

NR 27.04 Revision of Wisconsin endangered and threatened species lists. (1) PETITION FOR CHANGES. (a) *Requirements.* Any 3 persons may petition the department to review the status of any listed or unlisted wild animal or wild plant. Such petitions must be dated, in writing, and submitted to the ENS. To be considered, requests must show in full the following information:

1. Names and addresses of persons petitioning;
2. Designation of the particular species in question;
3. Narrative explanation of the request;
4. Complete scientific supporting data for the request including evidence of Wisconsin residency, past numbers and geographic distribution, current numbers and geographic distribution, a substantial decline in numbers, and a substantial threat to remaining numbers or habitat or both; and
5. Signatures of the persons making the request.

(b) *Review.* If the department finds the petitioners have presented substantial evidence to warrant a review, the department shall proceed in accordance with ch. 227, Stats.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79.

NR 27.05 Permits for endangered and threatened species. (1) ISSUANCE. The department shall issue endangered and threatened species permits in accordance with the provisions of and for the purposes authorized in s. 29.415, Stats. Conditions designed to protect and preserve species on the department list shall be imposed on permittees.

(2) PROCEDURES. (a) *Applications.* Applications for endangered and threatened species permits shall be made on forms furnished by the department and shall include:

1. Name and address of the applicant;
2. Personal description;
3. Purpose of the request;
4. Class, species, and number of specimens to be taken;
5. Area and period of time in which the specimens are to be taken;
6. Method of taking;
7. The place where specimens will be kept;
8. Duration of specimen possession;
9. Final disposition of specimens;
10. Applicant's signature; and
11. Such additional information as may be requested by the department.

(b) *Inspection.* A permit issued pursuant to this chapter shall be carried upon the person of the permittee when exercising the permit privileges. The permit and any authorized species obtained must be shown to

the department or its agents upon request. Furs shall be marked or stamped with a stamp or tag furnished by the department to show such furs are legally held and possessed.

(c) *Annual report.* An annual progress report on activities authorized by the permit may be required by the department. The department shall notify the permittee if this report is required.

(d) *Permit conditions.* The permittee may only take, transport, possess, process or sell species on the department list subject to and in accordance with the conditions imposed by the department. Such conditions shall include but are not limited to the minimum standards for feeding, treatment, sanitation, pens and housing prescribed in s. NR 16.10.

(e) *Permit authority.* A permit issued pursuant to this chapter does not authorize the exchange, purchase or sale of specimens on the department list with persons who do not hold an appropriate state or federal endangered or threatened species permit.

(f) *Care of injured animals.* A permit issued under the authority of this chapter does not authorize the routine care of injured animals.

(3) **PLANTS.** Permits are not required for persons to take endangered or threatened species of wild plants on property which they own or lease, or in the course of forestry or agricultural practices or in the construction, operation or maintenance of a utility facility.

(4) **OTHER PERMITS.** (a) Any person obtaining a permit under this section need not obtain a scientific collector's permit under s. NR 19.11 for that same species and purpose.

(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.

(5) **FEDERAL PERMITS.** A federal permit is required for all endangered and threatened wild animals and wild plants on the federal lists, unless such requirement is waived by the U.S. department of interior.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79; renum. (4) to be (4) (a) and cr. (4) (b), Register, March, 1990, No. 411, eff. 4-1-90.

NR 27.06 Exceptions to permit requirements. (1) **FEDERAL PERMITS.** (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 October 1, 1990.

(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.

Register, March, 1990, No. 411

(2) **PRIOR ACQUISITION.** (a) *Exemptions.* Any person taking, transporting, possessing or selling any endangered or threatened species does not need a state permit if such 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 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 species was acquired prior to the effective date.

(c) *Marking.* All 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 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.

(3) **RECORDS.** (a) *Procedures.* Each person who possesses any live animal listed as a Wisconsin endangered or threatened species in s. NR 27.03 (2) or (3) shall keep a complete and accurate record in the English language of any action affecting the number of said wild animals that person possesses. This record shall be on forms provided by the department, and shall include a receipt book for purchases, births, or any action increasing the number of individuals in possession; and a separate book for sales, gifts, deaths or any action whereby the number of individuals in possession decreases. These receipts shall be completed immediately following the action or transaction affecting populations in possession, and one copy shall be mailed to the department at that time.

(b) *Inspection.* All such records and all such permitted species in possession shall be open for inspection by the department at any time.

(4) **NON-WISCONSIN SPECIMENS.** (a) *Animals.* Permits are not required for the possession, processing, sale or transportation of carcasses, skins, hides and furs or parts thereof from animals on the Wisconsin endangered or threatened species lists if each item is marked with a permanent locked seal attached by or with the authority of the government of the country, state or province where the animal originated.

(b) *Fur garments.* Permits are not required for the possession, processing, sale or transportation of articles of clothing manufactured from the skins, hides or furs of animals on the Wisconsin endangered or threatened species lists if documentation accompanies each garment stating that the furs from which it was made were legally taken outside of Wisconsin.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79; am. (1), Register, January, 1981, No. 301, eff. 2-1-80; cr. (4), Register, October, 1981, No. 310, eff. 11-1-81; am. (1) (a) and (2), r. and recr. (1) (b), Register, March 1990, No. 411, eff. 4-1-90.