

Chapter NR 19

MISCELLANEOUS FUR, FISH, GAME AND OUTDOOR RECREATION

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Note: Corrections made under s. 13.93 c2md cbd 7., Stats., Register, January, 1999, No. 517; CR 03-029: renum. NR 19.75 through 19.84 to be NR 12.30 through 12.41 Register December 2003 No. 576, eff. 1-1-04.

Subchapter I — Miscellaneous

NR 19.001 Definitions. **c1d** XActive serviceY, for purposes of s. 29.194, Stats., means full time employment as a member of the armed services and does not include annual summer training by members of the national guard or reserves.

c1md XAnimal part or animal byproductY has the meaning given in s. NR 10.001 c1rd.

c2d XApplicationY means a written request for any approval of a regulatory agency required as a condition of operating a business in this state completed in the form required by and acceptable to the department and accompanied by additional plans, information and the appropriate fee.

c3d XApprovalY means a license, permit or other form of approval required from the department to conduct business activities in Wisconsin.

c3md XAsian carpY means bighead carp c*Hypophthalmichthys nobilis*d, black carp c*Mylopharyngodon piceus*d, grass carp c*Tenopharyngodon idellad*, silver carp c*Hypophthalmichthys molitrix*d, and all other non-native carp species except common carp c*Cyprinus carpi*od, goldfish c*Carassius auratus*d, and koi carp c*Cyprinus carpi*od.

c4d XBird feeding devices and structuresY means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

c4md XBusinessY means a building used primarily to carry out commercial activities at which regular scheduled business hours are maintained for employees and the public such as restaur-

ants and retail stores, but does not include associated lands, warehouses, outbuildings or other buildings that are not normally open to the public.

c5d XCarcassY means the dead body of any animal including the head, hair, skin, plumage, skeleton, eggs, or any other part thereof.

Note: Milk is not considered to be a part of an animal carcass or an animal byproduct for the purposes of this chapter.

c5md XDaily bag limitY as used in s. NR 19.275, means the maximum number of a turtle species or group of turtle species which may be taken by a person each day.

c5rd XDisinfectY or XdisinfectedY means to decontaminate or be decontaminated with heat, drying, or a chemical solution approved by the department so as to neutralize infectious diseases and invasive species.

c6d XEnvironmental consulting organizationY means an individual or consortium of individuals funded to provide consulting services including status assessment of wild animals and their habitats.

c6dd XFeedY has the meaning given in s. NR 10.001 c10d.

c6hd XFeeding siteY has the meaning given in s. NR 10.001 c10cd.

c6md XFish, fur, game sealY or XsealY means a numbered, non-reusable, locking device bearing the embossed inscription Fish, Fur, Game F-cnumberd which is issued by the department.

c7d XFileY or XfiledY means receipt by the department of a written notice, verified claim or other document.

c7md XHookingY, as used in s. NR 19.275, means any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

c8d XIn the process of being mountedY means, for the pur-

poses of the sale of part or all of a private collection, as authorized by s. 29.354, Stats., a physical process which includes taxidermy work accomplished on the carcass, including at least removal of the skin.

c8gd XLive fishY means, for purposes of this chapter, any fish possessed by a person that is handled or treated in a manner that will keep it alive, such as keeping it in water, or that is revived by placement back into water. XLive fishY includes any minnow that is possessed by a person for use as bait and that dies while the person who possesses it is on the water, bank or shore for the purpose of fishing, but only until the minnow is transported away from water, bank or shore where it died.

c8rd XLive fish eggsY means, for purposes of this chapter, fertilized or unfertilized fish eggs that are handled or treated in a manner likely to keep them alive or viable for the purpose of propagation.

c9d XMaintain recordsY means, for the purpose of s. 29.503 c5d, Stats., to legibly prepare triplicate records and retain at least one copy of each record at the place of business for inspection purposes.

c10d XMountY, XmountedY, or XmountingY means, for the purposes of ss. 29.354 c3d and 29.506 c1d, Stats., and this section, to prepare and preserve the head, skin or carcass in a lifelike manner.

c11d XNatural resourcesY, for purposes of s. 23.095, Stats., includes wild rice growing in navigable lakes.

c12d XNavigable lakeY, for the purpose of interpreting s. 29.607, Stats., means a natural navigable lake or a flowage or pond, or portion of a flowage or pond, where the bed is in town, county, city, village, state or federal ownership.

c12ed XOwner-occupied residenceY for the purpose of this section means a dwelling or building devoted to human occupancy when used while feeding deer as a residence by the owner, members of the owner[s] immediate family, or when used as a residence by individuals as a rental property while feeding deer.

c12md XPossession limitY as used in s. NR 19.275, means the maximum number of a turtle species or group of turtle species which may be possessed by a person at any time.

c13d XPrivate collectionY means, for the purposes of s. 29.354, Stats.:

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

cbd A mounted collection sold upon the death of the owner.

c13md XPreserveY means, for the purposes of s. 29.506 c1d, Stats., and this chapter, to treat or process the carcass of a wild animal to prevent the carcass from decaying or spoiling for the purpose of mounting the carcass or parts of the carcass in a lifelike manner.

c14d XProtected wild animalsY means those animals for which a closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule, and includes:

cad Nongame species unless specifically designated as unprotected by the department;

cbd Game fish, game animals, game birds and fur bearing animals during closed seasons;

ccd Endangered and threatened species listed in ch. NR 27.

c15d XRecordsY means, for the purpose of s. 29.506 c7d cbd, Stats., the taxidermist permit, sales forms, information records, records of deliveries and shipments, and the identification tag as described in s. 29.506 c5d cbd, Stats.

c15md XSmall mammalsY mean all mammals other than bear, deer and elk.

c16d XStationedY, for purposes of s. 29.194, Stats., means residing in Wisconsin in compliance with military orders.

c16md XTurtleY, as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

c17d XUnprotected wild animalsY means those animals for which no closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule.

c18d XVerifiedY means to confirm or establish by oath, normally in the form of a notarized statement.

c19d XWild animalY means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

History: Cr. Register, September, 1978, No. 273, eff. 10-1-78; r. and recr. Register, January, 1980, No. 289, eff. 2-1-80; cr. c5md and am. c7d, Register, August, 1980, No. 296, eff. 9-1-80; r. c2d, c3d, c4d, c5d and c6d, Register, January, 1984, No. 337, eff. 2-1-84; renum. c1d to be c3d, cr. c1d, c2d, c4d and c4md, Register, August, 1985, No. 356, eff. 9-1-85; cr. c2md, Register, August, 1986, No. 368, eff. 9-1-86; cr. c2fd, c3md, c3pd, c3td, c5d, c6d and c9d, Register, March, 1987, No. 375, eff. 4-1-87; cr. c2ed, Register, June, 1988, No. 390, eff. 7-1-88; renum. c1d to c9d to be c2d to c15d and c17d to c19d, cr. c1d and c16d, Register, October, 1988, No. 394, eff. 11-1-88; emerg. r. c4d, eff. 10-16-89; cr. c6md, Register, March, 1990, No. 411, eff. 4-1-90; r. c4d, Register, May, 1990, No. 413, eff. 6-1-90; cr. c5md, c7md, c12md and c16md, Register, February, 1997, No. 494, eff. 3-1-97; CR 04-078: cr. c1md, c4d, c4md, c6dd, c6hd, c12ed, and c15md Register April 2005 No. 592, eff. 5-1-05; emerg. cr. c8gd and c8rd, eff. 11-2-07; CR 07-074: cr. c8gd and c8rd Register May 2008 No. 629, eff. 6-1-08; CR 08-021: cr. c13md Register November 2008 No. 635, eff. 12-1-08; CR 11-030: am. c5d Register February 2012 No. 674, eff. 3-1-12; correction in c2d made under s. 13.92 c4d cbd 6., Stats., Register May 2013 No. 689; CR 15-023: cr. c3md Register December 2015 No. 720, eff. 1-1-16; CR 23-053: cr. c5rd Register April 2024 No. 820, eff. 5-1-24.

NR 19.01 Approval deadlines. c1d GENERAL. Upon receipt of an application for an approval required to conduct business activities under ch. 29, Stats., ss. 30.50 to 30.54, 350.12 and 350.125, Stats., the department shall review and issue a decision on the application within 10 business days unless a different period is otherwise provided in subs. c2d to c6d or other statutes or rules.

c2d SPECIFIC APPROVAL DEADLINES. The following approvals will be acted on as follows:

APPROVALS	BUSINESS DAYS
cad Commercial fishing licenses issued under s. 29.519, Stats.	50
cbd Approvals for falconry, wildlife rehabilitation and chemical control of birds and animals under ss. 23.09, 29.053, 29.088 and 29.601, Stats.	30
ccd Boat certificates of number and registration under s. 30.52, Stats.	30
cdd Snowmobile registrations under ss. 350.12 and 350.125, Stats.	30

c2md APPROVAL TO REMOVE WILD ANIMALS CAUSING DAMAGE. Permits to remove wild animals causing damage shall be issued within 48 hours of receipt of a written complaint. Permits may be granted orally, but shall be confirmed in writing by the department.

c3d STANDARDS AND CONDITIONS. If the department requires standards or conditions to be met or complied with prior to issuance of an approval, the time periods for issuing an approval

do not begin to run until the applicant has met such standards or conditions as determined by the department.

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

c4d WILDLIFE SURVEYS. If a survey of wildlife on the property is required, the time periods for issuing an approval do not apply until completion of that survey. The survey shall be completed within 30 business days from the time of year that, in the opinion of a professional department wildlife manager, is optimum for determining accurate wildlife populations. At the time the application is received, the department shall inform the applicant of the date by which the survey will be completed.

c5d ENVIRONMENTAL IMPACT. If an environmental analysis, environmental impact report or environmental impact statement is required under ss. 1.11 and 23.11 c5d, Stats., and ch. NR 150, the time periods for issuing an approval do not apply until ss. 1.11 and 23.11 c5d, Stats., and ch. NR 150 have been complied with.

c6d OTHER APPROVALS. The time for an approval for an activity under sub. c1d will not begin to run until other approvals for that activity are obtained.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85; cr. c2d cld and cmd, Register, July, 1987, No. 379, eff. 8-1-87; emerg. cr. c2d cmd, eff. 9-21-88; cr. c2d cmd, Register, January, 1989, No. 397, eff. 2-1-89; emerg. r. c2d cld to cod, cr. c2md, eff. 10-16-89; r. c2d cld to cmd, cr. c2md, Register, May, 1990, No. 413, eff. 6-1-90; CR 05-031: r. c2d cbd to chd, renum. c2d cid, cjd and ckd to be cbd, ced and cdd and am. ced and cdd Register November 2005 No. 599, eff. 12-1-05; CR 13-022: am. c5d Register March 2014 No. 699, eff. 4-1-14.

NR 19.02 Handling fees for certain approvals. c1d PURPOSE. This section establishes and describes handling fees which may be charged for processing requests for approvals ordered by mail, telephone or electronic means.

c2d APPLICABILITY. The provisions of this section apply to licenses, permits, stamps and other approvals issued under the authority of ch. 29, Stats., and offered by the department under extended issuance options and ordered by mail, telephone, or electronic means.

c3d DEFINITIONS. As used in this section:

cad XApprovalY has the meaning in s. 29.001 c12d, Stats.

cbd XDepartmentY means the department of natural resources.

ccd XExtended issuance optionsY means the ability to obtain an approval in person and by mail, telephone or electronic means.

cdd XOrderY means a single request from a person for an approval or approvals.

c4d FEE FOR HANDLING APPLICATIONS FOR CERTAIN APPROVALS. cad In addition to the obligation to pay all fees imposed under s. 29.563, Stats., a person who orders an approval by mail, telephone or electronic means is required to pay a handling fee established in accordance with this section for each order.

cbd The handling fee for each order shall be established by the department based upon projected mailing costs, credit transaction fees, credit verification fees, personnel costs, telecommunications costs and lock box charges associated with processing the order and may not exceed \$5.00 per order.

ccd The handling fee under this section shall be established consistent with par. cbd annually prior to April 1 by the secretary of the department.

cdd An order submitted by mail, telephone, or electronic means without payment of all associated fees required under s. 29.563, Stats., and the handling fee in a manner acceptable by the department is not a complete application for the approval and the order will be returned.

ced If an application for an approval is denied, the handling fee is not refundable.

History: Cr. Register, July, 1996, No. 487, eff. 8-1-96; CR 04-020: am c2d and c3d ccd Register August 2004 No. 584, eff. 9-1-04; CR 05-086: am. c4d cbd Register June 2006 No. 606, eff. 7-1-06.

NR 19.025 Waivers for an educational outdoor skills activity. c1d PURPOSE. This section contains rules for the procedures required to apply to the department for a waiver of approvals, applicable fees and other requirements pursuant to s. 29.197 c2d and c5d, Stats., for an educational outdoor skills activity that is sponsored or approved by the department. It further explains the reasonable conditions, limitations and restrictions that will be necessary to allow for approval of the waiver.

c2d DEFINITIONS. As used in this section:

cad XAccompanyY means be in immediate presence of the novice participant.

cbd XEducational outdoor skills activityY means a course to teach novice participants how to hunt, trap or fish.

ccd XMentorY means a person who is instructing or assisting with teaching of the educational outdoor skills activity.

cdd XNovice participantY for fishing means any person who is 5 years of age or older who has less than 2 years of fishing experience.

ced XSubstantial loss of revenueY means a loss of fishing, trapping and hunting license fees from persons who are not novice participants.

c3d GENERAL; CONDITIONS, LIMITATIONS AND RESTRICTIONS. cad An applicant shall submit a request for a waiver at least 30 days prior to a hunting or trapping educational outdoor skills activity and 15 days before a fishing educational outdoor skills activity. The department may waive the 15 day period for fishing educational outdoor skills activities when the department determines it is not required to conduct criminal history, character or background checks. All applications shall be submitted on forms provided by the department.

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

ccd There shall be a minimum of 4 hours of classroom and field instruction prior to the hunting or fishing educational outdoor skills activity.

cmd If there are more novice participant applicants for a specific educational outdoor skills activity event or location than the department or applicant sponsoring the educational outdoor skills activity is able to accommodate, the department may select which of the novice participant applicants will be allowed to participate. When making this selection, the department shall give preference to those novice participant applicants who have had the least previous exposure, as determined by the department, to that recreational activity or the least opportunity to accompany others and learn about that recreational activity.

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

cfd Unless otherwise approved, the novice participants and mentors participating in the educational outdoor skills activity shall comply with all natural resource rules and regulations.

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

chd Novice participants may not be charged a fee which ex-

ceeds the costs of materials used in the course, equipment rental, meals and overnight accommodations.

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

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

ckd Waivers under this section shall only apply to novice participants.

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

Note: Applications may be obtained from any department office.

c4d SPECIAL HUNTING CONDITIONS, LIMITATIONS AND RESTRICTIONS. **cad** During the field portion of the hunting activity a mentor shall accompany a novice participant.

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

ccd At least one mentor shall be a certified hunter education instructor.

cdd Mentors shall have at least 5 years of hunting experience.

c5d SPECIAL FISHING CONDITIONS, LIMITATIONS AND RESTRICTIONS. **cad** Except as provided in par. **cbd** or if exempt from the requirement to possess a fishing approval under s. 29.197 **c3d** or 29.219 **c1d**, Stats., the applicant, instructors and mentors shall possess a valid fishing approval.

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

c6d STATE PARKS. Waivers may be issued that allow the following activities in state parks:

cad Possession of loaded and uncased firearms.

cbd Possession of strung and uncased bows.

ccd Hunting or trapping on properties opened for the hunting of these species under s. 29.089 **c1md**, Stats.

cdd Use of unleashed dogs.

c7d EXEMPTIONS. This section does not apply to special hunting events established under s. NR 10.01.

History: Cr. Register, July, 1997, No. 499, eff. 8-1-97; CR 06-012: am. c2d cdd Register December 2006 No. 612, eff. 2-1-07; CR 09-018: am. c3d cad and c5d cad Register February 2010 No. 650, eff. 3-1-10; CR 09-024: am. c2d cbd, cdd and ced Register May 2010 No. 653, eff. 6-1-10; CR 10-020: am. c2d cdd, cr. c3d cdmd Register October 2010 No. 658, eff. 2-1-11; CR 13-108: am. c6d ced Register August 2014 No. 704, eff. 9-1-14; CR 17-013: am. c2d cdd, r. c3d cdd, Register February 2018 No. 746, eff. 3-1-18; CR 21-058: am. ctitled, c1d, c3d cad, ccd, cdmd, ced, cfd, cid, c5d cad Register March 2022 No. 795, eff. 4-1-22.

NR 19.03 Control of muskrats on cranberry marshes. c1d The owner or lessee of any improved cranberry marsh area shall comply with s. 29.885, Stats.

c3d The provisions of this section shall not apply to any person or persons who own or are interested in a cranberry marsh situated in the same area wherein said owners are the licensees of a muskrat farm or in which such person or persons have an interest.

c4d The department or its authorized agents may assist any owner or operator of improved cranberry marsh areas with the removal of muskrats from areas that have been damaged, or are being damaged by such muskrats, wherein they believe that the muskrats can be taken alive and removed to other localities deemed advisable by the department.

c5d Any such cranberry marsh areas where muskrats are be-

ing controlled as provided in this section shall be open to the inspection of the department or its authorized agents at any time.

History: 1-2-56; r. c2d, Register, August, 1966, No. 128, eff. 9-1-66; renum. from WCD 19.03 to be NR 19.03, and am. c1d, c4d and c5d, Register, April, 1971, No. 184, eff. 5-1-71; r. and recr. c1d, Register, August, 1979, No. 284, eff. 9-1-79.

NR 19.05 Release, importation and transportation of fish. c1d No person, persons, firm or corporation may bring into the state to introduce or release or cause to be introduced or released in any manner into the inland or outlying waters any fish or the eggs or spawn thereof, without first applying for in writing and receiving a written permit from the department or its duly authorized agents. The permit shall be granted only after the department or its agents investigates and inspects the fish or the eggs or spawn thereof as it deems necessary to determine that the introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state. Inspection may include removal of reasonable samples of fish and eggs for biological examination. The responsibility of licensees holding private fish hatchery licenses is stated in ss. 29.735 and 29.736, Stats.

c2d Permits to import fish or eggs of the family Salmonidae trout, char, salmond shall be issued at no charge to a person who has applied on a special form furnished by the department. Such permit will be issued only if the immediate source of fish or eggs is certified free of infectious hematopoietic necrosis, viral hemorrhagic septicaemia, whirling disease, enteric redmouth and Ceratomyxa shasta, except that eggs from wild stocks do not have to be certified free of whirling disease. Certification shall be made in the state of origin and may be accomplished only by biologists recognized by the department as competent in diagnosis of fish diseases. For informational purposes the source of fish or eggs will also be inspected for infectious pancreatic necrosis, kidney disease and bacterial furunculosis. Inspecting biologists will submit a written inspection report to the department. A copy of the importation permit must accompany each shipment of fish or eggs.

c3d No person may transport live fish or live fish eggs away from any inland or outlying water or its bank or shore, except:

cad Live fish or live fish eggs being transported out of state in compliance with the United States Department of Agriculture Animal and Plant Health Inspection Service[s] regulations and orders.

cbd Live fish or live fish eggs that have been tested for Viral Hemorrhagic Septicemia using methods approved by the department of agriculture, trade and consumer protection and that were found to be free of the Viral Hemorrhagic Septicemia virus.

ccd Live fish or live fish eggs being transported with the prior written approval of the department, where the department has determined that the proposed activity will not allow Viral Hemorrhagic Septicemia virus to be transported to other waters.

cdd Live minnows being transported away from the water where they were taken by a bait dealer who harvested the minnows in compliance with a wild bait harvest permit issued under s. NR 19.057.

ced Live minnows that were obtained from a Wisconsin bait dealer and subsequently possessed by the person while on an inland or outlying water, its bank or shore, if the minnows have not been exposed to water or fish from that inland or outlying water.

cfid Live minnows that were obtained from a Wisconsin bait dealer and subsequently possessed by the person while on an inland or outlying water, its bank or shore, if the minnows will be used for bait only on the same inland or outlying water, its bank or shore.

c4d Except as authorized under permits pursuant to ch. NR

40 and 50 CFR 16.22, no person may transport Asian carp over land within or through Wisconsin unless the Asian carp have been eviscerated or the gills plate completely severed so that the fish cannot be revived under any circumstances.

History: 1-2-56; am. c2d, Register, October, 1969, No. 166, eff. 1-1-70; renum. from WCD 19.05 to be NR 19.05, and am. c1d, c2d and c3d, Register, April, 1971, No. 184, eff. 5-1-71; r. and recr. Register, August, 1977, No. 260, eff. 9-1-77; CR 03-030: am. c1d Register October 2003 No. 574, eff. 11-1-03; emerg. am. c1d, cr. c3d, eff. 11-2-07; EmR0808: emerg. cr. c3d ced and cfd, eff. 4-4-08; CR 07-074: am. c1d, cr. c3d Register May 2008 No. 629, eff. 6-1-08; CR 15-023: cr. c4d Register December 2015 No. 720, eff. 1-1-16.

NR 19.055 Drainage of water from boats and equipment required. c1d Except as provided in subs. c3d to c5d, any person who removes a boat, boat trailer, boating equipment or fishing equipment from any inland or outlying water or its bank or shore shall drain all water from the boat, boat trailer, boating equipment or fishing equipment, including water in any bilge, ballast tank, bait bucket, live well or other container immediately after removing the boat, boat trailer, boating equipment or fishing equipment from the water, bank or shore.

c2d Except as provided in subs. c3d and c4d, no person may transport over land from another state any boat, boat trailer, boating equipment or fishing equipment for use on any water of the state or its bank or shore unless the person drains all water from the boat, boat trailer, boating equipment or fishing equipment, including water in any bilge, ballast tank, bait bucket, live well or other container before entering the state.

c3d The department may exempt any boat, boat trailer, boating equipment or fishing equipment in writing from sub. c1d or c2d if it determines that it will not allow Viral Hemorrhagic Septicemia virus to be transported to other waters.

c4d Subsections c1d and c2d do not apply to tanks or containers of potable drinking water or other beverages meant for human consumption.

c5d Subsection c1d does not apply to water in a container that holds live bait minnows obtained from a Wisconsin bait dealer, if the container holds no other fish, contains 2 gallons or less of water, and is used to transport only live minnows that have not been exposed to water or fish from that inland or outlying water or will be used for bait only on the same inland or outlying water, its bank or shore.

History: Emerg. cr. eff. 11-2-07; EmR0808: emerg. cr. c5d, eff. 4-4-08; CR 07-074: cr. Register May 2008 No. 629, eff. 6-1-08.

NR 19.057 Bait dealer[s] wild harvest permit required; criteria; records required. c1d No bait dealer may take minnows for use as bait from any inland or outlying water unless the bait dealer possesses a wild harvest permit issued by the department under this section and the bait dealer complies with all terms and conditions of the wild harvest permit. A bait dealer shall apply for a permit in the form specified by the department. Applications may be submitted no later than 30 days prior to the proposed starting date of harvesting. The department shall act on a complete permit application within 10 business days after receipt, based on the criteria in sub. c2d. Except as provided in sub. c5d, permits shall be valid for the dates specified on the permit to December 31 of each year, and shall require compliance with all minnow collecting requirements. A complete application shall include the applicant[s] name, street address, bait dealer[s] license number if any, the specific water body where bait will be harvested, the town, range and section where bait will be harvested, the species of bait that will be harvested, the maximum quantity of bait expected to be harvested, and any other information required on the application form.

Note: Permit application forms may be obtained at no charge from the Bureau of Fisheries Management, Department of Natural Resources, PO Box 7921, Madison,

WI 53707-7921 or on the Internet at http://{{dnr.wi.gov/topic/fishing/vhs/vhs_wbhpermit.html}}.

Note: See s. NR 20.14 for general minnow collecting restrictions, s. NR 20.20 for county and statewide restrictions on waters, authorized methods, open seasons, size limits, bag limits and other restrictions, and s. NR 20.39 for permits authorizing the use of non-standard minnow gear on inland waters.

c1md The permit holder may apply to the department, on the forms designated by the department, to request amendments to a wild harvest permit to modify the species targeted, waters fished, or harvest gear to be used. The permit holder shall submit the amendment request no later than 30 days prior to the desired effective date of the amendment. The permit holder may not submit more than 10 amendment requests each year.

Note: The amendment request form is available at <https://{{dnr.wi.gov}}>, search Xbait harvest.Y

c2d The department shall grant an application for a wild harvest permit under this section if it determines that all of the following criteria are met, but the department may set specific conditions in permits or deny applications when necessary to ensure compliance with this section and prevent or control the spread of the Viral Hemorrhagic Septicemia virus or other invasive species:

cad The applicant is a bait dealer who holds a bait dealer[s] license or is exempt under s. 29.509 c3d, Stats., from the requirement to hold a bait dealer[s] license.

cbd Minnows may not be taken from Lake Michigan, Green Bay, Lake Superior, the Mississippi River, Lake Winnebago, the Fox River from Lake Winnebago to Green Bay, or any bay, slough or backwater of these waters, or any water connected to these waters, upstream to the first dam or other obstruction impassible to fish, or from any other waters where the department has reason to believe that the Viral Hemorrhagic Septicemia virus may be present, or where other invasive species may be present.

ccd Minnow gear and harvest and transport equipment shall be disinfected after use to prevent the spread of the Viral Hemorrhagic Septicemia virus and other invasive species.

cdd Minnows taken from inland or outlying waters may not be given, sold or bartered to another person unless applicable fish health requirements specified by the department of agriculture, trade and consumer protection in ch. ATCP 10 have been met.

c2md The department may, at any time, revoke or modify a permit issued under this section if it determines that the requirements, terms, or conditions of the permit are not being met, followed, or adhered to, or to ensure compliance with this section, or to prevent or control the spread of the Viral Hemorrhagic Septicemia virus or other invasive species. A permit revocation or modification shall become effective upon department notification by email or 3 business days after the permit holder receives the notification by mail at the address shown on the permit, whichever occurs first.

c3d cad Each permit holder or the permit holder[s] employee shall maintain a clear, legible daily record in the English language on department forms of all minnow harvest activities conducted under the permit which the department requires to be reported, which may include setting, tending, moving, or removing minnow harvest gear, or the removal of minnows from harvest gear, from any inland or outlying water. The record shall include the water body of origin, the latitude and longitude or nearest road crossing where harvested, the species harvested, the date of harvest, the gear type and amount used, the weight or volume of each species harvested by waterbody for all gear lifts conducted during that day[s] trip to the waterbody, the disposition of the minnows, except that retail sales to consumers need not be recorded, the signature of the permit holder, and any other information required on the record form.

cbd The permit holder shall ensure that all information re-

quired under par. **cad**, except for the disposition of the minnows, is accurately recorded at the time that the permit holder or the permit holder[s] employee sets, tends, lifts, moves, or removes the gear in the waterbody and empties the gear of fish and before the permit holder or permit holder[s] employee leaves the site where the minnows were loaded for transport. The permit holder or employee shall record the final disposition of the minnows to sources other than retail sales to final consumers at the time of disposition.

ccd The permit holder or the permit holder[s] employee shall submit a report of all daily records recorded under pars. **cad** and **cbd** no later than the 10th day of the month following the month of harvest in the form specified by the department. After December 31, 2027, the permit holder or the permit holder[s] employee shall submit the report forms electronically to an electronic reporting system designated by the department by 11:59 p.m. the day the minnows are removed from the harvest gear.

cdd The permit holder shall maintain all records required under this subsection for no less than 2 years after the expiration of the permit and shall make the records available to a department representative for inspection upon request at all reasonable hours.

Note: Minnow harvest record forms may be obtained at no charge from the Bureau of Fisheries Management, Department of Natural Resources, PO Box 7921, Madison, WI 53707-7921 or on the Internet at http://dnr.wi.gov/topic/fishing/vhs/vhs_wbhpermit.html.

c4d No bait dealer may possess farm-raised fish while engaged in the harvest of wild bait, or while transporting wild harvested bait from the water where it was harvested to the bait dealer[s] business location or from the water where it was harvested to the point of sale.

c5d The department may issue a wild harvest permit that is valid for the dates specified on the permit if the permit is for the harvest of minnows from a water of the state stocked with minnows by the applicant pursuant to a stocking permit under s. 29.736, Stats., or for the harvest of minnows from a lake stocked with minnows by the applicant pursuant to a permit for private management under s. 29.737, Stats. The department may issue a wild harvest permit under this section in conjunction with a stocking permit or a permit for private management.

History: Emerg. cr. eff. 11-1-07; CR 07-074: cr. Register May 2008 No. 629, eff. 6-1-08; CR 23-053: am. c1d, cr. c1md, am. c2d intro.d, cr. c2md, renum. c3d to c3d cad and am., cr. c3d cbd to cdd, am. c5d Register April 2024 No. 820, eff. 5-1-24.

NR 19.0575 White sucker spawning permit required. **c1d** No bait dealer may take the eggs or milt from white suckers caught from any inland or outlying water for the purpose of rearing the offspring as bait unless the bait dealer is 18 years of age or older and possesses a white sucker spawning permit from the department. The permit holder shall comply with all terms and conditions of the permit. Permits shall expire on December 31 each year. The bait dealer shall include all of the following information on the permit application:

cad The name and street address of the bait dealer.

cbd The bait dealer[s] license number or department customer identification number.

ccd The types and quantities of harvest gear to be used in each waterbody to collect white suckers for egg or milt harvest.

cdd The volume in quarts of white sucker eggs, milt, or both that the bait dealer is requesting to harvest from each waterbody.

ced The waters where the bait dealer will harvest the white sucker eggs or milt.

Note: XWhite suckerY refers to the species *Catostomus commersonii*.

Note: See s. NR 20.14 for general minnow collection restrictions, s. NR 20.20 for county and statewide restrictions on waters, authorized methods, open season, size limits, bag limits and other restrictions, and s. 29.401, Stats., for gear use restrictions.

c2d The department may issue a white sucker spawning per-

mit under this section if it determines that all of the following criteria are met, and may set specific conditions in the permit or deny applications when necessary to ensure compliance with this section, prevent or control the spread of viral hemorrhagic septicemia virus or invasive species, and maintain a supply of suckers that is sufficiently adequate to replenish the population and sustain ecosystem function in the water of harvest:

cad The applicant is a bait dealer who holds a bait dealer[s] license or is exempt under s. 29.509 c3d, Stats., from the requirement to hold a bait dealer[s] license.

cbd The eggs or milt will not be collected from white suckers in Lake Michigan, Green Bay, Lake Superior, the Mississippi River, Lake Winnebago, the Fox River from Lake Winnebago to Green Bay, or any bay, slough or backwater of these waters, or any water connected to these waters upstream to the first dam or other obstruction impassable to fish, or from any other water where the department has reason to believe that viral hemorrhagic septicemia virus may be present or where other invasive species may be present.

c3d The permit holder shall notify the department, in the manner specified by the department, at least 12 hours in advance of white sucker collection for the purpose of egg or milt harvest and shall provide all of the following information:

cad Permit holder name.

cbd Location where fish will be collected.

ccd Time of day when collection will occur.

cdd The names of any employees operating under the permit holder[s] sucker harvest permit.

ced The phone number of the permit holder.

c4d The permit holder shall comply with all of the following restrictions:

cad All nets shall be marked in accordance with s. 29.516, Stats.

cbd Nets may not be attended, set, or lifted from one hour after sunset to one hour before sunrise.

ccd The permit holder may not use or possess hook and line fishing gear while engaged in operations under the authority of the permit.

cdd The permit holder and all employees working under the direction of the permit holder shall carry a current, valid copy of the white sucker spawning permit while conducting egg and milt harvesting activities.

c5d The permit holder or employees working under the direction of the permit holder shall immediately return unharmed to the water all fish other than white suckers captured in sucker harvest gear. All suckers from which eggs or milt are collected shall be returned unharmed to the water immediately following egg or milt collection, unless the permit holder has been issued a wild bait harvest permit for that waterbody and keeps the suckers as authorized under the wild bait harvest permit. All dead suckers removed from the harvest gear shall be disposed of away from the water, bank, or shore of the waterbody.

c6d The permit holder or employees working under the direction of the permit holder shall disinfect all sucker harvest gear and transport equipment after use to prevent the spread of viral hemorrhagic septicemia virus and other invasive species.

c7d The permit holder or employees working under the direction of the permit holder shall decontaminate all eggs harvested within 24 hours of harvest.

c8d The permit holder shall maintain clear, legible daily records in the English language on forms available from the department of the total volume of eggs harvested per waterbody. The record shall include the waterbody of origin of the white

suckers from which the eggs or milt were harvested, the nearest road crossing or latitude and longitude to where the white sucker eggs or milt were harvested, the number of white suckers collected in all gear per waterbody that day, the date of harvest, and any other information required on the record form. The permit holder shall submit the records to the department within 7 days following harvest. The permit holder shall retain all harvest records for a period of 2 years.

Note: Sucker harvest record forms are available at <https://dnr.wi.gov>.

History: CR 23-053: cr. Register April 2024 No. 820, eff. 5-1-24.

NR 19.058 Sport trolling. No operator of a boat may engage in trolling, as defined in s. NR 20.03 c40d, with the use of downriggers on outlying waters, as defined in s. 29.001 c63d, Stats., without direct and immediate access to a wire cutter or other hand-held device on board capable of immediately severing any fishing line or cable being used in the water behind the boat.

History: CR 12-022: cr. Register May 2013 No. 689, eff. 6-1-13.

NR 19.06 Fish nets and traps. c1d It shall be unlawful for any person or persons to take, catch or kill fish or fish for fish of any species when such fish are being held in any fish net, fish holding net, fish trap, fish pond, either artificial or natural, or any structure or net placed in any of the waters of the state by the department or under its authority for the purpose of taking or holding fish therein at any time, or for any person or persons to lift, molest, cut or destroy any fish net, fish holding net, fish trap, fish pond, or any structure or net placed in any of the waters of the state by the department or under its authority for the purpose of taking or holding fish therein.

c2d It shall be unlawful for any person or persons to take, catch, capture or kill fish or pursue fish in any fishing operations within 500 feet above or 500 feet below any net, dam or weir wherein the state of Wisconsin is fishing or holding fish for commercial, scientific, or biological purposes, when the area is properly posted by the department.

c3d No provisions in this section shall prohibit the department, its agents, deputy conservation wardens or representatives of the division of fish, game and enforcement of such department from taking any of the fish mentioned in any of the sections of this order at any time or from lifting, setting, or transferring any nets or structures used in holding or capturing fish, wherein they deem it advisable and necessary to promote the department fish management program.

History: 1-2-56; am. c1d, Register, December, 1960, No. 60, eff. 1-1-61; am. c1d, Register, December, 1961, No. 72, eff. 1-1-62; renum. from WCD 19.06 to be NR 19.06 and am. c1d, c2d and c3d, Register, April, 1971, No. 184, eff. 5-1-71.

NR 19.07 Commercial fishing studies on inland, outlying, and boundary waters. The department may authorize commercial fishing studies, pursuant to s. 23.09 c2d chd and ckd, Stats., that contribute to increased, useful scientific knowledge of fisheries management and that may include one or more participating commercial fishing licensees. The department may authorize a commercial fishing study to be conducted at a time, in a location, or using a gear type for which commercial fishing is otherwise restricted by department rules.

Note: Nothing in this section precludes a commercial fishing licensee operating under s. 29.519 c1md or c4d, 29.523 c1d, 29.526 c1d, 29.529, 29.531, or 29.533, Stats., and operating under the rules and regulations of chs. NR 20, 21, 22, or 25 from conducting independent research on their own commercial fishing practices and commercial harvest.

History: CR 21-058: cr. Register March 2022 No. 795, eff. 4-1-22; correction made under s. 35.17, Stats., Register March 2022 No. 795.

NR 19.09 Wild rice conservation. c1d REMOVAL OR DESTRUCTION OF WILD RICE. cad No person may remove or destroy by hand, mechanical or chemical means wild rice growing

in navigable lakes unless the department has approved the removal or destruction under par. cbd.

cbd In addition to harvest in accordance with s. 29.607, Stats., and subs. c2d to c8d, the department may authorize by written approval the removal of wild rice growing in navigable lakes upon a finding that:

1. The wild rice resource in the navigable lake will not be substantially affected. The department may consider cumulative effects of an approval on such a lake under this paragraph; and

2. The removal or destruction is necessary to allow reasonable access to the lake by the riparian owner.

ccd Persons requesting an approval under this subsection, shall apply on department forms and provide information requested by the department.

Note: The forms may be obtained from department regional offices.

c2d A closed season is established for the harvesting or gathering of wild rice in the following described areas at all times except as hereinafter provided and it is unlawful for any person to harvest or gather wild rice in any manner or at any time during such closed season.

c3d The secretary is authorized and directed, after determining by investigation and study that the wild rice is ripe, to designate the open season for harvesting or gathering wild rice in each of the areas described in sub. c4d. The open season in any area may continue in effect for not more than 60 days. The open season in any area as designated by the secretary pursuant to this subsection shall be put into effect by posting of proper notice of the open season on the shores of, and at places of public access to, the lakes and streams in which the open season is effective at least 24 hours before the beginning of the open season.

c4d There is no closed season for the harvesting of wild rice in any other area of the state of Wisconsin not herein described:

caad *Barron county.* Bear lake.

cbd *Bayfield county.* Totogatic lake and Chippewa lake.

ccd *Burnett county.* Clam lake, Briggs lake, Gaslyn lake, Long lake, and Mud lake, town of Oakland.

cdd *Douglas county.* Mulligan lake and the state and county owned beds of the Minong Flowage.

ced *Forest county.* Wabikon lake.

cgd *Oneida county.* Big lake and Big lake thoroughfare, and Spur lake.

cid *Sawyer county.* Pacwawong lake.

cjd *Vilas county.* Allequash lake, Little Rice lake, Nixon lake, Irving lake, Aurora lake, West Plum lake, and Island lake.

ckd *Washburn county.* Bear lake, Spring lake, and Tranus lake.

c5d No person may harvest or gather any wild rice in any area of the state of Wisconsin between sunset and the following 10:00 a.m. central daylight time.

c6d No person may harvest or gather any wild rice in any navigable lake by the use of any method other than smooth, rounded, wooden rods or sticks not more than 38 inches in length and which are held and operated by hand.

Note: Section 29.607, Stats., prohibits the use of any mechanical device in any water of the state for harvesting or gathering wild rice.

c7d No person may harvest or gather any wild rice in any navigable lake by the use of any boat longer than 17 feet or greater than 38 inches in width or by the use of any boat propelled by other than muscular power using only a push-pole or canoe paddle.

c8d cad All licensed wild rice dealers shall file reports on forms furnished by the department covering the license period

with the Department of Natural Resources, Box 7924, Madison, 53707, prior to obtaining a wild rice dealer[s] license.

cbd Such reports shall summarize the book records required and shall include the total number of transactions and the total amount of wild rice bought, sold or processed during the period covered by such license.

c9d Nothing in the provisions of this section shall prohibit authorized agents of the department from harvesting or gathering wild rice in the performance of their official duties.

History: Cr. Register, July, 1960, No. 55, eff. 8-1-60; r. and recr. Register, July, 1964, No. 103, eff. 8-1-64; renum. from WCD 19.09 to be NR 19.09 and am. c2d, intro. par., c6d and c7d, Register, April, 1971, No. 184, eff. 5-1-71; am. c2d ccd, ckd and cmd, Register, November, 1976, No. 251, eff. 12-1-76; am. c5d, Register, April, 1978, No. 268, eff. 5-1-78; am. c1d ccd, Register, December, 1978, No. 276, eff. 1-1-79; r. and recr. c2d cad to cmd, and am. c6d, Register, August, 1979, No. 284, eff. 9-1-79; am. c2md ccd, Register, September, 1983, No. 333, eff. 10-1-83; emerg. cr. c2md caad, am. c2md ccd, cdd, cgd, chd and ckd, eff. 8-13-84; emerg. am. c3d eff. 8-27-84, cr. c2md caad, am. c2md ccd, cdd, ced, cgd, chd, ckd and c3d, Register, May, 1985, No. 353, eff. 6-1-85; r. c8d, renum. c1d to c7d to be c2d to c9d and am. c6d and c7d, cr. c1d, Register, August, 1985, No. 356, eff. 9-1-85; am. c3d, Register, July, 1987, No. 379, eff. 8-1-87; am. c3d, Register, July, 1988, No. 391, eff. 8-1-88; CR 16-037: r. c4d cfd Register April 2017 No. 736, eff. 5-1-17; CR 21-103: r. c4d cad, am. c4d caad to cdd, r. and recr. ced, am. cgd, r. c4d chd, r. and recr. c4d cid, am. c4d cjd, ckd Register June 2022 No. 798, eff. 7-1-22; correction in c4d ccd, cjd, ckd made under s. 35.17, Stats., Register June 2022 No. 798.

NR 19.11 Scientific collectors permits and scientific research licenses. c1d DEFINITIONS. For the purposes of implementing ss. 29.614 and 169.25, Stats., and within this section, the following definitions apply:

cad XQualified natural personY or XpersonY means any individual complying with s. 29.614, Stats., and this section, not including a corporation, partnership, cooperative, society, association or other organization.

cbd XBonafide research programY means planned study and investigation undertaken to discover or establish facts or principles leading to increased, useful scientific knowledge.

ccd XUseful scientific knowledgeY means new information contributing to the long-term well-being of wild animals and their habitats, or providing educational opportunities in the natural sciences.

c2d APPLICABILITY. cad *Permits not required.* Scientific collectors permits are not required for the collection of wild plants, unprotected wild animals taken legally, or wild animals obtained from licensed game farms or fish hatcheries.

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

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

cdd *Endangered species.* Endangered or threatened wild animals may be collected only under authority of endangered species permits issued by the department pursuant to s. 29.604, Stats., and ch. NR 27.

ced *Tagging of fish.* Scientific collectors permits are required to capture a wild fish, attach a tag to any part of it, and then to release it back into waters of the state, unless the department grants specific written authorization to tag fish for the purposes of a fishing contest.

c3d PERMIT APPLICATIONS. cad *Forms.* Applications for scientific collectors permits shall be made on application forms provided by the department and include:

1. Name and address of the applicant;
2. Applicant[s] personal description;
3. Purpose of the request;
4. Species and number of specimens to be collected;

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

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

c4d PERMIT ISSUANCE. cad *Issuance.* Permits shall be issued in the name of the applicant. All agents of the permittee assisting in the permitted collections will be listed on the permit. Separate copies of permits shall be signed and carried by each person named in the permit when that person is acting under it in the absence of the permittee.

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

ccd *Conditions.* 1. ZContents.[Permits will contain conditions deemed necessary by the department to protect the resources of the state and assure use of specimens taken are in compliance with s. 29.614, Stats.

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

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

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

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

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

c5d PERMIT USAGE. cad *Disposition of specimens.* 1. Living unharmed specimens collected during the course of permitted activities shall be returned to the wild at the point of capture, unless otherwise provided in the permit.

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

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

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

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

cdd *Trap and net tending.* All traps, nets and other capture emptied by the permittee at least once each 24-hour period.

ced *Fishing gear restrictions.* 1. ZGill nets.[Gill nets may not be used in inland waters unless specifically authorized by a permit.

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

3. ZSport fishing equipment.[Hook and line fishing equipment and spearing equipment may not be possessed on a boat operating under a permit without prior approval of the department.

c6d RECORDKEEPING AND ANNUAL REPORTS. cad *Records.* Each permittee shall keep current records, in the English language, of all collections under the permit. Records of collections shall be made available to the department during normal business hours, or upon 8 hours notice at other times.

cbd *Required reports.* Permittees shall supply information requested by the department and annually file a complete and accurate report on forms covering activities conducted under authority of the permit. Unless otherwise provided in the permit, such reports shall be filed using a report form provided by the department not later than January 10 of the year following expiration of the permit.

ccd *Content.* Annual reports by permittees shall include:

1. The common name, scientific name and number of each species and type of specimen material collected;
2. The date and geographic location of each collection;
3. Disposition of collected specimens; and
4. Any other information requested by the department.

c7d DISPOSITION. Specimens collected under the authority of the scientific collector permit may be transferred to and possessed by an educational institution for exhibition or education purposes upon completion of the project or expiration of the permit. Environmental consulting organizations may retain specimens following permit expiration provided the specimens are marked in a manner prescribed by the department. An educational institution or environmental consulting organization possessing specimens shall possess written proof of source, including the scientific collector permit number of the source and present that proof upon request by the department.

Note: Application forms for scientific collectors permits under this section may be obtained from any department regional office. Federal permits for migratory birds may be obtained from the Special Agent in Charge, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111.

History: Cr. Register, April, 1966, No. 124, eff. 5-1-66; renum. from WCD 19.11 to be NR 19.11, and am. c1d intro. par., c1d chd, c2d intro. par. and c2d ccd, Register, April, 1971, No. 184, eff. 4-1-71; cr. c5d ccd and c6d, Register, September, 1978, No. 273, eff. 10-1-78; r. and recr. c2d, r. c5d cad, Register, August, 1979, No. 284, eff. 9-1-79; r. and recr. Register, November, 1981, No. 311, eff. 12-1-81; r. and recr. c2d ccd, cr. c3d cad 9., c4d ccd 3.b. and c7d, am. c4d ccd 3., r. c6d ccd 3., renum. c6d ccd 4. and 5. to 3. and 4., Register, August, 1986, No. 368, eff. 9-1-86; CR 03-030: am. c1d cintro.d Register October 2003 No. 574, eff. 11-1-03; CR 03-014: cr. c2d ccd Register October 2003 No. 575, eff. 4-1-04; CR 21-058: am. c2d ccd Register March 2022 No. 795, eff. 4-1-22.

NR 19.115 Fish, fur, game seals. Fish, fur, game seals shall be attached by or at the direction of the department to fish, fur or game articles which may be sold pursuant to s. 29.934 c1d, Stats. Each seal shall be issued for a particular article only and no seal may be attached or assigned to any other article. No person may possess or transfer any seal to another person except as incidental to the possession, purchase, sale, trade or transfer of the article of fish, fur, or game for which the seal was issued.

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

NR 19.12 Tagging the carcasses of wild animals, birds and fish taken on Indian reservations. c1d cad Each authorized person who has taken a protected wild animal, bird or fish on an Indian reservation, under provisions of the

reservation[s] treaty rights during the off-reservation closed season for such game set by the department of natural resources, shall before removing the carcass or part thereof of such animal, bird or fish from the reservation, contact and exhibit it during ordinary working hours to a conservation warden of the department of natural resources or to any tribal member authorized by the particular tribe and designated by the department of natural resources.

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

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

cdd If a Wisconsin tribe complies with the licensing and tagging requirements of s. 29.047 c1d cdd 1m. and 2., Stats., the tagging requirements under this section may be waived by the department.

History: Cr. Register, April, 1976, No. 244, eff. 5-1-76; CR 08-021: cr. c1d cdd Register November 2008 No. 635, eff. 12-1-08; CR 16-037: am. c1d cdd Register April 2017 No. 736, eff. 5-1-17.

NR 19.13 Animals killed by motor vehicles. c1d No person may possess the carcass of a wild animal killed by a motor vehicle except as authorized by the department or as authorized by s. 29.349, Stats.

c2d No person authorized to take possession of a carcass under sub. c1d may:

cad Fail to immediately remove the entire carcass from the scene, or

cbd Selectively remove parts of the carcass from the scene.

c3d No person may deposit or dispose of the carcass of a wild animal killed by a motor vehicle on any land or property owned, under easement to, or lease by federal, state, county, or municipal government, including highway right-of-ways, except where such deposit or disposal is explicitly authorized using established solid waste disposal receptacles and facilities.

Note: The term XcarcassY is defined in s. 29.001 c18d Stats. as the dead body of any wild animal, including any part of the wild animal or the eggs of the wild animal.

Note: This section prevents field dressing of animals killed by motor vehicles, within the highway right-of-way.

Note: This sub. does not prevent the movement of a carcass to the shoulder or ditch to maintain highway safety.

History: Cr. Register, June 1976, No. 246, eff. 7-1-76; am. Register, August, 1994, No. 464, eff. 9-1-94; am. c3d, Register, October, 1997, No. 502, eff. 11-1-97; CR 04-046: am. c4d and c5d Register September 2004 No. 585, eff. 10-1-04; CR 05-031: am. c3d Register November 2005 No. 599, eff. 12-1-05; correction in c4d

made under s. 13.92 c4d cbd 7., Stats., Register May 2013 No. 689; CR 16-037: r. and recr. Register April 2017 No. 736, eff. 5-1-17.

NR 19.25 Wild animal protection. Unless engaged in dog training or dog trials as authorized by the department in s. NR 17.001 c3d and c5d, or other activity specifically authorized by the department, a closed season is established and no person may harass, disturb, pursue, shoot, trap, catch, take, or kill protected wild animals by any means, except as described under s. NR 12.10 c1d cbd 4.

History: Cr. Register, August, 1980, No. 296, eff. 9-1-80; correction made under s. 13.93 c2md cbd 7., Stats., Register, October, 1997, No. 502; CR 01-006: am. Register August 2001 No. 548, eff. 9-1-01; CR 05-031: am. Register November 2005 No. 599, eff. 12-1-05.

NR 19.26 Season and restrictions for taking frogs. c1d The open season for frogs runs from the Saturday nearest to May 1 to December 31.

c2d No person may take frogs with the aid of a firearm or air gun.

c3d Possession limits for frogs are established in s. NR 16.12.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00; CR 03-030: r. and recr. Register October 2003 No. 574, eff. 11-1-03.

NR 19.27 Seasons, limits, restrictions on taking crayfish. There is a closed season established for taking crayfish except when taken during the open season by the following methods:

Animal and locality	Open season both dates included	Bag limit	Size limit	Methods of taking
c1d Crayfish All areas except Wis.-Minn. boundary waters. See s. NR 21.04 c12d	Continuous	None	None	Crayfish may be taken by hand, minnow seine, minnow dipnets or minnow traps, as defined in s. NR 20.10, and by crayfish traps with any entrance not to exceed 2 1/2 inches at its greatest diagonal measurement. All traps used to take crayfish shall be raised and crayfish removed at least once each day following the day set unless otherwise authorized by the district director. All traps shall be tagged with a tag clearly bearing in the English language the name and address or department customer identification number of the owner and trapper.

c4d ADDITIONAL RESTRICTIONS. cad *Crayfish*. 1. ZProhibitions.[No person may:

- a. Use live crayfish as bait on the inland waters except on the Mississippi river.
- b. Possess live crayfish while on any inland waters of the state, except the Mississippi river, unless that person is engaged in crayfish removal. Simultaneous possession of live crayfish and hook and line fishing equipment while on the inland waters, except the Mississippi river, shall be considered prima facie evidence of a violation of this subsection.
- c. Place, deposit, throw or otherwise introduce live crayfish into any waters of the state unless a permit authorizing introduction has been issued by the department.
- d. Take, possess or control a crayfish unless the person is in possession of a valid approval which authorizes the hunting of small game or which authorize fishing, unless otherwise exempt

from the need to possess one of more of these approvals to hunt or fish under ch. 29, Stats.

2. ZBait.[a. Crayfish may not be taken with use of bait consisting of fish, including parts of fish lawfully taken, fish by-products including fish meal or prepared parts of fish, except in the same body of water from which the fish was obtained, or if the fish are minnows obtained from a Wisconsin bait dealer, or with written approval of the department.

b. Bait or parts of bait authorized in this subdivision may not be deposited in the waters of this state unless they are enclosed within the trap.

3. ZFloats or markers.[Floats or markers used to locate traps for the taking of crayfish:

- a. May not exceed 5 inches in size at its greatest dimension;
- b. May not extend more than 4 inches above the surface of the water.
- c. Shall plainly and clearly display in the English language the name and address or department customer identification number of the owner or operator; and
- d. Shall be of a color other than orange or fluorescent colorations.

4. ZTraps.[Crayfish traps placed in trout streams shall conform to the dimensions of minnow traps described in s. NR 20.03 c26d unless otherwise authorized by the department.

History: Cr. Register, December, 1982, No. 324, eff. 1-1-83; r. and recr. Register, June, 1984, No. 342, eff. 7-1-84; cr. c4d cad 4., Register, December, 1984, No. 348, eff. 1-1-85; am. c1d, Register, July, 1988, No. 391, eff. 8-1-88; am. cintro.d, r. c3d, Register, February, 1997, No. 494, eff. 3-1-97; correction in c4d cad 4. made under s. 13.93 c2md cbd 7., Stats., Register, September, 1999, No. 525; am. cintro.d, r. c2d and c4d cbd, Register, May, 2000, No. 533, eff. 6-1-00; emerg. am. c4d cad 2. a., eff. 11-2-07; CR 07-074: am. c4d cad 2. a. Register May 2008 No. 629, eff. 6-1-08; CR 09-018: cr. c4d cad 1. d. Register February 2010 No. 650, eff. 3-1-10; CR 21-058: am. ctabled, c4d cad 3. c. Register March 2022 No. 795, eff. 4-1-22.

NR 19.275 Turtles. c1d APPLICABILITY. This section applies to the taking and possession of turtles in Wisconsin, except for the Wisconsin-Minnesota boundary waters and the Wisconsin-Iowa boundary waters, where the taking and possession of turtles is governed by ss. NR 21.13 and 22.13, respectively.

c2d SEASONS; POSSESSION AND DAILY BAG LIMITS. No person may take turtles except during the open seasons established in sub. c4d. For the purpose of turtle harvest, the possession limits are the same as the daily bag limits.

c3d ADDITIONAL RESTRICTIONS. No person may do any of the following:

cad Take, possess or control a turtle unless the person is in possession of a valid approval which authorizes the hunting of small game or which authorize fishing, unless otherwise exempt from the need to possess one of more of these approvals to hunt or fish under ch. 29, Stats.

Note: The s. 29.228, Stats., fishing license exemption for nonresidents under age 16 only applies to taking fish by hook and line. Therefore, any nonresident under age 16 who takes turtles by hand, hooking or with hoop net turtle traps must possess a valid fishing or small game authorization.

cbd Take turtles by methods other than hoop net turtle traps that comply with par. ccd, hand, hook, and line when in possession of a fishing license, setline, or set or bank poles when in possession of a setline or set or bank pole license used in compliance with s. NR 20.12, or hooking.

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

- 1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02 c28d.
- 2. The net is nylon or other stretchable fabric. Wire may not be used.
- 3. It is constructed with a funnel entrance at one or both ends

which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.

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

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

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

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

cfđ Place, use or tend more than 3 hoop net turtle traps.

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

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

cid Use fish, including parts of fish, as bait except that fish and fish parts may be used as bait in the same body of water from which the fish was obtained, or if the fish are minnows obtained from a Wisconsin bait dealer, or with written approval of the department.

cjd Place, set, or use a hoop net turtle trap within 200 feet of any fishway, lock, or dam.

ckđ Place, set or use any hook and line, setline or bank pole for taking turtles in a manner or at any time during which these methods are not allowed for taking fish under ss. NR 20.06 and 20.12.

c4d SEASONS AND LIMITS:

Turtle species	Open seasons both dates included	Daily bag and possession limit	Size limit
cad Snapping turtle	July 15 to Nov. 30	3	12 inch minimum 16 inch maximum top shell measured from front to back
cbd Softshell turtle	July 15 to Nov. 30	3	None
cbmd Blanding[s turtle	None	0	None
ccd All other turtles not listed as threatened or endangered in ch. NR 27	July 15 to Nov. 30	5 in total	None

History: Cr. Register, February, 1997, No. 494, eff. 3-1-97; CR 06-011: am. c3d cad Register September 2006 No. 609, eff. 4-1-07; emerg. cr. c3d cid, eff. 11-1-07; CR 07-074: cr. c3d cid Register May 2008 No. 629, eff. 6-1-08; CR 09-018: am. c3d cad Register February 2010 No. 650, eff. 3-1-10; CR 09-051: cr. c3d cjd and ckđ Register June 2010 No. 654, eff. 7-1-10; CR 13-001: am. c3d cbd Register August 2013 No. 692, eff. 9-1-13; CR 14-025: cr. c4d cbmd Register May 2015 No. 713, eff. 6-1-15; CR 21-058: am. c3d cgd Register March 2022 No. 795, eff. 4-1-22.

NR 19.28 Taxidermy. c1d TRANSPORTATION. Whenever a permitted taxidermist, or his or her agent, takes a wild animal carcass into possession at a location other than the taxidermist[s place of business, the records required by s. 29.506 c5d cbd and c6d, Stats., shall be completed immediately and shall accompany the carcass during transportation.

c2d POSSESSION. cad If a permitted taxidermist holds wild animal carcasses received in connection with his or her business pursuant to the authorization in s. 29.506 c4d, Stats., in the same

storage area or freezer with personally acquired wild animal carcasses, every wild animal carcass so held shall be tagged in the manner described in s. 29.506 c5d cbd, Stats. Wild animal carcasses so tagged and stored may not be considered to be commingled.

cbd The authorization of s. 29.506 c4d, Stats., does not apply to wild animal carcasses acquired by a taxidermist for purposes not related to the business of taxidermy.

c3d MOUNTED COLLECTION OF A TAXIDERMIST. This section does not permit seizure of, nor prohibit possession or sale of a lawfully obtained wild animal carcass by a permitted taxidermist which is mounted or is in the process of being mounted for the private collection of a permitted taxidermist provided that the tagging and record keeping requirements and the commingling prohibitions of s. 29.506, Stats., have been complied with. Included is any such wild animal carcass received by a permitted taxidermist in connection with his or her business which has been abandoned by the customer.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87.

NR 19.30 Criminal history checks; volunteer instructors. Whenever application is made to the department by a person interested in becoming certified to instruct as a volunteer all-terrain vehicle, boating, bow hunter, hunter education, Wisconsin cooperative trapper education program or snowmobile safety instructor, the bureau of law enforcement shall conduct a criminal history, character and background check on the applicant. Notwithstanding s. NR 19.025, the bureau of law enforcement shall conduct a background check on any person who applies to serve as an angler or aquatic education instructor, or an educational outdoor skills activity mentor. Upon becoming aware of information indicating prior illegal activity, the department shall make appropriate inquiry into criminal history and character of instructor or mentoring applicants and determine their suitability for the proposed activity.

History: Cr. Register, July, 1996, No. 487, eff. 8-1-96; am. Register, September, 1998, No. 513, eff. 10-1-98; CR 09-018: am. Register February 2010 No. 650, eff. 3-1-10.

NR 19.40 Department authority to void local hunting, fishing and trapping ordinances. c1d PURPOSE. These rules are developed, pursuant to s. 227.11, Stats., to establish procedures for determining when local ordinances should be voided under s. 29.038, Stats., because they have more than an incidental effect on hunting, fishing or trapping, or do not have public health and safety as a primary purpose.

c2d DEFINITIONS. In this section:

cad XBuilding devoted to human occupancyY has the meaning used in s. 941.20 c1d cdd, Stats.

cbd XUndeveloped landsY has the meaning given in s. 943.13 c1ed ccrđ, Stats.

c3d DEPARTMENT DETERMINATIONS. Department determinations related to the legality of local ordinances regulating hunting, fishing or trapping shall consider the following factors when determining the validity of a local ordinance. The listed factors are not weighted and are factors which would favor a department decision to void the ordinance.

cad The extent to which the ordinance affects undeveloped lands or lands which are zoned agricultural, forestry, lowland conservancy, upland conservancy or flood plain.

cbd The extent to which the department has received complaints about the ordinance.

ccd Whether the ordinance purports to directly regulate hunting.

cdd Whether the ordinance requires a permit to discharge a

firearm or a bow, whether a fee is charged which exceeds 150 percent of the issuance fee established by s. NR 19.02 c4d cbd, creates a higher fee for non-residents or requires a background check.

Note: At the current time, the fee established by s. NR 19.02 c4d cbd is \$3.00.

ced Whether the ordinance restricts the discharge of fine shot while the shooter is in or on the water more than 100 yards from the nearest developed shoreline, and shooting away from or parallel to that shoreline.

cfD Whether the ordinance prohibits the discharge of fine shot when on undeveloped lands which are more than 100 yards from buildings devoted to human occupancy, and shooting away from the buildings.

cgD Whether the ordinance prohibits hunting, fishing or trapping on department property otherwise open to hunting, fishing or trapping or on property leased by or under easement to the department for the purpose of hunting, fishing or trapping.

chD Whether the ordinance prohibits the discharge of shotguns or bows within all areas of the municipality.

cid Whether the ordinance prohibits the discharge of bows.

cjd Whether existing state laws adequately address the local safety concerns.

ckD Whether the ordinance prohibits fishing by individuals located on public waters.

cLd Whether less restrictive alternatives are available to address a municipality's safety concerns.

cmd Whether the ordinance prohibits live trapping.

cnd Whether the ordinance has no apparent health or safety purpose.

c4d EXCEPTION. This section does not apply to fishing rafts subject to regulation under s. 30.126, Stats.

c5d PROCEDURES. cad Prior to holding a hearing to determine the validity of a local ordinance under s. 29.038, Stats., the department shall mail the affected municipality a notice of the time and location of the hearing. The department shall also publish a class I notice under ch. 985, Stats., of the hearing in the county in which the municipality is located. The notice shall be given at least 30 days prior to the date set for the hearing.

cbd Hearings shall be conducted to the extent possible in a manner consistent with s. 227.18 c1d and c2d, Stats.

ccd The final decision shall be made by the secretary or the secretary's designee.

cdd The decision shall be in writing and accompanied by findings of fact and conclusions of law.

ced The department may void ordinances found to be in violation of s. 29.038, Stats., in whole or in part, or as applied to certain areas, certain classes of persons, certain times of the year, or certain circumstances.

History: Cr. Register, May, 2001, No. 545, eff. 6-1-01; correction in c2d cbd made under s. 13.92 c4d cbd 7., Stats., Register May 2013 No. 689.

NR 19.50 All-terrain vehicle and bowhunter, snowmobile and hunter education program fee. The fee for the all-terrain vehicle and bowhunter, snowmobile and hunter education certification programs shall be \$10.00 per student. The department may authorize the instructors to retain up to 50 percent of the fee to defray authorized expenses incurred locally to operate the program based on the actual cost incurred to the instructor. The remaining funds shall be turned in to the department to defray expenses incurred to operate these programs during the year. The fee for advanced hunter education courses shall only be the amount necessary, but not to exceed \$50 per student. Only instructors certified by the department to teach advanced education courses under this section may charge a fee for the ad-

vanced education courses. The department may authorize specialized fees for Internet based all-terrain vehicle and snowmobile education certification programs pursuant to a memorandum of understanding with entities managing these programs for the department. The specialized fee shall be in lieu of the \$10.00 per student fee and shall be sufficient to defray authorized operational costs of entities managing these programs for the department as well as operational costs of the department.

History: CR 00-110: cr. Register April 2002 No. 556, eff. 5-1-02; emerg. am. eff. 10-3-05; CR 05-088: am. Register March 2006 No. 603, eff. 4-1-06; CR 06-134: am. Register August 2007 No. 620, eff. 9-1-07.

NR 19.51 Wisconsin cooperative trapper education program fee. The fee for the course of instruction under the Wisconsin cooperative trapper education program shall be \$12.00 per student. The fee for correspondence trapper education certification program shall be \$12.00 per student for correspondence programs that require in-state mailing of course materials and shall be \$28.00 per student for correspondence programs that require out-of-state mailing of course materials. In addition to the fees established in this section, for correspondence courses, each student shall pay a \$17.00 deposit that shall be refunded when the course materials are returned. Only instructors who are certified by the department to teach trapper education courses under s. 29.597, Stats., may charge a fee for a trapper education course established under s. 29.597, Stats.

History: CR 07-015: cr. Register September 2007 No. 621, eff. 2-1-08; CR 08-011: am. Register September 2008 No. 633, eff. 2-1-09; CR 23-013: am. Register February 2024 No. 818, eff. 3-1-24; CR 23-025: am. Register March 2024 No. 819, eff. 4-1-24.

NR 19.60 Feeding of wild animals. c1d GENERAL PROHIBITIONS. cad No person may place, deposit or allow the placement of any material to feed or attract wild animals for non-hunting purposes including recreational and supplemental feeding, except as provided in sub. c2d or c3d, or as specifically authorized in a permit or license issued under s. 29.614 c1d or 169.25 c1d cad, Stats., or s. NR 12.06 c11d or 12.10 c1d.

Note: Section 29.614, Stats., states: Scientific collector permit. c1d Application for a scientific collector permit shall be submitted to the department. The department may issue a scientific collector permit if the department determines that the applicant is a natural person and is engaged in a bona fide program leading to increased, useful scientific knowledge.

Note: Section 169.25, Stats., states: Scientific research license. c1d Issuance. cad The department shall issue a scientific research license to any person who is engaged in a study or in research that the department determines will lead to increased, useful scientific knowledge and who files a proper application and who pays the applicable fee.

cbd Any person placing feed to attract wild animals in violation of this section or s. NR 10.07 c2d or c2md shall remove all feed or other material illegally placed or deposited when notified by the department to do so.

ccd Landowners, lessees or occupants of any property where feed or other material in violation of this section or s. NR 10.07 c2d or c2md is present shall remove all feed or other material illegally placed or deposited upon notification by the department of the illegal activity if not otherwise removed in accordance with par. cbd.

cdd Except as authorized under sub. c3d cad 1., no person may place feed in a feeder designed to deposit or replenish the feed automatically, mechanically or by gravity.

c2d FEEDING DEER AUTHORIZED. cad *Affected area.* This subsection applies statewide, except for those counties where deer baiting and feeding is prohibited under par. cbd.

cbd *Excluded area.* Deer baiting and feeding is prohibited in entire counties where any of the following criteria apply:

1. A CWD-affected area has been established in the county or a portion of the county, or
2. A CWD or bovine tuberculosis positive captive or free-

roaming, domestic or wild animal has been confirmed after December 31, 1997 from the county, or

3. The county or portion of the county is within a 10 mile radius of a captive or free-roaming, domestic or wild animal that has been tested and confirmed to be positive for CWD or bovine tuberculosis after December 31, 1997.

ccd Inclusion of additional counties. 1. The department may add additional counties under par. *cbd* if they meet the criteria established in par. *cbd 1., 2. or 3.*

2. The prohibitions and exemptions in this subsection shall become effective upon issuance of an order by the secretary of the department and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators and hunting license outlets in the area affected.

cdd Deer feeding. A person may place or deposit material to feed or attract wild deer for recreational and supplemental feeding purposes outside of the counties where deer feeding is prohibited under par. *cbd*, but may not place or allow the placement of any feed material:

1. In excess of 2 gallons of feeding material within 50 yards of any owner occupied residence or business.

2. More than 50 yards from an owner occupied residence or business.

3. Within 100 yards from a roadway, as defined in s. 340.01 c54d, Stats., having a posted speed limit of 45 miles per hour or more.

Note: Section 340.01 c54d, Stats., XRoadwayY means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway, the term XroadwayY refers to each roadway separately but not to all such roadways collectively.

4. That contains any animal part or animal byproduct.

5. Without the approval of the owner of the owner-occupied residence or business.

6. At a feeding site that the person knows or should have known is also being used by bear or elk. If the owner of the residence or business is notified by the department or otherwise becomes aware that bear or elk have been using a deer feeding site, the owner may not place or allow others to place any feed material that is accessible to deer, bear or elk within 50 yards of the owner-occupied residence or business for a period not less than 30 days.

c3d EXCEPTIONS. *cad* This section does not prohibit any of the following activities:

1. Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy unless authorized by the department. If the department determines that wild deer are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer.

2. Feeding of wild animals, other than deer, elk or bear, by hand if:

a. Feed placed not more than 30 feet away from the person feeding, and

b. The person feeding makes all reasonable attempts to clean up the unconsumed feed before moving a distance greater than 30 feet from the deposited feed.

3. Feed deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.

4. Standing crops planted and left standing as wildlife food plots that may be used by wild animals.

5. Feed material placed for deer or bear hunting or bear dog training as authorized under s. NR 10.07 c2md.

6. Feed material placed for trapping as specified in s. NR 10.13.

7. The use of scents, provided the material is not accessible for consumption by deer or elk or scent placed in compliance with s. NR 10.07 c2d cbd 4.

8. Feed or bait material placed or used for fish, reptiles, amphibians or arthropods, provided the material is not accessible to bear, deer or elk.

9. Feeding of deer as authorized under sub. c2d.

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

History: CR 04-078: cr. Register April 2005 No. 592, eff. 5-1-05; CR 07-015: cr. c2d cdd 6. Register September 2007 No. 621, eff. 10-1-07; CR 08-013: am. c2d cbd 1., Register August 2008 No. 632, eff. 9-1-08; CR 14-071: am. c2d cbd 1. Register July 2015 No. 715, eff. 8-1-15.

Subchapter II — Wildlife Rehabilitation

NR 19.70 Purpose. This subchapter is adopted to establish consistent standards for the rehabilitation of wildlife in Wisconsin. The intent is to ensure all persons engaged in wildlife rehabilitation are qualified and provide humane care and housing for wildlife being rehabilitated.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04.

NR 19.71 Definitions. In this subchapter:

c1d XAdvanced licenseY means a wildlife rehabilitation license issued by the department to a person qualifying under s. NR 19.73 c1d and c3d.

c1md XBasic careY means feeding, watering, and cleaning to provide for an animal[s basic needs, and does not include tasks such as performing admittance exams and triage, or euthanasia.

c2d XBasic licenseY means a wildlife rehabilitation license issued by the department to a person qualifying under s. NR 19.73 c1d and c2d.

c2md XCageY means any structure in which animals are confined for rehabilitation purposes.

c3d XDepartmentY means the department of natural resources.

c3md XDirect supervisionY means the actual presence of the licensee or consulting veterinarian.

c4d XEuthanasiaY means the humane killing of a wild animal in accordance with the current American veterinary medical association standards contained in the most recent report of the AVMA Panel on Euthanasia.

Note: Reports of the AVMA Panel on Euthanasia are available for inspection at the offices of the Secretary of State, 30 W. Mifflin Street, Madison, WI, the Legislative Reference Bureau, One E. Main Street, Madison, WI, or the department.

c5d XFacilitiesY means any equipment, housing or shelter used for wildlife rehabilitation.

c6d XFederal permitY means a special purpose permit issued under 50 CFR Part 13 and 50 CFR 21.27 by the United States fish and wildlife service for the rehabilitation of migratory birds and federally endangered or threatened species.

c6md XIndirect supervisionY means written or verbal instructions for treatment of an animal provided by a licensee or consulting veterinarian that need not be present.

c7d XProtective deviceY means a device that is designed to prevent the escape of an animal at the entrance of a primary enclosure.

c8d XSponsorY means an advanced licensee who has volunteered to mentor a basic licensee.

c9d XSponsorship agreementY means a document that establishes an advanced licensee as a sponsor for a basic licensee.

c9md XSubpermitteeY means any person subject to the conditions and limits established in s. NR 19.73 c3dced and who is working in a limited capacity under the supervision of an advanced licensee on wildlife rehabilitation activities.

c10d XVolunteerY means any person at a licensee[s facility who is contributing to the activities of the facility or who is under the direction of and is known to the licensee.

c11d XWildlifeY means Xwild animalY as defined in s. 169.01 c37d, Stats.

c12d XWildlife rehabilitationY means XrehabilitateY as defined in s. 169.01 c30md, Stats.

c13d XWildlife rehabilitation advisory councilY means a group of volunteers appointed by the secretary or secretary[s designee to advise and provide recommendations about wildlife rehabilitation, wildlife health, and captive wildlife to the department.

c14d XWildlife rehabilitatorY means a person authorized to capture, receive, temporarily possess, transport or transfer orphaned, sick or injured wildlife for the purpose of wildlife rehabilitation under a valid license issued pursuant to this subchapter.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 09-024: am. c10d Register May 2010 No. 653, eff. 6-1-10; CR 15-054: cr. c1md, c2md, c3md, am. c4d, cr. c6md, c9md, r. and recr. c10d, am. c13d Register July 2018 No. 751, eff. 8-1-18; correction in numbering in c9md made under s. 13.92 c4d cbd 7., Stats., Register July 2018 No. 751.

NR 19.72 General wildlife rehabilitation provisions.

c1d The title to all wildlife and their offspring held under a wildlife rehabilitation license remains under the jurisdiction of the department as described in s. 169.02, Stats., and may not be sold, traded or bartered without the consent of the department.

c2d The department may restrict wildlife rehabilitation of specific wildlife species, either statewide or in certain geographic areas to control the spread of disease, to protect public health or to prevent harmful environmental impacts.

Note: Deer rehabilitation information can be found at <http://dnr.wi.gov> or will be available upon request at DNR Service Centers, by writing the Bureau of Wildlife

Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921. The rehabilitation of skunks is prohibited under s. NR 1.18 c3d ccd. The possession and rehabilitation of species which are listed as threatened or endangered as established in s. NR 27.03 requires authorization from the Bureau of Natural Heritage Conservation. Pursuant to ss. 169.085 and 169.11 c1d cbd, Stats., the department does not allow rehabilitation of wolves or wolf-dog hybrids.

c3d The department may restrict wildlife species authorized for rehabilitation based on the facilities and qualifications of the applicant or licensee.

c4d A wildlife rehabilitation license does not authorize the capture, receipt, possession, transportation or transfer of wildlife for any purpose other than wildlife rehabilitation.

Note: Birds held under falconry licensing are private property, do not meet the definition of Xwild animalY per s. 169.01 c30md, Stats., and thus care and treatment is not authorized per wildlife rehabilitation licensing authority.

c5d This license does not exempt the licensee from local ordinances that apply to activities authorized by this license.

c6d This license does not authorize the practice of veterinary medicine as defined in s. 89.02 c6d, Stats.

c7d The licensee shall display his or her license to department agents or other law enforcement agents upon request.

c8d Any costs incurred by the licensee for wildlife rehabilitation activities shall be the responsibility of the licensee.

c9d Unless specifically authorized by the department for educational purposes, no person may place wildlife being rehabilitated on public exhibit, in ways that may lead to inappropriate imprinting, socialization, habituation or stress.

c10d Wildlife being rehabilitated may not be transported outside Wisconsin for release or any other purpose unless the licensee has verbal, or written, permission from the department and possesses a wildlife rehabilitation license pursuant to this subchapter.

c11d No person may import or accept wildlife for rehabilitation from outside Wisconsin unless he or she has verbal, or written, permission from the department and possesses a wildlife rehabilitation license pursuant to this subchapter.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; correction in c6d under s. 13.92 c4d cbd 7 Register December 2015 No. 719; correction in c6d made under s. 13.92 c4d cbd 7., Stats., Register July 2018 No. 751.

NR 19.73 Licenses. c1d GENERAL RESTRICTIONS. *cad Requirements.* No person may rehabilitate wildlife unless he or she possesses a valid license pursuant to s. 169.24, Stats.

cbd Transferability. A rehabilitation license is not transferable.

ccd Reporting. The licensee shall notify the department within 7 days of any change of name, address, telephone number, associated federal permit status, substantial changes to facility, a decision to discontinue as a sponsor or wildlife rehabilitation activities before license expiration.

cdd Species. The department shall list on the license the species authorized for rehabilitation by a basic or an advanced licensee.

ced Species additions. No person may have a species added to their license unless all of the following have occurred:

1. The licensee has submitted to the department a caging report as required under s. NR 19.76 c2md, pictures of pens and enclosures, and documentation indicating the licensee's rehabilitation experience and knowledge with the new species. For migratory birds, experience and knowledge with the new species shall include at least 100 hours of hands-on experience gained within at least one whole year and 20 of those hours may be fulfilled by participation in seminars or courses relating to the new species. For species which are not migratory birds, the department may establish that less experience and knowledge is needed. The department may require that licensees demonstrate specific experience and knowledge of species that it determines to be sensitive or difficult to rehabilitate.

2. The department has reviewed and approved the addition.

3. An additional facility inspection to determine compliance with standards established under s. NR 19.77 has been conducted if the department has determined such an inspection is necessary.

4. For a basic licensee modification, the licensee possesses a sponsorship agreement with an advanced licensee.

c2d BASIC LICENSE. *cad Requirements.* An applicant for a basic license shall meet all of the following requirements:

1. Possess a signed sponsorship agreement stating an advanced licensee is willing to mentor the applicant's wildlife rehabilitation activities.

- 1m. Submit a completed license application that describes prior wildlife rehabilitation and animal care experience to the department.

2. Possess a signed consulting veterinarian agreement stating a veterinarian, licensed to practice in Wisconsin or state of residence, is willing to consult and assist with care and treatment of wildlife being rehabilitated.

3. Pass an examination meeting the requirements of s. NR 19.75.

4. Allow an inspection of facilities to assure that the applicant's facilities meet the requirements of s. NR 19.77.

cbd Restrictions. Basic licensees may not possess any of the following:

1. Federal migratory birds or federal or state endangered or threatened species unless authorized by appropriate federal permit and state approval added to the licensee's rehabilitation license.

2. Mammals belonging to the family cervidae cdeer, elk, and moosed or other harmful wild animals designated under s. 169.11, Stats.

3. Species of bird belonging to the order ciconiformes cvultures, bitterns and heronsd, falconiformes chawks, eagles, harrisers, osprey, kites and falconsd with the exception of American kestrel, the order Strigiformes call owlsd, with the exception of

saw-whet and screech owls or the families gruidae ccranese or gavidae cloonsd.

ccd Euthanasia. Euthanasia may only be performed under direct supervision of the sponsoring advanced licensee or consulting veterinarian.

cdd Volunteers. Volunteers may assist basic licensees with the rehabilitation of wildlife if all of the following requirements are met:

1. Basic licensees have completed one full year of licensed wildlife rehabilitation before volunteers may be authorized to assist with wildlife rehabilitation activities.

2. All volunteer information including name, address, and telephone number has been provided to the department by the licensee.

3. The department is notified quarterly, by the licensee, of any changes to their list of volunteers and any changes in contact information of the licensee's volunteers.

4. Volunteers only provide basic care to species identified on the basic license.

5. Volunteers only operate at the facility of the licensee and under the direct supervision of the basic licensee.

6. Licensees accept responsibility for the actions and activities of volunteers and shall be responsible for any violations by volunteers in violation of this chapter or ch. 169, Stats.

ced Subpermittees. A basic license holder shall not list subpermittees on the license holder's license.

c3d ADVANCED LICENSE. *cad Requirements.* Applicants shall meet all of the following requirements:

1. Possess a basic evaluation form signed by the applicant's advanced licensee sponsor stating that the applicant has been a licensed basic rehabilitator for a minimum of 2 years and has satisfactorily engaged in the practice of wildlife rehabilitation.

- 1m. Submit a completed license application form that describes prior wildlife rehabilitation experience to the department.

2. Possess a signed consulting veterinarian form stating a veterinarian, licensed to practice in Wisconsin or licensee's state of residence, is willing to consult and assist with care and treatment of wildlife being rehabilitated.

- 2m. Pass an examination meeting the requirements of s. NR 19.75.

3. Allow an inspection of facilities to assure that the applicant's facilities meet the requirements of s. NR 19.77.

cbd Restrictions. Advanced licensees may not possess any of the following:

1. Species of wildlife not authorized by their license.

2. Federal migratory birds or federal or state endangered or threatened species unless authorized by the appropriate federal permit and state approval added to the licensee's rehabilitation license.

ccd Euthanasia. Euthanasia may be performed by the advanced licensee or consulting veterinarian.

Note: Injectable euthanasia requires a controlled substances special use authorization cSUAd. Reference the State of Wisconsin Controlled Substances Board information.

cdd Volunteers. Volunteers may assist advanced licensees with the rehabilitation of wildlife if all of the following requirements are met:

1. All volunteer information including name, address, and telephone number has been provided to the department by the licensee.

2. The department is notified quarterly, by the licensee, of any changes to the licensee's list of volunteers and any changes in contact information of their volunteers.

3. Volunteers only provide basic care to species identified on the advanced license.

4. Volunteers only operate at the facility of the licensee and under the direct or indirect supervision of the advanced licensee.

5. Licensees accept responsibility for the actions and activities of volunteers and shall be responsible for any violations by volunteers in violation of this chapter or ch. 169 Stats.

ced Subpermittees. Subpermittees may be authorized to assist with the rehabilitation of wildlife in a limited capacity under the authority of an advanced licensee[s] license and subject to the restrictions of basic licensees under sub. c2d if all of the following requirements are met:

1. Subpermittees may only admit animals directly from the advanced licensee.

2. No subpermittee may perform euthanasia or advanced medical treatments or procedures.

3. All subpermittee information including name, address, and telephone number has been provided to the department.

4. Advanced licensees notify the department quarterly of any changes to their lists of subpermittees and any changes in contact information of their subpermittees.

5. Subpermittees are listed on all of the advanced licensee[s] permits and licenses by the species for which the subpermittees provide rehabilitation care.

6. Subpermittees operating at a location other than the advanced licensee[s] facility retain a copy of the advanced licensee[s] license, which shall be provided to a department agent upon request.

7. Advanced licensees accept responsibility for the actions and activities of their subpermittees and shall be responsible for any violations incurred of this subchapter or ch. 169, Stats.

8. Advanced licensees that utilize subpermittees who operate at a location other than the advanced licensee[s] facility shall be responsible for establishing that subpermittees[facilities meet the standards established in s. NR 19.77.

9. Subpermittees operating at locations other than the advanced licensee[s] facility submit, to both the advanced licensee and the department, caging reports and pictures of every rehabilitation pen and enclosure at their locations.

10. Subpermittees who operate at a location other than the advanced licensee[s] facility are located no more than 60 miles from the main facility of the advanced licensee.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 08-021: am. c3d cad cintro.d, r. c3d ced Register November 2008 No. 635, eff. 12-1-08; CR 09-024: renum. c3d cad 4, to be c3d cad 3. Register May 2010 No. 653, eff. 6-1-10; CR 15-054: cr. c1d cdd, ced, c2d cad 1m., r. and recr. c2d cdd, cr. c2d ced, cr. c3d cad 1m., 2m., r. and recr. c3d cdd, cr. c3d ced Register July 2018 No. 751, eff. 8-1-18; correction in c3d ced 6, made under s. 35.17, Stats., Register July 2018 No. 751; CR 19-146: am. c1d ced 1., c2d cbd 1., c3d cbd 2. Register June 2020 No. 774, eff. 7-1-20.

NR 19.74 Application. c1d GENERAL. A person desiring to rehabilitate wildlife in Wisconsin shall submit all of the following information required by the department on an application form supplied by the department:

cad A signed consulting veterinarian agreement from a veterinarian who is willing to consult with the applicant and assist the applicant with care and treatment of wild animals being rehabilitated and who is in compliance with the Animal Medicinal Drug Use Clarification Act of 1994.

cbd For basic licenses, a signed sponsorship agreement from an advanced licensee who has agreed to sponsor the basic applicant.

ccd For an advanced license applicant, a signed evaluation

form from the advanced sponsor and consulting veterinarian which indicates compliance with s. NR 19.73 c3d.

cdd Certification that the applicant has read and understands this subchapter and the code of ethics and that the applicant agrees to comply with all provisions of this subchapter and the code of ethics.

ced Written assurance from the applicant that the facility is in compliance with local ordinances and zoning regulations.

c2d OUTSTATE. The department may issue the appropriate rehabilitation license to an individual possessing a valid rehabilitators license or permit from another state or province, provided that the minimum requirements of the basic or advanced rehabilitators licenses described in this subchapter are met. Applicants shall satisfy all of the following criteria:

cad Pass an examination meeting the requirements of s. NR 19.75.

cbd Possess a signed consulting veterinarian agreement from a veterinarian who is willing to consult with the applicant and assist the applicant with care and treatment of wildlife being rehabilitated.

ccd Possess a signed letter of recommendation from a consulting veterinarian and a currently licensed rehabilitator, previous or current sponsor, current employer, or other individual which indicates compliance with s. NR 19.73 c2d or c3d. A letter of recommendation shall include and reference specific training and experiences comparable to information on a basic level evaluation form.

cdd Sign a certification that the applicant has read and understands this subchapter and that the applicant agrees to comply with all provisions of this subchapter.

ced Allow an inspection of facilities to assure that the applicant[s] facilities meet the requirements of s. NR 19.77.

c3d LICENSE RENEWAL. An applicant for renewal of any rehabilitation license shall submit proof of having obtained at least one continuing education credit during the preceding license period. Qualifying continuing education credits are:

cad National Wildlife Rehabilitators Association, International Wildlife Rehabilitation Council, or Wisconsin Wildlife Rehabilitator[s] Association workshops, classes, or conferences.

cbd Participation in a research project, coursework, specialized rehabilitation care, or other activities, workshops, classes, or conferences which have been approved by the department.

Note: Wildlife rehabilitation application, evaluation form, sponsorship agreement, veterinary agreements, and the code of ethics will be available at <http://dnr.wi.gov> or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921 or by calling 1-888-936-7463.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 15-054: am. c1d cad, cbd, cdd, cr. c1d ced, renum. c2d to c2d cintro.d and am., cr. c2d cad to ced, c3d Register July 2018 No. 751, eff. 8-1-18; c1d titled and c2d titled created under s. 13.92 c4d cbd 2., Stats., Register July 2018 No. 751.

NR 19.75 Examination. c1d A person desiring a basic or an advanced license to rehabilitate wildlife in Wisconsin shall take a written examination, provided and administered by the department, and score 80% or greater.

c2d The examination shall be prepared or recommended by the wildlife rehabilitation advisory council, subject to the approval of the department, and administered by a representative of the department.

c3d An applicant failing to correctly answer at least 80 percent of the questions on the examination described in this section may not be issued a license but may repeat the exam 30 days after the examination was completed.

c4d The department shall provide an examination study

guide and other information regarding wildlife rehabilitation to each applicant upon request.

Note: The wildlife rehabilitation study guide will be available at <http://dnr.wi.gov> or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921 or by calling 1-888-936-7463.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 15-054: am. c1d, c2d Register July 2018 No. 751, eff. 8-1-18.

NR 19.76 Facility inspection. c1d By accepting a license under this section a licensee consents to the facility inspection requirements established in s. 169.37, Stats., by the department and its agents.

c2d An applicant for a license under this section shall allow inspection of the applicant[s] facilities.

c2md Before an inspection, the applicant must complete and submit to the department a caging report which includes pictures of each cage or enclosure at the applicant[s] facility.

Note: Wildlife rehabilitation caging report is available at <http://dnr.wi.gov> or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921 or by calling 1-888-936-7463.

c3d Following an inspection, the department may do any of the following:

cad Remove any wildlife if it is in the best interest of the animals until the facility complies with the standards established in s. NR 19.77.

cbd Deny the licensee or applicant the privilege to rehabilitate certain species until licensee or applicant can prove that the rehabilitation facilities are in compliance with this subchapter.

ccd Suspend a rehabilitation license for 30 days to allow a licensee[s] facilities to be brought into compliance.

cdd Allow a licensee under this subchapter a specified period of time to comply with s. NR 19.77 without revocation or suspension of license privileges designated in this subchapter.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 15-054: cr. c2md Register July 2018 No. 751, eff. 8-1-18.

NR 19.77 Facility standards. c1d GENERAL OPERATING STANDARDS. Prior to engaging in wildlife rehabilitation activities, protocols for disease prevention and transmission, euthanasia, pharmaceutical use, pest control, carcass and biological waste disposal and adequate veterinary care shall be established by the licensee and reviewed and signed by licensee[s] consulting veterinarian. Wildlife being rehabilitated shall be subject to all of the following conditions:

cad If suspected of having an infectious disease, be quarantined in areas designated for that purpose.

cbd Be kept separated from human living quarters and activities.

ccd Have no contact with captive wildlife licensed under ch. 169, Stats., with the exception of other wildlife held under a rehabilitation license.

cdd Have no contact with the general public unless specifically authorized by the department for educational purposes.

ced Be kept in enclosures at all times, and have contact with the licensee or designated volunteers only to the extent necessary to provide adequate care and treatment.

cfid Not be tamed, used as pets, held with domestic animals or habituated to humans.

cgd Be of compatible species when housed together, and not pose a threat to health or well-being of other wildlife in the same enclosure.

chd Be raised with other wild animals of the same species held under the authority of a rehabilitation license whenever appropriate and possible, to ensure proper species orientation.

c2d ENCLOSURE SIZE AND CONSTRUCTION. cad Enclosures shall be structurally sound, of sufficient strength for species involved, and maintained in good repair to prevent escape or injury to wildlife being rehabilitated. All structures built after July 1, 2016 shall be in compliance with the Minimum Standards of the National Wildlife Rehabilitation Association and International Wildlife Rehabilitation Council except that, if enclosures are structurally sound, of sufficient strength for species involved, and maintained in good repair to prevent escape or injury, the department may determine standards have been met which fulfill the requirements of this paragraph.

Note: National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council minimum standards for enclosures are available at <http://dnr.wi.gov> or upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921 or by calling 1-888-936-7463.

cbd Enclosures shall be constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility.

ccd All outdoor wildlife enclosures shall have protective devices at entrances and exits to prevent escapes.

cdd Enclosures shall be secured when unattended.

ced No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, poisonous vegetation or other hazardous items may be used in the construction of enclosures.

cfid Enclosures shall have visual barriers to restrict wildlife[s] view of humans, domestic animals, and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation or stress.

c3d ENVIRONMENTAL CONDITIONS. cad Ambient temperatures shall be sufficient for species involved.

cbd Adequate ventilation by means of windows, doors, vents, fans or air conditioning shall be provided to protect wildlife health and to minimize drafts, odors and condensation.

ccd Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod for species involved.

cdd Adequate shade, weatherproof shelters, nest boxes, perches and dens shall be provided to protect wildlife from inclement weather and direct sun.

ced Wildlife being rehabilitated shall be gradually acclimated before being exposed to extreme outdoor conditions.

c4d FOOD. cad Adequate feeding schedules shall be maintained for species involved unless medical treatment necessitates restricted food intake.

cbd All food shall be palatable, free of contamination, and of sufficient quantity and nutritive value.

ccd Wildlife[s] diets shall be supplemented with vitamins and minerals when necessary for species involved.

cdd Food receptacles shall be appropriately sized, easily accessible, kept sanitary and safe.

c5d WATER. cad Fresh uncontaminated water for drinking shall be provided at all times unless medical treatment necessitates restricted water intake.

cbd Water, separate from drinking water, shall be provided for species requiring bathing, swimming or misting unless medical treatment necessitates restricted water exposure.

ccd Water receptacles shall be appropriately sized, easily accessible, kept sanitary and safe.

c6d SANITATION. cad Removal and disposal of wildlife food wastes, feces and urine, bedding, carcasses, trash, garbage, and debris from the enclosure and premises shall be performed frequently to maintain sanitary conditions and protect wildlife and human health.

cbd Cages, rooms, hard surfaced pens, kennels, runs, equipment, and food and water receptacles shall be sanitized between each wildlife use to prevent disease transmission.

ccd Excess water shall be drained from enclosures and may not drain into neighboring enclosures.

cdd Wildlife in enclosures shall be protected from contact with cleaning activities and chemicals.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 08-021: am. c2d cfd Register November 2008 No. 635, eff. 12-1-08; CR 15-054: am. c2d cad Register July 2018 No. 751, eff. 8-1-18.

NR 19.78 Care and treatment of wildlife. c1d Any orphaned, sick or injured wildlife, except endangered or threatened species, that the licensee determines is not capable of being rehabilitated or having a reasonable chance of survival in the wild shall be treated under one of the following options:

cad Euthanized.

cbd Turned over to the department.

ccd Disposed of as directed by the department.

cdd Retained for the purpose of long-term care at the direction of the department.

c2d A licensee shall notify the department within 48 hours of receipt of federal or state endangered or threatened species.

c3d State endangered or threatened species may be euthanized and disposed of only under direction of the department.

c4d Federally endangered or threatened migratory birds may only be euthanized and disposed of under the direction of the migratory bird permit office, United States fish and wildlife service, and the department.

c5d Federally endangered or threatened mammals shall only be euthanized and disposed of under direction of the endangered species permit office of the United States fish and wildlife service and the department.

c6d No licensee may keep any orphaned, sick or injured migratory bird for the purpose of rehabilitation, including birds not ready for release prior to the onset of cold weather, longer than 180 days unless an extension is granted by the migratory bird permit office of the United States fish and wildlife service, and the department for each individual case.

c7d No licensee may keep any orphaned, sick or injured wildlife for the purpose of rehabilitation, including wildlife not ready for release prior to the onset of cold weather, longer than 180 days unless an extension is granted by the department for each individual case.

c8d When the licensee determines that the injured or sick wildlife have sufficiently recovered, or orphaned wildlife has matured to an age where there is reasonable chance for survival in the wild, wildlife shall be released at an appropriate location with landowner permission unless otherwise authorized by the department.

c9d For the purpose of responding to an oil spill, a currently licensed rehabilitator from another state may, under the approval of the secretary or their designee, temporarily assist in Wisconsin with the rehabilitation of wildlife affected by an oil spill in this state subject to conditions established by the department.

c10d A licensee shall quarantine all animals reported under s. NR 19.79 c2d and animals shall be handled as directed by the department, including conducting rabies testing at the direction and in the presence of the department or its agents.

c11d If a licensee's relationship with a consulting veterinarian under s. NR 19.74 c1d cad is terminated, the licensee may not admit new patients until a new consulting veterinarian is ob-

tained. The licensee shall establish a new relationship with a consulting veterinarian and notify the department within 10 business days.

c12d In the event that the department makes a determination which directs what the disposition of a wild animal shall be, no person may fail to comply.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 08-021: am. c2d Register November 2008 No. 635, eff. 12-1-08; CR 09-024: am. c4d Register May 2010 No. 653, eff. 6-1-10; CR 15-054: cr. c9d to c12d Register July 2018 No. 751, eff. 8-1-18; correction in c10d, c11d made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.79 Infectious disease reporting and response. c1d A licensee or consulting veterinarian shall report animal diseases as required by s. ATCP 10.03 if diagnosed in wildlife being rehabilitated and to the department's wildlife health program.

c2d If a licensee knows or reasonably suspects that a rabies-vector species mammal in their care may have or has been exposed to rabies, or that a human or domestic animal has been bitten or scratched by a possible rabies-vector species in the licensee's possession, the licensee shall make reports required under sub. c1d, quarantine the animal, and handle the animal as directed by their local or county public health department of the Wisconsin State Laboratory of Hygiene, which may include submitting the animal for rabies testing by the Wisconsin State Laboratory of Hygiene.

Note: The wildlife health program may be contacted by calling 1-888-936-7463.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 15-054: renum. NR 19.79 to c1d and am., cr. c2d Register July 2018 No. 751, eff. 8-1-18; correction in c2d made under s. 13.92 c4d cbd 7., Stats., Register July 2018 No. 751.

NR 19.80 Record keeping and reporting. c1d A wildlife rehabilitation license may not be renewed until the licensee has submitted an annual report in accordance with s. 169.36 c10d, Stats., and any additional required records that the department has specifically requested.

c2d An advanced licensee and a basic licensee shall provide a copy of the records required to be maintained for that license to the department quarterly as follows:

cad Quarterly submission of records shall be provided to the department by April 30th, July 31st, October 31st and January 31st each year, and shall consist of a copy of all required records maintained during the 3 previous months.

cbd Records to be included in the quarterly report shall consist of complete records of all transactions or activity involving any wild animals of the following families:

1. Canidae ccoyotes, foxes, wolvesd.
2. Ursidae cbearsd.
3. Mustelidae cbadger, mink, otter, skunk, fisher, marten, wolverine, weaseld.
4. Felidae cbobcat, lynx, cougarsd.
5. Cervidae celk, deer, moosed.
6. Suidae cpure wild strains of swine commonly known by the name European, Eurasian, Russian or hybrids with domestic strains and animals which are confined but which exhibit characteristics of being in an untamed state, and as established in s. NR 16.11d.
7. Anatidae Cmute swansd.
8. Canidae CHybrids of the species *Canis lupus*, *C. lycaon*, or *C. rufus* commonly known as wolves and the species *Canis familiaris*, domestic dogs, and subsequent generations from such matings as established in s. NR 16.11d.

Note: The department may restrict the rehabilitation of species when necessary to control the spread of disease, to protect public health, or to prevent harmful envi-

ronmental impacts. Pursuant to ss. 169.085 and 169.11 c1d cbd Stats., the department does not allow rehabilitation of wolves or wolf-dog hybrids.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; corrections made to c2d under s. 13.93 c2md cbd 1., Stats., Register December 2003 No. 576; CR 15-054: am. c2d cbd 3., cr. c2d cbd 5. to 8. Register July 2018 No. 751, eff. 8-1-18; correction in c2d cbd 6., 8. made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.81 Qualifications of sponsors. Advanced licensees may elect to sponsor and provide consultation and advice to basic licensees. Potential sponsors will be reviewed by the wildlife rehabilitation advisory council and the department. A person desiring to be an advanced sponsor shall do all of the following:

c1d Submit a request to the wildlife rehabilitation program manager requesting designation as a sponsor.

c2d Submit to the wildlife rehabilitation program manager, documentation of experience rehabilitating those wildlife species which the basic licensee is authorized to possess.

c3d Be actively rehabilitating the species the basic licensee is authorized for, or have a facility prepared to rehabilitate the species in compliance with s. NR 19.77.

Note: Contact information for the wildlife rehabilitation program manager may be obtained by calling 1-888-936-7463.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 15-054: am. cintro.d, c1d, c2d, cr. c3d Register July 2018 No. 751, eff. 8-1-18; correction in c3d made under s. 35.17, Stats., Register July 2018 No. 751.

NR 19.83 Additional conditions. c1d Any license issued after January 1, 2004, is subject to requirements of this subchapter.

c2d On January 1, 2004, all existing Wisconsin wildlife rehabilitation permittees will be granted a provisional license for 2 years. After 2 years from the effective date of the provisional license, these provisional licensees may apply for a license pursuant to this subchapter.

c3d An individual applying for a license pursuant to s. NR 19.73 c2d and c3d shall take the examination and meet the requirements established in s. NR 19.75.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04.

NR 19.84 Modifications. The department may amend or add conditions to licenses issued under this subchapter at any time if there is a risk to public or animal health and human or animal welfare or there is a risk to the health and welfare of the environment.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04; CR 15-054: am. Register July 2018 No. 751, eff. 8-1-18.

NR 19.85 Disclaimer. The number of licenses issued under this subchapter may be restricted by the department based on the need for wildlife rehabilitation. Possession and care of any wildlife under this subchapter does not create a property right to the wildlife for the licensee.

History: CR 03-029: cr. Register December 2003 No. 576, eff. 1-1-04.

Subchapter III — Permitting the Use of Natural Bodies of Water as Fish Farms

NR 19.90 Purpose and applicability. c1d PURPOSE. The purpose of this subchapter is to establish fees, criteria and procedures to be used for permitting the use of natural bodies of water as fish farms as required under s. 29.733 c2d cfd, Stats.

c2d APPLICABILITY. The provisions of this subchapter are applicable to:

cad Fish farms and state-owned hatcheries located in or proposed to be located in freeze-out ponds.

cbd Natural bodies of water that were licensed as a private

fish hatchery or licensed as a part of a private fish hatchery in 1997.

ccd A freeze-out pond or more than one freeze-out pond that is proposed as a fish farm at the time of application and is located on the same contiguous parcel of property under the same ownership or leasehold.

cdd Bodies of water for which a person was issued a permit under ss. 30.19, 30.195, or 31.04, Stats.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-030: renum. from s. NR 16.70 Register October 2003 No. 574, eff. 11-1-03; correction made under s. 13.93 c2md cbd 1., Stats., Register October 2003 No. 574; CR 13-001: cr. c2d cdd Register August 2013 No. 692, eff. 9-1-13.

NR 19.91 Definitions. In this subchapter:

c1d XBarrier equippedY means the placement of a structure or device which prevents the movement of fish or bait from a fish farm to a natural body of water.

c1md XDepartment fish hatching and rearing facilitiesY means all fish hatching and rearing waterbodies owned by the department, or leased or controlled through a cooperative agreement between the property owner and the department and where the department owns all the fish.

c2d XFreeze-out pondY has the meaning specified in s. 29.001 c29d, Stats.

c3d XNatural body of waterY means any spring, stream, pond, lake, or wetland that was historically present in a natural state but may have been physically altered over time.

c4d XPreexisting fish rearing facilityY has the meaning specified in s. 29.001 c64d, Stats.

c5d XTransfer of permitY means the conveyance of a permit from one party to another as a result of change in ownership or leasehold interest of a fish farm.

c6d XWetlandY has the meaning specified under s. 23.32, Stats.

Note: For purposes of this subchapter, a natural body of water does not include an artificial wetland, as defined under s. NR 103.02 c1md or any swale, bermed area or excavation that is not located in a wetland, pond, lake, stream or spring that was historically present in a natural state, if the artificial wetland, swale, bermed area or excavation retains water as the result of human modification of the landscape or is constructed of man-made materials.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 01-128: cr. c1md, am. c3d Register June 2002 No. 558, eff. 7-1-02; CR 03-030: renum. from s. NR 16.71 Register October 2003 No. 574, eff. 11-1-03; correction made under s. 13.93 c2md cbd 1., Stats., Register October 2003 No. 574; CR 13-001: am. c3d Register August 2013 No. 692, eff. 9-1-13.

NR 19.92 Natural body of water permit application fees. Permit application fees for the use of natural bodies of water for fish farms shall be as follows:

c1d Permit applicants for the initial use of freeze-out ponds as fish farms shall pay a \$500.00 non-refundable permit application fee.

c2d Permit applicants for permit transfers shall pay a non-refundable permit transfer fee of \$100.00.

c3d Permit applicants for permit renewals shall pay a non-refundable permit renewal fee of \$50.00.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 03-030: renum. from s. NR 16.72 Register October 2003 No. 574, eff. 11-1-03; correction made under s. 13.93 c2md cbd 1., Stats., Register October 2003 No. 574; CR 13-001: am. cintro.d, r. c1d, renum. c2d to c1d, renum. c3d to c2d and am., cr. c3d Register August 2013 No. 692, eff. 9-1-13.

NR 19.93 Applicant permit procedures for use of natural bodies of water for fish farms. c1d The deadline for permits reauthorized under s. 29.733 c2d cbd, Stats., was January 1, 2003.

c2d For renewal of permits, the applicant shall submit a new application to the department not more than 16 months before the

expiration date of the permit granted under this chapter but not less than 2 months from the expiration date of the permit.

c3d Applications for permits under this subchapter shall include documents verifying all of the following:

cad The land that is riparian to the body of water is owned, leased or controlled by the owners of the fish farm.

cbd None of the owners of the fish farm or of the riparian lands provides access to the body of water to the public by means of an easement or other right-of way or by means of a business open to the public, except that the owners of the fish farm may allow fishing by the public for a fee.

ccd Documentation that the natural body of water may be a freeze-out pond or that the natural body of water is a preexisting fish rearing facility that is barrier equipped.

cdd Copies of any other permits or authorization required by ch. 30 or 31, Stats., the Army corps of engineers and any other federal, state or local laws and zoning ordinances.

ced All applicants shall identify the water source and quantity used for the fish farm and whether there is any discharge to a water of the state.

cfid Any other information requested by the department to determine whether a permit would or would not be granted by the department.

Note: Permit application forms are available from the Bureau of Fisheries Management, 101 South Webster St., P.O. Box 7921, Madison, WI 53707.

c4d The department may issue a notice of intent to use a natural body of water as a fish hatching or rearing facility that was not being used as of January 1, 1998 by the department. The department shall comply with all provisions of s. NR 19.94 before it may use a natural body of water as a fish hatching or rearing facility.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 01-128: am. c1d Register June 2002 No. 558, eff. 7-1-02; CR 03-030: renum. from s. NR 16.73 Register October 2003 No. 574, eff. 11-1-03; corrections made under s. 13.93 c2md cbd 1. and 7., Stats., Register October 2003 No. 574; CR 13-001: am. c1d, c2d, c4d Register August 2013 No. 692, eff. 9-1-13.

NR 19.94 Department determinations. c1d The department shall issue a permit for use of a natural body of water as a fish farm or as a part of a fish farm if all requirements of this subchapter have been met and if the department determines that no substantial public interest exists in the body of water and that no public or private rights in the body of water will be adversely impacted. Among the factors considered, the following are indicative of public rights and interests including but not limited to:

cad Plant and wild animal habitat or plant and wild animal populations.

cbd Threatened or endangered species or their habitat.

ccd Water quality related functional values or uses of wetlands identified in s. NR 103.03.

cdd Surface water quality standards identified in chs. NR 102, 104, 105, 106 and 107 and minimum water quantity requirements identified in s. 31.02, Stats.

ced The public[s] right to navigate and associated incidents to navigation including fishing, swimming, wading and canoeing.

c2d Fish farms may not introduce or propagate any non-native fish species if the department has determined that having the fish in that particular self-contained fish rearing facility or preexisting fish rearing facility will pose a risk of being detrimental to the waters of the state.

c3d Physical improvements or modifications to natural bodies of water used as fish farms shall comply with all federal, state and local laws and ordinances.

c4d Permits approved under this subchapter may be transferred to another party if the department determines that all conditions of this subchapter and s. 29.733, Stats., have been satisfied.

c5d The department shall issue or renew a permit issued under s. 29.733 c2d cad and cbd, Stats., for use of a natural body of water as a fish farm or any part of a fish farm in a natural body of water unless the department determines there has been a substantial adverse change affecting one or more of the criteria specified in subs. c1d cad to ced, c2d, or c3d, or s. 29.734, Stats., resulting from the operation of the fish farm. The department shall consider the historical condition of the natural water body prior to the presence and operation of the fish farm as part of their permit renewal decision.

Note: Under this paragraph, historical conditions refer to known uses of the natural body of water prior to the inception of the fish farm.

c6d The department shall deny a permit for use of a natural body of water as a fish farm or as part of a fish farm if the requirements of this subchapter have not been met.

c6md A single permit shall be issued for multiple natural bodies of water located on the same contiguous parcel of property under the same ownership or leasehold.

c7d Upon receipt of a complete permit application, the department shall post notice of every application submitted to the department on the department[s] Internet Web site. The department may schedule a hearing or provide notice stating that it will proceed on the application without a hearing if no substantive written objections to issuance of the permit is received within 30 days after publication or notice. The notice may be provided to news media and other persons according to the procedures in s. NR 27.07 c1d cbd and ccd. The department may provide notice to other persons as it deems appropriate. The department will assume the cost of publishing the notice.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 01-128: r. and recr. c5d, cr. c6md Register June 2002 No. 558, eff. 7-1-02; CR 03-030: renum. from s. NR 16.74 Register October 2003 No. 574, eff. 11-1-03; corrections made under s. 13.93 c2md cbd 1. and 7., Stats., Register October 2003 No. 574; CR 13-001: am. c5d, c7d Register August 2013 No. 692, eff. 9-1-13.

NR 19.95 Enforcement. The department may suspend or revoke a permit issued under this subchapter subject to the provisions of s. 29.733 c2d ced, Stats. A fish farmer operating a fish farm in a natural body of water as defined in s. NR 19.91 c3d without a valid permit under this subchapter may be penalized under s. 29.971, Stats.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 01-128: am. Register June 2002 No. 558, eff. 7-1-02; CR 03-030: renum. from s. NR 16.75 Register October 2003 No. 574, eff. 11-1-03; corrections made under s. 13.93 c2md cbd 1. and 7., Stats., Register October 2003 No. 574.