



Report: Concurrent Authority Regulating Farmed White-tailed Deer

As required by Minnesota Session Law 2021, 1st Special Session, Chapter 6

02/01/2001

Report to the Minnesota Legislature

Minnesota Department of Natural Resources

500 Lafayette Road

Saint Paul, MN 55155

(Phone) 651-296-6157

info.dnr@state.mn.us

dnr.state.mn.us

As requested by Minnesota Statute 3.197: This report cost approximately \$37,368 to prepare, including staff time and contracting expenses.

Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.

Contents

| | |
|--|---|
| Background | 1 |
| Work Accomplished to Date | 2 |
| Inspections of Farmed White-tailed Deer Facilities | 2 |
| Data Sharing and Analysis - Animal Health Information System | 3 |
| Internal Communications | 3 |
| Concurrent Authority Implementation Challenges | 3 |
| Ongoing Challenges to Managing CWD | 5 |
| Compliance Inspections and Enforcement | 5 |
| Movement | 6 |
| Costs of CWD Surveillance in Wild and Farmed White-tailed Deer | 6 |
| Recommendations | 7 |
| Roles and Responsibilities | 7 |
| Communication | 7 |
| Recommendations for Rule and Statute Changes to Address CWD Challenges | 7 |
| Appendix A: DNR Project Plan-Captive Cervid Facilities Co-Management | 9 |

Background

The 2021 Minnesota State Legislature, in a special session ending in July 2021, issued direction to the Minnesota Department of Natural Resources (DNR) and the Board of Animal Health (BAH) by amending Chapter 35.155 as follows:

2021 Minn. Laws 1st Sp. Sess. Chap. 6 Art. 2 Sec. 17

Subd. 14. Concurrent authority; regulating farmed white-tailed deer.

(a) The commissioner of natural resources and the Board of Animal Health possess concurrent authority to regulate farmed white-tailed deer under this section, sections 35.92 to 35.96, and any administrative rules adopted pursuant to this section or sections 35.92 to 35.96. This does not confer to the commissioner any additional authorities under chapter 35, other than those set forth in sections 35.155 and 35.92 to 35.96, and any administrative rules adopted thereto.

(b) By February 1, 2022, the commissioner of natural resources, in conjunction with the Board of Animal Health, must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources and agriculture on the implementation of the concurrent authority under this section. The report must include:

- (1) a summary of how the agencies worked together under this section, including identification of any challenges;
- (2) an assessment of ongoing challenges to managing chronic wasting disease in this state; and
- (3) recommendations for statutory and programmatic changes to help the state better manage the disease.

In the 2005 legislative special session, the Legislature amended the farmed cervid program statutes to give authority over farmed cervids to the BAH; prior to this change, the DNR had managed the state's farmed cervid program. The DNR continues to manage regulation of other similar commercial activities, including taxidermies, commercial minnow/fish harvest, logging, and commercial decorative forest products.

This report fulfills the requirements to report to the Legislature by February 1, 2022, summarizing how the agencies worked together under concurrent authority, describing ongoing challenges to managing chronic wasting disease (CWD) and providing recommendations for moving forward.

Work Accomplished to Date

Upon enactment of 2021 Min. Laws 1st Sp. Session, Chapter 6 Art. 2 Sec. 17, the DNR created a farmed cervid project plan entitled *Captive Cervid Facilities Co-Management Project Plan* (see Appendix A) and assembled a project team. The project team's plan contains deliverables including completion of an early set of at least 40 inspections of white-tailed deer facilities with BAH staff, development and implementation of data management and protocols, and engagement with the BAH on recommendations for policy and programmatic changes to reduce the spread of CWD. In October 2021, the BAH's internal cervid program staff organized a similar farmed cervid project team and established a weekly interagency meeting with the DNR project team to discuss the activities taking place under concurrent authority.

Inspections of Farmed White-tailed Deer Facilities

Immediately upon passage of concurrent authority legislation, the BAH engaged with the DNR to provide structured training on program management, conducting epidemiological investigations, and monitoring white-tailed deer movement. This education progressed into real-time field training during joint BAH and DNR farm inspections. Additionally, BAH staff provided guidance and instruction to the DNR in email communications, reference documents and written processes. This training was initially provided to support BAH inspectors during field activities, with an eventual goal of DNR staff conducting inspections independently in the future.

DNR and BAH staff conducted joint inspections of white-tailed deer farms. Initially, BAH served as the lead inspector while the DNR took an active learning role. As inspections progressed into the late fall and early winter, the DNR took a more active role, offering suggestions to mitigate interaction between farmed and wild white-tailed deer and helping BAH inspectors determine compliance. From the end of August to December 2021, DNR and BAH inspectors jointly inspected 50 registered Cervidae farms and identified 17 compliance infractions:

- 10 farms with inadequate fencing;
- 2 farms with inadequate redundant gating;
- 2 herd owners' failure to submit death reports within the required timeline;
- 1 herd owner's failure to submit samples for CWD testing;
- 1 farm where inspectors could not visualize official ID, and
- 1 farm with official identification missing.

During the inspections, DNR staff closely evaluated the potential for farmed and wild deer to interact near fence lines, since this is a potential risk for the spread of CWD. DNR found:

- Good deer cover or habitat at the fence line on 35 farms.
- Close or direct contact potential between farmed and wild deer on 22 farms. Evidence included feces, rubs/scrapes, tracks, and wild deer sightings in the vicinity of the fence.
- At least one water, feed, or mineral station within 10 feet of the perimeter fence on 23 farms; 17 farms had at least one feeder within 10 feet of the fence.

This new information shows that wild and farmed deer have the potential to interact at fence lines; given that, it reinforces the need for strong fencing requirements and compliance. Further, it highlights the potential for exclusionary fencing to offer additional safeguards for separation of wild and farmed deer.

Data Sharing and Analysis - Animal Health Information System

The BAH uses [CoreOne by Trace First](#) as its animal health information system. This system contains data for animals regulated by the BAH, including farmed white-tailed deer herds and mixed-species herds. The DNR and BAH considered multiple options to determine how the DNR could access needed data from the BAH database. The most important factors were data privacy and cost. Minnesota Government Data Practices statutes regulate access to data the BAH maintains. Ultimately, to provide DNR staff with only the data necessary for concurrent management, the BAH, DNR and Minnesota IT Services (MNIT) staff worked with CoreOne by Trace First to create a second, separate database that contained only data related to farmed white-tailed deer herds. The vendor copied farms with mixed-species herds data, and permanently moved data related to farms with only white-tailed deer herds, from the BAH system into the DNR database.

The DNR just recently obtained access to view data in this separate system. However, access is limited to a read-only testing phase through the end of January 2022. Because of this limitation, and the desire to limit duplicate data entry, the DNR has been unable to enter data into the new database. Given this, the DNR has not yet assigned dedicated staff to enter or manage this system. There will be a final migration of white-tailed deer farm data into the new DNR database on Feb. 1, 2022. This process will solidify the new DNR CoreOne database as the system of record for farmed white-tailed deer moving forward; however, both agencies will maintain access to this database.

Internal Communications

Both agencies have internal teams working on the white-tailed deer program. The DNR project team meets weekly with a standing agenda to discuss topics surrounding farmed white-tailed deer and concurrent authority. The agenda covers farm inspections, data management, communications, and emergent issues such as escapes, movement bans and compliance issues. The BAH also holds an internal weekly meeting and supplies meeting notes to the DNR.

In addition, the DNR and BAH staff hold weekly joint meetings that include similar agendas as the internal meetings but also cover interagency communication topics, training and education, and stakeholder communications. These meetings keep the agencies informed on current activities under the concurrent authority.

Concurrent Authority Implementation Challenges

One significant challenge has been establishing a mutual understanding of what concurrent authority looks like operationally. Although BAH and DNR have different skills and mandates, both agencies agree CWD is a common threat for farmed and wild white-tailed deer and other cervids, and that joint management offers strategic

benefits. The agencies are engaging in discussions on how to optimize concurrent authority to contain and manage CWD.

The challenges related to farm inspections, data documentation, and communications identified thus far are:

- **Farm inspections:** Up to three DNR and BAH staff members have participated in each of the 50 inspections conducted since concurrent authority was enacted. Training and educating DNR staff is necessary during this transition period. To date, DNR staff have not taken the lead in any part of the inspection process. There is a need to clarify roles and scope for BAH and DNR inspectors in the farm-inspection process. Additionally, concurrent authority in general, and DNR staff presence on farms in particular, has caused concern among some herd owners. There have been at least two incidents of strong resistance to these changes by herd owners. BAH anticipated this response and developed a policy that it would not conduct an inspection unless a producer allowed DNR staff on premises.
- **Data sharing and analysis.** In addition to continued training for DNR staff on the CoreOne system, and the potential hiring of additional data entry staff, maintaining two systems for mixed species farms will be an ongoing challenge. Since the BAH currently maintains the exclusive regulation and data ownership of farmed non-white-tailed deer species, including those in mixed species herds, there will be a continued need for BAH staff to manage data in both systems. Some duplication of data will be required in certain cases: for example, maintaining a current list of certified CWD sample collectors. Due to the complex nature of certain program data, such as inventories, a go-live date of Feb. 1, 2022 means some 2021 data will still need to be entered. As a result, BAH staff will have to duplicate that remaining data in both systems. Reporting activities will be more complicated now that data are split between two databases. Not only will new platforms with reporting criteria need to be developed and connected to the DNR system, there also will be a significant amount of data-combining needed for reports involving multiple species of farmed cervids. Additional protocols will need to be determined in the future as the new system moves into a live phase.
- **Internal communication.** Significant progress has been made to improve communication between agencies since concurrent authority was granted. Prior to October 2021, each agency worked fairly independently to develop plans. Since then, the DNR and BAH have been addressing the challenges of consistent flow and clarity between the two agencies and developing a mutually agreed-upon vision for concurrent authority and its implementation.
- **Public communication.** Coordination between the DNR and BAH surrounding public communication is a work in progress. In January 2019 (prior to concurrent authority), a Memorandum of Understanding (MOU) was finalized between the DNR and BAH that contained protocols for sharing information between agencies and communicating with the public. These protocols must be reviewed to make this agreement operational under concurrent authority.

Ongoing Challenges to Managing CWD

CWD is a fatal, neurologic disease that affects cervids including white-tailed deer, mule deer, elk, moose, reindeer, and others. Minnesota is home to approximately 1 million free-ranging white-tailed deer, about 3,000 moose, and several hundred free-ranging elk. The discovery of CWD in Minnesota in either free-ranging or farmed cervid populations represents a risk to all susceptible species.

The primary risk factors facilitating the introduction of CWD into Minnesota—or its spread within the state—are the movement of live cervids and high-risk carcass parts (e.g., brain, spinal column). In wild populations, live cervid movements are typically limited to their distinct home ranges and migratory patterns attributed to each species. In the farmed cervid industry, movement of live cervids through sales and exchanges can cover hundreds of miles. Cervid carcasses can also move long distances, from harvest locations to homes, taxidermists or meat processors. Both types of movements can contribute to CWD spread through direct contact or environmental contamination.

Minnesota has addressed the risk of hunter-mediated interstate carcass movements with a blanket ban that restricts the import of any whole cervid carcass from anywhere outside of Minnesota, including Canada, regardless of chronic wasting disease status. Successful out-of-state hunters may only bring back quarters, deboned meat, cleaned skull plates, and finished taxidermy mounts. Similarly, Minnesota imposes intrastate carcass movements of cervids harvested within CWD management zones until CWD test results are received, with the exception of quarters or deboned meat, and provides dumpsters to reduce the instances of carcasses left on the landscape in high-risk areas. For farmed cervid carcasses, Minnesota does not allow cervid carcass movement from a CWD endemic area, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached. Carcasses may not be imported into Minnesota from a herd infected with or exposed to CWD.

It is understood that the concurrent authority granted and referred to in this report is limited to white-tailed deer. Because chronic wasting disease affects additional cervid species, the following sections refer to the ongoing challenges in managing CWD risk to all susceptible animals in the state.

Compliance Inspections and Enforcement

An important component of managing CWD is the regulation of cervid farms. There have been inconsistencies noted in compliance inspections and enforcement activities. Communication with herd owners regarding regulations and other contributing factors to disease spread between wild and farmed herds, such as methods to evaluate the potential for wild and farmed deer interactions near the fence, will aid in managing overall risk. Consistent and firm enforcement of statutes and rules must take place, regardless of which agency has the authority.

Movement

Interstate Movement

Current Minnesota Rules prohibit the import of live cervids from herds infected or exposed to CWD, as well as herds existing in counties where CWD has been detected in free-ranging cervid populations. Interstate movement of live cervids is permitted if the originating herd participates in a federal CWD certification program; however, most of the herds discovered to have CWD in the United States in the past 5 years have been Level 6 (highest level of certification) at the time of disease discovery. This suggests the certification program does not adequately address disease risk. The lack of a validated ante-mortem test for CWD, which would indicate illness or infection sustained before death, allows movement of infected live cervids early in the incubation period of the disease, often months or years before the disease is identified on the source premises. This built-in delay in disease discovery exposes other cervid herds receiving these infected animals, as well as the free-ranging cervid populations that exist in the surrounding area, to increased risk of CWD.

Intrastate Movement

Movement within states (intrastate) holds similar CWD risks as movement between states (interstate). CWD certification status has not proven to be an accurate indicator of a facility's disease status. Of the 12 farmed cervid herds confirmed with CWD in Minnesota, all but one were at a Level 6 certification status at the time of disease discovery. Further, spread of CWD among farmed herds through intrastate movements has spread the disease hundreds of miles across Minnesota, increasing risk to wild populations through fence-line contact and mechanical movement of prions.

Currently, the BAH defines "CWD Endemic Areas" as 15-mile radius circles around wild CWD-positive deer, and farmed herds within these areas have movement restrictions. However, any movement of deer from CWD endemic areas increases the risk of disease spread.

Costs of CWD Surveillance in Wild and Farmed White-tailed Deer

The State of Minnesota covers the cost of CWD testing of all farmed Cervidae over 12 months of age that die or are killed. In addition, testing is required of newborns over six months of age that die or are killed in herds that are quarantined with CWD-exposed animals in the herd. In 2021, Minnesota spent \$55,176 on CWD testing of farmed cervids.

Additionally, Minnesota spent approximately \$2.9M in fiscal year 2021 on additional CWD-related activities such as sampling and testing hunter-harvested deer, conducting targeted culling, CWD surveillance planning and deer movement studies.

Each new CWD-positive farmed herd results in a minimum of 3 years of wild deer surveillance at a cost to Minnesota of \$300,000 to \$500,000. The cost increases if the disease has migrated into the wild population and mitigation and management efforts must continue.

Recommendations

As concurrent authority for farmed white-tailed deer continues, the DNR and BAH recommend the responsibilities that fall under Minnesota statutes 35.155, 35.92 to 35.96, and any administrative rules adopted, be assigned to agencies and acted on in a predictable, coordinated way. DNR and BAH will develop a new interagency MOU to create a shared vision, address all responsibilities, and create a transition plan to implement agreed upon actions and roles. The agencies will continue planning to assess the benefit of revising statutes and rules related to the division of responsibilities between themselves.

Roles and Responsibilities

The DNR and BAH have defined a list of activities involved in the regulation of farmed white-tailed deer and further clarified which activities best fit the skills and mandates of each agency. Examples of activities include inspections and follow up, tracking white-tailed deer movement, data entry and management, and rule development. The agencies will continue to refine roles and responsibilities and will formalize this in an interagency MOU.

Communication

Coordinated communication with Minnesotans and specific stakeholder groups, such as deer farmers and deer hunters, is critically important.

While the 2019 MOU between the DNR and BAH related to roles and responsibilities around cervid management provides a strong foundation, the agencies agree that a coordinated effort must continue to address this important priority.

Recommendations for Rule and Statute Changes to Address CWD Challenges

The BAH has been pursuing changes to Minnesota Rules Chapter 1721 for cervid program rules modifications for approximately two years. The agency has enlisted the assistance of a rules advisory team, held numerous virtual listening sessions for many diverse groups and communicated publicly during the process. The change to concurrent authority occurred during this rules process. The BAH paused its rules process after the legislative change, intending to pick up the important and imperative work with DNR rule writing staff for the white-tailed deer portion of the rules. The BAH recommends the DNR provide designated staff to continue this work in cooperation with the BAH.

The DNR has identified areas of CWD transmission risk it believes can be mitigated through changes to rule and statute. These changes have the potential to benefit both wild cervids and the farmed cervid industry.

- Fence deficiencies: Perimeter fences are the last line of defense in keeping farmed deer secure inside the enclosure and keeping wild deer out. Fences must meet specifications and be free of defects to promote animal containment and reduce escapes.

- DNR recommends reducing the time allowed for repair of fence deficiencies from 45 days to 14 days (Statute 35.155, Subd. 4). This change would be further supported in Rule 1721.0380 General Requirements: Subp. 3. Inspections B with a reduction in time allowed for repair from 45 to 14 days. Further, a change to Inspections A to reduce the window for reinspection from 3 months to 30 days will help ensure fence deficiencies are corrected in a timely manner.
- Spread of CWD through interstate and intrastate movement: We must minimize the risk of deer moving between herds spreading disease. To accomplish this, we must be able to account for all animals in a herd, ensure they are properly identified, and inventories are accurate.
 - DNR recommends statutory and rule changes that require all white-tailed deer fawns be tagged within 14 days of birth, physical inventories occur on 2-year intervals to verify ID of all animals in the herd, and record keeping that includes age, sex, species, date of birth/acquisition, and parentage (Statute 35.155 Farmed Cervidae, Subd 6, 7; Rules 1721.0390 Animal Identification, 1721.0380, Subp. 10. Record Keeping, 1721.0380 General Requirements).
 - DNR recommends prohibiting import of cervids from any herd originating from a state or province where CWD has been detected in either farmed or wild deer. This would also prohibit all movement of live cervids that originate from a herd within a CWD Management Zone, except direct to slaughter (Statute 35.155 Farmed Cervidae, Subd 12; Rules 1721.0400 Importation of Farmed Cervidae, 1721.0410. Intrastate Movement of Farmed Cervidae).
- Rapid detection of CWD within a herd, timely depopulations, and containment of prions in the environment: To increase the opportunity to detect CWD early within a herd, it's important to test all animals upon death.
 - DNR recommends requiring CWD testing upon death for all deer ≥ 6 months, reporting the death within 7 days, and submitting all collected tissue samples within 7 days to an appropriate laboratory (Statute 35.155 Farmed Cervidae, Subd 11, Rules 1721.0420 CWD).
 - DNR recommends that herd owners who fail to test all dead deer for CWD have movement restrictions on their herd.
 - DNR recommends that herds confirmed with CWD be required to be depopulated within 30 days by the owner if an indemnification application is not submitted (Rule 1721.0420 CWD). Also, all herd depopulation plans will be required to include perimeter fencing requirements maintained for 20 years to reduce risk of spread to wild cervids (Statute 35.155 Farmed Cervidae, Subd 11, Rules 1721.0420 Subp. 2, CWD).

Appendix A: DNR Project Plan-Captive Cervid Facilities Co-Management

Project Plan

Captive Cervid Facilities Co-Management

DRAFT as of July 22, 2021

Background (Why We're Doing This)

During the 2021 special legislative session, the [state legislature passed a law](#) directing the MN Department of Natural Resources (DNR) and the Board of Animal Health (BAH) to concurrently manage farmed cervid facilities containing white-tailed deer. Part of this concurrent authority provision requires a report to the legislature by February 1, 2022, detailing how the agencies have worked together, an assessment of ongoing challenges to managing Chronic Wasting Disease (CWD) in the state, and recommendations for further statutory and programmatic changes to address the disease. The report and associated activities require focused effort by both agencies to ensure appropriate response. The Commissioner's Office has established this high-priority project within the DNR's Enforcement (ENF) and Fish and Wildlife (FAW) divisions to ensure our own agency's capabilities to work as an effective partner toward that end, and to do our part alongside BAH to make tangible progress.

The current political and operating environment both pose numerous risks, given the high profile of CWD within the state, concerns about the disease's spread, and the inherent challenges of two state agencies with overlapping but different missions working together quickly and effectively. Nevertheless, the Commissioner's Office and project team are confident that our work can reflect the best values of the agency and state work: science-driven and fact-based decision-making; accountability to taxpayers and legislature for activities undertaken; and strong partnership with and respect for BAH, captive cervid facility owners, and other stakeholders.

Goals and Deliverables (What We'll Do Together)

We want to achieve the following broad goals as a project team and agency:

- Prevent the spread of CWD in both farmed and wild cervid populations;
- Ensure compliance of all farmed cervid facilities with relevant state laws and rules;
- Fulfill the legislative requirements for farmed cervid facilities containing white-tailed deer;
- Identify deficiencies of existing laws and rules, provide recommendations in the February report, and keep working beyond that report to make thoughtful changes to those laws and rules; and
- Demonstrate a strong, effective relationship between DNR and BAH.
- Biosecurity Compliance – biosecurity rules must be adhered to by field staff or others going on farmed cervid premises for inspections, enforcement, or other types of site visits to prevent the spread and introduction of disease to and from the premises.

To make progress toward these goals, we will focus on the following specific deliverables during the timeline of this project:

- **Immediate rules progress.** Engage the current rules package under consideration by the BAH and seek tangible, positive changes regarding farmed cervid facility management that will demonstrate early engagement with the state legislature's directives.
- **Staff capacity.** Hire, designate, develop, and/or train staff within the FAW and ENF divisions to establish long-term capacity for inspections, compliance assurance, and related ongoing statutory obligations.
- **Data capacity.** Engage BAH and Minnesota IT Services (MNIT) to develop and implement the data governance, management, and equitable sharing processes required for effective concurrent authority over farmed cervid facilities containing white-tailed deer.

- **Early set of inspections.** 40 white-tailed deer facilities would be inspected prior to the legislative report. Facilities inspections would be targeted to get an equitable cross section of facilities of all types and sizes across the state. This would represent a clear, tangible mark of progress that, like the data capacity and immediate rules progress, would improve the quality of the mandated report. At least one representative from FAW and ENF Divisions will be on every inspection. BAH and DNR would be completing inspections together to ensure the inspection process is done in a consistent manner. However, FAW and ENF Divisions would complete inspections without BAH if they are otherwise unable to complete inspections as needed or in the timeline provided within the project plan.
- **Communications plan.** As we release the report to the legislature, the project will have a communications plan ready to ensure legislators, conservation organizations, the media and public are aware of the work and understand its context and importance. Part of the message should also indicate what next steps may happen, and how to engage future process. The DNR will solicit comments from BAH on the communications.
- **Mandated report.** Submit a report by February 1, 2022, to the appropriate legislative authority on the implementation of the concurrent authority, as required by the recent law. This report will detail how the agencies have worked together, an assessment of ongoing challenges to managing Chronic Wasting Disease (CWD) in the state, and recommendations for further statutory and programmatic changes to address the disease.

In Scope (What We'll Do and Discuss to Get the Deliverables)

Analysis of existing policies and rules, and proposals for changes. The fundamental driver of this project is the state legislature's desire to see things change, to improve outcomes on CWD disease spread. All relevant policies, procedures, and rules are on the table. A science-driven, fact-based approach to policy analysis is essential.

Partnership with the BAH and MNIT. While this project contains deliverables and activities that DNR has some control over, we cannot succeed without our colleagues in BAH and MNIT. This project's initial focus is on the internal activities we need to conduct immediately, to ensure success. The team's priority will be to transition to the concurrent inspection, enforcement, and investigation authority implementation in collaboration with the BAH. After completion of the report and draft rules, the project's leadership will shift the focus toward the more collaborative and longer-term activities required for ultimate success. The activities related to data are particularly complex and will require close partnership, early on.

Engagement with farmed cervid facilities' owners and other key stakeholders. Effective and thoughtful communication and outreach strategies will be crucial to early and long-term success. The best compliance outcomes are from parties who are informed, engaged, and educated on the regulations' purpose. We can and should seek their input at appropriate points in the rulemaking and policy analysis process, during and after this project. An initial list of such stakeholders is below.

Out of Scope (What We'll Set Aside So We Can Focus on the Deliverables)

Wild and farmed cervid species beyond white-tailed deer. While the report and policy components of this project may point out known/discovered interactions between farmed white-tailed deer and other cervid species, the primary focus should be on farmed white-tailed deer. In addition, any enforcement or compliance activities will focus only on what the legislation directs.

Activities beyond winter 2022. For the sake of project focus, this outline is only for those activities that will lead up to the generation, submission, and presentation of a successful legislative report. Certainly, those activities (e.g., hiring staff) will set us up for long term success. New deliverables we design, for which we cannot complete a tangible milestone by February 2022, whether on our own as an agency or in partnership with BAH, will have their own project definition developed and dedicated resources to work on.

Roles and Responsibilities (Who Will Do What)

Most of the project’s roles and responsibilities fall to staff within the ENF and FAW divisions; there are also resources assigned from Operations Services Division (OSD) and MNIT at DNR. As noted above, as the project progresses, project leadership may either adjust this work or generate a new project that would express partnership roles for BAH staff, with their consent and full participation.

| Role | Explanation | Assigned To |
|-----------------------|---|--|
| Executive Sponsors | <ul style="list-style-type: none"> • Sets the direction and tone • Attends first/last meetings • Receives occasional updates • Receives and evaluates final deliverables | Rodmen Smith (ENF) Dave Olfelt (FAW) |
| Managing Sponsors | <ul style="list-style-type: none"> • Ensures participants have resources and support • Receives weekly/more frequent updates • Edits and improves final deliverables | Todd Kanieski (ENF) Pat Rivers (FAW) |
| Project Managers | <ul style="list-style-type: none"> • Ensures project moves forward • Works daily to check in with team members, advance specific components, prepare updates for sponsors • Creates or delegates work for final deliverables | Robert Gorecki (ENF) Chris Balzer (FAW) |
| Project team | <ul style="list-style-type: none"> • Provide context and history • Participate in meetings as requested • Prepare final product as assigned | ENF Staff (TBD) Bruce Anderson, MNIT Michelle Carstensen, FAW Todd Froberg, FAW |
| Facilitator | <ul style="list-style-type: none"> • Facilitate meetings upon request • Review project progress with project leadership and recommend strategies for success | Anthony Alongi (OSD) |
| Advisors | <ul style="list-style-type: none"> • Provide subject-specific expertise as needed (e.g., communications plan, data governance/management, data practices) | Kim Pleticha (OSD) Joe Albert Linse Lahti (OSD) Barb Damchik-Dykes (OSD) |
| Project administrator | <ul style="list-style-type: none"> • Handle group scheduling • Assist with other logistics needs | TBD |

Key Stakeholders to Engage (Who Else We Should Consult or Work With)

In addition to the DNR divisions and staff listed in this report, the BAH and MNIT staff who are already identified as essential partners, and the agency leadership and state legislature which have set this project in motion, there are other parties that the project should engage as part of its activities:

- Tribal governments, as a co-equal branch of government;
- Farmed cervid facility owners and the industry groups and associations that represent them;
- Licensed deer hunters in MN and the interest groups and associations that represent them; and
- Interest groups, citizens and community organizations engaged in issues related to cervids, wildlife, ecosystems, etc.

Our work with all of these groups should be collaborative and open. In addition, as noted in the deliverables section, this project team should produce (with the assistance of the Office of Communications and Outreach) a communications plan for informing the public of the work, its context and importance, and how to engage state agencies in the future.

Timeline (When Key Activities Will Happen)

While not a complete listing of all project activities, below are the milestones for project action that managers should use when updating managing and executive sponsors. Managing sponsors can and should add, delete, and adjust this timeline at the advice of project managers, as needed.

| What Will Be Done | By Whom | By When |
|---|---|-------------------|
| Engage BAH to influence current rules package | Michelle Carstensen | Immediately |
| Determine next steps on current rules package engagement | Executive sponsors, at Michelle Carstensen and project managers' recommendation | July 30, 2021 |
| Engage BAH to determine potential next steps on data protocols | Bruce Anderson | July 30, 2021 |
| Engage the BAH and farmed cervid industry for initial understanding/consultation | Linda Glaser, Annie Balghiti and Courtney Wheeler; Michelle Carstensen, Robert Gorecki and Chris Balzer | August 7, 2021 |
| Finalize hiring needs and begin internal HR process to hire staff | Managing sponsors | August 7, 2021 |
| Establish schedule of check-ins for all project components (report generation, inspections, data protocols, etc.) | Project managers | August 7, 2021 |
| Invite/convene interagency review team and begin policy analysis meetings to generate the relevant report component | Project managers, relying on help from managing sponsors et al to include and invite representation from other agencies (including USDA, etc.) | August 7, 2021 |
| Start development of inspection protocols | Co-FAW/ENF lead with Enforcement assistance from Robert Gorecki and Todd Kanieski | August 14, 2021 |
| Finalize inspection protocols | Michelle Carstensen, Todd Froberg, Robert Gorecki, and Todd Kanieski | August 27, 2021 |
| Finalize data protocols (including a complete data management plan specific to our agency) | Bruce Anderson, with advice/assistance from BAH, OSD, and project team as needed | August 27, 2021 |
| Determine literature/law review (from other states) and begin | Interagency review team, as indicated above | August 27, 2021 |
| Conduct/complete literature/law review and generate a draft brief suitable for inclusion in final report | Interagency review team, as indicated above | October 8, 2021 |
| Hire all additional staff needed | Managing sponsors | October 8, 2021 |
| Conduct 40 inspections of farmed cervid facilities and produce data/information that team can use in the report | FAW and ENF will Co-lead inspection process. FAW will maintain records/inspection data, and ENF will complete enforcement follow-up as necessary. Chris Balzer and Robert Gorecki will lead inspection process. | December 17, 2021 |
| Finalize policy analysis for mandated report purposes | Project managers | December 17, 2021 |
| Generate/compile initial draft of report | Project managers | December 31, 2021 |
| Review and comment on draft | Full project team, project facilitator, advisors as requested by project managers | January 7, 2022 |

| <u>What Will Be Done</u> | <u>By Whom</u> | <u>By When</u> |
|---|---|---|
| Incorporate feedback and complete report for Commissioner’s Office Review | Project managers | January 14, 2022 |
| Submit final report | Commissioner’s Office | February 1, 2022 |
| Present report during legislative session | Commissioner’s Office, executive sponsors | If/when requested during 2022 legislative session |

Again, there will be multiple activities that can and must continue beyond the scope of this project. Executive and managing sponsors should consider developing a longer-term planning framework that tracks additional necessary work, such as the development of an advisory group, additional staffing needs, ongoing policy-making processes, long-run enforcement and compliance activities, and how the agency will pursue the recommendations generated by the report.

[Logistics \(Where and How We’ll Do All of This\)](#)

Given the multiple deliverables that are part of this project, there will be multiple “sub-teams”:

- Immediate rules changes. Led by Michelle Carstensen.
- Report generation. Led by the project managers.
- Policy analysis (including the interagency consulting team). Led by [TBD].
- First set of early inspections. FAW and ENF will conduct facility inspections. Led by project managers or TBD designees.
- Data protocols. Led by Bruce Anderson.
- Others as needed

The logistics for each team will be a bit different, given the wide differences in timeline and product. Common risks for each sub-team to consider while progressing: Coordination with BAH. Interagency collaboration can be challenging even under the best of circumstances. Here, the time pressures, staffing pressures, and political visibility of the issue all contribute to very high risk of process failure.

In particular, a team from BAH consisting of Linda Glaser, Annie Balghiti and Courtney Wheeler and DNR staff consisting of Michelle Carstensen, Robert Gorecki and Chris Balzer immediately will be assigned to the project. Project managers and managing sponsors should consider how to coordinate these contacts. Closer collaboration on this project, and inclusion of key BAH personnel on the full project team, should be an early consideration. This will help efficiency with communication and logistics for all moving parts.

- **Issue complexity.** CWD spread is well-recognized as a complex public policy issue involving multiple state and federal agencies; a wide range of stakeholder groups with strongly differing opinions; and natural limits to what testing and observation can tell us in a timely manner.
- **COVID-19 protocols.** While some staff may be returning from telework (or never did), a large portion of relevant staff should still be presumed teleworking for at least some of the time, early in the project timeline. Sub-teams should carefully consider the safety of all colleagues and partners when scheduling meetings, inspections, and other project activities.
- **Public perception and political pressure.** The entire project faces the well-known risk of misperceptions or mischaracterization by some members of the public as to what the DNR (or any state agency) can reasonably accomplish, as well as what enforcement activities may be reasonable. Project team members can minimize these risks and their impact by committing to themselves and each other an approach of mutual respect toward differing

perspectives, and a collaborative approach to colleagues who may disagree. Whatever the final product, all project team members must stand behind it.

- **Data Collection and Dissemination Protocols.** All staff must adhere to data practices regulations under MN Statute: 13.643 Subd. 6. Animal premises data: There are implications for the public (or not public) status of certain data that will require training and careful practice. Close coordination with both agencies' Data Practices Compliance Officials will be a key strategy in minimizing the risk of inappropriate data use. Data collection will benefit from a data management plan.

The full project team should check in at least monthly. Sub-teams should check in at least weekly. Project managers should consult with managing sponsors (and if desired, the project facilitator) at their discretion, but no less frequently than biweekly.