

April 2, 2013

Dear Fellow Producer:

**Re: CWD Regulations and Standards**

We are writing to bring you up to date with the evolving CWD Rules and Regulations, how producers are treated if CWD is found and the reaction of the State of Iowa to the finding of CWD in our herd of animals. We have been raising deer for 20 years and our preserve has been in operation since 1996. We presently have approximately 400 head of whitetail deer in Iowa and a hunting preserve in Southern Iowa. Our breed herd has been a closed herd for 10 years and monitored for 10 years, and we tested 167 animals prior to the first positive finding of CWD in 2012.

However, since this finding we have been forced by the State of Iowa to destroy 225 animals at our hunting preserve after testing 199 animals and finding only 2 positives, or .8 percent of that herd. We have had to pay for all the CWD testing of these animals, have purchased a reefer truck to store the carcasses until test results were received, and paid for 50% of the electric fence surrounding the entire 330 acre preserve. We were forced to take all 223 negative animals to a landfill; we were held responsible to bear that expense as well. Attachments 1 and 2 show very large, full-bodied animals that were CWD-positive (the first by lymph node and brainstem; the second by lymph node only) just before they were taken; Exhibits 3 and 4 show the mass kill-offs imposed by the Iowa Department of Natural Resources—**all deer in Attachments 3 and 4 were CWD-negative deer!**

Between our land and herds, we have \$2.5 million dollars in assets that have been quarantined by the State of Iowa for a period of five years. APHIS released their new CWD Rules and Regulations effective June 13, 2012, stating: "The persistence of CWD in wild cervid populations and our current lack of knowledge about the transmission of CWD have made *the goal of eliminating CWD from farmed or captive cervids impractical*". 77 Federal Register, No. 114 (June 13, 2012): "Rules and Regulations for Chronic Wasting Disease," p. 35544, par. 1. "Because our goal is now to control the spread of CWD rather than to eliminate it, *we are not requiring states to conduct surveillance for* CWD in WILD cervid populations". P. 35544, par. 4.

The first CWD positive animal from our herd was hunter-harvested the second week of December, 2011. **At that time there was indemnity from the Federal Government** for CWD positive herds. However, because the Iowa DNR submitted our sample to Texas rather than NSVL in Ames, we were not notified of the positive result until July 26, 2012, just four weeks prior to our first group of scheduled hunters AND only to learn that the federal indemnification had been dropped effective January 1, 2012. Since we received notification of the positive, the State of Iowa has refused to allow us to move our animals from our breeding facility to our hunting preserve. Thus, our 400 head of whitetails are costing us \$3,000 per week just to feed. Producers and preserve owners understand the insanity of this reality.

It is important to note that since 2002, the Iowa Department of Agriculture & Land Stewardship (IDALS) with the Chronic Wasting Disease Program has submitted 4,697 farmed cervidae CWD laboratory samples for testing. There are a total of 4,417 farmed cervidae in Iowa's CWD program. IDALS, **Iowa Whitetail Deer Association Newsletter** (Dec. 5, 2012). Thus, the Iowa producers have more than tested their entire herd in existence today!

Moreover, since 2002, the Iowa Department of Natural Resources (IDNR) has tested 42,853 wild deer and 3034 preserve deer. According to 2010 information on the IDNR website, the herd size was estimated at 470,000 animals. IDNR submits it tests an average of 3,400 to 3,900 annually. This is less than 1% testing of the herd by the Iowa DNR. The IDNR also reports a 95% chance of detecting a 1% infection rate utilizing their testing ratio. What are the odds that we would have found the two positives in our preserve if we were only required to test 1%? We had less than a 1% infection rate in the entire preserve herd.

Most recently, on March 2, 2013, officials at the South Dakota's Wind Cave National Park tore down part of the fence and used helicopters to release 200 of the estimated 950 CWD infected or exposed elk into Custer State Park. Since 1998, they have tested approximately 140 elk and found 45 positives. Despite the CWD prevalence, the elk herd has continued to grow. It is worth noting that Wind Cave National Park began as a National Game Preserve, a 4,000 acre game ranch, administered by the U.S. Biological Survey, Department of Agriculture, but you will only find this fact in the archives.

Please see the following links for more information on these topics:

[http://www.rapidcityjournal.com/news/planned-elk-drive-from-wind-cave-national-park-raises-question/article\\_d4807b7f-a29f-541c-a74e-63219e2fdbcb.html](http://www.rapidcityjournal.com/news/planned-elk-drive-from-wind-cave-national-park-raises-question/article_d4807b7f-a29f-541c-a74e-63219e2fdbcb.html) and

<http://www.aberdeennews.com/news/submit/lettertoeditor/sns-ap-sd--elk-drive-20130302,0.6339684.story>

USDA/APHIS have put forth new federal CWD standards that will require producers to depopulate their herd and be quarantined for 5 years ***without compensation*** for the same disease for which the state wildlife agencies are no longer required to test while they also continue to move infected animals and market them themselves; yet, all the while, USDA /APHIS continue to make recommendations and try to implement written standards for our industry. This is a blatant and hypocritical double standard! Depopulation is the first recommended action in the new standards for finding CWD in captive herds. **As the attached photographs vividly and sadly demonstrate, this is not "control" but eradication!**

For 10 years, the federal government has been compensating and depopulating CWD exposed farmed herds without conducting research to develop a live test or vaccine, leaving the producers and the industry without a live test to cull infected animals or a vaccine to protect our animals from contracting CWD.

Our herd was a "closed" herd for 10 years and CWD has been monitored for 10 years. We know that CWD has an incubation period of 48 months. How did we get it? Iowa's borders are surrounded by CWD—did we get it from the wild deer?

With respect to our real estate, while the State of Iowa will contend there are other uses for the land, our 330 acre preserve is 75% heavily timbered with 100 ft. ravines. According to the Iowa Extension 2013 website, the average unimproved grazing rental rates for such ground in our area is \$35 per acre. Even if we were to recoup this amount, it would not cover the property tax, much less the interest on the land payments, or the utilities for the lodges and cabins. The difference in the return on our investment between grazing as opposed to operating the land as a hunting preserve is staggering!

We urge you to read the new CWD Standards that USDA/APHIS have submitted. These double standards need to be addressed. If the wildlife agencies are not required to test, or make any sacrifices or concessions re CWD-exposed animals, then why are they allowed to have a major voice in the process? Taking hardworking American farmers' livelihoods is not the solution and needs to be addressed at the state and federal levels.

We will continue to feed our 400 head of whitetails at our own expense. The state of Iowa imposed the quarantine of our animals, shut down our business, and has set in motion a gathering storm that bodes ill for the welfare and even continued existence of our industry. We need to be compensated for our losses. We have challenged the State's actions in a contested case. This is America and we believe it is against the law and the Constitution to take our private property without just compensation.

Our animals will provide a wealth of knowledge for CWD research. Please consider donating to the Cervid Livestock Foundation (CLF) to help fund this much-needed CWD research. But be forewarned—have Iowa state officials requested this research for the sole purpose of testing all of Iowa's farmed cervids? Where does this leave us? Are you willing to take that risk?

This continues to be a long and arduous journey for us, and we thank all of our fellow producers for your support. We also want to thank our lawyers, especially animal owner/enterprise attorney **Kurtis B. Reeg of REEG LAWYERS** in St. Louis ([www.reeglawyers.com](http://www.reeglawyers.com)), for their continued efforts, counsel and support. When we are feeling beaten down we pull up the Whitetail Exchange IWDA Benefit Auction site and see all the wonderful consignments put together by our fellow producers in support of our effort. Words cannot express our gratitude to all of you. We ask, too, that you support the American Cervid Alliance (ACA), an alliance comprised of NADeFA, NAEBA, EWA and 30 state associations working toward a common goal.

We as an industry must unite and decide as a whole that we will stand up and protect our heritage and industry. We must stand up to the activists and animal rights agendas and mentality that have infiltrated our local, state and federal regulatory and governmental bodies. If any of you can make it to the upcoming Washington trip scheduled for April 14-17, 2013, we need your voice and support. We have to unite with ONE voice before we lose one more producer, hunting

preserve, or open border. We must have positive movement on science-based regulations and fence-neutral treatment for CWD.

Our industry has an opportunity to decide the course of the CWD program. As this letter is being written, industry leaders and state health officials are working to revise the federal standards. If these standards are not approved with industry and producer welfare changes, the ACA will be discussing the next steps and other important issues on the next conference call scheduled for April 9. Make sure your association is a member of the ACA and has appointed a representative, that is the only way your voice will be heard. Thank you for taking the time to read this letter. We appreciate your consideration and support.

Sincerely,

*/s/ Tom and Rhonda Brakke*

Tom and Rhonda Brakke

Enclosures

cc: Mr. Kurtis B. Reeg  
REEG LAWYERS, LLC  
One North Brentwood Blvd.  
Suite 950  
St. Louis, MO 63105  
314-446-3351  
[kreeg@reeglawyers.com](mailto:kreeg@reeglawyers.com)  
[www.reeglawyers.com](http://www.reeglawyers.com)



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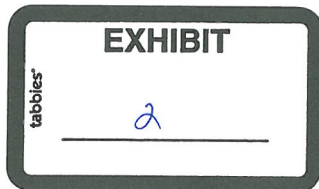




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