

Chapter WCD 19

MISCELLANEOUS GAME, FUR AND FISH

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(Sections 23.09 and 29.573, Wis. Stats.)

WCD 19.01 Guns and ammunition. (1) It shall be unlawful for any person to carry in any manner or have in possession or under control any rifle other than a .22 rim-fire chambered for cartridges less than one inch in overall length, or any shotgun loaded with shot larger than No. BB, divided or cut shells of any variety, or any shells loaded with single ball or bullet, or have in their possession or under their control any shotgun shells loaded with shot larger than No. BB or any divided or cut shells or shells loaded with single ball or bullet from April 1 of each year to the following January 1, both dates inclusive, while being in or on or traversing any forest, fields or other areas frequented or inhabited by deer in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Door, Douglas, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Green Lake, Iron, Jackson, Juneau, Kewaunee, La Crosse, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Monroe, Oconto, Oneida, Outagamie, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Sheboygan, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waupaca, Waushara and Wood, except that when an open season for deer or bear occurs in any of the before-mentioned counties, any person may carry lawful firearms and ammunition into and onto areas frequented or inhabited by deer or bear during the period of time beginning 5 days prior to the opening of the deer season or bear season, as the case may be, and ending at midnight of the third day following the closing of such season when such firearms are unloaded and enclosed within a carrying case.

(2) Nothing in the provisions of this section shall prohibit any person during each day of the actual open season for the hunting or killing of deer or bear from carrying any lawful firearms or ammunition in any manner either loaded or unloaded in all counties mentioned in paragraph (1), as long as all other provisions of the statutes and of conservation commission orders dealing with fish and game are complied with.

(4) Nothing in the provisions of this section shall permit any person to transport or carry any firearms prohibited by this section in any of the counties named in subsection (1) during the open deer or bear season established for bow and arrow hunting in said counties.

(5) The state conservation department is authorized to issue free of cost to any person eligible to secure a license to hunt under the laws of the state of Wisconsin, a permit to carry specified firearms and ammunition into and onto any such deer-frequented or inhabited areas mentioned in this section when the applicant for such permit can

show there is good and sufficient reason for the issuance of such permit to him. Applications for such permits may be made to the state conservation department, its conservation wardens, forest rangers, or other designated agents of the commission and shall state thereon the purpose for which they are required, the county or counties in which the permit is to be used, and such other information as may be deemed necessary by the state conservation commission.

(6) Nothing in the provisions of this section shall apply to the armed forces of the United States, the national guard or peace officers in the performance of their duties as such, or any person summoned by such peace officers to assist them in making an arrest or to preserve the peace while such person or persons are so engaged, or to any conservation officers in the performance of their duties as such.

(7) Nothing in the provisions of this section shall apply to the lawful possession or transportation of unloaded guns as merchandise by manufacturers or merchants.

History: 1-2-56; (1) Am. and (3) repealed, Register, August, 1956, No. 8, eff. 9-1-56; r. and recr. (1), (2) and (4), Register, August, 1960, No. 56, eff. 9-1-60.

WCD 19.02 History: 1-2-56; r. Register, August, 1960, No. 56, eff. 9-1-60.

WCD 19.03 Control of muskrats on cranberry marshes. (1) The owner or lessee of any improved cranberry marsh area may at any time and in any manner take, catch, or kill muskrats which are injuring his dams, dikes, reservoirs, ditches, or outlets, but shall not sell, offer to sell, barter or give to any person or persons, or have in possession or under his control, except upon such improved cranberry marsh lands, the skin of any muskrat unless each such muskrat skin has been tagged or stamped. Such tag or stamp shall be furnished and attached without charge by the conservation commission.

(2) On January 1 and July 1 of each year, the owner or lessee of any improved cranberry marsh area who has found it necessary to take, catch, or kill any muskrats on said marshes for the purpose of protecting his property, shall file with the conservation commission on a form provided for that purpose a report verified by affidavit showing the total number of muskrats killed, transported, or sold from said cranberry marsh area and such other information as the commission may require.

(3) The provisions of this section shall not apply to any person or persons who own or are interested in a cranberry marsh situated in the same area wherein said owners are the licensees of a muskrat farm or in which such person or persons have an interest.

(4) The state conservation commission or its authorized agents may assist any owner or operator of improved cranberry marsh areas with the removal of muskrats from areas that have been damaged, or are being damaged by such muskrats, wherein they believe that the muskrats can be taken alive and removed to other localities deemed advisable by the state conservation commission.

(5) Any such cranberry marsh areas where muskrats are being controlled as provided in this section shall be open to the inspection of the state conservation commission or its authorized agents at any time.

WCD 19.04 Wolves and coyotes. (1) It shall be unlawful for any person or persons other than public, state, city or county parks or zoos, to have in their possession or under their control at any time or place in the state of Wisconsin any live wolf or coyote of any variety or description unless a duly authorized permit has been issued them by the state conservation commission of Wisconsin, or its designated agent or agents.

(2) All persons applying for permits to keep live wolves of any description in their possession or under their control as hereinbefore provided in this section, shall comply with any and all regulations required by the state conservation commission of Wisconsin, its designated agent or agents.

WCD 19.05 Release of exotic species. (1) It shall be unlawful for any person, persons, firm or corporation to introduce or release or cause to be introduced or released in any manner into the inland or outlying waters, forests or fields of this state any variety or species of wild animal, hybrid of a wild animal, and any bird or fish, or the eggs or spawn thereof, that are not native to the state without first applying for and receiving a permit from the state conservation commission of Wisconsin or its duly authorized agents. Such permit shall be granted only after a thorough investigation by the conservation commission, its agents, conservation wardens or forest rangers concerning the conditions under which such wild animals, hybrids of wild animals, or birds or fish, or the eggs or spawn thereof, are to be introduced or released and to establish to a certainty that such introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state.

(2) It shall be unlawful for any person or persons to introduce, place, plant, or release, or cause to be introduced, placed, planted, or released in any manner in the publicly owned or controlled inland waters of the state of Wisconsin any fish, fish fingerlings, fish fry, or fish spawn unless such release or plantings are supervised and authorized or permitted by written permit by the state conservation commission of Wisconsin, its duly authorized agents or representatives.

(3) Nothing in the provisions of this section shall be applicable to the state conservation commission, or the state conservation department, or its duly authorized agents wherein after investigation they deem it advisable or necessary to cause the release of any animals, birds or fish of any variety or species.

WCD 19.06 State operated fish nets and traps. (1) Pursuant to the provisions of subsection (7) of section 23.09, Wis. Stats., it shall be unlawful for any person or persons to take, catch, or kill fish or fish for fish of any species when such fish are being held in any fish net, fish holding net, fish trap, fish pond, either artificial or natural, or any structure or net placed in any of the waters of the state by the Wisconsin conservation commission for the purpose of taking or holding fish therein at any time, or for any person or persons to lift, molest, cut or destroy any fish net, fish holding net, fish trap, fish pond, or any structure or net placed in any of the waters of the state by the Wisconsin conservation commission for the purpose of taking or holding fish therein.

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(2) It shall be unlawful for any person or persons to take, catch, capture or kill fish or pursue fish in any fishing operations within 500 feet above or 500 feet below any net, dam or weir wherein the state of Wisconsin is fishing or holding fish for commercial, scientific, or biological purposes, when the area is properly posted by the Wisconsin conservation commission.

(3) No provisions in this section shall prohibit the state conservation commission or department of Wisconsin, its agents, deputy conservation wardens or representatives of the fisheries division of such commission or department from taking any of the fish mentioned in any of the sections of this order at any time or from lifting, setting, or transferring any nets or structures used in holding or capturing fish, wherein they deem it advisable and necessary to promote the general conservation program.

WCD 19.07 Shooting preserves. (1) LAND OWNERSHIP OR LEASES. Any person making application to the commission for a shooting preserve license must file with the commission a verified copy of any lease of lands contained in the area for which they are making application for a shooting preserve license after the area has been inspected and found eligible for license. In the event the person making application for a shooting preserve license is owner of the land, he shall file with the commission a sworn affidavit stating that he is the owner of such lands and has legal title to them.

(2) **THE OPEN SEASON.** The season for taking pheasants on shooting preserves shall be concurrent with the general pheasant season in the county or portion thereof in which the preserve is located, and end on January 31. An additional season for the shooting of cocks only, extending through the last day of February, will be granted on those shooting preserves where a game management plan approved by the department is being followed.

(3) **HUNTING LICENSE REQUIREMENTS.** No person shall hunt, take, capture, or kill pheasants, or any other game or wild animals, on any licensed shooting preserve areas authorized under section 29.573, Wis. Stats., unless he has in his possession at the time of doing such hunting, shooting, or killing of game or wild animals, a hunting license as required under the provision of sections 29.10, 29.11, 29.12, and 29.147, Wis. Stats.

(4) **AVAILABILITY OF RULES.** Shooting preserve licensees shall have available for the review of each person hunting, taking, catching, or killing pheasants on the licensed shooting preserve areas a copy of the rules of the commission regulating such shooting preserve.

(5) **SIZE AND LOCATION OF AREAS.** No shooting preserve license shall be issued after the effective date of this section (December 1, 1959), other than for those already in operation, for any land area larger than 640 acres or smaller than 120 acres, or for any area less than one-quarter mile from the exterior boundaries of a planned or approved state or federal wildlife area, public hunting ground or refuge which is managed in whole or in part for pheasants. All lands under one license shall be contiguous.

(6) **INVESTIGATION BEFORE LICENSING.** The conservation department shall make such investigation necessary to determine that all Register, August, 1960, No. 56

provisions of section 29.573, Wis. Stats., and this section are complied with. All licenses are subject to the approval of the conservation director.

(7) **POSTING REQUIREMENTS.** All shooting preserve signs posted around licensed shooting preserve areas shall be purchased through the conservation department, and shall be placed at intervals of not more than 400 feet along the boundary lines of such areas.

(8) **STOCKING PROCEDURE, TAGGING AND CREDITS.** (a) All licensed shooting preserves shall be required to make a yearly minimum stocking of pheasants in the ratio of not less than one pheasant for each 4 acres of the area licensed, except that the minimum stocking requirement for any shooting preserve in excess of 640 acres licensed prior to the effective date of this section (December 1, 1959), shall be 160 pheasants. Failure to comply with the minimum stocking requirements during each licensed year shall automatically prohibit the renewal of the license, and also prohibit the licensing of any of the lands involved in any new license for a period of one year. Shooting preserves licensed prior to the effective date of this section (December 1, 1959), shall be subject to the minimum stocking requirement beginning July 1, 1960.

(b) All pheasants liberated shall be of the best quality stock and not less than 12 weeks of age. Upon written certification by the conservation department representative, listing the number and varieties of pheasants stocked, or leg-banded and placed in holding pens (see (e) below) and the date of such stocking or holding, regulation shooting preserve wing tags shall be furnished by the conservation department at a cost of 5 cents each to the licensee at a ratio of 75% of the total birds certified. All shooting preserve tags and tag credits shall expire on March 1.

(c) No person shall have in his possession or under his control any dead pheasant or pheasants of any species or varieties showing indications that they have been shot, unless the proper shooting preserve tag or seal has been immediately attached and locked through a slit in one wing of each pheasant. Such seals shall be supplied by the conservation commission at a cost of 5 cents each. This regulation will apply both during the general open season for pheasants and during the special pheasant season prescribed in this section for licensed shooting preserves.

(d) Whenever a shooting preserve licensee indicates to the commission that he desires to stock pheasants on a shooting preserve area, the commission shall furnish an authorized representative of the commission who shall count and certify to all pheasants liberated. Such representative shall thereafter notify the conservation department in writing of the number and varieties stocked and the day and date when such stocking occurred, except as provided in subsection (e).

(e) During the pheasant hunting season for shooting preserves, any shooting preserve shall be authorized to retain and stock pheasants from an approved holding pen, provided such birds have been counted, banded on the left leg, and certified to by a conservation department representative. Leg bands will be provided by the commission at cost. The licensee agrees to stock all pheasants so retained.

(f) A daily record shall be kept by the licensee of all pheasant stocking and harvesting, including stocking or removal from holding pens. Such daily records and inspection of the licensed area, holding pen, and pheasants, shall be open to representatives of the commission at any time. Reports shall be filed with the commission on forms and on dates as specified by the commission.

(9) Duly authorized representatives of the commission in connection with preliminary inspections of areas which are licensed, and in conjunction with releases and holding of pheasants in pens, shall be reimbursed by the licensee for the actual mileage incurred in travel both to and from his station at the rate of 10 cents per mile.

History: 1-2-56; r. and recr. Register, November, 1959, No. 47, eff. 12-1-59.

WCD 19.08 Tagging canned pheasants. Pheasants produced on licensed game farms pursuant to section 29.574, Wis. Stats., and processed in cans shall be tagged by the licensee in the following manner: each such can containing a pheasant produced on a licensed game farm pursuant to said section 29.574 shall be marked and tagged by having embossed in either lid thereof the following legend: "WIS. L. G. F. NO. ", including in such legend the license number of the license issued to the licensee pursuant to said section 29.574.

WCD 19.09 Wild rice conservation. (1) **REPORTS.** All licensed wild rice dealers shall file reports pursuant to section 29.544 (5), Wis. Stats., on forms furnished by the Wisconsin Conservation Department covering the license period, with the Wisconsin Conservation Department, Box 450, Madison 1, Wisconsin, prior to obtaining a wild rice dealer's license for the following effective period. Such reports shall summarize the book records required under said section and shall include the total number of transactions and the total amount of wild rice bought, sold or processed by him during the period covered by his license.

History: Cr. Register, July, 1960, No. 55, eff. 8-1-60.

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