

NR 19

State of Wisconsin

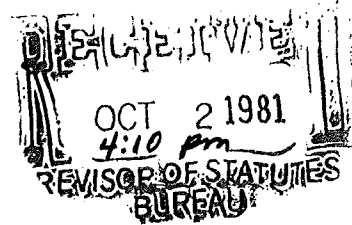
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: \_\_\_\_\_

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss



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. ES-16-81 was duly approved and adopted by this Department on June 25, 1981. 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 29<sup>th</sup> day of September, 1981.

Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

12-1-81

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING AND RECREATING RULES

.....  
 IN THE MATTER of repealing and recreating .  
 section NR 19.11 of the Wisconsin Adminis- .  
 trative Code pertaining to scientific . ES-16-81  
 collectors permits .  
 .....

Analysis Prepared by Department of Natural Resources

The repeal and recreation of s. NR 19.11, Wis. Adm. Code, updates the procedures for issuing scientific collectors permits based on current practice and experience of the Department in processing permit applications since 1974. The rule also establishes by rule permit regulations which were in use but not published in the administrative code.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.17 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby repeals and recreates rules interpreting s. 29.17, Stats., as follows:

SECTION 1 - Section NR 19.11 is repealed and recreated to read:

NR 19.11 SCIENTIFIC COLLECTORS PERMITS. (1) DEFINITIONS. For purposes of implementing s. 29.17, Stats., and within this section, the following definitions apply:

(a) "Qualified natural person" or "person" means any individual complying with s. 29.17, Stats., and this section, not including a corporation, partnership, cooperative, society, association or other organization.

(b) "Bonafide research program" means planned study and investigation undertaken to discover or establish facts or principles leading to increased, useful scientific knowledge.

(c) "Useful scientific knowledge" means new information contributing to the long-term well-being of wild animals and their habitats, or providing educational opportunities in the natural sciences.

(2) APPLICABILITY. (a) Permits not required. Scientific collectors permits are not required for the collection of wild plants, unprotected wild animals taken legally, or wild animals obtained from licensed game farms or fish hatcheries.

(b) Bird banding. Scientific collectors permits will be required for trapping and banding protected nonmigratory upland game birds.

(c) Licenses. This section does not exempt permittees or their agents from possessing fishing, hunting or trapping licenses as required by ch. 29, Stats.

(d) Endangered species. Endangered or threatened wild animals may be collected only under authority of endangered species permits issued by the department pursuant to s. 29.415, Stats., and ch. NR 27, Wis. Adm. Code.

(3) PERMIT APPLICATIONS. (a) Forms. Applications for scientific collectors permits shall be made on application forms provided by the department and include:

1. Name and address of the applicant;
2. Applicant's personal description;
3. Purpose of the request;
4. Species and number of specimens to be collected;
5. Places and times when specimens are to be collected;
6. Method of collecting;
7. Place where collections will be kept; and
8. Such additional information as may be requested by the department.

(b) Narrative proposal. All permit applications shall be accompanied by a written proposal stating the objectives, justifications, procedures, times and places of collection, application of results and sponsor, if any, of the project described in the application.

(4) PERMIT ISSUANCE. (a) Issuance. Permits shall be issued in the name of the applicant. All agents of the permittee assisting in the permitted collections will be listed on the permit. Separate copies of permits shall be signed and carried by each person named in the permit when that person is acting under it in the absence of the permittee.

(b) Specimen materials. A permit will be issued for collections yielding preserved specimen materials only when such materials are to be kept in a place and manner where students and the public have access to them. Private collections to be kept in a manner not open to the public will not be approved.

(c) Conditions. 1. 'Contents'. Permits will contain conditions deemed necessary by the department to protect the resources of the state and assure use of specimens taken are in compliance with s. 29.17, Stats.

2. 'Nonresidents'. Permits issued to nonresidents will set forth conditions of removal of specimens from the state.

3. 'Federal permits'. Permits involving the capture, marking, collection, possession, or salvage of migratory birds or parts, nests or eggs of migratory birds will not be issued until the applicant possesses a permit issued by the U.S. fish and wildlife service for that activity.

4. 'Size of collections'. Permits will not be issued which authorize collections endangering the population of animals the collection would draw from, or exceeding the number of animals required to meet the permittee's objectives.

5. 'Unprotected species'. Permits will not be issued for the collection of protected species if unprotected species can be used to accomplish the same purposes.

(5) PERMIT USAGE. (a) Disposition of specimens. 1. Living unharmed specimens collected during the course of permitted activities shall be returned to the wild at the point of capture, unless otherwise provided in the permit.

2. Any endangered or threatened species taken unintentionally during the course of permitted activities shall be immediately released if unharmed.

3. Injured or dead wild animal specimens shall be immediately turned over to the department employe named in the permit unless otherwise provided in the permit.

(b) Notification of department. Each permittee shall notify the department employe named in the permit at least 48 hours prior to collecting of the time and place where specimens will be collected.

(c) Marked gear. All traps, nets and any other gear used for capturing wild animals under terms of a permit shall be marked with the permit number, name and address of the permittee.

(d) Trap and net tending. All traps, nets and other capture gear in use under the authority of a permit shall be checked and emptied by the permittee at least once each 24-hour period.

(e) Fishing gear restrictions. 1. 'Gill nets'. Gill nets may not be used in inland waters unless specifically authorized by a permit.

2. 'Buoys'. All buoys and buoy staffs shall be marked and maintained as required by the department. The permit number, name and address of the permittee shall be maintained in plain figures on the bowl of the buoy.

3. 'Sport fishing equipment'. Hook and line fishing equipment and spearing equipment may not be possessed on a boat operating under a permit without prior approval of the department.

(6) RECORDKEEPING AND ANNUAL REPORTS. (a) Records. Each permittee shall keep current records, in the English language, of all collections under the permit. Records of collections shall be made available to the department during normal business hours, or upon 8 hours notice at other times.

(b) Required reports. Permittees shall supply information requested by the department and annually file a complete and accurate report on forms covering activities conducted under authority of the permit. Unless otherwise provided in the permit, such reports shall be filed using a report form provided by the department not later than January 10 of the year following expiration of the permit.

(c) Content. Annual reports by permittees shall include:

1. The common name, scientific name and number of each species and type of specimen material collected;
2. The date and geographic location of each collection;
3. Collection methods;
4. Disposition of collected specimens; and
5. Any other information requested by the department.

Note: Application forms for scientific collectors permits under this section may be obtained from any department district office. Federal permits for migratory birds may be obtained from the Special Agent in Charge, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 25, 1981.

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

Dated at Madison, Wisconsin

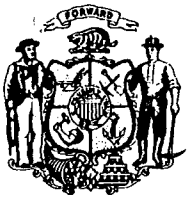
September 29, 1981

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

September 29, 1981

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

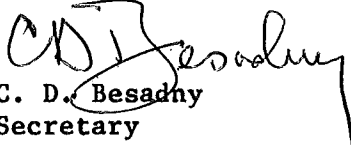
Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ES-16-81. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018. There were no comments.

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

Sincerely,

  
C. D. Besadny  
Secretary

Enc.