

Chapter NR 19

MISCELLANEOUS FUR, FISH, GAME & OUTDOOR
RECREATION

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NR 19.001 Definitions. (1) "Active service", for purposes of s. 29.09 (12), Stats., means full time employment as a member of the armed services and does not include annual summer training by members of the national guard or reserves.

(2) "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.

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

(4) "Beaver damage control area" means:

(a) *Roads and railways.* The area within 200 yards of either side of the center line of all roads and active railways shown on the current, official county highway map published by the department of transportation; and

(b) *Public forests.* The area within 200 yards of either side of the center line of all roads within the ownership boundaries of county, state or national forests shown on the current, official county plat map; and

(c) *Adjacent land.* Any lands adjacent to those identified in pars. (a) and (b) on which the beaver dam causing rights-of-way flooding is located; and

(d) *Trout streams.* All streams classified as trout streams under s. NR 1.02 (7).

(e) *Other sites.* Any specific site containing beaver damage to roads, timber, streams, agriculture or property that is reported by the land-

owner or lessee to the department. These beaver damage control area designations shall terminate September 30 of the year following the year of identification unless continued by department approval.

(5) "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.

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

(6m) "Fish, fur, game seal" or "seal" means a numbered, non-reusable, locking device bearing the embossed inscription Fish, Fur, Game F-(number) which is issued by the department.

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

(8) "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.

(9) "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.

(10) "Mount", "mounted", or "mounting" means, for the purposes of s. 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.

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

(12) "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.

(13) "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.

(14) "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.

(15) "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.

(16) "Stationed", for purposes of s. 29.09 (12), Stats., means residing in Wisconsin in compliance with military orders.

(17) "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.

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

(19) "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. 376, eff. 4-1-87; cr. (2e), Register, June, 1988, No. 390, eff. 7-1-88; renum. (1) to (9) to be (2) to (15) and (17) to (19), cr. (1) and (16), Register, October, 1988, No. 394, eff. 11-1-88; emerg. r. (4), eff. 10-16-89; cr. (6m), Register, March, 1990, No. 411, eff. 4-1-90.

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. 29.09, 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.	5
Permits may be granted orally, but shall be confirmed in writing.	

- (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
- (n) Permits to hunt canada geese causing agricultural harm. 2

(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; emerg. cr. (2) (n), eff. 9-21-88; cr. (2) (n), Register, January, 1989, No. 397, eff. 2-1-89; emerg. r. (2) (l) to (o), cr. (2m), eff. 10-16-89.

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.

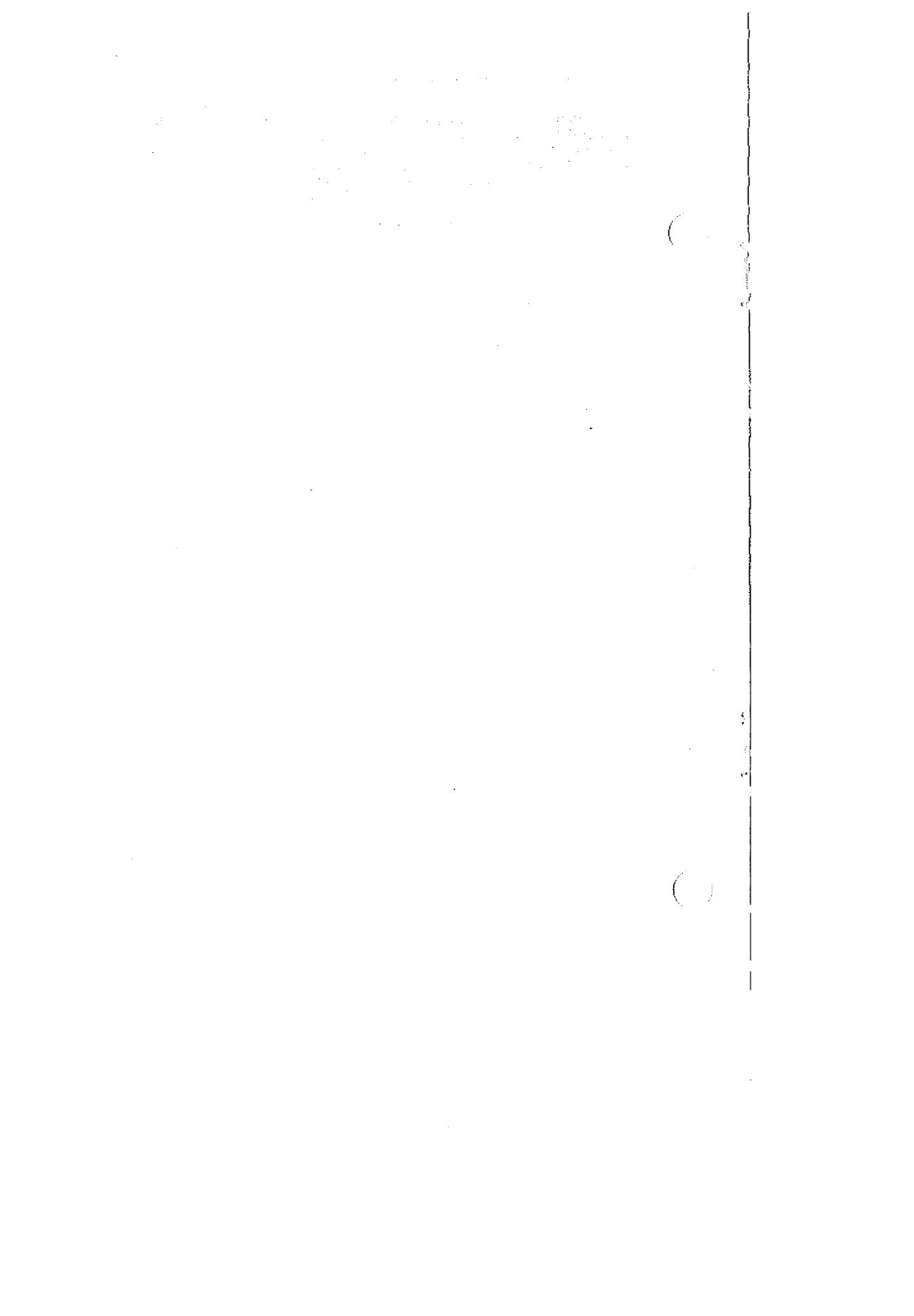
(5) Any such cranberry marsh areas where muskrats are being controlled as provided in this section shall be open to the inspection of the department or its authorized agents at any time.

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.

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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

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(b) *Specimen materials.* A permit will be issued for collections yielding preserved specimen materials only when such materials are to be kept in a place and manner where students and the public have access to them. Private collections to be kept in a manner not open to the public will not be approved.

(c) *Conditions.* 1. Contents. Permits will contain conditions deemed necessary by the department to protect the resources of the state and assure use of specimens taken are in compliance with s. 29.17, Stats.

2. Nonresidents. Permits issued to nonresidents will set forth conditions of removal of specimens from the state.

3. FEDERAL PERMITS. a. *State permit required.* Permits involving the capture, marking, collection, possession or salvage of migratory birds or parts, nests or eggs of migratory birds will not be issued under this section until the applicant possesses a permit issued by the U.S. fish and wildlife service for that activity.

b. *State permit exemption.* Permits under this section are not required for banding or marking capture-and-release activities authorized under a permit issued by the U.S. fish and wildlife service.

4. Size of collections. Permits will not be issued which authorize collections endangering the population of animals the collection would draw from, or exceeding the number of animals required to meet the permittee's objectives.

5. Unprotected species. Permits will not be issued for the collection of protected species if unprotected species can be used to accomplish the same purposes.

(5) PERMIT USAGE. (a) *Disposition of specimens.* 1. Living unharmed specimens collected during the course of permitted activities shall be returned to the wild at the point of capture, unless otherwise provided in the permit.

2. Any endangered or threatened species taken unintentionally during the course of permitted activities shall be immediately released if unharmed.

3. Injured or dead wild animal specimens shall be immediately turned over to the department employe named in the permit unless otherwise provided in the permit.

(b) *Notification of department.* Each permittee shall notify the department employe named in the permit at least 48 hours prior to collecting of the time and place where specimens will be collected.

(c) *Marked gear.* All traps, nets and any other gear used for capturing wild animals under terms of a permit shall be marked with the permit number, name and address of the permittee.

(d) *Trap and net tending.* All traps, nets and other capture gear in use under the authority of a permit shall be checked and emptied by the permittee at least once each 24-hour period.

(e) *Fishing gear restrictions.* 1. Gill nets. Gill nets may not be used in inland waters unless specifically authorized by a permit.

2. Buoys. All buoys and buoy staffs shall be marked and maintained as required by the department. The permit number, name and address of the permittee shall be maintained in plain figures on the bowl of the buoy.

3. Sport fishing equipment. Hook and line fishing equipment and spearing equipment may not be possessed on a boat operating under a permit without prior approval of the department.

(6) RECORDKEEPING AND ANNUAL REPORTS. (a) *Records*. Each permittee shall keep current records, in the English language, of all collections under the permit. Records of collections shall be made available to the department during normal business hours, or upon 8 hours notice at other times.

(b) *Required reports*. Permittees shall supply information requested by the department and annually file a complete and accurate report on forms covering activities conducted under authority of the permit. Unless otherwise provided in the permit, such reports shall be filed using a report form provided by the department not later than January 10 of the year following expiration of the permit.

(c) *Content*. Annual reports by permittees shall include:

1. The common name, scientific name and number of each species and type of specimen material collected;
2. The date and geographic location of each collection;
3. Disposition of collected specimens; and
4. Any other information requested by the department.

(7) DISPOSITION. Specimens collected under the authority of the scientific collector permit may be transferred to and possessed by an educational institution for exhibition or education purposes upon completion of the project or expiration of the permit. Environmental consulting organizations may retain specimens following permit expiration provided the specimens are marked in a manner prescribed by the department. An educational institution or environmental consulting organization possessing specimens shall possess written proof of source, including the scientific collector permit number of the source and present that proof upon request by the department.

Note: Application forms for scientific collectors permits under this section may be obtained from any department district office. Federal permits for migratory birds may be obtained from the Special Agent in Charge, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111.

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. 124, eff. 4-1-71; cr. (5) (e) and (6), Register, September, 1978, No. 273, eff. 10-1-78; r. and recr. (2), r. (5) (a), Register, August, 1979, No. 284, eff. 9-1-79; r. and recr., Register, November, 1981, No. 311, eff. 12-1-81; r. and recr. (2) (c), cr. (3) (a) 9., (4) (c) 3.b. and (7), am. (4) (c) 3., r. (6) (c) 3., renum. (6) (c) 4. and 5. to 3. and 4., Register, August, 1986, No. 368, eff. 9-1-86.

NR 19.115 Fish, fur, game seals. Fish, fur, game seals shall be attached by or at the direction of the department to fish, fur or game articles which may be sold pursuant to s. 29.06 (1), Stats. Each seal shall be issued for a particular article only and no seal may be attached or assigned to any other article. No person may possess or transfer any seal to another per-
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son except as incidental to the possession, purchase, sale, trade or transfer of the article of fish, fur, or game for which the seal was issued.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

NR 19.12 Tagging the carcasses of wild animals, birds and fish taken on Indian reservations. (1) (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

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