

Chapter NR 19

MISCELLANEOUS GAME FUR AND FISH

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(Sections 23.09 and 29.573, Wis. Stats.)

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

(2) "Harvested in accordance with normal agricultural practices" means that agricultural practice commonly used in the area of the lands to harvest mature crops.

(3) "In or near the area where damage occurs" means for purposes of s. 29.594, Stats., any parcel of land under one ownership wholly or partially within or abutting any zone where hunter numbers or concentrations are limited by law.

(4) "Lands" for purposes of ss. 29.594 and 29.595, Stats., means property under the same ownership or control and within a 3-mile radius of the exterior boundary of the damaged crop.

(5) "Posted against trespass or hunting" means notice in any form, including that given orally, in writing, by publication, by sign or by any other means that denies or discourages free entry to or permission to remain on lands to any person engaged in or about to engage in lawful deer or bear hunting, whichever is applicable, except:

(a) Signs located within 100 yards of a building which specifically prohibit or restrict trespass only within that 100-yard area.

(b) Lands entered under and managed in accordance with the department's "Project Respect" program.

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

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

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

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

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(6) "Public hunting" means for purposes of s. 29.594, Stats., 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 age, race, religion, sex, familiarity of occupant or owner or any other arbitrary standards.

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

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

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

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

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

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

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

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

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

(2) Permits to import fish or eggs of the family Salmonidae (trout, char, salmon) shall be issued at no charge to a person who has applied on

quired. Such contract shall contain but not be limited to the following provisions:

(a) A contract shall be effective and prohibit deer damage payments for such lands for a minimum of 20 years from a date certain following delivery of the materials.

(b) The specifications for the fence construction.

(c) The materials provided by the department.

(d) Minimum maintenance of the fence by the landowner and lessee.

(3) **FENCE CONSTRUCTION.** Unless the department determines that a situation is so extraordinary to require different provisions, all materials for fence construction shall be provided by the department with fence construction to be completed by the landowner and lessee according to the specifications provided by the department.

(4) **DENIAL OF CONTRACT.** Any landowner and lessee who refuses to enter into a contract pursuant to s. 29.595 (3) (b), Stats., when notified by the department by certified mail shall be ineligible to receive deer damage payments on said lands from the date of refusal or 30 days from notification whichever occurs first.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.

NR 19.23 Duck, goose and sandhill crane damage (s. 29.594). (1) **NOTIFICATION.** Damage claimants shall notify the department of their intent to harvest at least 5 days prior to the intended harvest.

(2) **STORAGE.** Damage incurred to harvested crops regardless of the method of storage shall not be eligible for claim payments.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.

NR 19.24 Animal damage records (s. 16.61). Animal damage records of the department are public records and as such are available for reasonable examination by and reproduction at reasonable cost for the public at the office authorized to render the final decision on a claim.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.

NR 19.25 Wild animal protection. Unless engaged in dog training as defined in s. NR 17.001 (1) (h), 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.

History: Cr. Register, August, 1980, No. 296, eff. 9-1-80.

NR 19.26 Beaver dam removal. (s. 29.29, 29.60, Stats.). Explosives, including dynamite, may be used to remove beaver dams provided a permit is issued by the department to remove the structure by such means.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82.