

Final version recommended for approval by the USDA/MDA/MDNR/MDCH development group.

MEMORANDUM OF UNDERSTANDING
BETWEEN
MICHIGAN DEPARTMENT OF AGRICULTURE
AND THE
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
AND THE
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
VETERINARY SERVICES

ARTICLE 1 - PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to outline and agree on the principles required for continuing and advancing the three designations of State status regarding the risk of bovine tuberculosis (TB), namely, Modified Accredited status, Modified Accredited Advanced status, and Accredited Free status pursuant to Title 9, Code of Federal Regulations (CFR) Part 77, and the Tuberculosis Eradication Program's Uniform Methods and Rules, Effective January 1, 2005, (UM&R). It outlines an agreed upon framework for implementing and assessing new risk-based strategies to address bovine TB in both livestock and wildlife in Michigan with the objective of achieving Accredited Free status.

ARTICLE 2 - BACKGROUND

In October 2004, the Michigan Department of Agriculture (MDA) submitted an application for split-state status using the criteria established by the United States Department of Agriculture (USDA) for recognition of a zone or region with distinct bovine tuberculosis status, as delineated in 9 CFR 77.3 et seq.

Bovine tuberculosis regulations as delineated in 9 CFR 77.4(a)(3) require, in pertinent parts, that a state must enter into an MOU with APHIS in which the state agrees to adhere to any condition for zone recognition particular to that request within the Cooperative Tuberculosis Eradication Program.

In 2007, a previous MOU was signed by MDA, the Michigan Department of Natural Resources (DNR), and USDA, Animal Plant Health Inspection Service (APHIS), Veterinary Services (VS), which established criteria for maintenance of a Free, Modified Accredited Zone (MAZ) and Modified Accredited Advanced Zone (MAAZ) for bovine tuberculosis (TB) in Michigan. Pursuant to the CFR, the MOU was executed by the State of Michigan in order to agree on conditions for maintaining and advancing zones based on disease risk, and to continue progression toward the ultimate goal of eradicating bovine tuberculosis from the northern portion of Lower Michigan.

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ARTICLE 3 - AUTHORITIES

The USDA APHIS VS (referred to as the "Service") authority to control and/or eradicate bovine TB exists under the Animal Health Protection Act, in section 10411 (7 USC 8310) and in 10409 (7 USC 8308), and provides, among other things, the authority for the Service to cooperate with States or political subdivisions thereof, domestic or international associations or organizations, Indian Tribes, and individuals, to improve livestock and to control or eradicate any communicable diseases of livestock.

MDA and MDNR's authorities exist under Michigan's Animal Industry Act, P.A. 466 of 1988, as amended; the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended; and the Privately Owned Cervidae Producers Marketing Act, P.A. 190 of 2000, as amended.

ARTICLE 4 - MUTUAL AGREEMENT

It is mutually agreed upon that the cattle, bison, and cervid rules and regulations of the National Tuberculosis Eradication Program will be followed, including VS Memos, VS Notices, pertinent parts of the Code of Federal Regulations; the Uniform Methods and Rules, January 1, 2005, including any future revisions; and the Cervidae Uniform Methods and Rules, January, 1999, including any future revisions.

ARTICLE 5 - COOPERATOR RESPONSIBILITIES

Michigan Department of Agriculture is responsible for the following provisions:

1. Requiring electronic identification for any cattle and bison moved from premises in the Modified Accredited Zone and the Modified Accredited Advanced Subzone 1, and the ability to retrieve information concerning animal movements within 48 hours. Electronic records of movement are preferred over paper records. Cattle moved from a premises in the Modified Accredited Zone and the Modified Accredited Advanced Subzone 1 may move from a premises and receive electronic identification at a licensed livestock auction market if they do not cross a zonal boundary.
2. MDA will maintain and enforce a certificate system to track interzone cattle movements from farm of origin to final destination from the MAZ and MAAZ zones. This certificate system shall be substantially the same as CFR (77.3) requirements for interstate movements. Cattle moving directly from farm or feedlot to slaughter will be exempt from the movement certificate provided that the farm maintains records to identify the farm of origin of all animals shipped. Cattle moving directly to slaughter from the first livestock market can move on the market invoice listing the individual animal back tags, as an interim measure, until MDA and USDA, APHIS, VS can develop and implement an alternative certificate system that does not impede the flow of commerce.

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One hundred percent (100%) of cattle and bison moved interzone from the MAZ will be required to receive a movement certificate prior to leaving the farm of origin, which confirms that the animals to be moved meet all tuberculosis testing requirements prior to issuance of such a certificate. This requirement does not apply to cattle moving to the Gaylord market because the tuberculosis test status of all incoming animals is verified on-site. The invoice generated by the Gaylord market meets this requirement provided it contains the same information required on a movement certificate (excluding the sellers name and address and animal age) along with individual animal weights.

In addition, all cattle and bison moved interzone from the MAAZ, except as exempted in this section, will be required to receive a movement certificate prior to leaving the farm of origin, or livestock saleyard if this is the origin of the movement across the zonal boundary, which confirms that the animals to be moved meet all tuberculosis testing requirements prior to issuance of such a certificate. All individual cattle and bison data as specified in 9 CFR, 77.2 Definitions, Certificate, will be included on the certificate and the certificate must accompany the cattle and bison upon movement. Certificates for movement are not required for the zone within Michigan with free status.

3. Movements of cattle and bison from the MAZ will be monitored in livestock auctions within the state on sale days to confirm that the cattle and bison are identified, tested, and permitted, as required, and through other methods as necessary to ensure compliance with requirements. Market coverage by MDA and/or USDA APHIS VS staff will be based on the likelihood of MAZ animals being sold in each market. The following markets will have routine and continuous coverage on sale days: Gaylord, St. Louis, Cass City, and Marion. Other markets will be monitored as needed to verify compliance with applicable laws.
4. Movement of cattle and bison as defined in CFR Part 77, from the Lower Peninsula into the Upper Peninsula of Michigan will be monitored at the Mackinac Bridge throughout calendar year 2009 and 2010 whenever the bridge is open for transport of livestock. This monitoring is dependant upon maintaining funding to support this inspection point. MDA is currently anticipating funding to be available through FY 2010. If funding levels change, MDA and USDA will develop a mutually agreed upon plan for monitoring movements of animals from the Lower Peninsula that is consistent with controls necessary between modified accredited advanced and TB Free zones.

Cattle and bison transported across the bridge and livestock transportation equipment (vehicles) will be required to stop for inspection for compliance with State and Federal split state status requirements and this MOU. MDA will monitor compliance at the Bridge and evaluate the effectiveness of alternative enforcement strategies at the Bridge as part of a comprehensive movement control program. In 2009, at least 40 hours per week of law enforcement presence to immediately stop livestock transportation vehicles which do not stop for inspection will be maintained. Law enforcement officer work shifts will be varied among all days and shifts based on the risk of cattle movements and drive-bys. An activity log will be kept to record, verify, and document the inspections and compliance with this requirement.

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5. MDA will utilize State authority to randomly intercept and inspect vehicles that are transporting livestock on public roads within Michigan for compliance with State and Federal split state status requirements and this MOU. MDA will maintain an agreement with the Michigan State Police for an average of 20 hours of patrols per week conducting stops and inspections pertaining to vehicles that may be transporting cattle between zones within Michigan to ensure that they are being moved in compliance with testing, official identification, and movement certificate requirements. MDA will establish the amount of monitoring to be done (which includes, on the average, at least one stop per three days) and routinely evaluate data to ensure that if the trend for illegal movements over the period of one year is increasing, that additional measures are implemented to decrease illegal movements. Total movements will be calculated by the number of permits and certificates issued.
6. Summary reports of the annual bridge activities, investigations, and vehicle inspections on public roads will be included in the required bovine tuberculosis reports (VS 6-38 Form narratives).
7. MDA will include information regarding the following in the annual bovine TB reports (VS Form 6-38 Form narratives)
 - Surveillance, education, and other activities in custom slaughter plants
 - The number of cattle sent to slaughter by zone of origin
 - The activities completed and progress made by cattle and bison owners, with assistance by MDA, in implementing wildlife-risk reduction practices on farms in the areas with highest prevalence of bovine tuberculosis in free-ranging cervids so that on-farm risk reduction practices can be assessed and measured
 - Other activities as specified in VS Memorandum 552.29
8. MDA will continue to review normal agricultural practices as needed to identify and promote best management practices for agriculture resources that can be used to cost-effectively interrupt disease transmission within the MAZ.
9. MDA will continue to refine risk-based surveillance systems as follows:

MAZ

 1. Counties of Alcona, Alpena, Montmorency, Oscoda, and Presque Isle and those parts of Iosco and Ogemaw Counties included in the MAZ (high risk area)
 - Annual whole herd test of all herds except freezer beef herds
 2. Counties of Antrim, Charlevoix, Cheboygan, Crawford, Emmet, and Otsego (low risk area)
 - Through August, 2009, annual whole herd test of all herds except freezer beef herds
 - Beginning September 1 (now considered MAAZ Subzone 1)
 - Breeder herds – Annual whole herd test
 - Feeder calf producers – Test one half of the herds each year
 - Will begin with fall testing 2009
 - The first 170 herds that implement a provisional WRM plan prior to fall 2009 will be tested in fall 2010
 - The rest will remain on their normal schedule for 2009
 - Feedlots (sell only slaughter cattle) – Test every 3 years
 - Freezer Beef herds – no testing.

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MAAZ

1. Counties of Arenac, Clare, Gladwin, Grand Traverse, Kalkaska, Missaukee, Osceola, Wexford, and those areas of Iosco and Ogemaw counties south of the MAZ – MAAZ Subzone 2 (sporadic risk area)
 - Continue 2nd year of the 3 year program to test all herds in this area
 - Estimate 300 herds tested in 2009
 - Complete circle testing in Iosco county
 - Estimate 30 herds
 - Special testing – see below
2. All other counties in Lower Michigan – MAAZ Subzone 3 (negligible risk area)
 - Random selection of 70 herds
 - Special Testing – see below

TB Free Zone

- Random selection to supplement Special Testing to reach a total of 25 herds tested

Special Testing for 2009

1. TB Free zone and MAAZ Subzones 2 and 3
 - Test herds that have previously received exposed cattle and have not had an additional whole herd test since the trace testing
 - Estimate 40 herds
2. TB Free zone only
 - Test herds that have received cattle from the MAZ from 2004 – 2008

Planned modifications for 2010

1. TB Free zone and MAAZ Subzones 2 and 3
 - Beginning January 1, 2010 breeding cattle sold from herds located in the MAZ and MAAZ subzone 1 that do not have a provisionally or annually verified wildlife risk mitigation program (WRMP) in place, will be required to have an individual TB test within 60-120 days following movement.
 - This post-movement testing will apply to receiving herds located in MAAZ subzones 2 and 3, and the TB Free zone of Michigan.
 - The testing may be completed by regulatory veterinarians or private accredited veterinarians.
 - Testing in instances where the animal no longer resides at the movement destination (sold, died, etc.) will be handled as follows:
 - If the owner has documentation which identifies the location of the animal, the testing veterinarian will locate and complete testing of the animal at the current premises where it resides.
 - If the owner does not have documentation which identifies the location of the animal or if the animal designated for testing cannot be tested and located, the herd must conduct a whole herd tuberculosis test within 6-12 months from the date of movement into the herd.
 - Implementation of testing of post-movement testing of cattle received from herds that do not have a provisionally or annually verified WRMP in place will follow the following schedule:

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Year	Class of Cattle	Date From Which Customers Will Be Subject to Testing
2009	Breeding animals from herds which do not have an initial provisional verified WRMAP by December 31, 2009	January 1, 2010 $\Rightarrow \infty$
2010	Breeding animals from herds which did not pass their winter verification	April 1, 2010 until verified (earliest possibility would be December 2010)
2010	Herds in townships with a high apparent prevalence of bTB in wild deer which do not have an initial provisional verified WRMAP by December 31, 2009.	January 1, 2011 $\Rightarrow \infty$
2011	Herds in townships with a high apparent prevalence of bTB in wild deer which did not pass their winter verification.	April 1, 2011 until verified (earliest possibility would be December 2011)
2011	Remaining feeders from herds which do not have an initial provisional verified WRMAP by December 31, 2011	January 1, 2012 $\Rightarrow \infty$
2012	Remaining feeders which did not pass their winter verification	April 1, 2012 until verified (earliest possibility would be December 2012)

2. Special Testing for 2009 will have been completed.
3. Continue any circle testing and trace testing from any newly infected herds.
4. Discontinue random selection of herds for testing in MAAZ Subzone 3 and the TB Free zone.

Measurement of Surveillance

Surveillance will be considered successfully completed if both of the following occur:

1. The total number of herds tested in MAAZ Subzones 1, 2, 3 and the TB Free Zone equals at least 500 herds in 2009 and 400 herds in 2010.
2. The total surveillance value for each year using the scoring list below equals at least 1500 points.

Surveillance Category	Surveillance Value (points)
Exposed and source herd testing (all zones and subzones)	6
Special Testing 2009 and 2010	
1. TB Free zone herds that purchased MAZ cattle	5
2. Herds that have previously purchased exposed cattle (Subzones 2, 3, and TB Free zone)	6
3. 2010 - Testing of animals in MAAZ Subzones 2 and 3 that came from non-WRM herds	5
Circle Testing	4
Surveillance herds in Subzone 1	5
Other surveillance herds in Subzone 2	3
Other surveillance herds in Subzone 3	1
Other surveillance herds in TB Free Area	1

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10. MDA and the Service will continue to collaborate with USDA APHIS Wildlife Services (as USDA, APHIS, Wildlife Services resources allow), university and agency based researchers, and representatives of livestock producers to revise the strategy for Wildlife Risk Mitigation Project (WRMP) development as determined by a mutually agreed upon risk-based assessment process (See Attachment A). In addition to any newly identified premises identified to be bovine TB infected, priorities in 2009 should be placed on assessing and mitigating wildlife risks for herds located in the following areas that sell breeding animals that are moved across zonal or subzonal boundaries:
 - a) MAZ five-county (Alcona, Alpena, Montmorency, Oscoda, Presque Isle, and those parts of Iosco and Ogemaw Counties included in the MAZ).
 - b) Subzone 1 (Antrim, Charlevoix, Cheboygan, Crawford, Emmett, and Otsego Counties). The Wildlife Risk Mitigation Project is designed to change the long-term cattle raising practices that may lead to an increased risk of bovine TB infecting herds from surrounding deer populations. The project matches incentives (cost-share and lowered surveillance and movement requirements in Subzone 1) and disincentives (testing of customers in both MAZ and Subzone 1, and movement testing for those without a Wildlife Risk Mitigation Action Plan (WRMAP) in Subzone 1) to increase the rate of this change.

11. MDA will complete herd inventory reconciliation for freezer beef herds and any whole herd test performed in the MAZ by regulatory or accredited veterinarians within 60 days of a whole herd test. Herd inventory reconciliation means comparing herd inventories between two dates, identifying animals that cannot be accounted for by current databases, contacting owners to gather any additional information, and assigning animals to the compliance unit for investigation or placing the animal on the watch list. It is recognized that prioritization of workload during high-volume testing and movement seasons may result in herds extending beyond the 60 day timeline.

12. All testing for quarantine release or testing of high-risk herds will be performed by regulatory veterinarians only. High-risk herds shall consist of:
 - a. 60 day whole herd retests after the removal of a reactor animal, 90 days for privately owned cervids (POC).
 - b. Herds under test and remove herd plans.
 - c. Herds with a history of lesions suggestive of bovine TB.
 - d. Newly assembled herds on premises where a herd has been depopulated because of bovine TB.
 - e. Herds in contact with affected herds, e.g., fence line contact.
 - f. 6-4A herds (trace-ins).
 - g. 6-4B herds (trace-outs).
 - h. 6-35 herds (slaughter traces)
 - i. Other herds of high interest as defined by the Designated TB Epidemiologist (DTE).

13. A bovine TB management plan will be maintained and updated as significant developments occur that may alter the implementation of the plan, or within six months following the end of the bovine TB management plan period.

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Michigan Department of Natural Resources is responsible for the following provisions:

1. Developing and maintaining a successful Wildlife Disease Management Plan. This plan must include the following minimum provisions:
 - A. Five county endemic area, i.e. Alcona, Alpena, Montmorency, Oscoda, and Presque Isle counties: Active sampling of free-ranging deer at a rate of 3,500 deer annually. For the purposes of this MOU, active sampling is defined as testing of free-ranging cervids resulting from deliberate DNR actions to gather samples (e.g., active promotion of testing of hunter-harvested deer at check stations, mandatory testing of all elk, mandatory testing of deer taken under Disease Management Assistance permits, crop damage permits, Disease Control Permits, etc).
 - B. Passive surveillance will be conducted through examination and testing of potentially lesioned animals submitted to the DNR by hunters throughout Michigan. Hunters are educated to look for tuberculous lesions through information in the DNR's Hunting and Trapping Guide. For the purposes of this MOU, passive surveillance is defined as testing of free-ranging cervids voluntarily submitted to DNR by the public as a part of ongoing statewide monitoring of wildlife health. For example, DNR receives approximately 100 deer for examination per year from members of the public concerned about the health of a particular animal. Other than being promoted through DNR public education efforts, passive surveillance does not entail active effort on the part of the agency to acquire samples.
2. If bovine TB is detected in livestock in a county outside the MAZ, heightened active sampling of free-ranging deer will be initiated within a 10 mile radius of the bovine TB-positive livestock facility, at a rate sufficient to detect a TB prevalence of at least 1% with 95% confidence (≥ 300 deer annually). Sampling will continue at the agreed upon rate for a period of at least five consecutive years following the last year that a case of bovine TB was detected in free-ranging cervids or livestock in that area. In the event the free-ranging deer population in an area is insufficient to allow the agreed upon rate to be met, e.g., predominantly urban areas, northern Upper Peninsula, etc., a sampling rate sufficient to meet the intent of this provision will be mutually agreed upon by USDA, APHIS, VS and DNR on a case-by-case basis.
3. If bovine tuberculosis is detected by MDNR passive surveillance in free-ranging cervids outside the five county endemic area, heightened active sampling of free-ranging deer will be initiated within a 10-mile radius of the location of the TB-positive cervid, at a rate sufficient to detect a TB prevalence of at least 1% with 95% confidence (≥ 300 deer annually). Sampling will continue at the agreed upon rate for a period of at least five consecutive years following the last year that a case of bovine TB was detected in free-ranging cervids in that 10 mile radius area. In the event the free-ranging deer population in an area is insufficient to allow the agreed upon rate to be met, a sampling rate sufficient to meet the intent of this provision will be mutually agreed upon by USDA, APHIS, VS and DNR on a case-by-case basis.
4. For the purposes of this MOU, if no case of bovine TB has been detected in free-ranging cervids or livestock by sampling at the agreed upon rate for a period of at least five consecutive years, the prevalence of bovine TB will be considered to have reached an undetectable level. No further active surveillance will be mandated until such time as bovine TB is once again detected in either free-ranging cervids or livestock.

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5. The DNR, with collaborators, will continue to conduct research concerning the epidemiology of bovine tuberculosis and potential intervention strategies. Relevant research findings will be incorporated into existing surveillance and disease reduction activities as resources allow.
6. Reporting of indices that are used to monitor and evaluate the progress of the Wildlife Disease Management Plan will be included in the annual bovine tuberculosis report (VS 6-38 narrative).

ARTICLE 6 - SERVICE RESPONSIBILITIES

USDA, APHIS, VS (referred to as the "Service") is responsible for the following:

1. Providing expertise in epidemiology, diagnostic support, risk assessment, and testing.
2. Providing assistance with improving slaughter surveillance at Federal slaughter establishments, including assisting MDA with obtaining cattle movement data from other States.
3. Assisting with indemnity payments for whole herd depopulations, diagnostic removal of supplemental test reactors, animal and specimen transportation fees, laboratory analysis, data storage, and management support. The Service will assume responsibility for timely appraisal and payment for animals indemnified with federal funds.
4. Assisting the Cooperator with cattle and bison movement monitoring and compliance investigations involving movement of cattle between zones and interstate through the activities of USDA, APHIS Investigative and Enforcement Services (IES) officers.
5. Assisting USDA, APHIS Wildlife Services (WS) with wildlife-risk management activities on farms located within the MAZ.
6. Providing support for acquisition and development for electronic identification, hardware and software in accordance with the National Animal Identification System (NAIS) and USDA regulations. Provide data entry assistance necessary to monitor tuberculosis testing and animal movements within the MAZ and between zones and assist with fulfilling reporting requirements of split state status and this MOU.
7. Reviewing the progress of the bovine TB eradication activities covered under the split-state status and this MOU on an annual basis, and to report recommendations to the Cooperators.
8. Recognizing that bovine TB may exist at an undetectable level in free-ranging deer in any county that has undergone surveillance at the agreed upon rate with no findings of bovine TB in free-ranging deer for a period of five consecutive years.
9. Supporting implementation of the Wildlife Risk Mitigation Project as outlined in Article 5, MDA Responsibilities, Item 10.

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ARTICLE 7 - MAINTENANCE OF STATUS

To maintain status, a yearly review is required by the Cooperators and Service that determines that the requirements and agreements of the MOU are in place, and the prevalence rates in cattle and bison for each zone are in compliance with requirements of the *CFR*. The administrator will use his/her discretion to allow six (6) TB infected cattle and bison herds per year and up to four (4) affected herd years for maintaining status in the MAZ

To be eligible for application for increased status, the following requirements apply:

1. Advancement from MAZ to MAAZ status -

"To qualify for modified accredited advanced status, a modified accredited State or zone must demonstrate to the Administrator that it complies with the provisions of the Uniform Methods and Rules--Bovine Tuberculosis Eradication, Effective January 1, 2005 and that tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of cattle and bison in the State or zone for the most recent 2 years. "Except that: The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to three affected herds for each of the most recent two years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone. Title 9 Code of Federal Regulations Part 77.11.

2. Advancement from Modified Accredited Advanced to Accredited Free status -

"To qualify for accredited-free status, a modified accredited advanced State or zone must demonstrate to the Administrator that it complies with the provisions of the Uniform Methods and Rules--Bovine Tuberculosis Eradication,-Effective January 1, 2005 has zero percent prevalence of affected cattle and bison herds, and has had no findings of tuberculosis in any cattle or bison in the State or zone for the previous five years. "Except that: The requirement of freedom from tuberculosis is two years from the depopulation of the last affected herd in States or zones that were previously Accredited free and in which all herds affected with TB were depopulated, three years in all other States or zones that have depopulated all affected herds, and three years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with TB, as determined by the Administrator based on a risk assessment conducted by APHIS." Title 9 Code of Federal Regulations Part 77.9

Progress toward both preventing the spread of tuberculosis among and eradicating the disease from wildlife through a successful Wildlife Management plan, will be monitored utilizing trends over time in three indices within Deer Management Unit (DMU) 452:

1) apparent prevalence in deer of all ages other than fawns; 2) apparent prevalence in yearling deer (ages 1 and 1.5 years); and 3) age-specific force of infection. Reporting of these indices will be included in the annual bovine tuberculosis report. Other trend indices may be added to or substituted for these as mutually considered appropriate by DNR and USDA. For purposes of this MOU, trends will be assessed over the 5 year period including and preceding the most recent deer hunting season.

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The plan must be reviewed by DNR annually and a new plan jointly developed between the DNR and the Service when needed. If two or more of the Wildlife Management plan indices noted above demonstrate a statistically significant increasing trend over the preceding five year period for three consecutive reporting years, a review of the bovine tuberculosis wildlife management program will be conducted by the Service to determine the recommended action for the Administrator to take, which may include impacts on state or zonal status. For the purposes of this MOU, statistical trends in prevalence will be assessed using a two-tailed Cochran-Armitage Test for Trend.

ARTICLE 8 - FINANCIAL OBLIGATION

Execution of this MOU does not constitute a financial obligation on the part of the Service or Cooperator. Each signatory party is to use and manage its own funds in carrying out the purpose of this MOU.

ARTICLE 9 - LIMITATIONS OF COMMITMENT

This MOU, and any continuation thereof, shall be contingent upon available funds appropriated by each party's funding source. The Service receives its funds through appropriations from the Congress of the United States. It is understood and agreed that any monies allocated for purposes covered by this MOU shall be expended in accordance with its terms and in the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available. If fiscal resources are to transfer, a separate agreement must be developed by the parties.

Cooperator (MDA and DNR) funds are subject to and contingent upon, available funding from the Michigan Legislature and/or Executive branches. Funds may be limited, discontinued, or eliminated if the Legislature fails to appropriate sufficient funds, or if an Executive Order, directive, or departmental decision limits, discontinues, or eliminates the ability of the Cooperator to utilize appropriated funding.

ARTICLE 10 - CONGRESSIONAL RESTRICTION

Pursuant to 41 USC 22, no member of or delegate to Congress shall be permitted to share any or part of this MOU or to any benefit to arise there from.

ARTICLE 11 – LIABILITIES

APHIS will hold the Cooperator harmless from any liability arising from the negligent act or omission of the APHIS officer or employee acting within the scope of his or her employment to the extent compensation is available pursuant to the Federal Tort Claims Act (FTCA), except for negligent actions or omissions of the Cooperator, its employees, agents or subcontractors, and employees or agents of the subcontractor(s). Such relief shall be provided pursuant to the procedures set forth in the FTCA and applicable regulations. The United States of America will not be held liable for any property damage or personal injury resulting from the use of federally owned real estate and personal property loaned to the Cooperator under this MOU. The Cooperator assumes responsibility for any and all

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property damage and personal injury resulting from the use of said real and personal property and further agrees to save and hold harmless the United States of America from any and all claims for such property damage and personal injury. The Cooperator further agrees to reimburse the United States of America by and through the Service for any property damage to any Federally-owned real and personal property, less normal wear and tear, which may occur through the use of said property under this MOU.

ARTICLE 12 – CONDITIONS

Upon signature of this MOU, the State of Michigan MDA and DNR agree to the conditions for split-state status for bovine TB as defined in the final rule published in the Federal Register by APHIS. This MOU must be updated and re-approved annually (within 10 to 14 months from the previous signature date) by both the Cooperator and the Service in order to maintain split-state status for bovine TB in Michigan.

ARTICLE 13 – AMENDMENTS AND TERMINATION

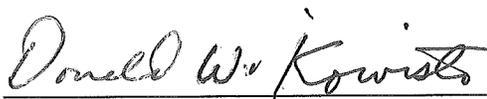
This MOU may be amended at any time by mutual agreement of the parties in writing. This MOU may be terminated by either party upon sixty (60) days written notice to the other party.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
VETERINARY SERVICES

BY: 
Jack A. Shere
Director, Eastern Region

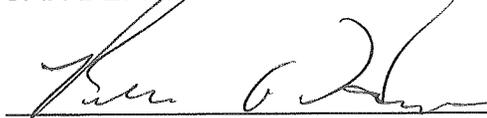
10-10-09
Date

MICHIGAN DEPARTMENT OF AGRICULTURE

BY: 
Donald W. Koivisto
Director

8-17-09
Date

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

BY: 
Rebecca A. Humphries
Director

8/14/09
Date

Michigan Bovine Tuberculosis Eradication Program

MEMORANDUM OF UNDERSTANDING BETWEEN MICHIGAN DEPARTMENT OF AGRICULTURE AND THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE VETERINARY SERVICES

Attachment A

ARTICLE 5 - COOPERATOR RESPONSIBILITIES

To have the best opportunity for long-term success, the program will be built according to the following guidelines:

- The program will be built in cooperation with producers and have realistic implementation goals, be cost-effective, and balance multiple potentially competing issues (examples: environmental preservation, animal welfare, disease control, and economic viability).
- Momentum must be developed early in the program by focusing on the things that are most acceptable and easiest to implement for the producer (see *WRMP Verification Requirements – short term implementation*).
- Major changes that require significant capitol input will in turn require long-term implementation schedules and yet-to-be identified resources. Producers will demonstrate movement toward more resource intensive practices by taking the initial steps in pursuing funding (see *WRMP Verification Requirements – long-term implementation in high-risk areas*).
- The program must provide certainty to customers that there will not be retroactive consequences for purchasing from herds in the areas where the program is instituted (must not inject uncertainty in the markets). The implementation schedule will need to minimize the risk that there will be serious unintended effects on marketing of cattle.
- A verification program that is balanced in allowing for corrections, but minimizes the time needed to identify non-cooperative producers. The WRMP verifications will be carried out annually from November 16 to March 15 by MDA and USDA regulatory personnel.

**WRMP Verification Requirements
Short Term Implementation**

Type of Change	Risk Mitigation Practice	Stage Verified	Timelines for Correction if Non-Compliant
Management	Feeding cattle limited quantities daily	Winter verification	14 days
Management	Feeding of cattle done 100 yards from deer cover	Winter verification	14 days
Management	Hay in storage by Nov 15 th	Winter verification	14 days
Structural	Exclusionary fencing – exclude cattle from ideal deer habitat in high risk areas	During Provisional verification	30 days
Structural	Grain & concentrates stored in containers	During Provisional verification	14 days
Structural	Measures used to protect hay & silage from deer contact	Winter verification	14 - 30 days

**WRMP Verification Requirements
Long-Term Implementation in High-Risk Areas**

Type of Change	Risk Mitigation Practice	Minimum Producer Action Required
Structural	Install feed storage fencing	Apply for cost-share or NRCS funding (must agree to take measures to protect feed while waiting for cost share practice to be installed.)
Structural	Install artificial watering system	Apply for NRCS funding
Structural	Install exclusionary fencing	Apply for NRCS funding

WRM Project Verification Schedule

Verification stage	Timeframe
Annual verification	Nov 16 th – March 15 th
2 nd visit – if not compliant at first visit	As stated in <i>WRMP Verification Requirements - short term implementation table</i>
Not verified by March 31, 2010	Considered not verified for movements April – Nov 2010