

Chapter NR 19

MISCELLANEOUS GAME, FUR AND FISH

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(Sections 23.09 and 29.573, Wis. Stats.)

NR 19.001 Definitions. (1) "File" or "filed" means receipt by the department of a written notice, verified claim or other document.

(5m) "Protected wild animals" means those animals for which a closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule, and includes:

(a) Nongame species unless specifically designated as unprotected by the department;

(b) Game fish, game animals, game birds and fur bearing animals during closed seasons;

(c) Endangered and threatened species listed in ch. NR 27.

(7) "Unprotected wild animals" means those animals for which no closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule.

(8) "Verified" means to confirm or establish by oath, normally in the form of a notarized statement.

History: Cr. Register, September, 1978, No. 273, eff. 10-1-78; r. and recr. Register, January, 1980, No. 289, eff. 2-1-80; cr. (5m) and am. (7), Register, August, 1980, No. 296, eff. 9-1-80; r. (2), (3), (4), (5) and (6), Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.03 Control of muskrats on cranberry marshes. (1) The owner or lessee of any improved cranberry marsh area shall comply with s. 29.596, Stats.

(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 department 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 department.

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

History: 1-2-56; r. (2), Register, August, 1966, No. 128, eff. 9-1-66; rnum. from WCD 19.03 to be NR 19.03, and am. (1), (4) and (5), Register, April, 1971, No. 184, eff. 5-1-71; r. and recr. (1), Register, August, 1979, No. 284, eff. 9-1-79.

NR 19.05 Release and importation of fish and wildlife. (1) It shall be unlawful for any person, persons, firm or corporation to bring into the state 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 of fish or the eggs or spawn thereof, without first applying for in writing and receiving a written permit from the department or its duly authorized agents. Such permit shall be granted only after the department or its agents investigates and inspects such wild animals, hybrids of wild animals, or birds or fish, or the eggs or spawn thereof as it deems necessary to determine that such introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state. Inspection may include removal of reasonable samples of fish and eggs for biological examination. The responsibility of licensees holding private fish hatchery licenses is stated in s. 29.52(10), Stats.

(2) Permits to import fish or eggs of the family Salmonidae (trout, char, salmon) shall be issued at no charge to a person who has applied on a special form furnished by the department. Such permit will be issued only if the immediate source of fish or eggs is certified free of infectious hematopoietic necrosis, viral hemorrhagic septicaemia, whirling disease, enteric redmouth and *Ceratomyxa shasta*, except that eggs from wild stocks do not have to be certified free of whirling disease. Certification shall be made in the state of origin and may be accomplished only by biologists recognized by the department as competent in diagnosis of fish diseases. For informational purposes the source of fish or eggs will also be inspected for infectious pancreatic necrosis, kidney disease and bacterial furunculosis. Inspecting biologists will submit a written inspection report to the department. A copy of the importation permit must accompany each shipment of fish or eggs.

History: 1-2-56; am. (2), Register, October, 1969, No. 166, eff. 1-1-70; renum. from WCD 19.05 to be NR 19.05, and am. (1), (2) and (3), Register, April, 1971, No. 184, eff. 5-1-71; r. and recr., Register, August, 1977, No. 260, eff. 9-1-77.

NR 19.06 Fish nets and traps. (1) 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 department or under its authority 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 department or under its authority for the purpose of taking or holding fish therein.

(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 department.

(3) No provisions in this section shall prohibit the department, its agents, deputy conservation wardens or representatives of the division of fish, game and enforcement of such 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 department fish management program.

History: 1-2-56; am. (1), Register, December, 1960, No. 60, eff. 1-1-61; am. (1), Register, December, 1961, No. 72, eff. 1-1-62; renum from WCD 19.06 to be NR 19.06 and am. (1), (2) and (3), Register, April, 1971, No. 184, eff. 5-1-71.

NR 19.07 Shooting preserves. (1) **LAND OWNERSHIP OR LEASES.** Any person making application to the department for a shooting preserve license must file with the department 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 or she shall file with the department a sworn affidavit stating that he or she is the owner of such lands and has legal title to them.

(2) **SEASON FOR TAKING PHEASANTS AND QUAIL.** The season for taking pheasants and quail on shooting preserves shall begin September 15 and shall end on the last day of February. Shooting hours shall be as provided in s. NR 10.06.

(3) **HUNTING LICENSE REQUIREMENTS.** No person hunting upon a licensed shooting preserve may be required to hold a hunting license for hunting those game species for which the preserve has been licensed under this section.

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

(5) **SIZE AND LOCATION OF AREAS.** No shooting preserve license shall be issued after December 1, 1959, other than for those already in operation, for any land area larger than 640 acres or smaller than 80 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 or quail. All lands under one license shall be contiguous.

(6) **INVESTIGATION BEFORE LICENSING.** The department shall make such investigations necessary to determine that all provisions of s. 29.573, Stats., and this section are complied with. All licenses are subject to the approval of the secretary and investigations for new licenses will

be made only during the period beginning January 1 and ending August 31 of each year.

(7) **POSTING AND FENCING REQUIREMENTS.** (a) All shooting preserve signs posted around licensed shooting preserve areas shall be purchased from the department.

(b) Boundaries of the area licensed shall be posted in either of the following manners at the discretion of the licensee:

1. Signs shall be placed at intervals of not more than 400' along the boundary lines of such area, and in addition, such boundary lines shall be clearly defined by at least one strand of wire; or

2. Wherever such boundary lines are not defined by one or more strands of wire, the posting of signs shall be at intervals of not more than 200' along the boundary lines of such areas.

(c) **Exceptions.** Variations in posting and in fence construction other than specified shall be submitted to the secretary and may be approved by the secretary if found to comply with the intent and purpose of these rules. Whenever the strand of wire or fence is not required, posting of signs shall be at intervals of not more than 200' 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 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.

(b) All pheasants and quail liberated shall be of high-quality stock, fully feathered, and not less than 12 weeks of age. For the purpose of assuring high-quality stock, pheasants and quail shall not be debeaked more than $\frac{1}{4}$ inch and not less than 2 weeks prior to release. Brailed pheasants and quail shall have the brail removed not less than 2 weeks prior to release. Pheasants and quail shall not be held in crates or other containers more than 24 hours prior to release. Upon written certification by the department representative, listing the number and varieties of pheasants and quail stocked, or placed in holding pens (see par. (e)) and the date of such stocking or holding, shooting preserve seals shall be furnished by the department at a cost of 5¢ each to the licensee at a ratio of 75% of the total birds certified. All shooting preserve seals and seal credits shall expire on March 1.

(c) Upon leaving preserve no person shall have in possession or under control any dead pheasant or quail of any species or varieties showing indications that they have been shot, unless the proper shooting preserve seal has been attached. Such seals shall be supplied by the department at a cost of 5¢ each. This regulation will apply both during the general open season for pheasants and quail and during the special pheasant and quail season prescribed in this section for licensed shooting preserves.

(d) Whenever a shooting preserve licensee indicates to the department the desire to stock pheasants or quail on a shooting preserve area, the licensee shall notify an authorized representative of the department who shall certify to all pheasants and quail liberated. Such representative shall thereafter notify the department in writing of the number and varieties stocked and the day and date when such stocking occurred, except as provided in par. (e).

(e) Any shooting preserve shall be authorized to retain and stock pheasants and quail from an approved holding pen provided such birds have been counted and certified by a department representative. The licensee agrees to stock all pheasants and quail so retained.

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

(10) **DOG TRIALS OR DOG TRAINING ON LICENSED SHOOTING PRESERVES.** During the closed season for the taking of pheasants and quail within the boundaries of a licensed shooting preserve, a dog trial or dog training permit may be issued under the provisions of ss. NR 17.01 and 17.02. Pheasants and quail released or taken under the provisions of such permit shall be tagged as provided, but shall not be required to be additionally tagged with a shooting preserve tag, nor shall any of the any of the stocking procedures, tagging, or credits of shooting preserve code sub. (8) apply under such permit.

History: 1-2-56; r. and recr. Register, November, 1959, No. 47, eff. 12-1-59; r. and recr. (7), Register, August, 1961, No. 68, eff. 9-1-61; am. (2), (7), (a) and (b); and (8) (b) and (e), Register, January, 1964, No. 97, eff. 2-1-64; am. (8) (b) and (d) and cr. (10), Register, February, 1968, No. 146, eff. 3-1-68; renum. from WCD 19.07 to be NR 19.07 and am. (1), (3), (4), (6), (7) (a) and (c), (8) (b), (c), (d), (e) and (f), (9) and (10), Register, April, 1971, No. 184, eff. 5-1-71; emerg. am. (2) eff. 8-9-72; am. (2), (5), (6), (8), (b), (c) and (e), r. (9), Register, September, 1972, No. 201, eff. 10-1-72; am. (2), (4), (5), (8) and (10), r. and recr. (3), Register, February, 1977, No. 254, eff. 3-1-77; am. (8)(a), Register, April, 1978, No. 268, eff. 5-1-78; corrections in (5) and (8) (a) made under s. 13.93 (2m) (b) 14, stats., Register, May, 1985, No. 353.

NR 19.09 Wild rice conservation. (1) A closed season is established for the harvesting or gathering of wild rice in the following described areas at all times except as hereinafter provided and it is unlawful for any person to harvest or gather wild rice in any manner or at any time during such closed season.

(2) The secretary is authorized and directed, after determining by investigation and study that the wild rice is ripe, to designate the open season for harvesting or gathering wild rice in each of the hereinafter following described areas. Such open season in any such area to begin not earlier than August 15 and to continue in effect for not more than 60 days. Such open season in any such area as designated by the secretary pursuant to this subsection shall be put into effect by posting of proper notice of such open season on the shores of, and at places of public access to, the lakes and streams in which such open season is effective at least 48 hours before the beginning of such open season.

(2m) There is no closed season for the harvesting of wild rice in any other area of the state of Wisconsin not herein described:

(a) Ashland county. All waters north of highway 2 including outlying waters.

(aa) Barron county. Bear lake, Beaver Dam lake and Red Cedar lake.

(b) Bayfield county. Totogatic lake.

(c) Burnett county. Bashaw lake, Big Clam lake, Big Sand lake, Briggs lake, Gaslyn lake, Long lake, Mud lake, town of Oakland, Mud lake, town of Swiss, Mud Hen lake, Spencer lake and Trade lake.

(d) Douglas county. In Allouez Bay in the city of Superior and Mulligan lake.

(e) Forest county. Atkins lake, Riley lake, Big Rice lake and Wabigon lake.

(f) Marinette county. Noquebay lake.

(g) Oneida county. Atkins lake, Big lake and Big lake thoroughfare, Gary lake, Little Rice lake, Rice lake and Spur lake.

(h) Polk county. Balsam Branch, Big Round lake, East lake, Glenton lake, Little Butternut lake, Nye lake, Rice lake and White Ash lake.

(i) Sawyer county. Musky Bay located in sections 10 and 11, T39N, R9W, on Big Lac Court Oreilles lake.

(j) Vilas county. Allequash lake, Little Rice lake, Nixon lake, Irving lake, Aurora lake, West Plum lake, Devine lake, West Ellerson lake, Micheys Mud lake, Frost lake, Rice lake, Sand lake and Sugar Bush Chain.

(k) Washburn county. Bear lake, Gilmore lake, Little Mud lake, Long lake, Mud lake, Nancy lake, Rice lake, Spring lake and Tranus lake.

(3) No person may harvest or gather any wild rice in any area of the state of Wisconsin between sunset and the following 10:00 a.m. central daylight time.

(4) It is unlawful for any person to harvest or gather any wild rice in any area in the state of Wisconsin by the use of any machine or mechanical device of any kind other than smooth, rounded rods or sticks not more than 38 inches in length and held and operated by hand.

(5) It is unlawful for any person to harvest or gather any wild rice in any area in the state of Wisconsin by the use of any boat longer than 17 feet or greater than 38 inches in width or by the use of any boat propelled by other than muscular power.

(6) (a) All licensed wild rice dealers shall file reports on forms furnished by the department covering the license period with the Department of Natural Resources, Box 7924, Madison, 53707, prior to obtaining a wild rice dealer's license.

(b) Such reports shall summarize the book records required and shall include the total number of transactions and the total amount of wild rice bought, sold or processed during the period covered by such license.

(7) Nothing in the provisions of this section shall prohibit authorized agents of the department from harvesting or gathering wild rice in the performance of their official duties.

(8) This section is adopted pursuant to s. 29.544, Stats.

History: Cr. Register, July, 1960, No. 55, eff. 8-1-60; r. and recr. Register, July, 1964, No. 103, eff. 8-1-64; renum. from WCD 19.09 to be NR 19.09 and am. (2), intro. par., (6) and (7), Register, April, 1971, No. 184, eff. 5-1-71; am. (2) (c), (k) and (m), Register, November, 1976, No. 251, eff. 12-1-76; am. (5), Register, April, 1978, No. 268, eff. 5-1-78; am. (1) (c), Register, December, 1978, No. 276, eff. 1-1-79; r. and recr. (2) (a) to (m), and am. (6), Register, August, 1979, No. 284, eff. 9-1-79; am. (2m) (c), Register, September, 1983, No. 333, eff. 10-1-83; emerg. cr. (2m) (aa), am. (2m) (c), (d), (g), (h) and (k), eff. 8-13-84; emerg. am. (3) eff. 8-27-84, cr. (2m) (aa), am. (2m) (c), (d), (e), (g), (h), (k) and (3), Register, May, 1985, No. 353, eff. 6-1-85.

NR 19.11 Scientific collectors permits. (1) **DEFINITIONS.** For purposes of implementing s. 29.17, Stats., and within this section, the following definitions apply:

(a) "Qualified natural person" or "person" means any individual complying with s. 29.17, Stats., and this section, not including a corporation, partnership, cooperative, society, association or other organization.

(b) "Bonafide research program" means planned study and investigation undertaken to discover or establish facts or principles leading to increased, useful scientific knowledge.

(c) "Useful scientific knowledge" means new information contributing to the long-term well-being of wild animals and their habitats, or providing educational opportunities in the natural sciences.

(2) **APPLICABILITY.** (a) *Permits not required.* Scientific collectors permits are not required for the collection of wild plants, unprotected wild animals taken legally, or wild animals obtained from licensed game farms or fish hatcheries.

(b) *Bird banding.* Scientific collectors permits will be required for trapping and banding protected nonmigratory upland game birds.

(c) *Licenses.* This section does not exempt permittees or their agents from possessing fishing, hunting or trapping licenses as required by ch. 29, Stats.

(d) *Endangered species.* Endangered or threatened wild animals may be collected only under authority of endangered species permits issued by the department pursuant to s. 29.415, Stats., and ch. NR 27.

(3) **PERMIT APPLICATIONS.** (a) *Forms.* Applications for scientific collectors permits shall be made on application forms provided by the department and include:

1. Name and address of the applicant;
2. Applicant's personal description;
3. Purpose of the request;
4. Species and number of specimens to be collected;
5. Places and times when specimens are to be collected;
6. Method of collecting;

7. Place where collections will be kept; and

8. Such additional information as may be requested by the department.

(b) *Narrative proposal.* All permit applications shall be accompanied by a written proposal stating the objectives, justifications, procedures, times and places of collection, application of results and sponsor, if any, of the project described in the application.

(4) PERMIT ISSUANCE. (a) *Issuance.* Permits shall be issued in the name of the applicant. All agents of the permittee assisting in the permitted collections will be listed on the permit. Separate copies of permits shall be signed and carried by each person named in the permit when that person is acting under it in the absence of the permittee.

(b) *Specimen materials.* A permit will be issued for collections yielding preserved specimen materials only when such materials are to be kept in a place and manner where students and the public have access to them. Private collections to be kept in a manner not open to the public will not be approved.

(c) *Conditions.* 1. Contents. Permits will contain conditions deemed necessary by the department to protect the resources of the state and assure use of specimens taken are in compliance with s. 29.17, Stats.

2. Nonresidents. Permits issued to nonresidents will set forth conditions of removal of specimens from the state.

3. Federal permits. Permits involving the capture, marking, collection, possession, or salvage of migratory birds or parts, nests or eggs of migratory birds will not be issued until the applicant possesses a permit issued by the U.S. fish and wildlife service for that activity.

4. Size of collections. Permits will not be issued which authorize collections endangering the population of animals the collection would draw from, or exceeding the number of animals required to meet the permittee's objectives.

5. Unprotected species. Permits will not be issued for the collection of protected species if unprotected species can be used to accomplish the same purposes.

(5) PERMIT USAGE. (a) *Disposition of specimens.* 1. Living unharmed specimens collected during the course of permitted activities shall be returned to the wild at the point of capture, unless otherwise provided in the permit.

2. Any endangered or threatened species taken unintentionally during the course of permitted activities shall be immediately released if unharmed.

3. Injured or dead wild animal specimens shall be immediately turned over to the department employe named in the permit unless otherwise provided in the permit.

(b) *Notification of department.* Each permittee shall notify the department employe named in the permit at least 48 hours prior to collecting of the time and place where specimens will be collected.