

Chapter NR 19

MISCELLANEOUS FUR, FISH, GAME & OUTDOOR
RECREATION

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

(2) "Application" means a written request for an approval required to do business in this state as defined in s. 560.41(2), Stats., completed in the form required by and acceptable to the department and accompanied by additional plans, information and the appropriate fee.

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

(4) "Beaver damage control area" means:

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

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

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

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

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

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

(5) "Carcass" means the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof.

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

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

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

(8) "In the process of being mounted" means, for the purposes of the sale of part or all of a private collection, as authorized by ss. 29.02 and 29.42, Stats., a physical process which includes taxidermy work accomplished on the carcass, including at least removal of the skin.

(9) "Maintain records" means, for the purpose of s. 29.136 (6), Stats., to legibly prepare triplicate records and retain at least one copy of each record at the place of business for inspection purposes.

(10) "Mount", "mounted", or "mounting" means, for the purposes of s. 29.02 (3), 29.136 (1) and 29.42 (3), Stats., and this section, to prepare and preserve the head, skin or carcass in a lifelike manner.

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

(12) "Navigable lake", for the purpose of interpreting s. 29.544, Stats., means a natural navigable lake or a flowage or pond, or portion of a flowage or pond, where the bed is in town, county, city, village, state or federal ownership.

(13) "Private collection" means, for the purposes of ss. 29.02 and 24.42, Stats.:

(a) A privately owned collection mounted for the purpose of display, exhibition or personal use and does not include wild animals mounted for the purpose of sale. In determining whether a wild animal was mounted for the purpose of sale, at a minimum, factors to be considered are the intent of the owner at the time of mounting, the length of time from mounting to sale, display or use of the mounted wild animal prior to sale, frequency of such sales by the owner and the reasons provided by the owner for the sale. This does not preclude the ultimate sale of a mount from a private collection.

(b) A mounted collection sold upon the death of the owner.

(14) "Protected wild animals" means those animals for which a closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule, and includes:

(a) Nongame species unless specifically designated as unprotected by the department;

(b) Game fish, game animals, game birds and fur bearing animals during closed seasons;

(c) Endangered and threatened species listed in ch. NR 27.

(15) "Records" means, for the purpose of s. 29.136 (7) (b), Stats., the taxidermist permit, sales forms, information records, records of deliveries and shipments, and the identification tag as described in s. 29.136 (5) (b), Stats.

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

(17) "Unprotected wild animals" means those animals for which no closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule.

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

(19) "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

History: Cr. Register, September, 1978, No. 273, eff. 10-1-78; r. and recr. Register, January, 1980, No. 289, eff. 2-1-80; cr. (5m) and am. (7), Register, August, 1980, No. 296, eff. 9-1-80; r. (2), (3), (4), (5) and (6), Register, January, 1984, No. 337, eff. 2-1-84; renum. (1) to be (3), cr. (1), (2), (4) and (4m), Register, August, 1985, No. 356, eff. 9-1-85; cr. (2m), Register, August, 1986, No. 368, eff. 9-1-86; cr. (2f), (3m), (3p), (3t), (5), (6) and (9), Register, March, 1987, No. 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.

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
(l) Deer and bear shooting permits under s. 29.595, Stats.	5
Permits may be granted orally, but shall be confirmed in writing.	

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| (m) | Renewal deer and bear shooting permits under s. 29.595, Stats., issued prior to initial permit expiration. Permits may be granted orally, but shall be confirmed in writing. | 5 |
| (n) | Permits to hunt canada geese causing agricultural harm. | 2 |

(3) **STANDARDS AND CONDITIONS.** If the department requires standards or conditions to be met or complied with prior to issuance of an approval, the time periods for issuing an approval do not begin to run until the applicant has met such standards or conditions as determined by the department.

Example: An applicant for a wildlife exhibit, game, bird and animal farm, or deer farm license is required to meet pen specifications or fencing requirements before the time system for issuance of approvals begins to apply.

(4) **WILDLIFE SURVEYS.** If a survey of wildlife on the property is required, the time periods for issuing an approval do not apply until completion of that survey. The survey shall be completed within 30 business days from the time of year that, in the opinion of a professional department wildlife manager, is optimum for determining accurate wildlife populations. At the time the application is received, the department shall inform the applicant of the date by which the survey will be completed.

(5) **ENVIRONMENTAL IMPACT.** If an environmental impact analysis, environmental impact report or environmental impact statement is required under ss. 1.11 and 23.11(5), Stats., and ch. NR 150, the time periods for issuing an approval do not apply until ss. 1.11 and 23.11(5), Stats., and ch. NR 150 have been complied with.

(6) **OTHER APPROVALS.** The time for an approval for an activity under sub. (1) will not begin to run until other approvals for that activity are obtained.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85; cr. (2) (l) and (m), Register, July, 1987, No. 379, eff. 8-1-87; emerg. cr. (2) (n), eff. 9-21-88; cr. (2) (n), Register, January, 1989, No. 397, eff. 2-1-89; emerg. r. (2) (l) to (o), cr. (2m), eff. 10-16-89.

NR 19.03 Control of muskrats on cranberry marshes. (1) The owner or lessee of any improved cranberry marsh area shall comply with s. 29.596, Stats.

(3) The provisions of this section shall not apply to any person or persons who own or are interested in a cranberry marsh situated in the same area wherein said owners are the licensees of a muskrat farm or in which such person or persons have an interest.

(4) The department or its authorized agents may assist any owner or operator of improved cranberry marsh areas with the removal of muskrats from areas that have been damaged, or are being damaged by such muskrats, wherein they believe that the muskrats can be taken alive and removed to other localities deemed advisable by the department.

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

History: 1-2-56; r. (2), Register, August, 1966, No. 128, eff. 9-1-66; rnum. from WCD 19.03 to be NR 19.03, and am. (1), (4) and (5), Register, April, 1971, No. 184, eff. 5-1-71; r. and recr. (1), Register, August, 1979, No. 284, eff. 9-1-79.

Register, March, 1990, No. 411

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

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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 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.

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. (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.

(2) **BEAVER DAMAGE CONTROL METHODS.** The following methods may be used to control beaver damage:

(a) *Open season.* Beaver may be trapped by licensed trappers during the open season established in s. NR 10.01 (4) (c).

(b) *Landowner privilege.* Beaver may be trapped or shot by owners or occupants of any land and members of their families on their respective lands without license as established in s. 29.24, Stats.

(c) *Other privileges.* Beaver may be shot or trapped by employees or agents possessing written authorization from the landowner, lessee, or responsible governmental body without a department permit provided the area or site is identified as a beaver damage control area.

(d) *Structure removal.* Beaver dams may be removed by landowners, lessees, the governmental body in charge, or employees or agents with written authorization from the land control authority cited in this paragraph without a department permit provided the area or site is identified as a beaver damage control area.

(3) *Beaver control subsidy.* Any beaver control subsidy funds under s. 20.370 (1) (1r), Stats., shall be allocated and distributed in the following manner:

(a) *County beaver damage assessment.* If the beaver subsidy funds are available, the department shall biannually assess beaver damage within each county by conducting:

1. A determination of the number of active beaver colonies on trout streams.
2. A survey of landowners and governmental bodies to identify sites experiencing beaver damage.

(b) *Subsidy allocation.* By June 30 each year, the department shall calculate the amount of funds available for beaver control subsidies during the subsequent state fiscal year and allocate the calculated amount by county in accordance with this section and the following formula:

$$\left[\begin{array}{l} \text{Number of active} \\ \text{beaver colonies on} \\ \text{county trout streams} \end{array} + \begin{array}{l} \text{Number of identified} \\ \text{county beaver damage} \\ \text{control areas} \end{array} \right] \times \begin{array}{l} \text{Available} \\ \text{Subsidy} \\ \text{funding} \end{array}$$

Statewide total

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(c) *Application requirement.* Any person desiring to receive beaver control subsidy payments shall submit an application on department provided forms to the appropriate department office indicated on the application. All applications shall be received by the department no later than January 15.

(d) *Subsidy agreements.* Upon determining that an application is complete and funds are available, the department may enter into an agreement to pay the applicant \$7.50 for each beaver removed from beaver damage control areas. The department may limit subsidy agreements to a specified number of beaver, and require that all agreements are subject to the conditions in par. (f).

(e) *Subsidy reallocation.* The department may reallocate any subsidy funds not encumbered by subsidy agreements under par. (d) after April 30 for use in other counties.

(f) *Agreement conditions.* Beaver damage subsidy agreements shall be subject to the following conditions:

1. Agreements shall commence on March 16 and terminate upon depletion of the county subsidy allocation, but no later than September 30.

2. The applicant shall comply with all hunting and trapping rules and laws.

Note: Exceptions for persons under subsidy agreement are established in ss. NR 10.01 (4) (b) and 10.13 (1) and (2).

3. The permittee shall possess a copy of the subsidy agreement when exercising agreement activities and when presenting beaver for verification and marking by the department.

4. The applicant shall present each beaver killed to the department for verification and marking as a condition of payment. Beaver must be presented unskinned with the tail attached. All beaver must be presented no later than 4:00 PM of the next department working day following September 30.

5. Live non-target animals shall be released immediately except any eagle shall be taken to the nearest department facility. Dead non-target animals shall be left in the trap and reported to the nearest conservation warden.

Note: Injured animals may be transported to the nearest rehabilitation facility, but a conservation warden shall be contacted within 24 hours.

6. The department may terminate any agreement upon the applicant's failure to comply with its terms or conditions.

7. Failure to comply with the agreement conditions shall render the applicant ineligible to receive payment, but also ineligible to apply for or enter into a subsidy agreement for the next subsequent subsidy agreement period.

History: Cr. Register, June, 1988, No. 390, eff. 7-1-88.