

**NOTICE TO PRESIDING OFFICERS  
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. ER-32-01

Legislative Council Rules Clearinghouse Number 01-127

Subject of Rules Falconry

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Transmittal to Presiding Officers April 2, 2002

**Send a copy of any correspondence or notices pertaining to this rule to:**

**Carol Turner, Rules Coordinator  
DNR Bureau of Legal Services  
LS/5, 101 South Webster**

**Telephone: 266-1959  
e-mail: [turnec@dnr.state.wi.us](mailto:turnec@dnr.state.wi.us)**

**An electronic copy of the proposed rule may be obtained by contacting Ms. Turner**

## REPORT TO LEGISLATURE

NR 18, Wis. Adm. Code  
Falconry

Board Order No. ER-32-01  
Clearinghouse Rule No. 01-127

### Statement of Need

Currently there is no state permit fee for residents and nonresidents engaged in the sport of falconry, except that nonresidents must obtain a valid small game or general hunting license annually when hunting with a raptor. The duration of each resident falconry permit is 3 years. At the time of the last rule revision in 1997, no state statute existed to establish the fee. State statutes have been revised since 1997; s. 29.319, Stats., provides authority to the department to establish a permit fee by rule.

The proposed rule will set a fee of \$75 for a 3-year resident falconry permit, and a fee of \$100 for a one-year nonresident raptor trapping permit. The proposed rule also adds a group of hawks known as accipiters (northern goshawk, Cooper's hawk and sharp-shinned hawk) to the list of raptors allowed for use in educational programs. The term "nonresident" was also defined.

### Modifications as a Result of Public Hearing

No modifications were made as a result of hearing comments.

### Appearances at the Public Hearing and Their Position

In support:

Meg Robinson, DVM, President, Wis. Falconers Assoc., 206A West Main St., Waterford, WI 53185

In opposition – none

As interest may appear – none

### Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

### Final Regulatory Flexibility Analysis

The proposed rules regulate the sport of falconry. Businesses are not affected by this rule. Therefore, a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 18.06(1)(intro.) and (2)(intro.) and 18.06(2)(e) and 18.17(2)(a) and to create NR 18.01(intro.) and (9m) and 18.03(3) relating to revisions of falconry rules.

ER-32-01

Analysis Prepared by the Department of Natural Resources

Statutory Authority: ss. 20.014, 29.039(2), 29.319, and 227.11(2)(a), Stats.

Statutes Interpreted: ss. 23.09, 23.11, 29.011, 29.014, and 29.041, Stats.

**Revisions of Falconry Rules:** NR 18 governs the sport of falconry, affecting approximately 100 resident falconers and less than 10 nonresident falconers (4 in 2001). Currently there is no permit fee for resident and nonresident falconers. Nonresidents must also obtain a valid small game or general hunting license when hunting with a raptor. When NR 18 was last revised in 1997, the requirement of a small game or general hunting license was eliminated for resident falconers, and the requirement of an annual nonresident raptor trapping permit was added. The duration of each resident permit was set for 3 years. At the time of the rule revision, no state statute existed to establish the fee. State statutes have been revised since 1997, with s. 29.319, Stats., providing authority to the department to establish a permit fee by rule.

The proposed rule revisions set a fee of \$75 for a 3-year resident falconry permit, and a fee of \$100 for a nonresident raptor trapping permit. The proposed rule revisions also add a group of hawks known as accipiters (northern goshawk, Cooper's hawk and Sharp-shinned hawk) to the list of raptors allowed to be used for educational programs. "Nonresident" is added to the list of definitions.

SECTION 1. NR 18.01 (intro.) is created to read:

NR 18.01 In this chapter:

SECTION 2. NR 18.01 (9m) is created to read:

NR 18.01 (9m) "Nonresident" means a person other than a resident as defined in s. 29.001(69), Stats.

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

**Note:** A state of Wisconsin turkey, pheasant or duck stamp is no longer required to engage in the sport of falconry. A federal duck stamp, however, is required. Federal duck stamps can be purchased through a local post office and at many local DNR offices.

SECTION 4. NR 18.06 (1)(intro.) and (2)(intro.) are amended to read:

NR 18.06 (1)(intro.) 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~~ a fee of \$75 for a 3-year falconry permit.

(2)(intro.) NONRESIDENT RAPTOR TRAPPING PERMIT. A nonresident shall apply annually for a nonresident raptor trapping permit under this chapter on forms provided by the department accompanied by ~~any statutorily required fee~~ a fee of \$100.

SECTION 5. NR 18.06(2)(e) is amended to read:

NR 18.06(2)(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), and which authorizes the taking of raptors for use in falconry.

SECTION 6. NR 18.17(2)(a) is amended to read:

NR 18.17 (2)(a) The permittee may use only buteos, accipiters, except as prohibited by s. NR 18.03(5), falcons and great horned owls.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 27, 2002.

The rules shall take effect 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 \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Darrell Bazzell, Secretary

(SEAL)



# WISCONSIN LEGISLATIVE COUNCIL

## RULES CLEARINGHOUSE

**Ed Sklansky**  
Clearinghouse Director

**Ed Sweet**  
Clearinghouse Assistant Director

**Terry C. Anderson**  
Legislative Council Director

**Laura D. Rose**  
Legislative Council Deputy Director

### CLEARINGHOUSE REPORT TO AGENCY

THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 01-127

ORDER to amend NR 18.06 (1) (intro.) and (2) (intro.) and 18.17 (2) (a); and to create NR 18.01 relating to revisions of falconry rules.

submitted by **DEPARTMENT OF NATURAL RESOURCES**

11-12-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-07-01 REPORT SENT TO AGENCY.

10:jal;ksm

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are noted as noted below:

**STATUTORY AUTHORITY [s. 227.15 (2) (a)]**

Comment Attached      YES       NO

**FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]**

Comment Attached      YES       NO

**CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]**

Comment Attached      YES       NO

**ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]**

Comment Attached      YES       NO

**CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]**

Comment Attached      YES       NO

**POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]**

Comment Attached      YES       NO

**COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]**

Comment Attached      YES       NO



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# WISCONSIN LEGISLATIVE COUNCIL

## RULES CLEARINGHOUSE

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Tim Sklansky  
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Laura D. Rose  
Legislative Council Deputy Director

### CLEARINGHOUSE RULE 01-127

#### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### Form, Style and Placement in Administrative Code

- a. The extent of the applicability of definitions in s. NR 18.01 should be clearly stated, by a phrase such as "In this chapter:" preceding the definitions. [See s. 1.01 (7), Manual.]
- b. In s. NR 18.01 (9m), the defined term should be "Nonresident."
- c. Section NR 18.03 (5) states that no person may take a northern goshawk on U.S. Department of Agriculture national forest land unless certain information is provided to the supervisor or designee prior to any take. The proposed rule amends s. NR 18.17 (2) (a) to include accipiters among the raptors that a permittee may use for educational programs, and the text of the proposed rule states that accipiters are a group of hawks that include the northern goshawk. Therefore, language such as "except as prohibited by s. NR 18.03 (5)," should be added after "accipiters" in proposed s. NR 18.17 (2) (a).

#### Adequacy of References to Related Statutes, Rules and Forms

- a. Section NR 18.01 (9m) contains a citation to the wrong subsection of s. 29.001, Stats. Change "29.001 (09), Stats." to "29.001 (69), Stats."
- b. Section NR 18.06 (2) describes information required from applicants applying for a resident raptor trapping permit. It appears that one piece of information required under the rule is missing from s. NR 18.06 (2). Section 29.319 (1) (b) 2., Stats., requires "an approval,

d by the state, province or country of which [the resident] is a resident, that authorizes *the g of raptors* for use in falconry.” [Emphasis added.] It appears that authorization for “the g of raptors” is the out-of-state equivalent to the raptor trapping permit issued by onsin, in which case this statutory requirement is distinct from the requirements under s. 8.06 (2) (e) and should be added to the information required from applicants under s. NR 5 (2).

**Clarity, Grammar, Punctuation and Use of Plain Language**

In the second sentence of the analysis, because the two clauses of the second sentence are sufficiently related, a period should be inserted after “falconers.” Delete “, except that” and a new sentence with “Nonresidents must also obtain a valid small game or general hunting se . . . .”



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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*Clearinghouse Director*

**Richard Sweet**  
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#### CLEARINGHOUSE RULE 01-127

AN ORDER to amend NR 18.06 (1) (intro.) and (2) (intro.) and 18.17 (2) (a); and to create NR 18.01 (9m), relating to revisions of falconry rules.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

11-12-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-07-01 REPORT SENT TO AGENCY.

RS:MO:jal;ksm

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO



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# WISCONSIN LEGISLATIVE COUNCIL

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 01-127

#### Comments

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#### 2. Form, Style and Placement in Administrative Code

- a. The extent of the applicability of definitions in s. NR 18.01 should be clearly stated, e.g., by a phrase such as "In this chapter:" preceding the definitions. [See s. 1.01 (7), Manual.]
- b. In s. NR 18.01 (9m), the defined term should be "Nonresident."
- c. Section NR 18.03 (5) states that no person may take a northern goshawk on U.S. Department of Agriculture national forest land unless certain information is provided to the forest supervisor or designee prior to any take. The proposed rule amends s. NR 18.17 (2) (a) to include accipiters among the raptors that a permittee may use for educational programs, and the analysis of the proposed rule states that accipiters are a group of hawks that include the northern goshawk. Therefore, language such as "except as prohibited by s. NR 18.03 (5)," should be inserted after "accipiters" in proposed s. NR 18.17 (2) (a).

#### 4. Adequacy of References to Related Statutes, Rules and Forms

- a. Section NR 18.01 (9m) contains a citation to the wrong subsection of s. 29.001, Stats. Change "29.001 (09), Stats." to "29.001 (69), Stats."
- b. Section NR 18.06 (2) describes information required from applicants applying for a nonresident raptor trapping permit. It appears that one piece of information required under statute is missing from s. NR 18.06 (2). Section 29.319 (1) (b) 2., Stats., requires "an approval,

issued by the state, province or country of which [the resident] is a resident, that authorizes *the taking of raptors* for use in falconry.” [Emphasis added.] It appears that authorization for “the taking of raptors” is the out-of-state equivalent to the raptor trapping permit issued by Wisconsin, in which case this statutory requirement is distinct from the requirements under s. NR 18.06 (2) (e) and should be added to the information required from applicants under s. NR 18.06 (2).

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

In the second sentence of the analysis, because the two clauses of the second sentence are not sufficiently related, a period should be inserted after “falconers.” Delete “, except that” and begin a new sentence with “Nonresidents must also obtain a valid small game or general hunting license . . . .”

Report to  
Legislative Council Rules Clearinghouse  
NR 18, Wis. Adm. Code  
Natural Resources Board Order No. ER-32-01

Wisconsin Statutory Authority

ss. 29.014, 29.039(2), 29.319 and 227.11(2)(a), Stats., interpreting ss. 23.09, 23.11, 29.011, 29.014 and 29.041, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Currently there is no permit fee for resident and nonresidents engaging in the sport of falconry, except that nonresidents must obtain a valid small game or general hunting license when hunting with a raptor. When ch. NR 18 was last revised in 1997, the requirements of a small game or general hunting license was eliminated for resident falconers, and the requirement of an annual nonresident raptor trapping permit was added. The duration of each resident permit was set for 3 years. At the time of the rule revision, no state statute existed to establish the fee. Section 29.319, Stats., now provides statutory authority to the department to establish a permit fee by rule.

The proposed rule establishes a fee for residents and nonresidents engaging in the sport of falconry, clarifies definitions and modifies restrictions on the types of raptors used for educational purposes.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Liaisons

Sumner Matteson, Bureau of Endangered Resources – 266-1571  
Jim Christenson, Bureau of Legal Services – 266-1318  
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on November 12, 2001

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 18.06(1)(intro.) and (2)(intro.) and 18.17(2)(a) and to create NR 18.01 (9m) relating to revisions of falconry rules.

ER-32-01

Analysis Prepared by the Department of Natural Resources

Statutory Authority: ss. 29.014, 29.039(2), 29.319 and 227.11(2)(a), Stats.  
Statutes Interpreted: ss. 23.09, 23.11, 29.011, 29.014 and 29.041, Stats.

**Revisions of Falconry Rules:** NR 18 governs the sport of falconry, affecting approximately 100 resident falconers and less than 10 nonresident falconers (4 in 2001). Currently there is no permit fee for resident and nonresident falconers, except that nonresidents must obtain a valid small game or general hunting license when hunting with a raptor. When NR 18 was last revised in 1997, the requirement of a small game or general hunting license was eliminated for resident falconers, and the requirement of an annual nonresident raptor trapping permit was added. The duration of each resident permit was set for 3 years. At the time of the rule revision, no state statute existed to establish the fee. State statutes have been revised since 1997, with s. 29.319, Stats., providing authority to the department to establish a permit fee by rule.

The proposed rule revisions set a fee of \$75 for a 3-year resident falconry permit, and a fee of \$100 for a nonresident raptor trapping permit. The proposed rule revisions also add a group of hawks known as accipiters (northern goshawk, Cooper's hawk, and Sharp-shinned hawk) to the list of raptors allowed to be used for educational programs. "Nonresidents" is added to the list of definitions.

SECTION 1. NR 18.01 (9m) is created to read:

NR 18.01 (9m) "Nonresidents" means a person other than a resident as defined in s. 29.001(09), Stats.

SECTION 2. NR 18.06 (1)(intro.) and (2)(intro.) are amended to read:

NR 18.06 (1)(intro.) 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~~ a fee of \$75 for a 3-year falconry permit. 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:

(2)(intro.) NONRESIDENT RAPTOR TRAPPING PERMIT. A nonresident shall apply annually for a nonresident raptor trapping permit under this chapter on forms provided by the department accompanied by ~~any statutorily required fee~~ a fee of \$100. Applicants may not submit more than one application for a permit under this chapter. Applicants shall provide the following information:

SECTION 3. NR 18.17(2)(a) is amended to read:

NR 18.17 (2)(a) The permittee may use only buteos, accipiters, falcons and great horned owls.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on

The rules shall take effect 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 \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Darrell Bazzell, Secretary

(SEAL)