

CR 81-129



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

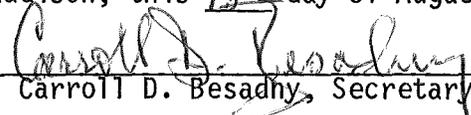
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. G-27-81 was duly approved and adopted by this Department on April 28, 1982. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 15th day of August, 1982


Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

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IN THE MATTER of creating ss. NR 1.11(11) .
and NR 1.18 of the Wisconsin Administrative .
Code pertaining to the captive wildlife .
policy .
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Revisor of Statutes
Bureau
G-27-81

Analysis Prepared by Department of Natural Resources

Presently, seven permit programs exist for captive wildlife regulation: 1) game farms, 2) wildlife exhibits, 3) fur animal farms, 4) deer farms, 5) falconry, 6) rehabilitation, and 7) propagation. Because the administration of such programs have not been uniform and, further, standards are completely lacking regarding wild animal pets, propagation and rehabilitation, a policy is necessary to provide uniform direction for regulation.

The Natural Resources Board policy will enable the Department to develop specific administrative rules and statutory modification which will clarify the captive wildlife programs for the user as well as the Department. Future statutory changes involving the definition of "wild animal" as well as its use within the text of the captive wildlife law authority, will enable the Department to deregulate exotic animals.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 227.011 and 227.014, Stats., the State of Wisconsin Natural Resources Board here creates rules interpreting ss. 29.01(1) and (3), 29.02(1), 29.174(1), 29.425, 29.427, 29.535(1), 29.54(1), 29.575(1), 29.578(1), 29.585(1) and 29.586(1) and (2), Stats., as follows:

SECTION 1. NR 1.11(11) is created to read:

(11) Recognizes that private use of Wisconsin's protected wildlife is appropriate provided that use for educational, recreational, scientific or economic purposes does not deleteriously affect native or migratory wildlife

and identifies the necessity of establishing and administering licensing or permit systems to insure proper care and handling of protected wildlife when persons are entrusted with their care or use.

SECTION 2. NR 1.18 is created to read:

NR 1.18 CAPTIVE BIRDS AND MAMMALS. (1) DEFINITIONS. (a) "Captivity" or "captive" means the state of confinement within a fence, pen, cage, house or similar enclosure.

(b) "Captive game farm birds and mammals" means birds and mammals which were propagated in captivity.

(c) "Wildlife" means birds and mammals which have inhabited and were propagated in a natural environment.

(2) GENERAL. (a) Authorized activities involving captive wildlife result in recreational, educational and economic benefits. The department, when feasible, will establish joint permit systems with other agencies having jurisdiction of the protected wildlife.

(b) Permits authorizing possession of captive wildlife or captive game farm birds and mammals shall be denied or revoked upon a showing that such possession results in care practices which are not humane, adequate or sanitary.

(c) The department may receive confiscated wildlife and shall render care consistent with standards and guidelines established for captive, protected wildlife.

(d) Permit programs described in subs. (3) through (6) are the only legitimate sources for additional captive possession of wildlife provided a proper receipt is obtained.

(3) REHABILITATION. (a) First aid and temporary care administered to orphaned, injured or confiscated wildlife may provide important benefits to the scientific community through knowledge gained during such treatment as well as benefit the wildlife being treated.

(b) Necessary standards for facilities and care shall be established to assure proper care and confinement.

(c) Skunks may not be held under this permit authority.

(d) Wildlife may be destroyed by the department or permittees when there is no hope of successful release to the wild or for cost free use for falconry, wildlife exhibits, propagation, zoos or educational institutions.

(e) The department may not actively engage in a rehabilitation program but provide coordination of referrals to authorized rehabilitators. The department may continue to provide care for confiscated wildlife.

(4) FALCONRY. (a) The use of certain species of raptors for the pursuit and capture of wild animals is a legitimate use of a natural resource which requires skill and dedication on the part of the user and may yield important biological, ecological and other scientific knowledge of predatory birds.

(b) Because of the complexities of the sport, permit applicants will be tested for their knowledge of basic biology, raptor care, literature, laws, and regulations.

(c) Special hunting seasons may be established within the biological limits of the wildlife species to provide recreational opportunities.

(d) When the security of any wild population of raptor is in doubt or in jeopardy, the department shall prohibit the use of wild-trapped birds of that species for falconry.

(e) The use of raptors hatched, raised or rehabilitated in captivity will be encouraged for falconry to reduce the use of wild raptors.

(f) The department will encourage educational efforts to improve the public's knowledge of raptors and monitor the program, particularly regarding the health, care, taking and transfer of raptors.

(5) WILDLIFE EXHIBITS. (a) The use of game farm birds and mammals or wildlife which cannot be released to the wild for advertising or exhibition purposes serves the public interest when the public's general knowledge of wildlife is increased by such use.

(b) Standards for facilities and care shall be reviewed by the department to insure humane and sanitary treatment of captive birds and mammals and compliance with the animal welfare act of 1966 (P.L. 89-544), as amended.

(c) No exhibited bird or mammal may be released to the wild. Further precaution shall be taken to minimize contact between captive and free-roaming wildlife.

(6) PROPAGATION. (a) Use of propagated game birds, game mammals and raptors contributes to the satisfaction of public demands by providing an alternative to the complete reliance upon wildlife populations. Habitat components beneficial to the survival of wild populations may be protected by private citizens participating in these programs.

(b) The department shall provide housing guidelines and each permittee shall implement control measures which minimize disease and potential threats to wildlife.

(c) The department may authorize the periodic taking of wildlife for breeding purposes.

(7) ENDANGERED AND THREATENED SPECIES. Birds and mammals on the Wisconsin endangered and threatened species list (s. NR 27.03) may be acquired and possessed only by persons possessing a Wisconsin endangered species permit issued under s. 29.415(6), Stats.

(8) SCIENTIFIC COLLECTION. Except as provided by specific rule or law, all protected wild animals, alive or dead, not listed as endangered or threatened species may be acquired and possessed only by persons possessing a scientific collectors permit issued under s. 29.17, Stats. Such permits shall be issued only if the use of the wild animal provides useful scientific knowledge or educational opportunities in the natural sciences consistent with s. NR 19.11.

(9) VETERINARIANS. Licensed veterinarians providing emergency treatment of wildlife or game farm birds and mammals shall not be required to possess additional department permits.

(10) TEMPORARY POSSESSION. Wildlife is often obtained by citizens attempting to rescue sick, injured or orphaned birds and mammals. Such person shall notify a conservation warden within 24 hours and advise of such possession.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 28, 1982.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin August 18, 1982

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

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