

## Chapter WCD 19

## MISCELLANEOUS GAME, FUR AND FISH

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(Sections 23.09 and 29.573, Wis. Stats.)

**WCD 19.01 Guns and ammunition.** (1) It shall be unlawful for any person to carry in any manner or have in possession or under control any rifle other than a .22 rim-fire, or any shotgun loaded with shot larger than No. BB, divided or cut shells of any variety, or any shells loaded with single ball or bullet, or have in their possession or under their control any shotgun shells loaded with shot larger than No. BB or any divided or cut shells or shells loaded with single ball or bullet from April 1 of each year to the following January 1, both dates inclusive, while being in or on or traversing any forests, fields or other areas frequented or inhabited by deer in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Door, Douglas, Dunn, Eau Claire, Florence, Forest, Green Lake, Iowa, Iron, Jackson, Juneau, La Crosse, Langlade, Lincoln, Marathon, Marinette, Marquette, Monroe, Oconto, Oneida, Outagamie, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waupaca, Waushara, and Wood except that when an open season for deer occurs in any of the beforementioned counties, any person may carry lawful firearms and ammunition into and onto areas frequented or inhabited by deer during the period of time beginning 5 days prior to the opening of the deer season and ending at midnight of the third day following the closing of such season when such firearms are unloaded and enclosed within a carrying case.

(2) Nothing in the provisions of this section shall prohibit any person during each day of the actual open season for the hunting or killing of deer from carrying any lawful firearms or ammunition in any manner either loaded or unloaded in all counties mentioned in this paragraph, as long as all other provisions of the statutes and of Conservation Commission orders dealing with fish and game are complied with.

(3) Nothing in the provisions of this section shall prohibit the owner or occupant of any land or any member of his immediate family from taking bear thereon at any time.

(4) Nothing in the provisions of this section shall permit any person to transport or carry any firearms prohibited by this section in any of the counties named in subsection (1) during the open deer season established for bow and arrow hunting in said counties.

(5) The state conservation department is authorized to issue free of cost to any person eligible to secure a license to hunt under the laws of the state of Wisconsin, a permit to carry specified firearms and

ammunition into and onto any such deer-frequented or inhabited areas mentioned in this section when the applicant for such permit can show there is good and sufficient reason for the issuance of such permit to him. Applications for such permits may be made to the state conservation department, its conservation wardens, forest rangers, or other designated agents of the commission and shall state thereon the purpose for which they are required, the county or counties in which the permit is to be used, and such other information as may be deemed necessary by the state conservation commission.

(6) Nothing in the provisions of this section shall apply to the armed forces of the United States, the national guard or peace officers in the performance of their duties as such, or any person summoned by such peace officers to assist them in making an arrest or to preserve the peace while such person or persons are so engaged, or to any conservation officers in the performance of their duties as such.

(7) Nothing in the provisions of this section shall apply to the lawful possession or transportation of unloaded guns as merchandise by manufacturers or merchants.

**WCD 19.02 Beaver tags.** It shall be unlawful for any person, persons, firm or corporation to transfer, give, barter, trade, sell, or purchase any beaver tags issued by the state conservation commission of Wisconsin, as provided by section 29.594 (3), Wis. Stats., wherein the purchase of such tags is made as provided by law from the state conservation commission, and except wherein the sale, purchase, trade, barter, or transfer is made when such beaver tags are attached and locked to some part of the head of the skin of a beaver that has been legally taken as provided under section 29.594, Wis. Stats.

**WCD 19.03 Control of muskrats on cranberry marshes.** (1) The owner or lessee of any improved cranberry marsh area may at any time and in any manner take, catch, or kill muskrats which are injuring his dams, dikes, reservoirs, ditches, or outlets, but shall not sell, offer to sell, barter or give to any person or persons, or have in possession or under his control, except upon such improved cranberry marsh lands, the skin of any muskrat unless each such muskrat skin has been tagged or stamped. Such tag or stamp shall be furnished and attached without charge by the conservation commission.

(2) On January 1 and July 1 of each year, the owner or lessee of any improved cranberry marsh area who has found it necessary to take, catch, or kill any muskrats on said marshes for the purpose of protecting his property, shall file with the conservation commission on a form provided for that purpose a report verified by affidavit showing the total number of muskrats killed, transported, or sold from said cranberry marsh area and such other information as the commission may require.

(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 state conservation commission 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 state conservation commission.

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

**WCD 19.04 Wolves and coyotes.** (1) It shall be unlawful for any person or persons other than public, state, city or county parks or zoos, to have in their possession or under their control at any time or place in the state of Wisconsin any live wolf or coyote of any variety or description unless a duly authorized permit has been issued them by the state conservation commission of Wisconsin, or its designated agent or agents.

(2) All persons applying for permits to keep live wolves of any description in their possession or under their control as hereinbefore provided in this section, shall comply with any and all regulations required by the state conservation commission of Wisconsin, its designated agent or agents.

**WCD 19.05 Release of exotic species.** (1) It shall be unlawful for any person, persons, firm or corporation 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, that are not native to the state without first applying for and receiving a permit from the state conservation commission of Wisconsin or its duly authorized agents. Such permit shall be granted only after a thorough investigation by the conservation commission, its agents, conservation wardens or forest rangers concerning the conditions under which such wild animals, hybrids of wild animals, or birds or fish, or the eggs or spawn thereof, are to be introduced or released and to establish to a certainty that such introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state.

(2) It shall be unlawful for any person or persons to introduce, place, plant, or release, or cause to be introduced, placed, planted, or released in any manner in the publicly owned or controlled inland waters of the state of Wisconsin any fish, fish fingerlings, fish fry, or fish spawn unless such release or plantings are supervised and authorized or permitted by written permit by the state conservation commission of Wisconsin, its duly authorized agents or representatives.

(3) Nothing in the provisions of this section shall be applicable to the state conservation commission, or the state conservation department, or its duly authorized agents wherein after investigation they deem it advisable or necessary to cause the release of any animals, birds or fish of any variety or species.

**WCD 19.06 State operated fish nets and traps.** (1) Pursuant to the provisions of subsection (7) of section 23.09, Wis. Stats., 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 Wis-

consin conservation commission 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 Wisconsin conservation commission 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 Wisconsin conservation commission.

(3) No provisions in this section shall prohibit the state conservation commission or department of Wisconsin, its agents, deputy conservation wardens or representatives of the fisheries division of such commission or 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 general conservation program.

**WCD 19.07 Shooting preserves.** (1) There shall be no shooting preserve established nor license issued therefor on any area where state-owned pheasants have been stocked with the knowledge or consent of the owner or lessee for a period of one year prior to the date of application.

(2) Any person or persons making application to the conservation commission for a shooting preserve license must file with said commission a verified copy of any lease or leases 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 shall file with the conservation commission a sworn affidavit stating therein that he is the owner of such lands and has legal title to them.

(3) Pheasants may be taken, caught or killed on a licensed shooting preserve only during the open season of a total of 90 days beginning the first day and opening hour of the general pheasant hunting season for the county in which the preserve is located.

(4) No person or persons shall hunt, take, capture, or kill pheasants, or any other game or wild animals, on any licensed shooting preserve areas authorized under section 29.573, Wis. Stats., unless such person or persons shall have in their possession at the time of doing such hunting, shooting, or killing of game or wild animals, a hunting license such as is required under the provisions of sections 29.10, 29.11, 29.12 and 29.147, Wis. Stats.

(5) Shooting preserve licensees shall issue to each person hunting, taking, catching, or killing pheasants on the licensed shooting preserve areas a copy of the conservation commission's rules and regulations dealing with such areas that are incorporated in this section.

(6) No person shall have in his possession or under his control any dead pheasant or pheasants of any species or varieties showing indications that they have been shot, unless the proper shooting preserve tag or seal has been immediately attached and locked

through a slit in one wing of each pheasant. Such seals shall be supplied by the conservation commission at a cost of five cents each. This regulation will apply both during the general open season for pheasants and during the special pheasant season prescribed in this section for licensed shooting preserves.

(7) No shooting preserve license shall be issued by the conservation department after the effective date of this section, other than those already in operation, for any land area larger than 640 acres within any major pheasant county of the state, or for any area that includes or benefits from a major pheasant wintering grounds unless the conservation department determines the inclusion of such wintering area would be in the public interest.

(8) All applications for shooting preserve licenses will be acted upon during the period beginning December 15 and ending the following March 15.

(9) All land descriptions licensed under one license shall be contiguous.

(10) The conservation department shall make such investigation necessary to determine that all provisions of sections 29.573, Wis. Stats., and this section are complied with.

(11) The license application and information obtained from such investigation shall be brought before the game board of the conservation department for such determination.

(12) All shooting preserve signs posted around licensed shooting preserve areas shall be purchased through the conservation department and shall be placed at intervals of not more than 400 feet along the boundary lines of such areas.

(13) The shooting preserve licensee and conservation department shall agree upon and designate an area of not less than 5% of the pheasant wintering grounds as a voluntary refuge. The licensee shall post each corner of such refuge and no hunting is permitted within such refuge boundary from January first to the close of the shooting preserve season.

(14) Whenever and wherever a shooting preserve licensee indicates in writing to the conservation commission that he desires to stock pheasants on a shooting preserve area, the conservation commission shall furnish a duly authorized representative of the conservation commission who shall count and certify to all pheasants liberated on the area and shall thereafter notify the conservation department in writing of the number and varieties stocked and the day and date when such stocking occurred; said duly authorized representative of the conservation commission shall be reimbursed by the shooting preserve licensee for the actual mileage incurred in travel both to and from his station at the rate of 10¢ per mile.

(15) All birds liberated shall be of the best quality stock and not more than 75% of the number of pheasants stocked may be shot, taken, or killed in any manner.

(16) a. For each mature hen pheasant stocked from March 15 to April 15, both dates inclusive, under the supervision of the conservation commission, a "stocking" credit of 3 pheasants (either hens or cocks) plus the hens liberated will be allowed for each hen so stocked, plus one stocking credit each for all cock birds so planted. This credit shall apply only to the shooting preserve season next following the

spring liberation. Pheasants released during the period from March 15 to April 15 shall be in the ratio of not less than one cock to 8 hens.

b. No pheasant less than 10 weeks of age may be stocked for tag credit at any time.

c. Tag credits for all pheasants stocked after April 15 shall be on the basis of 3 shooting preserve tags for every 4 pheasants stocked, either hens or cocks.

(17) Between the time of the opening hour of the general pheasant hunting season and the following 25th day of December, any shooting preserve which permits hunting by the general public for a specified fee shall be authorized to retain and stock pheasants from an approved holding pen, provided such birds are counted, banded and certified to by a conservation department representative.

Whenever such shooting preserve licensee indicates to the conservation commission that he desires to retain and stock pheasants under such a plan, a duly authorized representative of the conservation department shall certify to the counting and banding of the pheasants to be retained and to the fact that birds are isolated in separate pens as heretofore prescribed. Such band shall be marked "Licensed Shooting Preserve" and shall be furnished by the conservation department and will be attached to the left leg of each pheasant banded. Not less than 50 pheasants nor more than 300 pheasants will be banded and certified to at one time.

(18) Upon written certification by the conservation department representative, listing the number and varieties of pheasants banded and isolated and the date of such banding and isolation, regulation shooting preserve seals shall be supplied to the licensee at a ratio of 75 for each 100 birds certified to. Such seals shall be supplied by the conservation commission at a cost of 5¢ each.

(19) Seals shall be attached to all dead pheasants as described in subsection (6).

(20) A daily record will be kept by the licensee of all plantings of certified birds, or birds removed from the isolated pen for any reason. These daily records and inspection of the pen and birds therein shall be open to representatives of the conservation commission at any time.

(21) No shooting preserve shall be established within a distance of 2 miles of any state game refuge or state public hunting grounds unless the issuance of said license is approved by the game board of the conservation department.

(22) The record required in accordance with section 29.573 (4) (b), Wis. Stats., shall be kept in the English language by the licensee or his designated agent in the manner outlined in the annual report form furnished by the state conservation commission, and said record shall be open for the inspection of the state conservation commission and its agents and deputies at all reasonable hours.

**WCD 19.08 Tagging canned pheasants.** Pheasants produced on licensed game farms pursuant to section 29.574, Wis. Stats., and processed in cans shall be tagged by the licensee in the following manner: each such can containing a pheasant produced on a licensed game farm pursuant to said section 29.574 shall be marked and tagged by having embossed in either lid thereof the following legend: "WIS. L. G. F. NO. \_\_\_\_\_", including in such legend the license number of the license issued to the licensee pursuant to said section 29.574.