the legislature; much in part to the industry folks are concerned with how different it may be to deal with the new regulations. She added that the two agencies are prepared to do what ever they can in terms of certification and fencing, and have been doing what they can to provide surveillance

in the state to monitor its wild deer herd. She admitted that the DNR and DATCP are doing what they can, but need to do more.

What was learned from Michigan is that you can't put your head in the sand and say it won't happen here. They didn't realize that deer habits had changed in Michigan; deer were now congregating at large feed sites conducive to the spread of the disease. They made the mistake of saying that it can't happen – it did.

In regard to the Deer 2000 final recommendations, Langenberg noted that the Department agrees with the recommendation to give the DNR authority to regulate feeding, however the Department does not concur with the recommendation to allow supplemental feeding. Her professional opinion was that winter supplemental feeding should be banned and in addition, significant restrictions should be placed on baiting and recreational feeding.

B. DATCP:

DATCP is responsible for all cattle and domestic herds in the state as well as inter- and intrastate transportation and sale of domestic livestock and captive cervid herds (elk, red deer, etc.) other than white-tailed deer.

Testing isn't always the answer when it comes to disease identification and diagnosis; no diagnostic test is always perfect. When it comes to testing diligence is the key. Certain factors can cause a test to come back negative. That is why tests are repeated every 60-days/90-days so you don't miss the positive animal. It is important to understand that the TB test is not an individual animal test, it is a population indicator. He offered the example that if 1000 deer tested, you may be missing half, but you can determine by repeated testing if the herd is infected or if it is simply a single animal.

Dr. Siroky provided the example of an elk that eventually tested positive for TB that was tested 5 times before it was diagnosed with TB and three of the tests were conducted before coming into the state. In spite of their best effort animals, whether domestic cattle or captive cervids, the disease can enter the state even if the farmers meet the regulatory requirements. We don't know immediately upon their arrival in this state that the animals are in the state, it may take up to two years, during which time there can be a lot of interaction with other animals. You are always playing a catch-up game. The bottom line with any disease is that it is devastating to a farmer.

He suggested that one approach to keep our borders secure is to take a similar approach to what is currently done in California. California tests and inspects all cows at the border, this is effective, but also very expensive. However, you have to look at the test as an indicator of a population's health status, cattle herds are tested and therefore we have TB free states (herd status) and can fairly confidently determine if the cows coming in are infected or not, rather than trying to test every cow coming across our borders.

When it comes to disease it is considered risk based decision-making. Zero risk does not exist. You must factor in the expense of various strategies and weigh the associated risk which each scenario. There are dangers in having disease come into the state from Michigan. In response to the added risk of Michigan's TB situation, Wisconsin has put restrictions on cattle coming in from Michigan, what a state decides to do, relating to testing, is directly related to the risk they think they have of getting TB from another state. In Michigan a whole herd is tested within 90 days. Breeding animals are retested after they get into the state, and feeder animals must be tested and contained prior to slaughter.

He stated that Wisconsin had a fairly good plan and procedures in place to deal with the domestic disease situation, however, the cervid farm is a relatively new practice. We are not able to identify where a cervid came from to trace its origin. However, if a captive cervid herd is found with disease, the herd can be quarantined and a plan can be put in place. But in a wild population quarantine is not possible and

complete depopulation is not a viable option. Wisconsin has already had TB in a captive situation, we can't necessarily stop the threat of TB being spread, but we can react to it and limit its spread. However, the necessary authorities and jurisdictions need to be in place.

If DATCP were dealing with one herd, that would keep them very busy, but one herd at a time is a feasible workload. However, if there were an outbreak like Michigan's, they would have a hard time dealing with the workload created by the disease outbreak. In the event that a suspect animal is identified the following steps take place:

1. Identification of the suspect animal
 - DATCP inspectors or vets can report sick animals
 - The dealers and farmers let us know if they see something unusual
 - Anybody, not just state worker or veterinarian can report a disease
2. Testing
 - TB test – skin test (wait 72 hrs.)
 - Reaction – a “responder” if test is positive
 - Must test again within 10 days
 - Comparative cervical test as a check
 - Go back in 72 hours
 - If swelling occurs then it is a positive reaction
 - If negative, the animal is released
 - If suspect, kill animal and look for lesions (Or retest it in 60 days and then if it is positive again kill the animal within 15 days)
 - Tissues are taken and sent to national laboratory
 - 12 weeks to wait
 - If still positive then action is taken with the herd
 - If negative release everything
 - The first step is a local vet and is where we are focusing our education efforts.
3. Action plan
 - We can quarantine any herd that is suspect, or just that animal. If the animal is found with the disease, then we quarantine the whole herd and trace back
 - The animal is destroyed if found with a disease such as TB, CWD, or Brucellosis
 - All the options and the plan is laid out for the owner - how long under quarantine, depopulate vs. not, risks, etc.
 - An indemnity pays 2/3rd their animal's value, we are paying because we are taking something from them and it is a public health issue. This goes back to the 1940's, long term precedence

There is room for improvement in the area of cattle testing in rendering plants. In slaughter facilities all animals are looked at, but we are trying to find a way to get better compliance. Vets in live animal TB testing should find 4-5% responders. In WI 4.1% are found in tested elk. If, in the cattle industry they found 0% responders, that means they are not testing correctly. We need to standardize the testing and make sure they are being tested properly. The vets are under pressure to not see a test in some circumstances. Cows are getting through our TB screening process. There needs to be a certification process. Now the state can pull the certification of a vet testing improperly. Better accreditation of vets that do the testing across the United States is necessary, DATCP needs to make sure testing is done better and are currently acting on it.

He added that in his experience TB has never been transferred from cow to cow or cow to deer through a fence. In most cases the disease is transferred from deer to cow through feed. Cows are not transferring it

to the deer through the feed, partly because a different process takes place, lesions or abscesses that break in the nasal area drain down onto the food and cause the disease to spread. Conversely, in cows they do not get abscesses that break, and therefore have not transferred the disease to wild deer through the contamination of feed.

He felt that any veterinarian would agree that baiting and feeding has a causal effect on the spread of disease along with population size. He added that science suggests that any baiting or feeding, regardless of amount, is related to the spread of TB. In regard to amount, the more food put out the more risk of disease that exists. Biologically there should be no baiting or feeding allowed, but socially there is a desire to do so. Decision-makers must weigh the biological and social aspects of the topic and decide what level of risk they are willing to accept.

Siroky has worked in the west and was able to call upon previous experiences to help put the disease situation in Wisconsin into perspective. Every incidence of Brucellosis in Wyoming is tied to winter feeding of elk. Idaho did not believe that they had Brucellosis, they did find it however, where there was feeding. In Wyoming, in the area away from Yellowstone you can't find the disease due to the lower density of animals and the lack of feeding. Elk yard naturally and Brucellosis is not found in these yards or in clear cuts, the risk for disease is not the same in a yard under natural conditions as it is with baiting and feeding. Baiting and feeding causes animals to concentrate in an area for an abnormally long time. By definition TB and Brucellosis are high population diseases and with feeding, you are replacing a food source over and over again in the same spot. If you spread bait over a large area then the risk is less, if you have large enough area.

Siroky continued by discussing other cases of disease in wild populations that he had experience with in other states. He stated that it may seem difficult to deal with the public now, but it gets worse when an outbreak actually occurs. He noted that the picture is not a completely bleak or black one, he stated that he wants to paint a picture that shows there are pieces to a puzzle that can fit together and work if we let it. He added that this is not the time to be pointing the finger of blame at any one group; everyone in the state is in this together. The committee, he realizes, is dealing with two issues cultural concerns and disease concerns. The committee must find an answer or mitigation that will not give us zero risk, but something that will reduce the risk of disease. Ideally, he would like to see baiting and feeding banned but realize that does not seem feasible. But, if the state were to get a disease and you can get to a level now with baiting and feeding where you could go to a lower level or shut it off immediately if necessary, that would be a step in the right direction. Ten-gallons in his opinion is still too much. Again he stated that the committee must be prepared to discuss the risks that they are willing to accept. He felt that the lower the amount of feed or bait the better.

Everyone in the state is in this together and urged the committee to not look at just one aspect of the equation; all aspects domestic herds, game farms and wild deer need to be addressed. He urged the committee not to look at just one thing, game farms, livestock or wild deer. This is more than a TB scenario; it is more than just testing, because testing isn't perfect. It is about prevention. He listed a few questions for the committee to consider. What can we do now, what methods can be put in place to be proactive and be preventative? What methods can we utilize now to save time later, no matter how painful it might be to the parties involved in making the decisions? One thing that could be done is passing a captive wildlife bill that would make it mandatory to survey for TB and CWD. He added that Wisconsin is already 4-years ahead of Michigan, it took them 4 years to get all the parties to the table and discuss the problems they were facing.

C. Duane Harpster- Account of Baiting and Feeding in Northern, WI

Baiting occurs on public and private land. Baiting on public land took off late 80's and early 90's, but is steadily decreasing now. Bow hunters bait more than gun hunters, this year there was less bait due to the amount of natural food available for the deer (acorns).

Personally, too much bait is not common on public land mainly due to public cooperation and a good warden force. He personally did not see hunter conflicts as a problem in his local area.

Road hunting was a common practice in the Woodruff area, but now more bow hunters are sitting over bait. Road hunting has again subsided due to good law enforcement and hunter education.

Hunting on private land is almost entirely done over bait. If there is a baiting complaint, it usually is on Private Land and most often is an absentee landowner who put out large quantities of bait to last in their absence. The airplane has helped with enforcement.

Observations on Baiting: (*Common public comments in Italics*, responses in normal text)

- *Baiting makes deer nocturnal* – in my experience it does not make them nocturnal, people make deer nocturnal (movement of hunters - activity).
- *Baiting takes deer out of their natural movement* – deer will go to acorns over a bait pile. Deer will roam and I don't think legal baiting will hold deer.
- *Conflict between hunters* – we are not aware of these problems.

Recreational feeding is increasing. Every lake home has a feeder. This is especially common in subdivisions. The non-hunting landowners like to feed the animals and do so year round. They just like to see the animals. On the other hand some folks only feed in the winter to help the animals. Those who are absentee landowners will buy tons of feed while they are present. It is big business, and I don't know how it will be regulated

Supplemental feeding is a private landowner issue and it is mostly done by hunters who start feeding after the season. But, they feed well into the confines of their own property. The issue with collisions and damage is occurring in town or in the subdivisions. The supplemental feeding is bringing deer through hard winters when they might not make it.

Many clubs were bringing feed to the starving deer. People are willing to deal with the damage done to private property and crops so the deer will make it through the winter and they enjoy the high deer population.

Cabin Shooting is deer shining gone stationary. I don't view it as a baiting or feeding issue. This is an issue that is very hard to catch and very hard to enforce. We are now better at catching poachers, but the outlaws are now better at poaching with big budgets and there are fewer wardens. We have put a dent in deer shining largely due to the help of the public. I don't think we can say we have a handle on any amount of poaching.

II. Informational presentations from MI DNR, DATCP, and Michigan State University

The NRB Special Committee requested individuals from Michigan's DNR, DATCP, and Michigan State University to report on their experiences regarding wildlife disease, baiting and feeding. Rebecca Humphries, the wildlife director for the Michigan DNR, Steve Schmitt, the Veterinarian with the Michigan DNR, Dr. Vanderklok, a veterinarian with DATCP, and Dr. Bob Holsman, from Michigan State University, provided their first hand experiences in dealing with Bovine TB in their state.

A. Michigan DNR

Rebecca Humphries, Wildlife Director MI DNR:

Humphries gave a brief update on the status of TB in Michigan. She discussed their experience in dealing with wildlife feeding. Some of the biological concerns associated with feeding deer are disease risks, effects on habitat associated with concentrating an overpopulated herd, its effect on the movement of deer, increased survival and reproduction of deer which leads to a deer herd that is maintained above carrying capacity.

Some of the effects of feeding on habitat associated with the concentration of large numbers of deer are over-browsing, changes in plant or animal communities due to loss of habitat or habitat modification, suppression of forest regeneration due to over-browsing and an eventual decline in carrying capacity due to a lack of natural food sources. Good habitat with a healthy understory is disappearing in NE Michigan.

People like to see deer and feed deer and have them in close proximity. This was kept in mind when the Michigan legislature allowed the use of feed for recreational purposes (such as viewing) which means it must occur within 100 yards of a dwelling.

In the last baiting survey (prior to the disease outbreak) of Michigan hunters an average of 40 bushels of bait each year was being put out by a hunter prior to the TB discovery. Feeding takes place primarily in the north, but it does take place more in the south than previously thought. Extensive feeding also takes place in UP of Michigan. Across northern MI the herd size is destroying the understory and creating poor habitat to sustain deer. The MI DNR has made efforts to reduce the herd (unlimited antlerless permits) but social constraints kick in, the hunters can't harvest anymore deer.

Michigan has increased antlerless harvest to counter act the effects of the lack of feed. This is fairly effective in some areas, but hunters are beginning to resist the increased harvest. Michigan currently estimates a herd of 1.8 million deer (700,000 animals in the Upper Peninsula).

Deer do have an affinity to feeding areas that concentrate deer; feeding and baiting also delay migration and yarding. All that is needed is indirect contact between animals to transmit disease - a site can become contaminated. Scientists don't think the disease can exist on the salt or mineral lick, but with high deer concentrations a site around the lick can become contaminated.

They don't know what the increased risk of disease transmission in these concentrated feeding areas is (percentage) since some transmission will occur naturally. Neither forestry nor ag. practices have been curtailed. Natural areas of concentration can not be controlled (acorns, agricultural fields). As a Department we have to focus on controlling what we can which is baiting and feeding. We looked at the number of nose-to-nose contacts over bait vs. natural conditions. More contacts occurred over bait. Michigan is not currently dealing with the food plot issue, but is looking into it. Studies are also investigating how much a deer yard plays into disease transmission.

In an alfalfa field there is less concentration of deer over a specific area or spot. The disease will not stay viable for more than a few hours in direct sunlight such as in an open alfalfa field. Also, you can only produce so much food in a plot; it eventually runs out. The key difference with feeding is replenishment; you put out more food when it runs out and it is in the same location.

Steve Schmitt, Veterinarian, MI DNR:

Schmitt provided an overview of Bovine TB eradication strategies in Michigan and a history of the TB in Michigan. He stated that interagency cooperation (MI DNR and Department of AG.) and public cooperation with eradication efforts is necessary for their efforts to be successful.

TB exist in Michigan due to high deer densities, the focal concentration of deer caused by feeding and baiting, a stressed deer population, contaminated feed at feeding sites, and overcrowding of deer.

A study by Diana Whipple, USDA-Iowa, noted that the bacteria could survive up to four months at typical environmental temperatures and conditions on all types of feed material. Incidental contact through food items does take place under natural conditions. However, there is more focused activity and increased contact at feed sites.

Eradication of the host animal is the only effective way to get rid of the disease. This is effective in a domestic herd, however the eradication of all wild deer in an entire area is socially unacceptable and impossible. Educating the hunters is the most important tool, once they know what to look for they can be our most valuable tools to identify the disease.

All mammals can contract bovine TB. It is believed that the TB in Michigan, now in the deer herd, originated from cattle. However, the disease is the issue and the enemy, not the deer or the cattle. The disease can be spread through the respiratory track through nose to nose contact or through the consumption of infected feed. Repeated contact with infected animals is probably required. No practical vaccine for the disease exists. Until recently it was rare to find TB in wild deer. There were only 8 occurrences of Bovine TB in North America over a 70-year period. The disease was not self-sustaining in nature until Michigan.

In 1975 in Alpena County, in northeastern Michigan, the first TB positive deer was found in MI, however not much was done at that time. In 1994, another TB positive deer was found again by a hunter in the same area. A DNR investigation took place and 27 more positive deer were found in the same area. Surprisingly, no infected live stock were identified. The disease appeared to be self-sustaining in deer. Michigan then expanded their efforts and continued discovering more cases in new areas of northeastern Michigan. The theory is that cattle, perhaps 50 or so years ago infected the deer herd in this area and since then the disease has persisted and spread from the core area around Alpena County through baiting and feeding. In 2000, 25,000+ deer were tested which resulted in 49 positive deer found as of January 23rd, 2001 and they expected to find more. Over 63,000 deer total have been tested in Michigan, more than the total number of deer tested for TB elsewhere in North America.

Schmitt then discussed the process of visual examination of lymph nodes used for determining if a deer is suspect and should be cultured/tested. They miss maybe half of the positive deer using this technique, but no lab in the United States could culture/test all the suspect deer. Over \$2 million a year is currently being allocated to surveillance.

Elk, deer, cattle, and carnivores have been found with Bovine TB in MI. Over 900 carnivores and omnivores have been tested; 13 species have been identified thus far that tested positive for TB. The small numbers of positive animals have all been found in the original infected area. No extensive lesions or even microscopic lesions are evident. We don't believe they can transmit or maintain the disease. But we are monitoring them so they do not become a maintenance source and develop lesions. Birds have been tested (Starlings, Pigeons and Crows) and they do not contract the disease and therefore are not a concern. DNA fingerprinting has been done on all positive animals; it is the same genetic strain of TB in all animals - deer, cattle, carnivores, etc. Elk are being tested and it is now mandatory for elk hunters to turn in their elk heads. Sheep and horses seem to be resistant to contracting the disease, and it is difficult to test these species. The testing focus is on all ruminant species.

Schmitt detailed Michigan's control efforts and recommendations to control the disease if it were to occur in Wisconsin. First keep deer from concentrating by eliminating supplemental feeding and baiting. This will probably lead to a public outcry. In Michigan for instance half of hunters used bait, and an estimated \$50 million a year was generated by bait/feed sales in. Hunters felt it was their right to bait and feed. In June 2000, the Michigan Natural Resource Council banned feeding and baiting in any county where one or more TB animal(s) has been found. This equated to an 11 county area with a ban on any baiting and feeding. Other counties have restrictions of 2 gallons of bait per day and 2 gallons of recreational feed (within 100 yards of your house) per day. No supplemental feeding is allowed in Lower Michigan. In the Upper Peninsula, 2 gallons of material is allowed for recreational feeding and 5 gallons is allowed for baiting; some winter supplemental feeding is allowed by permit only.

Other practices may artificially concentrate deer, however in natural occurrences such as orchards, once the food source is eaten the deer disperse. The issue is replenishment. At a bait or feed site you are continually replenishing the source, unlike a natural food source. Dispersal of the feed over a larger area will help, but you are still replenishing the source day after day. There is contact in yarding situations but there aren't deer on top of each other, like at a bait site. This is the first time TB has been found to be self-sustaining in wild deer. Nose to nose contact does occur in wild deer, but TB doesn't occur enough naturally to maintain itself in the wild, like we are seeing in Michigan. This is the first time TB has been found to be self-sustaining in wild deer. Nose to nose contact does occur in wild deer, but TB doesn't occur enough naturally to maintain itself in the wild, like we are seeing in Michigan.

The second step is to control of the deer population and reduce deer numbers through hunting to population levels that can be supported by the natural vegetation. This was accomplished in Michigan through extra antlerless rifle seasons (Oct. and Dec.) and unlimited antlerless permits (\$3) in the infected areas. It is working; the population is dropping. The deer population has been cut in half. However this trend will not continue as hunters stop seeing deer they will discontinue the harvest, even with unlimited permits. Ultimately the goal is to cut down on the concentration and cut down the herd size; we want more deer dying each year than are contracting it. In his opinion he stated that the problem is more feeding and baiting than the over population of deer.

Science supports that some deer are infected with TB but never develop clinical disease. The bad thing is that they can live a long time with the lesions, which means they can transmit the disease over a long period of time. The animal usually won't die from the disease; it could take years for the animal to die. Usually the animal dies from something else. A hunter is unlikely to contract the disease since the bacteria are not concentrated in the muscle tissue; however the meat should be well cooked. It is very difficult to see a diseased deer in the field at a distance; they can look sickly but this is usually not evident to the hunter.

B. DATCP

Dr. Vanderklok, Veterinarian MI DATCP

Dr. Vanderklok provided a historical perspective of Bovine TB in Michigan. He relayed the importance of interagency cooperation and stated that many agencies have been working together and it is the key to solving the TB problem. In 1979 Michigan became a TB free state, its last documented case of TB in livestock was in 1975. Other important events include the TB infected deer found in northeast Michigan in 1994. At this point an advisory group was established to help outline the efforts to be taken to deal with the disease threat. They looked at the livestock industry and captive cervid herds. In 1995 a private cervid herd was discovered that tested positive for TB, was diagnosed and was depopulated. In 1998 a TB positive cattle herd was identified within the core TB area in Alpena County. In January 2000 three deer were found outside the core infected area.

Immediately individuals wanted to place blame, such as where did it start? In Michigan, they tried to stay away from that issue in order to keep the processes moving forward. It is unknown as to how the wild deer population first contracted the disease in Michigan. It may have come from an infected cattle herd, however recent evidence shows that 9 of the 11 positive cattle herds in Michigan have been infected by wild deer - it can move both ways. Most likely this transmission is taking place through incidental contact.

The spill over of TB from deer to cattle most likely occurred through feed sites, such as feeders out in the field, and DATCP is working with farmers to limit these types of practices. As part of the management in the quarantine area, farmers had to change their storage practices. For example leaving round bales in the fields was no longer allowed. The authority to move feed stocks around is regulated by the Department of Agriculture and statutory authority. It is important to get farmers to buy in, but the legal authority allows for legal action to back up the policy.

Regarding livestock, Michigan is testing all the cattle and cervid herds in the area. Depopulation is taking place when livestock herds are found to be TB positive. 600 cattle herds exist in the infected area, 11 herds have been found positive and have been depopulated. Nine of the 11 herds were infected from the wild, there isn't evidence on the other two, but it most likely passed amongst the two herds. Statewide, 360,000 cattle have been tested, on over 5000 farms, and 11,400 farmed deer have been tested since January 1999. Michigan has just over 3000 dairy herds in the state and between 7000- 11000 beef herds.

In Michigan, there has been dual responsibility for commercial deer and elk monitoring. Since 1992 the DATCP has had the responsibility to work with diseases. The facilities, since the 1960's, have been licensed by the MI DNR. Recently, a law has transferred the responsibility of registering cervid herds from the DNR to the DATCP. All the agencies will have more authority when the new 2003 program is in place.

Since January 1998, any animals traveling outside the quarantine area have to be tested and all herds in the infected area have been tested twice, and will be tested every year to monitor the disease. In 1999, when the deer were found outside the original core area, the DATCP had to expand their testing, basically statewide.

The discovery of the three deer outside the core area necessitated change to changes to Public Act 466 which dictated actions to be taken to eradicate TB from Michigan. All livestock needed to be identified prior to movement. All high-risk TB areas needed to be identified, these areas were basically anywhere a confirmed TB livestock or wild herds had been diagnosed with TB. All potential high-risk areas, or areas where there had been a TB confirmed wild cervid, were to be identified. All cattle, goat and bison herds were required to test their entire herds. All dairy farms were also required to have their whole herd tested. New interstate testing requirements were put into effect, slaughter facilities were required to have enhanced surveillance in and outside the state, and terminal operations were established where animals were received from tested herds and would then send them out to slaughter directly.

In the future the DNR and DATCP in Michigan hope that these activities will lead to an elimination of Bovine TB from Michigan. The Department of Agriculture is also investigating the possibility of zones within the state (the upper vs. lower peninsula) based on whether or not TB occurs in the upper peninsula of Michigan. Other plans include risk based interstate livestock shipping requirements. And, a new Animal Health Diagnostic Laboratory testing facility at Michigan State University to enhance and continue our their testing efforts.

Recently \$97 million have been appropriated in Michigan for Bovine TB eradication (\$57 million is for the new diagnostic lab). This figure is just an allocation and not what has been spent to date. The cost per

TB test for a live animal is difficult to put a price on. The test as previously explained by Dr. Siroky is a multi-day process. The approximate cost is \$7 - \$10 dollars per animal, or more expensive for captive cervids. Testing a wild dead animal costs roughly \$60 per animal.

Vanderklok also reported that Michigan is also looking at CWD in the wild deer and elk as well as other diseases. Michigan is using brochures and materials to educate hunters of the disease risks so they will be familiar with the symptoms if they come across them in the field.

C. Michigan State University

Dr. Bob Holsman, Michigan State University

Dr. Holsman shared his experience with the human dimension of the deer baiting and feeding issue in Michigan and the information which was gathered through hunter and non-hunter attitude questionnaires. He discussed the Michigan TB problem and the reasons why he feels the TB outbreak in northeast Michigan is a unique situation. He agreed that Michigan are similar in that they both have agriculture, deer and baiting and feeding. However, Michigan's situation is worse in that northeastern Michigan has poor deer habitat which leads to food shortages, it is "club country" where a few people own large chunks of land and bait and feed heavily. He suggested that you could not replicate these conditions anywhere in Wisconsin currently. These factors allowed the disease to erupt even though it may have existed in the back ground for many years. He stated that baiting and feeding do not cause TB in deer, but they are conducive to spreading the disease. You first need the disease to spread the disease.

He discussed the effects of the special Michigan baiting and feeding regulations on hunters and non-hunters. According to the survey 48% of Michigan hunters used bait. Archery hunters were more likely to use bait for hunting than were gun hunters. There had been an increase in hunter's approval of baiting between 1993-1999, now 61% of hunters approved of the practice compared to 28% compared to 28% against. This increase may have been linked to hunters rallying behind hunting in reaction to a public outcry of non-hunters towards hunting and baiting due to the TB outbreak. Fewer hunters are actually baiting and of those who disapprove do so primarily because of ethical reasons. He also suggested that baiters could be grouped into three categories (attracters, distracters, and concentrators).

Hunters gave various reasons for baiting; It increases their chances of seeing deer or other wildlife (72%), It gives them a better chance to harvest a deer (63%), the only option with their limited amount of time to hunt (32%), they need to compete with other who bait (22%), and that they were unable to hunt other wise (10%). Regarding the Michigan ban on baiting, statewide there was approval of ban in the core area, however hunters in that zone disapproved (51%).

He also presented the Committee with various issues identified by individuals attending the public hearings in 1996. People feed deer for enjoyment, but also for moral considerations (For hunters and non-hunters the idea of deer starving is wrong). Many felt that they could do what they wanted on their property which created private land issues and issues of enforcement. There was also a level of regional resentment from the core area where individuals especially those dependent on tourism felt as though they were unnecessarily being singled out. And, those directly affected by the bait and feed ban, those who sold the food were concerned. The sale of wildlife feed is a cottage industry in Northern Michigan. There was also a segment of the population who wanted to be reassured that these measures would work, and did not accept with the uncertainty of science.

He also referenced a 1996 Federal Survey which sought insight into the recreational feeding of wildlife. In the report they reported that 63 million Americans reported watching wildlife in 1996 and spent \$429 billion. And, 54 million Americans fed birds and other wildlife however only 44 million people observed

wildlife at home therefore many may have feed wildlife for moral considerations. And there was a trend toward more people enjoying the viewing of wildlife than hunting activities.

He suggested that the future of hunting may be put at risk due to the ethical discussions taking place regarding baiting and feeding. He felt that rules not based in scientific research would likely not gain public acceptance. Hunters need to consider long term impacts to serving non-consumptive wildlife users. Examinations of the baiting issue invite criticism of hunting ethics by non-hunters and anti-hunters, which is bad for hunting. Another thing for natural resource agencies to consider is that more people are interacting with nature through viewing rather than hunting. The public feeds deer and wildlife because they think they are helping and doing a good thing. He noted that education may have worked to well in the fact that agencies and hunters have contributed to the problem of feeding wildlife by selling hunting as a means to prevent starvation. Changing this belief will require a long and intensive outreach effort.

He also cautioned that public support of hunting is uninformed and susceptible to change as seen in Michigan. In Michigan public support for hunting is 78%. However, support is conditional depending on purpose (i.e. trophy bucks not the support, they will support for food or subsistence). Support is also conditional relating to hunting method, once you start to define hunting and elaborate on details (use of dogs, weapon type, etc.) people become less comfortable with supporting hunting as a whole. Even within the hunting fraternity, 1 in 5 hunters say there support depends on method.

He noted implications that may be associated with various recommendations relateing to baiting and feeding. Public scrutiny of hunting methods will likely erode support for hunting. The general public will not understand distinctions in rules based on different species (i.e. why is deer baiting illegal but bear feeding is legal).He suggested that if the committee was interested in making recommendations, theyshould do so based on ecological support, not on the basis of ethics. The ethics and fair chase debate should be kept in our own house and not take it public.

Materials and Literature:

The Department of Natural Resources provided the committee members with information related to the issues of baiting, feeding, and wildlife diseases. This information included scientific literature, publications, personal communications, letters from the public, popular literature, as well as correspondences and information from other Natural Resources organizations outside of Wisconsin. In addition to information provided by the Department, committee members also collected literature that they distributed to the other members at the monthly meetings (Appendix 2).

Thirteen written correspondences (e-mail or letter) were received and distributed to all committee members during the four-month period that the special committee was meeting. All 13 corresponds were voicing opposition to baiting and /or feeding. Some of the correspondences offered alternative recommendations to those of Deer 2000 that would be more restrictive towards deer baiting and feeding or called for a ban.

Committee Discussions:

Disease was a primary concern of the committee and it was the feeling of the Natural Resources Board that the Deer 2000 committee recommendations did not thoroughly address wildlife disease issues. Other issues associated with baiting and feeding discussed by the committee were car/deer collisions, education, bear baiting, legal limits of bait, feasibility of feeding regulations, transportation of food by ATV, deer herd size, and captive wildlife. The following is a summary of discussions relating to the previously referenced topics. Meeting minutes with further detail are available upon request.

Disease:

Commonly the committee held the belief that feeding and baiting is not a problem unless a disease is introduced. The animal coming in causes the disease not the baiting and feeding, and agreed that diseases are better controlled if they are caught quickly.

Several different aspects of wildlife disease were discussed and became the focus of most meetings and debates. Much of the discussion was generated by the Bovine TB situation facing Michigan. Obviously the committee did not want to follow Michigan's example; TB would be devastating to the economy of this state. The committee questioned Michigan's reaction to the initial disease threat. If Michigan had reacted more quickly when TB first broke out and went in and eradicated all the animals would it be less of a problem today?

The Wisconsin DNR felt that Michigan could have reduced the spreading of the disease in the core area, but it is extremely difficult to completely eradicate wild animals such as deer. And, they have found animals far from the core area that have tested positive and they are likely not TB positive due to the disease spreading, it is more likely that they were found because they have been testing more animals. There would still be a TB problem even if they had tested 10's of thousands of deer in the core area, but the amount of money and time they are investing has been prolonged by not responding faster. It is one thing to eradicate an animal in a barn it is another to try to eliminate a free ranging animal. The DNR can't force hunters to shoot deer and that is what Michigan did, they set the table for hunters to reduce the herd quickly, but they could not force the hunters to take deer.

The committee reviewed the testimony of the DNR and DATCP experts and entertained various ideas to prevent the disease from entering Wisconsin and keep it from spreading within the state. The DNR needs the ability regulate the size of the herd if necessary. DATCP and the DNR need more authority to regulate the disease from coming into the state through infected animals, and they need the ability to act rapidly to eliminate the disease from an area. They realized the need to create a plan that gets at the activities that pose the greatest risk for disease entry and spread in Wisconsin and making a distinction between large feed operations and baiting. Wisconsin does a good job of regulating what goes out of the state, but other states and countries may not be as diligent (Canada).

They discussed the problems facing Europe and the devastation that Hoof and Mouth disease has caused in England. The committee has been comfortable because the state or country hasn't had to deal with many of the problems like hoof and mouth disease. They suggested that the DNR needs some emergency authorities and needs to communicate with the public. The committee considered asking for a voluntary request or a moratorium on baiting and feeding, not regulated but voluntary, and utilize the occurrences in England to show the public the urgency of the situation.

The overall feeling from the committee members was that they wanted to do the right thing so that what is happening in Michigan and Europe does not happen here.

Dr. Siroky responded that better accreditation of vets that do the testing across the United States is necessary, the Department of Ag. needs to make sure testing is done better and are currently acting on it. TB needs to be a priority for testing at slaughter facilities as well.

Committee members were concerned about the amount of time it took for the results to come back on the TB status of Wisconsin's herd from samples taken during the deer season. DATCP veterinarians responded that six months is not uncommon since diagnostic samples take precedent over samples gathered as part of general surveillance. It takes up to twelve weeks for a single TB culture to be tested. Currently only one location exists where the testing is done and Wisconsin does not currently have the capabilities or staff to conduct these tests.

The committee also inquired about mother-to-offspring transmission, The USDA is currently studying the issue of mother to fetus and mother to fawns transmission. The disease does take place in fawns, but adult deer have had more time to contract and develop the disease. The incubation period of the disease varies in the individual animal.

Although Bovine TB received a majority of the attention from the committee, they also addressed other diseases that are also a major concern. The veterinarians noted that any disease that can be transmitted with a concentration of animals is a concern. Other diseases of concern are CWD; although not much is known how it is spread, but is a concern. *Anaplasmosis* and an unknown viral fawn killing disease in California. In addition, animal populations are at all-time highs in this county and we are not knowledgeable on every disease occurring in these animals. If we exacerbate the spread of the disease by congregating deer the disease will hit hard and furious.

Captive Wildlife:

Discussion focused around captive cervid (deer and elk) farms in the state. In Wisconsin, all recent disease suspect or positive animals have been associated with game farms. Currently there is little or no regulation on the transporting of captive cervids within the state. Additionally, testing animals on captive farms is difficult especially on the large farms.

The committee discussed a moratorium on new game farms in the state or at least better monitoring of captive cervids coming into the state and better fencing regulations. Ideally, some committee members felt that if all the farms were shut down it would be the best thing for this state. This would mean reducing the risk of possibly infected animals coming into the state.

Other discussions centered around better policing, regulating and testing. They also agreed that the DNR and DATCP should draft language that would require farms to follow the same rigorous processes with captive cervids in relation to disease as farmers are required to do with cattle. The same regulations for identification and control of movement of captive wildlife should be in place that currently exists in the cattle industry. They noted that currently, there is not a well-defined captive wildlife program in the state of Wisconsin that gives the regulatory people the strength to control and clean up what is happening in captive wildlife. They agreed that there needs to be greater testing and monitoring of these farms.

However, they were informed that it is not feasible to regulate game farms the same as the cattle industry the way game farms are currently managed. The level of intensity would be beneficial, but it would be important to recognize the difference between captive cervids and domestic livestock such as species differences. The eradication of either type of herd should be the same, but the testing and monitoring would be different due to species difference and very difficult when dealing with semi-wild deer and elk. Currently, in the event of a TB outbreak on a red deer farm DATCP has all the same authority with cattle as deer, but there are faults when it comes to the screening process as animals come into the state and in testing for diseases.

They discussed the Captive Wildlife Bill, which is already drafted and with some modifications could be ready to be acted upon. The diligent work already done on the original Captive Wildlife Bill should be accepted and utilized. They also debated whether a moratorium on deer being brought into the state until legislation is drafted and require that captive deer be tested if they leave or enter the state may be beneficial or effective. They also considered preventing the import of animals from at risk states.

Tagging of all livestock and captive cervid herds was also mentioned. Canada is making it mandatory to register their livestock with a lifetime ID tag. Perhaps Wisconsin could be doing some work on lifetime tags and mandatory lifetime tags for farm deer or elk; if you can tag them you can test them.

In Montana farmed elk were to be identified with a tag; basically everything behind a fence had to be tagged. It was easier to accomplish in Montana because of the movement in that state against game farming; that intolerance for game farming doesn't exist here in this state right now. The committee would have to decide to what extent they and the state want deer that are raised on farms to be identified. If they want all the deer identified, the ramifications to the deer farmers are that they are going to have to change the way they farm. It will be a tough way to go and hard to accomplish. If Wisconsin wants to test on these farms, we test the animals that are killed and also make sure the fences are good. If something is found in a dead animal, then the farm is depopulated.

Car/Deer Collisions:

The committee discussed various factors relating to the distances from roads and the distance deer will travel to the feeders. One of the risks associated with feeding deer too close to roads is the threat of an increase in car/deer collisions caused by a concentration of deer near the feeding operation. Although feeding is popular in suburban areas, in certain instances people are dying due to deer being drawn to feeders near roads and some felt that 100 yards away from roads as was discussed isn't enough. However the committee also realized that when the state starts regulating what takes place in someone's back yard there will be concern. It was suggested that the DOT be contacted to see where they stand on the issue of feeding close to roadways and inquire specifically into their thoughts and intentions as they relate to deer/car collisions.

Mr. Oestricher explained his concerns with this issue. He believes, from his experience in Oneida county, that feeding does affect car / deer collisions and can show numerous problem feeding areas in the Rhinelander area. At one location, at least 22 deer had died since the deer season (December - February '01) along HWY 51 near Rhinelander, WI.

The committee also discussed increasing the distances from roads, from the previous Deer 2000 recommendation of 100 yards from a blacktop road, to 300 yards from all hard surfaced roads. Or, perhaps signage could be put up by the person who feeds, alerting motorists that there is feeder near by.

Tim Andryk, WDNR Attorney stated that it would take legislation to regulate distance regulations relating to feeding, or another option would be that a town or county board could pass an ordinance. He reiterated that currently the DNR only has the authority to regulate hunting methods and not feeding for other purposes.

They discussed the concept of allowing local ordinances to dictate feeding regulations. The DNR responded that it would be impossible from the Department's standpoint to keep up with all the different local ordinances across the state. It would also be a tough sell to the counties and local municipalities.

The committee also investigated who would enforce the feeding regulations. If the DNR had legislative authority to regulate feeding, it would be up to the Conservation Wardens to enforce. The committee debated whether county law enforcement officials or wardens might be better suited to enforce the distance and feeding issue.

Baiting:

Baiting originated across the north as a way to attract and hunt deer in the days when deer were scarce across the north and has now evolved into what exists today. The committee reviewed various issues

associated with the controversial and much debated baiting issue. Deer 2000 addressed some of these issues (ATVs, Public vs. Private Land, Cabin Shooting). The committee agreed that if everyone would abide by the 6 or 10-gallon limit then there may not be the same problems.

The Deer 2000 leaders noted that the 10 vs. 6 gallons recommendation, as well as the other issues in their report were statewide issues and all of them stemmed from the Deer 2000 process. They thought that the committee should talk about all of issues associated with baiting prior to making recommendations or just focusing on disease. The committee should look at the issues brought forward by the non-baiters as well, such as the ATV issue.

Ethics:

Some members of the committee from the outset refused to consider a ban on baiting, saw baiting as a hunting method that is objectionable by some. They discussed the dangers of attacking hunting ethics and methods, it is a way to hunt. It may divide the hunters, which may allow anti-hunters to get into the argument and would provide them with ammo to seek a ban on hunting.

ATVs:

The committee reviewed the idea that some people would like to see the ATVs done away with on public lands in relation to hauling bait and thought that it would help reduce the dumping of illegal amounts of bait. They reviewed the Deer 2000 recommendation, which stated that you could haul bait anywhere you wanted to as long as it was a road or trail that allowed the use of ATVs. It is going off the trails that is the issue.

These large quantities of bait or feed are not being hunted over during the hunting season, some thought that these amounts may occur during the remainder of the year or prior to the season before hunting started to keep deer in an area. Most of the gross violations occurring with 500 pounds are occurring due to ATVs, people are not carrying 500 pounds on their backs.

Shibilski noted that vehicle access on public land is a hot issue and one that could not be decided by the Deer 2000 committee or the special committee. He did not think that it would be constitutional for one person to drive an ATV and another could not because they were hauling corn. He felt that it was a forest a management issue and not a game management issue. It is up to the county forests or the Federal government. The DNR does not have the authority to pass a rule that would govern the use of ATVs on lands they don't control. The DNR can only regulate the hauling of bait on state land, and would need statute to regulate the hauling of corn on an ATV.

Bear Baiting:

Shibilski stated that this committee is not just dealing with deer or bear, but feeding and baiting and disease. He noted that the Bear Hunter's Association endorsed the 10-gallon limit. And, stated that bear baiting needs to be protected and at least talked about in relation to baiting and feeding as a practice.

Bear baiting, although a separate issue and not debated or included in much of the discussion, was addressed as the bear hunters were concerned that regulation of deer baiting may affect their sport. Michigan did not ban bear baiting in the TB core area, but regulated the use to only "feed that would not attract deer". They questioned which baits could be placed for bear that would not attract deer. Some argued that if you allow bear baiting and eliminate deer baiting you have to differentiate the materials that deer will and will not eat. Shibilski argued that you wouldn't necessarily have to eliminate deer baiting in the event of a disease, stating that 10 gals. doesn't concentrate deer to the point where you have a high risk of disease.

The committee's focus was strictly on deer baiting, not bear baiting what so ever. However, Shibilski warned that who ever wants to eat off a pile would eat. It is an enforcement nightmare to make the distinction between deer and bear. The DNR noted that Michigan did separate deer and bear baiting and urged the committee to do the same, stating that the behavior of species whether it be deer bear or waterfowl, allows the biologists to defend why the regulate one species different than another. He urged the committee to keep the deer and bear baiting separate.

Shibilski stated that the most compelling reason for those who oppose baiting to separate the two issues is so they can divide the issue and conquer. He believes that those who disapprove of the hunting technique are attacking the hunting practice on an ethical basis. He attests that there is no way to delink them from one another. He added that if you attack baiting you attack the bear hunting tradition, and although it may be politically convenient to delink the issues, they are linked and there is no way to attack one without attacking the other. He attests that baiting is simply baiting.

Legal Allowable Bait Amounts:

The legal allowed amount of b that can be used for hunting was one of the controversial topics that led to the formation of the special NRB committee. The Deer 2000 Study Group recommended 6 gallons and 3 sites per 40 acres on private or public land, a reduction form the current 10-gallon limit.

The committee inquired how the 6 gal. limit was selected. Aulik stated that it was a compromise within the study group and the survey results showed that a majority of the people wanted less than 10 gal. Zeug added, that concern over the privatization of the deer herd also led to the 6 gal. recommendation. Langenberg stated another reason for the amount, was the argument that if you had residual bait left over and brought in a 5gal. pail you wouldn't be in violation.

Shibilski noted that respondents to the June 2000 questionnaire from Deer 2000 listed "6-10 gals." as the amount that they most preferred. The current legal limit, he attested, is in that range which was the most popular response in June. Also, the spring hearings have also shown that the sportspersons of the state prefer 10 gals. It is current law and practice and it is used by a majority of hunters in the state. Shibilski felt that there is no benefit to the reduction for health reasons. However DNR and DATCP testimony suggested otherwise. The reduction, in his opinion, was simply a compromise to a vocal minority in the state. He suggested that the 6 gal. recommendation was a way to get the Deer 2000 Baiting and Feeding study group out of a tough situation; in reality it does not accomplish anything.

The bear hunter's felt that ten gallons is more convenient and would last longer than 6 gallons. In general 10 gallons of bait would last two days depending on the amount of deer coming to a specific site, and 5 gallons might last only a day. Some members reported that in their conversations with hunter that they would prefer the 10 gals. over 6, since it would last longer and they don't always have the ability to get out there hunting locations as often when on public land.

They questioned the recommendation of 3 bait sites allowed for forty acres. He questioned how that would be determined on public land. Conservation Warden Dave Zueg noted that this recommendation originated from those who were opposed to baiting and the issue of privatization of the deer herd. Enforcement, he admitted, would be hard. He would find it hard to make his wardens try and decipher what a forty acre piece is out in the middle of the woods, but if the committee would decide to go that way the only way to enforce it would be a distance factor, or the distance a hunter is from his bait or how far his bait sites are apart. Basically, he reiterated, it was a spin-off of the privatization issue on public land. A majority of the hunters are on public land and those hunting on public land who don't bait wanted to level the playing field. A rule would be very difficult to enforce the way it is currently written.

Deer 2000 committee members admitted that there is no way to enforce the law on public land but it would level the playing field between private and public land and would limit the amount private land owners could put out on their property.

Oestreicher reminded the committee that the NRB charged Deer 2000 to go to the public with no agenda and they did, with thousands of hours donated by citizens and DNR personnel. Since the beginning of the Deer 2000 baiting and feeding issue, he received 114 letters from non-baiting hunters not one came from a baiter. He believes a compromise was reached between those who baited and those who do not bait, a vote was taken and 6 gal. prevailed; that is democracy. As the chair of the Conservation Congress, he stated that he would honor the compromise. He stated that he had no problem with 10 gallons, but the Deer 2000 process went on for three years which involved a lot of citizen input which he valued and he stands by what Deer 2000 developed.

Nowak added that if this committee does not go along with the compromise, who will speak for those who were not in favor of baiting. We were sent to represent everyone. Someone needs to take the responsibility to let those people know that doesn't want bait, that their vote mattered in Deer 2000 and show that we were trying to work with them by going with the compromise.

Shibilski, in response to Oestreicher downplayed the democracy statement. He commented that the conservation Congress executive committee passed the Deer 2000 recommendation for 6 gals. by only one vote (10 to 9). He went on to add that this was not a consensus, and there had never been one. Deer 2000 in his opinion was an attempt to do an end around the Conservation Congress Hearings. Every time 10 gals. has been on the Conservation Congress ballots it has passed. He concluded by saying that the hunting community in April over the years has supported 10gals., and the Deer 2000 focus group is not the deciding factor, the Conservation Congress is the voice for Democracy for sportsmen in the state of Wisconsin.

Aulik clarified that the compromise was in the Baiting and Feeding committee, not at the Executive Council level. The executive committee passed 6 gals. by one vote, but in Deer 2000 it was a majority vote that 6 gals. should go forward.

Behnke clarified that the 6-gallon recommendation from Deer 2000 was not a finding of fact, but a compromise. Aulik agreed and stated that it was a compromise within their study group and that they did not find that 6 gallons is better than 10. He also went on to state for the record that he would not supporting the 10-gallon limit, but he would go along with it.

Behnke went on to ask how the Department came up with 10 gallons. Hauge responded by stating that it was originally an approximation of the 2-foot by 2-foot by 2-foot hole and it was assumed that 10 gals. would fill that hole.

Dave Grewe stated that he is not in favor of banning baiting or adjusting the 10-gallon rule. The committee needs to provide the state with the authority to enforce more stringent laws to keep disease out of the state, and the authority to eradicate the deer that are brought in or the infected herds. There needs to be the same stringent controls on deer as there is on the cattle and livestock industries.

Enforceability of Regulations

If the Deer 2000 recommendations were approved as is, they would be forwarded to the Department to develop the rule language and develop a green sheet for the NRB. To be considered enforceable, the Bureau of Wildlife will have to confer with Law Enforcement and the rule would be modified. The DNR noted that enforceability in many of these issues is a key concern.

Shibilski noted that there were legislative and enforcement problems throughout the Deer 2000 report and suggested that the Deer 2000 recommendations were too restrictive and thought that they would never make it through the legislature as they were currently written. Aulik supported the distance from the dwelling recommendations as a way to get at the issue of cabin shooting and suggested that it would be enforceable.

Regarding current baiting violation, there were 41 baiting violation related arrests in 2000 vs. 39 in 1999. Most baiting violations in the North are baiting with excessive amounts. As far as safety, both drives and climbing into trees are the areas where most accidents happen.

Michigan's Baiting Regulations:

The committee reviewed and discussed the Michigan baiting regulations. The fines in Michigan for baiting and feeding are enforced, there are minimum and maximum fines and possible jail times. The policy is to inform people on their first violation for the first year. With the second violation in the first year a ticket is issued. In the second year, a ticket is issued immediately.

Regarding bear baiting in Michigan, certain bait that would attract deer is regulated (dates, times, and quantities would apply). It does not matter what your intention is, it simply comes down to whether your bait will attract deer or not.

Deer Feeding:

Deer feeding, as reported by wildlife health officials, can act as a vector by which disease is spread. Feeding artificially concentrates deer and Bovine TB can survive for more than a month under certain conditions on the feed material. In regard to feeding and enforcement they discussed briefly that registration of feeding sites would help with the enforcement of any feeding regulations.

Behnke revisited the purpose of the committee, which was to deal with the disease problem, and stated that he had no problem forwarding the recommendations of the Deer 2000 Baiting and Feeding committee to the NRB. Behnke suggested that the committee draft a motion in support of the deer 2000 recommendation that would give legislative authority to the DNR board to regulate feeding.

Shibilski felt that the DNR should not regulate the feeding of wildlife in an individual's backyard and it would not have a chance of making it through the legislature. Shibilski discussed the issue of recreational feeding and suggested that the committee should not empower the DNR to regulate wildlife feeding. He stated that millions of Wisconsin citizens feed wildlife and will continue to do so. He additionally expressed his belief that the committee should not give the DNR any more authority over feeding wildlife. He concluded by stating that the DNR manages hunting and fishing and they should not manage bird feeders.

He stated that the committee couldn't eliminate the feeding of wildlife, and added that the committee couldn't ban feeding unless there was a problem. If there is a problem, he added that the public would buy into it and cease feeding until the threat has passed. He suggested feeding is a useful activity as well (birds, turkeys, squirrels). Feeding is not a bad thing and provides those detached from nature a link to nature. The Department needs to accept that we will always feed wildlife, but we need to provide them with authority in intercede in the event of an outbreak of disease.

Debate continued regarding the topic of granting the Department the authority to regulate feeding and the administrative rule making process.

Ott referred to Assembly bill 225 from 1999 relating to the granting of authority to the DNR to regulate feeding. He stated that the bill passed the assembly but died in the Senate. And urged the committee to think more long term and deal with the issue now, and felt that someone should have the oversight to regulate feeding. Shibilski stated that the purpose of the DNR is a hunting and fishing and EPA regulatory organization and should not be considered a standard barer for social conduct. It is a huge expansion of their authority.

Hauge noted that even though the Department regulates hunting and fishing the Department has the responsibility to manage the state's wildlife. And the DNR has to answer to the public when they want and it becomes frustrating when the agency does not have the support or the authority to help these people. Currently the power to regulate feeding rests at the municipal level and some communities have enacted rules. He stated that philosophically he relates to Behnke's argument, and stated that they can't do their job for wildlife or the job that they are expected to do without the authority and without support. The legislature and the Broad have the final say when it comes to approving administrative rules drafted by the Department. Shibilski responded that some do not expect the Department to regulate wildlife feeding. Solberg noted that perhaps these are local issues that should be dealt with in municipalities and deal with them themselves, rather than passing a statewide regulation that may not effect everyone.

Economics of Feeding:

The economics of feeding from sales to use by resorts in the North was discussed. There was some concern in regards to the economic impact a ban on feeding would have to resorts, agriculture, convenience stores, and feed mills in Wisconsin.

Voluntary Moratorium on Feeding:

The committee also debated the idea of a voluntary moratorium on feeding, ask the public to cut back on their own, considering the disease issues that exist. Let the public know what might be imposed through regulation if the problems continue. They doubted the effectiveness of such a proposal, stating that there is no more controversial issue in the state than deer.

Feeding in Other States:

The committee reviewed the feeding regulation in some neighboring states and provinces. Ontario endorses feeding and Minnesota also has no restrictions on baiting and feeding amounts. In MN you can't hunt over any bait material, it has to be removed before you can hunt there. In addition, \$.25 from each Minnesota hunting license goes to support their feeding program in areas of the state where there deer herd is under population goals. In certain areas of Michigan, baiting and feeding is still allowed (outside the core area in reduced amounts).

Education:

Another area of discussion centered around the education of the public, hunters, meat processors and registration station workers about what to look for in relation to disease as well as educating the general public about responsible baiting and feeding. Currently no education is being done for the processors, however most of the processors in the state are observant and contact the Department if they find anything suspicious. In addition, the Department tests for diseases at processors in the same areas where stations are being checked and sampled.

Ladd suggested that processors at local plants that deal with deer need to be able to identify the disease and urged better education. Dr. Hurley responded that the Department does distribute a pamphlet, but

doesn't have the ability or resources to educate the processors beyond that at this time. However, calls are often received when processors find something strange or unusual. They are a very observant and reliable group.

The committee suggested that a color pamphlet should go out to every hunter and available at every vendor. The Department noted that all registration stations and service centers received copies of the pamphlet for distribution this year, however vendors are a difficult issue; it's not that easy to get vendors to distribute information from the DNR. An outlet isn't always reliable.

Mr. Behnke inquired as to how much confidence the Department has that processing plants for deer are identifying or recognizing signs of the disease. Dr. Hurley noted that currently no education is being done for the processors, however in her experience most of the processors in the state are pretty observant and sharp. In addition, the Department does take samples from processors in the same areas where stations are being checked and sampled.

Ladd suggested that processors at local plants that deal with deer need to be able to identify the disease and urged better education. The Department does distribute a pamphlet, but doesn't have the ability or resources to educate the processors beyond that at this time. However, calls are often received when processors find something strange or unusual. They are a very observant and reliable group.

The Department is also attempting to get information out to hunters who travel out of state (west) to areas that are at risk for disease such as CWD, so they will know what to look for and to let them know that it is possible that they could bring back the disease with them in an infected carcass through the brain and spinal chord.

Recommendation Development:

The committee members reviewed the recommendations developed by the Deer 2000 study group. Upon review of these recommendations and the final Deer 2000 baiting and feeding report, they were to comment on their support, opposition, or modification to the recommendations. Committee members were also provided with the opportunity to provide their own recommendations independent of the Deer 2000 recommendations (Appendix X). These recommendations were discussed at the final committee meeting in March 2001. Discussions in regard to recommendations focused on the enforceability of feeding regulations, the allowable limit of bait for deer and the issue of wildlife diseases. The entire committee voted upon final recommendations. A majority vote was required to forward a final recommendation. The recommendations from the special committee will go back to the full DNR Board and will then be sent over to the Legislature for a rule or a statutory change.

Shibilski suggested that the Deer 2000 recommendations do not represent the desires of the vast majority of hunters in this state. He believes Deer 2000 did a lot of work and suggested that the committee should look through the recommendations and identify issue that they wanted to discuss, but time did not allow the committee to go through each recommendation. Paulson stated that he did not want to see the committee diminish the Deer 2000 process or the work that had been done. Behnke suggested that unless there is a specific area that the committee would like to address, the committee should forward the Deer 2000 recommendations and allow them to go through as a recommendation of the Conservation Congress to the Natural Resources Board.

Shibilski revisited the reason for assembling the special committee and stated that the committee was not simply an extension of Deer 2000. The special committee was created to get past the impasse created in Deer 2000. Consensus was not reached over deer baiting in Deer 2000, the hunting public and the Conservation Congress are still divided. The purpose of the committee was to address feeding

and baiting and to make recommendations. He felt that the committee recommendation should express a wider degree of acceptability than the Deer 2000 recommendations.

The committee discussed his resolutions and statement of findings submitted by Senator Shibilski. He explained that the "statement of findings" was taken from speakers that addressed the committee. The resolutions would require legislation to empower DNR and DATCP to act expeditiously to deal with disease and provide the resources to better patrol the borders of the state to prevent disease entering through captive cervids or livestock. He pledged to work with Representative Ott to draft the legislation to put the tools in place that the DNR and DATCP would need to deal with disease and prevent its introduction. He stated that his resolution would also allow the Department to regulate deer baiting and feeding in a DMU or an adjacent DMU if there was an outbreak of bovine TB. It also specifically recommends that the 10-gallon limit on baiting and feeding is maintained and no further restrictions be placed on deer and bear feeding and baiting. He stated that disease should not be blamed on 10-gallon baiting.

Conservation Congress members on the special committee suggested that the recommendation keeping the legal limit of bait at 10 gallons be struck, because it went against the public sentiment and the recommendations of the Deer 2000 study group. The chair did not accept amendment because it was counterproductive to the intent of the original motion.

Hauge noted that although disease is now a concern it was not the original issue of importance to the citizens who attended the first statewide Deer 2000 meetings, baiting and feeding was the original issue that received the most votes when Deer 2000 first began. This included such subtopics as privatization of the herd, cabin shooting, and also disease. Deer 2000 had to deal with all these issues and it was very difficult and very challenging. That is why there were so many facets to their recommendations, because all of these issues had their own concerned constituency. It was a very challenging group and very hard to facilitate.

The Department attempted to breakdown each of the Deer 2000 recommendations into their various aspects that would require administrative rules or statutes to implement. However, Nowak and Aulik suggested that the committee use the final report to go through the recommendations instead which gave more background on each of the topics, and stated that breaking down their recommendations makes it difficult to work through the recommendations.

Hauge explained that the Department couldn't implement the Deer 2000 recommendations without getting at the specifics, which is why the recommendations were broken down in the manner that they were. He further explained that the recommendations were grouped into those requiring administrative rule or statutory authority. Just as 6 gals. or 10 gals. was a lightning rod for discussion, anyone of those grouped proposals from Deer 2000 contain similar issues that need to be clarified when rule writing begins with specific direction.

Behnke stated that the Department would need legislative authority to regulate feeding prior to drafting administrative rules. He felt that the Department should have the authority to regulate feeding and the committee should not prohibit that process of drafting administrative rules if necessary. Currently the DNR board does not have the authority to regulate feeding and they can not even draft administrative rules. The committee voted to not adopt this resolution into their final recommendations to the board.

The committee discussed the various recommendations, which Shibilski forwarded to the committee, as well as various Deer 2000 recommendations. The recommendations were modified to address the desires of the committee. The committee voted by majority to forward the following statement of findings and recommendations.

Ott congratulated the folks of Deer 2000 for their work and for the effort put forward by the special committee. However, he suggested that the committee may have got out of balance by focusing on disease, and did not have the time to look into and address the other deer management issues. The issue is not over and the discussions will continue.

Committee Findings and Recommendations:

Findings:

The Special Committee on baiting and feeding, after several months of listening to a variety of experts, acknowledges the following facts concerning bovine TB, and baiting and feeding practices.

1. The most recent incidents of Bovine TB in Wisconsin occurred in captive animals (Cattle in 1995, and 4 separate captive Elk herds in 1997).
2. Bovine TB in Michigan spread from cattle to the wild deer herd in the early 20th century and is now established in many northeastern Michigan white-tailed deer, elk, cattle and other mammals.
3. Large scale feeding operation, including outdoor feeding operations intended for deer, cattle, and captive cervids, can exacerbate the spread of Bovine TB once it has been introduced to the herds.
4. The first line of defense against Bovine TB is to aggressively prevent its introduction into Wisconsin. The greatest risk for introduction of Bovine TB comes from the interstate transport of cattle and captive cervids.
5. Recreational feeding of wildlife, including birds, deer, bear, and many other species is very popular throughout Wisconsin, and provides valuable interaction between Wisconsin citizens and the wildlife they hold in trust for future generations.
6. The use of bait in quantities of 10 gallons or less is a popular and legal hunting method for bear and deer.
7. Unlike large-scale supplemental feeding, 10-gallon baiting does not significantly change the home range of white-tailed deer, nor does it concentrate deer in densities, which significantly increase the risk of disease.

Recommendations:

Given these findings, we make the following recommendations:

1. That the Legislature and Governor provide the Department of Agriculture and the Department of Natural Resources with the budgets and additional positions needed to prevent livestock and captive cervids infected with Bovine TB or other significant diseases from entering Wisconsin, including mandatory testing of animals and mandatory animal health check points.
2. The Legislature should develop legislation to empower the Department of Natural Resources and the Department of Agriculture, Trade, and Consumer Protection (DATCP) to take swift action to eradicate infected wild deer, cattle, and captive cervids immediately upon detection.
3. The legislature should develop legislation to empower the DNR and DATCP to implement emergency measures governing supplemental feeding of deer, cattle, and captive cervids, within specific deer management units and adjacent units, if and when Bovine TB or other significant

disease is found in wild deer. Outdoor feeding of hay, grains, and minerals, whether intended for wild deer, domestic livestock, or captive cervids, must be regulated under this provision to effectively curtail the spread of Bovine TB or other significant diseases in an area where the disease is present.

4. We recommend that the DNR board, DNR secretary, and State Legislature maintain the current 10-gallon limit for bait used in hunting bear and deer and no further restriction be placed on the content of such bait.
5. The Legislature should develop legislation to empower the DNR and DATCP to regulate captive wildlife.

Appendix 1. Deer 2000 Baiting and Feeding Committee Final Recommendations.

Baiting for Deer Hunting	
1.	<p>Allow baiting with six-gallon limit per hunting site</p> <ul style="list-style-type: none"> • Restricted to three sites per forty acres or less on private lands • Bait shall be spread over and restricted to a 10-foot by 10-foot area or 100 sq. foot site • Baiting season runs from September 1 through the end of deer season • Bait must be placed at least fifty yards from a dwelling • Bait must be placed at least 100 yards from a road posted 45 miles per hour or higher • Baiting regulations will be the same on private and public lands
2.	We recommend that baiting rules adopted will remain constant through all deer seasons
3.	During deer hunting seasons bait cannot be hauled by an ATV or snowmobile on public land except for those roads on official map open to ATV trails from October 1st through the end of deer hunting. Exception: persons holding a DNR disabled hunting permit.
4.	Substantial increase of fines and one year revocation for violation of baiting regulations
5.	All types of feeders for baiting of deer are illegal
6.	<p>The baiting and feeding group recommends Department of Agriculture Trade and Consumer Protection (DATCP) and DNR should continue and intensify surveillance and control programs for TB and other emerging disease in captive deer and elk. Specifically we encourage:</p> <ol style="list-style-type: none"> 1. DATCP to develop a faster more effective system for TB testing, preferably in state 2. DATCP and DNR to more effectively enforce any farm fencing requirements 3. DATCP and DNR to consider limiting importation to Wisconsin farms of deer/elk from states/areas with significant type of disease.
7.	The Feeding and Baiting Group recommends that the DNR continue and intensify monitoring of Wisconsin's wild deer and other sentinel species for TB and other emerging diseases:
8.	We recommend that the DNR distribute a color brochure to all deer hunters that describes and illustrates signs of TB in deer to prevent a population disease problem.
9.	The DNR should have the legal authority to increase control of baiting and feeding in the disease affected area and in a reasonable buffer zone if a significant disease is found in Wisconsin wild deer.
10.	If disease is found we recommend that the Isotope Strontium test be performed to determine where the affected animal came from.
11.	It is illegal to place food, salt, mineral blocks or other products that could be used as an attractant to deer within 50 yards of a dwelling used for occupancy from September first to the end of deer seasons with the exception of bird food that would be 4 feet off ground.

Recreational Feeding

12. We recommend that recreational feeding be allowed from May 1 through August 31, with the same quantity as baiting (six gallons) within one hundred yards of a dwelling or habitable residence, with the exception of an area where the discharge of a firearm is prohibited.
13. Baiting quantities apply. One 6-gallon site per forty acres under the same ownership or one site per dwelling.
14. No feeding within 100 yards from a county state or federal highway or any hard surface road posted at 45 miles per hour or more
15. Spin cast feeders or hand spread only. Feeding sites should be rotated to prevent disease.
16. Feed should be spread over and restricted to a 10 feet by 10 feet area.

Supplemental Feeding

17. The committee recommends that supplemental feeding should be allowed. The allowable amount is three ten-gallon sites per forty acres or less.
18. Feed must be placed 300 yards from a county, state, or federal highway or hard surface road posted at 45 miles per hour or more.
19. Supplemental feeding should be allowed from the end of deer hunting season through April 30.
20. The DNR should have the legal authority to increase control of baiting and feeding in a disease affected area and in a reasonable buffer zone if a significant disease is found in Wisconsin wild deer.
21. Feeding should be spread over and restricted to a 10 foot by 10 foot area of 10 or less gallons
22. Spin cast type feeders or hand spread only. Feeding sites should be rotated.
23. Supplemental feed should be 300 yards from road and no feeding within 50 yards of public trails. Public trails on private land are exempt from supplemental feeding regulations.
24. We recommend that emergency feeding be allowed and be regulated by the D.N.R.

Appendix 2. Reference Materials.

Pamphlets and Newsletters:

Artificial Feeding of Michigan Deer in Winter. Michigan Department of Natural Resources. Wildlife Report Number 3244.

Bovine TB Update. October 2000. Michigan Departments of Agriculture, Community Health and Natural Resources. Volume 3, No.2.

Bovine Tuberculosis in Michigan. Michigan Department of Natural Resources, Michigan Department of Agriculture, Michigan Department of Community Health, United States Department of Agriculture, and Michigan State University.

Feeding Wildlife...Just Say No! Williams, Scot. J. Wildlife Management Insititute.

Keeping Wisconsin Deer Healthy, Information on Deer Diseases. Wisconsin Department of Natural Resources. PUB-WM-348 2000.

Winter Deer Feeding in Wisconsin. 1996. Wisconsin Department of Natural Resources. PUBL WM-251-96.

Informational Handouts and Personal Correspondences:

Bovine and Cervidea TB eradication and survey plans. Siroky, Clarence. February 2001.

Foot and Mouth Disease - US Wildlife Implications. E-mail communication. Langenberg, Julia A. Wisconsin Department of Natural Resources. March 2001.

Northeast Michigan Surveillance Activities for Bovine Tuberculosis in the Livestock and Free-Ranging Deer Populations. March 1999. Michigan Department of Natural Resources.

Ontario's History of Bovine TB and Irradiation Plan. Innes, Paul, DVM, MSc. Ontario Ministry of Agriculture, Food and Rural Affairs Animal Health Surveillance. Personal Communication.

Summary of Michigan TB Surveillance in Carnivores and Omnivores. January 2001. Michigan Department of Natural Resources.

The fallacy of winter feeding: Loving deer to death. Harrison, George. *Sports Afield.* March 2001.

Articles, Press Releases and Publications:

Additional TB positive beef herd found in Alpena County. Press Release. Michigan Department of Natural Resources. March 2001.

Baiting and Feeding Phenomenon. McCaffery, Keith R. Presentaion. Joint Meeting of Midwest and Northeast Deer Groups. August 2000.

Bait and the movements of white-tailed deer. Kilpatrick, Howard. *Connecticut Wildlife.* November/December 2000.

Bovine TB : Prevention cheaper than cure. Natzke, Dave. *Agri -View.* February 2001.

Bovine TB in Michigan. Fall/Winter 1999. Sodders, Betty. *Whitetails Unlimited Magazine*. pp. 25 - 28

Conflicts of authority and strategies to address wildlife diseases. Thorne, Tom E., Miller, M. W., Schmitt, S. M., Kreeger, T. J., Williams, E. S.

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Deer to deer transmission of Mycobacterium bovis using a model of natural infection in white-tailed deer. Palmer, M.V. and Whipple, D.L. Abstract, 3rd international Conference on Mycobacterium bovis; August 13-16, 2000; Cambridge, UK.

Deer-vehicle collision information survey. Report. Sand County Foundation. August 2000.

Deer will find lots of Bait. Naze, Kevin. *Green Bay Press Gazette*. November 16, 2000.

DNR panel moves closer to deer feeding recommendations. Natzke, Dave. *Agri-View*. March 2001.

Michigan's Upper Peninsula deer herd found free of Bovine TB. Arten, Lee. *Wisconsin Outdoor News*.

Montmorency county elk likely to be TB positive. Press Release, Michigan DNR.

More Baiting and Feeding Talk. Editorial, *Wisconsin Outdoor News*.

Ontario government helps deer population during severe winter conditions. Press Release. Ontario Ministry of Natural Resources. January 2001.

Strontium isotope composition of skeletal material can determine the birth place and geographic mobility of humans and animals. Beard, Brian L., Johnson, C. M. *Journal of Forensic Science*. September 2000.

Survival of Mycobacterium bovis on feeds used for baiting white-tailed deer (Odocoileus virginianus) in Michigan. Whipple, D.L. and Palmer, M. V. Abstract, 3rd international Conference on Mycobacterium bovis; August 13-16, 2000; Cambridge, UK.

The Bait Debate. December 1999. Sperling, David L. *Wisconsin Natural Resources Magazine*. pp. 4 - 9. Volume 23, Number 6.

Transmission of Mycobacterium bovis from experimentally infected white-tailed deer to cattle through indirect contact. Whipple, D.L. and Palmer, M. V. Abstract, 3rd international Conference on Mycobacterium bovis; August 13-16, 2000; Cambridge, UK.

Wisconsin whitetail negative for bovine TB. Natzke, Dave. *Agri-View*. February 2001.

Appendix 3. Committee Resolutions.

Resolution #1: Dave Ladd , March 26, 2001 <NO ACTION DIRECTLY TAKEN>

I believe controlling the introduction of disease is the most important issue. Baiting and feeding does not cause the disease unless it is introduced.

Tougher laws and rules and tougher enforcement of moving domestic animals as well as wild deer and elk needs to implemented.

I also believe we should consider what Montana is doing in terms of captive cervid farms. They are discontinuing the issuance of new permits.

A disease outbreak in the state, as we are well aware, would be devastating for the agricultural community. It would also be a disaster for the deer herd and the deer management program. We need to consider the number of hunters we would lose and the number of hunters that would discontinue hunting in this state. We need all of our hunters to control the deer herd and I would hate to imagine the difficulty of trying to control the deer herd with fewer hunters.

Resolution #2: Jerry Aulik, March 26, 2001 <NO ACTION DIRECTLY TAKEN>

I have made my recommendations and will stand by them. We as a committee of Deer 2000 studied the issues and feel that we made the best recommendations weighing all the issues.

I also feel that the issue of disease in the captive deer and elk herds is not getting enough attention. There should be better controls on captive animals, crossing state lines from other states that have disease in captive and wild herds. There should also be better monitoring of the farms that trade animals within the state.

Another major issue that we did address in Deer 2000 is to have better and more testing of wild animals harvested during the hunting seasons. Some extra dollars spent to but may find diseases before they get out of hand. Baiting and feeding does not cause disease but it could accelerate the spread. So lets try to keep our borders clean.

Resolution #3: Dave Nowak, March 18, 2001 < NO ACTION DIRECTLY TAKEN>

We recommend the definition of baiting, recreational feeding and supplemental feeding set forth in the baiting and feeding study group (Deer 2000) final report be adopted and printed within the Wisconsin hunting regulations pamphlet, as well as there respective time periods, amounts, and restrictions, so long as such practices remain legal.

Resolution #4: Kevin Shibilski, March 27, 2001 <Motion Failed - In favor: 5, Oppose: 6>

We oppose legislation to empower the DNR to regulate the feeding of wildlife outside of the emergency powers; granted previously endorsed by this committee.

Resolution #5: Herb Behnke, March 27, 2001 <Motion Failed - In favor: 3, Opposed: 7>

This committee recommends to the legislature to grant the authority to regulate feeding of wildlife to the NRB by administrative rule.

Resolution #6: Kevin Shibilski, March 27, 2001 <**Motion Approved with Modifications**>

- 1) That the Legislature and Governor provide the Department of Agriculture and the Department of Natural Resources with the budgets and additional positions needed to prevent livestock and captive cervids infected with Bovine TB or other significant diseases from entering Wisconsin, including mandatory testing of animals and mandatory animal health check points.
- 2) The Legislature should develop legislation to empower the Department of Natural Resources and the Department of Agriculture, Trade, and Consumer Protection (DATCP) to take swift action to eradicate infected wild deer, cattle, and captive cervids immediately upon detection.
- 3) The legislature should develop legislation to empower the DNR and DATCP to implement emergency measures governing supplemental feeding of deer, cattle, and captive cervids, within specific deer management units and adjacent units, if and when Bovine TB or other significant disease is found in wild deer. Outdoor feeding of hay, grains, and minerals, whether intended for wild deer, domestic livestock, or captive cervids, must be regulated under this provision to effectively curtail the spread of Bovine TB or other significant diseases in an area where the disease is present.
- 4) We recommend that the DNR board, DNR secretary, and State Legislature maintain the current 10-gallon limit for bait used in hunting bear and deer and no further restriction be placed on the content of such bait.

Resolution #7: Herb Behnke, March 27, 2001 <**Motion Unanimously Approved**>

The Legislature should develop legislation to empower the DNR and DATCP to regulate captive wildlife.

Appendix 4. Wisconsin Bovine TB Scenarios.

Scenario 1: Several TB responders are identified on routine testing of a northern WI dairy herd.

DATCP Actions:

Following the DATCP SOP for management of cattle TB, follow-up actions could include:

- a. Comparative cervical skin testing as a second screening test
- b. If cow(s) are comp. cervical test +, then slaughter and culture
- c. quarantine/cessation of cattle movement

Once TB has been confirmed by culture:

- a. Inform DNR of diagnosis
- b. Establish testing program of cattle for removal of quarantine
- c. Establish management program for other hoofed stock on the farm

DNR Actions:

- a. Sampling of wild deer (and other species) from area of farm (road kill, Fall hunter harvest)

ISSUES:

- a. There are currently severe limitations on DNR resources available for wild deer sampling.
- b. The confirmatory culture results can take 6-12 weeks; in many cases, it would be better for the DNR to start wild deer sampling sooner than this.
- c. Even if there was recreational or supplemental feeding of wild deer on this farm, DNR could do nothing to stop it.

Scenario 2: A hunter harvests a deer with granulomatous lung lesions suggestive of TB.

What happens next is dependent on how the hunter and/or venison processor responds. Let's assume the hunter has read the DNR pamphlet "Keeping Wisconsin Deer Healthy" and recognizes that something is wrong with his deer, that it might be TB, and calls the local DNR office.

DNR Actions:

- a. DNR field staff acquire the carcass and submit it to DNR Wildlife Health who work with the Wisconsin Veterinary Diagnostic Laboratory (WVDL) to have samples submitted to the USDA NVS Laboratory for TB culture and to WVDL for testing for other diseases.
- b. DNR Wildlife Health informs DATCP of TB suspect deer.

If histopathology/special stains (within days) or culture (within 6-12 wks) suggest TB, an interagency (DNR, DATCP, USDA, DHFS) deer TB task force is immediately created. The goals of the task force are to determine the scope (prevalence) of the deer TB problem, and to reduce the likelihood of disease spread.

Interagency Deer TB Task Force Actions:

- a. Investigation: location where deer was shot, estimated deer density in area, possible contacts with livestock (cattle, cervids, etc.), local feeding/baiting activity, etc.
- b. Rapid harvesting and sampling of a large number of deer in the immediate area for TB
- c. Intensified monitoring for deer TB in entire state over the next 5-10 years
- d. TB testing for cattle/cervid farms in immediate area
- e. Re-evaluation (increasing) of harvest quotas for this area for subsequent hunting season(s)
- f. Public outreach campaign, especially to hunters and livestock producers

ISSUES:

- a. The investigation, testing, and management of wild deer and livestock necessary in response to this scenario will be extremely costly to all agencies involved.
- b. There is currently no statutory authority to discontinue baiting and feeding in the affected area if this scenario occurred.

Scenario 3: TB is diagnosed in a slaughtered elk from a captive elk and deer herd. DNR records show there have been several escaped animals from this herd over the last 3 years.

DATCP Actions:

Following the DATCP SOP for management of cervid TB, follow-up actions would include:

- a. Quarantine of entire elk/deer herd.
- b. DNR would be notified when cultures confirmed the diagnosis of TB.
- c. Testing of all other animals in the herd; slaughter and culture of reactors (The animals that cannot be handled for testing – frequently the case for farmed deer species and white-tailed deer – would be shot and slaughter-tested.)
- d. Development of a management plan for the rest of the herd, usually depopulation.
- e. Trace-back and trace-forward: investigation to identify possible sources of the TB and to identify shipped animals that could have been exposed.

DNR Actions:

- a. Elk/deer farm fence inspection (with Township officials), and investigation into possibility of recent or current escaped elk/deer. (If escaped animals are identified, the DNR Escaped Cervid Policy (in draft) stipulates immediate location and destruction of the escapees.)
- b. Sampling of wild deer in area (road kill, etc.)
- c. Intensified sampling of wild deer in the general area during subsequent hunting season(s)

ISSUES:

- a. The same concerns, expressed in Scenario #1, with currently inadequate resources for the necessary wild deer sampling, and lack of statutory authority to limit any baiting/feeding that might be occurring in the vicinity of the TB-infected cervid herd.
- b. Enforcement of adequate fencing (to keep captive cervids in and wild deer out) is currently the responsibility of the township. When deer/elk escape, the DNR has authority to seize and destroy them, but the exercise of this authority has been inconsistent. This system of fencing regulation is not working well to prevent disease spread across the captive/wild interface.

Appendix 5. Wisconsin Escaped Cervidae Policy

December, 2000

ESCAPED CAPTIVE CERVIDAE POLICY

Issues:

1. Reporting of a known escape
2. Assessing disease risk to wild deer populations, and risk of establishment of a feral population
3. Making decision to destroy or monitor escaped captive cervidae
4. Shooting and authorizing others to shoot
5. Accessing private lands

Background:

Farm Raised Deer Farms are registered by DATCP but once the cervidae escape DATCP only assists with evaluating the disease status and leaves it up to the DNR to deal with the escaped animals. Fences for farm raised deer are not inspected prior to registration and any subsequent problems with the fences is regulated under chapter 90 of the state statutes and is the responsibility of the township chairmen and the township fence committee

The Department's legal authority:

29.875 Disposal of escaped deer.

(1) The department may seize and dispose of or may authorize the disposal of any deer that has escaped from land licensed under 29.867 or 29.871 or owned by a person registered under 95.55 if the escaped deer has traveled more than 3 miles from the land or if the licensee or person has not had the deer returned to the land within 72 hours of the discovery of the escape.

(2) Notwithstanding sub(1), the department may dispose of the deer immediately if the department of agriculture, trade and consumer protection determines that the deer poses a risk to public safety or to the health of other domestic or wild animals.

Reporting of known escapes:

Wildlife Managers and Conservation Wardens should notify the DNR Wildlife Veterinarian or the Chief, Special Operations of all reported sightings of escaped captive cervids. Species, number of animals, location and potential source of the escaped animals should be reported as soon as possible.

Assessing disease risk to wild white-tailed deer populations:

If the source of the escaped captive cervid(s) is known the Wildlife Veterinarian will contact the DATCP Animal Health Division to determine the health testing history and health status of the escaped Farm Raised cervid(s).

Assignment of a Disease Risk Factor:

- If the source of the escaped captive cervid(s) is unknown or there is no record of health testing for the source herd, the risk factor will be designated as high.
- If the escaped captive cervid is from a slaughter surveillance herd the risk factor will be designated as medium.
- If the escaped captive cervid is from a certified herd the risk factor will be designated as low.
- The DNR Wildlife Veterinarian will consider all extenuating circumstances and modify the risk factor accordingly.

Assessing the risk of establishment of a **hybrid or** feral exotic cervid population:

If the species and number of escaped cervids make the establishment of a **hybrid or** feral population possible, the overall risk factor will be designated as high, no matter what the disease risk factor may be.

Making a decision to destroy or monitor the escaped cervids:

The Wildlife Veterinarian, Regional Wildlife Expert, Wildlife Manager, Local Warden, Regional Warden Supervisor, and Chief of Special Operations will work together to evaluate the situation and determine what action should be taken by the department. The department has statutory authority to destroy deer if the escaped deer have traveled more than 3 miles from the land or if the licensee or person has not had the deer returned to the land within 72 hours of the discovery of the escape.

- Only low risk factor animals will be placed in a monitor only status.
- With medium risk factor animals a time period may be assigned to allow the owner to capture the escaped animals as long as the escaped deer are staying within three miles of the fenced enclosure and capture is possible within a reasonable period of time not to exceed four weeks.
- For high risk animals, a destroy plan will be designed and implementation will begin as soon as possible.

Shooting and or authorizing others to shoot/Access to private land:

A number of options are available to the Department after a determination has been made to destroy the cervids:

- Use department personnel to actively pursue and destroy the escaped cervids. Department personnel should get permission from the landowner before pursuing any escaped captive deer on private property. For high risk factor animals Department personnel can trespass onto private land but only after meeting the requirements of s. 29.924 (5).
- Authorize adjacent landowners and others to destroy escaped captive cervidae. Authorized persons should be given a letter of authorization from the Department. Authorized persons must have permission from a landowner before pursuing any escaped captive deer.

29.924 (5) Access to private land

The department may, after making reasonable efforts to notify the owner or occupant, enter private lands to retrieve or diagnose dead or diseased wild animals and take actions reasonably necessary to prevent the spread of contagious disease in the wild animals.