

## Chapter NR 19

### MISCELLANEOUS FUR, FISH, GAME & OUTDOOR RECREATION

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#### Subchapter I — Miscellaneous

**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.

(5m) "Daily bag limit" as used in s. NR 19.275, means the maximum number of a turtle species or group of turtle species which may be taken by a person each day.

(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.

(7m) "Hooking", as used in s. NR 19.275, means any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(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 ss. 29.02 (3), 29.136 (1) and 29.42 (3), Stats., and this sec-

tion, 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.

(12m) "Possession limit" as used in s. NR 19.275, means the maximum number of a turtle species or group of turtle species which may be possessed by a person at any time.

(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.

(16m) "Turtle", as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

(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), (3l), (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; cr. (5m), (7m), (12m) and (16m), Register, February, 1997, No. 494, eff. 3-1-97.

**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 19.02 Handling fees for certain approvals.

(1) **PURPOSE.** This section establishes and describes handling fees which may be charged for processing requests for approvals ordered by mail, telephone or electronic means.

(2) **APPLICABILITY.** The provisions of this section apply to licenses, permits, stamps and other approvals issued under the authority of ch. 29, Stats., and offered by the department for sale under extended purchasing options and ordered by mail, telephone, or electronic means.

(3) **DEFINITIONS.** As used in this section:

(a) "Approval" has the meaning in s. 29.01 (1), Stats.

(b) "Department" means the department of natural resources.

(c) "Extended purchasing options" means the ability to purchase an approval in person and by mail, telephone or electronic means.

(d) "Order" means a single request from a person for an approval or approvals.

(4) **FEE FOR HANDLING APPLICATIONS FOR CERTAIN APPROVALS.** (a) In addition to the obligation to pay all fees imposed under s. 29.092, Stats., a person who orders an approval by mail, telephone or electronic means is required to pay a handling fee established in accordance with this section for each order.

(b) The handling fee for each order shall be established by the department based upon projected mailing costs, credit transaction fees, credit verification fees, personnel costs, telecommunications costs and lock box charges associated with processing the order and may not exceed \$3.00 per order.

(c) The handling fee under this section shall be established consistent with par. (b) annually prior to April 1 by the secretary of the department.

(d) An order submitted by mail, telephone, or electronic means without payment of all associated fees required under s. 29.092, Stats., and the handling fee in a manner acceptable by the department is not a complete application for the approval and the order will be returned.

(e) If an application for an approval is denied, the handling fee is not refundable.

**History:** Cr. Register, July, 1996, No. 487, eff. 8-1-96.

### NR 19.025 Waivers for an educational recreational activity. (1) PURPOSE.

This section contains rules for the procedures required to apply to the department for a waiver of approvals, applicable fees and other requirements pursuant to s. 29.155 (1g) and (1r), Stats., for an educational, recreational and skills development activity that is sponsored or approved by the department. It further explains the reasonable conditions, limitations and restrictions that will be necessary to allow for approval of the waiver.

(2) **DEFINITIONS.** As used in this section:

(a) "Accompany" means be in immediate presence of the novice participant.

(b) "Educational outdoor skills activity" means a course to teach novice participants how to hunt or fish.

(c) "Mentor" means a person who is instructing or assisting with teaching of the educational outdoor skills activity.

(d) "Novice participant" means for hunting any person who is 11 years old or older, who has had less than 2 years of hunting experience. For fishing, it means any person who is 5 years of age or older who has less than 2 years of fishing experience.

(e) "Substantial loss of revenue" means a loss of fishing and hunting license fees from persons who are not novice participants.

(3) GENERAL; CONDITIONS, LIMITATIONS AND RESTRICTIONS. (a) An applicant shall submit a request for a waiver at least 30 days prior to the event on forms provided by the department.

(b) A written course outline shall be submitted along with the request for waiver for approval by the department.

(c) There shall be a minimum of 4 hours of classroom and field instruction prior to the hunting or fishing activity.

(d) A novice participant may not obtain more than one waiver of fees for the same hunting or fishing instructional activity.

(e) Where applicable, written authorization from host landowner shall be obtained and submitted with the application. It shall include the legal description of the lands on which the activity will be conducted. If department lands are to be used, the written approval of the property manager shall be obtained.

(f) Unless otherwise approved, the novice participants and mentors participating in the activity shall comply with all natural resource rules and regulations.

(g) Waivers may not be issued that allow for the shooting of wild animals or the catching of fish by a mentor or instructor.

(h) Novice participants may not be charged a fee which exceeds the costs of materials used in the course, equipment rental, meals and overnight accommodations.

(i) Upon receipt of information indicating prior illegal activity relevant to a mentor's ability to properly assist or instruct novice participants, the department may make appropriate inquiry into criminal history, character and background of mentoring applicants and determine their suitability for the proposed activity.

(j) One of the mentors shall carry the department approved waiver with list of participants during the educational recreational activity.

(k) Waivers under this section shall only apply to novice participants.

(L) The waiver of the approval and applicable fees will not result in a substantial loss of revenue to the department.

Note: Applications may be obtained from any department office.

(4) SPECIAL HUNTING CONDITIONS, LIMITATIONS AND RESTRICTIONS. (a) During the field portion of the hunting activity a mentor shall accompany a novice participant.

(b) During hunting skills field activities the area shall be posted with a sign advising of the activity.

(c) At least one mentor shall be a certified hunter education instructor.

(d) Mentors shall have at least 5 years of hunting experience.

(5) SPECIAL FISHING CONDITIONS, LIMITATIONS AND RESTRICTIONS. (a) During the field portion of the fishing activity there may be no more than 3 novice participants per mentor.

(b) Non-licensed mentors may be involved with assisting but will need approvals if they take part in the actual fishing activity unless they are enrolled as a novice participant.

(6) STATE PARKS. Waivers may be issued that allow the following activities in state parks:

(a) Possession of loaded and uncased firearms.

(b) Possession of strung and uncased bows.

(c) Shooting of deer and turkey on properties opened for the hunting of these species under s. 29.557 (3), Stats.

(d) Use of unleashed dogs.

(7) EXEMPTIONS. This section does not apply to special hunting events established under s. NR 10.01.

History: Cr. Register, July, 1997, No. 499, eff. 8-1-97.

**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; renum. 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.

**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 writing and receiving a written permit from the department or its duly authorized agents. Such permit shall be granted only after the department or its agents investigates and inspects such wild animals, hybrids of wild animals, or birds or fish, or the eggs or spawn thereof as it deems necessary to determine that such introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state. Inspection may include removal of reasonable samples of fish and eggs for biological examination. The responsibility of licensees holding private fish hatchery licenses is stated in s. 29.52 (10), Stats.

(2) Permits to import fish or eggs of the family Salmonidae (trout, char, salmon) shall be issued at no charge to a person who has applied on a special form furnished by the department. Such permit will be issued only if the immediate source of fish or eggs is certified free of infectious hematopoietic necrosis, viral hemorrhagic septicaemia, whirling disease, enteric redmouth and *Ceratomyxa shasta*, except that eggs from wild stocks do not have to be certified free of whirling disease. Certification shall be made in the state of origin and may be accomplished only by biologists recognized by the department as competent in diagnosis of fish diseases. For informational purposes the source of fish or eggs will also be inspected for infectious pancreatic necrosis, kidney disease and bacterial furunculosis. Inspecting biologists will submit a written inspection report to the department. A copy of the importation permit must accompany each shipment of fish or eggs.

History: 1-2-56; am. (2), Register, October, 1969, No. 166, eff. 1-1-70; renum. from WCD 19.05 to be NR 19.05, and am. (1), (2) and (3), Register, April, 1971, No. 184, eff. 5-1-71; r. and recr., Register, August, 1977, No. 260, eff. 9-1-77.

**NR 19.06 Fish nets and traps.** (1) It shall be unlawful for any person or persons to take, catch or kill fish or fish for fish of any species when such fish are being held in any fish net, fish holding net, fish trap, fish pond, either artificial or natural, or any structure or net placed in any of the waters of the state by the department or under its authority for the purpose of taking or holding fish therein at any time, or for any person or persons to lift, molest, cut or destroy any fish net, fish holding net, fish trap, fish pond, or any structure or net placed in any of the waters of the state

by the department or under its authority for the purpose of taking or holding fish therein.

(2) It shall be unlawful for any person or persons to take, catch, capture or kill fish or pursue fish in any fishing operations within 500 feet above or 500 feet below any net, dam or weir wherein the state of Wisconsin is fishing or holding fish for commercial, scientific, or biological purposes, when the area is properly posted by the department.

(3) No provisions in this section shall prohibit the department, its agents, deputy conservation wardens or representatives of the division of fish, game and enforcement of such department from taking any of the fish mentioned in any of the sections of this order at any time or from lifting, setting, or transferring any nets or structures used in holding or capturing fish, wherein they deem it advisable and necessary to promote the department fish management program.

**History:** 1-2-56; am. (1), Register, December, 1960, No. 60, eff. 1-1-61; am. (1), Register, December, 1961, No. 72, eff. 1-1-62; renun from WCD 19.06 to be NR 19.06 and am. (1), (2) and (3), Register, April, 1971, No. 184, eff. 5-1-71.

**NR 19.07 Shooting preserves.** (1) **LAND OWNERSHIP OR LEASES.** Any person making application to the department for a shooting preserve license must file with the department a verified copy of any lease of lands contained in the area for which they are making application for a shooting preserve license after the area has been inspected and found eligible for license. In the event the person making application for a shooting preserve license is owner of the land, he or she shall file with the department a sworn affidavit stating that he or she is the owner of such lands and has legal title to them.

(2) **SEASON FOR TAKING PHEASANTS AND QUAIL.** The season for taking pheasants and quail on shooting preserves shall begin September 15 and shall end on the last day of February. Shooting hours shall be as provided in s. NR 10.06.

(3) **HUNTING LICENSE REQUIREMENTS.** No person hunting upon a licensed shooting preserve may be required to hold a hunting license for hunting those game species for which the preserve has been licensed under this section.

(4) **AVAILABILITY OF RULES.** Shooting preserve licensees shall have available for review of each person hunting, taking, catching, or killing 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) 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 1/4 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.

**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 (e), 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; renun 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; r. (10), Register, July, 1988, No. 391, eff. 8-1-88.

**NR 19.09 Wild rice conservation.** (1) REMOVAL OR DESTRUCTION OF WILD RICE. (a) 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, Stats., 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 regional 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 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; renum. 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), renum. (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; am. (3), Register, July, 1988, No. 391, eff. 8-1-88.

**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.

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

(c) "Useful scientific knowledge" means new information contributing to the long-term well-being of wild animals and their habitats, or providing educational opportunities in the natural sciences.

(2) APPLICABILITY. (a) *Permits not required.* Scientific collectors permits are not required for the collection of wild plants, unprotected wild animals taken legally, or wild animals obtained from licensed game farms or fish hatcheries.

(b) *Bird banding.* Scientific collectors permits will be required for trapping and banding protected nonmigratory upland game birds.

(c) *Licenses.* A person is not required to possess a separate hunting, fishing or trapping license while collecting under a scientific collector permit.

(d) *Endangered species.* Endangered or threatened wild animals may be collected only under authority of endangered species permits issued by the department pursuant to s. 29.415, Stats., and ch. NR 27.

(3) PERMIT APPLICATIONS. (a) *Forms.* Applications for scientific collectors permits shall be made on application forms provided by the department and include:

1. Name and address of the applicant;
2. Applicant's personal description;
3. Purpose of the request;

4. Species and number of specimens to be collected;
5. Places and times when specimens are to be collected;
6. Method of collecting;
7. Place where collections will be kept; and
8. Such additional information as may be requested by the department.

9. The period of the permit.

(b) *Narrative proposal.* All permit applications shall be accompanied by a written proposal stating the objectives, justifications, procedures, times and places of collection, application of results and sponsor, if any, of the project described in the application.

(4) **PERMIT ISSUANCE.** (a) *Issuance.* Permits shall be issued in the name of the applicant. All agents of the permittee assisting in the permitted collections will be listed on the permit. Separate copies of permits shall be signed and carried by each person named in the permit when that person is acting under it in the absence of the permittee.

(b) *Specimen materials.* A permit will be issued for collections yielding preserved specimen materials only when such materials are to be kept in a place and manner where students and the public have access to them. Private collections to be kept in a manner not open to the public will not be approved.

(c) *Conditions.* 1. *Contents.* Permits will contain conditions deemed necessary by the department to protect the resources of the state and assure use of specimens taken are in compliance with s. 29.17, Stats.

2. *Nonresidents.* Permits issued to nonresidents will set forth conditions of removal of specimens from the state.

3. *Federal permits.* a. Permits involving the capture, marking, collection, possession or salvage of migratory birds or parts, nests or eggs of migratory birds will not be issued under this section until the applicant possesses a permit issued by the U.S. fish and wildlife service for that activity.

b. Permits under this section are not required for banding or marking capture-and-release activities authorized under a permit issued by the U.S. fish and wildlife service.

4. *Size of collections.* Permits will not be issued which authorize collections endangering the population of animals the collection would draw from, or exceeding the number of animals required to meet the permittee's objectives.

5. *Unprotected species.* Permits will not be issued for the collection of protected species if unprotected species can be used to accomplish the same purposes.

(5) **PERMIT USAGE** (a) *Disposition of specimens.* 1. Living unharmed specimens collected during the course of permitted activities shall be returned to the wild at the point of capture, unless otherwise provided in the permit.

2. Any endangered or threatened species taken unintentionally during the course of permitted activities shall be immediately released if unharmed.

3. Injured or dead wild animal specimens shall be immediately turned over to the department employe named in the permit unless otherwise provided in the permit.

(b) *Notification of department.* Each permittee shall notify the department employe named in the permit at least 48 hours prior to collecting of the time and place where specimens will be collected.

(c) *Marked gear.* All traps, nets and any other gear used for capturing wild animals under terms of a permit shall be marked with the permit number, name and address of the permittee.

(d) *Trap and net tending.* All traps, nets and other capture equipment by the permittee at least once each 24-hour period.

(e) *Fishing gear restrictions.* 1. Gill nets. Gill nets may not be used in inland waters unless specifically authorized by a permit.

2. *Buoys.* All buoys and buoy staffs shall be marked and maintained as required by the department. The permit number, name and address of the permittee shall be maintained in plain figures on the bowl of the buoy.

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 specimen 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 regional 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 19.115 Fish, fur, game seals.** Fish, fur, game seals shall be attached by or at the direction of the department to fish, fur or game articles which may be sold pursuant to s. 29.06 (1), Stats. Each seal shall be issued for a particular article only and no seal may be attached or assigned to any other article. No person may possess or transfer any seal to another person except as incidental to the possession, purchase, sale, trade or transfer of the article of fish, fur, or game for which the seal was issued.

*History:* Cr. Register, March, 1990, No. 411, eff. 4-1-90.

**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 may be retained until it has been tagged as required under this section.

(7) Permits shall be issued and 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) Identification of permittee as driver of vehicle, or other.

(f) Sex of deer and approximate weight.

(g) Location of kill as to county and deer management unit.

(h) Name of officer who issued permit carcass tag and the name and address of the officer's agency.

(i) Statement that the permit is valid for a period of 90 days after the 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 may not be disposed of on the highway right-of-way.

History: Cr. Register, June 1976, No. 246, eff. 7-1-76; am. Register, August, 1994, No. 464, eff. 9-1-94.

**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 19.27 Seasons, limits, restrictions on taking crayfish and frogs.** There is a closed season established for taking crayfish and frogs except when taken during the open season 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 (12)	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 any entrance not to exceed 2 1/2 inches at its greatest diagonal measurement.  All traps used to take crayfish shall be raised and crayfish removed at least once each day following the 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  (b) All other areas	No open season for bullfrogs  Saturday nearest May 1 to Dec. 31	None	None	No person may take frogs with the aid of a firearm.

(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.

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.

(b) *Frogs*. This section does not apply to frogs propagated in captivity.

*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; am. (1), Register, July, 1988, No. 391, eff. 8-1-88; am. (intro.), r. (3), Register, February, 1997, No. 494, eff. 3-1-97.

**NR 19.275 Turtles.** (1) **APPLICABILITY.** This section applies to the taking and possession of turtles in Wisconsin, except for the Wisconsin-Minnesota boundary waters and the Wisconsin-Iowa boundary waters, where the taking and possession of turtles is governed by ss. NR 21.13 and 22.13, respectively.

(2) **SEASONS; POSSESSION AND DAILY BAG LIMITS.** No person may take turtles except during the open seasons established in sub.

(4). For the purpose of turtle harvest, the possession limits are the same as the daily bag limits.

(3) **ADDITIONAL RESTRICTIONS.** No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval issued under s. 29.095, 29.10, 29.11, 29.112, 29.147 or 29.1475, Stats., which authorizes the hunting of small game, or an approval issued under s. 29.095, 29.14, 29.145, 29.146, 29.147, 29.1475, 29.36 or 29.37, Stats., which authorizes fishing.

(b) Take turtles by methods other than hoop net turtle traps that comply with par. (c), hand, hook and line or hooking.

(c) Use a hoop net turtle trap to take turtles unless it complies with all of the following criteria:

1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02(28).

2. The net is nylon or other stretchable fabric. Wire may not be used.

3. It is constructed with a funnel entrance at one or both ends which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.

4. It is designed and set so the closed sides sit horizontal in the water.

*Note*: There is no restriction on the size of the trap itself or the number of hoops used in its construction.

(d) Use a hoop net turtle trap unless it is placed on the bed of the stream, river, lake or pond so that a minimum of 2 inches of the trap is above the water's surface.

(e) Use a hoop net turtle trap unless it is checked and the entrapped contents removed at least once each day.

(f) Place, use or tend more than 3 hoop net turtle traps.

(g) Use a hoop net turtle trap unless a stamped or engraved metal tag, bearing the name and address of the operator of the trap in the English language, is attached in a manner that is visible above water and legible at all times.

(h) Place, use or tend a hoop net turtle trap or remove its entrapped contents unless that person is the operator identified on the trap tag.

(4) **SEASONS AND LIMITS:**

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(a) Snapping turtle	July 15 to Nov. 30	3	12 inch minimum 16 inch maximum top shell measured from front to back
(b) Softshell turtle	July 15 to Nov. 30	3	None
(c) All other turtles not listed as threatened or endangered in ch. NR 27	July 15 to Nov. 30	5 in total	None

*History*: Cr. Register, February, 1997, No. 494, eff. 3-1-97.

**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.



**NR 19.30 Criminal history checks; volunteer safety instructors.** Whenever application is made to the department by a person interested in becoming certified to instruct as a volunteer all-terrain vehicle, boating, bowhunter, hunter education or snowmobile safety instructor, the bureau of law enforcement shall conduct a criminal history, character and background check on the applicant.

**History:** Cr. Register, July, 1996, No. 487, eff. 8-1-96.

## 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.

(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.

**NR 19.78 Administrative and abatement costs and fund advancement to counties.** (1) (a) Except as provided in par. (b) the department shall, based upon the applicant's estimate of anticipated administrative and abatement costs indicated in its plan, advance to the county for administration purposes one-fourth the amount indicated in the plan or one-fourth of such other amount deemed reasonable by the department no later than January 15 following approval of the application and plan of administration.

(b) For the 1984 calendar year, the advance payment shall be paid within 30 days of plan approval.

(2) Use of advanced administration funds is limited to actual costs incurred. Eligible costs of the county which may be paid out of this advance fund are limited to:

(a) Reasonable salaries or contract payments;

(b) Mileage at standard state of Wisconsin rates established by the department of administration;

(c) Staff training, telephone, printing and distributing promotional materials; and

(d) Other reasonable costs incurred in accordance with normal county administrative procedures.

(3) Funds advanced under this section not used by the 9th month of the plan period shall be immediately returned to the department. Funds returned may be distributed by the department to all counties administering under an approved plan for administration and abatement costs or payment of damage claims.

(4) A county may not be reimbursed for administrative or abatement costs in excess of the estimate contained in the plan without approval of the department.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84.

**NR 19.79 Wildlife damage abatement.** (1) Costs of wildlife damage abatement measures rendered by a county under the plan are eligible for reimbursement under s. 29.598, Stats., only when rendered to persons owning or controlling land within the county of administration.

(2) Abatement measures rendered by a county under s. 29.598, Stats., are limited to those which are approved in the plan or authorized in writing by the department and which are commonly accepted in the wildlife management profession as valid control measures and which are likely to be successful in reducing wildlife damage.

(3) Woven-wire deer-proof fences, for which an application has been approved by the county and department, under s. NR 19.81, shall be included in the plan for the calendar year succeeding the fence application.

(4) (a) For purposes of determining the total cost of a damage abatement measure, cooperation in the measure by the applicant in construction, operation, maintenance or application of the measure shall be considered 50% of its total cost. The county may, as a condition of providing abatement assistance, require full cooperation and assistance of the applicant.

(b) Costs of abatement measures which are eligible for reimbursement are:

1. The reasonable cost of abatement equipment and supplies, and

2. Those costs listed in s. NR 19.78 (2).

(c) Crops subject to abatement provisions of this subchapter and s. 29.598, Stats., shall be described in the plan.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84.

**NR 19.80 Wildlife damage claims.** (1) Wildlife damage claims may be paid only to persons owning or controlling land within the county of administration who also have authority to control entry on those lands for purposes of hunting.

(2) (a) All wildlife damage claims approved by the county shall be filed with the department no later than March 1 following the calendar year in which the damage occurred.

(b) The department shall review and act on properly filed claims no later than June 1 following the calendar year in which the damage occurred.

(3) If the approved claims exceed the funds available, claims shall be paid on a prorated basis.

(4) (a) All claimants for damage payments, recognized and included in the county plan, shall meet all of the following eligibility requirements:

1. The lands subject to the claim shall have been in cultivation, a Christmas tree plantation or in an approved agriculture sta-

bilization and conservation service set-aside program for at least 5 consecutive years prior to the application.

2. The crops subject to the claim were not planted or manipulated to attract deer, bear or geese.

3. Unless otherwise provided by the county, the claimant shall have notified the county of his or her intent to harvest crops subject to damage but not less than 10 days prior to the harvest.

4. If a claimant has been issued a deer shooting permit under s. NR 12.16, the claimant has complied with the deer harvest objectives in s. NR 12.16 (2).

(b) The county, in addition to requirements in par. (a), may establish further requirements deemed reasonable and necessary to administer this subchapter.

(5) Crops subject to claims and payments under this subchapter and s. 29.598, Stats., shall be described in the plan.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84; am. (4) (a) (intro.) and 2., cr. (4) (a) 4., Register, May, 1994, No. 461 eff. 6-1-94.

**NR 19.81 Woven-wire deer-proof fence construction.** (1) Specific applications and funding for woven-wire deer-proof fences shall be approved by the department and county and included in the county plan.

(2) Prior to granting its approval, the department shall assure:

(a) Deer damage has occurred or is occurring on the lands of the applicant and is likely to occur in the future; and

(b) The applicant is eligible to receive deer damage claim payments.

(3) Should it appear that the cost of providing woven-wire fences to applicants will exceed the funds available for abatement and claims, the department, in reviewing applications, shall grant priority after considering:

(a) The crops to be protected are continuing and long-term in nature, and the costs of future damage claims may exceed the cost of fence construction over the lifetime of the fence.

(b) The applicant has fully cooperated and assisted in applying recommended damage abatement measures.

(c) The landowner agrees to construct and maintain the fence for a period of time determined reasonable in the county plan.

(4) The department, exercising reasonable judgment, shall base its decision on priority under sub. (3) on the criteria listed in sub. (3) and the best interest of the state, considering the costs of constructing the deer-proof fence, the projected amount of damages without the fence and the available funding.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84.

**NR 19.82 County recordkeeping.** (1) In this section, "records" means books, documents, papers, accounting records, audits, and other evidence and accounting procedures and practices.

(2) The county is responsible for maintaining a financial management system which shall adequately provide for:

(a) Accurate, current and complete disclosure of the financial results of the program in accordance with department reporting requirements and in accordance with generally accepted accounting principles and practices, consistently applied, regardless of the source of funds.

(b) Effective control over and accountability for all project funds, property, and other assets.

(c) Comparison of actual budget amounts for the program.

(d) Procedures for determining the eligibility and allocability of costs in accordance with the plan of administration.

(e) Accounting records supported by source documentation.

(f) Audits to be made by the county or at the county's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with the terms of the grant agreement. The county shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once

every 2 years, considering the nature, size and complexity of the activity.

(g) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(3) The following record and audit policies are applicable to all department grants and to all subagreements.

(a) The county shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to properly reflect:

1. The amount, receipt and disposition by the county of all assistance received for the project, including both state assistance and any matching share or cost sharing; and

2. The total costs of the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the state grants have been awarded. In addition, contractors of grantees, including contractors for professional services, shall also maintain books, documents, papers, and records which are pertinent to a specific state grant award.

(b) The county's records and the records of contractors, including professional services contracts, shall be subject at all reasonable times to inspection, copying and audit by the department.

(c) The county and contractors of the county shall preserve and make their records available to the department:

1. Until expiration of 3 years from the date of final settlement, or

2. For such longer periods, if required by applicable statute or lawful requirement; or

3. If a program is terminated completely or partially, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final termination settlement; or

4. Records which relate to appeals, disputes, litigation on the settlement of claims arising out of the performance of the project for which funds were awarded, or costs and expenses of the project to which exception has been taken by the department or any of its duly authorized representatives, shall be retained until any appeals, litigation, claims or exceptions have been finally resolved.

(4) (a) Preaward or interim audits may be performed on applications and awards.

(b) A final audit shall be conducted after the submission of the final payment request. The time of the final audit shall be determined by the department and may be prior or subsequent to final settlement. Any settlement made prior to the final audit is subject to adjustment based on the audit. Counties and subcontractors of counties shall preserve and make their records available upon request.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84.

**NR 19.83 Termination.** The department shall, upon 30 days notice, terminate a county application and plan under s. 29.598, Stats., and this subchapter for any violation of the plan, the statute or rules or failure to properly report costs of the program or claims or comply with recordkeeping or audit procedures.

(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 Permits to hunt Canada geese causing agricultural damage.** (1) **ISSUANCE AUTHORITY.** Contingent upon the establishment of a federal harvest quota and goose season framework valid for Wisconsin and in accordance with this section, the department may issue Canada goose damage hunting

permits to agricultural crop land owners or lessees experiencing crop damage by Canada geese. Permittees may issue Canada goose damage hunter permits to other persons and authorize them to assist by hunting Canada geese causing damage.

**(2) DEFINITIONS.** For purpose of this section:

(a) "Goose hunting zone" means those established under s. NR 10.31.

(b) "Lands suitable for hunting" means as defined in s. NR 19.76 (4).

**(3) APPLICATION REQUIREMENT.** An applicant shall apply for a landowner or lessee permit to hunt Canada geese causing agricultural damage under this section on forms supplied by the department. A separate application is required for each parcel of non-contiguous crop lands.

**Note:** The forms may be obtained from department field stations or county wildlife damage program offices.

**(4) PERMIT ISSUANCE CRITERIA.** After determining that issuance or extension of permits under this section will not result in the harvest of Canada geese which exceeds the federally assigned quota, the department may issue goose damage hunting permits only to landowners or lessees meeting the following criteria:

(a) *Ownership of crops being damaged.* The applicant shall be an individual who owns or leases the crop lands being damaged or be one officer of the corporation that owns or leases the crop lands being damaged. No more than one landowner or lessee permit may be issued for a parcel of land at the same time.

(b) *Hunting access control.* Applicants shall possess the authority to control entry for goose hunting on the damaged crop lands and any contiguous lands under the same ownership which are suitable for hunting;

(c) *\$1,000 damage extent.* Damage to the applicant's crops shall be ongoing and either exceed or be likely to exceed \$1,000 in the current calendar year as determined by the county wildlife damage administrator.

(d) *Alternative abatement attempted.* The applicant shall comply with all alternative damage abatement techniques recommended by either:

1. The authorized county administrator for lands located in a county participating in a wildlife damage program under s. 29.598, Stats., or

2. The department for lands located in all other counties.

(e) *Normal crop management.* The applicant shall be managing the crop lands sustaining damage in accordance with methods normally used by no less than 50% of the other growers in the county. A permit may not be issued for crop lands when 90% or more of any row crop described in the application have been harvested in the county of application.

(f) *Permit and license compliance.* The applicant shall have complied with the conditions of any permit to hunt Canada geese causing damage issued to him or her within the 12 months immediately preceding application and may not currently have their hunting license privileges revoked.

**(5) PERMIT CONDITIONS.** Any landowner or lessee permit issued under this section is subject to the following conditions:

(a) *Public goose hunting.* 1. The permittee shall keep the damaged crop lands and any contiguous lands under the same ownership which are suitable for hunting open to public goose hunting subject to subd. 2. during the current calendar year's goose hunting season.

2. Permittees may refuse access to goose hunters 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, the presence of at least 2 hunters per each 40 acres of land suitable for hunting shall constitute reasonable cause for refusal.

3. All lands required to be open to public goose hunting under subd. 1. may not be posted against hunting except to indicate that hunting is by permission only.

4. The landowner or lessee permittee may not charge any form of fee to a person hunting geese pursuant to a Canada goose damage permit issued under this section.

(b) *Hunter authorization.* Upon request by a person who meets the conditions in sub. (6), the permittee shall provide the person with a Canada goose damage hunting permit and no more than 2 carcass tags which will authorize the person to hunt geese causing damage within the authorized area subject to the conditions stated in the permit and this section unless all permits and carcass tags have been issued by the landowner or lessee permittee.

**Note:** The department will provide the permittee with Canada goose damage hunting permit forms

(c) *Authorized area.* A permit issued under this section applies only to the lands described on the permit.

(d) *Kill limit.* The department may authorize the harvest of up to 20 Canada geese per landowner or lessee permit under the initial authorization depending on the acreage of damaged crop lands and numbers of Canada geese using the site.

(e) *Carcass tags.* The department shall issue to the landowner or lessee permittee one carcass tag for each goose authorized for harvest under the landowner or lessee permit. The landowner or lessee permittee may retain 2 carcass tags for his or her use and shall issue the remaining carcass tags free of charge to other hunters authorized to participate by the landowner or lessee.

(f) *Reporting.* The landowner or lessee permittee shall maintain a record of all hunters, including themselves, who participated and were issued carcass tags. Within 3 days following permit expiration, the landowner or lessee permittee shall return their permit, all hunter permit records, all unused carcass tags, and report the number of Canada geese harvested under permit to the department office indicated on the permit.

(g) *Permit length.* Permits shall remain in effect until all carcass tags issued under this section have been used, but not longer than 7 days, unless the department grants an extension under par. (h).

(h) *Permit extensions.* If, upon permit expiration, Canada geese continue to cause damage to the landowner or lessee's crops and the permittee has complied with the conditions of the permit, the department may:

1. Authorize the harvest of additional geese if all previously issued carcass tags have been used; and

2. Extend the effective dates of the permit to allow use of any subsequent or previously issued carcass tags.

**(6) CONDITIONS OF HUNTING.** No person may hunt or possess Canada geese under a permit issued under this section unless they have complied with the following conditions:

(a) *Licensing.* 1. The landowner or lessee permittee shall only be required to comply with the federal migratory bird stamp purchase and possession requirements.

2. All persons other than the landowner or lessee permittee who are authorized to participate under this section shall possess all state and federal licenses, permits and stamps required to hunt Canada geese within the goose hunting zone which contains the lands described on the permit.

(b) *Use of other permits.* All persons authorized to participate under this section shall have used any other goose hunting permit and carcass tags issued to them which are valid for the locations and effective dates specified in the landowner or lessee permit prior to using the carcass tags issued under this section.

(c) *Reporting.* All persons issued a permit under this section shall report the harvest of a Canada goose to the landowner or lessee permittee and mail a completed goose harvest report card to the department within 48 hours of the time of harvest.

(d) *Carcass tags.* All persons issued carcass tags under this section shall immediately peel off and affix the carcass tag identification number to the appropriate location on the forms provided by the department. Carcass tags are nontransferable.

(e) *Goose disposition.* No person may take or possess more than 2 Canada geese under each permit issued under this section.

(f) *Regulation compliance.* Except as otherwise authorized in this section, all participants shall comply with all state and federal waterfowl hunting regulations including tagging and the daily bag

limit. Any geese 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; emerg. am. (3), (5) (e), r. and recr. (5) (c) and (d), r. (5) (g), cr. (5) (i), eff. 9-15-89.