

ARTICLE 48.1-07 FARMED ELK

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CHAPTER 48.1-07-01 DEFINITIONS - GENERAL REQUIREMENTS

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48.1-07-01-01. Definitions.

The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 36-01. Additionally:

1. "Farmed elk" mean mammals of the elk genus and species *cervus candensis*, formerly a subspecies of *cervus elaphus*. Red deer (*cervus elaphus*) are not farmed elk.
2. "Herd" means two or more elk, or a herd of elk commingled with other hoof stock maintained on common ground, or two or more herds of elk and other hoof stock under common ownership or supervision which are geographically separated, but can have an interchange or movement without regard to health status.
3. "Trace herd" means a herd in which an animal affected by chronic wasting disease has resided up to sixty months before its death, or any herd that has received animals from an affected herd within sixty months prior to the death of the affected animal.

History: Effective July 1, 2016; amended effective July 1, 2024.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-02. Farmed elk premises description.

An owner, before acquiring or possessing farmed elk on such owner's premises, shall provide to the board a description and a sketch or map of the premises and facilities.

1. The sketch or map must include, at a minimum, the proposed exterior boundary, location of the holding and handling facilities, location of the quarantine area, and the proposed location of all gates. The board may require additional information.

2. An owner may not acquire or possess farmed elk on such owner's premises and facility until an agent of the board has inspected and approved the facility.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-05

48.1-07-01-03. Holding and handling facilities.

Farmed elk operators, at all times, shall have access to permanent or portable holding and handling facilities that enable proper handling, marketing, and individual identification of all farmed elk on the premises.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-05

48.1-07-01-04. Quarantine facility.

1. Farmed elk premises must have an approved quarantine facility within its boundary or submit an action plan to the state veterinarian which guarantees access to an approved quarantine facility within the state.
2. If the state veterinarian imposes a quarantine, the farmed elk owner shall provide an onsite quarantine facility or make arrangements at the owner's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.
3. The quarantine facility must meet standards prescribed by the state veterinarian concerning isolation, separate feed and water, escape security, and the humane holding and care of any quarantined elk for extended periods of time.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02, 36-25-05

48.1-07-01-05. Fencing requirements.

1. A farmed elk owner shall comply with the following fencing standards:
 - a. Conventional perimeter fences must be at least twelve and one-half gauge and must be:
 - (1) At least eight feet [2.44 meters] high, if construction was completed on or after July 1, 2016.
 - (2) At least seven feet [2.13 meters] high, if construction was completed on or before June 30, 2016.
 - b. The fence must be a mesh of a size to prevent escape.
 - c. Any supplemental wires must be at least twelve and one-half gauge and spaced no more than six inches [152.40 millimeters] apart.
 - d. Posts must be of sufficient strength to keep farmed elk securely contained. The posts of the perimeter fence must extend to the upper limits of the height requirement and be spaced no more than twenty-four feet [7.32 meters] apart.
 - e. Gates in the perimeter fence must be secured.

2. Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02, 36-25-05

48.1-07-01-06. Welfare of animals.

A farmed elk operator may not display or house any elk in such a manner as to endanger the health and safety of the public or the elk, as determined by the state veterinarian.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-07. Identification.

1. Farmed elk must be individually identified with two forms of identification as prescribed by the state veterinarian. The form of identification must be permanent and unique to each animal. One form of permanent identification must be an official tag or other form approved by the state veterinarian.
2. When loss of an animal identification is discovered, the animal must be identified with approved identification as soon as reasonably possible.
3. Identification assigned to an individual farmed elk may not be transferred to any other animal.
4. Newborn farmed elk must be individually identified prior to removal of the animal from the farmed elk premises or within twelve months of birth, whichever comes first.

History: Effective July 1, 2016; amended effective July 1, 2024.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-08

48.1-07-01-08. Farmed elk reporting.

1. An owner of farmed elk shall submit to the board an annual farmed elk inventory report by March first of each year.
2. An owner shall record inventory information on the forms provided by the board and such forms must be filled out completely and accurately.
3. An owner shall report all purchases, sales, or other animal transfers, escapes, recaptures, births, deaths, or diseased farmed elk on the inventory report form.
4. Manifests and bills of sale must be submitted to the board within seven days of the occurrence.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-09. Bill of sale and transportation.

1. Farmed elk to be transferred, bought, or sold must have an itemized bill of sale, certificate of veterinary inspection, or manifest at transfer of ownership that must include individual official identification, species, age, sex, number of animals, buyer and seller and their respective

addresses, date of sale, and farmed elk facility numbers. All manifests and bills of sale must be submitted to the board within seven days of the occurrence.

2. Farmed elk transported within the state, which have been harvested on a private elk farm, must be accompanied by a bill of sale if there is a change of ownership.
3. Farmed elk may be transported from out of state through the state only if:
 - a. Animals proceed directly through the state and the owner or transporter does not unload the animals; and
 - b. Animals are not sold, bartered, traded, or otherwise transferred while in the state. Transfer does not include moving animals to another transport vehicle.

History: Effective July 1, 2016; amended effective July 1, 2024.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02, 36-25-08, 36-25-10

48.1-07-01-10. Release or abandonment.

A person may not release or abandon any farmed elk without prior written authorization from the state veterinarian.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-11. Escaped farmed elk.

1. The owner of farmed elk, or the owner's agent, shall report an escape to the board within one business day of discovery.
2. The owner shall cause any farmed elk to be recaptured or destroyed within ten days of the animal escape, except when public safety or the health of the domestic or wild population is at risk, in which case the animal may be disposed of immediately.
 - a. Upon request, the state veterinarian may grant a ten-day extension.
 - b. The state veterinarian may authorize an agent to seize, capture, or destroy farmed elk that have escaped the control of the owner or owner's agent.
3. The owner, or the owner's agent, shall notify the board within one business day of the capture or death of an escaped animal.
4. The board or its designated agent may inspect any recaptured animal before it is returned to the elk farm.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-05

48.1-07-01-12. Inspection by board personnel.

A farmed elk owner shall allow inspection of records, holding facilities, and farmed elk by an agent of the board during normal working hours. The owner may accompany the person conducting the inspection. The inspection must be scheduled.

History: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-09