



MINNESOTA ELK BREEDERS ASSOCIATION

June 16, 2020

RE: Opposition to HF28

Dear Environment and Natural Resources Finance Division Committee Members,

We are writing this letter to express our concern and opposition to several sections of HF28 that is being heard today in your committee. We believe that many of these concerns could be worked out between legislators, stakeholders, the Board of Animal Health and DNR if given an opportunity to work on this together.

Of extreme concern is Article 2, Section 15, Subdivision 1 where the authors have removed any ability of a farmed cervid owner to recapture their own animals. New language would require herd owners to immediately notify the commissioner of natural resources of a cervid escape. Authors of the language have said during committee hearings this is not a big change, but in reality, this is a huge change. This language effectively does not allow the owner of an escaped farmed cervid to recapture their own animal. In effect, it would drain money and resources of the DNR to do something the farmed cervidae owner can do much more effectively and quickly. There is an extensive section on policies for dealing with farmed cervidae running at large in the Board of Animal Health Rulebook that is all-encompassing, practical and efficient. We would suggest a thorough review of these policies before making a new law which would be in direct conflict with already established protocols.

Also in Section 15, new language has been added allowing a hunter licensed by the Commissioner of Natural Resources or the DNR themselves, the ability to not only kill but also to possess escaped farmed cervidae. Dr. Linda Glaser of the Board of Animal Health testified in committee that in 2019, there were 99 farmed cervids that escaped, however, 42% of those escapes were from vandalism. These illegal activities, along with Acts of God should not allow for an immediate loss of ownership of the animal. This language would likely cause more vandalism to take place when a hunter knows they can have an animal behind fence if they want it, they just have to cut the fence and let it out. This language will cause more harm than good and a great deal of hardship on producers. Additionally, no other pet or livestock species is allowed to become property upon escape to the general public or DNR. This language is discriminatory against the property rights of cervid owners and is extremely harmful.

New language at the end of Section 15 also would require that, "Escaped farmed cervidae killed by a hunter or destroyed by the commissioner of natural resources must be tested for chronic wasting disease at the owner's expense." We agree the animal needs to be tested for chronic wasting disease. However, the samples must stay in the hands of the owner so the animal can be tested according to the guidelines set by the Board of Animal Health, not the DNR. Board of Animal Health requires a more stringent set of sample testing guidelines. Besides running not one, but two CWD tests, ear tissue must be submitted and all identification must be surrendered to comply with the program. The new added language would actually have the reverse effect by immediately making the producer non-compliant with the program.

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Finally, Section 16, Subdivision 6 includes new language stating, "Either incorporate global positioning system technology or include a phone number, address, or other contact information that enables the reader to readily identify the owner of escaped farmed cervidae." Technology for a global positioning system that the authors' desire does not exist. Secondly, adding an owner's phone number or name and address to the information already on the ear tag is not practical as the ear tag would need to be extremely large for that information to be read from 50 yards with the naked eye. Ear tags that size are simply not available because a tag of that size would not stay in the ears of any kind of animal. This is again counterintuitive to the desired outcome of the added language.

A large dangle tag with a producer-chosen number is currently required, along with an additional "official" identification number on either the large dangle tag or a secondary tag. Official identification is a series of numbers or letters that are unique to only one animal and is easily traced to the owner by simply contacting the Board of Animal Health, or the local Board of Animal Health inspector of that region. The ability to quickly identify the owner of an escaped farmed cervid is already in place.

The DNR has testified that they have not requested these changes and the authors have testified they have not engaged stakeholders in these discussions. The arguments presented by this letter and others, show that these changes will do more harm than good. For these reasons, we request the language changes noted above be removed from HF28.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Luedtke". The signature is fluid and cursive, with the first name "Mark" being the most prominent part.

Mark Luedtke, President
Minnesota Elk Breeders Association