

CR 84-127

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

RECEIVED

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS

FEB 20 1985
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Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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-13-84 was duly approved and adopted by this Department on November 14, 1984. 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 19th day of February, 1985.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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5-1-85

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

.....
IN THE MATTER OF repealing s. NR 1.18(2)(d); .
repealing and recreating ss. NR 17.001(1)(c), .
NR 17.01 and 17.02; and creating ss. NR 1.11(2), .
1.18(11) and 17.001(1)(i) and (j) pertaining . G-13-84
to dog trial and dog training regulations. .
.....

Analysis Prepared by the Department of Natural Resources

Dog trial and training regulations establish a permit procedure for allowing individuals to possess and use wildlife for dog trial and training purposes. Dog trials are competitive field events involving sporting dog breeds which are sanctioned, licensed or recognized by a local, state, regional or national dog organization. Dog training is the activity of teaching a dog for the purpose of hunting or dog trial competition.

1. Policy - A Natural Resource Board policy is created to guide the Department of Natural Resources' wildlife management program regarding dog trials and dog training.
2. Definitions - Definitions are provided for "protected wild animals" and "unprotected wild animals" to clarify rule coverage for the user. The term "WAFTC" is used to replace "Association" to reflect commonly used terminology.
3. Dog Trials and Training - The permit system for dog trials and training is designed to provide the user authority for possessing captive wildlife for those purposes. However, any dog trial on Department lands requires a permit whether the animal used was captive or not. The rule changes are for recodification and simplification purposes and include text reorganization, title creation, and repeal of unnecessary regulations.

The permit system is broadened to include furbearing mammals to provide regulation uniformity. Dog training grounds are classified in a 2 class system identical to dog trial grounds. The inclusion of restrictions normally added to each permit by the Department as well as references for rules established elsewhere in the Administrative Code are intended for clarification.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.174(2)(a), 29.255 and 227.02(1)(e), the State of Wisconsin Natural Resources Board hereby repeals and recreates, and creates rules interpreting ss. 29.174(2)(a) and 29.255, Stats., as follows:

SECTION 1. NR 1.11(12) is created to read:

NR 1.11(12) Strongly encourages the use of well trained hunting dogs in the pursuit and retrieval of game; that extensive training and field trial competition provide hunting dogs which are proficient at finding and retrieving more game; and that the department will actively participate in programs which assist and encourage the training of hunting dogs including the designation and management of specific state controlled lands for trials and training provided this use does not conflict with the primary purpose of the property.

SECTION 2. NR 1.18(2)(d) is repealed.

SECTION 3. NR 1.18(11) is created to read:

NR 1.18(11) DOG TRIALS AND DOG TRAINING. The use of captive game farm birds and mammals for dog trial and training activities is consistent with sound resource management principles and provides opportunities for hunters to improve their dog handling skills and the dog's performance during periods closed to hunting.

SECTION 4. NR 17.001(1)(c) is repealed and recreated to read:

NR 17.001(1)(c) "WAFTC" means the Wisconsin association of field trial clubs.

SECTION 5. NR 17.001(1)(i) and (j) are created to read:

NR 17.001(1)(i) "Protected wild animals" means animals described in s. NR 19.001(5m).

(j) "Unprotected wild animals" means animals described in s. NR 19.001(7).

Note: For user clarification, the definitions established by s. NR 19.001(5M) and (7) are presented as follows:

(5m) "Protected wild animals" means those animals for which a closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule, and includes:

(a) Nongame species unless specifically designated as unprotected by the department;

(b) Game fish, game animals, game birds and fur bearing animals during closed seasons;

(c) Endangered and threatened species listed in ch. NR 27.

(7) "Unprotected wild animals" means those animals for which no closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule. Examples of unprotected wild animals include feral pigeons, chukar partridge and coturnix quail.

SECTION 6. NR 17.01 and 17.02 are repealed and recreated to read:

NR 17.01 DOG TRIALS. (1) PERMITS. A permit to conduct dog trials shall be obtained from the department for dog trials on department lands when any protected or unprotected animal is used for dog trial purposes. On other lands, a permit shall be obtained only when captive protected animals are used for dog trials unless the animal is retained under the authority of a game farm, fur farm or shooting preserve license. The permit shall:

(a) Cost. Cost \$10 per trial except on the Bong state recreation area where the permit shall be issued without charge. The fee shall be submitted with the application.

Note: Additional admission fees may be required on state forest and recreation area lands.

(b) Authority. Authorize the permittee and persons accompanying the permittee to possess and use the animals specified on the permit for dog trials only. Selling, breeding and propagation of these captive animals are prohibited.

(c) Possession. Be in possession of the permittee during the trial and exhibited to any authorized agent of the department on demand.

(d) Area restriction. Be valid only on the area identified on the permit.

(e) Revocation. Be revoked by the department if any administrative rules or permit restrictions are violated. No fees collected by the department will be returned if a permit is revoked.

(2) APPLICATION. Applications shall be made on forms provided by the department and may be made to the department at any time before February 1 for trials held prior to July 31 and before July 1 for trials held prior to December 31 to coordinate scheduling with WAFTC. Thereafter, applications for open dates shall be considered by the department on a first-come, first-served basis and shall be submitted at least 10 days prior to the date of the trial.

(3) ANIMAL USE. (a) Species. Species of animals to be used at dog trials shall be listed on the permit and are subject to approval of the department.

(b) Protected animals. If captive protected wild animals are used, the permittee shall have in possession, at the time of the trial, a receipt issued by a licensed game or fur farm from which the animal used at the trial was obtained. All animals so obtained and used which are no longer alive shall be consumed or promptly disposed of in a department approved site.

(c) Private stock. Live captive animals obtained from private sources may be removed from the trial grounds by persons in possession of a valid permit or license.

(d) Department stock. Captive protected wild animals provided by the department shall be used only on department lands and may not be shot at dog trials unless authorized by the department. Live game birds shall be released on the trial grounds at the end of the permit period.

(f) Mammal identification. Raccoons used for dog trials shall be tattooed on either ear with a letter-number combination determined by the department unless controlled by leash, cage or similar restraint.

(g) Care and treatment. Captive animals possessed for dog trial purposes shall be treated in a humane manner and confined under sanitary conditions with proper and adequate housing, care, food and fresh water.

(4) SPECIAL RESTRICTIONS. (a) Grounds condition. The department may cancel or reschedule dog trial events and restrict or prohibit dog trial horse use if excessive damage occurs or is likely to occur to soils or vegetation on department lands. Permit fees shall be refunded if a trial is cancelled by the department and an alternative site or date cannot be established.

(b) Camping. Camping on department lands is allowed only by permit.

Note: Fees are required on state forest and recreation area lands.

(c) Parking. Vehicle parking on department lands is restricted to areas designated by the department.

(d) Vaccinations. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches the age of 4 months and revaccinated within one year after the initial vaccination as established by s. 95.21, Stats.

(e) Tree damage. No person may cause damage to trees by any manner of gaining access to trees on department lands.

(f) Litter. All waste material including field trial markers shall be removed by the permittee at the completion of the field trial.

(g) Grounds marshal. A grounds marshal responsible for dog trial coordination, supervision, clean-up and regulation compliance shall be designated by the permittee for each field trial.

(h) Horses. Horses may only be used as a trial activity. Pleasure riding is not permitted.

(5) CLASSES OF FIELD TRIAL GROUNDS. (a) Class 1 field trial grounds. Class 1 field trial grounds are those posted, marked or designated department lands where dog trials are permitted year-round, except hunting shall have priority. Class 1 field trial grounds include the following:

1. Bong state recreation area - The west unit of the special use zone.
2. Kettle Moraine state forest - Ottawa unit.
3. Lower Wisconsin River wildlife area - Mazomanie unit.
4. Pine Island wildlife area.

(b) Class 2 field trial grounds. Class 2 field trial grounds are those department lands not established in par. (a) and designated on the field trial permit subject to date restrictions of February 1 through April 15 or April 15 through July 31 at department discretion.

NR 17.02 DOG TRAINING. (1) PERMITS. Except as established by sub. (3)(b), a valid dog training permit shall be required for any person to possess, use or shoot captive protected wild animals released for dog training purposes on any lands. The use of unprotected wild animals does not require a permit. The permit shall:

(a) Cost. Cost \$5 per training period. The fee shall be submitted with the application.

Note: Additional user fees are required on state forest and recreation area lands.

(b) Effective period. Be effective through December 31 of the year following issue.

(c) Authority. Authorize the permittee and persons accompanying the permittee to possess and use captive, protected wild animals for dog training only. The permit does not authorize commercial or organized shoots, animal selling, breeding or propagation. On department lands, captive protected wild animals may only be used within designated dog training areas.

(d) Possession. Be in possession of the permittee while engaged in dog training activities and exhibited to any authorized department agent upon demand.

(e) Area restriction. Be valid only on the areas identified on the permit.

(f) Revocation. Be revoked by the department if any administrative rules or permit restrictions are violated. No fees collected by the department will be returned if a permit is revoked.

(2) APPLICATION. Applications shall be made on forms provided by the department.

(3) ANIMAL USE. Any person using captive protected wild animals for dog training shall possess a receipt issued by a licensed fur farm or game farm or by a dog training or dog trial permit holder.

(a) Wild animals. Any person may train dogs on free-roaming protected or unprotected wild animals without a permit, but protected wild animals may not be killed during the closed season. Wild bear may only be pursued for dog training purposes as established in s. NR 10.101(3)(b).

Note: This paragraph clarifies the use of animals which are found in the wild (free-roaming) and not released from captivity at the time of training.

(b) Licensed animals. Training hunting dogs with raccoons possessed under authority of a game fur farm license may be used at any time outside of department lands without a permit provided the animals are kept under control by caging or similar restraint. Except for bear dog training, training hunting dogs on other protected game possessed under the authority of a game farm, fur farm or shooting preserve license may also be used at any time outside of department lands without permit.

(c) Mammal identification. Raccoons used for dog training shall be tattooed on either ear with a letter-number combination determined by the department unless controlled by leash, cage or similar restraint.

(d) Care and treatment. Captive animals possessed for dog training purposes shall be treated in a humane manner and confined under sanitary conditions with proper and adequate housing, care, food and fresh water.

(4) SPECIAL RESTRICTIONS. (a) Department lands. On department lands open to public hunting and not designated open to dog training, dogs shall be controlled by a person using a leash which is no more than 8 feet in length from April 15 through July 31.

(b) Firearms. Firearms including blank handguns may be used for dog training on wild game without a permit. Special firearm restrictions include:

1. No person may possess any firearm while dog training during the 24-hour period prior to the gun deer season unless hunting on licensed game farms or shooting preserves as established by s. NR 10.09(2).

2. No person may possess any loaded or uncased firearm or air gun while within the boundary of state-owned lands posted with department signs in Dane, Dodge, Fond du Lac, Jefferson, Kenosha, Ozaukee, Racine, Sheboygan, Walworth, Washington and Waukesha counties as established by s. NR 45.09(5) except:

a. While engaged in hunting in accordance with the open seasons established in s. NR 10.01 (regular small game, big game and waterfowl seasons).

Note: This rule prohibits possession of any loaded or uncased firearm or air gun on the above areas during the closed season. This also prohibits hunting unprotected species and crows, grackles, red-winged blackbirds and cowbirds during the closed season.

b. While at a designated target range.

c. While training dogs under department permit within designated areas.

(c) Vaccinations. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches the age of 4 months and revaccinated within one year after the initial vaccination as established by s. 95.21, Stats.

(5) CLASSES OF DOG TRAINING GROUNDS. (a) Class 1 dog training area. Class 1 dog training grounds are those posted, marked or designated department lands where dog training is a year-round recreational pursuit. Dog trainers may use horses where designated by the department. Class 1 dog training grounds include the following:

- (1) Bong state recreation area - Special use zone.
- (2) Deansville wildlife area.
- (3) Greenwood wildlife area.
- (4) Lower Wisconsin River wildlife area - Mazomanie unit.
- (5) Kettle Moraine State Forest - Northern and Ottawa units.
- (6) Pine Island wildlife area.

(b) CLASS 2 DOG TRAINING GROUNDS. Class 2 dog training grounds are those department lands not established in par. (a) and designated on the permit. At department discretion, entry to Class 2 dog training grounds may be restricted to foot travel year-round and all dog training may be prohibited April 15 through July 31.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 14, 1984.

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

Dated at Madison, Wisconsin

February 19, 1985

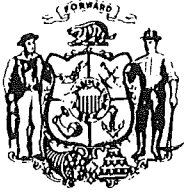
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Pesadny
Carroll D. Pesadny, Secretary

(SEAL)

2054M



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

February 20, 1985

IN REPLY REFER TO: 1020

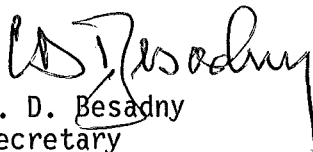
Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. G-13-84. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.
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