

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 June 1 of each year through the following December 31, 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, Burnett, Chippewa, Clark, Columbia, Door, Douglas, Eau Claire, Florence, Forest, Green Lake, Iron, Jackson, Juneau, Langlade, Lincoln, Marathon, Marinette, Marquette, Monroe, Oconto, Oneida, Outagamie, Polk, Portage, Price, Rusk, Sauk, Sawyer, Shawano, Taylor, 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 and encased rifles or restricted ammunition as merchandise by manufacturers or merchants, or persons engaged in the business of gun collecting or repair, or those persons traveling directly to and from their place of abode to an established target range as long as such firearms are packed and transported in such manner so that they cannot be handled or manipulated by any person while being so transported.

(8) Nothing in the provisions of this section shall apply to the use of the restricted rifles and ammunition at established target ranges.

**History:** 1-2-56; (1) am. and (3) r. 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; am. (1); r. and recr. (7); cr. (8), Register, August, 1961, No. 68, eff. 9-1-61.

**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.

(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.

**History:** 1-2-56; r. (2), Register, August, 1966, No. 128, eff. 9-1-66.

**WCD 19.04 History:** 1-2-56; am. Register, August, 1964, No. 104, eff. 9-1-64; r. Register, June, 1970, No. 174, eff. 7-1-70.

**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 except brook, brown or rainbow trout or spawn thereof procured from a person holding a class A or B license under section 29.52 (4) (a) or (b), Wis. Stats., unless such release or plantings are supervised and authorized or permitted by written permit by the department of natural resources 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.

**History:** 1-2-56; am. (2), Register, October, 1969, No. 166, eff. 1-1-70.

**WCD 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 Wisconsin conservation commission 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 Wisconsin conservation commission 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

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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.

**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.

**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 season for taking pheasants on shooting preserves shall begin concurrent with the general pheasant season in the county or portion thereof in which the preserve is located and shall end on the last day of February. Shooting hours shall be as provided in Wis. Adm. Code section NR 10.06.

(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