

Chapter NR 19

MISCELLANEOUS FUR, FISH, GAME & OUTDOOR  
RECREATION

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(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), r. (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.

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. 184, 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 19.12 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 from the reservation, contact and exhibit it during ordinary working hours to a conservation warden of the department of natural resources or to any tribal member authorized by the particular tribe and designated by the department of natural resources.

(b) The conservation warden or designated tribal member shall inspect all such carcasses, attach and lock a special lettered and numbered tag to each carcass or part thereof, and maintain a record book containing the following information: the date, the reservation, the name and address of the person being issued the tag, the species and description of the wild animal, bird or fish being tagged, the destination, and the name and address of the person issuing the tag. Such record book shall be exhibited to the department of natural resources at reasonable hours for inspection and duplication. Failure to maintain and exhibit such a record book containing the above information shall be sufficient cause for the department of natural resources to revoke the authority of the official to issue any more tags. The secretary of the department of natural resources may take such revocation action without requiring that a hearing be held on the matter.

(c) The special lettered and numbered tag shall be distributed to the conservation warden or designated tribal member by the department of natural resources at such times and in such numbers as it deems appropriate. During the off-reservation closed season for such wild animal, bird or fish, no person shall remove any such carcass or part thereof from an Indian reservation without such a tag being attached and locked. No person shall remove the tag prior to consumption of the animal, bird or fish carcass tagged. No endangered species shall be tagged. No person other than a conservation warden or designated tribal member shall have unused tags in his or her possession.

History: Cr. Register, April, 1976, No. 244, eff. 5-1-76.

**NR 19.13 Disposition of deer accidentally killed by a motor vehicle.** (1) The driver of a motor vehicle involved in a vehicle-deer collision may have first priority to the deer killed. However, if the driver does not want to take possession of the deer it may be given to another party at the scene of the accident by the department or its agents.

(2) If a driver collides with and kills 2 or more deer at one time, the driver is eligible to receive as many of these deer as the driver wishes.

(3) No such deer, or any parts thereof, may be sold, bartered or given by the individual to any other person at any time, except the head or hide, which may be disposed of pursuant to s. 29.40 (3), Stats.

(4) Possession of vehicle-killed deer shall be limited to 90 days.

(5) Spotted fawns and white deer may not be released by the department.

(6) No deer shall be retained until it has been tagged with a metal seal provided by the department and a permit has been issued.

(7) Permits shall be issued and metal seals attached by the department or its agents for each deer released.

(8) The permit shall contain the following information:

(a) Name and address of permittee.

- (b) Vehicle license number if deer given to driver involved in the collision.
  - (c) Date of accident.
  - (d) Date of issuance.
  - (e) Number of metal seal used.
  - (f) Identification of permittee as driver of vehicle, or other.
  - (g) Sex of deer and approximate weight.
  - (h) Location of kill as to county.
  - (i) Name of officer who issued permit and metal seal and the name and address of the officer's agency.
  - (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 a permit is issued by the department to remove the structure by such means.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82.

**NR 19.27 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 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



(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.