

## Chapter NR 19

## MISCELLANEOUS GAME FUR AND FISH

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## (Sections 23.09 and 29.573, Wis. Stats.)

**NR 19.001 Definitions.** (1) "Unprotected wild animals" means those animals which are listed and provided for in section NR 10.04, Wis. Adm. Code, and which are not listed in section NR 10.01 or NR 10.02, Wis. Adm. Code.

**History:** Cr. Register, September, 1978, No. 273, eff. 10-1-78.

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

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

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

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

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

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

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

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

**NR 19.06 Fish nets and traps.** (1) It shall be unlawful for any person or persons to take, catch or kill fish or fish for fish of any species when such fish are being held in any fish net, fish holding net, fish trap, fish pond, either artificial or natural, or any structure or net placed in any of the waters of the state by the department or under its authority for the purpose of taking or holding fish therein at any time, or for any person or persons to lift, molest, cut or destroy any fish net, fish holding net, fish trap, fish pond, or any structure or net placed in any of the waters of the state by the department or under its authority for the purpose of taking or holding fish therein.

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

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

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

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

(2) **SEASON FOR TAKING PHEASANTS AND QUAIL.** The season for taking pheasants and quail on shooting preserves shall begin September 15 and

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shall end on the last day of February. Shooting hours shall be as provided in section NR 10.06 Wis. Adm. Code.

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

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

(5) **SIZE AND LOCATION OF AREAS.** No shooting preserve license shall be issued after the effective date of this section (December 1, 1959), other than for those already in operation, for any land area larger than 640 acres or smaller than 80 acres, or for any area less than one-quarter mile from the exterior boundaries of a planned or approved state or federal wildlife area, public hunting ground or refuge which is managed in whole or in part for pheasants or quail. All lands under one license shall be contiguous.

(6) **INVESTIGATION BEFORE LICENSING.** The department shall make such investigations necessary to determine that all provisions of s. 29.573, Stats., and this section are complied with. All licenses are subject to the approval of the secretary and investigations for new licenses will be made only during the period beginning January 1 and ending August 31 of each year.

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

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

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

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

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

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

also prohibit the licensing of any of the lands involved in any new license for a period of one year.

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

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

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

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

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

(10) **DOG TRIALS OR DOG TRAINING ON LICENSED SHOOTING PRESERVES.** During the closed season for the taking of pheasants and quail within the boundaries of a licensed shooting preserve, a dog trial or dog training permit may be issued under the provisions of sections NR 17.01 and 17.02, Wis. Adm. Code. Pheasants and quail released or taken under the provisions of such permit shall be tagged as provided, but shall not be required to be additionally tagged with a shooting preserve tag, nor shall any of the any of the stocking procedures, tagging, or credits of shooting preserve code section NR 19.07 (8) apply under such permit.

**History:** 1-2-56; r. and recr. Register, November, 1959, No. 47, eff. 12-1-59; r. and recr. (7), Register, August, 1961, No. 68, eff. 9-1-61; am. (2), (7), (a) and (b); and (8) (b) and (e), Register, January, 1964, No. 97, eff. 2-1-64; am. (8) (b) and (d) and cr. (10), Register, February, 1968, No. 146, eff. 3-1-68; renun, from WCD 19.07 to be NR 19.07 and am. (1), Register, August, 1979, No. 284

(3), (4), (6), (7) (a) and (c), (8) (b), (c), (d), (e) and (f), (9) and (10), Register, April, 1971, No. 184, eff. 5-1-71; emerg. am. (2) eff. 8-9-72; am. (2), (5), (6), (8), (b), (c) and (e), r. (9), Register, September, 1972, No. 201, eff. 10-1-72; am. (2), (4), (5), (8) and (10), r. and recr. (3), Register, February, 1977, No. 254, eff. 3-1-77; am. (8) (a), Register, April, 1978, No. 268, eff. 5-1-78.

**NR 19.08 Tagging canned pheasants.** History: 1-2-56; renum. from WCD 19.08 to be NR 19.08, Register, April, 1971, No. 184, eff. 5-1-71; r. Register, August, 1979, No. 284, eff. 9-1-79.

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

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

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

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

(b) Bayfield county. Totogatic lake.

(c) Burnett county. Bashaw lake, Big Clam lake, Briggs lake, Gaslyn lake, Long lake, Loon lake, Mud Hen lake and Rice lake.

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

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

(f) Marinette county. Noquebay lake.

(g) Oneida county. Cary lake and Spur lake.

(h) Polk county. Balsam Branch, Glenton lake, Little Butternut lake and Rice lake.

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

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

(k) Washburn county. Gilmore lake, Mud lake, Rice lake, Spring lake and Tranus lake.

(3) It is unlawful for any person to harvest or gather any wild rice in any area of the state of Wisconsin between the hours of 4:00 p.m. central standard time and the following 9:00 a.m.

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

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

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

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

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

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

History: Cr. Register, July, 1960, No. 55, eff. 8-1-60; r. and recr. Register, July, 1964, No. 103, eff. 8-1-64; renum. from WCD 19.09 to be NR 19.09 and am. (2), intro. par., (6) and (7), Register, April, 1971, No. 184, eff. 5-1-71; am. (2) (c), (k) and (m), Register, November, 1976, No. 251, eff. 12-1-76; am. (6), Register, April, 1978, No. 288, 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.

**NR 19.11 Scientific collectors permits.** This section applies to scientific collectors permits as provided in s. 29.17, Stats.

(1) **APPLICATION FOR PERMIT.** Applications for scientific collectors permits shall be made on forms prepared and furnished by the department and shall show:

- (a) Name and address of the permittee.
- (b) Personal description.
- (c) Purpose of the request.
- (d) Type, species, and number of specimens to be collected.
- (e) Area and period of time in which the specimens are to be collected.
- (f) Method of taking.
- (g) The place where the specimens will be kept.
- (h) Such additional information requested by the department.

(2) **RECORD KEEPING AND ANNUAL REPORTS.** (a) 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.

(b) A report of operations based on this record shall be filed annually with the department on or before January 10.

(c) Failure to report may result in penalty including non-renewal of the permit.

(d) Annual reports shall be made on forms provided by the department and shall show:

(a) Number of each species, nests and eggs collected.

(b) Disposition of each.

(c) Method used for collection.

(d) Any other information requested by the department.

(3) PERMITEE'S SIGNATURE. The permit shall be signed by the permittee.

(4) PERMIT ON PERSON. The permit must be carried upon the person of the permittee when exercising privileges hereunder.

(5) EXCEPTIONS. The permit does not authorize the following:

(b) The exchange of specimens with persons who do not hold an appropriate permit.

(c) The purchase or sale of specimens.

(d) The routine care of injured animals.

(e) The taking of endangered species.

(6) UNPROTECTED SPECIES. A scientific collector's permit is not required for the taking of unprotected wild animals by legal means.

History: Cr. Register, April, 1966, No. 124, eff. 5-1-66; renum. from WCD 19.11 to be NR 19.11, and am. (1) intro. par., (1) (h), (2) intro. par. and (2) (c), Register, April, 1971, No. 184, eff. 4-1-71; cr. (6) (e) and (6), Register, September, 1978, No. 278, eff. 10-1-78; r. and recr. (2), r. (5) (a), Register, August, 1979, No. 284, eff. 9-1-79.

**NR 19.12 Tagging the carcasses of wild animals, birds and fish taken on Indian reservations.** (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 reservation, 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 department of natural resources at reasonable hours for inspection and duplication. Failure to maintain and exhibit such a record book containing the above information shall be sufficient cause for the department of natural resources to revoke the authority of the official to issue any more tags. The secretary of the department of natural

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resources may take such revocation action without requiring that a hearing be held on the matter.

(c) The special lettered and numbered tag shall be distributed to the conservation warden or designated tribal member by the department of natural resources at such times and in such numbers as it deems appropriate. During the off-reservation closed season for such wild animal, bird or fish, no person shall remove any such carcass or part thereof from an Indian reservation without such a tag being attached and locked. No person shall remove the tag prior to consumption of the animal, bird or fish carcass tagged. No endangered species shall be tagged. No person other than a conservation warden or designated tribal member shall have unused tags in his or her possession.

History: Cr. Register, April, 1976, No. 244, eff. 5-1-76.

**19.13 Disposition of deer accidentally killed by a motor vehicle.**

(1) The driver of a motor vehicle involved in a vehicle-deer collision may have first priority to the deer killed. However, if the driver does not want to take possession of the deer it may be given to another party at the scene of the accident by the department or its agents.

(2) If a driver collides with and kills 2 or more deer at one time, the driver is eligible to receive as many of these deer as the driver wishes.

(3) No such deer, or any parts thereof, may be sold, bartered or given by the individual to any other person at any time, except the head or hide, which may be disposed of pursuant to s. 29.40 (3), Stats.

(4) Possession of vehicle-killed deer shall be limited to 90 days.

(5) Spotted fawns and white deer may not be released by the department.

(6) No deer shall be retained until it has been tagged with a metal seal provided by the department and a permit has been issued.

(7) Permits shall be issued and metal seals attached by the department or its agents for each deer released.

(8) The permit shall contain the following information: (a) Name and address of permittee.

(b) Vehicle license number if deer given to driver involved in the collision.

(c) Date of accident.

(d) Date of issuance.

(e) Number of metal seal used.

(f) Identification of permittee as driver of vehicle, or other.

(g) Sex of deer and approximate weight.

(h) Location of kill as to county.

(i) Name of officer who issued permit and metal seal and the name and address of the officer's agency.

(j) Statement that permit valid for a period of 90 days after date of issuance.

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(9) One copy of permit shall be issued to permittee, one copy sent to the department, and one copy retained by issuing agency.

(10) Provisions of permit and restrictions shall be printed on the back of the permit form.

(11) If a deer is not released pursuant to subsection (1), it may be sold by the department at the highest price obtainable or otherwise disposed of.

(12) The entrails or any other parts of deer killed in vehicle-deer collisions shall not be disposed of on the highway right-of-way.

**History:** Cr. Register, June 1976, No. 246, eff. 7-1-76.

**NR 19.21 Goose damage.** (1) The phrase "in or near the area where damage occurs" as found in s. 29.594 (1) (f), Stats., is defined to mean any parcel of land under one ownership within or touching any zone where hunter numbers or concentrations are limited by law.

(2) The term "public hunting" as found in s. 29.594 (1) (g), Stats., is defined to mean lands on which the owner or occupant allows hunting for Canada geese by persons other than the immediate family and who have received permission from the owner or occupant to hunt said lands. The owner or occupant may limit such hunting as to time or place, but may not discriminate against persons requesting permission because of their race or religion.

**History:** Cr. Register, January, 1977, No. 253, eff. 2-1-77.