



# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

Senate Committee on Financial Institutions and Sporting Heritage  
SB 994- providing grants for double fencing of farm raised white-tailed deer  
February 21, 2024

Chairperson Stafsholt and Committee Members:

Thank you for the opportunity to testify in support of Senate Bill 994, regarding grants for double fencing of farm-raised white-tailed deer.

I know this is late in the session, but we introduced this bill because of the stories we heard from deer farmers across the state who are being forced to close due to no fault of their own. For many of them, these farms are their livelihood so it is devastating for these owners and their families.

If a deer farm wants to be able to move deer off the farm (other than to slaughter), they must participate in DATCP's chronic wasting disease herd status program. Under Wisconsin law, if at least two wild deer are found or killed within 5 miles of the farm and they test positive for CWD, the deer farm is given notice that they are suspended. In order to remain open they must enclose the herd by a "double protective barrier" within 90 days or their enrollment in the program will be revoked. A "double protective barrier" can include either a double fence or a single solid barrier.

There are nearly 250 registered deer farms in Wisconsin. If a farm is participating in the herd status program, they are required to allow DATCP staff to access the herd for testing and inspection. Additionally, all deer farms have requirements for testing their herd for CWD. The owners of these farms raise and provide great care for these animals because a healthy herd is what helps sustain the deer farm.

For these farmers, installing a double protective barrier can be very expensive. One farm that was recently suspended was given an estimate of \$90,000 for a fence. This farm had no cervids test positive on their farm, yet they were at risk of being shut down. This farmer, like I'm sure many of us, couldn't come up with \$90,000 in three months. His participation in the program was ultimately revoked. And to add insult to injury, we're not even sure if a double fence is effective in preventing the spread of CWD!

I recently submitted a proposal for a Legislative Council Study Committee on CWD. I think it's time we review our current regulations on combating CWD. If something isn't working then we need to identify new solutions that take into account better research than we had years ago. And while we do that, I think we need to stop punishing those who are good actors and care about the health of our deer herd.

Once again, thank you for holding a public hearing on this important piece of legislation. I am happy to answer any questions you may have.



## PATRICK TESTIN

### STATE SENATOR

DATE: February 21, 2024

RE: **Testimony on Senate Bill 994**

TO: The Senate Committee on Financial Institutions & Sporting Heritage

FROM: Senator Patrick Testin

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Thank you Chairman Stafsholt and members of the Financial Institutions and Sporting Heritage Committee for accepting my testimony on behalf of Senate Bill 994 (SB 994).

In Wisconsin, there are few animals more important than whitetail deer. Both in the wild and in farms, the animal is a crucial part of the state's identity, and its economic impact to the state is measured in the millions. That is why the spread of CWD is so frustrating. No business has been as punished by CWD rules and regulation as much as Wisconsin deer farms have, despite no evidence that they are the cause of, or are spreading the disease.

As you know, if a deer farm wants to stay in business, they have to participate in DATCP's chronic wasting disease herd status program. Unfortunately, that means if any wild deer within 5 miles is found to test positive for CWD, the farm must erect a double protective barrier, meaning either double fenced or a single solid barrier.

Double fencing is very expensive, and it does not magically stop CWD. CWD from the captive herd (very unlikely) can still spread to wild deer, and CWD from wild deer (somewhat more likely) could spread to farm-raised deer.

Imagine you run a small business, and although you have done nothing wrong, you are suddenly told you have to pay \$90,000 for a device that may or not help your business. But you have to pay this extra cost or your business is closed!

Penalizing small farms and good actors, and possibly closing them down isn't the answer to CWD. Use them as a resource and listen to their expertise. Don't force upon them a costly solution that they can't afford, and has no proven record of success.

Thank you for allowing me to submit my testimony and I hope you can join me in supporting SB 994.



## Senate Committee on Financial Institutions and Sporting Heritage

### *2023 Senate Bill 994*

### *Providing Grants for Double-Fencing of Farm-Raised White-Tailed Deer*

*February 21, 2024*

Good morning Chair Stafsholt and members of the Committee. My name is Erin Larson, and I am the Deer Herd Health Specialist for the Wisconsin Department of Natural Resources. With me today to help answer questions is Lt. Pete Dunn, Administrative Warden. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 994, related to providing grants for double-fencing of farm-raised white-tailed deer.

Senate Bill 994 would require the Department of Natural Resources (DNR) to provide a farm-raised white-tailed deer owner a grant in an amount equal to the cost of installing enhanced fencing if the DNR or the Department of Agriculture, Trade and Consumer Protection (DATCP) require a person to maintain a double perimeter fence, install a second perimeter fence, or install a solid perimeter fence.

The current farm-raised deer industry is co-managed by the DNR and DATCP. The current law structure, including regulatory authority over farm-raised white-tailed deer was transferred from the DNR to DATCP in 2003 as part of the state's captive wildlife law package. These official authority changes occurred shortly after the discovery of Chronic Wasting Disease (CWD) in both the wild and domestic populations. All farm-raised deer owners in Wisconsin are required to be licensed and registered by DATCP. While DNR is primarily responsible for regulating the fences of facilities that hold farm-raised white-tailed deer, DATCP primarily regulates all other considerations of the industry including farm-raised deer health (including disease testing), intra/interstate animal movements, shooting preserves, etc.

According to Wis. Stats. 90.21 (2) any person who keeps farm-raised white-tailed deer shall keep the deer enclosed in a single, a double or a solid fence. The DNR does not mandate the type of fence a farmer should build but rather allows the farmer to select the type of fence based upon their choosing. The fence selected is then built to the specifications set forth by administrative code and inspected by the DNR. Once a fence passes inspection that farmer is provided a fencing certificate that is good for 10 years. That certificate then becomes the basis for licensing and compliance with DATCP. Of 273 DATCP fenced locations, 170 are alleged to contain white-tailed deer and DNR recognizes 52 of their current list of registered fencing certificates to be registered as double fenced/solid fenced.

The bill does not appropriate any funding for these grants, and it identifies an appropriation to fund the grants that has no existing spending authority. If this bill passed, the department would not be able to issue any grants due to lack of spending authority. If spending authority were granted to the identified appropriation [20.370(1)(hs)], it would be funded through revenue generated by the sale of bonus antlerless deer hunting permits sold from CWD affected counties, which is the primary funding source for CWD response and management, and wildlife damage surcharges. This would reduce funding available for CWD efforts, wildlife damage and abatement claims, wildlife abatement and control grants

and wildlife or beaver removal. The revenue would likely not be able to support the proposed grant program.

This bill could potentially have significant fiscal impacts for DNR, though estimating the impacts precisely is challenging, as the number of farm-raised facilities fluctuates over time, and it is difficult to predict with a high level of confidence the rate at which the expanding geography and prevalence of CWD in wild deer will impact farm-raised white-tailed deer premises. According to DATCP and DNR fencing certification data, for this year there are approximately 1,512,252 linear feet of perimeter fencing around WTD premises, of which, an estimated 1,222,070 linear feet are currently configured under a single fence system.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. I would be happy to answer any questions you may have.

## Senate Bill 994

Nobel Elk Farm – Jade Nobel

First off thank you Scott for taking the time to read this. My hopes are that my story puts some perspective on how the out-of-date statues and the unwillingness of DATCAP to support the cervid farmers is jeopardizing the deer and elk farming industry and making it nearly impossible for any young farmers to want start raising these animals.

I got out of the Marine Corps and bought my farm in 2021. As a first-generation farmer, I was looking for a niche animal to raise that could be run on marginal land. After much research raising elk seemed like a great business to get into as there is a very high demand for a healthier red meat alternative.

I purchased high fencing, handling facility, grain bins, machinery, and my first animals to start my elk herd. This cost is upwards of 250k, with the expectation that a young farmer can reap the rewards down the road on this investment.

Wisconsin Statue states that if any two or more wild deer are found within a 5-mile radius of a cervid farm, that farm is forced to build a double fence. DATCAP sent out someone to inspect my fence. During this inspection, they failed to mention the one CWD case had already been found within that radius before I had even built fence. This is something DATCAP is required to do, but never did.

My first year raising elk, we got near hunting season opening. The DNR placed a wild deer carcass dumpster and a CWD sampling site within a 5-mile radius of my farm. How can that be I thought? The way the laws are written, if my farm is found with CWD that is basically a death sentence and puts us on quarantine. The DNR and DATCP had no regard for the farmer or the health of my animals by placing a carcass dumpster and collection site so close to my farm.

After hunting season, I received a letter from DATCAP stating they have found one more CWD infected deer which now put the number at two infected deer within a 5-mile radius of my farm. My herd status is put in revocation which restricts animal movement until I build a double fence around my farm. This proves the unwillingness of DATCAP to allow a farmer to build a double fence. In my situation, the only way to come up with the funds for a second perimeter would be if DATCAP still allowed us to move and sell our animals so we can afford to build. Instead, they restrict animal movement and say “you have 3 months to come up with the time, money, and labor to erect a double barrier.

Since the beginning of my herd suspension, the only thing I have asked for from DATCAP is proof of the CWD infected deer that was found within the 5-mile radius of our farm. Every hunter that submits a sample, fills out what is called a CWD Data collection Sheet. This data collection sheet has information such as grid coordinates and road intersections that could prove that a deer was in fact harvested within the 5 -mile radius. DNR and DATCAP have not been able to provide the CWD Data Collection Sheet which shows the lack of chain of custody on this information.

There are no funds or grants available in the CWD program to help farmers meet this requirement to double fence. This is something that is forced on farmers even without great evidence that a double barrier would ever stop or prevent transmission of CWD.