

CR 88-175



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
Box 7921  
Madison, Wisconsin 53707  
TELEFAX NO. 608-267-3579  
TDD NO. 608-267-6897

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

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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. LE-26-88 was duly approved and adopted by this Department on November 16, 1989. 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 19th day of January, 1990.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

4-1-90

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

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LE-26-88

.....  
IN THE MATTER of renumbering ss. NR 27.05(4) .  
and 27.06(1)(a); amending s. NR 27.06(1) and .  
(2); and creating ss. NR 19.001(6m), 19.115 .  
and 27.05(4)(b) pertaining to fish, fur and .  
game seals and exemption from permit and .  
marking of endangered species .  
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.415(6) and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 29.06 and 29.415, Stats.

The proposed creation of NR 19.001(6m) and NR 19.115 creates a definition and provisions for use of Fish, Fur, Game Seals. Such seals are already in use.

The proposed creation of NR 27.05(4) and amendment of NR 27.06(2)(c) provides for the use of certificates and seals to identify legitimate endangered and threatened species specimens either acquired prior to the Wisconsin Endangered Species listing or held under a valid permit.

Amendment of NR 27.06(2)(a) & (b) provides for applying these sections to all Wisconsin endangered and threatened species, not just animals.

Amendment of NR 27.06(1)(a) restricts the exemption from Wisconsin permit requirement only to those species which are on the U.S. list of endangered and threatened species, but not on Wisconsin's list.

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SECTION 1. NR 19.001(6m) is created to read:

NR 19.001(6m) "Fish, fur, game seal" or "seal" means a numbered, non-reusable, locking device bearing the embossed inscription Fish, Fur, Game F-(number) which is issued by the department.

SECTION 2. NR 19.115 is created to read:

NR 19.115 FISH, FUR, GAME SEALS. Fish, fur, game seals shall be attached by or at the direction of the department to fish, fur or game articles which may be sold pursuant to s. 29.06(1), Stats. Each seal shall be issued for a particular article only and no seal may be attached or

assigned to any other article. No person may possess or transfer any seal to another person except as incidental to the possession, purchase, sale, trade or transfer of the article of fish, fur, or game for which the seal was issued.

SECTION 3. NR 27.05(4) is renumbered NR 27.05(4)(a).

SECTION 4. NR 27.05(4)(b) is created to read:

NR 27.05(4)(b) The department may issue an endangered species certificate and seal to mark a carcass, hide or part of an article or articles held under a valid endangered or threatened species permit. A certificate and seal may only be transferred incidental to the transfer of the article or articles for which the certificate and seal were issued.

SECTION 5. NR 27.06(1)(a) is amended to read:

NR 27.06 (1)(a) Any person taking, transporting, possessing or selling any wild animal or wild plant included in the U.S. foreign and native endangered and threatened species list, but not included in the Wisconsin endangered or threatened species lists, does not need a state permit if such person has a federal permit authorizing such possession. Any person who was previously exempted from needing a permit and is required to have a permit under this section shall apply for and be issued a permit no later than 6 months of the effective date of this rule...[revisor insert date]...

SECTION 6. NR 27.06(1)(b) is repealed and recreated to read:

NR 27.06(1)(b) Any Native American Indian who is an enrolled tribal member may possess bald eagles or parts thereof for religious purposes if they have been issued a federal permit authorizing such possession.

SECTION 7. NR 27.06(2) is amended to read:

NR 27.06(2) PRIOR ACQUISITION. (a) Exemptions. Any person taking, transporting, possessing or selling any endangered or threatened ~~wild animal~~

species does not need a state permit if such ~~wild animal~~ species was acquired before the effective date of the Wisconsin or federal list upon which such species are included. For species added to these lists after the above dates, no permit is required if said ~~wild animal~~ species were acquired before the effective date of their addition to the list.

(b) Proof. Any person claiming an exemption under par. (a) must offer evidence acceptable to the department to show that the ~~wild animal~~ species was acquired prior to the effective date.

(c) Marking. All ~~wild animals~~ species on the Wisconsin endangered and threatened species lists which are possessed, transported or sold pursuant to par. (a) shall be permanently marked, tagged or otherwise identified with a certificate and seal by or at the direction of the department to show ~~such wild animals are the specimen or parts thereof is~~ legally possessed. A certificate and seal may only be transferred incidental to the transfer of the specimen for which the certificate and seal were issued.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 16, 1989.

The rules 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

January 19, 1990

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

(SEAL)

By Carroll D. Besadny  
Carroll D. Besadny, Secretary



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
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TELEFAX NO. 608-267-3579  
TDD NO. 608-267-6897

January 19, 1990

IN REPLY REFER TO: 1020

Mr. Gary Poulson  
Assistant Revisor of Statutes  
Suite 702  
30 West Mifflin St.  
Madison, WI

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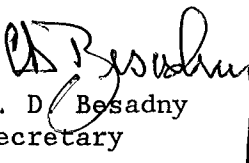
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Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-26-88. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Conservation and Mining 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,

  
C. D. Besadny  
Secretary

Enc.