

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)