

pheasants or quail on the licensed shooting preserve areas a copy of the rules of the department regulating such shooting preserve.

(5) **SIZE AND LOCATION OF AREAS.** No shooting preserve license shall be issued after December 1, 1959, other than for those already in operation, for any land area larger than 640 acres or smaller than 80 acres, or for any area less than one-quarter mile from the exterior boundaries of a planned or approved state or federal wildlife area, public hunting ground or refuge which is managed in whole or in part for pheasants or quail. All lands under one license shall be contiguous.

(6) **INVESTIGATION BEFORE LICENSING.** The department shall make such investigations necessary to determine that all provisions of s. 29.573, Stats., and this section are complied with. All licenses are subject to the approval of the secretary and investigations for new licenses will be made only during the period beginning January 1 and ending August 31 of each year.

(7) **POSTING AND FENCING REQUIREMENTS.** (a) All shooting preserve signs posted around licensed shooting preserve areas shall be purchased from the department.

(b) Boundaries of the area licensed shall be posted in either of the following manners at the discretion of the licensee:

1. Signs shall be placed at intervals of not more than 400' along the boundary lines of such area, and in addition, such boundary lines shall be clearly defined by at least one strand of wire; or

2. Wherever such boundary lines are not defined by one or more strands of wire, the posting of signs shall be at intervals of not more than 200' along the boundary lines of such areas.

(c) Exceptions. Variations in posting and in fence construction other than specified shall be submitted to the secretary and may be approved by the secretary if found to comply with the intent and purpose of these rules. Whenever the strand of wire or fence is not required, posting of signs shall be at intervals of not more than 200' along the boundary lines of such areas.

(8) **STOCKING PROCEDURE, TAGGING AND CREDITS.** (a) All licensed shooting preserves shall be required to make a yearly minimum stocking of pheasants in the ratio of not less than one pheasant for each 4 acres of the area licensed, except that the minimum stocking requirement for any shooting preserve in excess of 640 acres licensed prior to December 1, 1959, shall be 160 pheasants. Failure to comply with the minimum stocking requirements during each licensed year shall automatically prohibit the renewal of the license, and also prohibit the licensing of any of the lands involved in any new license for a period of one year.

(b) All pheasants and quail liberated shall be of high-quality stock, fully feathered, and not less than 12 weeks of age. For the purpose of assuring high-quality stock, pheasants and quail shall not be debeaked more than ¼ inch and not less than 2 weeks prior to release. Brailed pheasants and quail shall have the brail removed not less than 2 weeks prior to release. Pheasants and quail shall not be held in crates or other containers more than 24 hours prior to release. Upon written certification by the department representative, listing the number and varieties of pheasants and quail stocked, or placed in holding pens (see par. (e)) and

the date of such stocking or holding, shooting preserve seals shall be furnished by the department at a cost of 5¢ each to the licensee at a ratio of 75% of the total birds certified. All shooting preserve seals and seal credits shall expire on March 1.

(c) Upon leaving preserve no person shall have in possession or under control any dead pheasant or quail of any species or varieties showing indications that they have been shot, unless the proper shooting preserve seal has been attached. Such seals shall be supplied by the department at a cost of 5¢ each. This regulation will apply both during the general open season for pheasants and quail and during the special pheasant and quail season prescribed in this section for licensed shooting preserves.

(d) Whenever a shooting preserve licensee indicates to the department the desire to stock pheasants or quail on a shooting preserve area, the licensee shall notify an authorized representative of the department who shall certify to all pheasants and quail liberated. Such representative shall thereafter notify the department in writing of the number and varieties stocked and the day and date when such stocking occurred, except as provided in par. (e).

(e) Any shooting preserve shall be authorized to retain and stock pheasants and quail from an approved holding pen provided such birds have been counted and certified by a department representative. The licensee agrees to stock all pheasants and quail so retained.

(f) A daily record shall be kept by the licensee of all pheasant and quail stocking and harvesting, including stocking or removal from holding pens. Such daily records and inspection of the licensed area, holding pen, and pheasants and quail, shall be open to representatives of the department at any time. Reports shall be filed with the department on forms and on dates as specified by the department.

(10) **DOG TRIALS OR DOG TRAINING ON LICENSED SHOOTING PRESERVES.** During the closed season for the taking of pheasants and quail within the boundaries of a licensed shooting preserve, a dog trial or dog training permit may be issued under the provisions of ss. NR 17.01 and 17.02. Pheasants and quail released or taken under the provisions of such permit shall be tagged as provided, but shall not be required to be additionally tagged with a shooting preserve tag, nor shall any of the stocking procedures, tagging, or credits of shooting preserve code sub. (8) apply under such permit.

*History:* 1-2-56; r. and recr. Register, November, 1959, No. 47, eff. 12-1-59; r. and recr. (7), Register, August, 1961, No. 68, eff. 9-1-61; am. (2), (7), (a) and (b); and (8) (b) and (c), Register, January, 1964, No. 97, eff. 2-1-64; am. (8) (b) and (d) and cr. (10), Register, February, 1968, No. 146, eff. 3-1-68; renum. from WCD 19.07 to be NR 19.07 and am. (1), (3), (4), (6), (7) (a) and (c), (8) (b), (c), (d), (e) and (f), (9) and (10), Register, April, 1971, No. 184, eff. 5-1-71; emerg. am. (2) eff. 8-9-72; am. (2), (5), (6), (8), (b), (c) and (e), r. (9), Register, September, 1972, No. 201, eff. 10-1-72; am. (2), (4), (5), (8) and (10), r. and recr. (3), Register, February, 1977, No. 254, eff. 3-1-77; am. (8)(a), Register, April, 1978, No. 268, eff. 5-1-78; corrections in (5) and (8) (a) made under s. 13.93 (2m) (b) 14, stats., Register, May, 1985, No. 353.

**NR 19.09 Wild rice conservation. (1) REMOVAL OR DESTRUCTION OF WILD RICE.** (a) **Prohibition.** No person may remove or destroy by hand, mechanical or chemical means wild rice growing in navigable lakes unless the department has approved the removal or destruction under par. (b).

(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 Tranus 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; renun. 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), renun. (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.

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

- (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.
  - (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 19.25 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 the area or site is identified as a beaver damage control area under s. NR 19.001 (2e).

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82; am. Register, June, 1988, No. 390, eff. 7-1-88.

**NR 19.27 Seasons, limits, restrictions on taking crayfish, frogs and turtles.** There is a closed season established for taking crayfish, frogs and turtles except when taken during the open seasons by the following methods:

Animal and locality	Open season (both dates inclusive)	Bag limit	Size limit	Methods of taking
(1) Crayfish All areas except Wis.-Minn. boundary waters. See s. NR 21.04 (13)	Continuous	None	None	Crayfish may be taken by hand, minnow seine, minnow dipnets or minnow traps, as defined in s. NR 20.10, and by crayfish traps with an entrance not to exceed 2½ inches at its greatest diagonal measurement.  All traps used to take crayfish shall be raised and crayfish removed at least once each day following day set unless otherwise authorized by the district director  All traps shall be tagged with a tag clearly bearing in the English language the name and address of the owner and trapper.
(2) Frogs				
(a) Jefferson county	No open season for bullfrogs			
(b) All other areas	Saturday nearest May 1 to Dec. 31	None	None	No person may take frogs with the aid of a firearm.
(3) Turtles				Turtles may be taken as follows:  Traps. A maximum of 5 hoop net turtle traps may be used to trap turtles. Hoop nets shall be constructed with a mesh of not less than 8 inch stretch measure providing traps are set so that not less than 2 inches of the hoops extend above the surface of the water. Float and tank type turtle traps not exceeding 4 feet square or 4 feet in diameter may be used for trapping turtles. Each trap while in use shall have attached in a manner as to be visible and legible at all times, a metal tag bearing in the English language the name and address of the operator of the trap and no other person may tend or operate the trap. Turtle traps shall be checked and the entrapped contents shall be removed at least once each day following the day set.
(a) All areas except Wis.-Minn. and Wis.-Iowa boundary waters. See ss. NR 21.13 and 22.13	June 16 to April 30	None	None	By hand, and hook and line.
(b) Trout streams				Hooking. Turtles may also be taken from trout streams, during the open season, by the method commonly known as hooking.

(4) ADDITIONAL RESTRICTIONS. (a) *Crayfish*. 1. Prohibitions. No person may:

a. Use live crayfish as bait on the inland waters except on the Mississippi river;

b. Possess live crayfish while on any inland waters of the state, except the Mississippi river, unless that person is engaged in crayfish removal.

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 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 beaver damage control provisions under s. 29.59, Stats., 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; am. Register, June, 1988, No. 390, eff. 7-1-88.

**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.

Register, June, 1988, No. 390

(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.

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(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

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.

**NR 19.85 Beaver damage control.** (1) *Department authority.* The department may establish beaver damage control areas based upon the assessment identified in sub. (3) and administer the beaver control subsidy in accordance with this section.