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NR 19, WCD 19



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt  
Secretary

BOX 450  
MADISON, WISCONSIN 53701

STATE OF WISCONSIN )  
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DEPARTMENT OF NATURAL RESOURCES ) ss.

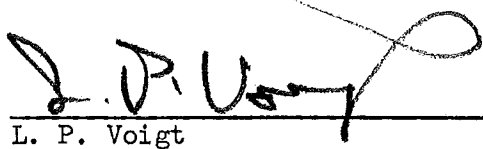
Greetings:

I, L. P. Voigt, Secretary of the Department of Natural Resources, hereby certify that the renumbering and amending of the rules and regulations of the Wisconsin Conservation Department (WCD) in the Wisconsin Administrative Code to Natural Resources (NR) designation are renumberings and amendments designed solely to bring the language of the existing rules into conformity with subsequent statutory changes which created the Department of Natural Resources (Chapter 75, Laws of 1969 and Wis. Stat. 15.34) and reorganized the state structure (Chapter 276, Laws of 1969).

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

DEPARTMENT SEAL

In testimony whereof, I have hereunto set my hand and affixed the official seal of the Department at the Pyare Square Building in the City of Madison, this 1st day of March, A.D., 1971.

  
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L. P. Voigt  
Secretary

ORDER OF THE DEPARTMENT OF NATURAL RESOURCES  
ADOPTING, AMENDING OR REPEALING RULES

Pursuant to authority vested in the Department of Natural Resources by 227.02 (2) (b), Wis. Stats., the Department of Natural Resources hereby repeals, amends and adopts rules as follows:

SECTION 1. Chapter WCD 19 is renumbered to Chapter NR 19.

SECTION 2. WCD 19.01 is renumbered to NR 19.01.

SECTION 3. NR 19.01 (2), (5) and (6) are amended to read:

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

(5) The ~~state-conservation~~ department is authorized to issue free of cost to any person eligible to secure a license to hunt under the laws of the state of Wisconsin, a permit to carry specified firearms and ammunition into and onto any such deer-frequented or inhabited areas mentioned in this section when the applicant for such permit can show there is good and sufficient reason for the issuance of such permit to him. Applications for such permits may be made to the ~~state-conservation~~ department, its conservation wardens, forest rangers, or other designated agents of the ~~commission~~ department and shall state thereon the purpose for which they are required, the county or counties in which the permit is to be used, and such other information as may be deemed necessary by the ~~state-conservation~~ commission department.

(6) Nothing in the provisions of this section shall apply to the armed forces of the United States, the national guard or peace officers in the performance of their duties as such, or any person summoned by such peace

officers to assist them in making an arrest or to preserve the peace while such person or persons are so engaged, or to any ~~conservation-officers~~ department employes or agents in the performance of their duties as such.

SECTION 4. WCD 19.03 is renumbered to NR 19.03.

SECTION 5. NR 19.03 (1), (4) and (5) are amended to read:

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

(4) The ~~state-conservation-commission~~ 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 ~~state~~ conservation-commission 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 ~~state~~ conservation-commission department or its authorized agents at any time.

SECTION 6. WCD 19.05 is renumbered to NR 19.05.

SECTION 7. NR 19.05 (1), (2) and (3) are amended to read:

(1) It shall be unlawful for any person, persons, firm or corporation to introduce or release or cause to be introduced or released in any manner

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

(2) It shall be unlawful for any person or persons to introduce, place, plant, or release, or cause to be introduced, placed, planted, or released in any manner in the publicly owned or controlled inland waters of the state of Wisconsin any fish, fish fingerlings, fish fry, or fish spawn except brook, brown or rainbow trout or spawn thereof procured from a person holding a class A or B license under section 29.52 (4) (a) or (b), Wis. Stats., unless such release or plantings are supervised and authorized or permitted by written permit by the ~~department of-natural-resources-of-Wisconsin~~, its duly authorized agents or representatives.

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

SECTION 8. WCD 19.06 is renumbered to NR 19.06.

SECTION 9. NR 19.06 (1), (2) and (3) are amended to read:

(1) It shall be unlawful for any person or persons to take, catch or kill fish or fish for fish of any species when such fish are being held in any fish net, fish holding net, fish trap, fish pond, either artificial or natural, or any structure or net placed in any of the waters of the state by the ~~Wisconsin-conservation-commission~~ 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 ~~Wisconsin-conservation-commission~~ department or under its authority for the purpose of taking or holding fish therein.

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

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

SECTION 10. WCD 19.07 is renumbered to NR 19.07.

SECTION 11. NR 19.07 (1), (3), (4), (6), (7) (a) and (c), (8) (b), (c), (d), (e) and (f), (9), and (10) are amended to read:

(1) Land ownership or leases. Any person making application to the ~~commission~~ department for a shooting preserve license must file with the ~~commission~~ department a verified copy of any lease of lands contained in the area for which they are making application for a shooting preserve license after the area has been inspected and found eligible for license. In the event the person making application for a shooting preserve license is owner of the land, he shall file with the ~~commission~~ department a sworn affidavit stating that he is the owner of such lands and has legal title to them.

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

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

(6) Investigation before licensing. The ~~conservation~~ department shall make such investigation necessary to determine that all provisions of section 29.573, Wis. Stats., and this section are complied with. All licenses are subject to the approval of the ~~conservation-director~~ secretary.

(7) (a) All shooting preserve signs posted around license shooting preserve areas shall be purchased from the ~~conservation~~ department.

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

(8) (b) All pheasants liberated shall be of high-quality stock, fully feathered, and not less than 12 weeks of age. For the purpose of assuring high-quality stock, pheasants shall not be debeaked more than 1/4-inch and not less than ~~two~~ 2 weeks prior to release. Brailed pheasants shall have the ~~brail~~ removed not less than ~~two~~ 2 weeks prior to release. Pheasants shall not be held in crates or other containers more than 24 hours prior to release. Upon written certification by the ~~division-of-conservation~~ department representative, listing the number and varieties of pheasants stocked, or placed in holding pens (see (e) below) and the date of such stocking or holding, shooting preserve wing tags shall be furnished by the ~~division-of-conservation~~ department at a cost of five cents each to the licensee at a ratio of 75% of the total birds certified. All shooting preserve tags and tag credits shall expire on March 1.

(c) No person shall have in his possession or under his control any dead pheasant or pheasants of any species or varieties showing indications that they have been shot, unless the proper shooting preserve tag or seal has been immediately attached and locked through a slit in one wing of each pheasant.

Such seals shall be supplied by the ~~conservation-commission~~ department at a cost of 5 cents each. This regulation will apply both during the general open season for pheasants and during the special pheasant season prescribed in this section for licensed shooting preserves.

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

(e) Each pheasant liberated shall have affixed to it a game farm seal or shall be leg banded on the left leg prior to liberation. Any shooting preserve shall be authorized to retain and stock pheasants from an approved holding pen provided such birds have been counted and banded on the left leg and certified to by a ~~conservation~~ department representative. Leg bands will be provided by the ~~commission~~ department at cost. The licensee agrees to stock all pheasants so retained.

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



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

(10) Dog trials or dog training on licensed shooting preserves.

During the closed season for the taking of pheasants within the boundaries of a licensed shooting preserve, a dog trial or dog training permit may be issued under the provisions of sections WCD NR 17.01 and 17.02. Pheasants released or taken under the provisions of such permit shall be tagged as provided, but shall not be required to be additionally tagged with a shooting preserve tag, nor shall any of the stocking procedures, tagging, or credits of shooting preserve code section WCD NR 19.07 (8) apply under such permit.

SECTION 12. WCD 19.08 is renumbered to NR 19.08.

SECTION 13. WCD 19.09 in renumbered to NR 19.09.

SECTION 14. NR 19.09 (2) (intro. par.), (6) and (7) are amended to read:

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

(6) All licensed wild rice dealers shall file reports pursuant to section 29.544 (5) Wis. Stats., on forms furnished by the Wisconsin conservation department covering the license period, with the Wisconsin conservation Department of Natural Resources, Box 450, Madison 1, Wisconsin, 53701 prior to obtaining a wild rice dealers's license for the following effective period. Such reports shall summarize the book records required under said section and shall include the total number of transactions and the total amount of wild rice bought, sold or processed by him during the period covered by his license.

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

SECTION 15. WCD 19.10 is renumbered to NR 19.10.

SECTION 16. NR 19.10 (1), ~~(2)~~ <sup>(Intro. par.)</sup> (2) (c), (3), (4) (f), (5), (6) (Intro. par.), and (6) (d) are amended to read:

(1) The ~~state-conservation-commission~~ department may issue bird-banding permits free of charge to qualified natural persons as hereinafter provided. Such permit authorizes the permittee to capture alive and band for scientific purposes only the birds specified in the permit subject to the conditions and limitations specified in the permit and the rules of the ~~commission~~ department. The permittee may possess the birds only for such a period of time as may be necessary to securely band and attend to collateral functions such as weighing, measuring, sexing and aging.

(2) <sup>(Intro. par.)</sup> Applications for bird-banding permits shall be made on forms prepared and furnished by the ~~conservation-commission~~ department and shall show:

(c) Such other information as the ~~commission~~ department shall deem reasonable.

(3) Upon receipt of such application the commission department shall investigate the same. When satisfied that the applicant is engaged in a bona fide research program leading to increased, useful scientific knowledge the commission department may in its discretion issue a bird-banding permit to the applicant.

(4) (f) Such other conditions and limitations as the commission department shall deem reasonable.

(5) Bird-banding permits are not transferable and may be revoked at any time by the commission department.

(6) /<sup>(Intro. par.)</sup>Record keeping and annual reports. The permittee shall keep current records of all transactions by him under such permit, which records shall be made available for inspection at all reasonable hours by the conservation-commission department or its agents, and a report of operations based on this record shall be filed annually with the said commission department on or before January 31 of each year. Annual reports shall be on forms prepared and furnished by the conservation-commission department and shall show:

(6) (d) Any other information deemed reasonable by the commission department.

SECTION 17. WCD 19.11 is renumbered to NR 19.11.

SECTION 18. NR 19.11 (1), (1) (h), (2),<sup>(Intro. par.)</sup> (2) (c) are amended to read:

(1) Application for permit. Applications for scientific collectors permits shall be made on forms prepared and furnished by the conservation commission department and shall show:

(1) (h) Such additional information requested by the commission department.

(Intro. par.)  
(2) / Record Keeping and Annual Reports.

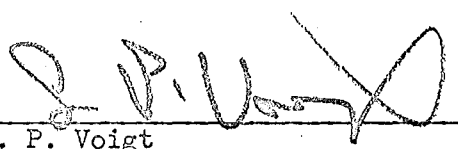
Records of all transactions under the permit shall be kept current and be made available by the permittee for inspection at all reasonable hours on request of any authorized person. A report of operations based on this record must be filed annually with the commission department on or before January 10. Annual reports shall be made on forms prepared and furnished by the ~~conservation~~-commission department and shall show:

(2) (c) Any other information requested by the commission department.

The rules, amendments, and repeals contained herein shall take effect on publication.

Dated at Madison, Wisconsin, this 1st day of March, 1971.

DEPARTMENT OF NATURAL RESOURCES  
By

  
\_\_\_\_\_  
L. P. Voigt  
Secretary

(DEPARTMENT SEAL)