

## 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. 298, 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

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.

**NR 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.

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

(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 sub. (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 Deer and bear damage.** (s. 29.595). (1) **POSTING.** (a) A person shall be ineligible to collect deer or bear damage payments if the lands subject to the claim have been posted within 12 months prior to the filing of a verified claim.

(b) Leased lands posted by persons other than the lessee shall not disqualify the lessee from receiving deer and bear damage payments on other nonposted lands owned or leased by the lessee.

(c) Lands for which a verified claim has been filed for deer and bear damage may not be posted prior to completion of the department's investigation of the claim.

(2) **HARVEST.** (a) *Notification.* Damage claimants shall notify the department of their intent to harvest at least 5 days prior to the intended date of harvest.

(b) *Questionable practices.* If the department has determined that crops have not been harvested in a normal agricultural manner, the claimant, upon providing a certified statement from the county agricultural agent stating that the crop(s) were harvested in a normal agricultural manner, shall then be eligible for payment of the claim providing all other requirements of ss. 29.594 and 29.595, Stats., have been met.

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

**History:** Cr. Register, January, 1977, No. 253, eff. 2-1-77; r. and recr., Register, January, 1980, No. 289, eff. 2-1-80.

**NR 19.22 Deer fence contracts.** (1) **ELIGIBLE PERSONS.** The department may require a contract pursuant to s. 29.595 (3) (b), Stats., of those persons owning and leasing lands where:

(a) Deer damage to these lands has occurred or is occurring; and

(b) The department has reason to believe that there will be future deer damage on the lands; and

(c) The landowner and lessee are eligible to apply for and receive deer damage payments.

(2) **TERMS OF DEER FENCE CONTRACT.** When the department has determined that a deer proof fence is required that can be built at less cost than the estimated future damage, a deer fence contract shall be re-

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.

**NR 19.27 Live crayfish and crabs.** (1) No person may possess live crayfish or crabs while on any inland water of the state, except the Mississippi river, unless that person is engaged in removal of crayfish or crabs from that body of water in accordance with s. NR 20.05. (ss. 23.09 (2), 29.085, 29.174 (2) and 29.175 (1), Stats.)

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(2) No person may place, deposit, throw or otherwise introduce live crayfish or crabs into any water of the state unless a permit authorizing introduction has been issued under s. 29.535, Stats., (ss. 23.09 (2), 29.174 (2), 29.175 (1) and 29.535 (1), Stats.)

**History:** Cr. Register, December, 1982, No. 324, eff. 1-1-83.