

Chapter NR 19

MISCELLANEOUS FUR, FISH, GAME & OUTDOOR
RECREATION

NR 19.001	Definitions (p. 213)	NR 19.28	Taxidermy (p. 224-1)
NR 19.01	Approval deadlines (p. 215)	Subchapter II	Wildlife Damage
NR 19.03	Control of muskrats on cranberry marshes (p. 216)	NR 19.75	Purpose (p. 224-2)
NR 19.05	Release and importation of fish and wildlife (p. 216)	NR 19.76	Definitions (p. 224-2)
NR 19.06	Fish nets and traps (p. 216-1)	NR 19.77	County application (p. 224-2)
NR 19.07	Shooting preserves (p. 216-1)	NR 19.78	Administrative and abatement costs and fund advancement to counties (p. 224-2)
NR 19.09	Wild rice conservation (p. 218)	NR 19.79	Wildlife damage abatement (p. 224-3)
NR 19.11	Scientific collectors permits (p. 220)	NR 19.80	Wildlife damage claims (p. 224-4)
NR 19.12	Tagging the carcasses of wild animals, birds, and fish taken on Indian reservations (p. 221)	NR 19.81	Woven-wire deer-proof fence construction (p. 224-4)
NR 19.13	Disposition of deer accidentally killed by a motor vehicle (p. 222)	NR 19.82	County recordkeeping (p. 224-5)
NR 19.25	Wild animal protection (p. 223)	NR 19.83	Termination (p. 224-6)
NR 19.26	Beaver dam removal (p. 223)	NR 19.84	Deer shooting permits (p. 224-7)
NR 19.27	Seasons, limits, restrictions on taking crayfish, frogs and turtles (p. 223)		

(Sections 23.09 and 29.573, Wis. Stats.)

NR 19.001 Definitions. (1) "Application" means a written request for an approval required to do business in this state as defined in s. 560.41(2), Stats., completed in the form required by and acceptable to the department and accompanied by additional plans, information and the appropriate fee.

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

(2f) "Carcass" means the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof.

(2m) "Environmental consulting organization" means an individual or consortium of individuals funded to provide consulting services including status assessment of wild animals and their habitats.

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

(3m) "In the process of being mounted" means, for the purposes of the sale of part or all of a private collection, as authorized by ss. 29.02 and 29.42, Stats., a physical process which includes taxidermy work accomplished on the carcass, including at least removal of the skin.

(3p) "Maintain records" means, for the purpose of s. 29.136 (6), Stats., to legibly prepare triplicate records and retain at least one copy of each record at the place of business for inspection purposes.

(3t) "Mount", "mounted", or "mounting" means, for the purposes of ss. 29.02 (3), 29.136 (1) and 29.42 (3), Stats., and this section, to prepare and preserve the head, skin or carcass in a lifelike manner.

(4) "Natural resources", for purposes of s. 23.095, Stats., includes wild rice growing in navigable lakes.

(4m) "Navigable lake", for the purpose of interpreting s. 29.544, 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, state or federal ownership.

(5) "Private collection" means, for the purposes of ss. 29.02 and 24.42, 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. In determining whether a wild animal was mounted for the purpose of sale, at a minimum, factors to be considered are the intent of the owner at the time of mounting, the length of time from mounting to sale, display or use of the mounted wild animal prior to sale, frequency of such sales by the owner and the reasons provided by the owner for the sale. This does not preclude the ultimate sale of a mount from a private collection.

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

(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.

(6) "Records" means, for the purpose of s. 29.136 (7) (b), Stats., the taxidermist permit, sales forms, information records, records of deliveries and shipments, and the identification tag as described in s. 29.136 (5) (b), Stats.

(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.

(9) "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 recr. Register, January, 1980, No. 289, 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; renum. (1) to be (3), cr. (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. (2f), (3m), (3p), (3t), (5), (6) and (9), Register, March, 1987, No. 375, eff. 4-1-87.

Register, July, 1987, No. 379

NR 19.01 Approval deadlines. (1) GENERAL. Upon receipt of an application for an approval required to conduct business activities under ch. 29, 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. 29.33, Stats.	50
(b) Private fish hatchery licenses issued under s. 29.52, Stats.	90
(c) Pheasant and quail farms under s. 29.573, Stats.	30
(d) Game bird and animal farms under s. 29.574, Stats.	30
(e) Fur animal farms under s. 29.575, Stats.	30
(f) Deer farms under s. 29.578, Stats.	30
(g) Deer dealer licenses under s. 29.578, Stats.	30
(h) Wildlife exhibit licenses under s. 29.585, Stats.	30
(i) Approvals for falconry, wildlife rehabilitation and chemical control of birds and animals under ss. 23.09, 29.174, 29.29 and 29.60, Stats.	30
(j) Boat licenses under s. 30.52, Stats.	30
(k) Snowmobile licenses under ss. 350.12 and 350.125, Stats.	30
(l) Deer and bear shooting permits under s. 29.595, Stats. Permits may be granted orally, but shall be confirmed in writing.	5
(m) Renewal deer and bear shooting permits under s. 29.595, Stats., issued prior to initial permit expiration. Permits may be granted orally, but shall be confirmed in writing.	5

(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 pen 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 impact analysis, environmental impact report or environmental impact statement is required under ss. 1.11 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 complied 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.

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.

(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 re-

Register, July, 1987, No. 379

port 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 recr., 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.

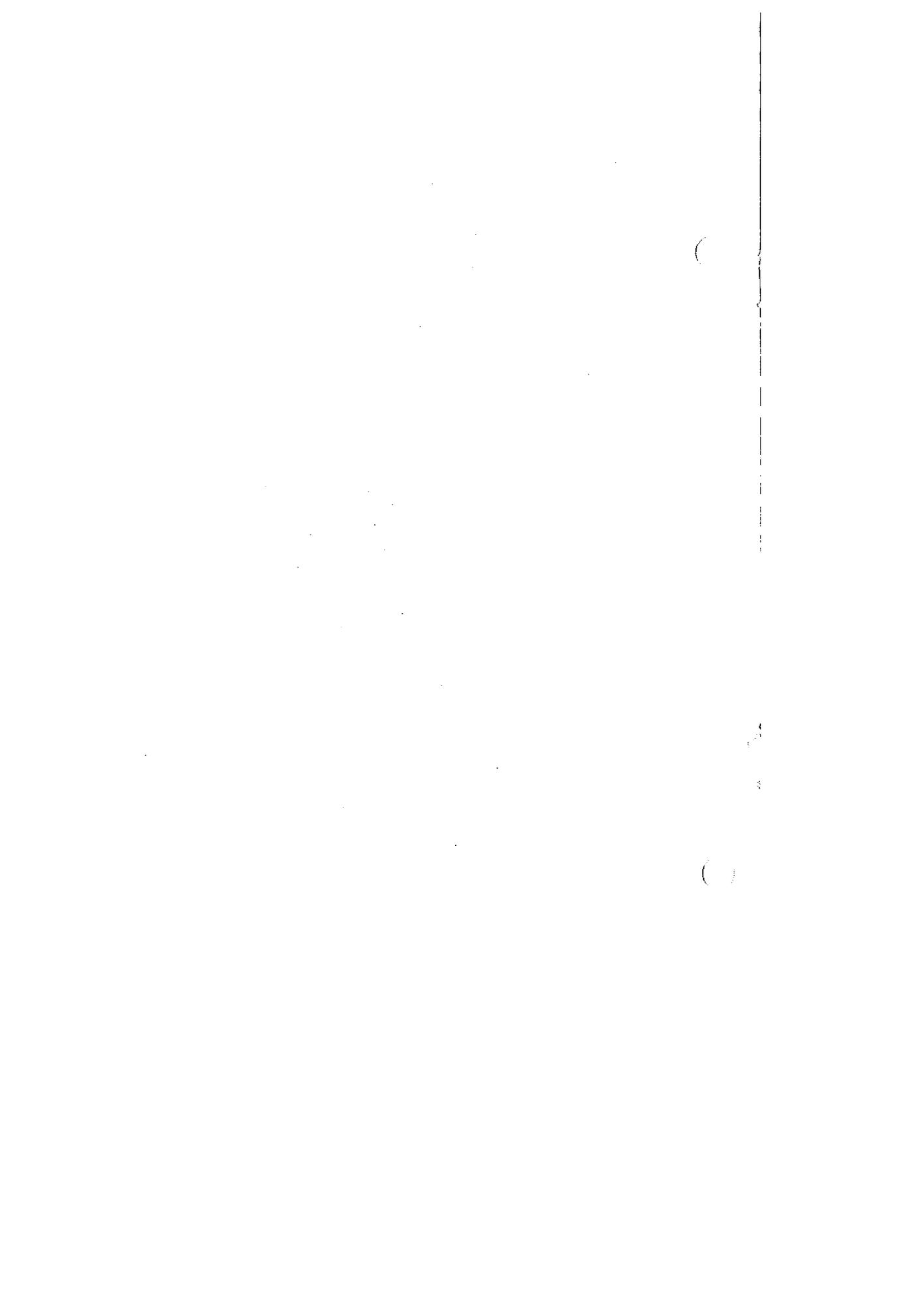
History: 1-2-56; am. (1), Register, December, 1960, No. 60, eff. 1-1-61; am. (1), Register, December, 1961, No. 72, eff. 1-1-62; renum from WCD 19.06 to be NR 19.06 and am. (1), (2) and (3), Register, April, 1971, No. 184, eff. 5-1-71.

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 shall end on the last day of February. Shooting hours shall be as provided in s. NR 10.06.

(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



(b) In addition to harvest in accordance with s. 29.544 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 district 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 begin no earlier than August 15 and 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. Totogatic 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.

(f) Marinette county. Noquebay lake.

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

(h) Polk county. Balsam Branch, Big Round lake, East lake, Glenton lake, Little Butternut lake, Nye lake, Rice lake and White Ash 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. Bear lake, Gilmore lake, Little Mud lake, Long lake, Mud lake, Nancy lake, Rice lake, Spring lake and Transus 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 29.544, 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. 184, 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. 8-13-84; emerg. am. (3) eff. 8-27-84, cr. (2m) (aa), am. (2m) (c), (d), (e), (g), (h), (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. (3), Register, July, 1987, No. 379, eff. 8-1-87.

NR 19.11 Scientific collectors permits. (1) DEFINITIONS. For purposes of implementing s. 29.17, Stats., and within this section, the following definitions apply:

(a) "Qualified natural person" or "person" means any individual complying with s. 29.17, Stats., and this section, not including a corporation, partnership, cooperative, society, association or other organization.

Register, July, 1987, No. 379

(b) "Bonafide research program" means planned study and investigation undertaken to discover or establish facts or principles leading to increased, useful scientific knowledge.

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Simultaneous possession of live crayfish and hook and line fishing equipment while on the inland waters, except the Mississippi river, shall be considered prima facie evidence of a violation of this subsection.

c. Place, deposit, throw or otherwise introduce live crayfish into any waters of the state unless a permit authorizing introduction has been issued by the department.

2. Bait. a. Crayfish may be taken with use of bait consisting only of parts of fish lawfully taken or fish by-products including fish meal or prepared parts of such fish.

b. Bait or parts of bait authorized in this subdivision may not be deposited in the waters of this state unless they are enclosed within the trap.

3. Floats or markers. Floats or markers used to locate traps for the taking of crayfish:

a. May not exceed 5 inches in size at its greatest dimension;

b. May not extend more than 4 inches above the surface of the water.

c. Shall plainly and clearly display in the English language the name and address of the owner or operator; and

d. Shall be of a color other than orange or fluorescent colorations.

(b) *Frogs*. This section does not apply to frogs propagated in captivity.

4. Traps. Crayfish traps placed in trout streams shall conform to the dimensions of minnow traps described in s. NR 20.10 (4) (a) 3. unless otherwise authorized by the department.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; r. and recr. Register, June, 1984, No. 342, eff. 7-1-84; cr. (4) (a) 4., Register, December, 1984, No. 348, eff. 1-1-85.

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. 29.136 (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. 29.136 (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. 29.136 (5) (b), Stats. Wild animal carcasses so tagged and stored may not be considered to be commingled.

(b) The authorization of s. 29.136 (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

Register, July, 1987, No. 379

and the commingling prohibitions of s. 29.136, 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.

Subchapter II

WILDLIFE DAMAGE

NR 19.75 Purpose. This subchapter is adopted to implement and administer the deer damage provisions under s. 29.595, Stats., and the wildlife damage abatement and claim program established under s. 29.598, Stats. In its administration of the wildlife damage abatement and claim program the department shall assure that the funds appropriated by the legislature are used in the most cost-effective manner. Wildlife damage abatement measures when determined by the department and the administering county to be cost-effective shall be funded and receive priority in payment over damage claims.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; am. Register, July, 1987, No. 379, eff. 8-1-87.

NR 19.76 Definitions. For purpose of this subchapter and s. 29.598, Stats.:

(1) "Contiguous land" means lands under the ownership or control, other than by lease, of an applicant for deer, bear or goose damage payments which are connected to the lands subject to a claim application or separated only by a roadway, easement, license or waterway.

(2) "County" means a county board of supervisors who has, by resolution, approved application and administration of a program under s. 29.598, Stats.

(3) "Crops on agricultural lands" includes Christmas trees.

(4) "Lands suitable for hunting" means lands where the conduct of hunting is not likely to result in a violation of the law or damage to buildings and where it is probable an animal causing the damage may be harvested.

(5) "Normal agricultural practices" means practices commonly used in the county to grow and harvest crops.

(6) "Plan" means a plan of administration submitted under s. 29.598, Stats., by a county and approved by the department.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.77 County application. (1) Applications by a county to administer the wildlife damage abatement or claim program shall include a plan completed in accordance with s. 29.598, Stats., and this subchapter and a copy of the resolution of the county board authorizing the application.

(2) The department shall review and approve or deny a completed application and plan under this subchapter within 30 days after it is received by the department.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

Register, July, 1987, No. 379

NR 19.78 Administrative and abatement costs and fund advancement to counties. (1) (a) Except as provided in par. (b) the department shall, based upon the applicant's estimate of anticipated administrative and abatement costs indicated in its plan, advance to the county for administration purposes one-fourth the amount indicated in the plan or one-fourth of such other amount deemed reasonable by the department no later than January 15 following approval of the application and plan of administration.

(b) For the 1984 calendar year, the advance payment shall be paid within 30 days of plan approval.

(2) Use of advanced administration funds is limited to actual costs incurred. Eligible costs of the county which may be paid out of this advance fund are limited to:

(a) Reasonable salaries or contract payments;

(b) Mileage at standard state of Wisconsin rates established by the department of administration;

(c) Staff training, telephone, printing and distributing promotional materials; and

(d) Other reasonable costs incurred in accordance with normal county administrative procedures.

(3) Funds advanced under this section not used by the 9th month of the plan period shall be immediately returned to the department. Funds returned may be distributed by the department to all counties administering under an approved plan for administration and abatement costs or payment of damage claims.

(4) A county may not be reimbursed for administrative or abatement costs in excess of the estimate contained in the plan without approval of the department.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.79 Wildlife damage abatement. (1) Costs of wildlife damage abatement measures rendered by a county under the plan are eligible for reimbursement under s. 29.598, Stats., only when rendered to persons owning or controlling land within the county of administration.

(2) Abatement measures rendered by a county under s. 29.598, Stats., are limited to those which are approved in the plan or authorized in writing by the department and which are commonly accepted in the wildlife management profession as valid control measures and which are likely to be successful in reducing wildlife damage.

(3) Woven-wire deer-proof fences, for which an application has been approved by the county and department, under s. NR 19.81, shall be included in the plan for the calendar year succeeding the fence application.

(4)(a) For purposes of determining the total cost of a damage abatement measure, cooperation in the measure by the applicant in construction, operation, maintenance or application of the measure shall be considered 50% of its total cost. The county may, as a condition of providing

Register, July, 1987, No. 379

abatement assistance, require full cooperation and assistance of the applicant.

(b) Costs of abatement measures which are eligible for reimbursement are:

1. The reasonable cost of abatement equipment and supplies, and
2. Those costs listed in s. NR 19.78(2).

(c) Crops subject to abatement provisions of this subchapter and s. 29.598, Stats., shall be described in the plan.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.80 Wildlife damage claims. (1) Wildlife damage claims may be paid only to persons owning or controlling land within the county of administration who also have authority to control entry on those lands for purposes of hunting.

(2)(a) All wildlife damage claims approved by the county shall be filed with the department no later than March 1 following the calendar year in which the damage occurred.

(b) The department shall review and act on properly filed claims no later than June 1 following the calendar year in which the damage occurred.

(3) If the approved claims exceed the funds available, claims shall be paid on a prorated basis.

(4)(a) All claimants for damage payments, recognized and included in the county plan, shall meet the following eligibility requirements:

1. The lands subject to the claim shall have been in cultivation, a Christmas tree plantation or in an approved agriculture stabilization and conservation service set-aside program for at least 5 consecutive years prior to the application.

2. The crops subject to the claim were not planted or manipulated to attract deer, bear or geese, and

3. Unless otherwise provided by the county, the claimant shall have notified the county of his or her intent to harvest crops subject to damage but not less than 10 days prior to the harvest.

(b) The county, in addition to requirements in par. (a), may establish further requirements deemed reasonable and necessary to administer this subchapter.

(5) Crops subject to claims and payments under this subchapter and s. 29.598, Stats., shall be described in the plan.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.81 Woven-wire deer-proof fence construction. (1) Specific applications and funding for woven-wire deer-proof fences shall be approved by the department and county and included in the county plan.

(2) Prior to granting its approval, the department shall assure:

Register, July, 1987, No. 379

(a) Deer damage has occurred or is occurring on the lands of the applicant and is likely to occur in the future; and

(b) The applicant is eligible to receive deer damage claim payments.

(3) Should it appear that the cost of providing woven-wire fences to applicants will exceed the funds available for abatement and claims, the department, in reviewing applications, shall grant priority after considering:

(a) The crops to be protected are continuing and long-term in nature, and the costs of future damage claims may exceed the cost of fence construction over the lifetime of the fence.

(b) The applicant has fully cooperated and assisted in applying recommended damage abatement measures.

(c) The landowner agrees to construct and maintain the fence for a period of time determined reasonable in the county plan.

(4) The department, exercising reasonable judgment, shall base its decision on priority under sub. (3) on the criteria listed in sub. (3) and the best interest of the state, considering the costs of constructing the deer-proof fence, the projected amount of damages without the fence and the available funding.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.82 County recordkeeping. (1) In this section, "records" means books, documents, papers, accounting records, audits, and other evidence and accounting procedures and practices.

(2) The county is responsible for maintaining a financial management system which shall adequately provide for:

(a) Accurate, current and complete disclosure of the financial results of the program in accordance with department reporting requirements and in accordance with generally accepted accounting principles and practices, consistently applied, regardless of the source of funds.

(b) Effective control over and accountability for all project funds, property, and other assets.

(c) Comparison of actual budget amounts for the program.

(d) Procedures for determining the eligibility and allocability of costs in accordance with the plan of administration.

(e) Accounting records supported by source documentation.

(f) Audits to be made by the county or at the county's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with the terms of the grant agreement. The county shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size and complexity of the activity.

(g) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

Register, July, 1987, No. 379

(3) The following record and audit policies are applicable to all department grants and to all subagreements.

(a) The county shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to properly reflect:

1. The amount, receipt and disposition by the county of all assistance received for the project, including both state assistance and any matching share or cost sharing; and

2. The total costs of the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the state grants have been awarded. In addition, contractors of grantees, including contractors for professional services, shall also maintain books, documents, papers, and records which are pertinent to a specific state grant award.

(b) The county's records and the records of contractors, including professional services contracts, shall be subject at all reasonable times to inspection, copying and audit by the department.

(c) The county and contractors of the county shall preserve and make their records available to the department:

1. Until expiration of 3 years from the date of final settlement, or

2. For such longer periods, if required by applicable statute or lawful requirement; or

3. If a program is terminated completely or partially, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final termination settlement; or

4. Records which relate to appeals, disputes, litigation on the settlement of claims arising out of the performance of the project for which funds were awarded, or costs and expenses of the project to which exception has been taken by the department or any of its duly authorized representatives, shall be retained until any appeals, litigation, claims or exceptions have been finally resolved.

(4) (a) Preaward or interim audits may be performed on applications and awards.

(b) A final audit shall be conducted after the submission of the final payment request. The time of the final audit shall be determined by the department and may be prior or subsequent to final settlement. Any settlement made prior to the final audit is subject to adjustment based on the audit. Counties and subcontractors of counties shall preserve and make their records available upon request.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.83 Termination. The department shall, upon 30 days notice, terminate a county application and plan under s. 29.598, Stats., and this subchapter for any violation of the plan, the statute or rules or failure to properly report costs of the program or claims or comply with record-keeping or audit procedures.

Register, July, 1987, No. 379

(1) A county may, upon 30 days notice to the department, terminate its application and plan under s. 29.598, Stats., and this subchapter.

(2) The department is responsible for payment of costs, in accordance with this subchapter, which are incurred for wildlife damage abatement prior to termination and for claims filed and approved by the county prior to that date.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

NR 19.84 Deer shooting permits. The department may issue deer shooting permits to control deer causing damage in accordance with this section.

(1) **APPLICATION REQUIREMENT.** The complainant shall apply for a deer shooting permit on forms supplied by the department describing the area incurring damage.

Note: The forms may be obtained from department field stations.

(2) **ISSUANCE CRITERIA.** Prior to permit issuance or reissuance, the department shall determine that:

(a) *Abatement attempt.* Reasonable alternative abatement methods, if available, are being employed, or have been employed, and have failed to or probably will not reduce the adverse conditions below the level prescribed in par. (b);

(b) *Damage extent.* 1. Damage to commercial seedings, crops, Christmas trees, orchards or nursery stocks exceeds or is likely to exceed \$1,000 in that calendar year;

2. An extraordinary public safety risk exists; or

3. Excessive deer browsing may adversely affect property or vegetation located within public or private arboretums, closed areas, refuges or similar sanctuaries;

(c) *Damage location.* The area where the damage is occurring is accurately described on the application form;

(d) *County involvement.* For lands located in a county which administers a wildlife damage abatement program under s. 29.598, Stats., the county wildlife damage administrator has conducted a damage investigation and made recommendations for damage abatement, if that administrator determines such damage abatement measures should be implemented by the complainant; and

(e) *Row crop harvest.* Less than 90% of row crops described in the application have been harvested in the county of application, determined by the county agricultural agent.

Note: Damage to crops other than row crops are not affected by this paragraph.

(3) **GENERAL CONDITIONS.** The following conditions apply to all deer shooting permits:

(a) *Public hunting.* All lands suitable for hunting described on the deer shooting permit and any adjacent lands suitable for hunting either owned by the permittee, or on which the permittee has the right to control hunting access, shall be open to public deer hunting during the deer

Register, July, 1987, No. 379

hunting season following issuance of the permit. Permittees may refuse access to specific individuals at any time for reasonable cause. Reasonable cause may not be based on age, race, religion, color, handicap, sex, physical condition, development disability, creed, sexual orientation, or national origin; however, on the permittee's land, the presence of at least 2 hunters per day per each 40 acres suitable for hunting shall constitute a reasonable cause for refusal.

(b) *Posting.* The land described in the application and required to be open to hunting under par. (a) may not be posted against hunting except to indicate hunting is by permission only.

(c) *Authorized area.* The permit applies only to land owned or land on which access is controlled by the permittee and to any adjoining land of consenting landowners as described in the permit. Consenting landowners shall list their names, addresses, acreage, and telephone numbers on the application and certify their consent with their signatures. All land under permit shall be contiguous unless the department approves an exception.

(d) *Shooter eligibility.* Any person who meets the requirements of ss. 29.226 and 29.227, Stats., pertaining to hunter safety and age are eligible to participate except for persons who had their hunting license privileges revoked during the 12 month period preceding the date of application under this section.

(e) *Regulation compliance.* Unless otherwise provided in this section, the holder of any deer shooting permit and each participant listed on the permit shall comply with all hunting rules and laws. Any firearm legal for gun deer hunting may be used by closed season deer shooting permit participants throughout the period closed to gun deer hunting.

Note: This rule allows rifles, shotguns and muzzle-loaders to be used by closed season deer shooting permit participants statewide during the period closed to gun deer hunting including during the bow deer season. Open season deer shooting permit participants must comply to hunting season rules and laws. Archers may possess strung and uncased bows from 30 minutes before closed season shooting to 30 minutes after the close of shooting hours, but they may only shoot an arrow at deer during the established shooting hours.

(f) *Harvest quotas.* The number of deer killed under this section may be deducted from the harvest quota for the associated deer management unit determined under s. NR 10.01 (3) (e) 9.

(4) **CLOSED SEASON CONDITIONS.** Permits effective during periods closed to gun deer hunting shall be issued in compliance with sub. (3) and the following:

(a) *Application deadline.* Applications may be made at any time by the affected landowner or operator.

(b) *Performance.* An applicant who fails to comply with permit conditions is not eligible to apply for or receive a deer shooting permit for one year from the expiration date of that permit.

(c) *Permit period.* 1. No shooting permit issued during the period closed to gun deer hunting may exceed 30 days or extend into the gun deer hunting season.

2. The permit may be extended by the department if applied for prior to the permit termination. If renewed, the new permit period shall commence before the initial permit expires.

(d) *Participation.* No more than 3 persons may be authorized to shoot deer under a permit and each person's name and address shall be listed on the permit.

(e) *Licensing.* No license is required by persons shooting deer under permit.

(f) *Kill limit.* No more than 10 deer may be killed under the initial authorization without further investigation and authorization by the department.

(g) *Shooting hours.* Deer may be killed only during the period from one hour before sunrise to one hour after sunset each day unless department personnel participate under sub. (6).

Note: The department provides a shooting hours table to each participant.

(h) *Carcass care.* Each deer killed by the permittee shall immediately be field dressed and tagged as described in s. NR 10.103 (2) and hung in a shaded location.

(i) *Deer disposition.* All dead deer shall be turned over to the department or persons designated by the department.

(j) *Reporting.* The permittee shall report the killing of a deer within 4 hours to the department representative designated in the permit or persons designated by the department. Within 10 days after the permit expiration date, the permittee shall return all unused carcass tags to the department and obtain a department receipt for the tags.

(5) OPEN SEASON CONDITIONS. Permits effective during periods open to gun deer hunting shall be issued in compliance with sub. (3) and the following:

(a) *Application requirement.* Applications on department forms shall be submitted to the department bureau of wildlife management, Box 7921, Madison, WI 53707 and either received by the department or post-marked no later than the Friday nearest September 1.

(b) *Performance.* The applicant shall kill at least 80% of the number of deer authorized for harvest on the permit. An applicant who fails to comply with permit conditions or fails to kill 80% or more of the authorized number of deer is not eligible to apply for or receive an open season deer shooting permit for one year from the expiration date of that permit.

(c) *Effective dates.* Authorization to kill deer commences the date of permit receipt by the permittee and continues through the open season for the appropriate zone described in s. NR 10.01 (3) (e) and (em).

(d) *Deer type.* Only deer without antlers or with an antler less than 3 inches in length may be killed.

(e) *Permit limitation.* Open season deer shooting permits may not be issued in lieu of closed season permits if:

1. The county wildlife damage program administrator and the department agree the shooting permit should have been used for abatement purposes during the period closed to gun deer hunting; or

2. The applicant failed to comply with the conditions of a closed season permit.

(f) *Kill limit.* The number of carcass tags issued under this section shall be determined by the department after consultation with the applicant and appropriate county wildlife damage program personnel if the damage is occurring in a county which administers a wildlife damage abatement program under s. 29.598, Stats.

(g) *Deer disposition.* Each eligible shooter may retain one deer in addition to their deer obtained by regular license.

Note: Each deer killed under permit must be registered with the department.

(h) *Permit materials issuance.* The department shall issue the following materials:

1. One serialized deer carcass tag and registration card to each permittee.

2. One serialized armband, carcass tag and registration card to each shooter designated on the permit application.

Note: The permittee is the permit applicant.

(i) *Permit materials possession.* Each permittee shall possess the carcass tag and registration card associated with the deer shooting permit while hunting on lands described in the permit. Each shooter shall wear a serialized armband on their outermost garment and possess a serialized carcass tag and registration card while hunting on lands associated with his or her deer shooting permit.

(j) *Permit materials restriction.* Permits, tags and armbands are not transferable and may not be altered or defaced.

(k) *Permit materials use.* Immediately upon killing a deer, each shooter shall attach a carcass tag as described in s. NR 10.103 (2). The registration card and armband shall be turned over to the registrant when the deer is registered with the department.

(1) *Shooter eligibility.* Shooters other than the permittee shall be listed on the permit application and possess a valid, current Wisconsin deer hunting license.

(m) *Reporting.* The department may require reports of permittees and eligible shooters.

(6) DEPARTMENT ASSISTANCE. Department personnel may not shoot deer causing damage unless:

(a) *Safety.* An extraordinary safety risk exists; or

(b) *Inadequate kill.* The permittee has demonstrated an inability to kill an adequate number of deer during the closed season and, if department costs are not reimbursed by the county wildlife damage program, the permittee agrees to pay those costs.

History: Cr. Register, July, 1987, No. 379, eff. 8-1-87.