

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

CHRONIC WASTING DISEASE – RESPONSE
ORDER #5

EXECUTIVE ORDER

WHEREAS, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

WHEREAS, The specific cause of CWD is believed to be prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids; and

WHEREAS, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

WHEREAS, CWD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 *et seq.*) at 3 Pa.C.S. § 2321(d); and

WHEREAS, CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials; and

WHEREAS, CWD is of particular concern to the Commonwealth of Pennsylvania because it has the potential to have a detrimental impact on both Pennsylvania’s wild and captive cervid populations; and

WHEREAS, The Pennsylvania Department of Agriculture (PDA) has detected CWD in captive deer in Adams, Jefferson and York counties; and

WHEREAS, the Pennsylvania Game Commission (PGC) has also detected CWD in free-ranging deer in Bedford, Blair, Cambria and Fulton counties; and

WHEREAS, The Maryland Department of Natural Resources has detected CWD in free-ranging deer in Allegany County within 10 miles of the Pennsylvania border; and

WHEREAS, PDA and the PGC are signatories on the Commonwealth's CWD Response Plan; and

WHEREAS, The Game and Wildlife Code (Code)(34 Pa.C.S. §§ 101 *et seq.*) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 *et seq.*) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

WHEREAS, 58 Pa. Code § 137.34 provides specific emergency authority to the Executive Director of the PGC to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of CWD; and

WHEREAS, Previous executive orders concerning response to CWD within the Commonwealth were issued by the Commission on October 17, 2012, March 25, 2014, May 12, 2014 and April 20, 2015.

NOW THEREFORE, I, R. MATTHEW HOUGH, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. Disease Management Areas (DMAs) within the Commonwealth are designated as set forth below. These DMAs are more graphically illustrated on the maps titled "DMA 1,"

“DMA2” and “DMA3” attached hereto and incorporated by reference herein. Should any conflict exist between the below-listed written boundaries and maps of DMA 1, DMA 2 and DMA3, the written descriptions shall prevail.

- a. DMA 1: Adams and York Counties, Pennsylvania, bounded and described as follows: Starting at the intersection of Interstate 76 (I-76) and the west bank of the Susquehanna River heading south along the River for 21.8 miles to US Highway 30. Westbound on US Highway 30 for 18.3 miles to Highway 116. Highway 116 towards Hanover for 13.7 miles. In Hanover southwest on State Highway 194 for 7 miles to Littlestown, then northwest on State Highway 97 9.7 miles to Gettysburg. In Gettysburg, north on State Highway 34 for 14.3 miles to the Idaville Road. East on Idaville Road for 4.8 miles to the intersection of State Highway 94. North State Highway 94 for 2 miles to Latimore Road. East on Latimore Road for 1.6 miles to Mountain Road. North on Mountain Road for 6.9 miles to Dillsburg and the intersection of US Highway 15. North on US Highway 15 for 3.2 miles to the Yellow Breaches Creek (County Line). Northeast along the banks of the Yellow Breaches Creek for 12.1 miles to the intersection of I-76. East along I-76 for 6.4 miles to the intersection of Susquehanna River and the starting point.
- b. DMA 2: Bedford, Blair, Cambria, Clearfield, Franklin, Fulton, Huntingdon and Somerset counties, bounded and described as follows: Beginning in the Southeastern extent of the DMA at the intersection of State Highway 456 and the Maryland State Line, proceed north on Highway 456 for approximately 12.1 miles to the intersection of State Highway 16. The DMA boundary follows State Highway 16 north for 5.4 miles to US Highway 522 in McConnellsburg. Follow US Highway

522 north for .8 miles to US Highway 30. Follow US Highway 30 west for 6.4 miles to the intersection of State Highway 655. The DMA boundary follows north on State Highway 655 for approximately 22.3 miles to the intersection of US Highway 22. The DMA boundary follows US Highway 22 west for 16.6 miles to State Highway 453, then north along State Highway 453 for 20.5 miles to the intersection of State Highway 253. Follow State Highway 253 south for 8.1 miles to State Highway 53 in Van Ormer. The DMA continues on State Highway 53 south for 1.7 miles to Marina Road. At Marina Road the boundary follows for 5.5 miles to the intersection of Glendale Lake Road. Continue left on Glendale Lake Road and in 3 miles join onto State Highway 36. The DMA boundary follows State Highway 36 west into the town of Patton and then straight onto Magee Ave to the intersection of 5th Avenue. Continue south on 5th Ave for about .3 miles where the road becomes Mellon Ave. Continuing on Mellon Ave for .4 miles the road becomes Carroll Road once in East Carroll Township. The boundary continues south on Carroll Road for 3.7 miles to State Highway 219 in Carrolltown. The DMA boundary follows State Highway 219 south for 26.7 miles to State Highway 56 East and then follows State Highway 56 east for 3.9 miles to State Highway 160. Following State Highway 160 southward the boundary continues for 26.5 miles to the borough of Berlin, then west through downtown Berlin on State Highway 2030 (Main Street) for 0.44 miles to the intersection of State Highway 219. Finally south along State Highway 219 for 20.6 miles to the Maryland border.

- c. DMA3: Clearfield and Jefferson Counties, Pennsylvania, bounded and described as follows: Beginning in the Northwest corner of the DMA at the intersection of State Highway 36 and Interstate 80 (I-80), proceed east on I-80 for

27 miles to where Anderson Creek Road intersects I-80. Continue southwest on Anderson Creek Road for 1.8 miles to Home Camp Road (State Route 4016). Follow Home Camp Road south for 2.5 miles to the intersection with US Highway 322 (Rockton Mountain Highway). Continue west on US Highway 322 for 4 miles to US Highway 219, then south on along US Highway 219 for 20.25 miles to the intersection with State Highway 36. Continue west on the US 219/State Highway 36 overlap for 2.25 miles, then continue north on State Highway 36. Follow State Highway 36 (Colonel Drake Highway) northwest for 32.5 miles to its intersection with US Highway 322 (Main Street) in Brookville. Continue west on State Highway 36's overlap with US Highway 322 for approximately 0.75 miles, then continue north on State Highway 36 for 0.5 mile to the intersection with I-80.

3. Except as follows, the removal or exportation of high risk cervid parts from the above described DMAs is prohibited. The PGC may designate approved locations outside of the above described DMAs for the receipt of high risk cervid parts for waste disposal, taxidermy or butchering purposes.

4. For the purposes of this Order, high-risk parts or materials shall be defined as any parts or materials derived from cervids which are known to accumulate abnormal prions. This includes any of the following:

- a. Head (including brain, tonsils, eyes and lymph nodes);
- b. Spinal Cord/Backbone (vertebra);
- c. Spleen;
- d. Skull plate with attached antlers, if visible brain or spinal cord material is present;

- e. Cape, if visible brain or spinal cord material is present;
 - f. Upper canine teeth, if root structure or other soft material is present;
 - g. Any object or article containing visible brain or spinal cord material;
 - h. Brain-tanned hide.
5. For the purposes of this Order, high-risk parts or materials shall not include any of the following:
- i. Meat, without the backbone;
 - j. Skull plate with attached antlers, if no visible brain or spinal cord material is present;
 - k. Tanned hide or rawhide with no visible brain or spinal cord material present;
 - l. Cape, if no visible brain or spinal cord material is present;
 - m. Upper canine teeth, if no root structure or other soft material is present; and
 - n. Taxidermy mounts, if no visible brain or spinal cord material is present.
6. All cervids killed within the DMAs are subject to CWD testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations pursuant to conditions set forth in a forthcoming process. The process shall be made known through public announcement, website and other means reasonably intended to reach the widest audience. The cost of such testing and reporting to the hunter to be borne by the PGC.
7. The rehabilitation of wild, free-ranging cervids within the DMAs is prohibited.
8. The use or possession of cervid urine-based attractants in any outdoor setting within the established DMAs is prohibited.
9. Direct or indirect feeding of wild, free-ranging cervids within the DMAs is prohibited. This prohibition shall not be construed to apply to normal or accepted agricultural,

habitat management, oil and gas drilling, mining, forest management or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the PGC may provide written notice prohibiting such activity. Failure to discontinue such activity is a violation of this Order. For the purposes of this Order, feeding shall include the act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

10. No new PGC permits to possess or transport live cervids in the DMAs may be issued.

11. Except as follows, the possession and removal of vehicular killed cervids, or parts therefrom, from areas within the DMAs to locations outside the DMAs is prohibited. The PGC may designate approved locations outside of the above described DMAs for the receipt of high risk cervid parts for waste disposal, taxidermy or butchering purposes.

12. The requirements and restrictions of this Order are to be construed as separate from and in addition to any previous or future Executive Orders concerning the importation of high risk cervid parts from areas outside of this Commonwealth or the Establishment of Disease Management Area 2 Permits.

13. This Order shall not be construed in any manner to limit the PGC's authority to establish additional importation, exportation, possession, transportation or testing requirements on cervid parts or materials.

14. Nothing in this Order shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal Law) or the requirements of a lawful quarantine order issued by PDA.

15. The previous executive order concerning Chronic Wasting Disease Response issued on April 20, 2015 is hereby rescinded in its entirety and replaced by this Order.

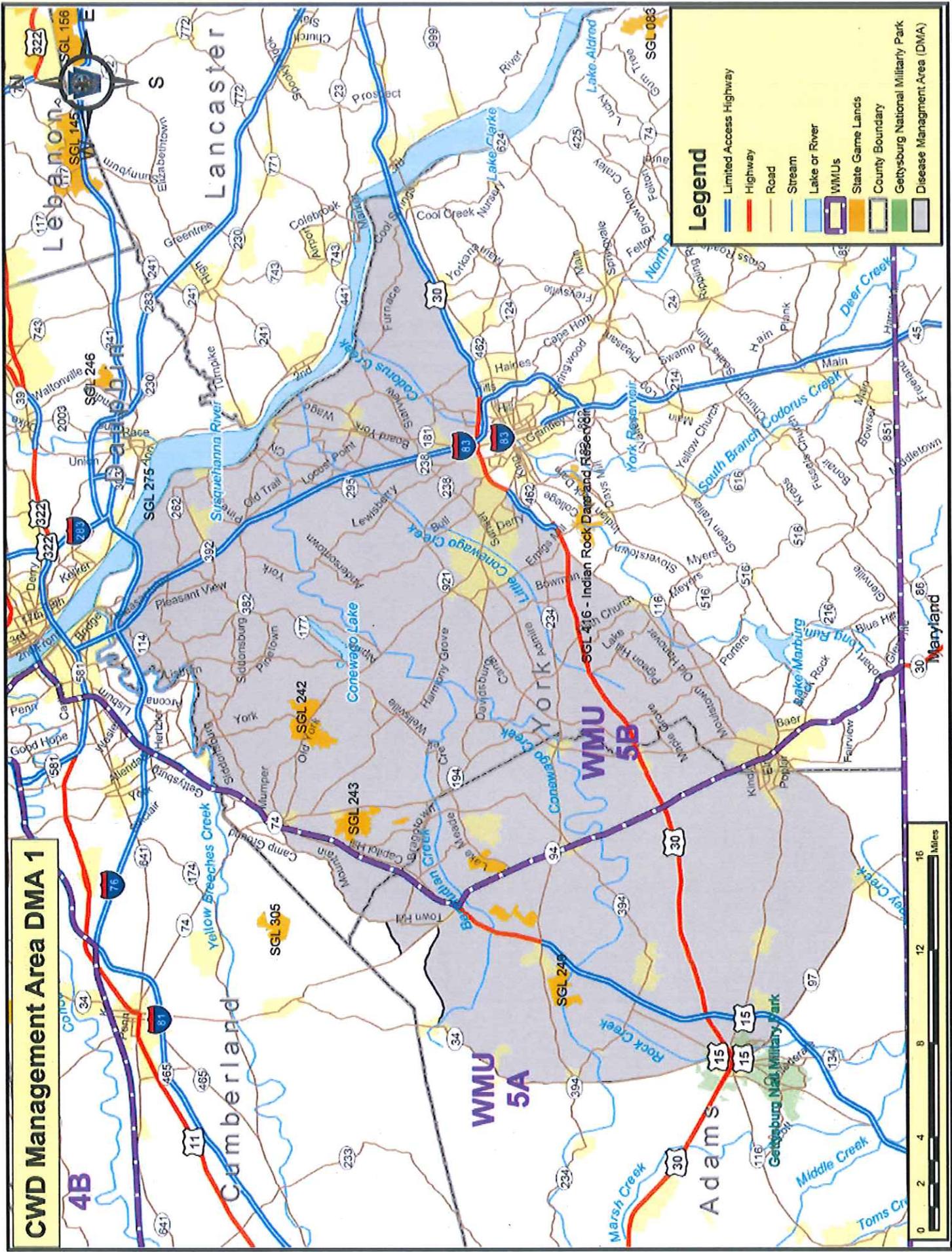
16. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 11th day of May, 2016.

Attest:

A handwritten signature in blue ink, appearing to read "Jason A. Gump".A handwritten signature in blue ink, appearing to read "R. Matthew Hough".

R. Matthew Hough
Executive Director



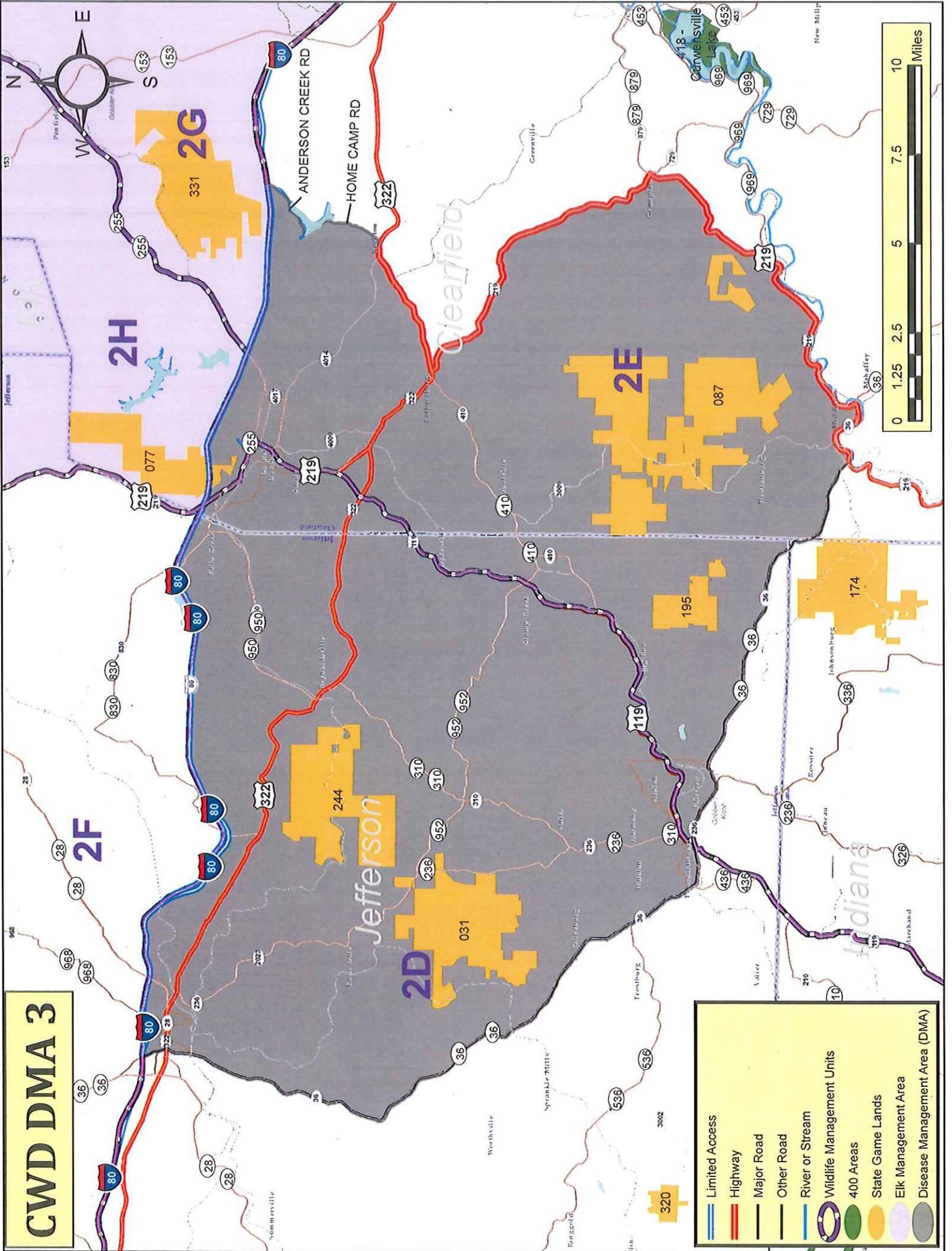
Legend

- Limited Access Highway
- Highway
- Road
- Stream
- Lake or River
- WMUs
- State Game Lands
- County Boundary
- Gettysburg National Military Park
- Disease Management Area (DMA)

CWD Management Area DMA 1



CWD DMA 3



- Limited Access
- Highway
- Major Road
- Other Road
- River or Stream
- Wildlife Management Units
- 400 Areas
- State Game Lands
- Elk Management Area
- Disease Management Area (DMA)

