Chapter NR 19

MISCELLANEOUS FUR, FISH, GAME AND OUTDOOR RECREATION

Subchapter I — Miscellaneous

NR 19.001 Definitions.
NR 19.01 Approval deadlines.
NR 19.02 Handling fees for certain approvals.
NR 19.025 Waivers for an educational recreational activity.
NR 19.03 Control of muskrats on cranberry marshes.
NR 19.05 Release, importation and transportation of fish.
NR 19.055 Drainage of water from boats and equipment required.
NR 19.057 Bait dealer’s wild harvest permit required; criteria; records required.
NR 19.058 Sport trolling.
NR 19.06 Fish nets and traps.
NR 19.07 Wild rice conservation.
NR 19.11 Scientific collectors permits and scientific research licenses.
NR 19.115 Fish, fur, game seals.
NR 19.12 Tagging the carcasses of wild animals, birds and fish taken on Indian reservations.
NR 19.13 Animals killed by motor vehicles.
NR 19.25 Wild animal protection.
NR 19.26 Season and restrictions for taking frogs.
NR 19.27 Seasons, limits, restrictions on taking crayfish.
NR 19.275 Turtles.
NR 19.28 Taxidermy.
NR 19.30 Criminal history checks; volunteer instructors.
NR 19.40 Department authority to void local hunting, fishing and trapping ordinances.
NR 19.50 All-terrain vehicle and bowhunter, snowmobile and hunter education program fee.
NR 19.51 Wisconsin cooperative trapper education program fee.

NR 19.60 Feeding of wild animals.

Subchapter II — Wildlife Rehabilitation

NR 19.70 Purpose.
NR 19.71 Definitions.
NR 19.72 General wildlife rehabilitation provisions.
NR 19.73 Licenses.
NR 19.74 Application.
NR 19.75 Examination.
NR 19.76 Facility inspection.
NR 19.77 Facility standards.
NR 19.78 Care and treatment of wildlife.
NR 19.79 Infectious disease reporting and response.
NR 19.80 Record keeping and reporting.
NR 19.81 Qualifications of sponsors.
NR 19.82 Wildlife rehabilitation advisory council.
NR 19.83 Additional conditions.
NR 19.84 Modifications.
NR 19.85 Disclaimer.

Subchapter III — Permitting the Use of Natural Bodies of Water as Fish Farms

NR 19.90 Purpose and applicability.
NR 19.91 Definitions.
NR 19.92 Natural body of water permit application fees.
NR 19.93 Applicant permit procedures for use of natural bodies of water for fish farms.
NR 19.94 Department determinations.
NR 19.95 Enforcement.

Note: Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1999, No. 517; CR 05−028; remn. NR 19.75 through 19.79 to be NR 12.30 through 12.41 Register December 2003 No. 576, eff. 1−1−04.

Subchapter I — Miscellaneous

NR 19.001 Definitions. (1) “Active service”, for purposes of s. 29.194, Stats., means full time employment as a member of the armed services and does not include annual summer training by members of the national guard or reserves.

(1m) “Animal part or animal byproduct” has the meaning given in s. NR 10.001 (1r).

(2) “Application” means a written request for any approval of a regulatory agency required as a condition of operating a business in this state completed in the form required by and acceptable to the department and accompanied by additional plans, information and the appropriate fee.

(3) “Approval” means a license, permit or other form of approval required from the department to conduct business activities in Wisconsin.

(3m) “Asian carp” means bighead carp (Hypophthalmichthys nobilis), black carp (Mylopharyngodon piceus), grass carp (Ctenopharyngodon idella), silver carp (Hypophthalmichthys molitrix) and all other non-native carp species except common carp (Cyprinus carpio), goldfish (Carassius auratus), and koi carp (Cyprinus carpio).

(4) “Bird feeding devices and structures” means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

(4m) “Business” means a building used primarily to carry out commercial activities at which regular scheduled business hours are maintained for employees and the public such as restaurants and retail stores, but does not include associated lands, warehouses, outbuildings or other buildings that are not normally open to the public.

(5) “Carcass” means the dead body of any animal including the head, hair, skin, plumage, skeleton, eggs, or any other part thereof.

Note: Milk is not considered to be a part of an animal carcass or an animal byproduct for the purposes of this chapter.

(5m) “Daily bag limit” as used in s. NR 19.275, means the maximum number of a turtle species or group of turtle species which may be taken by a person each day.

(6) “Environmental consulting organization” means an individual or consortium of individuals funded to provide consulting services including status assessment of wild animals and their habitats.

(6d) “Feed” has the meaning given in s. NR 10.001 (10).

(6h) “Feeding site” has the meaning given in s. NR 10.001 (10c).

(6m) “Fish, fur, game seal” or “seal” means a numbered, non-reusable, locking device bearing the embossed inscription Fish, Fur, Game F—(number) which is issued by the department.

(7) “File” or “filed” means receipt by the department of a written notice, verified claim or other document.

(7m) “Hooking”, as used in s. NR 19.275, means any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(8) “In the process of being mounted” means, for the purposes of the sale of part or all of a private collection, as authorized by s. 29.354, Stats., a physical process which includes taxidermy work accomplished on the carcass, including at least removal of the skin.

(8g) “Live fish” means, for purposes of this chapter, any fish possessed by a person that is handled or treated in a manner that will keep it alive, such as keeping it in water, or that is revived by placement back into water. “Live fish” includes any minnow that is possessed by a person for use as bait and that dies while the person who possesses it is on the water, bank or shore for the purpose
of fishing, but only until the minnow is transported away from water, bank or shore where it died.

(8r) “Live fish eggs” means, for purposes of this chapter, fertilized or unfertilized fish eggs that are handled or treated in a manner likely to keep them alive or viable for the purpose of propagation.

(9) “Maintain records” means, for the purpose of s. 29.503 (5), Stats., to legibly prepare triplicate records and retain at least one copy of each record at the place of business for inspection purposes.

(10) “Mount”, “mounted”, or “mounting” means, for the purposes of ss. 29.354 (3) and 29.506 (1), Stats., and this section, to prepare and preserve the head, skin or carcass in a lifelike manner.

(11) “Natural resources”, for purposes of s. 23.095, Stats., includes wild rice growing in navigable lakes.

(12) “Navigable lake”, for the purpose of interpreting s. 29.607, Stats., means a natural navigable lake or a flowage or pond, or portion of a flowage or pond, where the bed is in town, county, city, village, or state or federal ownership.

(12e) “Owner-occupied residence” for the purpose of this section means a dwelling or building devoted to human occupancy when used while feeding deer as a residence by the owner.

(13) “Private collection” means, for the purposes of s. 29.354, Stats.: (a) A privately owned collection mounted for the purpose of display, exhibition or personal use and does not include wild animals mounted for the purpose of sale.

(b) A mounted collection sold upon the death of the owner.

(13m) “Preserve” means, for the purposes of s. 29.506 (1), Stats., and this chapter, to treat or process the carcass of a wild animal to prevent the carcass from decaying or spoiling for the purpose of mounting the carcass or parts of the carcass in a lifelike manner.

(14) “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.

(15) “Records” means, for the purpose of s. 29.506 (7) (b), Stats., the taxidermist permit, sales forms, information records, records of deliveries and shipments, and the identification tag as described in s. 29.506 (5) (b), Stats.

(15m) “Small mammals” mean all mammals other than bear, deer and elk.

(16) “Stationed”, for purposes of s. 29.194, Stats., means residing in Wisconsin in compliance with military orders.

(16m) “Turtle”, as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

(17) “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.

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

(19) “Wild animal” means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

History: Cr. Register, September, 1978, No. 273, eff. 10–1–78; r. and receiv. Register, January, 1980, No. 209, 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; remun. (1) to be (5), (1), (2), (4) and (4m), Register, August, 1985, No. 356, eff. 9–1–85; cr. (2m), Register, August, 1986, No. 368, eff. 9–1–86; cr. (2d), (3m), (3p), (3t), (5), (6) and (9), Register, March, 1987, No. 375, eff. 4–1–87; cr. (2e), Register, June, 1988, No. 390, eff. 7–1–88; remun. (1) to (9) to be (2) to (15) and (17) to (19), Register, October, 1988, No. 394, eff. 11–1–88; emerg. r. (4), eff. 10–16–89; cr. (6m), Register, March, 1990, No. 411, eff. 4–1–90; r. (4), Register, May, 1990, No. 413, eff. 4–1–90; cr. (5m), (7m), (12m) and (16m), Register, February, 1997, No. 494, eff. 3–1–97; CR 04–078; cr. (1m), (4m), (6d), (6h), (12e); and (15m) Register April 2005 No. 592, eff. 5–1–05; emerg. cr. (8g) and (8r), eff. 11–2–07; CR 07–074; cr. (8g) and (8r) May Register May 2008 No. 629, eff. 6–1–08; CR 08–021; cr. (13m) Register November 2008 No. 635, eff. 12–1–08; CR 11–030; am. (5) Register February 2012 No. 674, eff. 3–1–12; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register May 2013 No. 689; CR 15–023; cr. (3m) Register December 2015 No. 720, eff. 1–1–16.

NR 19.01 Approval deadlines. (1) GENERAL. Upon receipt of an application for an approval required to conduct business activities under ch. 29, Stats., ss. 30.50 to 30.54, 350.12 and 350.125, Stats., the department shall review and issue a decision on the application within 10 business days unless a different period is otherwise provided in subs. (2) to (6) or other statutes or rules.

(2) SPECIFIC APPROVAL DEADLINES. The following approvals will be acted on as follows:

APPROVALS

BUSINESS DAYS

(a) Commercial fishing licenses issued under s. 29.519, Stats. 50

(b) Approvals for falconry, wildlife rehabilitation and chemical control of birds and animals under ss. 23.09, 29.053, 29.088 and 29.601, Stats. 30

(c) Boat certificates of number and registration under s. 30.52, Stats. 30

(d) Snowmobile registrations under ss. 350.12 and 350.125, Stats. 30

(2m) APPROVAL TO REMOVE WILD ANIMALS CAUSING DAMAGE. Permits to remove wild animals causing damage shall be issued within 48 hours of receipt of a written complaint. Permits may be granted orally, but shall be confirmed in writing by the department.

(3) STANDARDS AND CONDITIONS. If the department requires standards or conditions to be met or complied with prior to issuance of an approval, the time periods for issuing an approval do not begin to run until the applicant has met such standards or conditions as determined by the department.

Example: An applicant for a wildlife exhibit, game, bird and animal farm, or deer farm license is required to meet permit specifications or fencing requirements before the time system for issuance of approvals begins to apply.

(4) WILDLIFE SURVEYS. If a survey of wildlife on the property is required, the time periods for issuing an approval do not apply until completion of that survey. The survey shall be completed within 30 business days from the time of year that, in the opinion of a professional department wildlife manager, is optimum for determining accurate wildlife populations. At the time the application is received, the department shall inform the applicant of the date by which the survey will be completed.

(5) ENVIRONMENTAL IMPACT. If an environmental analysis, environmental impact report or environmental impact statement is required under ss. 11.11 and 23.11 (5), Stats., and ch. NR 150, the...
time periods for issuing an approval do not apply until ss. 1.11 and 23.11 (5), Stats., and ch. NR 150 have been compiled with.

(6) Other approvals. The time for an approval for an activity under sub. (1) will not begin to run until other approvals for that activity are obtained.

History: Cr. Register, August, 1985, No. 356, eff. 9–1–85; cr. (2) (l) and (m), Register, July, 1987, No. 379, eff. 8–1–87; emerg. cr. (2) (n), eff. 9–21–88; cr. (2) (n), Register, January, 1989, No. 397, eff. 2–1–89; emerg. cr. (2) (l) to (o), cr. (2) (m), eff. 10–16–89; cr. (2) (l) to (n), cr. (2) (m), Register, May, 1990, No. 413, eff. 6–1–90; CR 05–001; cr. (2) (b) to (h), renum. (2) (l), (j) and (k) to be (b), (c) and (d) and am. (c) and (d) Register November 2005 No. 599, eff. 12–1–05; CR 13–022; am. (5) Register March 2014 No. 699, eff. 4–1–14.

NR 19.02 Handling fees for certain approvals.

(1) Purpose. This section establishes and describes handling fees which may be charged for processing requests for approvals ordered by mail, telephone or electronic means.

(2) Applicability. The provisions of this section apply to licenses, permits and other approvals issued under the authority of ch. 29, Stats., and offered by the department under extended issuance options and ordered by mail, telephone or electronic means.

(3) Definitions. As used in this section:

(a) “Approval” has the meaning in s. 29.001 (12), Stats.
(b) “Department” means the department of natural resources.
(c) “Extended issuance options” means the ability to obtain an approval in person and by mail, telephone or electronic means.
(d) “Order” means a single request for a person for an approval or approvals.

(4) Fee for handling applications for certain approvals.

(a) In addition to the obligation to pay all fees imposed under s. 29.563, Stats., a person who orders an approval by mail, telephone or electronic means is required to pay a handling fee established in accordance with this section for each order.
(b) The handling fee for each order shall be established by the department based upon projected mailing costs, credit transaction fees, credit verification fees, personnel costs, telecommunications costs and lock box charges associated with processing the order and may not exceed $5.00 per order.
(c) The handling fee under this section shall be established consistent with par. (b) annually prior to April 1 by the secretary of the department.
(d) An order submitted by mail, telephone, or electronic means without payment of all associated fees required under s. 29.563, Stats., and the handling fee in a manner acceptable by the department is not a complete application for the approval and the order shall be returned.
(e) If an application for an approval is denied, the handling fee is not refundable.

History: Cr. Register, July, 1996, No. 487, eff. 8–1–96; CR 04–020: am. (2) and (3) cr. Register August 2004 No. 584, eff. 9–1–04; CR 05–086: am. (4) (b) Register June 2006 No. 606, eff. 7–1–06.

NR 19.025 Waivers for an educational recreational activity.

(1) Purpose. This section contains rules for the procedures required to apply to the department for a waiver of approvals, applicable fees and other requirements pursuant to s. 29.197 (2) and (5), Stats., for an educational, recreational and skills development activity that is sponsored or approved by the department.

(2) Definitions. As used in this section:

(a) “Accompany” means be in immediate presence of the novice participant.
(b) “Educational outdoor skills activity” means a course to teach novice participants how to hunt, trap or fish.
(c) “Mentor” means a person who is instructing or assisting with the teaching of the educational outdoor skills activity.
(d) “Novice participant” for fishing means any person who is 5 years of age or older who has less than 2 years of fishing experience.
(e) “Substantial loss of revenue” means a loss of fishing, trapping and hunting license fees from persons who are not novice participants.

(3) General; conditions, limitations and restrictions. (a) An applicant shall submit a request for a waiver at least 30 days prior to a hunting or trapping event and 15 days before a fishing event. The department may waive the 15 day period for fishing events when the department determines it is not required to conduct criminal history, character or background checks. All applications shall be submitted on forms provided by the department.
(b) A written course outline shall be submitted along with the request for waiver for approval by the department.
(c) There shall be a minimum of 4 hours of classroom and field instruction prior to the hunting or fishing activity.

(4) Fee for handling applications for certain approvals.

(a) In addition to the obligation to pay all fees imposed under s. 29.563, Stats., a person who orders an approval by mail, telephone or electronic means is required to pay a handling fee established in accordance with this section for each order.
(b) The handling fee for each order shall be established by the department based upon projected mailing costs, credit transaction fees, credit verification fees, personnel costs, telecommunications costs and lock box charges associated with processing the order and may not exceed $5.00 per order.
(c) The handling fee under this section shall be established consistent with par. (b) annually prior to April 1 by the secretary of the department.
(d) An order submitted by mail, telephone, or electronic means without payment of all associated fees required under s. 29.563, Stats., and the handling fee in a manner acceptable by the department is not a complete application for the approval and the order shall be returned.
(e) If an application for an approval is denied, the handling fee is not refundable.

History: Cr. Register, July, 1996, No. 487, eff. 8–1–96; CR 04–020: am. (2) and (3) cr. Register August 2004 No. 584, eff. 9–1–04; CR 05–086: am. (4) (b) Register June 2006 No. 606, eff. 7–1–06.

(5) Special fishing conditions, limitations and restrictions. (a) Except as provided in par. (b), the applicant, instructors and mentors shall possess a valid fishing approval.
(b) Non-licensed mentors may be involved with assisting but will need approvals if they take part in the actual fishing activity unless they are enrolled as a novice participant.

(6) STATE PARKS. Waivers may be issued that allow the following activities in state parks:

(a) Possession of loaded and uncased firearms.

(b) Possession of strung and uncased bows.

(c) Hunting or trapping on properties opened for the hunting of species under s. 29.089 (1m), Stats.

(d) Use of unleashed dogs.

(7) EXEMPTIONS. This section does not apply to special hunting events established under s. NR 10.01.

History: Cr. Register, July, 1997, No. 499, eff. 8–1–97; CR 06–012: am. (2) (d) Register December 2006 No. 612, eff. 2–1–07; CR 09–018: am. (3) (a) and (5) (a) Register February 2010 No. 650, eff. 3–1–10; CR 09–024: am. (2) (b), (d) and (e) Register May 2010 No. 653, eff. 6–1–10; CR 10–020: am. (2) (d), cr. (3) (dm) Register October 2010 No. 658, eff. 2–1–11; CR 13–108: am. (6) (c) Register August 2014 No. 704, eff. 9–1–14; CR 17–013: am. (2) (d), cr. (3) (d), Register February 2018 No. 746 eff. 3–1–18.

NR 19.03 Control of muskrats on cranberry marshes. (1) The owner or lessee of any improved cranberry marsh area shall comply with s. 29.885, 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; cr. Register, August, 1966, No. 128, eff. 9–1–66; cr. and recr. 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, importation and transportation of fish. (1) No person, persons, firm or corporation may bring into the state to introduce or release or cause to be introduced or released in any manner into the inland or outlying waters any 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. The permit shall be granted only after the department or its agents investigates and inspects the fish or the eggs or spawn thereof as it deems necessary to determine that the 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 hatchery licenses is stated in ss. 29.735 and 29.736, 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 septicemia, 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.

(3) No person may transport live fish or live fish eggs away from any inland or outlying water or its bank or shore, except:

(a) Live fish or live fish eggs being transported out of state in compliance with the United States Department of Agriculture Animal and Plant Health Inspection Service’s regulations and orders.

(b) Live fish or live fish eggs that have been tested for Viral Hemorrhagic Septicemia using methods approved by the department of agriculture, trade and consumer protection and that were found to be free of the Viral Hemorrhagic Septicemia virus.

(c) Live fish or live fish eggs being transported with the prior written approval of the department, where the department has determined that the proposed activity will not allow Viral Hemorrhagic Septicemia virus to be transported to other waters.

(d) Live minnows being transported away from the water where they were taken by a bait dealer who harvested the minnows in compliance with a wild bait harvest permit issued under s. NR 19.057.

(e) Live minnows that were obtained from a Wisconsin bait dealer and subsequently possessed by the person while on an inland or outlying water, its bank or shore, if the minnows have not been exposed to water or fish from that inland or outlying water.

(f) Live minnows that were obtained from a Wisconsin bait dealer and subsequently possessed by the person while on an inland or outlying water, its bank or shore, if the minnows will be used for bait only on the same inland or outlying water, its bank or shore.

(4) Except as authorized under permits pursuant to ch. NR 40 and 30 CFR 16.22, no person may transport Asian carp over land within or through Wisconsin unless the Asian carp have been eviscerated or the gills plate completely severed so that the fish cannot be revived under any circumstances.

History: 1–2–56; am. (2), Register, October, 1969, No. 166, eff. 1–1–70; remum. from WCD 19.05 to be NR 19.05, and am. (1), (2) and (3), Register, April, 1971, No. 101, eff. 5–1–71; r. and recr. Register, August, 1977, No. 260, eff. 1–17; CR 03–030: am. (1) Register October 2003 No. 574, eff. 11–1–03; emerg. am. (title), cr. (3), eff. 11–2–07; EmR0808: emerg. cr. (3) (c) and (f), eff. 4–4–08; CR 07–074: am. (title), cr. (3) Register May 2008 No. 620, eff. 6–1–08; CR 15–023: cr. (4) Register December 2015 No. 720, eff. 1–1–16.

NR 19.055 Drainage of water from boats and equipment required. (1) Except as provided in subs. (3) to (5), any person who removes a boat, boat trailer, boating equipment or fishing equipment from any inland or outlying water or its bank or shore shall drain all water from the boat, boat trailer, boating equipment or fishing equipment, including water in any bilge, ballast tank, bait bucket, live well or other container immediately after removing the boat, boat trailer, boating equipment or fishing equipment from the water, bank or shore.

(2) Except as provided in subs. (3) and (4), no person may transport over land from another state any boat, boat trailer, boating equipment or fishing equipment for use on any water of the state or its bank or shore unless the person drains all water from the boat, boat trailer, boating equipment or fishing equipment, including water in any bilge, ballast tank, bait bucket, live well or other container before entering the state.

(3) The department may exempt any boat, boat trailer, boating equipment or fishing equipment for use on any water of the state or its bank or shore unless the person drains all water from the boat, boat trailer, boating equipment or fishing equipment, including water in any bilge, ballast tank, bait bucket, live well or other container before entering the state.

(4) Subsections (1) and (2) do not apply to tanks or containers of potable drinking water or other beverages meant for human consumption.

(5) Subsection (1) does not apply to water in a container that holds live bait minnows obtained from a Wisconsin bait dealer, if the container holds no other fish, contains 2 gallons or less of...
water, and is used to transport only live minnows that have not been exposed to water or fish from that inland or outlying water or will be used for bait only on the same inland or outlying water, its bank or shore.

**NR 19.057 Bait dealer’s wild harvest permit required; criteria; records required.** (1) No bait dealer may take minnows for use as bait from any inland or outlying water unless the bait dealer possesses a wild harvest permit issued by the department under this section and the bait dealer complies with all terms and conditions of the wild harvest permit. A bait dealer shall apply for a permit on forms available from the department. Applications may be submitted no earlier than 30 days prior to the proposed starting date of harvesting. The department shall act on a complete permit application within 10 business days after receipt, based on the criteria in sub. (2). Except as provided in sub. (5), permits shall be valid for the dates specified on the permit, not to exceed 30 days, and shall require compliance with all minnow collecting requirements. A complete application shall include the applicant’s name, street address, bait dealer’s license number if any, the specific water body where bait will be harvested, the town, range and section where bait will be harvested, the species of bait that will be harvested, the maximum quantity of bait expected to be harvested, and any other information required on the application form.

**Note:** Permit application forms may be obtained at no charge from the Bureau of Fisheries Management, Department of Natural Resources, PO Box 7921, Madison, WI 53707–7921 or on the Internet at http://dnr.wi.gov/topic/fishing/vhs/vhs_wbp.html.

**Note:** See s. NR 20.14 for general minnow collecting restrictions, s. NR 20.20 for county and statewide restrictions on waters, authorized methods, open seasons, size limits, bag limits and other restrictions, and s. NR 20.39 for permits authorizing the use of non–standard minnow gear on inland waters.

(2) The department shall grant an application for a wild harvest permit under this section if it determines that all of the following criteria are met, but the department may set specific conditions in permits or deny applications when necessary to ensure compliance with this section and prevent or control the spread of the Viral Hemorraghic Septicemia virus or other invasive species. By written notice mailed to the permittee’s last known address, the department may revoke a permit to ensure compliance with this section or prevent or control the spread of the Viral Hemorraghic Septicemia virus or other invasive species.

(a) The applicant is a bait dealer who holds a bait dealer’s license or is exempt under s. 29.509 (3), Stats., from the requirement to hold a bait dealer’s license.

(b) Minnows may not be taken from Lake Michigan, Green Bay, Lake Superior, the Mississippi River, Lake Winnebago, the Fox River from Lake Winnebago to Green Bay, or any bay, slough or backwater of these waters, or any water connected to these waters, upstream to the first dam or other obstruction impassible to fish, or from any other waters where the department has reason to believe that the Viral Hemorraghic Septicemia virus may be present, or where other invasive species may be present.

(c) Minnow gear and harvest and transport equipment shall be disinfected after use to prevent the spread of the Viral Hemorraghic Septicemia virus and other invasive species.

(d) Minnows taken from inland or outlying waters may not be sold, or bartered to another person unless applicable fish health requirements specified by the department of agriculture, trade and consumer protection in ch. ATCP 10 have been met.

(3) Each permit holder shall maintain a clear, legible daily record in the English language on forms available from the department of all minnows harvested from any inland or outlying water. The record shall include the water body of origin, the town, range and section where harvested, the species harvested, the date of harvest, the quantity or volume harvested, the disposition, except that retail sales to consumers need not be recorded, and any other information required on the record form.

**Note:** Minnow harvest record forms may be obtained at no charge from the Bureau of Fisheries Management, Department of Natural Resources, PO Box 7921, Madison, WI 53707–7921 or on the Internet at http://dnr.wi.gov/topic/fishing/vhs/vhs_wbperm.html.

(4) No bait dealer may possess farm–raised fish while engaged in the harvest of wild bait, or while transporting wild harvested bait from the water where it was harvested to the bait dealer’s business location or from the water where it was harvested to the point of sale.

(5) Notwithstanding the 30–day limit in sub. (1), the department may issue a wild harvest permit that is valid for the dates specified on the permit, which may exceed 30 days duration, if the permit is for the harvest of minnows from a water of the state stocked with minnows by the applicant pursuant to a stocking permit under s. 29.736, Stats., or for the harvest of minnows from a lake stocked with minnows by the applicant pursuant to a permit for private management under s. 29.737, Stats. The department may issue a wild harvest permit under this section in conjunction with a stocking permit or a permit for private management.

**History:** Emerg. cr. eff. 11–1–07; CR 07–074; cr. Register May 2008 No. 629, eff. 6–1–08.

**NR 19.058 Sport trolling.** No operator of a boat may engage in trolling, as defined in s. NR 20.03 (40), with the use of downriggers on outlying waters, as defined in s. 29.001 (63), Stats., without direct and immediate access to a wire cutter or other hand–held device on board capable of immediately severing any fishing line or cable being used in the water behind the boat.

**History:** CR 12–022; cr. Register May 2013 No. 689, eff. 6–1–13.

**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, 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 19.09 Wild rice conservation.** (1) REMOVAL OR DESTRUCTION OF WILD RICE. (a) No person may remove or destroy by hand, mechanical or chemical means wild rice growing in navigable lakes unless the department has approved the removal or destruction under par. (b).

(b) In addition to harvest in accordance with s. 29.607, Stats., and subs. (2) to (8), the department may authorize by written approval the removal of wild rice growing in navigable lakes upon a finding that:
1. The wild rice resource in the navigable lake will not be substantially affected. The department may consider cumulative effects of an approval on such a lake under this paragraph; and

2. The removal or destruction is necessary to allow reasonable access to the lake by the riparian owner.

(c) Persons requesting an approval under this subsection, shall apply on department forms and provide information requested by the department.

Note: The forms may be obtained from department regional offices.

(2) 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.

(3) 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 areas described in sub. (4). The open season in any area may continue in effect for not more than 60 days. The open season in any area as designated by the secretary pursuant to this subsection shall be put into effect by posting of proper notice of the open season on the shores of, and at places of public access to, the lakes and streams in which the open season is effective at least 24 hours before the beginning of the open season.

(4) 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. Totagatic 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.

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


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


(5) 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.

(6) No person may harvest or gather any wild rice in any navigable lake by the use of any method other than smooth, rounded, wooden rods or sticks not more than 38 inches in length and which are held and operated by hand.

Note: Section 29.607, Stats., prohibits the use of any mechanical device in any water of the state for harvesting or gathering wild rice.

(7) No person may harvest or gather any wild rice in any navigable lake 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 using only a push–pole or canoe paddle.

(8) (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.

(9) 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.

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. 194, 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. 8–1–83; emerg. am. (3) eff. 8–27–84, cr. (2m) (aa), am. (2m) (c), (d), (g), (h) and (k) and (3), Register, May, 1985, No. 353, eff. 6–1–85; r. (8), renum. (1) to (7) to be (2) to (9) and am. (6) and (7), cr. (1), Register, August, 1985, No. 356, eff. 9–1–85; am. (5), Register, July, 1987, No. 379, eff. 8–1–87; am. (3), Register, July, 1988, No. 391, eff. 8–1–88; CR 10–037; r. (4) (6) Register April 2017 No. 736, eff. 5–1–17.

NR 19.11 Scientific collectors permits and scientific research licenses. (1) DEFINITIONS. For the purposes of implementing ss. 29.614 and 169.25, Stats., and within this section, the following definitions apply:

(a) “Qualified natural person” or “person” means any individual complying with s. 29.614, 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. A person is not required to possess a separate hunting, fishing or trapping license while collecting under a scientific collector permit.

(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. 29.604, Stats., and ch. NR 27.

(e) Tagging of fish. Scientific collectors permits are required to capture a wild fish, attach a tag to any part of it, and then to release it back into waters of the state.

(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.

9. The period of the permit.
(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. 29.614, Stats.

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

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

b. Permits under this section are not required for banding or marking capture–and–release activities authorized under a permit issued by the U.S. fish and wildlife service.

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 employee named in the permit unless otherwise provided in the permit.

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

(c) Marked gear. All traps, nets and any other gear used for capturing wild animals under terms of a permit shall be marked with the permit number, name and address of the permittee.

(d) Trap and net tending. All traps, nets and other capture equipment shall be tended by the permittee at least once every 24–hour period.

(e) Fishing gear restrictions. 1. ‘Gill nets.’ Gill nets may not be used in inland waters unless specifically authorized by a permit.

2. ‘Buoys.’ All buoys and buoy staffs shall be marked and maintained as required by the department. The permit number, name and address of the permittee shall be maintained in plain figures on the bow of the buoy.

3. ‘Sport fishing equipment.’ Hook and line fishing equipment and spearing equipment may not be possessed on a boat operating under a permit without prior approval of the department.

(6) RECORDKEEPING AND ANNUAL REPORTS. (a) Records. Each permittee shall keep current records, in the English language, of all collections under the permit. Records of collections shall be made available to the department during normal business hours, or upon 8 hours notice at other times.

(b) Required reports. Permits shall supply information requested by the department and annually file a complete and accurate report on forms covering activities conducted under authority of the permit. Unless otherwise provided in the permit, such reports shall be filed using a report form provided by the department not later than January 10 of the year following expiration of the permit.

(c) Content. Annual reports by permittees shall include:

1. The common name, scientific name and number of each species and type of specimen material collected;

2. The date and geographic location of each collection;

3. Disposition of collected specimens; and

4. Any other information requested by the department.

(7) DISPOSITION. Specimens collected under the authority of the scientific collector permit may be transferred to and possessed by an educational institution for exhibition or education purposes upon completion of the project or expiration of the permit. Environmental consulting organizations may retain specimens following permit expiration provided the specimens are marked in a manner prescribed by the department. An educational institution or environmental consulting organization possessing specimens shall possess written proof of source, including the scientific collector permit number of the source and present that proof upon request by the department.

Note: Application forms for scientific collectors permits under this section may be obtained from any department regional office. Federal permits for migratory birds may be obtained from the Special Agent in Charge, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111.

History: Cr. Register, April, 1986, No. 124, eff. 5–1–86; cr. from WCD 19.11 to be NR 19.11, and am. (1) intro. par., (3) (b), (2) intro. par. and (2) (e), Register, April, 1971, No. 184, eff. 4–1–71; cr. (5) (e) and (6), Register, September, 1978, No. 273, eff. 10–1–78; and recr. (2), r. (5) (a), Register, August, 1979, No. 284, eff. 9–1–79; and recr. Register, November, 1981, No. 311, eff. 12–1–81; r. and recr. (2) (c), cr. (3) (a) 9., (4) 3. b. and (7), am. (4) 3. c. 16., (6) 3. c. (6) 3. c. (7) 3. c. 4. and 5. to 3. and 4., Register, August, 1986, No. 368, eff. 9–1–86; CR 03–030: am. (1) (intro) Register October 2005 No. 574, eff. 11–1–05; CR 03–014: cr. (2) (e) Register October 2003 No. 575, eff. 4–1–04.

NR 19.115 Fish, fur, game seals. Fish, fur, game seals shall be attached by or at the direction of the department to fish, fur or game articles which may be sold pursuant to s. 29.934 (1), Stats. Each seal shall be issued for a particular article only and no seal may be attached or assigned to any other article. No person may possess or transfer any seal to another person except as incidental to the possession, purchase, sale, trade or transfer of the article of fish, fur, or game for which the seal was issued.

History: Cr. Register, March, 1990, No. 411, eff. 4–1–90.

NR 19.12 Tagging the carcasses of wild animals, birds and fish taken on Indian reservations. (1) (a) Each authorized person who has taken a protected wild animal, bird or fish on an Indian reservation, under provisions of the reservation’s treaty rights during the off–reservation closed season for such game set by the department of natural resources, shall before removing the carcass or part thereof of such animal, bird or fish from the reservation, contact and exhibit it during ordinary working hours to a conservation warden of the department of natural resources or to any tribal member authorized by the particular tribe and designated by the department of natural resources.

(b) The conservation warden or designated tribal member shall inspect all such carcasses, attach and lock a special lettered and numbered tag to each carcass or part thereof; and maintain a record book containing the following information: the date, the location, the name and address of the person being issued the tag, the species and description of the wild animal, bird or fish being tagged, the destination, and the name and address of the person issuing the tag. Such record book shall be exhibited to the
NR 19.12  WISCONSIN ADMINISTRATIVE CODE

NR 19.12  Methods of taking.  Unless engaged in dog training or dog trials as authorized by the department in s. NR 17.001 (3) and (5), or other activity specifically authorized by the department, a closed season is established and no person may harass, disturb, pursue, shoot, trap, catch, take, or kill protected wild animals by any means, except as described under s. NR 12.10 (1) (b) 4.

History:  Cr. Register, August, 1980, No. 296, eff. 9–1–80; correction in (4) made under s. NR 13.92 (4) (b) 7., Stats., Register October 1997 No. 502, CR 97–006; am. Register August 2001 No. 548, eff. 9–1–01; CR 01–006: Cr. Register October 2003 No. 574, eff. 11–1–03.

NR 19.27  Seasons, limits, restrictions on taking crayfish.  There is a closed season established for taking crayfish except when taken during the open season by the following methods:

<table>
<thead>
<tr>
<th>Animal and locality</th>
<th>Open season (both dates inclusive)</th>
<th>Bag limit</th>
<th>Size limit</th>
<th>Methods of taking</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Crayfish</td>
<td>Continuous</td>
<td>None</td>
<td>None</td>
<td>Crayfish may be taken by hand, minnow seine, minnow dipnets or minnow traps, as defined in s. NR 20.10, and by crayfish traps with any entrance not to exceed 2½ inches at its greatest diagonal measurement.</td>
</tr>
</tbody>
</table>

All traps used to take crayfish shall be raised and crayfish removed at least once each day following the day set unless otherwise authorized by the district director.  All traps shall be tagged with a tag clearly bearing in the English language the name and address of the owner and trapper.

(3) Possession limits for frogs are established in s. NR 16.12.

History:  Cr. Register, May, 2000, No. 533, eff. 6–1–00; CR 03–030: r. and re enr. Register October 2003 No. 574, eff. 11–1–03.

NR 19.13  Animals killed by motor vehicles.  (1) No person may possess the carcass of a wild animal killed by a motor vehicle except as authorized by the department or as authorized by s. 29.349, Stats.

(2) No person authorized to take possession of a carcass under sub. (1) may:

(a) Fail to immediately remove the entire carcass from the scene, or

(b) Selectively remove parts of the carcass from the scene.

(3) No person may deposit or dispose of the carcass of a wild animal killed by a motor vehicle on any land or property owned, under easement to, or lease by federal, state, county, or municipal government, including highway right-of-ways, except where such disposal or disposal is explicitly authorized using established solid waste disposal receptacles and facilities.

Note:  The term “carcass” is defined in s. 29.001 (18) Stats. as the dead body of any wild animal, including any part of the wild animal or the eggs of the wild animal.

Note:  This section prevents field dressing of animals killed by motor vehicles, within the highway right-of-way.

Note:  This sub. does not prevent the movement of a carcass to the shoulder or ditch to maintain highway safety.

History:  Cr. Register, June 1976, No. 246, eff. 7–1–76; am. (3), Register, August, 1994, No. 464, eff. 9–1–94; am. (3), Register, October, 1997, No. 502, eff. 11–1–97; CR 04–046: am. (4) and (5) Register September 2004 No. 585, eff. 10–1–04; CR 05–031: am. (3) Register November 2005 No. 599, eff. 12–1–05; correction in (4) made under s. NR 13.92 (4) (b) 7., Stats., Register May 2013 No. 689; CR 16–037: r. and re enr. Register April 2017 No. 736, eff. 5–1–17.

NR 19.25  Wild animal protection.  Unless engaged in dog training or dog trials as authorized by the department in s. NR 17.001 (3) and (5), or other activity specifically authorized by the department, a closed season is established and no person may harass, disturb, pursue, shoot, trap, catch, take, or kill protected wild animals by any means, except as described under s. NR 12.10 (1) (b) 4.

History:  Cr. Register, August, 1980, No. 296, eff. 9–1–80; correction made under s. NR 13.93 (2m) (b) 7., Stats., Register, October, 1997, No. 502, CR 97–006; am. Register August 2001 No. 548, eff. 9–1–01; CR 05–031: am. Register November 2005 No. 599, eff. 12–1–05.

NR 19.26  Season and restrictions for taking frogs.

(1) The open season for frogs runs from the Saturday nearest to May 1 to December 31.

(2) No person may take frogs with the aid of a firearm or air gun.
d. Shall be of a color other than orange or fluorescent colors.

4. ‘Traps.’ Crayfish traps placed in trout streams shall conform to the dimensions of minnow traps described in s. NR 20.03 (26) unless otherwise authorized by the department.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; r. and reor. Register, June, 1984, No. 342, eff. 7–1–84; cr. (6)(a) 4., Register, December, 1984, No. 348, eff. 1–1–85; am. (1), Register, July, 1988, No. 391, eff. 8–1–88; am. (intro.), r. (3), Register, February, 1997, No. 494, eff. 3–1–97; correction in (4) (a) 4. made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 523, am. (intro.), r. (2) and (4) (b), Register, May, 2000, No. 533, eff. 6–1–00; emerg. am. (4) (a) 2. a., eff. 11–2–07; CR 07–074: am. (4) (a) 2. a. Register May 2008 No. 629, eff. 6–1–08; CR 09–018: cr. (4) (a) 1. d. Register February 2010 No. 650, eff. 3–1–10.

NR 19.275 Turtles. (1) APPLICABILITY. This section applies to the taking and possession of turtles in Wisconsin, except for the Wisconsin–Minnesota boundary waters and the Wisconsin–Iowa boundary waters, where the taking and possession of turtles is governed by ss. NR 21.13 and 22.13, respectively.

(2) SEASONS, POSSESSION AND DAILY BAG LIMITS. No person may take turtles except during the open seasons established in sub. (4). For the purpose of turtle harvest, the possession limits are the same as the daily bag limits in sub. (3).

(3) ADDITIONAL RESTRICTIONS. No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval which authorizes the hunting of small game or which authorize fishing, unless otherwise exempt from the need to possess one of more of these approvals to hunt or fish under ch. 29, Stats.

Note: The s. 29.228, Stats., licensing exemption for nonresidents under age 16 only applies to taking fish by hook and line. Therefore, any nonresident under age 16 who takes turtles by hand, hooking or with hoop net turtle traps must possess a valid fishing or small game authorization.

(b) Take turtles by methods other than hoop net turtle traps that comply with par. (c), hand, hook, and line when in possession of a fishing license, setline, or set or bank poles when in possession of a setline or set or bank pole license in compliance with s. NR 20.12, or hooking.

(c) Use a hoop net turtle trap to take turtles unless it complies with all of the following criteria:

1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02 (28).

2. The net is nylon or other stretchable fabric. Wire may not be used.

3. It is constructed with a funnel entrance at one or both ends which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.

4. It is designed and set so the closed sides sit horizontal in the water.

Note: There is no restriction on the size of the trap itself or the number of hoops used in its construction.

(d) Use a hoop net turtle trap unless it is placed on the bed of the stream, river, lake or pond so that a minimum of 2 inches of the trap is above the water’s surface.

(e) Use a hoop net turtle trap unless it is checked and the entrapped contents removed at least once each day.

(f) Place, use or tend more than 3 hoop net turtle traps.

(g) Use a hoop net turtle trap unless a stamped or engraved metal tag, bearing the name and address of the operator of the trap in the English language, is attached in a manner that is visible above water and legible at all times.

(h) Place, use or tend a hoop net turtle trap or remove its entrapped contents unless that person is the operator identified on the trap tag.

(i) Use fish, including parts of fish, as bait except that fish and fish parts may be used as bait in the same body of water from which the fish was obtained, or if the fish are minnows obtained from a Wisconsin bait dealer, or with written approval of the department.

(j) Place, set, or use a hoop net turtle trap within 200 feet of any fishway, lock, or dam.

(k) Place, set or use any hook and line, setline or bank pole for taking turtles in a manner or at any time during which these methods are not allowed for taking fish under ss. NR 20.06 and 20.12.

(4) SEASONS AND LIMITS:

<table>
<thead>
<tr>
<th>Turtle species</th>
<th>Open seasons (both dates inclusive)</th>
<th>Daily bag and possession limit</th>
<th>Size limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Snapping turtle</td>
<td>July 15 to Nov. 30</td>
<td>3</td>
<td>12 inch minimum</td>
</tr>
<tr>
<td>(b) Softshell turtle</td>
<td>July 15 to Nov. 30</td>
<td>3</td>
<td>None</td>
</tr>
<tr>
<td>(bm) Blanding’s turtle</td>
<td>None</td>
<td>0</td>
<td>None</td>
</tr>
<tr>
<td>(c) All other turtles not listed as threatened or endangered in ch. NR 27</td>
<td>July 15 to Nov. 30</td>
<td>5 in total</td>
<td>None</td>
</tr>
</tbody>
</table>

History: Cr. Register, February, 1997, No. 494, eff. 3–1–97; CR 06–011: am. (3) (a) Register September 2006 No. 609, eff. 4–1–07; emerg. cr. (cr. (a) 3. (i), eff. 11–1–07; CR 07–074: cr. (3) (i) Register May 2008 No. 629, eff. 6–1–08; CR 09–018: am. (3) (a) Register February 2010 No. 650, eff. 3–1–10; CR 09–051: cr. (3) (j) and (k) Register June 2010 No. 654, eff. 7–1–10; CR 13–001: am. (3) (b) Register August 2013 No. 692, eff. 9–1–13; CR 14–025: cr. (4) (bm) Register May 2015 No. 713, eff. 6–1–15.

NR 19.28 Taxidermy. (1) TRANSPORTATION. Whenever a permitted taxidermist, or his or her agent, takes a wild animal carcass into possession at a location other than the taxidermist’s place of business, the records required by s. 29.506 (5) (b) and (6), Stats., shall be completed immediately and shall accompany the carcass during transportation.

(2) POSSESSION. (a) If a permitted taxidermist holds wild animal carcasses received in connection with his or her business pursuant to the authorization in s. 29.506 (4), Stats., in the same storage area or freezer with personally acquired wild animal carcasses, every wild animal carcass so held shall be tagged in the manner described in s. 29.506 (5) (b), Stats. Wild animal carcasses so tagged and stored may not be considered to be commingled.

(b) The authorization of s. 29.506 (4), Stats., does not apply to wild animal carcasses acquired by a taxidermist for purposes not related to the business of taxidermy.

(3) MOUNTED COLLECTION OF A TAXIDERMIST. This section does not permit seizure of, nor prohibit possession or sale of a lawfully obtained wild animal carcass by a permitted taxidermist which is mounted or is in the process of being mounted for the private collection of a permitted taxidermist provided that the tagging and record keeping requirements and the commingling prohibitions of s. 29.506, Stats., have been complied with. Included is any such wild animal carcass received by a permitted taxidermist in connection with his or her business which has been abandoned by the customer.

History: Cr. Register, March, 1987, No. 375, eff. 4–1–87.

NR 19.30 Criminal history checks; volunteer instructors. Whenever application is made to the department by a person interested in becoming certified to instruct as a volunteer all-terrain vehicle, boating, bow hunter, hunter education, Wisconsin cooperative trapper education program or snowmobile safety instructor, the bureau of law enforcement shall conduct a criminal history, character and background check on the applicant. Notwithstanding s. NR 19.025, the bureau of law enforcement shall conduct a background check on any person who applies to serve as an angler or aquatic education instructor, or an educa-
tional outdoor skills activity mentor. Upon becoming aware of
information indicating prior illegal activity, the department shall
make appropriate inquiry into criminal history and character of
instructor or mentoring applicants and determine their suitability
for the proposed activity.

History: Cr. Register, July, 1996, No. 487, eff. 8–1–96; am. Register, September,
1996, No. 513, eff. 10–1–96; CR 09–018: am. Register February 2010 No. 650, eff.
3–1–10.

NR 19.40 Department authority to void local hunt-
ing, fishing and trapping ordinances. (1) PURPOSE. These rules
are developed, pursuant to s. 227.11, Stats., to establish pro-
cedures for determining when local ordinances should be voided
under s. 29.038, Stats., because they have more than an incidental
effect on hunting, fishing or trapping, or do not have public health
and safety as a primary purpose.

(2) DEFINITIONS. In this section:
(a) “Building devoted to human occupancy” has the meaning
used in s. 941.20 (1) (d), Stats.
(b) “Undeveloped lands” has the meaning given in s. 943.13
(1e) (cr), Stats.

(3) DEPARTMENT DETERMINATIONS. Department determina-
tions related to the legality of local ordinances regulating hunting,
fishing or trapping shall consider the following factors when
determining the validity of a local ordinance. The listed factors
are not weighted and are factors which would favor a department
decision to void the ordinance.

(a) The extent to which the ordinance affects undeveloped
lands or lands which are zoned agricultural, forestry, lowland
conservancy, upland conservancy or flood plain.
(b) The extent to which the department has received com-
plaints about the ordinance.
(c) Whether the ordinance purports to directly regulate hunt-
ing.
(d) Whether the ordinance requires a permit to discharge a fire-
arm or a bow, whether a fee is charged which exceeds 150 percent
of the issuance fee established by s. NR 19.02 (4) (b), creates a
higher fee for non–residents or requires a background check.
(e) Whether the ordinance restricts the discharge of fine shot
while the shooter is in or on the water more than 100 yards from
the nearest developed shoreline, and shooting away from or paral-
lel to that shoreline.
(f) Whether the ordinance prohibits the discharge of fine shot
when on undeveloped lands which are more than 100 yards from
buildings devoted to human occupancy, and shooting away from
the buildings.

(g) Whether the ordinance prohibits hunting, fishing or trap-
ing on department property otherwise open to hunting, fishing or
trapping or on property leased by or under easement to the depart-
ment for the purpose of hunting, fishing or trapping.
(h) Whether the ordinance prohibits the discharge of shotguns
or bows within all areas of the municipality.
(i) Whether the ordinance prohibits the discharge of bows.
(j) Whether existing state laws adequately address the local
safety concerns.
(k) Whether the ordinance prohibits fishing by individuals
located on public waters.
(L) Whether less restrictive alternatives are available to
address a municipality’s safety concerns.
(m) Whether the ordinance prohibits live trapping.
(n) Whether the ordinance has no apparent health or safety pur-
pose.

(4) EXCEPTION. This section does not apply to fishing rafts
subject to regulation under s. 30.126, Stats.

(5) PROCEDURES. (a) Prior to holding a hearing to determine
the validity of a local ordinance under s. 29.038, Stats., the depart-
ment shall mail the affected municipality a notice of the time and
location of the hearing. The department shall also publish a class
I notice under ch. 985, Stats., of the hearing in the county in which
the municipality is located. The notice shall be given at least 30
days prior to the date set for the hearing.

(b) Hearings shall be conducted to the extent possible in a man-
ner consistent with s. 227.18 (1) and (2), Stats.

(c) The final decision shall be made by the secretary or the sec-
retary’s designee.

(d) The decision shall be in writing and accompanied by find-
ings and conclusions of law.

(e) The department may void ordinances found to be in viola-
tion of s. 29.038, Stats., in whole or in part, or as applied to certain
areas, certain classes of persons, certain times of the year, or cer-
tain circumstances.

History: Cr. Register, May, 2001, No. 545, eff. 6–1–01; correction in (2) (b) made
under s. 13.92 (4) (b) 7., Stats., Register May 2013 No. 689.

NR 19.50 All−terrain vehicle and bowhunter, snow-
mobile and hunter education program fee. The fee for the
all−terrain vehicle and bowhunter, snowmobile and hunter educa-
tion certification programs shall be $10.00 per student. The
department may authorize the instructors to retain up to 50 percent
of the fee to defray authorized expenses incurred locally to operate
the program based on the actual cost incurred to the instructor.
The remaining funds shall be turned in to the department to defray
expenses incurred to operate these programs during the year. The
fee for advanced hunter education courses shall only be the
amount necessary, but not to exceed $50 per student. Only
instructors certified by the department to teach advanced educa-
tion courses under this section may charge a fee for the advanced
education courses. The department may authorize specialized
fees for Internet based all−terrain vehicle and snowmobile educa-
tion certification programs pursuant to a memorandum of under-
standing with entities managing these programs for the depart-
ment. The specialized fee shall be in lieu of the $10.00 per student
fee and shall be sufficient to defray authorized operational costs
of entities managing these programs for the department as well as
operational costs of the department.

History: CR 00–110: cr. Register April 2002 No. 556, eff. 5–1–02; emerg. am.
eff. 10–3–05, CR 05–098: am. Register March 2006 No. 603, eff. 4–1–06; CR
06–134: am. Register August 2007 No. 620, eff. 9–1–07.

NR 19.51 Wisconsin cooperative trapper education
program fee. The fee for the course of instruction under the
Wisconsin cooperative trapper education program shall be $12.00
per student. The fee for correspondence trapper education certifi-
cation program shall be $12.00 per student for correspondence
programs that require in−state mailing of course materials and
shall be $28.00 per student for correspondence programs that
require out−of−state mailing of course materials. In addition to
the fees established in this section, for correspondence courses,
each student shall pay a $17.00 deposit that shall be refunded
when the course materials are returned. The fee for a duplicate
copy of a trapper education course certificate of accomplishment
is $2.75. The fee for advanced trapper education courses shall be
that amount needed to pay for the cost of the course, but not to
exceed $50.00 per student. Only instructors who are certified by
the department to teach trapper education courses under s. 29.597,
Stats., may charge a fee for a trapper education course established
under s. 29.597, Stats.

History: CR 07–015: cr. Register September 2007 No. 621, eff. 2–1–08; CR
08–031: am. Register September 2008 No. 633, eff. 2–1–09.

NR 19.60 Feeding of wild animals. (1) GENERAL PRO-
HIBITIONS. (a) No person may place, deposit or allow the place-
ment of any material to feed or attract wild animals for non−hunt-
purposes including recreational and supplemental feeding,
except as provided in sub. (2) or (3), or as specifically authorized
in a permit or license issued under s. 29.614 (1) or 169.25 (1) (a),
Stats., or s. NR 12.06 (11) or 12.10 (1).
Deer feeding.

1. In excess of 2 gallons of feeding material within 50 yards of any owner occupied residence or business.

2. More than 50 yards from an owner occupied residence or business.

3. The prohibitions and exemptions in this subsection shall be effective on the first day of each month. The entire code is always current. The Register date on each page is the date the chapter was last published.

Deer baiting and feeding is prohibited in any of the following activities:

1. Feeding of deer as authorized under sub. (3).

2. Feeding of wild animals, other than deer, elk or bear, by hand if:
   a. Feed placed not more than 30 feet away from the person feeding, and
   b. The person feeding makes all reasonable attempts to clean up the unconsumed feed before moving a distance greater than 30 feet from the deposited feed.

3. Feed deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.

4. Standing crops planted and left standing as wildlife food plots that may be used by wild animals.

5. Feed material placed for deer or bear hunting or bear dog training as authorized under s. NR 10.07 (2m).

6. Feed material placed for trapping as specified in s. NR 10.13.

7. The use of scents, provided the material is not accessible for consumption by deer or elk or scent placed in compliance with s. NR 10.07 (2) (b) 4.

8. Feed or bait material placed or used for fish, reptiles, amphibians or arthropods, provided the material is not accessible to bear, deer or elk.

9. Feeding of deer as authorized under sub. (2).

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

Subchapter II — Wildlife Rehabilitation

NR 19.70 Purpose. This subchapter is adopted to establish consistent standards for the rehabilitation of wildlife in Wisconsin. The intent is to ensure all persons engaged in wildlife rehabilitation are qualified and provide humane care and housing for wildlife being rehabilitated.

History: CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04.

NR 19.71 Definitions. In this subchapter:

1 “Advanced license” means a wildlife rehabilitation license issued by the department to a person qualifying under s. NR 19.73 (1) and (3).

1m “Basic care” means feeding, watering, and cleaning to provide for an animal’s basic needs, and does not include tasks such as performing admittance exams and triage, or euthanasia.

2 “Basic license” means a wildlife rehabilitation license issued by the department to a person qualifying under s. NR 19.73 (1) and (2).

2m “Cage” means any structure in which animals are confined for rehabilitation purposes.

3 “Department” means the department of natural resources.

3m “Direct supervision” means the actual presence of the licensee or consulting veterinarian.

4 “Euthanasia” means the humane killing of a wild animal in accordance with the current American veterinary medical asso-
NR 19.71 WISCONSIN ADMINISTRATIVE CODE

168

NR 19.73 Licenses. (1) General restrictions. (a) Requirements. No person may rehabilitate wildlife unless he or she possesses a valid license pursuant to s. 169.24, Stats.

(b) Transferability. A rehabilitation license is not transferable.

(c) Reporting. The licensee shall notify the department within 7 days of any change of name, address, telephone number, associated federal permit status, substantial changes to facility, a decision to discontinue as a sponsor or wildlife rehabilitation activities before license expiration.

(d) Species. The department shall list on the license the species authorized for rehabilitation by a basic or an advanced licensee.

(e) Species additions. No person may have a species added to their license unless all of the following have occurred:

1. The licensee has submitted to the department a caging report as required under s. NR 19.76 (2m), pictures of pens and enclosures, and documentation indicating the licensee’s rehabilitation experience and knowledge with the new species. For migratory birds, experience and knowledge with the new species shall include at least 100 hours of hands-on experience gained within the previous two years and 25 of those hours may be fulfilled by participation in seminars or courses relating to the new species. For species which are not migratory birds, the department may establish that less experience and knowledge is needed.

2. The department has reviewed and approved the addition.

3. An additional facility inspection to determine compliance with standards established under s. NR 19.77 has been conducted if the department has determined such an inspection is necessary.

4. For a basic licensee modification, the licensee possesses a sponsorship agreement with an advanced licensee.

Note: The department is advised by the wildlife rehabilitation advisory council established under s. NR 19.82 (1) which develops recommendations for appropriate minimum requirements for experience and knowledge when adding new species to a license and the list of species sensitive or difficult to rehabilitate.

(2) Basic license. (a) Requirements. An applicant for a basic license shall meet all of the following requirements:

Note: Birds held under falconry licensing are private property, do not meet the definition of “wild animal” per s. 169.01 (30m), Stats., and thus care and treatment is not authorized per wildlife rehabilitation licensing authority.

(5) This license does not exempt the licensee from local ordinances that apply to activities authorized by this license.

(6) This license does not authorize the practice of veterinary medicine as defined in s. 89.02 (6), Stats.

(7) The licensee shall display his or her license to department agents or other law enforcement agents upon request.

(8) Any costs incurred by the licensee for wildlife rehabilitation activities shall be the responsibility of the licensee.

(9) Unless specifically authorized by the department for educational purposes, no person may place wildlife being rehabilitated on public exhibit, in ways that may lead to inappropriate imprinting, socialization, habituation or stress.

(10) Wildlife being rehabilitated may not be transported outside Wisconsin for release or any other purpose unless the licensee has verbal, or written, permission from the department and possesses a wildlife rehabilitation license pursuant to this subchapter.

(11) No person may import or accept wildlife for rehabilitation from outside Wisconsin unless he or she has verbal, or written, permission from the department and possesses a wildlife rehabilitation license pursuant to this subchapter.
1. Possess a signed sponsorship agreement stating an advanced licensee is willing to mentor the applicant’s wildlife rehabilitation activities.

1m. Submit a completed license application that describes prior wildlife rehabilitation and animal care experience to the department.

2. Possess a signed consulting veterinarian agreement stating a veterinarian, licensed to practice in Wisconsin or state of residence, is willing to consult and assist with care and treatment of wildlife being rehabilitated.

3. Pass an examination meeting the requirements of s. NR 19.75.

4. Allow an inspection of facilities to assure that the applicant’s facilities meet the requirements of s. NR 19.77.

(b) Restrictions. Basic licensees may not possess any of the following:

1. Federal migratory birds or federal or state endangered or threatened species unless authorized by appropriate federal and state permit.

2. Mammals belonging to the family cervidae (deer, elk, and moose) or other harmful wild animals designated under s. 169.11, Stats.

3. Species of bird belonging to the order ciconiformes (vultures, bitterns and herons), falconiformes (hawks, eagles, harriers, osprey, kites and falcons) with the exception of American kestrel, the order Strigiformes (all owls), with the exception of saw-whet and screech owls or the families gruidae (cranes) or gavidae (loons).

(c) Euthanasia. Euthanasia may only be performed under direct supervision of the sponsoring advanced licensee or consulting veterinarian.

(d) Volunteers. Volunteers may assist basic licensees with the rehabilitation of wildlife if all of the following requirements are met:  

1. Basic licensees have completed one full year of licensed wildlife rehabilitation before volunteers may be authorized to assist with wildlife rehabilitation activities.

2. All volunteer information including name, address, and telephone number has been provided to the department by the licensee.

3. The department is notified quarterly, by the licensee, of any changes to their list of volunteers and any changes in contact information of the licensee’s volunteers.

4. Volunteers only provide basic care to species identified on the basic license.

5. Volunteers only operate at the facility of the licensee and under the direct supervision of the basic license.

6. Licensees accept responsibility for the actions and activities of volunteers and shall be responsible for any violations by volunteers in violation of this chapter or ch. 169, Stats.

(e) Subpermittees. Subpermittees may be authorized to assist with the rehabilitation of wildlife in a limited capacity under the authority of an advanced licensee’s license and subject to the restrictions of basic licensees under sub. (2) if all of the following requirements are met:

1. Subpermittees may only admit animals directly from the advanced licensee.

2. No subpermittee may perform euthanasia or advanced medical treatments or procedures.

3. All subpermittee information including name, address, and telephone number has been provided to the department.

4. Advanced licensees notify the department quarterly of any changes to their lists of subpermittees and any changes in contact information of their subpermittees.

5. Subpermittees are listed on all of the advanced licensee’s permits and licenses by the species for which the subpermittees provide rehabilitation care.

6. Subpermittees operating at a location other than the advanced licensee’s facility retain a copy of the advanced licensee’s license, which shall be provided to a department agent upon request.

7. Advanced licensees accept responsibility for the actions and activities of their subpermittees and shall be responsible for any violations incurred of this subchapter or ch. 169, Stats.

8. Advanced licensees that utilize subpermittees who operate at a location other than the advanced licensee’s facility shall be responsible for establishing that subpermittees’ facilities meet the standards established in s. NR 19.77.

9. Subpermittees operating at locations other than the advanced licensee’s facility submit, to both the advanced licensee and the department, caging reports and pictures of every rehabilitation pen and enclosure at their locations.
NR 19.73 WISCONSIN ADMINISTRATIVE CODE

10. Subpermittees who operate at a location other than the advanced licensee’s facility are located no more than 60 miles from the main facility of the advanced licensee.

History: CR 03-029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 08-021; am. (3) (a) (intro.), r. (3) (e) Register November 2008 No. 635, eff. 12−1−08; CR 09-024; renam. (3) (a) 4. to be (3) (a) 3. Register May 2010 No. 653, eff. 6−1−10; CR 15-054; cr. (1) (d), eff. 8−1−18; (2) (a) to (e), (3) Register July 2018 No. 751, eff. 8−1−18; (1) (title) and (2) (title) created under s. 13.92 (4) (b) 2., Stats., Register July 2018 No. 751.

NR 19.74 Application. (1) GENERAL. A person desiring to rehabilitate wildlife in Wisconsin shall submit all of the following information required by the department on an application form supplied by the department:

(a) A signed consulting veterinarian agreement from a veterinarian who is willing to consult with the applicant and assist the applicant with care and treatment of wild animals being rehabilitated and who is in compliance with the Animal Medicinal Drug Use Clarification Act of 1994.

(b) For basic licenses, a signed sponsorship agreement from an advanced licensee who has agreed to sponsor the basic applicant.

(c) For an advanced license applicant, a signed evaluation form from the advanced sponsor and consulting veterinarian which indicates compliance with s. NR 19.73 (3).

(d) Certification that the applicant has read and understands this subchapter and the code of ethics and that the applicant agrees to comply with all provisions of this subchapter and the code of ethics.

(e) Written assurance from the applicant that the facility is in compliance with local ordinances and zoning regulations.

(2) OUTSTATE. The department may issue the appropriate rehabilitation license to an individual possessing a valid rehabilitators license or permit from another state or province, provided that the minimum requirements of the basic or advanced rehabilitators licenses described in this subchapter are met. Applicants shall satisfy all of the following criteria:

(a) Pass an examination meeting the requirements of s. NR 19.75.

(b) Possess a signed consulting veterinarian agreement from a veterinarian who is willing to consult with the applicant and assist the applicant with care and treatment of wildlife being rehabilitated.

(c) Possess a signed letter of recommendation from a consulting veterinarian and a currently licensed rehabilitator, previous or current sponsor, current employer, or other individual which indicates compliance with s. NR 19.73 (2) or (3). A letter of recommendation shall include and reference specific training and experiences comparable to information on a basic level evaluation form.

(d) Sign a certification that the applicant has read and understands this subchapter and that the applicant agrees to comply with all provisions of this subchapter.

(e) Allow an inspection of facilities to assure that the applicant’s facilities meet the requirements of s. NR 19.77.

(3) LICENSE RENEWAL. An applicant for renewal of any rehabilitation license shall submit proof of having obtained at least one continuing education credit during the preceding license period. Qualifying continuing education credits are:

(a) National Wildlife Rehabilitators Association, International Wildlife Rehabilitation Council, or Wisconsin Wildlife Rehabilitator’s Association workshops, classes, or conferences.

(b) Participation in a research project, coursework, specialized rehabilitation care, or other activities, workshops, classes, or conferences which have been approved by the department.

Note: Wildlife rehabilitation application, evaluation form, sponsorship agreement, veterinary agreements, and the code of ethics will be available at http://dnr.wi.gov/ or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707−7921 or by calling 1−888−936−7463.

History: CR 03-029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 15-054; am. (1) (a), (b), (d), cr. (1) (e), remum. (2) to (2) (intro.) and am., cr. (2) (a) to (e), (3) Register July 2018 No. 751, eff. 8−1−18; (1) (title) and (2) (title) created under s. 13.92 (4) (b) 2., Stats., Register July 2018 No. 751.

NR 19.75 Examination. (1) A person desiring a basic or an advanced license to rehabilitate wildlife in Wisconsin shall take a written examination, provided and administered by the department, and score 80% or greater.

(2) The examination shall be prepared or recommended by the wildlife rehabilitation advisory council, subject to the approval of the department, and administered by a representative of the department.

(3) An applicant failing to correctly answer at least 80 percent of the questions on the examination described in this section may not be issued a license but may repeat the exam 30 days after the examination was completed.

(4) The department shall provide an examination study guide and other information regarding wildlife rehabilitation to each applicant upon request.

Note: The wildlife rehabilitation study guide will be available at http://dnr.wi.gov/ or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707−7921 or by calling 1−888−936−7463.

History: CR 03-029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 15-054; am. (1), (2) Register July 2018 No. 751, eff. 8−1−18.

NR 19.76 Facility inspection. (1) By accepting a license under this section a licensee consents to the facility inspection requirements established in s. 169.37, Stats., by the department and its agents.

(2) An applicant for a license under this section shall allow inspection of the applicant’s facilities.

(2m) Before an inspection, the applicant must complete and submit to the department a caging report which includes pictures of each cage or enclosure at the applicant’s facility.

Note: Wildlife rehabilitation caging report is available at http://dnr.wi.gov/ or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707−7921 or by calling 1−888−936−7463.

History: CR 03-029; cr. Register December 2003 No. 576, eff. 1−1−04.

(3) Following an inspection, the department may do any of the following:

(a) Remove any wildlife if it is in the best interest of the animals until the facility complies with the standards established in s. NR 19.77.

(b) Deny the licensee or applicant the privilege to rehabilitate certain species until licensee or applicant can prove that the rehabilitation facilities are in compliance with this subchapter.

(c) Suspend a rehabilitation license for 30 days to allow a licensee’s facilities to be brought into compliance.

(d) Allow a licensee under this subchapter a specified period of time to comply with s. NR 19.77 without revocation or suspension of license privileges designated in this subchapter.

History: CR 03-029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 15-054; cr. (2m) Register July 2018 No. 751, eff. 8−1−18.

NR 19.77 Facility standards. (1) GENERAL OPERATING STANDARDS. Prior to engaging in wildlife rehabilitation activities, protocols for disease prevention and transmission, euthanasia, pharmaceutical use, pest control, carcass and biological waste disposal and adequate veterinary care shall be established by the licensee and reviewed and signed by licensee’s consulting veterinarian. Wildlife being rehabilitated shall be subject to all of the following conditions:

(a) If suspected of having an infectious disease, be quarantined in areas designated for that purpose.

(b) Be kept separated from human living quarters and activities.
(c) Have no contact with captive wildlife licensed under ch. 169, Stats., with the exception of other wildlife held under a rehabilitation license.

(d) Have no contact with the general public unless specifically authorized by the department for educational purposes.

(e) Be kept in enclosures at all times, and have contact with the licensee or designated volunteers only to the extent necessary to provide adequate care and treatment.

(f) Not be tamed, used as pets, held with domestic animals or habituated to humans.

(g) Be of compatible species when housed together, and not pose a threat to health or well-being of other wildlife in the same enclosure.

(h) Be raised with other wild animals of the same species held under the authority of a rehabilitation license whenever appropriate and possible, to ensure proper species orientation.

(2) ENCLOSURE SIZE AND CONSTRUCTION. (a) Enclosures shall be structurally sound, of sufficient strength for species involved, and maintained in good repair to prevent escape or injury to wildlife being rehabilitated. All structures built after July 1, 2016 shall be in compliance with the Minimum Standards of the National Wildlife Rehabilitation Association and International Wildlife Rehabilitation Council except that, if enclosures are structurally sound, of sufficient strength for species involved, and maintained in good repair to prevent escape or injury, the department may determine standards have been met which fulfill the requirements of this paragraph.

Note: National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council minimum standards for enclosures are available at http://dnr.wisconsin.gov or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707–7921 or by calling 1–888–936–7463.

(b) Enclosures shall be constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility.

(c) All outdoor wildlife enclosures shall have protective devices at entrances and exits to prevent escapes.

(d) Enclosures shall be secured when unattended.

(e) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, poisonous vegetation or other hazardous items may be used in the construction of enclosures.

(f) Enclosures shall have visual barriers to restrict wildlife’s view of humans, domestic animals, and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation or stress.

(3) ENVIRONMENTAL CONDITIONS. (a) Ambient temperatures shall be sufficient for species involved.

(b) Adequate ventilation by means of windows, doors, vents, fans or air conditioning shall be provided to protect wildlife health and to minimize drafts, odors and condensation.

(c) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod for species involved.

(d) Adequate shade, weatherproof shelters, nest boxes, perches and dens shall be provided to protect wildlife from inclement weather and direct sun.

(e) Wildlife being rehabilitated shall be gradually acclimated before being exposed to extreme outdoor conditions.

(4) FOOD. (a) Adequate feeding schedules shall be maintained for species involved unless medical treatment necessitates restricted food intake.

(b) All food shall be palatable, free of contamination, and of sufficient quantity and nutritive value.

(c) Wildlife’s diets shall be supplemented with vitamins and minerals when necessary for species involved.

(d) Food receptacles shall be appropriately sized, easily accessible, kept sanitary and safe.
NR 19.78 WISCONSIN ADMINISTRATIVE CODE

(10) A licensee shall quarantine all animals reported under s. NR 19.79 (2) and animals shall be handled as directed by the department, including conducting rabies testing at the direction and in the presence of the department or its agents.

(11) If a licensee’s relationship with a consulting veterinarian under s. NR 19.74 (1) (a) is terminated, the licensee may not admit new patients until a new consulting veterinarian is obtained. The licensee shall establish a new relationship with a consulting veterinarian and notify the department within 10 business days.

(12) In the event that the department makes a determination which directs what the disposition of a wild animal shall be, no person may fail to comply.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 08−021; am. (2) Register November 2008 No. 635, eff. 12−1−08; CR 09−024; am. (4) Register May 2010 No. 653, eff. 6−1−10; CR 15−054; cr. (9) to (12) Register July 2018 No. 751, eff. 8−1−18; correction in (1) made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.79 Infectious disease reporting and response. (1) A licensee or consulting veterinarian shall report animal diseases as required by s. ATCP 10.03 if diagnosed in wildlife being rehabilitated and to the department’s wildlife health program.

(2) If a licensee knows or reasonably suspects that a rabies−vector species mammal in their care may have or has been exposed to rabies, or that a human or domestic animal has been bitten or scratched by a possible rabies−vector species in the licensee’s possession, the licensee shall make reports required under sub. (1), quarantine the animal, and handle the animal as directed by their local or county public health department of the Wisconsin State Laboratory of Hygiene, which may include submitting the animal for rabies testing by the Wisconsin State Laboratory of Hygiene.

Note: The wildlife health program may be contacted by calling 1−888−936−7463.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 08−021; am. (2) Register November 2008 No. 635, eff. 12−1−08; CR 09−024; am. (4) Register May 2010 No. 653, eff. 6−1−10; CR 15−054; cr. (9) to (12) Register July 2018 No. 751, eff. 8−1−18; correction in (1), (11) made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.80 Record keeping and reporting. (1) A wildlife rehabilitation license may not be renewed until the licensee has submitted an annual report in accordance with s. 169.36 (10), Stats., and any additional required records that the department has specifically requested.

(2) An advanced licensee and a basic licensee shall provide a copy of the records required to be maintained for that license to the department quarterly as follows:

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

(b) Records to be included in the quarterly report shall consist of complete records of all transactions or activity involving any wild animals of the following families:

1. Canidae (coyotes, foxes, wolves).
2. Ursidae (bears).
3. Mustelidae (badger, mink, otter, skunk, fisher, marten, wolverine, weasel).
4. Felidae (bobcat, lynx, cougars).
5. Cervidae (elk, deer, moose).
6. Suidae (pure wild strains of swine commonly known by the name European, Eurasian, Russian or hybrids with domestic strains and animals which are confined but which exhibit characteristics of being in an untamed state, and as established in s. NR 16.11).
7. Anatidae (mute swans).
8. Canidae (Hybrids of the species Canis lupus, C. lycaon, or C. rufus commonly known as wolves and the species Canis fami-

liars, domestic dogs, and subsequent generations from such matings as established in s. NR 16.11).

Note: The department may restrict the rehabilitation of species when necessary to control the spread of disease, to protect public health, or to prevent harmful environmental impacts. Pursuant to ss. 169.085 and 169.11 (1) (b) Stats., the department does not allow rehabilitation of wolves or wolf−dog hybrids.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04; corrections made to (2) under s. 13.93 (2m) (b) 1., Stats., Register December 2003 No. 576; CR 15−054; am. (2) b. 3., cr. (2) b. 5. to 8. Register July 2018 No. 751, eff. 8−1−18; correction in (2) b. 6. to 8. made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.81 Qualifications of sponsors. Advanced licensees may elect to sponsor and provide consultation and advice to basic licensees. Potential sponsors will be reviewed by the wildlife rehabilitation advisory council and the department. A person desiring to be an advanced sponsor shall do all of the following:

(1) Submit a request to the wildlife rehabilitation program manager requesting designation as a sponsor.

(2) Submit to the wildlife rehabilitation program manager, documentation of experience rehabilitating those wildlife species which the basic licensee is authorized to possess.

(3) Be actively rehabilitating the species the basic licensee is authorized for, or have a facility prepared to rehabilitate the species in compliance with s. NR 19.77.

Note: Contact information for the wildlife rehabilitation program manager may be obtained by calling 1−888−936−7463.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 15−054; am. (intro.), (1), (2), cr. (3) Register July 2018 No. 751, eff. 8−1−18; correction in (3) made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.82 Wildlife rehabilitation advisory council.

(1) The secretary shall appoint persons experienced with wildlife biology, rehabilitation, law enforcement, and veterinary medicine to the wildlife rehabilitation advisory council.

(2) The wildlife rehabilitation advisory council shall assist the department with development of wildlife rehabilitation examinations, facility inspections, and recommendations which may be used in department decision making as it pertains to wildlife rehabilitation, wildlife health, or captive wildlife activities.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 15−054; am. Register July 2018 No. 751, eff. 8−1−18; correction in (1) made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.83 Additional conditions. (1) Any license issued after January 1, 2004, is subject to requirements of this subchapter.

(2) On January 1, 2004, all existing Wisconsin wildlife rehabilitation permits will be granted a provisional license for 2 years. After 2 years from the effective date of the provisional license, these provisional licenses may apply for a license pursuant to this subchapter.

(3) An individual applying for a license pursuant to s. NR 19.73 (2) and (3) shall take the examination and meet the requirements established in s. NR 19.75.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04.

NR 19.84 Modifications. The department may amend or add conditions to licenses issued under this subchapter at any time if there is a risk to public or animal health or human or animal welfare or there is a risk to the health and welfare of the environment.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04; CR 15−054; am. Register July 2018 No. 751, eff. 8−1−18.

NR 19.85 Disclaimer. The number of licenses issued under this subchapter may be restricted by the department based on the need for wildlife rehabilitation. Possession and care of any wildlife under this subchapter does not create a property right to the wildlife for the licensee.

History:
CR 03−029; cr. Register December 2003 No. 576, eff. 1−1−04.
Subchapter III — Permitting the Use of Natural Bodies of Water as Fish Farms

NR 19.90 Purpose and applicability. (1) PURPOSE. The purpose of this subchapter is to establish fees, criteria and procedures to be used for permitting the use of natural bodies of water as fish farms as required under s. 29.733 (2) (f), Stats.

(2) APPLICABILITY. The provisions of this subchapter are applicable to:

(a) Fish farms and state-owned hatcheries located in or proposed to be located in freeze-out ponds.

(b) Natural bodies of water that were licensed as a private fish hatchery or licensed as a part of a private fish hatchery in 1997.

(c) A freeze-out pond or more than one freeze-out pond that is proposed as a fish farm at the time of application and is located on the same contiguous parcel of property under the same ownership or leasehold.

(d) Bodies of water for which a person was issued a permit under ss. 30.19, 30.195, or 31.04, Stats.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-030: renum. from s. NR 16.70 Register October 2003 No. 574, eff. 11-1-03; correction made under s. 13.93 (2m) (b) 1., Stats., Register October 2003 No. 574; CR 13-001: cr. (2) (d) Register August 2013 No. 692, eff. 9-1-13.

NR 19.91 Definitions. In this subchapter:

(1) “Barrier equipped” means the placement of a structure or device which prevents the movement of fish or bait from a fish farm to a natural body of water.

(1m) “Department fish hatching and rearing facilities” means all fish hatching and rearing waterbodies owned by the department, leased or controlled through a cooperative agreement between the property owner and the department and where the department owns all the fish.

(2) “Freeze-out pond” has the meaning specified in s. 29.001 (29), Stats.

(3) “Natural body of water” means any spring, stream, pond, lake, or wetland that was historically present in a natural state but may have been physically altered over time.

(4) “Preexisting fish rearing facility” has the meaning specified in s. 29.001 (64), Stats.

(5) “Transfer of permit” means the conveyance of a permit from one party to another as a result of change in ownership or leasehold interest of a fish farm.

(6) “Wetland” has the meaning specified under s. 23.32, Stats.

Note: For purposes of this subchapter, a natural body of water does not include an artificial wetland, as defined under s. NR 103.03 (1m) or any swale, bermed area or excavation that is not located in a wetland, pond, lake, stream or spring that was historically present in a natural state, if the artificial wetland, swale, bermed area or excavation retains water as the result of human modification of the landscape or is constructed of man-made materials.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 01-128: cr. (1m), am. (3) Register June 2002 No. 558, eff. 7-1-02; CR 03-030: renum. from s. NR 16.71 Register October 2003 No. 574, eff. 11-1-03; correction made under s. 13.93 (2m) (b) 1., Stats., Register October 2003 No. 574; CR 13-001: am. (3) Register August 2013 No. 692, eff. 9-1-13.

NR 19.92 Natural body of water permit application fees. Permit application fees for the use of natural bodies of water for fish farms shall be as follows:

(1) Permit applicants for the initial use of freeze-out ponds as fish farms shall pay a $500.00 non-refundable permit application fee.

(2) Permit applicants for permit transfers shall pay a non-refundable permit transfer fee of $100.00.

(3) Permit applicants for permit renewals shall pay a non-refundable permit renewal fee of $50.00.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-030: renum. from s. NR 16.72 Register October 2003 No. 574, eff. 11-1-03; correction made under s. 13.93 (2m) (b) 1., Stats., Register October 2003 No. 574; CR 13-001: am. (intro.), r. (1), renum. (1) to (2), (3) to (2) and am., cr. (3) Register August 2013 No. 692, eff. 9-1-13.

NR 19.93 Applicant permit procedures for use of natural bodies of water for fish farms. (1) The deadline for permits reauthorized under s. 29.733 (2) (b), Stats., was January 1, 2003.

(2) For renewal of permits, the applicant shall submit a new application to the department not more than 16 months before the expiration date of the permit granted under this chapter but not less than 2 months from the expiration date of the permit.

(3) Applications for permits under this subchapter shall include documents verifying all of the following:

(a) The land that is riparian to the body of water is owned, leased or controlled by the owners of the fish farm.

(b) None of the owners of the fish farm or of the riparian lands provides access to the body of water to the public by means of an easement or other right-of-way or by means of a business open to the public, except that the owners of the fish farm may allow fishing by the public for a fee.

(c) Documentation that the natural body of water may be a freeze-out pond or that the natural body of water is a preexisting fish rearing facility that is barrier equipped.

(d) Copies of any other permits or authorization required by ch. 30 or 31, Stats., the Army corps of engineers and any other federal, state or local laws and zoning ordinances.

(e) All applicants shall identify the water source and quantity used for the fish farm and whether there is any discharge to a water of the state.

(f) Any other information requested by the department to determine whether a permit would or would not be granted by the department.

Note: Permit application forms are available from the Bureau of Fisheries Management, 101 South Webster St., P.O. Box 7921, Madison, WI 53707.

(4) The department may issue a notice of intent to use a natural body of water as a fish hatching or rearing facility that was not being used as of January 1, 1998 by the department. The department shall comply with all provisions of s. NR 19.94 before it may use a natural body of water as a fish hatching or rearing facility.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 01-128: am. (1) Register June 2002 No. 558, eff. 7-1-02; CR 03-030: renum. from s. NR 16.73 Register October 2003 No. 574, eff. 11-1-03; corrections made under s. 13.93 (2m) (b) 1., and 7., Stats., Register October 2003 No. 574; CR 13-001: am. (1), (2), (4) Register August 2013 No. 692, eff. 9-1-13.

NR 19.94 Department determinations. (1) The department shall issue a permit for the use of a natural body of water as a fish farm or as a part of a fish farm if all requirements of this subchapter have been met and if the department determines that no substantial public interest exists in the body of water and that no public or private rights in the body of water will be adversely impacted. Among the factors considered, the following are indicative of public rights and interests including but not limited to:

(a) Plant and wild animal habitat or plant and wild animal populations.

(b) Threatened or endangered species or their habitat.

(c) Water quality related functional values or uses of wetlands identified in s. NR 103.03.

(d) Surface water quality standards identified in chs. NR 102, 104, 105, 106 and 107 and minimum water quantity requirements identified in s. 31.02, Stats.

(e) The public’s right to navigate and associated incidents to navigation including fishing, swimming, wading and canoeing.

(2) Fish farms may not introduce or propagate any non-native fish species if the department has determined that having the fish in that particular self-contained fish rearing facility or preexisting fish rearing facility will pose a risk of being detrimental to the waters of the state.

(3) Physical improvements or modifications to natural bodies of water used as fish farms shall comply with all federal, state and local laws and ordinances.
(4) Permits approved under this subchapter may be transferred to another party if the department determines that all conditions of this subchapter and s. 29.733, Stats., have been satisfied.

(5) The department shall issue or renew a permit issued under s. 29.733 (2) (a) and (b), Stats., for use of a natural body of water as a fish farm or any part of a fish farm in a natural body of water unless the department determines there has been a substantial adverse change affecting one or more of the criteria specified in subs. (1) (a) to (e), (2), or (3), or s. 29.734, Stats., resulting from the operation of the fish farm. The department shall consider the historical condition of the natural water body prior to the presence and operation of the fish farm as part of their permit renewal decision.

Note: Under this paragraph, historical conditions refer to known uses of the natural body of water prior to the inception of the fish farm.

(6) The department shall deny a permit for use of a natural body of water as a fish farm or as part of a fish farm if the requirements of this subchapter have not been met.

(6m) A single permit shall be issued for multiple natural bodies of water located on the same contiguous parcel of property under the same ownership or leasehold.

(7) Upon receipt of a complete permit application, the department shall post notice of every application submitted to the department on the department’s Internet Web site. The department may schedule a hearing or provide notice stating that it will proceed on the application without a hearing if no substantive written objections to issuance of the permit is received within 30 days after publication or notice. The notice may be provided to news media and other persons according to the procedures in s. NR 27.07 (1) (b) and (c). The department may provide notice to other persons as it deems appropriate. The department will assume the cost of publishing the notice.

History: Cr. Register, April, 1999, No. 520, eff. 5–1–99; CR 01–128: r. and recr. (5), cr. (6m) Register June 2002 No. 558, eff. 7–1–02; CR 03–030: renum. from s. NR 16.74 Register October 2003 No. 574, eff. 11–1–03; corrections made under s. 13.93 (2m) (b) 1. and 7., Stats., Register October 2003 No. 574; CR 13–001: am. (5), (7) Register August 2013 No. 692, eff. 9–1–13.

**NR 19.95 Enforcement.** The department may suspend or revoke a permit issued under this subchapter subject to the provisions of s. 29.733 (2) (e), Stats. A fish farmer operating a fish farm in a natural body of water as defined in s. NR 19.91 (3) without a valid permit under this subchapter may be penalized under s. 29.971, Stats.

History: Cr. Register, April, 1999, No. 520, eff. 5–1–99; CR 01–128: am. Register June 2002 No. 558, eff. 7–1–02; CR 03–030: renum. from s. NR 16.75 Register October 2003 No. 574, eff. 11–1–03; corrections made under s. 13.93 (2m) (b) 1. and 7., Stats., Register October 2003 No. 574.