

Chapter NR 19

MISCELLANEOUS FUR, FISH, GAME & OUTDOOR
RECREATION

NR 19.001	Definitions (p. 267)	NR 19.28	Taxidermy (p. 282)
NR 19.01	Approval deadlines (p. 269)	Subchapter II	Wildlife Damage
NR 19.03	Control of muskrats on cranberry marshes (p. 270)	NR 19.75	Purpose (p. 283)
NR 19.05	Release and importation of fish and wildlife (p. 270-1)	NR 19.76	Definitions (p. 283)
NR 19.06	Fish nets and traps (p. 271)	NR 19.77	County application (p. 283)
NR 19.07	Shooting preserves (p. 272)	NR 19.78	Administrative and abatement costs and fund advancement to counties (p. 284)
NR 19.09	Wild rice conservation (p. 274)	NR 19.79	Wildlife damage abatement (p. 284)
NR 19.11	Scientific collectors permits (p. 276)	NR 19.80	Wildlife damage claims (p. 285)
NR 19.115	Fish, fur, game seals (p. 278)	NR 19.81	Woven-wire deer-proof fence construction (p. 286)
NR 19.12	Tagging the carcasses of wild animals, birds, and fish taken on Indian reservations (p. 278-1)	NR 19.82	County recordkeeping (p. 286)
NR 19.13	Disposition of deer accidentally killed by a motor vehicle (p. 279)	NR 19.83	Termination (p. 287)
NR 19.25	Wild animal protection (p. 280)	NR 19.84	Permits to hunt Canada geese causing agricultural damage (p. 288)
NR 19.27	Seasons, limits, restrictions on taking crayfish, frogs and turtles (p. 281)		

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.

(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. 375, 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; r. (4), Register, May, 1990, No. 413, eff. 6-1-90.

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. 23.09, 29.174, 29.29 and 29.60, Stats.	30
(j) Boat licenses under s. 30.52, Stats.	30
(k) Snowmobile licenses under ss. 350.12 and 350.125, Stats.	30

(2m) **APPROVAL TO REMOVE WILD ANIMALS CAUSING DAMAGE.** Permits to remove wild animals causing damage shall be issued within 48 hours of receipt of a written complaint. Permits may be granted orally, but shall be confirmed in writing by the department.

(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; r. (2) (l) to (n), cr. (2m), Register, May, 1990, No. 413, eff. 6-1-90.

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; num. 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 rec. (1), Register, August, 1979, No. 284, eff. 9-1-79.

NR 19.05 Release and importation of fish and wildlife. (1) It shall be unlawful for any person, persons, firm or corporation to bring into the state to introduce or release or cause to be introduced or released in any manner into the inland or outlying waters, forests or fields of this state any variety or species of wild animal, hybrid of a wild animal, and any bird or fish or the eggs or spawn thereof, without first applying for in

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. History: Cr. Register, November, 1982, No. 323, eff. 12-1-82; am. Register, June, 1988, No. 390, eff. 7-1-88; emerg. r. eff. 10-16-89; r. Register, May, 1990, No. 413, eff. 6-1-90.

taken by a person who has not complied fully with this section shall be considered illegally obtained.

(g) *Permit possession.* All persons hunting Canada geese under a permit issued under this section shall carry on his or her person the permit authorizing their participation.

History: Cr. Register, July, 1987, No. 379, eff. 8-1-87; am. (3) (f), July, 1988, No. 391, eff. 8-1-88; emerg. r. and recr., eff. 9-21-88; r. and recr. Register, January, 1989, No. 397, eff. 2-1-89.

NR 19.85 Beaver damage control. History: Cr. Register, June, 1988, No. 390, eff. 7-1-88; emerg. r. eff. 10-16-89; r. Register, May, 1990, No. 413, eff. 6-1-90.