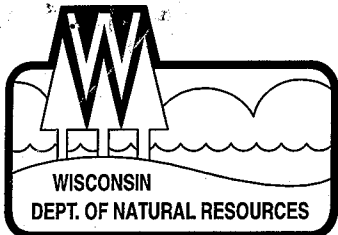


97-016

Clearinghouse Rule 97-016

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



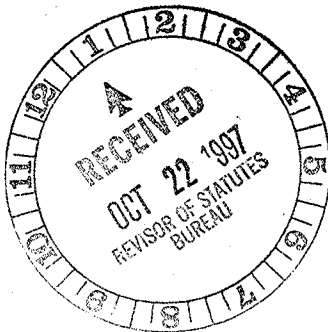
Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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. ER-1-97 was duly approved and adopted by this Department on August 27, 1997. 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 the Natural Resources Building in the City of Madison, this 14th day of October, 1997.

George E. Meyer
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 18.01(1), 18.03(1)(a) and (b); to renumber NR 18.01(2) to (9); to renumber and amend NR 18.03(3) and (4); to amend NR 18.03(1)(intro.), 18.05, 18.07(2)(a)1. and 2., 18.10, 18.13(1)(b)1. and (2), 18.14(2) and (3), 18.15, 18.16(intro.), (1), (2)(title), (a) and (b); to repeal and recreate NR 18.06, 18.07(1), (2)(title), (intro.) and (a)(intro.), 18.08, 18.09, 18.11, 18.12, 18.16(3) and 18.17; and to create NR 18.01(2), (3), (5), (10) and (13), 18.03(2) and (5), 18.07(2)(a)3., and 18.16(4) relating to falconry.

ER-1-97

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.175(1) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.175(1) and 29.415, Stats.

The proposed rules modify existing falconry rules. The significant regulations are:

1. Definitions are amended and created for clarification purposes.
2. A small game or sports hunting license is eliminated as a resident requirement to practice the sport of falconry.
3. Applications for permits must be accompanied by fees if required by statute.
4. The period of a falconry permit is extended from one year to three years.
5. One raptor housing facility may be permitted to meet mews and weathering area requirements.
6. Permit issuance criteria are clarified.
7. The sponsor-apprentice relationship is strengthened by extending the two-year sponsorship for apprentices under the age of 18. Apprentices are prohibited from possessing eyasses (nestling raptors) in the calendar year in which they were taken.
8. General and Master class falconers are allowed to possess captive-reared endangered and threatened species banded with bands issued by the U.S. fish and wildlife service for captive reared birds.
9. A nonresident raptor trapping permit system is proposed for General and Master class falconers.
10. The prohibition on taking merlins is modified to apply to eyasses only.
11. Annual report requirements are modified and clarified to require the submission of additional information.
12. The use of certain species of falconry raptors is allowed for educational programs.
13. The rules propose to authorize the sale of properly identified captive-bred and raised raptors.

SECTION 1. NR 18.01(1) is repealed.

SECTION 2. NR 18.01(2) to (9) are renumbered NR 18.01(4), (12), (9), (8), (7), (11), (1) and (6), respectively.

SECTION 3. NR 18.01(2), (3), (5), (10) and (13) are created to read:

NR 18.01(2) "Disposal" means transfer of the raptor by gift or trade, release, escape, death or any other event that results in the permittee no longer possessing the raptor for falconry.

(3) "Eyass" means a young raptor not yet capable of flight.

(5) "Falconry permit" means a permit to allow a resident permittee to take, possess and transport raptors for the purpose of practicing falconry.

(10) "Raptor" means a live, migratory bird of the order Falconiformes or the order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*) or golden eagle (*Aquila chrysaetos*).

(13) "Trapping permit" means a permit obtained by a nonresident from the department to take a raptor for the purposes of falconry.

SECTION 4. NR 18.03(1)(intro.) is amended to read:

NR 18.03(1)(intro.) ~~It shall be unlawful for any~~ No person to ~~may~~ take, possess or transport any raptor for falconry purposes or practice falconry in Wisconsin unless a valid falconry permit has been issued pursuant to this chapter or issued by another state provided that state is listed in the federal regulations as a state meeting federal falconry standards.

SECTION 5. NR 18.03(1)(a) and (b) are repealed.

SECTION 6. NR 18.03(2) is repealed and recreated to read:

NR 18.03(2) Nonresident falconers shall obtain a trapping permit to take raptors in Wisconsin under s. NR 18.12(2) and shall obtain a valid small game or general hunting license to practice falconry in Wisconsin.

SECTION 7. NR 18.03(3) is renumbered NR 18.03(4) and amended to read:

NR 18.03(4) No person shall ~~may~~ transfer ~~the~~ a falconry permit or falconry markers or ~~permit~~ allow the use thereof by any other ~~persons~~ person, nor shall ~~may~~ any person while engaged in falconry, use or carry any permit or marker issued to another.

SECTION 8. NR 18.03(3) is created to read:

NR 18.03(3) No person may engage in any falconry activity unless the person has in his or her possession a falconry permit or a nonresident raptor trapping permit issued under this chapter.

SECTION 9. NR 18.03(5) is created to read:

NR 18.03(5) No person may take a northern goshawk on U.S. Department of Agriculture National Forest land unless a written description of the location of the take, satisfactory to the Forest Supervisor or designee, is provided to the Forest Supervisor or designee prior to any take.

Note: The National Forests, consistent with the Multiple Use-Sustained Yield Act of 1960 (16 USC s. 528) and the Federal Land Policy Management Act of 1976 (16 USC ss. 1701-1784), are managed for wildlife purposes. Data regarding the populations and take of the northern goshawk on the National Forest is relevant to goshawk management. The Forest Service may implement protection measures for the northern goshawk that may include the closing of areas of land within the National Forest to the take of goshawks. Information on the location of National Forest land may be obtained from: Chequamegon/Nicolet Forest Supervisor, Federal Building, 68 S. Stevens Street, Rhinelander, WI 54501.

SECTION 10. NR 18.05 is amended to read:

NR 18.05 EXAMINATION. (1) Prior to submitting an application for a permit under this chapter, each new applicant or person whose prior permit has ~~been~~ expired or been revoked for a period of more than 2 years shall be required to answer correctly at least 80% of the questions on a supervised examination described in sub. (2).

(2) The examination shall be ~~provided~~ prepared by the fish and wildlife service and administered by a representative of the department. The examination shall consist of questions relating to the basic biology, care and handling of raptors, literature, laws and regulations governing the sport of falconry.

(3) Applicants failing ~~the required examination to correctly answer at least 80% of the questions on the examination described in sub. (2)~~ may not be issued a permit but may repeat the exam after 30 days. Should a second failure occur, a one-year waiting period is required before the examination sequence may be repeated.

SECTION 11. NR 18.06 is repealed and recreated to read:

NR 18.06 APPLICATION PROCEDURE. (1) **RESIDENT FALCONRY PERMIT.** A person shall submit an application for a permit under this chapter on forms provided by the department accompanied by any statutorily required fee. Applicants may not submit more than one application for a permit under this chapter nor apply for a permit if they have failed to correctly answer at least 80% of the questions on a falconry examination as described in s. NR 18.05(2) and as required in s. NR 18.05(1). Applicants shall provide the following information:

- (a) Name, address, birth date and physical description of the applicant.
- (b) Number, species and source for each raptor the applicant plans to acquire, including its age and sex if known.
- (c) Description and location of falconry facilities.
- (d) Description of the training area.
- (e) Date and time the facilities and training area will be ready for inspection.
- (f) Certification by the applicant that the information in the application is true and correct.
- (g) Authorization allowing state and federal agents to inspect the applicant's facilities, training area and raptors.

(2) **NONRESIDENT RAPTOR TRAPPING PERMIT.** A nonresident shall apply for a nonresident raptor trapping permit under this chapter on forms provided by the department accompanied by any statutorily required fee. Applicants may not submit more than one application for a permit under this chapter. Applicants shall provide the following information:

- (a) Name, address, birth date and physical description of the applicant.
- (b) Number, species and source for each raptor the applicant plans to acquire, including its age and sex if known.
- (c) Description and location of falconry facilities.
- (d) Certification by the applicant that the information in the application is true and correct.

(e) A photocopy of his or her current, valid state or federal falconry permit and valid import license from the state of residence, which shall be listed as a cooperating state in 50 CFR 21.29(k).

Note: Application forms may be obtained at: Bureau of Endangered Resources (BER), Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.

SECTION 12. NR 18.07(1), (2)(title), (intro.) and (a)(intro.) are repealed and recreated to read:

NR 18.07(1) Upon receipt of an application for a resident falconry permit, the department shall, within 30 days, inspect the applicant's facilities and equipment and determine that they comply with this section before a permit may be issued.

(2)(title) FACILITIES; EQUIPMENT. (intro.) The applicant shall provide and maintain the following facilities and equipment in accordance with the following standards to ensure the health and safety of the raptor or raptors:

(a) Facilities. (intro.) Raptor housing facilities whether indoors or outdoors shall be maintained in a clean state and protected from the environment, predators and undue disturbance and shall include either:

Note: Indoor facilities are commonly known as mews and outdoor facilities are commonly known as weathering areas.

SECTION 13. NR 18.07(2)(a)1. and 2. are amended to read:

NR 18.07(2)(a)1. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the indoor facility, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body head, and a secure door that can be easily closed. The floor of the indoor facility shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

2. Outdoor facilities shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and from attack by predators. The enclosed area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind and inclement weather shall be provided for each bird. Adequate perches shall be provided.

SECTION 14. NR 18.07(2)(a)3. is created to read:

NR 18.07(2)(a)3. A single facility meeting the requirements of both subds. 1. and 2. may be permitted.

SECTION 15. NR 18.08 is repealed and recreated to read:

NR 18.08 UNSATISFACTORY CONDITIONS. The department, upon a written finding of improper treatment or care of a raptor or of the failure to provide proper facilities or equipment for a raptor, shall notify the permittee of the finding in writing and request the correction of the treatment, care, facilities or equipment, as detailed in the notice, within 5 working days of the notice. Upon the failure of the permittee to make the corrections described in the notice, the raptors shall be seized by the department and the permit shall be revoked. The permittee is ineligible

to receive another permit until the department is satisfied the facilities, equipment and care comply with this chapter and that the health and safety of raptors in the facilities is ensured.

SECTION 16. NR 18.09 is repealed and recreated to read:

NR 18.09 ISSUANCE CRITERIA. The department may not issue or renew a permit if any of the following apply:

- (1) The applicant submitted false information in the application.
- (2) The applicant has been found to have failed to provide facilities or equipment in compliance with this chapter, or the applicant has failed to provide proper treatment or care of the raptors. However, if the department is satisfied that the failure has been corrected and will not be repeated, a permit may be issued.
- (3) Issuance may have a significant adverse effect on the wild population of raptors based on the best scientific evidence available.
- (4) The applicant has failed to comply with federal or state law respecting take, possession or transportation of raptors.
- (5) The applicant has failed to submit reports required by this chapter.
- (6) The applicant has submitted reports required by this chapter in an incomplete or false manner.

SECTION 17. NR 18.10(1)(b)4. and (2)(b) are repealed.

SECTION 18. NR 18.10(1)(a) and (b)(intro.), 1. to 3. and (c) are amended to read:

NR 18.10(1)(a) ~~The~~ An apprentice class permittee shall be at least 14 years old and sponsored by a person possessing a general or master falconry permit.

(b)(intro.) A sponsor who is a holder of a general or master falconry permit is required for permittees under the age of 18, and for all permittees the first 2 years in which an apprentice permit is held, regardless of the age of the permittee. The sponsor of an apprentice:

1. ~~A sponsor may~~ May not have sponsor more than 3 apprentices at any one time. ;
2. ~~The sponsor shall~~ Shall submit an annual progress report in narrative form to the department by July 31 of each year. ; and
3. ~~The sponsor shall~~ Shall notify the department at any time when the progress or performance of an apprentice is unsatisfactory.

(c) ~~A~~ The apprentice class permittee ~~shall~~ may not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period. An apprentice permittee may only possess either an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*).

SECTION 19. NR 18.10(1)(d) is repealed and recreated to read:

NR 18.10(1)(d) An apprentice class permittee may not possess an eyas.

SECTION 20. NR 18.10(2)(a) is amended to read:

NR 18.10(2)(a) A general class permittee shall be at least 18 years old and shall have at least 2 years experience in the practice of falconry at the apprentice level and receive a written recommendation from the sponsor or produce documentation, acceptable to the department, of qualified experience exceeding 2 years.

SECTION 21. NR 18.10(2)(c) and (d) are renumbered NR 18.10(2)(b) and (c) and, as renumbered, are amended to read:

NR 18.10(2)(b) A general class permittee may not possess more than 2 raptors and may not obtain more than 2 raptors ~~for replacement birds from the wild~~ during any 12-month period.

(c) A general class permittee may not take, transport or possess any golden eagle (*Aquila chrysaetos*), or merlin (*Falco columbarius*) ~~or eyas~~. A general class permittee may not possess any endangered or threatened species listed in s. NR 27.03 unless it is captive reared and banded with a marker provided by the fish and wildlife service.

SECTION 22. NR 18.10(3) is amended to read:

NR 18.10(3) MASTER CLASS. (a) ~~An applicant~~ A master class permittee shall have at least 5 years experience in the practice of falconry at the general class level ~~or its equivalent~~.

(b) A master class permittee may not possess more than 3 raptors, and may not obtain more than 2 raptors ~~for replacement birds from the wild~~ during any 12-month period.

(c) A master class permittee may not take, transport or possess any golden eagle for falconry purposes unless authorized in writing under 50 CFR 22.24. A permittee may not take, transport or possess any endangered or threatened species listed in s. NR 27.03, except captive reared species banded with ~~seamless markers~~ bands provided by the U.S. fish and wildlife service.

(d) A master class permittee may not take, transport, or possess as part of his or her ~~three-bird~~ 3-bird limitation, more than one raptor listed as a federally threatened species as prescribed by 50 CFR 21.29(e) (3) ~~(v)~~.

SECTION 23. NR 18.11 is repealed and recreated to read:

NR 18.11 DURATION OF PERMITS. A permit shall be valid for a period not to exceed 3 years, the period commencing on the date of issuance and expiring on July 31 of the third year following issuance.

SECTION 24. NR 18.12 is repealed and recreated to read:

NR 18.12 TAKING AND DISPOSAL RESTRICTIONS. (1) RESIDENT PERMITTEE. No resident permittee may take, possess or transport a raptor from the wild without a falconry permit from the department's bureau of endangered resources.

(2) **NONRESIDENT RAPTOR TRAPPING PERMIT.** (a) Trapping permits may not be issued to nonresidents other than persons meeting the qualifications of the general or master class permittees in s. NR 18.10(2) and (3).

(b) Nonresidents may not apply for more than one trapping permit per trapping season.

(c) The nonresident raptor trapping permittee shall immediately upon capture mark a raptor trapped under a nonresident raptor trapping permit with a federal marker. No raptor may be transported within or from Wisconsin without the marker attached.

(d) The nonresident raptor trapping permittee shall notify the department's bureau of endangered resources within 5 days of any take and provide information on the take on forms provided by the department's bureau of endangered resources.

(e) The nonresident raptor trapping permit shall be carried by the permittee while in the act of trapping and during the transportation of the trapped raptor.

(f) Nonresidents may not take, possess or transport a merlin eyas or any federal or Wisconsin endangered and threatened species.

(3) **SEASON FOR TAKING RAPTOR FROM THE WILD.** (a) A general or master falconer may take eyasses annually during the period of March 26 through April 5 and May 15 through July 15. Except as provided in sub. (2)(f), no more than 2 eyasses may be taken by the same general or master falconer permittee during the specified season.

(b) First year (passage or immature) raptors may not be taken other than during the period of September 16 through December 31.

(c) In no case may the total of all periods of raptor taking exceed 180 days during a calendar year, except that a raptor which has a federal marker attached may be retrapped at any time.

(4) **MARKING.** (a) Raptors held under a permit shall be marked with a numbered band provided by the fish and wildlife service.

(b) A permittee shall attach the marker to the raptor immediately upon acquisition.

(c) No person may alter, counterfeit or deface a marker. A permittee may, however, remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

(d) Permittees trapping previously marked raptors shall immediately report the trapping to the department's bureau of endangered resources.

(5) **EGGS TAKEN FROM THE WILD.** No person may remove any raptor egg or eggs from any nest unless permitted under a scientific collector's permit issued by the department's bureau of endangered resources.

(6) **NESTLING RAPTOR.** General and master class permittees may take eyasses under s. NR 18.10 on the condition that no less than one healthy chick is left in the nest from which the eyas was taken.

(7) **ADULT RAPTOR.** A permittee may not take or possess any raptor other than American kestrels and great horned owls (*Bubo virginianus*) if the raptor is over one year old. Raptors other than state and federally endangered or threatened species that have been taken under a depredation or scientific collector's permit may be used for falconry by general and master class permittees.

(8) RAPTORS TAKEN IN WISCONSIN. Title to raptors taken in Wisconsin remains in the state of Wisconsin and the raptors may not be transferred other than in accordance with s. NR 18.16.

(9) RAPTORS FROM OUTSIDE WISCONSIN. Raptors obtained outside the state by Wisconsin residents may not be possessed or transported within Wisconsin unless the person possesses legal authority from the state in which the raptor was acquired and a Wisconsin falconry permit.

(10) ESCAPE OR DEATH OF RAPTORS. A permittee shall report the loss or death of any raptor within 5 days to the department's bureau of endangered resources. Carcasses are to be disposed of as directed by the fish and wildlife service.

Note: Forms may be obtained from the Bureau of Endangered Resources, Box 7921, Madison, WI 53707.

Note: In addition, all person must comply with applicable requirements of federal migratory bird permit regulations contained in 50 CFR 21.

(11) EXCHANGE OF RAPTORS. No person may give or transfer a raptor to a holder of a Wisconsin permit unless the exchange is reported to the department's bureau of endangered resources by the permittee originally holding the raptor within 5 days of the gift or transfer.

(12) TRAPPING OF RAPTORS. (a) All live traps used in taking raptors shall be of a design to offer minimum harm to captured birds and shall be monitored by the permittee at all times.

(b) All traps shall bear a legible label containing the name, address and state falconry permit number of the permittee or nonresident raptor trapping permit number.

(13) TRAINING OF RAPTORS. Persons may not train raptors by using or killing game birds out of season; however, game birds obtained from licensed game farms may be used for this purpose when the permittee is in possession of a valid game farm receipt. Game birds may not be possessed by a permittee unless treated in a humane manner and confined under sanitary conditions with proper care.

(14) CAPTIVE REARED RAPTORS. Raptors hatched and reared in captivity may be used for falconry purposes provided each raptor is banded with a numbered marker provided by the fish and wildlife service.

SECTION 25. NR 18.13(1)(b)1. and (2) are amended to read:

NR 18.13(1)(b)1. ~~The department shall be informed~~ A permittee shall inform the department's bureau of endangered resources in writing ~~by the permittee~~ of this action within 3 days of the transfer and informed where the birds are being held, the reason for the transfer, who is caring for them and approximately how many days they will be in the care of the second person.

(2) ~~Department~~ Department's bureau of endangered resources (2) Diseased or injured raptors may be transported to the nearest, qualified rehabilitation facility. A report of the event including the diagnosis by the facility shall be filed with the ~~department~~ department's bureau of endangered resources within 5 days of the occurrence.

SECTION 26. NR 18.14(2) and (3) are amended to read:

NR 18.14(2) OUT-OF-STATE USE. A resident permittee may ~~remove~~ transport raptors ~~licensed~~ permitted by this chapter from Wisconsin for meets, trials, hunting and other falconry

activities provided the permittee obtains ~~such a~~ permit or license as may be required by another state.

(3) IN-STATE USE. Except for species listed in s. NR 27.03, nonresidents may possess and transport raptors authorized by permit by their state of residency into Wisconsin without additional license. ~~Such raptors may be used for meets and trials provided the event is approved by the department.~~

SECTION 27. NR 18.15 is amended to read:

NR 18.15 RELEASE OF MARKED RAPTORS. A falconry permit holder shall obtain written authorization from the ~~department~~ department's bureau of endangered resources before any raptor not indigenous to Wisconsin is intentionally released to the wild, at which time the marker from the released bird shall be removed. The marker from an intentionally released raptor which is indigenous to Wisconsin shall also be removed. A standard federal ~~bird band~~ marker shall be attached to ~~such~~ the birds by the state or service-authorized federal bird bander whenever possible.

SECTION 28. NR 18.16(intro.), (1), (2)(title), (a) and (b) are amended to read:

NR 18.16 PERMIT CONDITIONS. (intro.) In addition to the general conditions ~~set forth~~ in this chapter, every falconry permit and nonresident raptor trapping permit issued shall be subject to all of the following special conditions:

(1) PROHIBITIONS. A permittee ~~shall~~ may not take, possess or transport a raptor nor assist any other person in taking, possessing or transporting a raptor in violation of the restrictions, conditions and requirements contained in this chapter.

(2)(title) TRANSFER OF RAPTORS. (a) A permittee may ~~trade or~~ transfer a raptor to another permittee if the transaction occurs entirely within the state and no money or other consideration is involved, except properly marked captive bred and raised raptors, identified as captive by the fish and wildlife service, may be sold to another permittee.

(b) A permittee may ~~trade or~~ transfer a raptor to another permittee in an interstate transaction if prior written approval of the state agency which issued the permit is obtained and no money or other consideration is involved, except properly marked captive bred and raised raptors, identified as captive by the fish and wildlife service, may be sold to another permittee.

SECTION 29. NR 18.16(3) is repealed and recreated to read:

NR 18.16(3) ANNUAL REPORT REQUIREMENT. (a) No later than August 31 of each year, a permittee shall submit to the department a falconry report for the preceding August 1 to July 31 year.

(b) The report shall be on forms provided by the department and shall contain the all of following information:

1. Name, address and telephone number of the permittee.
2. State permit number or nonresident trapping permit number.
3. Information on each raptor taken from the wild during the year including all of the following:

- a. Species;
 - b. Age;
 - c. Sex;
 - d. Nest tree species and condition of nest tree from which an eyas is taken;
 - e. Marker number;
 - f. Date raptor taken and date active nest checked for presence of an eyas;
 - g. Location by township, range, section, quarter section and quarter-quarter section of nest tree from which an eyas is taken or checked for the presence of an eyas;
 - h. Number of northern goshawk eyasses in the nest from which an eyas was taken; and
 - i. Details of disposal including date, type of disposal or to whom transferred.
4. Information on each captive-produced raptor acquired during the previous year including all of the following:
- a. Species;
 - b. Age;
 - c. Sex;
 - d. Marker number;
 - e. Details of acquisition including date, previous owner by name and address; and
 - f. Details of disposal including date, type of disposal or to whom transferred.

SECTION 30. NR 18.16(4) is created to read:

NR 18.16(4) CHANGE OF ADDRESS. (a) A permittee shall report a change of mailing address to the department's bureau of endangered resources within 7 days of the change.

(b) A permittee shall report a change of location of falconry facilities to the department's bureau of endangered resources within 7 days of the change.

SECTION 31. NR 18.17 is repealed and recreated to read:

NR 18.17 OTHER RESTRICTIONS. (1) A permittee may not retain or exchange feathers molted from birds held in captivity or those from birds held in captivity that die, except for imping.

(2) A permittee may use raptors possessed under this chapter for educational programs with all of the following restrictions:

- (a) The permittee may use only buteos, falcons and great horned owls.

(b) The permittee shall keep records including date, location, size and description of audience and birds used. A summary of these records shall be included in the permittee's annual report as described in s. NR 18.16(3).

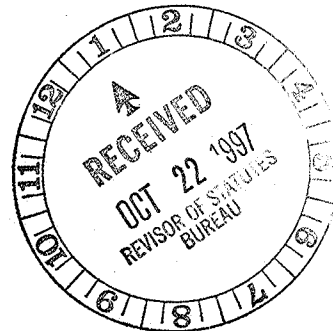
The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 27, 1997.

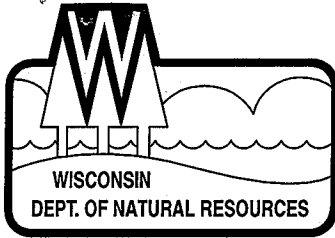
The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin October 14, 1997

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
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October 14, 1997

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Gary

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-1-97. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George
George E. Meyer
Secretary

Enc.

