

From: [Johansen, Paul R](#)
To: [Phil Robinson](#)
Cc: [Greene, Wendy L](#); [McDaniel, Stephen S](#); [Fleming, Emily J](#); [Foster, Gary M](#)
Subject: RE: Cervid Urine Ban
Date: Friday, July 28, 2017 10:06:58 AM
Attachments: [image001.png](#)
[image002.png](#)

Mr. Robinson,

Thank you for contacting the West Virginia Division of Natural Resources and sharing your thoughts and concerns regarding Legislative Rule 58CSR69 – Wildlife Disease Management which was filed and made available for public comment on June 28, 2017. The West Virginia Division of Natural Resources welcomes comments from the public on its various wildlife management programs, regulations and proposed legislative rules. We are pleased to take your recommendations under advisement and provide you with the following information as it relates to these matters.

The West Virginia Division of Natural Resources is aware of the Archery Trade Association's (ATA) Deer Protection Program, and we certainly appreciate their efforts in this regard.

Although the ATA program is designed to reduce the risks associated with Chronic Wasting Disease (CWD) and the use of urine-based lures, our agency is concerned with its reliance on the U.S. Department of Agriculture's CWD Herd Certification Program. We believe the CWD Herd Certification Program fails to provide adequate standards and methods for addressing CWD risks within the captive cervid industry.

The West Virginia Division of Natural Resources first detected CWD in 2005. To date, more than 250 deer have tested positive for CWD in West Virginia. The prevalence and geographical distribution of this disease continues to expand. In our efforts to address these concerns, we have implemented restrictions of baiting, feeding and carcass transportation. As you are aware, CWD prions have been detected in deer saliva, feces and urine. Even though the disease risk may be relatively low, our agency feels it is the right and responsible decision to prohibit the use of urine-based lures derived from cervids.

Once again, thank you for your comments on Legislative Rule 58CSR69 – Wildlife Disease Management.

Sincerely,

Paul Johansen, Chief
West Virginia Division of Natural Resources
Wildlife Resources Section
324 Fourth Avenue
South Charleston, West Virginia 25303
Office: 304-558-2771
Cell: 304-389-5077
Email: paul.r.johansen@wv.gov

From: Phil Robinson [mailto:probinson@arcushunting.com]

Sent: Monday, July 24, 2017 4:15 PM

To: McDaniel, Stephen S <Stephen.S.McDaniel@wv.gov>; Johansen, Paul R <Paul.R.Johansen@wv.gov>

Cc: Greene, Wendy L <Wendy.L.Greene@wv.gov>

Subject: Cervid Urine Ban

Director McDaniel and Chief Johansen,

I understand that West Virginia is proposing a ban on the use of cervid urine and I wanted to respectfully ask if the commission could consider the below as a credible alternative to an outright ban. I hope you are familiar with the ATA Deer Protection Program and how the scent industry leaders have worked together with the various authorities on the subject of prion research and state departments to come up with the program. Please let me know if you are not familiar with it and I can get you some information.

Recently, Montana passed legislation to ban only urine that is supplied from facilities that do not follow a program like the ATA Deer Protection Program. Their strategy is to prevent urine based scent products from being sold or used in Montana unless the MT FWP can document that the products originate from facilities complying with the attached regulations. The MT FWP reviews a program like the ATA Deer Protection Program and confirms that participation in the program as sufficient documentation and then publish that confirmation in their regulations. If there is a scent manufacturer who wants to sell product in MT who was not an ATA Deer Protection Program participant, then they would have to independently document to the MT FWP that they were in compliance with the law prior to being able to sell or use their product in the state.

I would propose that West Virginia could either incorporate our branded program (ATA Deer Protection Program) into statute or regulation or incorporate the "guts" of our program. The agency can tell the public that a DNR approved mechanism for documenting compliance is required. You could then approve our program as one way to document compliance was to be a participant of the ATA Deer Protection Program and display the ATA Deer Protection Program Logo on our packaging (image below). All the major retailers also support products in this program that carry the logo on their packaging.



Please let me know your thoughts.

Respectfully,

Phil Robinson
Arcus Hunting
479-422-0470

 ARCUS

 Dead
downwind

 OBSESSION

 RAMCAT

 TROPHY
TAKER

 BIG GAME
BUTTER

From: [Johansen, Paul R](#)
To: danforster@archerytrade.org
Cc: [Greene, Wendy L](#); [McDaniel, Stephen S](#); [Fleming, Emily J](#); [Foster, Gary M](#)
Subject: RE: ATA Comments on proposed CWD regulations in WV
Date: Friday, July 28, 2017 10:28:20 AM
Attachments: [image001.png](#)

Mr. Forster,

Thank you for contacting the West Virginia Division of Natural Resources and sharing your thoughts and concerns regarding Legislative Rule 58CSR69 – Wildlife Disease Management which was filed and made available for public comment on June 28, 2017. The West Virginia Division of Natural Resources welcomes comments from the public on its various wildlife management programs, regulations and proposed legislative rules. We are pleased to take your recommendations under advisement and provide you with the following information as it relates to these matters.

The West Virginia Division of Natural Resources is aware of the Archery Trade Association's (ATA) Deer Protection Program, and we certainly appreciate your efforts in this regard. Although the ATA program is designed to reduce the risks associated with Chronic Wasting Disease (CWD) and the use of urine-based lures, our agency is concerned with its reliance on the U.S. Department of Agriculture's CWD Herd Certification Program. We believe the CWD Herd Certification Program fails to provide adequate standards and methods for addressing CWD risks within the captive cervid industry.

The West Virginia Division of Natural Resources first detected CWD in 2005. To date, more than 250 deer have tested positive for CWD in West Virginia. The prevalence and geographical distribution of this disease continues to expand. In our efforts to address these concerns, we have implemented restrictions of baiting, feeding and carcass transportation. As you are aware, CWD prions have been detected in deer saliva, feces and urine. Even though the disease risk may be relatively low, our agency feels it is the right and responsible decision to prohibit the use of urine-based lures derived from cervids.

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Sincerely,

Paul Johansen, Chief
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From: Dan Forster [<mailto:danforster@archerytrade.org>]
Sent: Friday, July 28, 2017 8:34 AM
To: Greene, Wendy L <Wendy.L.Greene@wv.gov>
Subject: ATA Comments on proposed CWD regulations in WV

Wendy L. Greene (Wendy.L.Greene@wv.gov)
WV Division of Natural Resources
324 4th Avenue, Room 343
South Charleston, WV 25303

Mrs. Greene:

Thank you for the opportunity to comment on the proposed regulations changes regarding Chronic Wasting Disease (CWD) prevention and management in West Virginia. The Archery Trade Association (ATA) is an organization comprised of manufacturers, retailers, distributors, sales representatives and others working in the archery and bowhunting industry. The ATA has served its members since 1953 and is dedicated to increasing participation in archery and bowhunting.

The ATA considers CWD a serious threat to our country's valuable wildlife resources and believes that it is vitally important that we do everything reasonable to prevent the spread of CWD. Even though the potential spread of CWD prions in cervid urine used for hunting is extremely low, the ATA recognizes and supports WV's authority and opinions regarding the management of CWD and associated risks. However, we urge thoughtful consideration against a total urine ban due to its negative impact on hunters and manufacturers and offer an alternative for consideration.

Over the past several years, members of the ATA which includes manufacturers of urine-based scent products have taken proactive steps to limit the potential spread of CWD through the development of the ATA's Deer Protection Program (DPP). Scent manufacturers participating in the DPP are committed to using urine from facilities that are taking steps beyond those required by the APHIS Herd Certification Program to further reduce the potential of CWD being present in their deer herds.

The primary purpose of ATA's Deer Protection Program seeks to ensure that ATA-member scent manufacturers and their product suppliers do everything possible to prevent the spread of chronic wasting disease in wild deer, elk and moose herds in the United States. All participants in this program have joined voluntarily and understand their significant role in protecting our wildlife resources. Each participant has agreed to take measures to meet or exceed state and federal CWD requirements and ensure that their products come from healthy deer herds. Additional information regarding the DPP may be found at: <https://www.archerytrade.org/deerprotection>.

Should WV continue regulatory efforts to restrict the use of urine for hunting, we urge you to consider an alternative to a total ban that would provide for the use of select urine products manufactured under additional constraints consistent with those in the DPP program. This approach was recently taken in Montana where they passed legislation (attached) restricting urine used for hunting to only those products that meet the rigorous standards already imbedded in products

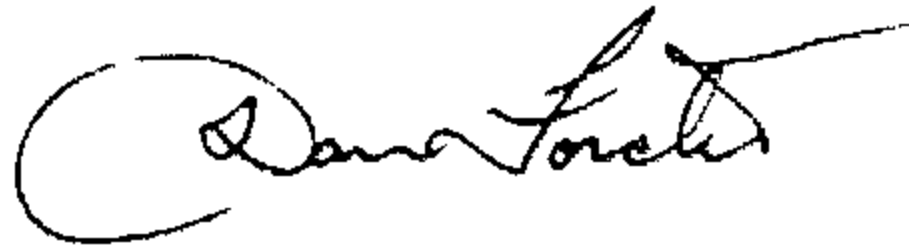
manufactured under the DPP. While Montana's effort serves to further restrict the spread of CWD, it is also a strong endorsement of the DPP and provides an alternative that deserves consideration.

Montana's law (attached) specifically provides that: The commission may allow deer or elk urine otherwise prohibited by subsection (1) if the deer or elk urine is produced in a facility that the commission determines:

- (a) complies with a federal or a federally approved chronic wasting disease herd certification program and any federal chronic wasting disease protocols and record requirements
- (b) does not allow importation of live cervids, except in cases of catastrophic loss or herd replenishment;
- (c) requires that all cervids exported from the facility be tested for chronic wasting disease upon death and the results are reported to the facility;
- (d) is inspected annually by an accredited veterinarian, including inspection of the herd and applicable records; and
- (e) maintains a fence at least 8 feet high around the facility and, if the facility is located within 30 miles of a confirmed positive occurrence of chronic wasting disease, is double fenced to prevent direct contact between captive and wild cervids.

Thank you for the opportunity to provide comments on this important issue. Let me know if you have any questions or comments.

Regards,



Dan Forster, Director of Government Relations
Archery Trade Association

Attachment: Montana SB0173

Dan Forster, Director of Government Relations
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