

VERMONT RULES GOVERNING CAPTIVE CERVIDAE

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SECTION I SOURCES OF INFORMATION AND ASSISTANCE

Information and assistance in understanding these rules may be obtained by writing the Office of the State Veterinarian, Agency of Agriculture, Food, and Markets, 116 State Street, Drawer 20, Montpelier, VT 05620-2901; by telephoning the office at 802-828-2421, Monday through Friday, 7:45 am to 4:30 pm.; by fax: 802-828-5983; or by email (animal.health@agr.state.vt.us).

SECTION II DEFINITIONS

1. **"Agency"** means the Vermont Agency of Agriculture, Food, and Markets.
2. **"Antlers in velvet"** means antlers in the growing stage that are covered with viable skin and are sensitive to touch.
3. **"Captive"** means cervids that are privately or publicly maintained or held for economic or other purposes within a perimeter fence or confined space.
4. **"Cervid", "Cervidae" and "deer"** means any member of the cervidae family, excluding white-tailed deer and moose (6 VSA, Chapter 102, §1151).
5. **"Chronic wasting disease" ("CWD")** means a transmissible spongiform encephalopathy (TSE) of cervids.
6. **"Clinical CWD suspect cervids"** means an animal that is displaying clinical signs consistent with chronic wasting disease (i.e., neurological signs and emaciation).
7. **"Commingling"** means cervids that have direct contact with each other or have less than thirty (30) feet of physical separation or that share management equipment and/or pasture. Cervids are considered to have commingled if they have had such contact within the last five years.
8. **"CWD certified herd"** means a herd that has successfully completed five years of participation in the CWD Certified Herd Program.
9. **"CWD Certified Herd Program"** means a program of surveillance, monitoring, testing and related actions designed to provide a chronic wasting disease status to captive susceptible cervid herds.
10. **"CWD exposed cervid"** means a cervid that is, or has been part of a CWD positive herd within five years.
11. **"CWD exposed herd"** means a herd in which a CWD positive or exposed cervid has resided within five years prior to the diagnosis of CWD in said cervid.
12. **"CWD herd plan"** means a written herd management agreement developed by the herd owner, State veterinarians, and others, and that has been approved by

the respective Federal, State, and Tribal officials. A herd plan sets out the steps to be taken to eradicate CWD in a CWD positive, exposed, or suspect herd.

13. **"CWD herd status"** means the level of participation achieved in the CWD Certified Herd Program. The herd status reflects the number of years of successful participation in the CWD Certified Herd Program without evidence of the disease or reflects specific evidence with the disease (such as CWD positive, exposed or suspect herd).
14. **"CWD infected zone"** means a defined geographic area, irrespective of state boundaries, in which CWD is present, whether in wild or captive cervids. These zones will be established by State and USDA/APHIS officials, using established scientific and epidemiologic evidence.
15. **"CWD monitored herd"** means a program of surveillance, monitoring, testing and related actions designed to identify CWD infection in special purpose CWD susceptible cervid herds.
16. **"CWD negative cervid"** means a cervid that has had an official CWD test conducted by a laboratory certified by USDA/APHIS that resulted in a "not detected" or negative classification.
17. **"CWD positive cervid"** means a cervid that has had a diagnosis of CWD confirmed by means of an official CWD test conducted by a laboratory certified by USDA/APHIS.
18. **"CWD positive herd"** means a herd in which a CWD positive cervid resided at the time it was diagnosed and which has not been depopulated or released from quarantine.
19. **"CWD premises plan"** means the section of a herd plan which outlines the actions to be taken with regard to possible environmental contamination of the premise due to a CWD positive or exposed herd.
20. **"CWD susceptible cervid"** means any captive cervid of the family Cervidae, or any other family or genera when published, scientific evidence shows susceptibility. Fallow deer (*Cervus dama*) are excluded until susceptibility evidence is discovered.
21. **"CWD suspect cervid"** means a cervid for which inconclusive laboratory evidence suggests a diagnosis of CWD.
22. **"CWD suspect herd"** means a herd in which one or more CWD suspect cervids are present.
23. **"Enrollment date"** means the day, month and year in which the State officially enrolls an owner's herd in the CWD certification program.

24. **"Escape-proof"** means so constructed that the cervidae will remain confined under all circumstances, except when natural catastrophe or other incidents occur over which the owner or the owner's agent has no control.
25. **"Herd"** means one or more cervids that are under common ownership or supervision and are grouped on one or more parts of any single premises (lot, farm or ranch), and all cervids under common ownership or supervision on two or more premises which are geographically separated but on which cervids have been commingled or had direct or indirect contact with one another.
26. **"Herd inventory"** means an official list of all of the cervids belonging to a herd, including verification of the official or approved cervid identifications.
27. **"NAIS"** means national animal identification system. This is a national program outlining standard operating procedures in animal identification.
28. **"Official identification"** means a form of identification approved by the Agency.
29. **"Official test"** means a diagnostic CWD test approved by USDA/APHIS.
30. **"Owner"** means an individual, partnership, company, corporation or other legal entity that has legal title to an animal or herd of animals.
31. **"Premises"** means the ground, area, buildings, water sources and equipment commonly shared by a herd of animals.
32. **"Prohibited feed"** means the feeding of ruminant protein to ruminants as regulated by the Food and Drug Administration (FDA) in 21 CFR, Part 589. Deer are ruminants.
33. **"Quarantine"** means an order issued by a State or Federal official prohibiting the movement of animals to and from a designated premise.
34. **"RFID"** means radio frequency identification as approved by the Agency in accordance with technology standards set forth in NAIS.
35. **"Special purpose herd"** means a captive herd managed and maintained in such a manner that no live cervid is removed, or allowed to be removed, from the designated premises.
36. **"State animal health official"** means the official of a state or country responsible for livestock and poultry disease control and eradication programs.
37. **"Status date"** means the day, month and year on which the respective State official approves a change in the status of a herd in regard to CWD.

38. **"Suitable facilities"** means facilities specially built to confine cervidae and to enable disease testing procedures to be performed on cervidae in a safe and humane manner.
39. **"Test eligible cervid"** means a CWD susceptible cervid that is greater than 16 months of age. As knowledge gaps are bridged with CWD scientific discovery, the age requirement for testing may change.
40. **"USDA/APHIS"** means the United States Department of Agriculture Animal and Plant Health Inspection Service.

SECTION III **GENERAL INFORMATION**

1. **Applicability.** The requirements of this Part apply to all captive cervid operations.
2. **Mandatory reporting.** Any person having knowledge of a suspected or confirmed case of reportable contagious disease in captive cervids shall report the event to the Agency immediately.
3. **Movement of captive cervids.** No person shall import, move, or hold captive cervids into or within Vermont except in compliance with the requirements of this part. A valid certificate of veterinary inspection shall accompany all cervids imported into Vermont, with the exception of those moving directly to slaughter. In addition, no person shall import or move captive cervids into the State, or within the State, for any purpose, including slaughter and transit through Vermont, unless a permit authorizing such movement has been obtained from the Agency prior to such movement. An application for a permit may be obtained by calling the Agency during normal business hours. A permit shall identify the source and destination of the shipment, the number of animals involved, and the official individual identification of each cervid in the shipment, and shall accompany the cervids imported or moved into or within the State. Except for cervids moving directly to slaughter, permits shall be issued only for captive cervids that meet the Vermont animal importation health requirements for captive cervids (Rule 98-74).

Nothing in these rules shall restrict the respective authority of the Secretary of Agriculture, Food and Markets or the Commissioner of Fish and Wildlife to prohibit the importation of cervids into Vermont under 6 VSA §1152 (c) and §1461 (a), or 10 VSA §§ 4132, 4709 (a), 4714 (a), respectively.

4. **Enforcement.** Violations of the provisions of this Part are subject to the enforcement actions authorized by the Agency (6 VSA, chapter 102, §1163 and §1164).
5. **Fencing, Facility, and Transportation.** All captive cervid operations shall have proper fencing and restraining facilities as defined in Section X of these rules.

This includes chutes, gates and corrals to capture and restrain cervids for diagnostic testing and inventory purposes, where appropriate. Capture and restraint of captive cervids shall be the responsibility of the owner. All captive cervid operations and all cervid slaughter facilities shall provide appropriate refrigeration and storage facilities to contain and preserve CWD samples obtained from harvested, slaughtered, and/or dead cervids for at least seventy-two hours following notification of death, as required by the CWD monitored herd program. Captive cervid operations established prior to the effective date of this Part are required to meet the facility standards of Section X by 1 January 2006.

6. **Premises inspection.** All captive cervid perimeter fencing and facilities shall be inspected and approved by an Agency representative. The initial inspection shall be conducted prior to the addition of any cervids. Cervids may not be added to the premises prior to inspection and approval. Captive cervid herds established prior to the effective date of this Part are required to meet the fencing and facility standards of Section X by 1 January 2006. Fencing and facilities shall be subject to inspection by Agency officials thereafter.
7. **Record keeping.** Accurate records documenting purchases, sales, interstate shipments, intrastate shipments, escaped cervids and deaths (including harvested cervids) shall be established and maintained for at least 72 months (6 years) for all captive CWD cervid operations. Documentation shall be made available to Agency regulatory officials upon request. Information provided in the records shall include, but not limited to, where animal originated, travel (sale) history, individual animal identification, carcass and sample identification numbers, sex, species, and age. In addition, the owners of all CWD cervid herds shall establish and maintain accurate records that document the results of the annual herd inventory. These records shall be maintained for six years.
8. **Feeding.** The feeding of ruminant protein to cervids is strictly prohibited. All captive cervid operations are forbidden from feeding prohibited feed ingredients. The storage of prohibited feed in the same area as allowable feed is also prohibited. Feeding practices will be reviewed during the periodic fencing inspections, or as necessary.
9. **Herd integrity.** Separate herd inventories, biosecurity, records, working facilities, watering facilities, equipment, and land use shall be maintained for each distinct herd for which an individual CWD status is sought or between separate premises, irrespective of ownership. No commingling of animals shall occur between distinct herds with individual disease status unless program movement requirements for herd status are met. Movement of animals between such herds shall be recorded as if they were separately owned herds.
10. **Sample collection and testing.** Only individuals authorized by the Agency who have passed State or USDA approved sample collection training may collect and submit samples to support CWD program requirements. Testing shall be done in an approved laboratory by an official test.

11. **Premises location.** All captive cervid locations shall be identified by detailed location descriptions, including county, township, street address and directions from the nearest public road. Each premise will be allocated a unique registration number following NAIS standards.

SECTION IV **SPECIAL PROVISIONS FOR CAPTIVE CERVIDS SUSCEPTIBLE TO CHRONIC WASTING DISEASE**

1. **Applicability.** In addition to the general information in Section III, the requirements of this section apply to all captive cervid operations harboring any CWD susceptible captive cervid. Fallow deer (*Cervus dama*) are excluded until susceptibility evidence is discovered. A voluntary CWD surveillance program for non-susceptible cervid species may be developed by the Agency.
2. **Importation.** Except as provided herein, CWD susceptible cervids shall be approved for importation only if they are moved from a CWD certified herd and the state of origin has adopted mandatory reporting and quarantine requirements equivalent to those set forth in this Part. Importation of CWD susceptible cervids from a CWD infected zone is prohibited. Importation of CWD susceptible cervids into the State from any herd located within a CWD infected zone is prohibited.
3. **Prohibition.** No person shall hold CWD susceptible cervids in captivity in Vermont unless they are enrolled in the CWD Certified Herd Program or enrolled in the CWD Monitored Herd Program. Application for enrollment of existing herds in the CWD Certified Herd Program and CWD Monitored Herd Program shall take place within thirty days of the effective date of this Part.
4. **Carcass Retention - Inspected.** All test eligible cervids, presented for Vermont's meat inspection brand, will be tested for CWD and shall not enter commercial food channels or be donated for charity or public consumption until a negative test has been returned.
5. **Carcass Retention.** Except as provided for in paragraph 4 above, the Secretary may, in consultation with the Commissioner of Health, require that no captive cervid owner shall allow any meat from any cervid slaughtered at any premise or establishment to enter any private or public human food channel until the owner has been notified by the agency that the agency has received a negative CWD test for the slaughtered cervid when the Secretary in his or her judgment determines that the public health and welfare so requires.

SECTION V **CWD CERTIFIED HERD PROGRAM**

1. **Applicability.** CWD herd status is required for all captive CWD susceptible cervid operations engaged in breeding and/or the sale or removal of live cervids from the premises for any purposes. CWD certified herd status shall be granted to captive CWD susceptible cervid herds that enroll and comply with all program standards and maintain that status for sixty months. A CWD herd status shall be granted to herds enrolled in the CWD herd certification program for less than sixty months, but which otherwise meet the requirements of a CWD certified free herd.
2. **Establishment of a CWD herd status.** CWD herd status shall be based on the date of official enrollment in the program. Herds properly enrolled and satisfactorily participating in the CWD Certified Herd Program shall receive a status designation based upon the number of months of successful participation. A herd with fewer than twelve months of satisfactory participation shall be designated a First Year Status Herd. If the herd continues to meet the requirements of the CWD Certified Herd Program, each year, upon review of the report of the annual herd inventory, and on or after the anniversary of the enrollment date, the herd status will be upgraded by one year; i.e., Second Year Status, Third Year Status, Fourth Year Status and Fifth Year Status. Herds currently participating in Vermont's voluntary CWD certification program will be grandfathered into this CWD certified program at their current status in the voluntary program, providing they meet the requirements of this Part.
3. **CWD Certified Herd Program Requirements.** Herds enrolled in the CWD Certified Herd Program shall meet the following requirements:

(a) Sampling and testing.

All deaths of test eligible cervids, regardless of cause shall be tested. As the scientific community fills current knowledge gaps associated with CWD, the age requirement for testing may change.

- (i) CWD samples from all natural deaths of CWD test eligible cervids shall be submitted and tested.
- (ii) CWD samples from all slaughter and/or harvested CWD test eligible cervids shall be submitted and tested.

Animals presented for slaughter will be subjected to the governing authority's rule and policy with regards to inspection. Test eligible cervids, presented for Vermont's mark of inspection, will be retained pending official test results. Carcasses from the same premises can be processed and stored separately or together while retained.

- (iii) CWD samples from all clinical CWD suspect cervids shall be submitted and tested, regardless of species or age.

(b) Animal identification

As of the first annual inventory after the effective date of this Part, each herd member and herd addition shall have a minimum of two official/approved unique identifiers. At least one of these identification systems shall include visible identification and at least one shall include RFID, as set forth in NAIS.

(c) Annual physical herd inventory

A physical herd inventory shall be conducted between ninety days prior to and ninety days following the annual anniversary date established based upon the CWD Certified Herd Program enrollment date. All cervids shall either be present or accounted for on the annual inventory. Cervids that were killed or died during the course of the year shall be tested as provided in Section V (3) (a) of this Part.

A state official or designee shall validate the annual inventory. A report of the validated annual inventory containing all man-made identification of each animal will be promptly submitted to the Agency. Discrepancy at the annual inventory may result in a loss of status by at least one year.

The Agency will maintain in the National CWD Database or in a State database all of the premise information and individual animal information.

4. **Additions to CWD Certified Herd Program Herds.**

(a) Equivalent or higher CWD herd status additions

Vermont origin herd additions shall be permitted if the additions originate from a herd enrolled in and in good standing with a CWD Certified Herd Program and which has equal or greater CWD herd status.

Out of state additions shall be permitted only from CWD certified herds. The CWD Certified Herd Program for herds existing outside Vermont must be equal or equivalent to the Vermont CWD Certified Herd Program. However, the movement of CWD susceptible cervids is prohibited from any herd located within a CWD infected zone.

No change in CWD herd status will result from qualified additions.

(b) Herd additions originating from lower CWD status herds

Herd additions originating from non-status CWD herds are not permitted.

Additions originating from lower CWD status herds will result in the importing herd's reduction in CWD status to the same level as the addition.

SECTION VI **CWD MONITORED HERD**

Captive cervid herds consisting of one or more CWD susceptible cervid shall participate in the CWD Monitored Herd Program if they are not participating in the CWD Certified Herd Program and are considered special purpose herds. No live cervid sales or movements may be made from CWD Monitored Herds. Live cervids may not be removed from the premises of a CWD Monitored Herd, unless under special permit from the secretary of agriculture.

1. **CWD Monitored Herd requirements.** Herds enrolled in the CWD Monitored Herd Program shall meet the following requirements.
 - (a) Sampling and testing
 - (i) Submit for testing all discovered natural deaths of CWD test eligible cervids;
 - (ii) Submit for testing all clinical CWD suspect cervids; and
 - (iii) Submit for testing all test eligible cervids slaughtered on farm.
 - (b) Additions to CWD Monitored Herds
 - (i) Movement of CWD susceptible cervids is prohibited from any herd located within a CWD infected zone.
 - (ii) Vermont Source Additions. During the first year following the effective date of this Part, additions to CWD Monitored Herds may be made only if such additions originate from Vermont herds that have achieved CWD First Year Status Herd or higher status. During the second and third years following the effective date of this Part, additions to CWD Monitored Herds may be made only if such additions originate from Vermont herds that have achieved CWD Second Year Status Herd or higher status. During the fourth and fifth years following the effective date of this Part, additions to CWD Monitored Herds may be made only if such additions originate from Vermont herds that have achieved CWD Fourth Year Status Herd or higher status. During the sixth and subsequent years following the effective date of this Part, additions to CWD Monitored Herds will be permitted if they originate from herds that have achieved CWD Certified Herd status.

- (iii) Imported Source Additions. Imported herd additions to Vermont CWD Monitored Herds may enter Vermont only if the source herd is a CWD certified herd, and the State's CWD program is equivalent to Vermont's.

All imports must meet requirements set forth in Section III of these rules.

(c) Animal Identification

- (i) As of the first annual inventory after the effective date of this Part, each herd member and herd addition shall have a minimum of two official/approved unique identifiers. At least one of these identification systems shall include visible identification and at least one shall include RFID, as set forth in NAIS.

For those cervid operations engaged in hunting, as defined in 10 VSA, exception to the visible identification may be made after the secretary of agriculture approves a written identification plan generated by the owner. This plan will include methods of identification that can satisfy the requirements set forth in 6 VSA, Chapter 102, §1153. Without this approved plan filed with the Agency, these operations will be subject to the requirements of this part.

- (ii) Carcass and sample identification tags, provided by the State of Vermont, shall be affixed to all unidentified harvested captive cervids, natural deaths, and clinical suspects. Tag numbers shall be entered into the CWD Monitored Herd record along with the corresponding information that identifies the disposition of the carcass.

SECTION VII **APPROVED CWD SUSCEPTIBLE CERVID SLAUGHTER FACILITY**

An approved CWD susceptible cervid slaughter facility shall comply with the following requirements. Any facility under the state or federal meat inspection program approved for exotic meat inspection is an approved slaughter facility.

1. Holding pens shall be constructed to prevent contact with captive or free-ranging cervid populations;
2. Sample retention and holding facilities shall be adequate to preserve and store appropriate diagnostic tissues for seventy-two hours post slaughter;
3. A CWD susceptible cervid offal disposal plan must be developed, approved by the Agency and implemented; and

4. The facility must be inspected and approved annually by the Agency.

SECTION VIII **IMPORTATION OF CAPTIVE CWD SUSCEPTIBLE CERVIDS FOR IMMEDIATE SLAUGHTER**

Captive CWD susceptible cervids originating from source herds in states with no known cases of CWD in the previous sixty months may be moved directly to slaughter at an approved CWD susceptible cervid slaughter facility within Vermont under the following conditions:

1. A permit authorizing movement has been obtained from the Agency prior to movement;
2. Movement is directly to an approved CWD susceptible cervid slaughter facility. The shipment, or any part thereof, may not be diverted to any other location than that designated as the destination on the movement permit;
3. Samples shall be obtained from ten percent or thirty; whichever is less, of each distinct lot, of CWD test eligible cervids;
4. Sampled carcasses will be handled according to meat inspection rule and policy;
4. Waste from all CWD susceptible cervids imported under this provision shall be disposed of in a manner consistent with the approved disposal plan; and
5. Cervids shall be slaughtered within six days of the date of movement as provided in the movement permit.

SECTION IX **MANAGEMENT OF CWD POSITIVE, EXPOSED, OR SUSPECT HERDS**

1. **Premises quarantine.** If a CWD positive, exposed, or suspect cervid is identified in a herd, the herd shall be subject to immediate quarantine by an Agency official. Epidemiologic investigations shall be initiated to determine possible sources and potential contacts. All contact premises shall be evaluated for CWD status. All herds epidemiologically linked to the positive herd shall be subject to quarantine and management as CWD exposed herds.
2. **Establishment of a CWD herd and premises plan.** CWD herd and premises plans shall be developed for any CWD positive, exposed or suspect herd. Such plans shall be developed by Agency officials, in conjunction with the herd owner, and shall be subject to final approval by the Agency. Such plans shall contain the following procedures for positive or trace herds, which shall be implemented within sixty days of CWD diagnosis.
 - (a) CWD positive herd

Captive cervid herds in which one or more of the cervids are classified as CWD positive shall be subject to:

- (i) Immediate depopulation of the whole herd; and
- (ii) Development of a CWD premises plan addressing possible environmental contamination and other long term considerations. A CWD premises plan shall include provisions for:
 - (a) Cleaning and disinfection;
 - (b) Future land use restrictions;
 - (c) Restocking constraints and timeframes; and
 - (d) Fencing requirements to prevent contact with and entrapment of native cervidae.

(b) CWD exposed or suspect herds

The Agency shall conduct a risk analysis of all CWD exposed or suspect herds. High risk herds shall be subject to depopulation. Lower risk herds shall be subject to quarantine under the following conditions:

- (i) Official herd quarantine. CWD exposed or suspect herds in which the risk is undeveloped or undefined shall remain under quarantine for sixty months. No off-premises sales or movement shall occur for the duration of the quarantine period. Discovery of any CWD infected cervid during the quarantine period shall result in conversion to CWD positive herd status.
- (ii) Elimination of high-risk cervids within the herd. Herds that have received herd additions from source herds subsequently found to be CWD infected shall have their CWD herd certification status suspended. The suspect herd additions shall be euthanized and appropriate samples shall be submitted for CWD testing. If there is no evidence of CWD following official testing, the herd status shall be restored. If the cervid is CWD positive, the herd shall be classified as a CWD positive herd and managed in accordance with this Part.
- (iii) Suspect or exposed herds may be depopulated by sending the cervids directly to slaughter, under permit from the Agency. All animals from these herds will be tested for CWD. Carcasses will be retained and may be released after a negative test is returned. If any animal becomes positive from this event, the herd and premises will be classified as positive.

3. **Special fencing requirements.** Perimeter fencing adequate to prevent fence line contact with captive and free-ranging cervids shall be established for all CWD positive, exposed, or suspect herds; and their respective premises. Fencing requirements and biosecurity provisions shall be specified in the herd and premises plan.
4. **Testing.** All cervids will be tested from depopulated CWD positive, exposed, or suspect herds.
5. **Disposal.** The carcasses of CWD positive cervids that are depopulated shall be disposed of in accordance with disposal plans approved by the Agency. Such plans shall be developed to prevent contamination of the environment and exposure of live cervids.

SECTION X **FENCING, FACILITY AND TRANSPORTATION REQUIREMENTS**

1. **Applicability.** All captive cervid operations shall have proper fencing and restraining facilities as defined in this Part. This includes chutes, gates, and corrals to capture and restrain the cervids for diagnostic testing and inventory purposes, where appropriate. Capture and restraint of captive cervids shall be the responsibility of the owner. All captive cervid operations and all cervid slaughter facilities shall provide appropriate refrigeration and storage facilities to contain and preserve CWD samples obtained from harvested, slaughtered, and/or dead cervids for at least seventy-two hours following notification of death, as required by the CWD monitored herd program. Captive cervid operations established prior to the effective date of this Part are required to meet the facility standards of Section IX by 1 January 2006.

Herds established prior to the effective date of these rules shall be deemed to be in compliance with this section of these rules if their current fencing has proven the ability to contain captive cervids and prevent inclusion of wild cervids. Any new fencing erected or repaired after the effective date of these rules on these existing establishments shall be in accordance to these rules.

2. **Authority.** This part is promulgated pursuant to 6 VSA, Chapter 102, §1153 (b).
3. **Fencing Requirements:**
 - (a) **General:** Cervidae must be contained within an escape-proof enclosure at all times except when used as work animals or for exhibition under conditions appropriate for the species involved.
 - (b) **Specifications:**
 - (1) Conventional or hi-tensile perimeter fences of which at least the bottom six (6) feet must be mesh (maximum mesh size shall be 12-1/2" X 7"). The overall height is to be a minimum of 8 ft.

- (2) Minimum wire gauges - 12 1/2 gauge - conventional fence, 14-1/2 gauge - woven hi-tensile.
 - (3) All perimeter gates providing access to animal holding facilities shall be kept secured when animals are present. Gate construction shall prevent escape of cervidae either by crawling under the gate or by jumping over the gate.
 - (4) Posts - four (4) inch minimum diameter, wood or equivalent (e.g., rust resistant steel), spaced no more than fifty (50) feet apart (60 foot spacing is allowed if there are at least two (2) steel posts between the wood posts). There shall be a post or stay (wood or steel) every 20 feet. Posts must be at least six (8) feet above ground level. Corners shall be braced wood or equivalent material.
 - (5) Perimeter fences constructed prior to enactment of these rules that have not proven effective in containing captive cervids or preventing the inclusion of wild cervids, have until January 1, 2006 to come into compliance.
- (c) Inspection: The secretary of agriculture, or designee, shall inspect the perimeter fence to ensure compliance with these rules.
- (d) Responsibility: The owner is responsible to ensure that their cervidae remain within the escape-proof enclosure.
- (e) Time requirements for capture of cervidae that escape from the enclosure:
- (1) The owner must notify the secretary within the next business day of learning that the cervidae have escaped.
 - (2) The owner has four days (96 hours) after discovery that cervidae have escaped from the enclosure to return the cervidae to the enclosure and repair the damage to the perimeter fence.
 - (3) For good cause shown, the secretary may grant additional time for recapture when a written request for extension of time is submitted.
- (f) Entrapment of wild cervids: All wild cervids which become entrapped within a perimeter fence containing domestic cervidae must be separated from the domestic cervidae promptly following discovery, when separation is available. The owner of the cervid herd must notify the Department of Fish and Wildlife within the next business day of the entrapment. The Department of Fish and Wildlife may take whatever steps under their authority are deemed necessary to remove and dispose of any entrapped wild cervid.

- (g) Penalties: Any owner that allows cervidae to remain outside the enclosure longer than permitted by the secretary shall be deemed in violation of these rules.
- 4. Testing Facilities for Disease Control: It is the owner's responsibility to present the cervidae for testing for control of contagious livestock disease upon request by the secretary, pursuant to 6 VSA, Chapter 102, §1154 (d). All owners must construct or maintain suitable facilities for restraining and testing cervidae. Failure to provide suitable facilities for restraint and testing of cervidae shall be deemed a violation of these rules.
- 5. Transportation of Cervidae:
 - (a) General: 13 VSA Chapter 8, subchapter 7, Transportation of Animals, apply to the transportation of cervidae.
 - (b) Cervidae with antlers not in velvet must be dehorned or:
 - (1) shall be separated from antlerless deer, or
 - (2) shall be so confined as to prevent injury to each other from the antlers.
- 6. Penalties. Any person who violates a provision of these rules is subject to Administrative Penalties, 6 V.S.A., §15, 16 & 17 and Civil Penalties, 6 V.S.A. §1164.