

CWD Stakeholder Group

CAPTIVE NON-DOMESTIC MAMMAL PROGRAM (CERVIDS)

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AIB Authority on Captive Non-Domestic Mammals

SOUTH DAKOTA LAW

40-3-25. PROMULGATION OF RULES FOR BRINGING NONDOMESTIC MAMMALS INTO STATE.

THE ANIMAL INDUSTRY BOARD SHALL PROMULGATE RULES PURSUANT TO CHAPTER 1-26 TO ALLOW TO BE BROUGHT INTO THE STATE ANY NONDOMESTIC MAMMALS WHICH THE BOARD DETERMINES WOULD BE SAFE TO THE PUBLIC AND TO THE FREE-ROAMING ANIMALS OF THE STATE. BEFORE SUCH RULES MAY BE ADOPTED, THE ANIMAL INDUSTRY BOARD SHALL CONSULT WITH THE GAME, FISH AND PARKS COMMISSION.

SOURCE: SL 1993, CH 311, § 3

AIB Authority on Captive Non-Domestic Mammals

40-3-24. CERTAIN NONDOMESTIC MAMMALS NOT ALLOWED--
VIOLATION AS MISDEMEANOR.

NO PERSON MAY BRING INTO THE STATE OR POSSESS IN THE STATE ANY NONDOMESTIC MAMMAL UNLESS THE MAMMAL IS ALLOWED IN THE STATE PURSUANT TO § 40-3-25. THIS SECTION IS EFFECTIVE ON THE DATE THE RULES PROMULGATED PURSUANT TO § 40-3-25 ARE EFFECTIVE. ANY VIOLATION OF THIS SECTION IS A CLASS 2 MISDEMEANOR.

SOURCE: SL 1993, CH 311, § 2.

AIB Authority on Captive Non-Domestic Mammals

40-3-26. RULES REGULATING BREEDING, RAISING, MARKETING, AND TRANSPORTATION OF CERTAIN CAPTIVE NONDOMESTIC ANIMALS.

THE ANIMAL INDUSTRY BOARD SHALL, BY RULES PROMULGATED PURSUANT TO CHAPTER 1-26, REGULATE THE BREEDING, RAISING, MARKETING, AND TRANSPORTATION OF ANY CAPTIVE NONDOMESTIC ANIMAL OF THE MAMMALIA CLASS AND THE PRODUCTS THEREOF WHICH IS ALLOWED IN THE STATE PURSUANT TO § 40-3-25. THE RULES MAY PROVIDE THE FOLLOWING:

- (1) REQUIRE A PERMIT OF ANY PERSON POSSESSING SUCH ANIMALS;
- (2) PRESCRIBE THE APPLICATION PROCEDURES FOR A PERMIT;
- (3) REQUIRE A LEGAL DESCRIPTION OF THE PREMISES WHERE SUCH ANIMALS ARE HELD;
- (4) REQUIRE AN INVENTORY OF SUCH ANIMALS AT THE TIME OF APPLICATION AND REQUIRE REPORTS TO PROVIDE FOR THE CONTINUAL ACCOUNTING OF SUCH ANIMALS AND THEIR OFFSPRING;

AIB Authority on Captive Non-Domestic Mammals

40-3-26. RULES REGULATING BREEDING, RAISING, MARKETING, AND TRANSPORTATION OF CERTAIN CAPTIVE NONDOMESTIC ANIMALS. (CONTINUED)

- (5) REQUIRE THE MARKING OF SUCH ANIMALS FOR IDENTIFICATION PURPOSES;
- (6) REQUIRE FACILITIES AND PROCEDURES TO ENSURE SUCH ANIMALS TO BE CONFINED FROM FREE-ROAMING ANIMALS;
- (7) ESTABLISH FACILITY REQUIREMENTS AND PROCEDURES FOR IDENTIFICATION AND INSPECTION OF SUCH ANIMALS BY THE BOARD;
- (8) ESTABLISH THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A PERMIT AND FOR THE SEIZURE AND DISPOSITION OF ANY UNLAWFULLY HELD ANIMAL;
AND
- (9) ESTABLISH A FEE FOR A PERMIT WHICH MAY NOT EXCEED ONE HUNDRED DOLLARS.

SOURCE: SL 1993, CH 311, § 4

AIB Authority on Captive Non-Domestic Mammals

12:68:18:03. PERMIT REQUIRED. A PERMIT FROM THE BOARD IS REQUIRED TO IMPORT NONDOMESTIC ANIMALS. IN ADDITION, A PERMIT AS DESCRIBED IN § 12:68:18:03.03 IS REQUIRED TO POSSESS IN SOUTH DAKOTA ANY NONDOMESTIC MAMMAL, OR ANY OF ITS HYBRIDS, LISTED IN THIS SECTION:

(1) OF THE ORDER CARNIVORA, ALL NONDOMESTIC MEMBERS OF THE FOLLOWING FAMILIES:

- (A) FELIDAE;
- (B) CANIDAE;
- (C) URSIDAE;
- (D) MUSTELIDAE; AND
- (E) HYAENIDAE;

(2) OF THE ORDER ARTIODACTYLA, ALL NONDOMESTIC MEMBERS

(3) OF THE ORDER PERISSODACTYLA, ALL NONDOMESTIC MEMBERS OF THE FOLLOWING FAMILIES:

- (A) TAPIRIDAE; AND
- (B) RHINOCEROTIDAE; AND

(4) OF THE ORDER PROBOSCIDEA, ALL MEMBERS OF THE FOLLOWING FAMILIES:

- (A) AFRICAN ELEPHANT; AND
- (B) ASIAN ELEPHANT; AND

(5) OF THE ORDER PRIMATES.

SOURCE: 10 SDR 61, EFFECTIVE DECEMBER 18, 1983; 12 SDR 128, 12 SDR 154, EFFECTIVE JULY 1, 1986; 16 SDR 40, EFFECTIVE SEPTEMBER 3, 1989; 18 SDR 55, EFFECTIVE SEPTEMBER 23, 1991; 20 SDR 96, EFFECTIVE DECEMBER 31, 1993; 27 SDR 96, EFFECTIVE APRIL 1, 2001; 34 SDR 100, EFFECTIVE OCTOBER 22, 2007.

AIB Authority on Captive Non-Domestic Mammals

12:68:18:03.03. TYPES OF PERMITS -- FEES. THE BOARD SHALL ISSUE THE FOLLOWING PERMITS TO PERSONS WHO MEET THE REQUIREMENTS OF THIS CHAPTER AND PAY THE REQUIRED FEE:

(1) **ENTRY PERMIT (NO FEE)** - A PERMIT ALLOWING IMPORTATION OF CAPTIVE NONDOMESTIC ANIMALS INTO SOUTH DAKOTA WHICH MAY BE GRANTED BY TELEPHONE;

(2) **TEMPORARY PERMIT (\$10)** - A PERMIT ISSUED TO AN INDIVIDUAL TO POSSESS FOR NOT MORE THAN 14 DAYS A CAPTIVE NONDOMESTIC MAMMAL SPECIFICALLY PROHIBITED IN § 12:68:18:03.01 OR RESTRICTED IN § 12:68:18:03.02;

(3) **DEALER AUCTION PERMIT (\$100)** - AN ANNUAL PERMIT ISSUED TO AN INDIVIDUAL OR A GROUP SOLELY FOR THE PURPOSE OF BROKERING, LEASING, PURCHASING, OR SELLING MAMMALS LISTED IN THIS CHAPTER WHETHER OR NOT A FEE OR OTHER COMPENSATION IS CHARGED FOR SUCH SERVICES;

(4) **POSSESSION PERMIT (\$10 AN ANIMAL TO A MAXIMUM OF \$100)** - A PERMIT ISSUED FOR THE POSSESSION OF MAMMALS LISTED IN THIS CHAPTER FOR ANY REASON OTHER THAN THE CONDITIONS DESCRIBED IN SUBDIVISIONS (2), (3), AND (4) OF THIS SECTION;

(5) **ZOO PERMIT (\$10 AN ANIMAL TO A MAXIMUM OF \$100)** - A PERMIT ISSUED TO NONPROFIT EXHIBITORS OF NONDOMESTIC MAMMALS. A ZOO PERMIT ALLOWS THE POSSESSION OF ANY CLASS OF NONDOMESTIC MAMMALS. THE BOARD MAY APPROVE THE PERMIT IF IT DETERMINES THAT FACILITIES ARE ADEQUATE FOR CONFINEMENT.

SOURCE: 20 SDR 96, EFFECTIVE DECEMBER 31, 1993; 44 SDR 47, EFFECTIVE SEPTEMBER 18, 2017.

GENERAL AUTHORITY: SDCL 40-3-14, 40-3-25, 40-3-26, 40-5-8.6.

LAW IMPLEMENTED: SDCL 40-3-24 TO 40-3-26.



CWD PROGRAM IN CAPTIVE CERVIDS

- 1996—CWD in captive Canadian elk
 - SD origin calf-moved in 1989 as 4-6 month old
 - Offspring of Colorado female acquired in the 80's (area without CWD history)
 - SD Herd never tested positive, no trace link to positive
- 1997—CWD first identified in South Dakota Captive Cervid Herd
- 1998—CWD Surveillance Program started in the State (Mandatory Surveillance)
- 1999-2000—National CWD Surveillance Program modeled after SD program

CWD PROGRAM IN CAPTIVE CERVIDS

- 2003—Federal Proposed Rule
 - 2006—Final rule released—effective date was immediately delayed
 - 2009—Federal Rule amended
 - 2012—Federal CWD Rule moved surveillance to voluntary (SD followed suit)
 - November 16, 2012—SD first state to have CWD program approved by USDA.
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CWD PROGRAM IN CAPTIVE CERVIDS

SD Captive Cervid Herds diagnosed with CWD

7 herds between 1997 and 2002.

590 elk total

123 positive

21% total (range of 1.5—38%)

CWD PROGRAM IN CAPTIVE CERVIDS

CWD Testing

2005	534
2006	498
2007	544
2008	781
2009	372
2010	464
2011	381
2012	209

CWD Testing

2013	71
2014	72
2015	68
2016	78
2017	68
2018	69

6600+ negative CWD tests since last positive animal was found in SD Captive herd

CWD PROGRAM IN CAPTIVE CERVIDS

2000

- 77 elk/deer permitted facilities
- 2572 animals

2012

- 40 elk/deer permitted facilities
- 3629 animals

2018

- 45 elk/deer permitted facilities
 - 2272 animals
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CWD PROGRAM IN CAPTIVE CERVIDS

28 states now have an Approved State CWD Herd Certification Program

Each state submits an annual report to USDA/APHIS to be re-approved

- Inventory Control
 - Total mortalities and test results
 - Assure states are inspecting facilities annually
 - States are controlling movements from any herd which has tested positive in their state
 - States are doing investigations and tracing of any herd which has a positive animal or involved in a trace
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CWD PROGRAM IN CAPTIVE CERVIDS

- Since Dec 2016, 26 herds in the US have found a CWD positive animal.
 - Wisconsin 10 herds
 - Pennsylvania 6 herds
 - Minnesota 3 herds
 - Michigan 2 herds
 - Texas, Iowa, Ohio, Illinois, Colorado
 - 14 of the 26 herds have been depopulated
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QUESTIONS

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