

## Chapter NR 13

### CHIPPEWA TREATY RIGHTS PARTICIPANTS

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**Note:** Chapter NR 13 was created as an emergency rule effective 8-4-89; emerg. cr. NR 13.10 to 13.196 and 13.50 to 13.57 effective 2-2-90.

#### Subchapter I — General Provisions

**Note:** Chapter NR 13 is a direct result of the off-reservation treaty rights first recognized in *Lac Courte Oreilles v. Voigt*, 700 F.2d 341 c7th Cir. 1983d. This rule does not actually amend other state statutes. Rather, it represents the Department's interpretation of how these laws must be interpreted or limited in order to comply with the general limitations on state regulatory authority expressed in *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 1233 cW.D. Wis. 1987d and the specific limitations expressed in the regulatory phase of the Voigt litigation. cSee e.g., *Lac Courte Oreilles v. State of Wisconsin*, 707 F. Supp. 1034 cW.D. Wis. 1989d.

Chapter NR 13 will serve 4 purposes:

1. It provides the federal court with the State's litigation position in the ongoing Chippewa off-reservation treaty rights litigation.
2. The rule provides the State with a set of regulations for those species on which the court has not yet ruled. The state has acknowledged that certain of the current state laws do not meet the aforementioned reasonableness standards for enforcement of Chippewa off-reservation treaty rights.
3. The rule provides a set of back-up regulations for those species on which the court has already ruled. In *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 226 cW.D. Wis. 1988d the court accepted the Chippewa Off-Reservation Code as the primary set of regulations applicable to off-reservation treaty rights. However, it allowed for enforcement of state law should the Chippewa fail to enact or enforce their code. It is expected that a similar pattern will prevail for all species covered by ch. NR 13.
4. Should the federal court rule in future trials that the Chippewa Off-Reservation Code does not preempt state law, ch. NR 13 will serve as the primary set of regulations for Chippewa off-reservation treaty rights.

**Note:** This chapter contains a number of provisions for which modifications have been added to reflect limitations on the state's authority as a result of the litigation arising from *Lac Courte Oreilles v. Voigt*, 700 F.2d 341 c7th Cir. 1983d. The modifications are placed in this chapter rather than done as an actual change to the underlying statute or administrative code provision due to the applicability of the Voigt decision to only enrolled members of the Chippewa bands and the need for a single document summarizing all regulations dealing with off-reservation treaty rights.

**NR 13.01 Purpose.** This chapter is intended to regulate off-reservation treaty rights of treaty rights participants recognized by *Lac Courte Oreilles Band v. Voigt*, 700 F.2d 341 c7th Cir. 1983d to the extent permissible under *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 1233 cW.D. Wis. 1987d, *Lac Courte Oreilles v. State of Wisconsin*, 707 F. Supp. 1034 cW.D. Wis. 1989d, *Lac Courte Oreilles v. State of Wisconsin*, 740 F. Supp. 1400 cW.D. Wis. 1990d, *Lac Courte Oreilles v. State of Wisconsin*, 758 F. Supp. 1262 cW.D. Wis. 1991d and the final

judgment thereto entered on March 19, 1991. Where applicable, provisions of this chapter dealing with tending, sharing or checking of gear, transactions including sale and transfer of tags, permits and other approvals also apply to nontreaty rights participants.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; r. and recr. Register, May, 1992, No. 437, eff. 6-1-92.

**NR 13.02 Definitions.** In addition to definitions established in ss. NR 10.001, 12.001, 19.001 and 20.03, the following definitions apply to this chapter.

**c1d** XCeded territoryY means the territory in Wisconsin ceded by the Chippewa Indians to the United States in the Treaty of 1837, 7 Stat. 536, and in the Treaty of 1842, 7 Stat. 591. A map of the ceded territory is found in the appendix to *United States v. Bouchard*, 464 F. Supp. 1316 cW.D. Wis. 1978d.

**c2d** XDepartmentY means the department of natural resources.

**c3d** XEnrolled Chippewa tribal memberY means an individual listed on the official roll of one of the Chippewa bands entitled to exercise off-reservation treaty rights under *Lac Courte Oreilles v. Voigt*, 700 F.2d 341 c7th Cir. 1983d.

**c4d** XGill netY means any net set to capture fish by entanglement rather than entrapment.

**c5d** XIce fishingY means taking, capturing or killing fish or fishing for any variety of fish at any time through an artificial hole in the ice.

**c6d** XManagement unitY, Xhunting zoneY and Xmanagement zoneY mean those management units established for deer in s. NR 10.28, black bear hunting zones established in s. NR 10.30 and Canada goose management zones established in s. NR 10.31 or any other area established by the department for management purposes.

**c7d** XPublic landsY means land currently held in fee title by federal, state or local governments or lands held under the forest crop or managed forest land programs but only to the extent such lands are required to be open to public hunting and fishing.

**c8d** XRemaining tribal quotaY means the difference between the tribal quota and the cumulative harvest of the particular species by all treaty rights participants using all harvest methods permissible under this chapter. The cumulative harvest includes all harvest to the date that the remaining tribal quota is calculated. If the cumulative harvest exceeds the tribal quota, the remaining tribal quota shall be zero.

**c9d** XSafe harvestY means a level of harvest meeting the guidelines of *Lac Courte Oreilles Band of Lake Superior Chippewa v. Wisconsin*, 707 F. Supp. 1034 cW.D. Wis. 1989d that incorporates an appropriate margin of safety, estimates of the population and acceptable exploitation rates which will reasonably prevent harvest of more than 35% of the population of adult walleyes and 27% of the population of adult muskellunge. The margin of safety shall assure that the true safe harvest is not exceeded in more than 1 of 40 cases. For waters where a population estimate has not been made, a regression model based upon population estimates from other waters shall be used. The margin of safety used depends upon the age of the population estimate and whether a regression model was used.

**c10d** XSnareY means a steel cable device in the form of a noose with a stop, lock and swivel which is set to capture an animal by the body, neck or foot.

**c11d** XSpear fishingY means taking or attempting to take a fish by means of a hand held spear or other similar device which is directed by the spearer to impale the target fish. Spearfishing may include the use of an artificial light.

**c12d** XTribal quotaY or XTQY means the total number of a particular species which may be harvested annually from a given body of water, management unit, hunting zone or management zone by all treaty rights participants.

**c13d** XTreaty rights participantY means an enrolled Chippewa tribal member exercising off-reservation rights under *Lac Courte Oreilles Band v. Voigt*, 700 F. 2d 341 c7th Cir. 1983d.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; am. c6d, Register, May, 1992, No. 437, eff. 6-1-92; correction in intro.d was made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

**NR 13.03 Identification.** A treaty rights participant shall be issued a photo identification card by his or her band and shall carry the card on his or her person when exercising treaty rights. Treaty rights participants shall display their photo identification card upon request by state or local law enforcement personnel, state biologists or state, federal or local property managers. A treaty rights participant is not required to have a state hunting, fishing, trapping or ricing license.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90.

**NR 13.035 Allocation.** The department may limit the number of permits, tags or quota available to treaty rights participants so as to limit the Chippewa harvest in any harvest or management unit to no more than 50% of the total harvest within that harvest or management unit.

**History:** Cr. Register, May, 1992, No. 437, eff. 6-1-92.

**NR 13.04 Restrictions and department authority.**  
**c1d** DEPARTMENT AUTHORITY. The following statutory and administrative code provisions are unaffected by *Lac Courte Oreilles v. Voigt*, 700 F. 2d 341 c7th Cir. 1983d:

cad *Statutory provisions.* 1. Sections 23.09 and 23.11, Stats. Powers of the department.

2. Section 23.10, Stats. Conservation wardens.

3. Section 23.115, Stats. Designation of trails, etc.

4. Section 23.15, Stats. Sale of state owned lands under the jurisdiction of the department of natural resources.

5. Section 23.27, Stats. Natural areas; definitions; importance; inventory; acquisition; sales.

6. Section 23.28, Stats. State natural areas; designated state natural areas.

7. Section 23.29, Stats. Wisconsin natural areas heritage program.

8. Section 23.30, Stats. Outdoor recreation program.

9. Section 23.305, Stats. Leasing of department land for recreational purposes.

10. Section 23.31, Stats. Recreation resources facilities.

11. Section 23.32, Stats. Wetlands mapping.

12. Section 26.07, Stats. Money, how disposed of.

13. Section 26.08, Stats. Leases and licenses.

14. Section 26.22, Stats. Sales, etc.

15. Section 26.30, Stats. Forest insects and diseases; department jurisdiction; procedure.

16. Chapter 28, Stats. Public forests.

17. Section 29.011, Stats. Title to wild animals.

18. Section 29.927, Stats. Public nuisances cmodified by s. NR 13.05 c4dd.

19. Section 29.934, Stats. Sale of confiscated game and apparatus.

20. Section 29.043, Stats. Interstate comity.

21. Section 29.041, Stats. Department to regulate hunting and fishing in interstate waters.

22. Section 29.024 and 29.193, Stats. Hunting, trapping and fishing; licenses and other approvals; issuance. applicable only when a license or approval is requiredd

23. Section 29.563 c11d cbd 1., Stats. Hunter education and firearm safety; instruction fee; certificate of accomplishment.

24. Section 29.563 c5d cad 1., Stats. Guide license.

25. Section 29.563 c6d, Stats. Trapping and fur dealer licenses and taxidermist permits.

26. Section 29.563 c7d ccd, Stats. Wholesale fish dealer license.

27. Section 29.092 c8d ccd through cfd, Stats. Relating to private fish hatchery fees.

**Note:** 1997 Wis. Act 248 repealed s. 29.092 c8d ccd to cfd, Stats.

28. Section 29.563 c9d, Stats. Bird and game farms, related activities and wildlife in captivity; licenses, tag; permits.

**Note:** 2001 Wis. Act 56 repealed s. 29.563 c9d, Stats., except s. 29.563 c9d cad 1. which was renumbered s. 29.563 c7d ccd 5m.

29. Section 29.563 c11d cad 1., Stats. Scientific collector permit.

30. Section 29.563 c12d, Stats. Fees for duplicate approvals applicable only when a license or approval is requiredd.

31. Section 29.563 c14d ccd, Stats. Issuing fee applicable only when a license or approval is requiredd.

32. Section 29.569, Stats. Fish and wildlife; effective periods; restrictions applicable only when a license or approval is requiredd.

33. Section 29.509 c1d cad, Stats. Relating to the definition of bait.

34. Section 29.137 c5d, Stats. Relating to department rule authority for taking, handling, and storing of bait.

**Note:** 1997 Wis. Act 248 repealed s. 29.137 c5d, Stats.

35. Section 29.509 c5d, Stats. Relating to issuance of permits for taking bait.

36. Section 29.509 c6d, Stats. Relating to bait from private fish hatcheries.

37. Section 29.614, Stats. Scientific collector permit.

38. Sections 29.014, 29.035, 29.037, 29.053, and 29.192, Stats. Conservation of fish and game; powers of department.

39. Section 29.039, Stats. Nongame species.

40. Section 29.591, Stats. Hunter education and firearm safety programs; certificate of accomplishment.

41. Section 29.337, Stats. Hunting and trapping by landowners.

42. Section 29.321, Stats. Training of hunting dogs and rules for dog trials.

**Note:** 2001 Wis. Act 56 repealed s. 29.321, Stats.

43. Section 29.404, Stats. Relating to rules for ice fishing shanties.

44. Section 29.522, Stats. Description of nets; use of.

45. Section 29.354 c3d, Stats. Mounted collections.

46. Section 29.541 c1d cbd, Stats. Relating to permits to serve game to guests.

47. Section 29.701, Stats. Propagation privileged.

48. Section 29.709 c1d, Stats. State fish hatcheries.

49. Section 29.709 c2d, Stats. Transplantation of fish.

50. Section 29.741, Stats. Relating to state propagation of wild mammals and birds.

51. Section 29.607 c1d and c2d, Stats. Relating to title to wild rice and powers of the department.

52. Section 29.857, Stats. Wild animals for parks.

**Note:** 2001 Wis. Act 56 repealed s. 29.857, Stats.

53. Section 29.617, Stats. Public hunting and fishing grounds.

54. Section 29.627, Stats. Domestic fur-bearing animal farms.

55. Section 29.885, Stats. Removal of wild animals.

56. Section 29.889, Stats. Wildlife damage abatement programs; wildlife damage claim program.

57. Section 29.881, Stats. Giving away of predatory animals to public zoos.

**Note:** 2001 Wis. Act 56 repealed s. 29.881, Stats.

58. Section 29.421, Stats. Removal of injurious rough fish.

59. Section 29.424, Stats. Control of detrimental fish.

60. Section 29.417, Stats. Permit to take rough fish.

cbd *Administrative code provisions.* 1. Chapter NR 1 Natural resources board policies.

2. Section NR 12.05 c1d and c2d Relating to birds causing depredation.

3. Section NR 10.102 c1d Bear quotas.

4. Section NR 10.104 c1d Relating to the management of the deer herd.

5. Section NR 10.104 c7d Deer harvest quotas.

6. Section NR 10.117 Deer season modification.

**Note:** NR 10.117 was repealed eff. 2-1-02.

7. Section NR 10.28 Deer management units.

8. Section NR 10.29 Wild turkey hunting zones.

9. Section NR 10.30 Black bear hunting zones.

10. Chapter NR 12 Wildlife damage and nuisance control.

11. Section NR 19.01 Approval deadlines applicable only when an approval is required.

12. Section NR 19.03 Control of muskrats on cranberry marshes.

13. Section NR 19.07 Shooting preserves.

**Note:** Section NR 19.07 was repealed eff. 11-1-03.

14. Section NR 19.11 c1d through c4d Relating to scientific collector permits.

15. Sections NR 19.75 to 19.83 Relating to the wildlife damage abatement and claims program.

16. Section NR 20.03 c1d cintro.d Relating to open and closed seasons, size and bag limits and measurements.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

17. Section NR 20.03 c4d Relating to special regulations for toxicant-treated waters.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

18. Section NR 20.04 c3d Special waters-lakes.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

19. Section NR 20.07 c3d Relating to taking rough fish by hand.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

20. Section NR 20.07 c4d Relating to taking certain fish by spear in designated waters.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

21. Section NR 20.14 Department permitted to take fish.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

22. Section NR 20.15 Control of detrimental fish.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

**c2d RESTRICTIONS UNRELATED TO TREATY RIGHTS.** The following statutory and administrative code provisions are unaffected by *Lac Courte Oreilles Band v. Voigt*, 700 F.2d 341 c7th Cir. 1983d and are not intended to be modified, except as expressly provided, by any provision of this chapter:

cad *Statutory provisions.* 1. Section 23.33, Stats. All-terrain vehicles.

2. Section 23.40, Stats. Environmental impact statement.

3. Section 26.12 c5d, Stats. Relating to setting fires - intensive protection areas.

4. Section 26.14, Stats. Forest fires, law enforcement, police power of wardens, compensation, penalties, civil liability.

5. Section 26.19, Stats. Destruction of forest protection equipment or notices.

6. Section 26.21, Stats. Civil liability for forest fires.

7. Chapter 27, Stats. Public parks and places of recreation. cmodified by s. NR 13.05 c9dd.

8. Section 29.288, Stats. Throwing refuse in waters; abandoning automobiles, boats or other vehicles.

**Note:** Section 29.288, Stats., was repealed by 1998 Wis. Act 335.

9. Section 29.601 c3d, Stats. Deleterious substances.

10. Section 29.951, Stats. Resisting conservation warden.

11. Section 29.954, Stats. False impersonation of warden.

12. Section 29.961, Stats. Incorrect information.

13. Section 29.964, Stats. Changing approval.

14. Section 29.957, Stats. Breaking seals of department.

15. Section 29.969, Stats. Larceny of game.

16. Chapter 30, Stats. Navigable waters, harbors and navigation.

17. Chapter 31, Stats. Regulation of dams and bridges affecting navigable waters.

18. Section 167.26, Stats. Leaving unguarded ice holes.

19. Section 167.31, Stats. Safe use and transportation of firearms and bows.

20. Chapters 340 to 349, Stats. Relating to laws regulating motor vehicles.

21. Chapter 350, Stats. Snowmobiles.

22. Chapters 939 to 948, Stats. Relating to laws regulating crimes.

cbd *Administrative code provisions.* 1. Chapter NR 5 Boat regulations and registration.

2. Chapter NR 6 Snowmobile standards certification.

3. Chapter [NR 30](#) Forest fire control.

4. Sections [NR 45.01](#) through [45.03](#), [45.04 c1d cbd](#) through [45.08](#) and [45.10](#) to the end. Relating to miscellaneous regulations on state lands cmodified by s. [NR 13.05 c9dd](#).

**c3d** ENFORCEMENT IMPLEMENTATION. The following statutory provisions are directly related to and required for the enforcement of this chapter and shall be applicable to treaty rights participants:

cad Sections [23.50](#) to [23.90](#), Stats. Relating to procedures used in forfeiture actions.

cbd Section [23.99](#), Stats. Parties to a violation.

ccd Section [26.01](#), Stats. Definition.

cdd Section [26.06 c1d](#), Stats. Relating to enforcement of timber laws.

ced Section [26.98](#), Stats. General penalty.

cfid Section [26.99](#), Stats. Parties to a violation.

cgd Section [29.001](#), Stats. General definitions.

chd Sections [29.921](#), [29.924](#), [29.931](#), and [29.944](#), Stats. Police powers; searches; seizures.

cid Section [29.941](#), Stats. Assistance of police officers.

cjd Section [29.977](#), Stats. Civil actions for damages caused by law violations.

ckd Section [29.971](#), Stats. General penalty provisions.

cLd Section [29.974](#), Stats. Penalties; repeaters.

cmd Section [29.981](#), Stats. Parties to a violation.

cnd Section [29.987](#), Stats. Natural resources assessments.

cod Section [29.989](#), Stats. Natural resources restitution payments.

**c4d** GENERAL RESTRICTIONS. Subject to the modifications and exceptions in s. [NR 13.04 c5d](#), the following provisions shall be applicable to treaty rights participants:

cad *Statutory provisions*. 1. Section [23.095](#), Stats. Malicious waste of natural resources.

2. Section [29.501](#), Stats. Fur dealers regulated cmodified by s. [NR 13.05 c11d cadd](#).

3. Section [29.503](#), Stats. Wholesale fish dealer license cmodified by s. [NR 13.05 c11d cadd](#).

4. Section [29.506](#), Stats. Taxidermists cmodified by s. [NR 13.05 c11d cadd](#).

5. Section [29.509 c7d](#), Stats. Relating to molesting bait traps.

6. Section [29.512](#), Stats. Guide licenses.

7. Section [29.055](#), Stats. Possession during close season or in excess of bag limit cmodified by s. [NR 13.05 c1dd](#).

8. Section [29.057](#), Stats. Game, possession in open season.

9. Section [29.604](#), Stats. Endangered and threatened species protected.

10. Section [29.354 c1d](#), Stats. Approval necessary cmodified by s. [NR 13.05 c4dd](#).

11. Section [29.354 c2d](#), Stats. Nests and eggs.

12. Section [29.334](#), Stats. Possession and sale of live game animals and fur-bearing animals.

13. Section [29.855](#), Stats. Possession, sale, release and destruction of live skunks.

**Note:** 2001 Wis. Act 56 repealed s. 29.855, Stats.

14. Section [29.357 c1d](#), [c4d](#), and [c5d](#), Stats. Relating to transportation during the close season cmodified by s. [NR 13.05 c2dd](#).

15. Section [29.047](#), Stats. Interstate transportation of game cmodified by s. [NR 13.05 c1d](#) and [c2dd](#).

16. Section [29.407](#), Stats. Transportation of fish.

17. Section [29.071](#), Stats. Wildlife on Indian reservations protected cmodified by s. [NR 13.05 c3d](#) and [c6dd](#).

18. Section [29.539](#), Stats. Sale of game or fish cmodified by s. [NR 13.05 c11dd](#).

19. Section [29.541](#), Stats. Serving of game to guests cmodified by s. [NR 13.05 c11dd](#).

20. Section [29.737](#), Stats. Permit for private management.

21. Section [29.713](#), Stats. Trespass to state fish hatchery.

22. Section [29.52](#), Stats. Private fish hatcheries.

**Note:** Section 29.52, Stats., was repealed by 1997 Wis. Act 27.

23. Section [29.745](#), Stats. Introducing fish and game.

**Note:** 2001 Wis. Act 56 repealed s. 29.745, Stats.

24. Section [29.091](#), Stats. Game or wildlife refuge.

25. Section [29.621](#), Stats. Wildlife refuges.

26. Section [29.863](#), Stats. Game farms; license.

**Note:** 2001 Wis. Act 56 repealed s. 29.863, Stats.

27. Section [29.865](#), Stats. Pheasant and quail farms; department control; shooting license.

**Note:** 2001 Wis. Act 56 repealed s. 29.865, Stats.

28. Section [29.867](#), Stats. Game bird and animal farms.

**Note:** 2001 Wis. Act 56 repealed s. 29.867, Stats.

29. Section [29.869](#), Stats. Fur animal farms.

**Note:** 2001 Wis. Act 56 repealed s. 29.869, Stats.

30. Section [29.871](#), Stats. Deer farms; venison serving permits.

**Note:** 2001 Wis. Act 56 repealed s. 29.871, Stats.

31. Section [29.877](#), Stats. Wildlife exhibit licenses.

**Note:** 2001 Wis. Act 56 repealed s. 29.877, Stats.

32. Section [29.879](#), Stats. Humane, adequate and sanitary care of wild animals.

**Note:** 2001 Wis. Act 56 repealed s. 29.879, Stats.

33. Section [29.088](#), Stats. Use of poison and explosives; pole traps.

cbd *Administrative code provisions*. 1. Chapter [NR 16](#) Game farms and exhibits.

2. Chapter [NR 17](#) Dog trials and training.

3. Section [NR 19.05](#) Release and importation of fish and wildlife.

4. Section [NR 19.07](#) Shooting preserves.

**Note:** Section [NR 19.07](#) was repealed eff. 11-1-03.

5. Section [NR 19.11 c5d](#) Permit usage.

6. Section [NR 19.12](#) Tagging the carcasses of wild animals, birds and fish taken on Indian reservations cmodified by s. [NR 13.05 c3d](#) and [c6dd](#).

7. Section [NR 19.13](#) Disposition of deer accidentally killed by a motor vehicle.

8. Section [NR 19.25](#) Wild animal protection.

9. Section [NR 19.28](#) Taxidermy.

10. Chapter [NR 27](#) Endangered and threatened species.

**c5d** ADDITIONAL GENERAL RESTRICTIONS. cad *Equipment use*. Treaty rights participants may not share fishing, trapping, hunting or spearing gear with nontribal members and may not permit nontribal members to tend their gear.

cbd *Assisting*. No person other than treaty rights participants may assist with or otherwise tend the fishing, trapping, hunting or spearing gear of treaty rights participants.

ccd *Tag and permit use*. Tags and permits issued or authorized by the department for use by treaty rights participants may not be transferred to or possessed by nontreaty rights participants unless specifically authorized by this chapter.

cdd *Off-reservation land*. Treaty rights participants may not hunt on the following public lands:

1. Campgrounds, beaches and picnic areas;



2. School forests, landfills and gravel pits where deer hunting is prohibited and where notice of the prohibition is clearly posted;

3. Land within incorporated areas except at the time and in the manner that hunting is allowed by the appropriate unit of government;

4. Any state park except those parks where deer gun or archery is permitted, subject to the provisions of s. NR 13.38.

5. Any other public land on which hunting or shooting is prohibited for public safety purposes.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; corrections in c1d cad 16, to 26., 28. to 43., 44. to 60., c2d cad 8. to 15., c3d cgd to cod, and c4d cad 2. to 33. made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551; corrections in c1d cad 50. and 54., cbd 2. and c4d cad 12. made under s. 13.92 c4d cbd 7., Stats., Register May 2011 No. 665.

**NR 13.05 Exceptions and modifications to s. NR 13.04. c1d SEASONS AND BAG LIMITS.** Whenever a regulatory provision incorporated by this chapter in s. NR 13.04 refers to a season, possession limit or bag limit, the season, possession limit or bag limit of this chapter supersedes any other administrative code.

**c2d TRANSPORTATION.** The transportation restrictions in s. 29.357 c1d, Stats., shall apply only to fresh fish. In s. 29.047, Stats., a tribal identification card may be substituted for a license.

**c3d CLOSED SEASONS.** For the purpose of s. 29.071, Stats., and s. NR 19.12, the state[s] general closed season is applicable to the removal of fish and game from the reservation on which it has been harvested.

**c4d SUBSTITUTED PROVISIONS.** cad *Public nuisances.* Section 29.927, Stats., is applicable only to the extent the articles are possessed or used in violation of this chapter.

cbd *Approval necessary.* The restrictions of s. 29.354 c1d, Stats., are not applicable to treaty rights participants with appropriate tribal identification.

**c5d PROSECUTIONS.** The department may, at its discretion or by agreement with the bands, refer prosecutions of treaty rights participants to the appropriate tribal court. If this is done, tribal penalties shall apply.

**c6d TAGGING.** cad *Tagging abbreviations.* Whenever any provision of this chapter requires that an item be tagged except when the tag is furnished by the department, the tag shall include the name, address and tribal affiliation of the treaty rights participant. Members of the Chippewa bands shall use the following initials to indicate tribal affiliation:

1. Bad River - XBRV;
2. Keweenaw Bay - XKBY;
3. Lac Courte Oreilles - XLCOY;
4. Lac du Flambeau - XLDFY;
5. Mille Lacs - XMLCY;
6. Mole Lake - XMLY;
7. Red Cliff - XRCY; and
8. St. Croix - XSCY.

cbd *Tagging game animals.* In addition to the provisions of s. 29.071, Stats., and s. NR 19.12, the following species shall at all times be tagged prior to removal from the reservation:

1. Bear
2. Bobcat
3. Deer
4. Fisher
5. Otter
6. Sturgeon

**c7d TRIBAL GOVERNMENT PARTICIPATION.** The department may enter into agreements with the Chippewa bands to establish

procedures for the issuance of tags and permits and the registration of animals by the bands, provided:

cad The department determines that the tribal procedures would be in substantial compliance with this chapter;

cbd The bands agree to record all necessary information as requested by the department; and

ccd The bands agree that all information recorded under par. cbd shall be available to the department upon request.

**c8d INCIDENTAL OR ILLEGAL TAKE.** Any animal taken in violation of this chapter may be turned over to the appropriate Chippewa band. The animal may not be returned to the violator, his or her immediate family or other members of the hunting party.

**c9d ADMISSION FEES.** Admission fees to department properties are not required of treaty rights participants who are solely involved in hunting, fishing or gathering activities authorized by this chapter.

**c10d COSTS.** The department may not charge a fee for issuance of written permission under this chapter. All other charges for approvals, including campground fees, shall be applicable to the treaty rights participant.

**c11d COMMERCIALIZATION.** cad *Intra-tribal transactions.* The requirements of ss. 29.501, 29.503, 29.506, 29.539 and 29.541, Stats., are not applicable to legally taken fish and game so long as the transactions involve only treaty rights participants.

cbd *Transactions involving nontreaty rights participants.* Treaty rights participants may sell or barter fish and game otherwise subject to s. 29.539 or 29.541, Stats., only under the following conditions:

1. All treaty rights participants selling or bartering fish and game shall have a license authorizing sale issued by their respective band. Written records of all individuals who are licensed to sell or barter shall be made available to the department upon request.

2. All treaty rights participants involved in sale or barter shall keep records of all transactions subject to the following requirements:

a. The records shall be kept on forms provided by the department.

b. The records shall be open to inspection by the department at the place they are retained.

c. Inspection may take place between 8 a.m. and 8 p.m. or whenever the business is open.

d. The records shall be subject to inspection by state and local health officials.

3. All sellers or barterers shall provide buyers with a bill containing the name of the treaty rights participant and buyer, the date, amount and type of fish or game and the treaty rights participant[s] tribal sale or barter license number.

4. The bill shall be a 4-part form furnished by the department. Copies shall be given to the buyer, band and department. The treaty rights participant[s] copy of the form shall be a record open to inspection.

5. All carcasses or part thereof shall be tagged, stamped or labeled by the seller or barterer prior to sale or barter indicating the band origin. Whole fish shall be tagged with tags furnished by the department. Fish tags shall remain with the fish until it is consumed, smoked or fileted. Smoked or fileted fish shall be stamped or labeled in the manner provided for smoked lake trout by s. NR 25.16 c2d.

6. Packaged meat shall be labeled as XChippewaY.

7. Treaty rights participants serving fish or game to nontribal

member shall obtain a tribal serving permit and maintain records indicating the source of the fish or game, any tags used on the animal and the ultimate disposition. These records shall be open to the department inspection.

8. Live fish and fish eggs may not be sold or bartered except as allowed by s. 29.539, Stats.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; corrections made in c2d to c4d cbd, c6d cbd, and c11d cad, cbd cintro.d, and 8. made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

## Subchapter II — Fishing

**NR 13.10 Restrictions.** Subject to the modifications and exceptions of this subchapter, the following provisions are applicable to treaty rights participants:

**c1d** STATUTORY PROVISIONS. cad Section 29.509 c4d, Stats., pertaining to recordkeeping cmodified by s. NR 13.12 c12dd.

cbd Section 29.237 c4d, Stats., pertaining to sturgeon tagging.  
ccd Section 29.404 c1d, Stats., pertaining to ice fishing shanties.

cdd Section 29.601 c1d and c2d, Stats. Explosives; stupefactive and poison bait.

ced Section 29.516 c2d ced, Stats., pertaining to restrictions on the use of nets and setlines cmodified by s. NR 13.12 c1dd.

cfid Section 29.531, Stats. Set or bank poles licenses cmodified by s. NR 13.15d.

cgd Section 29.533 c3d and c4d, Stats., pertaining to setlines cmodified by s. NR 13.15d.

chd Section 29.537, Stats. Clams, clamming and commercial clamming cmodified by s. NR 13.12 c10dd.

cid Section 29.407 c4d, Stats., pertaining to transportation of injurious fish.

cjd Section 29.705 c5d, Stats. Removal of spawn or fish from state.

**c2d** ADMINISTRATIVE CODE PROVISIONS. cad Section NR 19.06 c1d pertaining to taking fish from or interfering with any fish net or trap placed or authorized by the department.

camd Section NR 19.06 c2d pertaining to taking fish within 500 feet above or below any net, dam or weir when posted.

cbd Section NR 19.27 c1d pertaining to crayfish regulations cmodified by s. NR 13.12 c2dd.

cbmd Section NR 19.27 c2d cbd pertaining to frog regulations.

**Note:** NR 19.27 c2d cbd was repealed eff. 6-1-00.

ccd Section NR 19.27 c3d pertaining to turtle regulations cmodified by s. NR 13.12 c3dd.

**Note:** NR 19.27 c3d was repealed eff. 3-1-97.

ccmd Section NR 19.27 c4d pertaining to additional restrictions on crayfish.

cdd Section NR 20.01 pertaining to closed seasons, bag and possession limits cmodified by s. NR 13.12 c1dd.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cdmd Section NR 20.03 c1d cintro.d clast 2 sentencesd pertaining to possession limits, measurements cmodified by s. NR 13.12 c4dd.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

ced Section NR 20.03 c2d pertaining to sturgeon tagging and registration.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cemd Section NR 20.04 c4d Experimental waters; permits; reports.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cfid Section NR 20.06 c1d cad pertaining to no fishing during closed season in trout streams.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cfmd Section NR 20.06 c1d ccd pertaining to no fishing near dams.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cgd Section NR 20.07 c1d cbd pertaining to unattended lines, snagging, firearms and pellet guns, implanted telemetry devices cmodified by ss. NR 13.12 c5d and 13.15dd.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cgmd Section NR 20.07 c1d ccd pertaining to use of bait on treated trout waters.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

chd Section NR 20.07 c1d cdd pertaining to minnow traps on treated trout waters.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

chmd Section NR 20.07 c1d cfd pertaining to determination of bag limit.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cid Section NR 20.07 c2d cad pertaining to illegal possession of guns, nets, spears or bow and arrows.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cimd Section NR 20.07 c2d cbd pertaining to tampering with commercial gear.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cjd Section NR 20.07 c4d cad pertaining to exception for bow and arrow use.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cjmd Section NR 20.07 c5d cad pertaining to use of gun, bow and arrow or spear on a trout stream.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

ckd Section NR 20.07 c7d pertaining to use of goldfish and alewife.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

ckmd Section NR 20.07 c8d pertaining to snagging.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cLd Section NR 20.07 c9d pertaining to owner[s name on live boxes.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cLmd Section NR 20.09 c1d cintro.d pertaining to prohibition on dip nets cmodified by ss. NR 13.12 c6md and 13.16d.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cnd Section NR 20.09 c2d cad pertaining to definition of dip net.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cnmd Section NR 20.09 c2d cgd pertaining to use of dip nets to take rough fish.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cod Section NR 20.09 c3d cbd pertaining to use of dip nets for smelt and suckers.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

comd Section NR 20.09 c3d ced pertaining to dip nets for smelt on specified lakes.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cpd Section NR 20.10 Minnow nets, traps, and seines cmodified by s. NR 13.12 c11d and c12dd.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cpmd Section NR 20.11 Whitefish and cisco in inland waters cmodified by s. NR 13.14d.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cqd Section NR 20.13 cintro.d pertaining to ice fishing.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cqmd Section NR 20.13 c1d Prohibited shelter.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

crd Section NR 20.13 c2d Fish shanties.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

crmd Section NR 20.13 c3d Size of holes for ice fishing modified by s. NR 13.12 c7dd.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

csd Section NR 20.13 c4d Name of owner.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

csmld Chapter NR 21 Wisconsin-Minnesota boundary waters modified by s. NR 13.12 c8dd.

ctd Chapter NR 23 Wisconsin-Michigan boundary waters modified by s. NR 13.12 c9dd.

ctmd Chapter NR 24 Clams modified by s. NR 13.12 c10dd.

cud Chapter NR 26 Fish refuges.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91; corrections in c1d cad to cjd made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

**NR 13.12 Modifications and exceptions. c1d SUBSTITUTED PROVISIONS.** cad In s. NR 20.01, the applicable seasons, methods, bag and possession limits for treaty rights participants are those of this subchapter.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

cbd All references to licensees in s. 29.516, Stats., are deleted and permittee is substituted for the references.

**c2d CRAYFISH TRAPPING.** The daily lift requirement for crayfish traps in s. NR 19.27 c1d is not applicable to treaty rights participants except when the traps are placed in streams containing trout.

**c3d TURTLE TRAP LIMITATION.** The limitation on the number of turtle traps and the size limitation on float and tank type traps in s. NR 19.27 c3d are not applicable to treaty rights participants.

**Note:** NR 19.27 c3d was repealed eff. 3-1-97.

**c4d POSSESSION LIMIT FOR FRESH FISH.** The possession limit in s. NR 20.03 c1d cintro.d applies only to fresh fish. No treaty rights participant may possess more than one bag limit while on the ice or water. The possession limit is not applicable to fresh fish tagged for sale pursuant to s. NR 13.05 c11d cbd.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

**c5d UNATTENDED LINES.** As allowed by this chapter, unattended lines may be used for set or bank poles, setlines and ice fishing.

**c6d POSSESSION.** No treaty rights participant may use or possess a net, on the shore or surface of a body of water during the closed season or on the shore or surface of a body of water not open to netting.

**c6md ROUGH FISH RESTRICTIONS.** cad *Nets and seines.* Dip nets and seines may be used to the extent they are authorized by this chapter.

cbd *Dip netting.* The definition of dip net for rough fish in s. NR 20.09 c2d cad applies to all dip nets authorized by this chapter.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

**c7d ICE HOLES.** Ice holes used for spearing and dip nets may be no larger than 24 inches by 36 inches and shall be marked in a manner which will identify them as a hazard when unused.

**c8d WISCONSIN-MINNESOTA BOUNDARY WATERS.** Restrictions, modifications and exceptions in this chapter apply to fishing by treaty rights participants when fishing Wisconsin-Minnesota boundary waters within Wisconsin[s] jurisdiction.

**c9d WISCONSIN-MICHIGAN BOUNDARY WATERS.** Restrictions, modifications and exceptions in this chapter apply to fish-

ing by treaty rights participants when fishing Wisconsin-Michigan boundary waters within Wisconsin[s] jurisdiction.

**c10d CLAM HARVEST LICENSES.** The provisions regarding clam harvest licenses in s. 29.537, Stats., and ch. NR 24 are not applicable.

**c11d MINNOW DIP NETS.** The minnow dip net size restriction of s. NR 20.10 c4d cad2. is deleted.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

**c12d BAIT DEALERS.** Prior to entering into the business of dealing in bait, treaty rights participants shall obtain a free bait dealers permit from the department. This permit shall entitle the permittee to the privileges afforded licensed bait dealers in s. NR 20.10.

**Note:** Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91; corrections in c1d cbd and c10d made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

**NR 13.13 Notification, safe harvest and pulse fishing. c1d NOTIFICATION.** Each band shall, no later than December 1 of each year, identify to the department those lakes to be harvested in the following year by methods for which a permit is required, and for which the bag limit is defined as TQ.

**c2d SAFE HARVEST.** The department shall, within 30 days of the notification under sub. c1d, inform the bands of the safe harvest upon which the tribal quota shall be based for bass, walleye, northern pike, muskellunge and any other species regulated by TQ for each lake identified.

**c3d PULSE FISHING.** Notwithstanding any other provisions of this subchapter, no safe harvest may be established and no spearing or netting may take place if:

cad Any combination of spearing or netting occurred on that lake for 2 successive years; and

cbd The aggregate harvest for spearing and netting exceeded 60% of the safe harvest in each year.

**c4d TRIBAL QUOTA.** The TQ shall be based on a period of ice out to ice out. For the purposes of this subchapter, TQ shall consist of up to 50% of the safe harvest unless otherwise agreed to with the Chippewa bands. Actual tribal quotas shall be based on requests of the Chippewa bands, subject to the 50% maximum past harvest performance and capacity to harvest. Upon agreement with the bands, the department may substitute an appropriate daily bag limit for any species regulated by TQ.

**c5d PERMITS.** cad For methods or species for which the bag limit in s. NR 13.14 is specified as TQ, individual bag limits shall be established which are equivalent to the remaining TQ divided by the number of permits issued for any one day on the specified body of water.

cbd Permits may only be issued for waters for which the cumulative tribal harvest has not exceeded the TQ.

ccd Permits are valid only for the person to whom they are issued.

cdd Permits shall be issued by the department unless otherwise provided for pursuant to s. NR 13.05 c7d.

ced In lieu of permits, the department may regulate harvest to prevent the exceeding of the TQ through a system of tags in which each treaty rights participant may take only those numbers of fish for which he or she has tags. The tags shall be locked through the mouth and gill of the fish before it is brought to shore, and shall remain locked on the fish until final consumption.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.14 Seasons, bag limits, total tribal quota, size limits and methods of taking.** The following table applies to fishing by treaty rights participants for those kinds of fish and methods listed.

	Kind of fish and locality	Methods permitted	Open season cboth dates included	Individual daily bag limit or TQ	Maximum or minimum size limits
c1d	LARGEMOUTH AND SMALLMOUTH BASS.				
cad	All waters north of the line described in s. NR 20.03 c1d cad 9.	Hook & line & ice spearing	First Saturday in May to March 1	5 of each species	12 inch minimum
cbd	All waters not under par. cad	Hook & line & ice spearing	First Saturday in May to March 1	5 of each species	14 inch minimum
ccd	All lakes north of the line described in s. NR 20.03 c1d cad 9.	Open water spearing & snagging subject to s. NR 13.17	Year round or until TQ is reached.	TQ	12 inch minimum
cdd	All lakes not under par. ccd	Open water spearing & snagging subject to s. NR 13.17	Year round or until TQ is reached.	TQ	14 inch minimum
ced	All lakes north of the line described in s. NR 20.03 c1d cad 9.	Setline, set or bank pole subject to s. NR 13.15	First Saturday in May to March 1	5 of each species	12 inch minimum
cfid	All lakes not under par. ced	Setline, set or bank pole subject to s. NR 13.15	First Saturday in May to March 1	5 of each species	14 inch minimum
cgd	All lakes north of the line described in s. NR 20.03 c1d cad 9.	Traps, seine, fyke net or dip net subject to s. NR 13.16	Year round or until TQ is reached.	TQ	12 inch minimum
chd	All lakes not under par. cgd	Traps, seine, fyke net or dip net subject to s. NR 13.16	Year round or until TQ is reached.	TQ	14 inch minimum
cid	Lakes 1000 acres or larger north of the line described in s. NR 20.03 c1d cad 9.	Gill nets subject to s. NR 13.18	June 1 to March 1 or until TQ is reached.	TQ	12 inch minimum
cjd	All lakes 1000 acres or larger not under par. cid	Gill nets subject to s. NR 13.18	June 1 to March 1 or until TQ is reached.	TQ	14 inch minimum
c2d	WALLEYE.				
cad	All waters	Hook & line & ice spearing	First Saturday in May to March 1	5	No size limits
cbd	All lakes	Open water spearing & snagging subject to s. NR 13.17	Year round or until TQ is reached.	TQ	Maximum of 20inches; each fisher may take one fish 20-24 inches per day
ccd	All lakes	Traps, seine, fyke net or dip net subject to s. NR 13.16	Year round or until TQ is reached.	TQ	Males only during spawning season. Maximum of 18 inches thereafter.
cdd	All lakes	Setline, set or bank pole subject to s. NR 13.15	First Saturday in May to March 1	5	No size limits
ced	Lakes 1000 acres or larger	Gill nets subject to s. NR 13.18	June 1 to March 1 or until TQ is reached.	TQ	No size limits
c3d	NORTHERN PIKE.				
cad	Nemadj river, Allouez bay, St. Louis river, Little Pokegama bay, Pokegama bay, Kimballs bay, Douglas county	Hook and line	Saturday nearest May 15 to March 1	2	No size limits
cbd	All waters not under par. cad	Hook and line	First Saturday in May to March 1	5	No size limits
ccd	All lakes	Set line, set or bank pole subject to s. NR 13.15	First Saturday in May to March 1	5	No size limits
cdd	All lakes	Open water & ice spearing & snagging subject to s. NR 13.17	Year round or until TQ is reached.	TQ	Maximum of 30 inches
ced	All lakes	Traps, seine, fyke net or dip net subject to s. NR 13.16	Year round or until TQ is reached.	TQ	No size limits
cfid	Lakes 1000 acres or larger	Gill nets subject to s. NR 13.18	June 1 to March 1 or until TQ is reached.	TQ	No size limits
c4d	ROCK OR LAKE STURGEON.				
cad	All waters	Hook and line, setline, set or bank pole subject to s. NR 13.15	June 1 to March 1	1 per year all methods	45 inch minimum
cbd	All lakes	Spearing & snagging subject to s. NR 13.17	June 1 to March 30	1 per year all methods	45 inch minimum
ccd	All lakes	Nets other than gill nets incidental to fishing other species	Year round	1 per year all methods	45 inch minimum
cdd	Lakes 1000 acres or larger	Gill nets subject to s. NR 13.18	June 1 to March 1	1 per year all methods	45 inch minimum
c5d	MUSKELLUNGE.				
cad	All waters	Hook and line	Third Saturday in May to March 1	1 per day	Minimum 32 inches.
cbd	All lakes	Spearing & snagging subject to s. NR 13.17	Year round or until TQ is reached.	TQ	40 inch maximum
ccd	All lakes	Nets other than gill nets incidental to fishing other species	Year round or until TQ is reached.	TQ	40 inch maximum
cdd	Lakes 1000 acres or larger	Gill nets subject to s. NR 13.18	June 1 to March 1	TQ	40 inch maximum
c6d	TROUT AND SALMON.				



Kind of fish and locality	Methods permitted	Open season cboth dates included	Individual daily bag limit or TQ	Maximum or minimum size limits
cad All waters	Hook and line:	Seasons, bag and size limits, and gear restrictions as established in s. NR 20.03 except that a year round season is established for lake trout and a season of January 1 to September 30 is established for other trout in inland waters except spring ponds and Lake Superior tributaries.		
cbd All waters	All other methods	Permits may be issued where biologically sound after consultation with the bands.		
c7d WHITE BASS, ROCK BASS, BLUEGILL, CRAPPIE, PUMPKINSEED, YELLOW PERCH, BULLHEADS, YELLOW BASS, CATFISH.				
cad All waters	Hook and line	Year round	None	No size limits
cbd All waters	Spearing subject to s. NR 13.17 & traps, seines, fyke net or dip net subject to s. NR 13.16	Year round	TQ	No size limits
ccd Lakes over 1000 acres	Gill nets subject to s. NR 13.18	June 1 to March 1	TQ	No size limits
c8d CISCO AND WHITEFISH.				
cad All waters	Hook and line	No closed season	25 pounds plus one fish	No size limits
cbd All waters	Traps, seine, fyke net subject to s. NR 13.16; dip net, spearing subject to s. NR 13.17	No closed season	TQ	No size limits
ccd Lakes over 1000 acres	Gill nets subject to s. NR 13.18	June 1 to March 1	TQ	No size limits
c9d ROUGH FISH.				
cad All waters	All methods except gill nets	No closed season	None	No size limits
cbd Lakes over 1000 acres	Gill nets subject to s. NR 13.18	No closed season	None	No size limits
ccd Lakes under 1000 acres	Gill nets may be fished by department permit			
c10d PADDLEFISH OR SPOONBILL CATFISH.				
All waters	—	No open season		

Note: Chapter NR 20 was repealed and a new ch. NR 20 created eff. 6-1-99.

History: Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.15 Use of set or bank poles and setlines.**

**c1d PERMIT REQUIRED.** No treaty rights participant may use, set, lift, attend or have in possession while on the inland waters any set or bank pole or setline unless he or she possesses on his or her person a permit authorizing use of such gear issued by the department.

**c2d GENERAL REQUIREMENTS.** cad A set or bank pole permit authorizes the use of a maximum of 10 set or bank poles and a setline permit authorizes the use of one setline.

cbd No treaty rights participant may use, set, lift, attend or have in possession while on the inland waters any set or bank pole or setline permitted to another person.

ccd No treaty rights participant may possess sport angling equipment while setting, lifting or attending a set or bank pole or setline.

**c3d SETLINE FLAG.** Setline flags and buoys shall meet the requirements of this subsection.

cad Any treaty rights participant using a setline shall place and maintain at one end of the setline a white flag 10 inches square or larger held by a pole or staff 3 feet or more above the surface of the water or bank. The flag may not be placed in the main channel of any navigable waterway.

cbd The flag shall be numbered with figures which are at least 3 inches high and which correspond to the number of the permit authorizing the setline[s] use.

ccd The flag staff or pole may not be more than 2 1/2 inches in diameter and the portion of the staff extending above the water or bank shall be banded horizontally with alternate black and white markings 2 inches to 6 inches wide.

cdd When a buoy is used to hold the setline[s] flag staff or pole, the buoy shall be cylindrical in shape, have a diameter of 15 inches or less, and be banded horizontally with alternate black and white markings 2 inches to 6 inches wide.

**c4d TAGS REQUIRED.** Each set or bank pole shall have attached securely to it and each setline shall have attached securely to its flag staff or pole a metal tag stamped with the number of the permit authorizing its use.

**c5d LINES AND HOOKS.** cad Set or bank poles and setlines may not use stainless steel hooks.

cbd A set or bank pole may not be equipped with more than one line which may not have more than 2 hooks.

ccd A setline may have not more than 10 hooks when fished in open water, nor more than 20 hooks when fished under the ice.

**c6d BAIT.** All types of bait except live crayfish and live fish greater than 5 inches in length may be used on waters open to set or bank pole and setline fishing.

**c7d FREQUENCY OF LIFTING AND HOURS.** cad Each set or bank pole and setline shall be lifted and the catch removed at least once each day following the day it was set.

cbd No treaty rights participant may set, attend or lift a set or bank pole or setline between one-half hour after sunset and one hour before sunrise.

History: Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.16 Use of traps, seines, dip nets and fyke nets.**

**c1d PERMIT REQUIRED.** No treaty rights participant may use, set, lift, attend or have in possession while on the inland waters any trap, seine or fyke net unless he or she possesses on his or her person a permit authorizing the use of the gear issued by the department. Each permit shall include a limitation on the number of fish to be taken so as to assure that the TQ is not exceeded.

**c2d GENERAL REQUIREMENTS.** cad A trap, seine, dip net or fyke net permit authorizes the use of traps, seines, dip nets or fyke nets by the permittee.

cbd Permittees may share in the use of a trap, seine, dip net or fyke net permitted to another treaty rights participant.

ccd No treaty rights participant may possess sport angling equipment, or other harvest equipment requiring a permit, while engaged in setting, lifting or attending a trap, seine, dip net or fyke net.

**c3d TAGS REQUIRED.** Each trap, seine or fyke net shall have attached securely to it a metal tag stamped with the number of the permit authorizing its use.

**c4d FREQUENCY OF LIFTING.** Each trap or fyke net shall be lifted and the catch removed at least once each day following the day it was set.

**c5d** NOTICE. The permittee shall notify the department 24 hours in advance prior to placement or use of traps, seines, dip nets or fyke nets in any lake.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.17 Use of spears. c1d** PERMIT REQUIRED. No treaty rights participant may use or have in possession while on the inland waters any spear unless he or she possesses on his or her person a permit issued by the department authorizing the use of a spear.

**c2d** GENERAL REQUIREMENTS. cad Permittees may share in the use of a spear permitted to another treaty rights participant.

cbd No treaty rights participant may possess sport angling equipment, or other harvest equipment requiring a permit, while engaged in spearing.

ccd No treaty rights participant may use a spear unless it has a minimum of 3 barbed tines at least 4 $\frac{1}{2}$  long. Each tine shall have at least one barb which extends perpendicular from the tine at least 1 $\frac{1}{8}$ . Smaller tines and barbs may be used when spearing for panfish.

**c3d** USE RESTRICTED. cad No spear may be used on a body of water for which permits for the use of other harvesting equipment have been issued in accordance with s. NR 13.15, 13.16 or 13.18.

cbd No treaty rights participant may spear on open water unless notice of the spearing activity is first given to the department. The notice shall be given at least 4 hours before the spearing activity takes place.

ccd The department may require as a permit condition that treaty rights participants use only designated landings when engaged in spearing activity. When such is required, only designated landings may be used.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.18 Gill nets. c1d** PERMIT REQUIRED. Prior to gill netting, a treaty rights participant shall obtain a permit from the department allowing the use of gill nets. The permit shall be issued daily using the following procedures and contain the following information.

cad Name of the person to whom issued.

cbd Lake name and county for which the permit is valid.

ccd Date the permit is valid.

cdd The maximum length in feet of gill net that can be fished by the permittee.

ced The allowable number of each species for which a tribal quota has been established that the permittee may possess during the day.

cfid The specific mesh size cstretch mesh in inchesd of gill net which the permittee is allowed to use.

cgd An appropriate form for reporting the nightly catch to the department.

chd A unique permit number.

**c2d** ISSUANCE ON WALLEYE LAKES. At the request of a tribal member, the department shall issue a daily permit allowing the use of a specified amount of gill net in a specified lake containing walleyes. The permit shall also limit the number of each species for which a tribal quota has been established that may be in possession during that day. The following procedures shall be used when issuing permits for lakes containing walleye.

cad Permits may only be issued for waters for which cumulative tribal harvest has not exceeded the established TQ and for which the department has determined the average length of the spring walleye population.

cbd The maximum allowable length of gill net in feet which can be set shall be the allowable number of walleyes as shown on the permit multiplied by 10.

ccd The allowable mesh size measured in inches stretch mesh shall be determined from the spring walleye population average length and the following chart:

<u>Spring Length</u>	<u>Allowable Mesh Size</u>
<13.5"	2.5"
13.5" - 16.49"	3.0"
16.5" - 18.49"	3.5"
18.5" - 20.49"	4.0"
>= 20.5"	4.5"

ccd The department may issue any number of permits for a given lake for each night, but the total number of any species for which a tribal quota has been established when totalled for all permits issued may not exceed the remaining tribal quota for that lake.

**c3d** ISSUANCE ON NON-WALLEYE LAKES. At the request of a tribal member, the department shall issue a daily permit allowing the use of gill nets in a specified lake. The permit shall limit the number of each species that may be in possession during that day consistent with limits established in s. NR 13.14. The following procedures shall be used when issuing permits:

cad For species for which a TQ has been established, permits may only be issued for waters for which the cumulative tribal harvest has not exceeded the established TQ.

cbd The department may issue any number of permits for a given lake for each night, but the total number of any species for which a TQ has been established when totalled for all permits issued may not exceed the remaining TQ for that lake.

**c4d** GEAR RESTRICTIONS. Treaty rights participants shall comply with the following regulations while using gill nets:

cad All nets shall be marked with a buoy conforming to uniform marking requirements of the U.S. coast guard. In addition, the buoy shall be marked with the name and permit number of the treaty rights participant.

cbd Nets set with a topline within 3 feet of the surface shall be buoyed at 500 foot intervals.

ccd No part of the net may be set in water less than 10 feet in depth.

cdd All crayfish shall be removed from the nets and returned to the water or killed before taking the nets from the water.

ced Nets may not be set before 5:00 p.m. and shall be completely removed from the water by 10:00 a.m. the following day. No nets may remain in the water other than during these times.

**c5d** WATERS OPEN TO GILL NETTING. cad Gill nets may be used only in lakes over 1000 acres.

cbd For lakes containing walleye, only those over 1000 acres for which the department has spring fyke net samples to determine the average length of walleyes are open to gill netting. Only the 2 most recent spring sampling periods may be used.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.19 Reporting and monitoring. c1d** All treaty rights participants fishing by permit shall complete catch reports in the manner required by the department.

**c2d** If catch reports are not returned, the department may reduce the TQ by the maximum bag limit allowed to the non-reporting permittee.

**c3d** The department may inspect and measure the catch of all permittees and monitor the setting and lifting of nets.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.195 Ice fishing with unattended lines. c1d**

No treaty rights participant may ice fish with unattended lines except in compliance with the following provisions:

cad All unattended lines shall have attached a single iron hook with a maximum  $\frac{1}{2}$  inch point to shank gape;

cbd All unattended lines shall be of a biodegradable material and shall be securely anchored so as not to be dislodged by a hooked fish;

ccd All unattended lines shall be tagged with a valid identification tag obtained from the department indicating the member[s] tribal affiliation and tribal identification number;

cdd Any treaty rights participant fishing with unattended lines shall, prior to doing so, inform the department of his or her name, address, phone number, and lakes upon which the participant intends to fish with unattended lines;

ced Each unattended line shall be checked at least once every 24 hours unless severe weather conditions render it impractical to do so;

cfđ No more than a total of 30 attended or unattended lines may be used in no more than 3 lakes at any one time; and

cgd All poles used for unattended lines shall be marked so as to be visible to vehicular traffic.

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**NR 13.196 Spearing and netting in streams. c1d**

The department in conjunction with the Chippewa bands may develop a list of streams and stream segments which have discrete in-stream populations. Upon development of a list, the department may issue permits for these waters pursuant to ss. NR 13.16, 13.17 and 13.18, subject to the requirements of those sections.

c2d Permits shall be issued pursuant to s. NR 13.17 for no more than 4 boats and 12 spearers on any designated stream or stream segment. Treaty rights participants may spear from boats or by wading provided that only the designated landing is used for ingress and egress,

c3d Notwithstanding s. NR 13.14, the following bag limits apply for sturgeon, muskellunge and walleye on designated stream segments:

cad Sturgeon: one per night per stream call boats

cbd Muskellunge: one per boat per night

ccd Walleye: five per night per treaty rights participant

**History:** Cr. Register, May, 1991, No. 425, eff. 6-1-91.

**Subchapter III — Hunting and Trapping**

**NR 13.30 Restrictions.** Subject to the modifications and exceptions in s. NR 13.32 c1d and c2d the following provisions are applicable to treaty rights participants engaged in hunting or trapping:

c1d STATUTORY PROVISIONS. cad Section 29.311, Stats. Lead shot shell restrictions.

cbd Section 29.171 c4d cbd, Stats. Relating to crossbow permits.

ccd Section 29.177, Stats. Special deer hunting permits. cmodified by s. NR 13.38d

cdd Section 29.184, Stats. Bear harvest permits. cmodified by s. NR 13.44d

ced Section 29.109 c2d, Stats. Authorization. cmodified by s. NR 13.44d

**Note:** Section 29.109 c2d, Stats., was repealed by 1997 Wis. Act 1.

cfđ Section 29.059, Stats. Reports of hunters.

cgd Section 29.331 c1d, Stats. Tags. cmodified by s. NR 13.32d

chđ Section 29.331 c2d, Stats. Relating to marking of shipments.

cid Section 29.331 c3d, Stats. Relating to reporting.

cjd Section 29.331 c5d, Stats. Relating to molesting of traps.

ckđ Section 29.301, Stats. General restrictions on hunting cmodified by s. NR 13.32d.

cLđ Section 29.341, Stats. Duties on accidental shooting.

cmd Section 29.345, Stats. Hunting accident; failure to report.

cnd Section 29.593, Stats. Requirement for certificate of accomplishment to obtain hunting approval for certain persons born on or after January 1, 1973.

cod Section 29.304, Stats. Restrictions on hunting and use of firearms by persons under 16 years of age.

cpđ Sections 29.307, Stats. Hunting with aid of airplane prohibited.

cqd Section 29.314, Stats. Shining animals.

crđ Section 29.317, Stats. Taking homing pigeons.

csđ Section 29.327, Stats. Regulation of waterfowl blinds.

ctđ Section 29.601 c1d and c2d, Stats. Relating to noxious substances and poison bait.

cuđ Section 29.347, Stats. Possession of deer, heads & skins. cs. 29.347, Stats. modified by s. NR 13.32d

cvđ Section 29.324, Stats. Group deer hunting. cs. 29.324 c1d cbd, Stats., modified by s. NR 13.32d

cwđ Section 29.351, Stats. Skins of fur-bearing animals.

cxđ Section 29.364 c2d, c4d and c5d, Stats. Relating to transportation of game birds.

**c2d ADMINISTRATIVE CODE PROVISIONS.** cad Section NR 10.01 Open and closed seasons. cmodified by ss. NR 13.32 to 13.44d

cbd Section NR 10.02 Protected wild animals. cmodified by s. NR 13.36d

ccd Section NR 12.05 Birds causing depredation.

1. Section NR 12.05 c2d cbd Inspection of premises.

2. Section NR 12.05 c2d cad Disposition.

cdd Section NR 10.04 Unprotected wild animals.

ced Section NR 10.05 General hunting.

cfđ Section NR 10.06 Shooting hours.

1. Section NR 10.06 c1d General hunting.

2. Section NR 10.06 c2d Hunting zones.

3. Section NR 10.06 c3d Big game and small game hunting.

**Note:** NR 10.06 c3d was repealed eff. 11-18-00.

cgd Section NR 10.07 General hunting.

1. Section NR 10.07 c1d cad Aircraft.

2. Section NR 10.07 c1d cbd 1. Relating to prohibited devices.

3. Section NR 10.07 c1d cdd Molesting.

4. Section NR 10.07 c1d cfđ Retrieval.

5. Section NR 10.07 c1d cgd and chđ Relating to baiting and salt. cmodified by s. NR 13.42d

**Note:** NR 10.07 c1d cgd was repealed eff. 5-1-05 and c1d chđ was repealed eff. 10-1-90.

6. Section NR 10.07 c1d cid Dog use.

chđ Section NR 10.08 c1d, c2d and c4d Relating to opening day limits, daily bag and field possession limit.

cid Section NR 10.09 Guns, ammunition and other devices.

1. Section NR 10.09 c2d cad Slugs or balls.

2. Section NR 10.09 c3d Size.

3. Section NR 10.09 c2d cbd Game bird hunting.

4. Section [NR 10.09 c1d cbd](#) Incendiary shells.
  5. Section [NR 10.09 c1d ccd](#) Guns and devices. cmodified by s. [NR 13.40d](#)
  7. Section [NR 10.09 c3d](#) Bows and arrows restriction.
  8. Section [NR 10.10 c1d](#) Hunting with dogs prohibited. cmodified by s. [NR 13.44d](#)
  - cjd Section [NR 10.101](#) Bear hunting.
    1. Section [NR 10.101 c1d cad](#) Dennded bear.
    2. Section [NR 10.101 c1d cbd](#) Restricted areas.
    3. Section [NR 10.101 c1d ccd](#) Adult bear with cubs.
    4. Section [NR 10.101 c2d](#) Relating to baiting and dog use restrictions. cSection [NR 10.101 c2d ced](#) modified by s. [NR 13.42d](#)
    5. Section [NR 10.101 c3d](#) Bear carcass tags.
  - ckd Section [NR 10.102](#) Bear hunting permits. cmodified by s. [NR 13.44d](#).
    1. Section [NR 10.102 c2d](#) Application procedure.
    2. Section [NR 10.102 c3d](#) Permit issuance.
    3. Section [NR 10.102 c5d](#) Permit attachment.
- Note:** Section [NR 10.102 c5d](#) was repealed effective 5-1-17.
4. Section [NR 10.102 c6d](#) Bear pursuit.
- cLd Section [NR 10.103 c1d](#) Tags. cmodified by ss. [NR 13.32](#) and [13.38d](#)
- cmd Section [NR 10.104](#) Deer hunting permits.
  1. Section [NR 10.104 c1d](#) Finding.
  2. Section [NR 10.104 c2d](#) Application procedure.
- cod Section [NR 10.105](#) Transportation of deer and bear. cSection [NR 10.105 c2d](#) modified by ss. [NR 13.38](#) and [13.44d](#)
- cpd Section [NR 10.12](#) Migratory game bird hunting.
  1. Section [NR 10.12 c1d](#) Prohibited methods. cSection [NR 10.12 c1d ccd](#) is modified by s. [NR 13.34d](#)
  2. Section [NR 10.12 c2d](#) Possession.
  3. Section [NR 10.12 c3d](#) Open water restrictions.
  4. Section [NR 10.12 c5d](#) Taking methods.
  5. Section [NR 10.12 c6d](#) Tagging.
  6. Section [NR 10.08 c6d](#) Dressing.
  7. Section [NR 10.12 c8d](#) Shipment.
  8. Section [NR 10.12 c9d](#) Importation.
- cqd Section [NR 10.13](#) Furbearing animals.
  1. Section [NR 10.13 c1d cad](#) Hunting. cmodified by s. [NR 13.36d](#)
  2. Section [NR 10.13 c1d cbd 1](#). Traps and snares.
  3. Section [NR 10.13 c1d cbd 2](#). Bait or scent.
  4. Section [NR 10.13 c1d cbd 4](#). Watersets.
  5. Section [NR 10.13 c1d cbd 5](#). Trap and snare placement. cmodified by s. [NR 13.37d](#)
  6. Section [NR 10.13 c1d cbd 6](#). Trap and snare use. cmodified by s. [NR 13.37d](#)
  7. Section [NR 10.13 c1d cbd 8](#). Killer traps and snares.
  8. Section [NR 10.13 c1d cbd 9](#). Steeljawed traps.
  9. Section [NR 10.13 c1d cbd 10](#). Toothed traps.
  10. Section [NR 10.13 c1d cbd 11](#). Minimum waterset.
  11. Section [NR 10.13 c1d cbd 12](#). Trap placement.
  12. Section [NR 10.13 c1d cbd 13](#). Snare specifications.
  13. Section [NR 10.13 c2d](#) Molesting.
  14. Section [NR 10.13 c3d ccd](#) Special checking period.
- crd Section [NR 10.145](#) Recording of bobcat. cmodified by s. [NR 13.37d](#)
- cSd Section [NR 10.27](#) State park deer hunting.

**Note:** Section [NR 10.27](#) was repealed effective 7-1-06.

ctd Chapter [NR 11](#) Closed areas located within the ceded territory.

cud Chapter [NR 11](#) Game refuges located within the ceded territory.

cvd Chapter [NR 18](#) Falconry.

cwd Section [NR 45.09](#) Firearms and hunting.

**History:** Cr. [Register, February, 1990, No. 410](#), eff. 3-1-90; corrections in c1d cad to cxd made under s. 13.93 c2md cbd 7., Stats., [Register November 2001 No. 551](#); corrections in c1d cud, cvd, c2d ccd and cjd 5. made under s. 13.92 c4d cbd 7., Stats., [Register May 2011 No. 665](#); corrections in c2d cjd 4. made under s. 13.92 c4d cbd 7., Stats., [Register July 2011 No. 667](#); CR 16-037: r. c2d cid 6. [Register April 2017 No. 736](#), eff. 5-1-17; correction in c1d cxd made under s. 13.92 c4d cbd 7., Stats., [Register June 2017 No. 738](#); CR 16-028: am. c2d cfd cintro.d [Register July 2017 No. 739](#), eff. 8-1-17; correction in c2d cod, cpd 6., made under s. 13.92 c4d cbd 7., Stats., [Register December 2018 No. 756](#); correction in c2d cid 8. made under s. 13.92 c4d cbd 7., Stats., [Register January 2020 No. 769](#); correction in c2d ced, cid 1. to 3., cud made under s. 13.92 c4d cbd 7., Stats., [Register January 2021 No. 781](#).

### **NR 13.32 Statutory modifications and exceptions.**

**c1d TRAP TAGS.** Trap tags shall conform with the requirements of s. [NR 13.05 c6d](#). The provisions of s. [29.331 c1d](#), Stats., relating to untagged traps remain applicable.

**c2d BACK TAGS AND CLOTHING COLOR.** Back tags issued by the department and blaze orange clothing shall be worn by treaty rights participants only during the state deer gun season. The back tag is not a valid state license and may not be used as a state carcass tag.

**c3d TAGGING.** Deer shall be tagged in accordance with s. [NR 13.38](#).

**c4d GROUP DEER HUNTING.** For purposes of this chapter, the term XGroup deer hunting party, Y as used in s. [29.324](#), Stats., means 2 or more hunters, each of whom is a treaty rights participant, hunting in a group, all using firearms.

**History:** Cr. [Register, February, 1990, No. 410](#), eff. 3-1-90.

### **NR 13.34 Modifications to administrative code relating to migratory game bird hunting.**

**c1d SEASON.** Except as provided in this paragraph, open season for duck and goose hunting shall begin 15 days prior to the season established in s. [NR 10.01 c1d cbd](#) and continue through the respective seasons established in that paragraph except that Canada goose hunting on the Powell Marsh wildlife area shall close 5 days prior to the opening of the season established in s. [NR 10.01 c1d cbd](#).

**c2d POSSESSION.** Migratory game birds in possession or custody of tribal members on ceded lands shall be considered to have been taken on these lands.

**c3d HOURS.** Legal shooting hours shall be the same as the statewide hours established in s. [NR 10.06 c2d](#), except on the first day of the statewide migratory game bird season established in s. [NR 10.01 c1d](#) when shooting hours shall start at 12:00 noon.

**c4d HUNTING FROM PIERS, ETC.** Treaty rights participants may hunt from piers, dams, docks or similar structures so long as they are publicly owned unless prohibited by the owner for safety purposes.

**c5d BAG LIMITS.** Bag limits and possession limits for migratory game birds shall be as follows:

cad *Ducks.* The daily bag limit is reached when the point value, as established by this paragraph, of the last duck taken plus the total value of ducks already taken during that day reaches or exceeds 100 points. The possession limit for ducks taken off the reservation is double the daily bag limit. Point values shall be as follows:

1. 100 points: Hen mallard, black duck.
2. 70 points: Wood duck, redhead, hooded merganser.
3. 35 points: Drake mallard, pintail, ring-necked duck, goldeneye, bufflehead, all other duck species not listed.



4. 20 points: Blue-winged teal, green-winged teal, widgeon, gadwall, shoveler, scaup, common merganser, red-breasted merganser.

cbd *Special scaup-only season*. Bag limit of 5 per day; possession limit of 10.

ccd *Rest period*. If waterfowl distribution in certain locales is significantly altered because of hunting pressure by treaty rights participants as determined by the department, those locales will be closed in 48 hours by department order until noon on the opening day of the general state waterfowl season.

cdd *Canada geese*. Bag limit 3, possession limit 6.

ced *Other geese*. cSnow geese, blue geese, white-fronted geese: Bag limit of 5, including the legal limit of Canada geese specified in par. cdd taken, during the open season, and including no more than 2 white-fronted geese; possession limit of 10, minus the number of Canada geese possessed taken during the open season, and including no more than 4 white-fronted geese.

cfid *Coot and gallinule*. 20 daily, singly or in aggregate; possession limit 40.

cgd *Sora and Virginia rails*. 25 daily, singly or in aggregate. Possession limit 25.

chd *Common snipe*. 8 daily. Possession limit 16.

cid *Woodcock*. 5 daily. Possession limit 10.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90.

**NR 13.36 Modifications to administrative code relating to hunting small game, furbearers and protected wild animals.** The seasons for hunting specified small game, furbearers and protected wild animals shall be as follows:

**c1d** RUFFED GROUSE. Beginning on the day after Labor Day and continuing through January 31.

**c2d** SNOWSHOE HARE. Year-round.

**c3d** COTTONTAIL RABBIT. Year-round.

**c4d** RED, GRAY AND FOX SQUIRREL. Year-round.

**c5d** COYOTE. Year-round, except that the special closure specified in s. NR 10.01 c3d chd 3. is applicable during the deer hunting season established in s. NR 13.38.

**c6d** RED AND GRAY FOX. Beginning on the Saturday nearest October 10 and continuing through March 1.

**c7d** RACCOON. Beginning on the Saturday nearest October 10 and continuing through March 1.

**c8d** BOBCAT. Beginning on the Saturday nearest October 10 and continuing through March 1.

**c9d** PHEASANTS. Roosters and hens beginning the Saturday nearest October 17 at 12 noon and continuing for 54 consecutive days.

**c10d** WOODCHUCKS. Year-round.

**c11d** BEAVER. Year-round.

**c12d** WHITE DEER. Beginning on the day after Labor Day and continuing through December 31.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; am. cintro.d, cr. c12d, Register, May, 1992, No. 437, eff. 6-1-92.

**NR 13.37 Modifications to administrative code relating to trapping small game, furbearers and protected animals.** **c1d** CLOSED SEASON RESTRICTION. Traps and snares may not be set or placed during the closed seasons specified in sub. c2d.

**c2d** SEASONS. The seasons for trapping small game and furbearers shall be as follows:

cad *Bobcat*. Beginning the Saturday nearest October 10 and continuing through March 1.

cbd *Coyote*. Year-round.

ccd *Cottontail*. Year-round.

cdd *Raccoon*. Beginning on the Saturday nearest October 10 and continuing through March 1.

ced *Red and gray fox*. Beginning on the Saturday nearest October 10 and continuing through March 1.

cfid *Red, gray and fox squirrel*. Year-round.

cgd *Snowshoe hare*. Year-round.

chd *Mink*. Beginning on the Saturday nearest October 21 and continuing through March 1 north of state highway 64; beginning on the Saturday nearest October 28 and continuing through February 28 south of state highway 64.

cid *Muskrat*. Beginning on the Saturday nearest October 21 and continuing through May 1 north of state highway 64; beginning on the Saturday nearest October 28 and continuing through April 30 south of state highway 64.

cjd *Beaver*. Year-round.

ckd *Otter*. November 15 through March 15.

cLd *Fisher*. November 15 through December 31.

**c3d** TRAP AND SNARE PLACEMENT NEAR BEAVER DAMS. A treaty rights participant may place a trap or snare within 15 feet of a beaver dam provided the trap or snare is not placed on or touching the dam. The trap or snare shall be marked by a tag attached to an object above the water line and set near the trap or snare in a visible manner. The tag shall contain the information required by s. NR 13.05 c5d.

**c4d** TRAPPING AND SNARING HOURS. Treaty rights participants may trap or snare between the hours of 6:00 a.m. of the opening date for each furbearer and 12:00 midnight of the respective closing date.

**c5d** USE OF SNARES. Treaty rights participants trapping off-reservation may use snares only during established tribal small game and trapping seasons subject to the following specifications:

cad *Anchoring and tagging*. Snares shall be permanently anchored so as not to drag and shall be tagged with a metal tag marked in a legible manner with the treaty rights participant[s] name and address.

cbd *Manner of set*. Snares may not be spring activated and shall be set in a manner which prevents an animal from being suspended off the ground or in the water unless it is attached to a drowning mechanism.

ccd *Snare removal dates*. Snares set in water shall be removed by May 1. All other snares shall be removed by March 1 except if set for hare or rabbit.

cdd *Snare specifications*. 1. All snares shall have a mechanical lock, a swivel device on the anchor end and a stop device which will prevent the loop size from exceeding 10 inches in diameter and prevent the loop from closing to less than 2<sup>1</sup>/<sub>2</sub> inches in diameter.

2. All snare cable or wire shall be made of ferrous metal and have a diameter not exceeding <sup>1</sup>/<sub>8</sub> . Cable or wire may not be made of stainless steel or exceed 5 feet in length.

ced *Maximum number of snares*. No more than 30 total snares may be used by any one trapper. For determination purposes, all snares set in water and attached to a common stake or pole shall be counted as a single snare.

cfid *Snares set in water*. Any snares set in water shall have the snare loop one-half submerged in the water at all times.

cgd *Maximum snare loop height*. All snares not set in water shall be subject to the following restrictions:

1. The bottom of the loop may not be more than 6G above

the ground or, when the ground is snow-covered, no more than 6G above the bottom of a person[s footprint made in the snow beneath the snare with full body weight on the foot.

2. All snares not set in water shall be checked every 24 hours.

**c6d BOBCAT, FISHER AND OTTER TAGS AND REGISTRATION.** *cad Permit.* No treaty rights participant may snare, trap, possess, control, shoot or shoot at a bobcat, or snare, trap, possess or control a fisher or otter unless in possession of a valid tag for the animal issued under par. *ccd*.

*cbd Quotas.* 1. A minimum of 100 bobcat and 75 otter carcass tags shall be allocated to treaty rights participants. The department may allocate additional tags upon a request with the Chippewa bands.

2. Maximum tribal fisher quotas for each fisher management zone as established in s. **NR 10.01 c4d**, located within the ceded lands territory shall be based upon the following formula:

state quota x 50%

3. Actual tribal fisher quotas shall be established based on requests of the Chippewa bands provided the requests are submitted to the department prior to August 15, subject to the maximum of subd. 2. Tribal requests shall be based upon past harvest performance and capacity to harvest.

4. The department shall issue fisher carcass tags in an amount sufficient to harvest the tribal quota for each fisher management zone. The number of permits for each zone shall be determined by using treaty rights participant trapping success rate data.

*ccd Application procedures.* Treaty rights participants may obtain a single bobcat and fisher carcass tag and 2 otter carcass tags from the department on a first-come, first-served basis prior to or during the open season for the species the tag is applied for by requesting such tags from the department. Provided treaty tags are available, treaty participants may apply for and receive another tag if they have utilized previously issued tags and the registration certification slip accompanies the application. The request shall include the species to be trapped, the name and address of the individual and a copy of the individual[s tribal photo identification card.

*cdd Tagging.* Each treaty rights participant shall immediately upon possessing a bobcat, otter or fisher affix a tag issued under this section through the opening of the mouth to the opening of the eye immediately beneath the skin. No person may have a bobcat, otter or fisher pelt in possession or under control unless the tag is attached in the manner described.

*ced Bobcat and fisher carcass retention.* Bobcat and fisher pelts shall be separated from the carcass and both the pelt and carcass shall be presented to the department for registration within 10 days after it is killed. The bobcat and fisher carcass may be retained by the department for research purposes.

*efd Registration stations.* Bobcat, otter and fisher shall be registered at department stations or by any state conservation warden. Registrants will receive a certification slip which may be used to obtain additional tags.

*cgd Possession restrictions.* No person may possess raw bobcat, otter or fisher pelts taken by treaty rights participants more than 10 days after the close of the season until the opening date of the following season unless a valid registration tag has been attached and locked by the department.

*chd Transactions.* No person may transfer, give, trade, sell or purchase any bobcat, fisher or otter pelt taken by treaty rights participants unless a valid registration tag has been attached in the manner specified in par. *cdd* and locked through the opening of the eye of each pelt by the department.

*cid Nontransfer.* Tags issued under this section to treaty rights participants may not be transferred to any person other than another treaty rights participant.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; am. c6d cbd 2., Register, May, 1992, No. 437, eff. 6-1-92.

**NR 13.38 Modifications to administrative code relating to deer hunting.** **c1d DEER SEASON.** The deer season shall begin the day after Labor Day and continue through December 31.

**c2d TRIBAL ANTLERLESS DEER QUOTA.** *cad Minimum antlerless deer harvest limit.* The tribal antlerless deer quotas for each management unit located in part or whole within the ceded lands territory shall be at least 25 deer.

*cbd Maximum antlerless deer harvest limit.* The maximum tribal harvest limit in forest zones established in s. **NR 10.28 c4d** shall be calculated according to the following formula:

The management unit deer harvest quota as calculated under s. **NR 10.104 c7d** x 50%.

*ccd Tribal requests and past harvest performance.* Tribal quotas for each deer management unit shall be based on annual requests from the Chippewa bands submitted to the department by June 15, the tribe[s past harvest performance and may not exceed the maximum harvest limit specified in par. *cbd*.

**c3d DEER HUNTING TAGS.** *cad Requirements and issuance procedures.* Prior to killing any deer, treaty rights participants shall obtain a numbered metal carcass tag from the department. No more than 2 carcass tags may be issued at a time to any individual treaty rights participant. Treaty rights participants may receive additional tags by presenting a registration form completed by a department registration station indicating that a tag has been used.

*cbd Tagging requirement.* All deer regardless of sex shall be tagged with a valid metal carcass tag immediately upon killing and before field dressing or moving the deer. For a deer to be properly tagged, the tag shall be placed through the ear and locked. Failure to attach the tag in this manner renders possession of the deer illegal.

**c4d ANTLERLESS DEER.** *cad Permit requirement.* In addition to the tag requirement specified under sub. **c3d**, treaty rights participants shall obtain an antlerless deer permit from the department prior to killing any antlerless deer.

*cbd Possession in field requirement.* No treaty rights participant may shoot an antlerless deer without being in possession of a valid antlerless deer permit for the management unit where the deer is located at the time of shooting.

*ccd Permit validity.* Antlerless deer permits shall be valid only in the management unit specified on the permit.

*cdd Issuance procedures.* The antlerless deer permits will be issued on a first-come, first-served basis according to the following conditions:

1. Up to 2 antlerless deer permits may be issued to any treaty rights participant at any one time.

2. Treaty rights participants may receive additional permits only by presenting a registration form completed by a department registration station indicating that an antlerless deer has been registered or upon presentation of an unused, expired permit.

3. Any antlerless deer taken by bow or crossbow shall be counted against the tribal antlerless deer quota.

4. The department shall issue antlerless deer permits in an amount sufficient to harvest the tribal quota for each management unit. The number of permits for each management unit shall be determined by using tribal hunter success data.

5. Antlerless deer permits applicable to a management unit

where 50% of the quota has not been harvested shall be valid only for 14 days, including the day of issuance, or until harvest of an antlerless deer.

6. Antlerless deer permits applicable to a management unit where 50% of the quota has been reached shall be valid only for 7 days including the day of issuance or until harvest of an antlerless deer.

7. No permit will be valid beyond December 31.

8. An antlerless deer permit shall include the date of issuance and expiration and the applicable management unit.

9. Each antlerless deer permit is valid for only one antlerless deer and expires upon the harvest of an antlerless deer.

10. No more than 2 unused antlerless deer permits may be possessed by a treaty rights participant at any one time.

11. Each antlerless deer permit shall bear a number corresponding to the number found on the carcass tag issued to a treaty rights participant.

**c5d DEPARTMENT HOURS.** Tags and antlerless deer permits shall be issued during normal weekday working hours at department district or area offices within the ceded territory or at other designated department offices.

**c6d REGISTRATION.** *cad Antlerless deer.* Treaty rights participants shall register all antlerless deer at a department authorized registration station in the management unit where the deer is killed or in an adjoining unit provided the deer is transported directly to a station in that adjoining unit no later than 5:00 p.m. on the third working day after the deer is killed. Upon registration of an antlerless deer, the antlerless deer permit shall be retained by the registration station.

*cbd Antlered deer.* Treaty rights participants shall register antlered deer at a department authorized registration station within the ceded territory by 5:00 p.m. on the third working day after the deer is killed.

**c7d DEER HUNTING IN STATE PARKS AND RECREATIONAL AREAS.** Where deer hunting is permitted in a state park or recreational area, gun hunting by treaty rights participants is allowed during the state gun deer season through December 31.

**c8d TRIBAL IDENTIFICATION CARD.** Each treaty rights participant shall possess a tribal identification card and a carcass tag while hunting deer.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; am. c1d, c2d cbd, c4d cdd 7., Register, May, 1992, No. 437, eff. 6-1-92; CR 13-071: am. c2d cbd Register July 2015 No. 715, eff. 8-1-15.

**NR 13.40 Modifications to administrative code relating to handguns and crossbows.** **c1d HANDGUNS.** Treaty rights participants may possess handguns authorized by s. NR 10.09 c1d ccd 1. c. in addition to other types of permissible firearms while hunting deer and bear.

**c2d CROSSBOWS.** Treaty rights participants may hunt with cross bows which meet the requirements of s. 29.171 c4d cbd, Stats.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; correction in c2d made under s. 13.93 c2md cbd 7., Stats., Register February, 2001 No. 551.

**NR 13.42 Modifications to administrative code relating to baiting hours and highways.** **c1d BAITING.** Treaty rights participants may use bait not authorized in s. NR 10.07 c1d cgd, including salt, but except honey provided the bait is marked with a metal identification tag stating the treaty rights participant[s] name, address and tribal affiliation and attached to the nearest tree at eye level and directly facing the bait. All solid material shall be confined to a hole in the ground measuring no more than 2 feet square.

**Note:** Section NR 10.07 c1d cgd was repealed eff. 5-1-05.

**c2d HIGHWAYS.** *cad* Treaty rights participants may possess loaded and uncased firearms and strung and unenclosed bows in a stationary vehicle provided that the vehicle is parked off the highway and more than 50 feet from the roadway[s] center.

*cbd* Treaty rights participants may load, fire or shoot a firearm or bow in or from a stationary vehicle provided the vehicle is parked off the highway and more than 50 feet from the roadway[s] center.

*ccd* The exemptions of pars. *cad* and *cbd* are not applicable during the state gun deer season.

**c3d SHOOTING HOURS.** No shooting hours apply for any open season authorized by this chapter from March 1 through August 31.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; CR 16-028: am. c3d Register July 2017 No. 739, eff. 8-1-17.

**NR 13.44 Modifications to administrative code relating to bear hunting.** **c1d BEAR SEASON.** The tribal bear hunting season shall begin on the day after Labor Day and continue through October 31. Both bait and dogs may be used.

**c2d TRIBAL BEAR QUOTA.** The tribal bear quotas for each black bear hunting zone established in s. NR 10.30, located in part or whole within the ceded lands territory shall be based upon the following:

*cad Tribal request and past performance.* Tribal bear quotas shall be established based on requests from the Chippewa bands submitted to the department by June 15, the tribe[s] past harvest performance and may not exceed the maximum limit specified in par. *cbd*.

*cbd Maximum bear harvest limit.* The maximum tribal harvest limit shall be calculated according to the following formula:

The bear harvest quota, as calculated under s. NR 10.102 c1d, x% public land acreage including forest crop land and managed forest land open to public hunting x 50%.

**c3d BEAR HUNTING PERMITS.** *cad* The department shall issue to treaty rights participants bear harvest permits in an amount sufficient to harvest the tribal quota established in sub. *c2d* for each black bear hunting zone. The number of permits for each black bear hunting zone shall be determined by using tribal hunter success rate data.

*cbd* No treaty rights participant may kill a bear unless in possession of a valid permit and carcass tag at the point of kill. Permits shall be valid only in the designated black bear hunting zone.

*ccd* The department shall issue metal carcass tags and bear harvest permits to treaty rights participants upon presentation of the tribal photo identification card. No more than one metal carcass tag may be issued to a participant at a time. An additional metal carcass may be issued to a treaty rights participant upon registration, as provided in s. NR 13.30 c2d cod, of a bear tagged with the bear carcass tag previously issued.

*cdd* Each permit is valid for one bear and expires upon the harvest of a bear. No more than one bear harvest permit may be issued to or possessed by a treaty rights participant at any time.

*ced* Each bear harvest permit shall have a number corresponding to the number found on the carcass tag issued to a treaty rights participant.

*cfid* Each treaty rights participant shall possess a tribal photo identification card while hunting bear.

*cgd* Dog use restriction. Dogs may be used to hunt bear during the open seasons provided in this section but no more than 6 dogs in a single pack may be used to pursue a bear regardless of the dog ownership.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90.



## Subchapter IV — Gathering

**NR 13.50 Definitions.** In addition to definitions in s. NR 13.02, the following definitions apply to this subchapter:

**c1d** XBandY means one of the Wisconsin Chippewa bands entitled to exercise off-reservation treaty rights under *Lac Courte Oreilles v. Voigt*, 700 F. 2d 341 c7th Cir. 1983d.

**c2d** XDepartment gathering permitY means a permit issued by the department authorizing a treaty rights participant to gather miscellaneous forest products listed in ss. NR 13.54 c1d and 13.55 c1d on department land.

**c3d** XDepartment landY means land under the ownership of the department within the ceded territory where the department has authority to manage and harvest timber and other forest products on the land.

**c4d** XDepartment propertyY means a department project including but not limited to a state forest, state park, wildlife area or fisheries area.

**c5d** XForest productsY means all forms of vegetation, and parts thereof, including fruits, seeds, berries and roots.

**c6d** XNatural areaY means land designated or dedicated under s. 23.28 or 23.29, Stats.

**c7d** XTreaty rights participantY, for purposes of this subchapter, means any person defined as a treaty rights participant in s. NR 13.02 c13d or any of the 6 Wisconsin Chippewa bands.

**c18d** XYearY means the calendar year.

**History:** Cr. Register, October, 1990, No. 418, eff. 11-1-90; r. c1d, c3d, c7d to c9d, c11d, c13d to c21d, c23d and c25d, renum. c2d, c4d to c6d, c10d, c12d, c22d and c24d to be c1d to c8d, Register, May, 1992, No. 437, eff. 6-1-92.

**NR 13.51 Restrictions.** Subject to the modifications and exceptions of this subchapter, and in addition to the modifications and exceptions provided elsewhere in this chapter, the following provisions are applicable to treaty rights participants engaged in gathering activities:

**c1d** STATUTORY PROVISIONS. cad Chapter 24, Stats. Public domain and trust funds.

cbd Section 26.05, Stats. Timber theft.

ccd Section 26.06 c2d and c3d, Stats. Relating to possession of timber products.

cdd Section 26.09, Stats. Civil liability for unlawful cutting, removal and transport.

ced Section 29.604, Stats. Endangered and threatened species protected.

efd Section 29.611, Stats. Ginseng protected.

egd Section 85.075, Stats. Rail program rules.

chd Sections 85.15 and 85.16, Stats. Property management and Department rules and forms.

cid Section 86.02, Stats. Injury to highway.

cjd Section 86.03, Stats. Trees on and adjacent to highway.

ckd Section 86.07 c2d, Stats. Relating to alteration in any highway.

**c2d** ADMINISTRATIVE CODE PROVISIONS. cad Section NR 1.24 Management of state and county forests

cbd Section NR 19.09 Wild rice conservation.

ccd Section NR 19.11 c1d to c5d Scientific collectors permits.

cdd Section NR 45.04 c1d cad Relating to gathering on state property.

ced Chapter NR 28 Wild plants.

**History:** Cr. Register, October, 1990, No. 418, eff. 11-1-90; corrections in c1d ced and cfd made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

**NR 13.52 Miscellaneous forest product gathering eligibility and assistance.** Treaty rights participants gathering forest products on department land may not be assisted in the gathering by any person other than another treaty rights participant. Treaty rights participants may not permit any person other than another treaty rights participant to tend or operate equipment involved in the gathering.

**History:** Cr. Register, October, 1990, No. 418, eff. 11-1-90; am. Register, May, 1992, No. 437, eff. 6-1-92.

**NR 13.54 Gathering miscellaneous forest products on department land. c1d** Any treaty rights participant interested in gathering from department land firewood, tree bark, maple sap, lodge poles, boughs, marsh hay or other miscellaneous forest products not enumerated in s. NR 13.55 or this section shall obtain a permit from the manager of the department property upon which the gathering is desired. The department shall respond to the gathering request no later than 14 days after receipt of the request. The permit shall indicate the location of the material to be gathered, the volume of material to be gathered, and conditions on the gathering of the material necessary for conservation of the timber and other forest products on the department land or for public health or safety.

**c2d** The department may not deny a request to gather miscellaneous forest products on a department property under this section unless the gathering is inconsistent with the management plan for that property or the gathering will conflict with the pre-existing rights of a permittee, other person who has an approval to conduct an activity on the department property or a contractor of the department or is otherwise inconsistent with conservation, public health or safety.

**History:** Cr. Register, October, 1990, No. 418, eff. 11-1-90; am. Register, May, 1992, No. 437, eff. 6-1-92.

**NR 13.55 Gathering fruits, seeds, berries or certain plants. c1d** NO GATHERING PERMIT REQUIRED. Except as provided in subs. c2d and c3d, treaty rights participants may gather fruits, seeds or berries on department property without a permit issued by the department.

**c2d** NATURAL AREAS. cad No treaty rights participant may gather anything other than edible berries on a natural area without a department gathering permit. The department shall respond to the gathering permit request no later than 14 days after receipt of the request. The permit shall indicate the type of material, location and volume of material to be gathered and conditions on the gathering of the material necessary for conservation of the timber and other forest products on the department land or for public health or safety.

cbd The department may not deny a request to gather miscellaneous products on a natural area unless the gathering is inconsistent with the management plan for the property or the gathering will conflict with the preexisting rights of a permittee, other person who has an approval to conduct an activity on the department property or a contractor of the department or is otherwise inconsistent with conservation, public health or safety.

**c3d** GATHERING NOT PERMITTED. No treaty rights participant may gather forest products, including fruits, seeds, berries or plants which are listed on the department[s endangered or threatened species list established under s. 29.604, Stats.

**c4d** GINSENG. Treaty rights participants harvesting ginseng shall comply with the provisions of s. 29.611, Stats., and ch. NR 28, except the license requirements.

**c5d** WILD RICE. Wild rice may be harvested on department land without a permit under this subchapter when harvested in accordance with s. NR 19.09.

**History:** Cr. Register, October, 1990, No. 418, eff. 11-1-90; am. c2d, Register,



May, 1992, No. 437, eff. 6-1-92; corrections in c3d and c4d made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

**NR 13.56 Safety.** Treaty rights participants engaged in gathering on department land may not impair or obstruct developed recreational trails or special use areas. Any forest products subject to gathering which are cut and may impede or impair use of those trails or other special use areas shall be immediately removed by the treaty rights participant.

**History:** Cr. Register, October, 1990, No. 418, eff. 11-1-90.

**NR 13.57 Department inspection.** Any treaty rights participant engaged in gathering on department land shall present, upon request by department representatives, the permit authorizing gathering miscellaneous forest products, and his or her tribal identity card.

**History:** Cr. Register, October, 1990, No. 418, eff. 11-1-90; am. Register, May, 1992, No. 437, eff. 6-1-92.