

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

The Wisconsin Natural Resources Board proposes an order to repeal ss. NR 17.03(2)(d)1. to 4. and (g), and 17.11(intro.); renumber ss. NR 17.001(1) and 17.11(1) to (4); amend ss. NR 12.10(1)(b)2., 16.30(1), 17.02(1), 17.03(1), (2)(a) and (d)(intro.), and 17.07(1); to repeal and recreate ss. NR 17.02(3), 17.07(3) and 17.11(title); and to create ss. NR 12.10(1)(a)5. and (b)5., 16.30(1) note, 17.001(1), (1e), (1m) and note, (5m) and note, (5s), (7m), and (8m), 17.045, 17.047, 17.11(intro.), (2) and (3) relating to hound dog training and trialing on captive wild animals.

WM-51-04

Analysis Prepared by the Department of Natural Resources

**Statutory Authority and Explanation:** Sections 29.885(4), 169.06(3m), 169.20(4), 169.21(3), 169.36(9)(d), 169.39(2) and (3), Stats., provide the department with the authority to promulgate rules relating to the removal of wild animals causing a nuisance on private land, the authority to promulgate rules regarding the use of captive animals for the purpose of training hunting dogs to pursue and track game, authority to require records and reporting of those involved in the possession, and regulate the transport of the captive wild animals used in hound dog training activities. Additionally, these statutes require the department to promulgate rules that ensure the humane care and treatment and proper housing of captive wild animals used for dog training and trialing purposes. All rules promulgated under this authority are subject to review under ch. 227, Stats.

**Statutes Interpreted and Explanation:** Sections 29.885(4), 169.06(3m), 169.20(4), 169.21(3), 169.36(9)(d), 169.39(2) and (3), Stats., relating to the care and use of captive wild animals and the licensing and regulation of those involved in the use of these captive wild animals for dog training, have been interpreted and used to assist the department in the promulgation of these administrative rules.

**Related Statute or Rule:** None.

**Plain Language Rule Analysis:** 2003 Wisconsin Act 239 provided the ability to use captive coyote, fox and bobcat to train hunting dogs (hounds). In s. 169.39(2), Stats., the department is required to promulgate and enforce rules for the housing, care, treatment, enrichment, feeding, and sanitation of wild animals subject to regulation under ch. 169, Stats. In addition this section goes on to state that the wild animals (in this case fox, coyote and bobcat) receive humane treatment, be held in sanitary conditions and that they receive adequate housing, care and food. Therefore, a rule needs to be drafted that will meet these requirements and still allow the training of skilled hounds, which is a Natural Resources Board directive (s. NR 1.18(11), Wis. Adm. Code).

It is the goal of this rule to allow dog trainers to utilize captive bobcat, bear, coyote, fox, rabbit and raccoon for training hounds as allowed in s. 169.20(2), Stats., while still ensuring the health safety, quality of life, and welfare of the dogs and the captive wild animals as required by s. 169.39, Stats., and to ensure that the health and safety of native free-ranging populations by reducing the risk for disease transmission.

Specifically, these rules allow for the permitted use of nuisance trapped coyotes in licensed dog training enclosures. The condition that the department must authorize the release of nuisance coyote into an enclosure will provide the department with an additional check to help prevent the trafficking of wild animals. From our meetings, we realize that the release of nuisance raccoons within a fence that is not intended to prevent their escape occurs in Wisconsin, as does the release of nuisance raccoons and coyotes into the wild for pursuit by hounds. In the interest of humane treatment for the nuisance animals, we propose in this rule that any nuisance animal live captured and released under our nuisance animal authority, whether released into a location that does not prevent their escape or that is released into the wild, may not be pursued for 2 hours. However, to accommodate hound trainers who utilize nuisance raccoons to introduce game to young dogs, we have included an exception to this 2 hour requirement that would allow the release for trailing hounds once the raccoon has climbed to safety using the same standards (10 feet off the ground) that are in place for the use of captive raccoons.

These rules also allow for exceptions to the current pen specifications, humane handling, care, treatment and transportation of coyote, fox and bobcat in ch. NR 16. This exemption allows these species to be housed in training enclosures or cages and allows for new standards to be developed in NR 17 (the dog training and trialing chapter). The rule also clarifies that a captive raccoon, bear or bobcat may not be housed in training cages for more than 72 hours before it must be returned to the animals appropriate primary enclosure defined under NR ch. 16. The rule clarifies that roll cages may be used for raccoons under the authority of a dog training license.

Additionally, this rule order creates new definitions pertaining to hound dog training enclosures. Specifically, these sections correctly identify the species authorized for use in these enclosures. A definition is created for “captive animal refuge areas” and “hound dog training enclosures”. Finally, these sections clarify terms with special meanings as it pertains to ch. NR 17, such as “club” and “owner or operator”.

The rule goes on to clarify that bobcat, coyote and fox may be used under the authority of a hound dog training, dog club or dog trial license. Additionally, rather than attempting to amend the section on dog training, we have repealed the existing language, and incorporated a majority of the old language into this recreated section. Specifically, and most importantly, this section establishes that only coyote, fox and rabbits may be used in hound dog training enclosures and that bobcat, raccoon and bear may only be used within training cages and may not be used within training enclosures. Finally, this section creates consistent training periods for all hound dog training exercises. No more than 16 hours of training within a 24 hour period and also provide 8 consecutive hours when no training may occur. These training periods are aimed to provide periods of continuous pursuit for the benefit of training hounds while still providing adequate rest periods for the captive animals.

The most significant portion of this rule is the creation of the conditions under which coyotes, fox and to a lesser degree rabbits can be used within hound dog training enclosures and establishes a special hound dog training permit. Specifically, this section of the rule establishes the enclosure size and fencing requirements, the density of captive wild animals, housing and care requirements, disease prevention, and dog use and licensing requirements.

“Puppy Pens” or “starter enclosures” are typically smaller in area and are used to train young dogs to recognize game and show interest in the pursuit. While this is a valid use, the department feels that it is difficult to enforce dog age and experience requirements. We feel that if both a larger pen and starter pen are available to the owner or operator they may ascertain the experience level of the hound and properly assign the hound to the appropriate training enclosure. Therefore, we recommend in this rule that if an individual intends to have a starter enclosure that the owner or operator must also provide a legal large acreage enclosure within 2 miles of the small enclosure. This will help to ensure that experienced dogs are not used in a smaller enclosure, to help ensure the safety of both dogs and captive animals.

This rule order requires that, other than the acreage requirement, all current facilities will have to obtain an enclosure permit and comply with all provisions including fence sizes and animal densities. Regarding enclosure size, all enclosures shall be at least 75 acres in size with one exception. All existing facilities that are operating legally under the authority of a hound dog or dog club training license, that are at least 60 acres in size, shall be grandfathered under this rule and will be allowed to obtain and renew their hound dog training enclosure permit. However, once the enclosure permit expires and is not renewed, the grandfathered enclosure may not be reissued unless the 75 acre requirement is met.

The rule also establishes the legal sources for obtaining captive coyote, fox, bobcat, raccoon and rabbits for use in dog training and trialing activity. The intent of these rules is to help assure that captive animals with diseases are not introduced into this state.

Finally, the rule establishes record and reporting requirements for hound dog training and trialing. Conservation wardens are unable to attend every training activity; therefore the department must rely on accurate records and reports to help maintain the integrity of these activities. These record keeping requirements also help assure that animals can be tracked in the event of a disease occurrence, or in the event that a violation is reported.

**Federal Regulatory Analysis:** Provided state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of Federal statutes and regulations, regulation of hunting and trapping of native species has been delegated to state fish and wildlife agencies. None of the proposed rules exceed the authorities granted the states in 50 CFR 10.

**State Regulatory Analysis:** Illinois does not allow dogs to be trained on bobcat in large enclosures; however it allows training on fox and coyotes in large enclosures with the appropriate license. They do not allow the live trapping of foxes from the wild in-state or out-of-state for use in training enclosures. Illinois does allow live fox to be imported from another state if they are disease free.

Iowa does not allow training on wild coyote, fox, or bobcat (bobcat are protected in the state). Iowa does not allow the trapping of wild animals for possession purposes. If a person has proof that he or she had legally purchased a game-farm (pen-raised) coyote or fox from a licensed breeder, he or she could use coyote or fox to train hound dogs. A person does not need a license to perform this activity. Only pen-raised animals with up-to-date records/health certification can be transported into Iowa.

Michigan allows training dogs on coyote, fox, and bobcat in large enclosures, with the appropriate license. Captive breeding facilities are the common source of animals (taking animals from the wild for possession is prohibited); however they do allow the import and export of coyotes.

Minnesota allows the training of dogs on coyotes in large enclosures without a license or permit. They also allow live trapping coyote from the wild for in-state or out-of-state use in training. There is a bobcat training enclosure in operation, however the state of MN was not able to provide information on what if any licenses or standards applied to this facility.

**Summary of Factual Data and Analytical Methodologies:** A total of seven meetings were held to help gather information for drafting these rules. Two were held with hound dog trainers and two were held with individuals who had concerns over the use of captive animals for hound dog training and the remaining three meetings were held with both enclosure users and non-users at the table. In addition, a site visit of an active hound dog training enclosure was conducted. The department is aware of approximately nine enclosures in this state that currently offer dog training on coyotes within the enclosure. The sizes range from 60 to 80 acres. Although the department does not have exact numbers, we are aware of smaller enclosures where fox are held for the purpose of training inexperienced dogs to learn to find and pursue a scent trail. There are a large number of rabbit training enclosures within the state ranging from less than an acre to over one hundred acres. We are aware that there are enclosures operating in this state that keep dogs from exiting the enclosure, but do not prevent the movement of raccoon in or out of the enclosure. Such an enclosure that does not restrict the movement of the wild animal would not be regulated under captive wildlife statutes. Other than these open enclosures, the department is not aware of any enclosures used to train dogs to track or pursue raccoons where the fence is built in such a way to prevent the raccoon from leaving the enclosure. Finally, the department is not aware of any operating bobcat enclosures in the state.

One of the primary issues that the department intended to address through these rules was to reduce the risk of disease introduction and transmission between captive and wild animal populations. Currently raccoon rabies is extremely rare in WI, but very common in the Southeast and Atlantic states, so translocation from these states to hound pens in WI and possible escape of pen raccoons are both very big risks. Likewise, in coyote and fox, rabies is endemic in fox in parts of Canada and in coyote in Texas, but not in Wisconsin. Parasites in coyote and fox also pose a risk to native populations (specifically the tapeworm *Echinococcus* which is zoonotic). Finally, in bobcats, parasites (the protozoa, *Cytauxzoon* and the tapeworm, *Spirometra*) that are not established in WI, but are in other parts of the US, especially the south, pose risks for domestic animals such as cats or humans. To address these concerns, these rules have been written to prohibit the use of coyotes, fox and bobcat from outside the state in training activities unless approved by the department. Other measures such as fence height, only allowing raccoons and bobcat in cages, record keeping and reporting and identification of captive animals are intended to further reduce the disease risks.

This rule attempts to address the needs of the hound dog trainers and the needs of the captive animals used for hound dog training. On many of the issues we were able to achieve a balance of providing opportunity while taking steps toward humane care and treatment and decreasing the opportunity for disease establishment.

Under this rule, bobcat would only be allowed for use in dog training under similar rules that already exist for bear and raccoon. Current rules regulating dog training with bear allow for bear to be used for training within a cage, either on the ground or in a tree, where no dogs may come in contact with the animal. One of the reasons the department went this direction, is that we have concerns over the ability to effectively keep bobcats and raccoons in training enclosures, which directly relates to disease concerns. Keeping an arboreal climbing species within an enclosure is problematic, and due to the risks associated with raccoon and bobcat related diseases, the risk of escape is one that the department can not accept. Secondly, there is the issue of care and welfare of bobcat, a highly prized and closely managed species. Coyotes, fox, and rabbit are pursuit species that are built for the chase. Bear, while also highly capable of outrunning hounds, have the ability to climb away from the pursuit; when run up a tree, this is often the point where the hounds are either removed or the bear is harvested. Raccoon and bobcat however, are less of a pursuit species and rely more on their ability to climb to elude their pursuers. Bobcats, according to first hand accounts from trainers, hunters and biologists tend to either climb to a safe location (tree) or continue to run and will not tree. It is the latter behavior that concerns the department. In an enclosure, if a bobcat were to not tree, the lack of an opportunity to escape the hounds and not be harmed is a potential problem. Finally, to date, unlike coyote and fox enclosures, we have not been contacted by any individuals over the past year, who currently use, or operate a bobcat training enclosure in the state. Additionally, the department is aware of only one pen in the Midwest, and it is the opinion of the state in which the pen is operated that it may not be legal under their current laws. Given these factors, the department proposes that bobcats be used for training only in cages.

**Anticipated Private Sector Costs:** Although there is no cost associated with obtaining a permit for establishing a hound dog training enclosure, there are costs associated to the construction of an enclosure that meets the minimum requirements included in this rule order. These costs include fencing material, land, food, refuge area construction, marking or tagging methods for captive animals, and any veterinary related services.

**Effects on Small Businesses:** As many of the existing training enclosures in this state do charge for the use of the captive animals within their enclosure for dog training purposes, the minimum requirements mentioned under private sector costs will impact the enclosures which run as a small business. There are also record keeping and reporting requirements associate with these emergency rules including a log of users of the enclosure, and any activity regarding the captive wild animals used within the enclosure.

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**Section 1. NR 12.10(1)(a)5. is created to read:**

**NR 12.10(1)(a)5.** Live-capture and relocate any coyote to a hound dog training enclosure permitted under s. NR 17.045.

**Section 2. NR 12.10(1) (b)2. is amended to read:**

**NR 12.10(1)(b)2.** Live-trap and relocate any wild animal, except white-tailed deer, elk, black bear or any wild animal classified as endangered or threatened under s. NR 27.03, to open unenclosed lands not controlled by the department with the permission of the owner. Pursuit of animals released under this subdivision by dogs may not occur in an area where a wild animal has been released for a period of 2 hours after release of the animal, except dogs may be released to pursue raccoons at anytime after the raccoon has reached cover by climbing a tree or pole to a height of at least 10 feet.

**Section 3. NR 12.10(1) (b)5. is created to read:**

**NR 12.10(1)(b)5.** Live-trap and relocate rabbits to a hound dog training enclosure permitted under s. NR 17.045.

**Section 4. NR 16.30(1) is amended to read:**

**NR 16.30 Pen specifications, humane handling, care, treatment and transportation of captive wild animals (1) APPLICABILITY.** This section applies to captive wild animals that are required to be held under the authority of a ch. 169, Stats., license, except that coyote, fox and rabbit may be held pursuant to a hound dog training or trial license issued under s. 169.20 or 169.21, Stats., and confined to a hound dog training enclosure as defined under s. NR 17.001(6m).

**Section 5. NR 16.30(1) note is created to read:**

Note: Pen specifications, and requirements for humane handling, care and treatment of coyote, fox and rabbit held under the authority of a hound dog training or trialing license are found in ch. NR 17.

**Section 6. NR 17.001(1) is renumbered (1s).**

**Section 7. NR 17.001(1) is created to read:**

NR 17.001(1) “Barrier area” means natural or artificial escape and refuge cover for rabbits which provides protection for rabbits located inside a hound dog training enclosure.

**Section 8. NR 17.001(1e) is created to read:**

NR 17.001(1e) “Captive animal refuge area” means a natural or artificially constructed den, shelter or other protective structure located under, at or above ground level, which provides protection for a coyote or fox and is not accessible by any dog released into the hound dog training enclosure.

**Section 9. NR 17.001(1m) and note are created to read:**

NR 17.001(1m) “Club” for the purposes of this chapter and s. 169.20(3)(a), Stats., means at least 2 or more individuals, of whom at least one is eligible under s. 169.33(2), Stats., to obtain a dog club training license and participate in legal bird or hound dog training activities, who are identified in writing as members of a licensed dog training club on a list retained by the license holder, which shall be made available to the department upon request.

**Note:** Pursuant to s. 29.304, Stats., no one under the age of 12 may possess a firearm. A person under the age of 12 may be a member of a dog training club and may train dogs with the use of captive wild animals as authorized under the dog training club license, but may not possess a firearm as part of the training activity.

**Section 10. NR 17.001(5m) and note are created to read:**

NR 17.001(5m) “Fox” for the purpose of this chapter and ss. 169.20 and 169.21, Stats., means red and gray fox.

Note: “Fox” includes all color phases of the red fox.

**Section 11. NR 17.001(5s) is created to read:**

NR 17.001(5s) “Hound dog training enclosure” means a fenced area of land that is used as the primary enclosure for captive wild coyote, fox, or rabbit held under a dog training club, hound dog training or hound dog trial license into which dogs are released for the purpose of dog training or trials.

**Section 12. NR 17.001(7m) is created to read:**

NR 17.001(7m) “Owner” or “operator” means the person who owns the property on which a hound dog training enclosure exists, or a manager, or a lessee of the property who has an agreement with the owner of the enclosed lands to retain possession or control of the improvements to the property during the term of the lease.

**Section 13. NR 17.001(8m) is created to read:**

NR 17.001(8m) “Rabbit” for the purpose of this chapter and ss. 169.20 and 169.21, Stats., means cottontail rabbits, jack rabbits and snowshoe hare.

**Section 14. NR 17.02(1) is amended to read:**

**NR 17.02 Hound dog training license. (1) AUTHORITY.** A hound dog training license authorizes the licensee to possess and use captive bobcat, coyote, fox, raccoons or rabbits for dog training purposes, and use captive black bear possessed under the authority of a captive wild animal farm license for dog training purposes. The license does not authorize commercial or organized shoots, selling, breeding or propagating of animals or the training of dogs with the use of captive bear on department lands.

Note: The unintentional breeding of rabbits in training enclosures is not a violation of this section.

**Section 15. NR 17.02(3) is repealed and recreated to read:**

**NR 17.02(3) CARE AND HOUSING.** (a) *Captive coyote, fox and rabbit.* Captive coyote, fox and rabbit obtained in accordance with s. NR 17.047 and possessed for dog training purposes may only be kept within a hound dog training enclosure that is permitted and that meets the requirements established under s. NR 17.045.

(b) *Captive bear, bobcat and raccoon.* Captive bear, bobcat and raccoon obtained in accordance with s. NR 17.047 may be used for dog training purposes provided:

1. The bear is possessed under authority of a captive wild animal farm license.
2. Bear, bobcat and raccoon, when not being used for training purposes, are housed in accordance with s. NR 16.30 and 16.38.
3. The bear, bobcat or raccoon is kept in a cage at all times. The cage shall be constructed so that all of the following requirements are met:
  - a. The cage is strong enough to contain the bear, bobcat or raccoon securely and comfortably and to withstand the normal rigors of training.

- b. The interior of the cage has no sharp points or edges and no protrusions that could injure the bear, bobcat or raccoon contained in it.
  - c. The bear, bobcat or raccoon is at all times securely contained within a cage in a way that it is not likely to result in injury to itself, to handlers, or to persons or animals nearby.
  - d. The cage containing the bear has a mesh size no greater than 2 inches square.
  - e. The cage shall be constructed and maintained so as to provide sufficient space to allow the bear, bobcat or raccoon to make normal postural adjustments with adequate freedom of movement to sit, stand on all 4 legs, turn around and lie in a normal manner.
  - f. The cage shall be designed to allow urine and feces to drain from the cage.
  - g. Permanent devices such as handles or handholds shall be provided on the exterior that enables the cage to be lifted and ensures that anyone handling the cage will not come into physical contact with the bear, bobcat or raccoon contained inside.
  - h. When the cage is elevated in a tree or on a pole for training purposes, the cage shall be raised a minimum of 10 feet off the ground.
4. All individuals except the owner of the captive animal, the owner's designee or the dog handler shall be kept at least 4 feet from the cage. For bear, a barrier shall be provided to assure that individuals other than the owner, designee or handlers are kept 4 feet from the cage.
5. Dogs shall be kept a minimum of one foot from the cage at all times by restraint, cage design or barrier fence except where the cage is covered by solid material, which prevents all physical contact between the dog and the captive animal. The one foot minimum distance does not apply to raccoon training with the use of roll cages.
6. The cage shall be adequately shaded at all times.
7. The bear, bobcat or raccoon shall have access to fresh water.
8. Roll cages may not be used for dog training with bear or bobcat.

(c) *Training periods.* 1. The length of time that captive wild bear, bobcat or raccoon may be used for training exercises may not exceed 12 hours within a 24-hour period. Captive wild bear, bobcat and raccoon shall be provided with a minimum of 8 consecutive hours of rest within a 24-hour period. Additionally, a bear, bobcat or raccoon used for training, may not be housed in an enclosure that does not meet the primary enclosure standards in s. NR 16.30(4) for a period of more than 72 hours.

2. The length of time that training activity may occur in a hound dog training enclosure containing captive coyote or fox may not exceed 16 hours within a 24-hour period. A minimum of 8 consecutive hours of rest within a 24-hour period shall be provided during which no dog training or trialing may take place within an enclosure containing captive coyote or fox.

**Section 16. NR 17.03(1), (2)(a) and (d) (intro.) are amended to read:**

**NR 17.03 Dog club training license.** (1) **AUTHORITY.** A dog club training license authorizes the club members to possess and use captive wild pheasants of the species *phasianus colchicus* or *syrmaticus reevesii*, quail of the subfamily *odontophorinae*, gray partridge, chukar partridge, red-legged partridge, and mallard ducks that are bred in captivity for bird dog training. A dog club training license authorizes the club members to possess and use captive wild bobcat, coyote, fox, rabbits and raccoons ~~and rabbits~~ in accordance with the provisions outlined in ss. NR 17.02(3) and 17.045 for hound dog training. The license does not authorize the use of captive bear, commercial shoots, animal selling, breeding or propagation.

**Note:** Pursuant to s. 29.304, Stats., no one under the age of 12 may possess a firearm. A person under the age of 12 may be a member of a dog training club and may train dogs with the use of captive wild animals as authorized under the dog training club license, but may not possess a firearm as part of the training activity.

Note: The unintentional breeding of rabbits in training enclosures is not a violation of this section.

(2)(a) *Display of license.* Be in possession of a dog club training license at the clubhouse or training grounds where the training activity is occurring. If a club member is engaged in training activities but not within one-quarter mile of the clubhouse, the member shall be in possession of a copy of the club training license. Club

members shall make the license available to any authorized department agent upon request. For dog clubs utilizing a hound dog training enclosure permitted under s. NR 17.045, a ledger of all club members shall be kept at the enclosure and provided to the department upon request.

(d) *Care and treatment.* (intro.) Captive wild birds, bobcat, coyote, fox, rabbits and raccoons and rabbits possessed for dog training purposes shall be treated in a humane manner and confined under sanitary conditions with proper and adequate space, shade, food and fresh water. ~~If birds or animals are severely injured, they shall be humanely killed. Primary and transportation enclosures for the captive wild animals shall meet the requirements in ss. NR 16.30 and 16.38. Cages used for captive raccoons during training exercises shall meet the following requirements;~~ Individuals using captive wild birds or animals for training purposes are responsible for following all rules pertaining to the use of birds for dog training purposes under s. NR 17.01 and all rules established under s. NR 17.02 for hound dog training under the authority of a dog club training license.

**Section 17. NR 17.03(2)(d)1. through 4., and (g) are repealed.**

**Section 18. NR 17.045 is created to read:**

**NR 17.045 Hound dog training enclosure permit.** (1) ENCLOSURE INSPECTION AND PERMIT.

(a) *Conditions.* The owner or operator of a hound dog training enclosure shall be at least 18 years of age to apply for and obtain an approved hound dog training enclosure permit from the department prior to using or releasing any captive wild animals or dogs into the enclosure for dog training or trialing purposes. The department shall inspect every hound dog training enclosure for which it has received a permit application. The department shall issue a permit to an applicant if it finds that the facility meets the requirements of this section and s. NR 17.11. Enclosures that do not meet the requirements of this section may not be issued a permit but may reapply for inspection after 30 days. No person may train, trial or otherwise release dogs into an enclosure containing captive wild animals unless a valid hound dog training enclosure permit is possessed by the owner or operator of the enclosure. An owner or operator shall obtain a separate hound dog training enclosure permit for each enclosure they own or operate. A hound dog training enclosure permitted under this section, may not be licensed under s. 169.15, Stats., as a captive wild animal farm, or as a wild fur farm under s. 169.18, Stats.

(b) *Initial applicability.* Any person operating a hound dog training enclosure prior to the effective date of this rule... [Revisor insert date] may continue to operate provided they apply for a hound dog training enclosure permit under this section no later than December 31, 2007. After December 31, 2007, no person may operate a hound dog training enclosure without first obtaining a hound dog training enclosure permit.

(c) *Fee.* There is no fee for issuance of a hound dog training enclosure permit.

(d) *Removal of animals.* 1. Any wild fox present in any new enclosure shall be live trapped and released outside of the enclosure or killed and removed as authorized under ch. 29, Stats., and ch. NR 10 or 12, prior to inspection by the department.

2. Any wild coyote present in any new enclosure shall be killed and removed as authorized under ch. 29, Stats., and ch. NR 10 and 12, or shall be live trapped in accordance with s. NR 17.047(2)(b) and marked in accordance with par. (5)(b).

Note: Verification of coyote or fox removal will be agreed upon by the department and the owner or operator. Snow cover may be necessary to confirm removal of fox and coyote.

(e) *Presence of other animals.* Captive wild animals, other than the species specifically permitted under this section, may not be maintained in the same enclosure. An enclosure may only be permitted for one species.

(f) *Killing of captive animals.* A hound dog training enclosure permit authorizes the killing of captive wild animals only by the holder of the permit, or an employee of the permit holder.



(g) *Compliance with local regulations.* No initial enclosure permit application may be approved unless the application is accompanied by written assurance that the enclosure is in compliance with local ordinances and zoning regulations.

(h) *Expiration.* A hound dog training enclosure permit shall remain valid until the date indicated on the permit provided the facility remains in compliance with this section. The expiration date of a hound dog training enclosure permit shall be the same as the expiration date of the dog training or trialing license held by the owner or operator or club under sub. (2).

(2) LICENSE REQUIREMENTS. (a) *Hound dog training license.* Except as provided in par. (b) or (c), the owner or operator of any hound dog training enclosure and every person participating in the training of hound dogs within a hound dog training enclosure shall possess a valid hound dog training license.

(b) *Dog club training license.* If the owner or operator of the hound dog training enclosure possesses a valid dog club training license, the members of that club are not required to possess individual hound dog training licenses.

(c) *Hound dog trial license.* If the owner or operator of the hound dog training enclosure or an individual participating in a organized competitive field trial event possesses a valid hound dog trial license, the participants in the event are not required to possess a hound dog training license for that event.

(3) CARE AND HOUSING. Hound dog training enclosures shall meet the following requirements:

(a) *Food, water and cover.* All hound dog training enclosures shall provide the necessary natural or artificial habitat and meet the food, water and cover requirements of a coyote, fox or rabbit. Conditions are subject to approval by the department.

(b) *Acclimation period.* No dogs may be released into an enclosure that is used to train dogs to pursue coyotes or fox until the 7<sup>th</sup> day following the release of a new coyote or fox into an enclosure. No dogs may be released into an enclosure that is used for training dogs to pursue rabbits until the 2<sup>nd</sup> day following the release of a new rabbit into the enclosure.

(c) *Intent of training.* 1. Dogs may not be released into an enclosure with the intent to kill or physically injure the captive coyote, fox or rabbit. Any coyote or fox injured during a dog training exercise shall be submitted to a veterinarian for treatment at the owner or operator's expense, or euthanized and shall be reported to the department within 24 hours.

2. Injured or debilitated coyote, fox or rabbits shall not be maintained in the hound dog training enclosure.

Note: To report an injury or death of a coyote or fox resulting from a dog training exercise, individuals shall contact their local warden or call the 24 hour department law enforcement hotline 1-800-847-9367.

(d) *Supervision.* Whenever dogs are released into or present in a hound dog training enclosure, the owner or operator of the enclosure or one or more competent individuals designated by the owner or operator shall be present at the enclosure and actively directing attention to the training activity. For the purposes of this paragraph, competent means that the individuals are knowledgeable of regulations of this chapter and are capable of controlling the dogs released into the enclosure.

(e) *Enclosure size.* 1. Except as provided in subd. 2., the minimum size of a hound dog training enclosure for coyote and fox shall be 75 contiguous completely fenced acres without interior fences that divide the area into parcels less than 75 acres.

2. A hound dog training enclosure used to train inexperienced dogs may be less than 75 acres provided the owner or operator also holds a permit for a facility that meets the requirements of subd. 1., for experienced dogs and complies with the following conditions:

a. May not be less than 15 acres in size, except as provided in subd. 2. b.

b. Existing enclosures in operation and used under a hound dog training license for training inexperienced dogs on coyote or fox on or before October 1, 2006 may be less than 15 acres in size.

c. Shall be within 2 miles of the enclosure meeting the requirements established in subd. 1.

3. The minimum size for hound dog training enclosures for rabbits shall be 0.5 acres.

(f) *Fences.* 1. Coyote and fox. a. Perimeter fences used to confine coyote or fox within a hound dog training enclosure shall be a minimum of 6 feet in height, with a minimum of 12-inches of additional fence material bent inward at a 90 degree angle at the top and the bottom of the fence. The bottom 12-inch section of fence shall be in contact with the ground and secured to the ground to prevent coyotes and fox from entering or leaving the enclosure.

b. The outside of the perimeter fence shall either include a minimum of 12 inches of additional fence material bent outward at a 90 degree angle at the bottom of the fence, or a single strand electric fence may be used to prevent wild coyotes and fox from entering the enclosure.

c. The fence material shall be of sufficient design and strength to prevent captive coyote and fox from escape or wild coyote or fox from entering the enclosure.

d. A corridor at least 4 feet wide shall be maintained on the inside or outside of the perimeter fence to allow for easy access and inspection of the fence by the owner or operator and the department by use of an ATV or other vehicle. The corridor does not need to be located immediately adjacent to the fence but shall be close enough to the fence to allow easy access to and visual inspection of the fence.

e. Existing enclosures in operation and used under a hound dog training license on or before October 1, 2006 are exempt from subd. 1. b. until the perimeter fence is replaced.

2. Rabbits. a. Perimeter fences used to confine rabbits within a hound dog training enclosure shall be a minimum of 5 feet in height, including any part of the fence that is buried, or bent inward or outward at the bottom of the fence.

b. The fence material shall be of sufficient design and strength to prevent captive rabbits from escape or wild rabbits from entering the enclosure.

c. A corridor at least 4 feet wide shall be maintained on the inside or outside of the perimeter fence to allow for easy access and inspection of the fence by the owner or operator and the department by use of an ATV or other vehicle. The corridor does not need to be located immediately adjacent to the fence but shall be close enough to the fence to allow easy access to and visual inspection of the fence.

3. Exceptions. The use of materials or specifications, other than those specified in this paragraph may be permitted by the department if the materials or specifications are found by the department to exceed minimum specifications and the fence is sufficient to hold the coyote, fox or rabbit.

Note: The department recommends approval of fence plans prior to construction to assure that the fence meets the requirements in s. NR 17.045(3)(f). To obtain approval of plans, contact the local conservation warden or wildlife biologist. To find the conservation warden for a given county, contact your local DNR service center.

(g) *Gates.* All gates shall remain closed and secured to prevent escape of captive animals and unauthorized access and opening of the gates, except when authorized persons, dogs or equipment are traveling through the gate.

(h) *Refuge areas.* 1. No person may molest, harass or chase a captive coyote or fox utilizing a refuge area.

2. Coyote and fox. Captive animal refuge areas shall be available or provided for coyote and fox at a rate of not less than one area for each captive animal within the enclosure and not less than one per full 15 acres. Each refuge area shall be readily available to any coyote or fox held inside the hound dog training enclosure and may not be located immediately adjacent to any other refuge area. All minimum required captive animal refuge areas shall be evenly distributed throughout the enclosure.

3. Rabbits. Sufficient barrier areas shall be provided for rabbits held within an enclosure to provide refuge and escape areas for all of the rabbits held within the enclosure.

(i) *Density of captive animals.* No less than 2 coyote or fox may be present in a hound dog training enclosure, and no more than 2 coyote or fox may be present per each full 15 acres in a hound dog training enclosure.

(4) DISEASE PREVENTION. At the time of inspection, the department may require specific health management procedures as deemed necessary, including mandatory disease investigation, testing and disease reporting. The department will contact the owner or operator if additional health management procedures are deemed necessary after a permit is issued. In addition, the enclosure owner or operator shall agree to all of the following:

(a) *Fees.* 1. Inspection or treatment by a licensed veterinarian or both when required shall be at the sole expense of the owner or operator of the hound dog training enclosure.

2. In the event of disease outbreaks, costs associated with the testing, depopulating, cleaning and disinfecting the enclosure shall be the sole expense of the owner or operator of the hound dog training enclosure.

(b) *Release of diseased animals.* The owner or operator may not release or permit the release into a hound dog training enclosure of any wild animals or dogs that are diseased or have been exposed to diseased animals.

(c) *Testing.* The department may conduct disease testing and take samples of any species of wildlife within the hound dog training enclosure.

(d) *Permit suspension.* The department may suspend a hound dog training enclosure permit and the operation of any hound dog training enclosure or prohibit by verbal or written notice the release of any coyote, fox, or rabbit into any hound dog training enclosure when the department deems it necessary to prevent the threat or presence of wildlife diseases which may pose a threat to native wildlife populations, domestic livestock or public safety.

(5) ADDITIONAL PROVISIONS. (a) *Age.* All captive coyote and fox released into a hound dog training enclosure shall be at least 9 months of age.

(b) *Marking.* Coyote and fox may not be released into a hound dog training enclosure unless first individually tagged, tattooed or otherwise permanently marked with a unique individual animal identification number which is recorded in the records required to be kept under s. NR 17.11(5).

(c) *Reproduction.* When more than one coyote or fox is released into a hound dog training enclosure, all additional animals of the same species that are of a different sex shall be spayed or neutered by a licensed veterinarian prior to release into the hound dog training enclosure.

Note: Breeding or propagating of captive wild animals is not authorized under a hound dog training, dog trial or dog club training license. However, the unintentional breeding of rabbits within in a hound dog training enclosure is not a violation of this section.

(d) *Surgical modifications.* Any physical modifications, including the docking of tails, done to a coyote or fox shall be done by a licensed veterinarian. The hound dog training enclosure permittee shall maintain written documentation of veterinary involvement in any physical modification done to a coyote or fox.

(e) *Veterinarian of record.* The applicant of any hound dog training enclosure permit shall provide the department with a written statement, by a Wisconsin certified veterinarian, which certifies that the veterinarian is the training enclosure veterinarian, having established a valid veterinarian-client relationship with the applicant.

(6) DOGS. (a) *Licensing*. Any person that releases a dog or dogs into a hound dog training enclosure shall keep on the dog or have present at the enclosure any tag required for the dog under s. 95.21 (2) (f), 174.05, 174.053 or 174.07 (1), Stats.

(b) *Number of dogs*. No person may place or allow the placement of more than 3 dogs into any coyote or fox hound dog training enclosure for each coyote or fox that is present in the enclosure.

(c) *Age*. No dogs less than 5 months of age are permitted in hound dog training enclosures that contain coyote or fox.

(7) REVOCATION. If the owner or operator of a hound dog training enclosure has their hound dog training license or enclosure permit revoked or fails to renew their hound dog training license for any reason, the owner or operator of the enclosure shall remove all coyotes, foxes or rabbits as directed by the department.

(8) COMPLIANCE AND ENFORCEMENT. (a) *Existing enclosures*. 1. Except as provided in subd. 2., all hound dog training enclosures for coyote and fox operating under the authority of a hound dog training or dog club training license prior to the effective date of this rule...[Revisor insert date] shall comply with all provisions in this section.

2. Hound dog training enclosures for fox and coyote operating under the authority of a hound dog training or dog club training license prior to effective date of this rule...[Revisor insert date] and that are at least 60 acres, but less than 75 acres, shall comply with all provisions in this section except the acreage requirement under sub. (3)(e).

3. Notwithstanding subd. 2, if the holder of the hound dog training enclosure permit fails to renew the permit within 45 days after the permit's expiration date, the permit may not be renewed unless the applicant complies with the acreage requirement under sub. (3)(e).

4. Animals existing in the enclosure shall be considered captive if possessed under a hound dog or dog club training license prior to effective date of this rule...[Revisor insert date]. Owners or operators of enclosures with animals described in this subdivision shall comply with sub. (5) by December 31, 2007.

(b) *New enclosures*. All individuals who were not operating a hound dog training enclosure under the authority of a hound dog training or dog club training license prior to the effective date of this rule...[Revisor insert date] shall comply with this section.

(c) *Enforcement*. Owners or operators of hound dog training enclosures that have applied for a permit under sub. (1)(b) by December 31, 2007 that do not meet the minimum structural or design requirements under this section shall bring their enclosures into compliance by December 31, 2008.

## **Section 19. NR 17.047 is created to read.**

**NR 17.047 Sources of captive wild animals for hound dog training.** (1) *Resident captive sources*. Except as provided in this section, bobcat, coyote, fox, rabbit or raccoon used for hound dog training shall be obtained from a legal resident captive bred source.

(2) *Wild sources*. No free-ranging wild animals captured from the wild may be used for hound dog training purposes, except:

(a) Coyotes and raccoons that are live trapped on a Wisconsin licensed wild fur farm.

(b) Coyotes and rabbits that are live trapped for relocation under s. NR 12.10(1)(a)5. and (b)5.

(3) *Transfer*. Coyotes or rabbits live trapped under s. NR 12.10(1)(a)5. and (b)5. may not be live trapped and relocated from one enclosure to another, unless the animal is transferred to the owner or operator of an enclosure with a valid hound dog training enclosure permit for that enclosure.

(4) *Nonresident captive source*. Unless authorized by the department, captive wild animals from out of state may not be used within a hound dog training enclosure. If the department authorizes use of an imported

captive animal for use in hound dog training enclosures, the animal shall be accompanied by a certificate of veterinary inspection as required under s. ATCP 11.02 and a copy of the certificate maintained with the records required to be kept under s. NR 17.11(5) and a copy shall be provided to the department with quarterly reports required under s. 169.36(9)(b), Stats. When determining whether to issue an authorization under this subsection the department shall consider whether the animal originates from a state or country with suspected or known infectious wildlife diseases.

Note: To request the use of an imported captive wild animal, contact the state wildlife veterinarian, (608) 266-8204.

**Section 20. NR 17.07(1) is amended to read:**

**NR 17.07 Hound dog trialing license. (1) AUTHORITY.** A hound dog trialing license authorizes the licensee and participants in an organized competitive field event that involves sporting dog breeds and that is sanctioned, licensed or recognized by a local, state, regional or national dog organization to possess and use captive bobcat, coyote, fox, raccoons or rabbits for dog trialing purposes and use captive bear possessed under the authority of a captive wild animal farm license issued under s. 169.15, Stats., for dog trialing purposes. The license does not authorize commercial shoots or selling, breeding or propagating of animals or trialing of captive bear on department lands.

**Section 21. NR 17.07(3) is repealed and recreated to read:**

**NR 17.07(3) CARE AND HOUSING. (a) *Captive coyote, fox and rabbit.*** Captive coyote, fox and rabbit obtained in accordance with s. NR 17.047 and possessed for dog trialing purposes may only be used within a hound dog training enclosure that is permitted and that meets the requirements established under s. NR 17.045.

**(b) *Captive bear, bobcat and raccoon.*** Captive bear, bobcat and raccoon obtained in accordance with s. NR 17.047 may be used for dog trials provided:

1. The bear is possessed under authority of a captive wild animal farm license.
2. Bear, bobcat and raccoon, when not being used for trialing purposes, are housed in accordance with s. NR 16.30 and 16.38.
3. The bear, bobcat or raccoon is kept in a cage at all times. The cage shall be constructed so that:
  - a. The cage is strong enough to contain the bear, bobcat or raccoon securely and comfortably and to withstand the normal rigors of training or trials.
  - b. The interior of the cage has no sharp points or edges and no protrusions that could injure the bear, bobcat or raccoon contained in it.
  - c. The bear, bobcat or raccoon is at all times securely contained within a cage in a way that it is not likely to result in injury to itself, to handlers, or to persons or animals nearby.
  - d. The cage containing the bear has a mesh size no greater than 2 inches square.
  - e. The cage shall be constructed and maintained so as to provide sufficient space to allow the bear, bobcat or raccoon to make normal postural adjustments with adequate freedom of movement to sit, stand on all 4 legs, turn around and lie in a normal manner.
  - f. The cage shall be designed to allow urine and feces to drain from the cage.
  - g. Permanent devices such as handles or handholds shall be provided on the exterior that enables the cage to be lifted and ensures that anyone handling the cage will not come into physical contact with the bear, bobcat or raccoon contained inside.
  - h. When the cage is elevated in a tree or on a pole for training or trial purposes, the cage shall be raised a minimum of 10 feet off the ground.
4. All individuals except the owner of the captive animal, the owner's designee or the dog handler shall be kept at least 4 feet from the cage. For bear, a barrier shall be provided to assure that individuals other than the owner, designee or handlers are kept 4 feet from the cage.

5. Dogs shall be kept a minimum of one foot from the cage at all times by restraint, cage design or barrier fence except where the cage is covered by solid material, which prevents all physical contact between the dog and the captive animal. The one foot minimum distance does not apply to raccoon training with the use of roll cages.
6. The cage shall be adequately shaded at all times.
7. The bear, bobcat or raccoon shall have access to fresh water.
8. Roll cages may not be used for dog training with bear or bobcat.

(c) *Training periods.* The length of time that captive wild bear, bobcat, coyote, fox or raccoon may be used for training exercises may not exceed 12 hours within a 24-hour period. Captive wild bear, bobcat, coyote, fox and raccoon shall be provided with a minimum of 8 consecutive hours of rest within a 24-hour period, when no dog training or trialing may take place. Additionally, a bear, bobcat or raccoon used for training, may not be housed in an enclosure that does not meet the primary enclosure standards in s. NR 16.30(4) for a period of more than 72 hours.

**Section 22. NR 17.11 (title) is repealed and recreated to read:**

**NR 17.11 Records and reporting.**

**Section 23. NR 17.11 (intro) is repealed.**

**Section 24. NR 17.11 (1) to (4) are renumbered (1)(a) to (d).**

**Section 25. NR 17.11(1)(intro.), (2) and (3) are created to read:**

**NR 17.11(1)** Receipts and invoices required under this chapter and s. 169.36(4), Stats., shall include all of the following:

(2) HOUND DOG TRAINING ENCLOSURES. (a) Except as provided in par. (b), the owner or operator of any hound dog training enclosure shall maintain a complete and accurate registry which shall include all of the following:

1. Except for the enclosure owner and their immediate family members living with them, the name, and address or phone number of each person who releases dogs into the enclosure.
2. The date and time of each dog training activity including the number of dogs released.

(b) For organized competitive field trials occurring under a valid hound dog trial license, the owner or operator shall maintain a list of participants names and phone numbers.

(c) The registry shall be kept current, accurate and retained for 3 years from the date of the record, and shall be made available for inspection by the department.

(d) The owner or operator of any hound dog training enclosure shall also maintain and report as required complete and accurate records on the number, species and source of all captive coyote, fox and rabbit released into the hound dog training enclosure including the unique individual animal identification number of each coyote or fox, attached to each animal released. The following information shall be recorded or maintained in the owner or operator's records and correspond to the unique individual animal identification number:

1. The name, address, phone number, and applicable license number of the person from whom the captive coyote, fox or rabbit was obtained.
2. The origin of the coyote, fox or rabbit, including the origin of those animals existing prior to effective date of this rule...[Revisor insert date].
3. All veterinary care, inoculation records and copies of health certificates or certificates of veterinarian inspections.

4. The date of release into the enclosure.
5. The date of mortality or discovery of mortality of any coyote or fox.

(e) The owner or operator of any hound dog training enclosure shall notify the department regarding any unusual mortality or detection of any disease involving any species of wildlife within the enclosure within 24 hours of becoming aware of the mortality or disease.

Note: To report an unusual mortality or disease you may contact your local department wildlife biologist or call the bureau of wildlife management at (608) 266-8204.

(3) MAINTENANCE AND SUBMITTAL. (a) Copies of records or reports required to be kept under this chapter or under s. 169.36, Stats., shall be furnished to the department by required deadlines or upon request.

(b) A hound dog training or trial license may not be renewed when the licensee fails without good cause to submit all records required by s. 169.36, Stats., or this chapter by required deadlines or within 10 days of a request for the records:

(c) Each person required to hold a license which is subject to s. 169.36(9)(b), Stats., shall provide a copy of the quarterly records required to be maintained for that license to the department as follows:

1. Quarterly submission of records shall be provided to the department by April 30, July 31, October 31 and January 31 each year, and shall consist of a copy of all required records that shall be maintained during the 3 previous months.

2. Records to be included in the quarterly report shall consist of accurate and complete records of all transactions, including acquisition, transfer, death or other information requested in writing by the department, involving any captive wild animals of the following families:

- a. Canidae (coyotes, foxes).
- b. Felidae (bobcat).

Note: Section 169.36(9)(b), Stats., states that in addition to the requirements under par. (a), the person holding a license subject to this section shall provide a copy of the record required under this section to the department on a quarterly basis, as determined by the department, if the transaction or activity involved any live wild animal of the family canidae, ursidae, mustelidae, or felidae, or any harmful wild animal.

Note: Quarterly reports pertain to transactions involving captive animals. They are not intended to collect information regarding individual users.

**Section 26. Effective date.** This rule 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.

**Section 27. Board adoption.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 25, 2006.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Scott Hassett, Secretary

(SEAL)