# CHAPTER 29

## WILD ANIMALS AND PLANTS

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**Cross−reference:** See definitions in s. 24.01.
**Cross−reference:** See also NR Ch 1−, Wis. adm. code.

## SUBCHAPTER I

## DEFINITIONS

**29.001 Definitions.** In this chapter, unless the context requires otherwise:

**(3)** "Address" means a street name and number or post−office box number, the name of the city, village or town, the state and the zip code.

**(6)** "Aircraft" means any contrivance invented, used or designed for navigation of or flight in the air.

**(9)** "All−terrain vehicle" has the meaning given in s. 340.01 (2g).

**(12)** "Approval" means any type of approval or authorization issued by the department under this chapter including any license, permit, certificate, card, stamp or tag unless the context requires a different meaning.

**(15)** "Attending boat" means an open boat used to transport equipment, crew or catch of a licensed boat, provide assistance in the operation of fishing gear by the licensed boat or provide other assistance in the commercial fishing operations of a boat licensed under s. 29.519.

**(16)** "Boat" means any device capable of being used as a means of transportation on water.

**(17)** "Bow," when used with reference to hunting, means a bow, drawn and held by and through the effort of the person releasing it, but does not include a crossbow.

**(18)** "Carcass" means the dead body of any wild animal, including any part of the wild animal or the eggs of the wild animal.

**(19)** "Cervid" means any species of deer or elk that is present in the wild and that is not a farm−raised deer.

**(19m)** "Crossbow" means any device using a bow that, once drawn, is held solely by means other than the effort of the person firing it.

**(20)** "Deer" means white−tailed deer and does not include farm−raised deer.

**(21)** "Documented boat" means a licensed commercial fishing boat with valid federal documentation under s. 30.51 (2) (c) 2.

**(22)** "Elk" means elk that is present in the wild and that does not have an ear tag or other mark identifying it as being raised on a farm.

**(24)** "Farm−raised deer" has the meaning given in s. 95.001 (1) (ag).

**(25)** "Farm−raised fish" means a fish that is kept on a fish farm for propagation purposes or reared on a fish farm and that has not been introduced, stocked or planted into waters outside a fish farm or that has not escaped from a fish farm.

**(25m)** "Farm−raised game bird" has the meaning given in s. 169.01 (12m).

**(26)** "Fish farm" has the meaning given in s. 95.001 (1) (aj), except that "fish farm" does not include a state or municipal fish hatchery or a private fishing preserve.

**(27)** "Fishing" includes taking, capturing or killing fish, other than farm−raised fish, or attempting to take, capture or kill fish, other than farm−raised fish. When "fish" is used as a verb, it has the same meaning as "fishing".

**(28)** "Food distribution service" means a program that provides food or serves meals directly to individuals with low incomes or to elderly individuals, or that collects and distributes food to persons who provide food or serve meals directly to these individuals.

**(29)** "Freeze−out pond" means a natural, self−contained body of water in which freezing or anoxic conditions prevent the body of water from naturally sustaining a fish population at least twice every 5 years.

**(30)** "Fur−bearing animals" includes otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, bobcat, cougar and lynx.

**(33)** "Game" includes all varieties of wild mammals or birds.

**(36)** "Game animals" includes deer, moose, elk, bear, rabbits, squirrels, fox and raccoon.

**(39)** "Game birds" means birds that are in the wild and includes wild geese, brant, wild ducks, wild swan, rails, coots, gallinules, snipe, woodcock, plovers, sandpipers, ruffed grouse, prairie chicken, sharp−tailed grouse, pheasants, gray partridge, chukar partridge, bobwhite, quail, crows and wild turkey.

**(41)** "Game fish" includes all varieties of fish except rough fish and minnows.

**(41m)** "Great Lakes fish" means lake trout, siscowet, whitefish, chubs, yellow perch, menominee, lake herring, smelt, alewife, and burbot.

**(42)** "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, capturing or killing or attempting to capture or kill any wild animal.

**(45)** "Inland waters" means all waters not classified as outlying waters, including the bays, bayous and sloughs of the Mississippi River bottoms.

**(51)** "Licensed boat" means a boat, other than an attending boat, included under a commercial fishing license.

**(54)** "Minnow" includes a sucker not listed as endangered or threatened under s. 29.604 (3), central mudminnow, tadpole madtom, stonecat, banded killifish, blackstripe topminnow, brook silverside, brook stickleback, ninespine stickleback, trout−perch, darter, log perch, sculpin. "Minnow" includes any minnow family cyprinid that is not listed as endangered or threatened under s. 29.604 (3) and that is not a goldfish, grass carp, common carp or rudd. "Minnow" does not include any sucker, darter, sculpin or minnow species that is designated as detrimental under s. 29.424.

**(57)** "Motor vehicle" means a self−propelled vehicle, including a combination of 2 or more vehicles or an articulated vehicle. "Motor vehicle" includes a snowmobile or an all−terrain vehicle. "Motor vehicle" does not include an aircraft, a vehicle operated exclusively on rails, or an electric personal assistive mobility device.

**(58)** "Municipal fish hatchery" means a fish hatchery that is owned or operated by a city, village, town, county, or a federally recognized Indian tribe or band located in this state.

**(60)** "Nongame species" means any species of wild animal that is living in the wild and that is not classified as a game fish, game animal, game bird or fur−bearing animal.

**(63)** "Outlying waters" means Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor and the Fox River from its mouth up to the dam at De Pere.

**(64)** "Preexisting fish rearing facility" means a body of water that is a fish farm or part of a fish farm and that is not a self−contained body of water but that was licensed as a private fish hatchery, or as part of a private fish hatchery, under s. 29.52, 1995 stats., on January 1, 1998 and that has been continuously used to rear fish since that date.

**(66)** "Registered boat" means a boat having a valid certificate of number issued under s. 30.51.

**(69)** "Resident" means a person who has maintained his or her place of permanent abode in this state for a period of 30 days immediately preceding his or her application for an approval. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in this state. Mere ownership of property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.

**(72)** "Resident senior citizen" means a resident who has attained the age of 65 years.

**(74)** "Rough fish" includes suckers, not listed as endangered or threatened under s. 29.604 (3), common carp, asian carp, goldfish, freshwater drum, burbot, bowfin, garfish, sea lamprey, alewife, gizzard shad, rainbow smelt and mooneye.

**(75)** "Self−contained body of water" means a body of water that has no inlet from or outlet to a natural body of water, except that it may have pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the state.

**(76)** "Self−contained fish rearing facility" means any of the following:

(a) An artificial, self−contained body of water that is a fish farm or part of a fish farm.

(b) A freeze−out pond for which a permit is issued under s. 29.733 (2).

**(78)** "Snowmobile" has the meaning given in s. 340.01 (58a).

**(81)** "Sturgeon Bay" means that body of water lying south and east of a line commencing at the most northerly point of section 23, township 28 north, range 25 east, and running in a northeasterly direction to the water's edge on north line of section 13, same township and range.

**(84)** "Trapping" includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device that is designed or made to close upon, hold fast, or otherwise capture a wild animal. When "trap" is used as a verb, it has the same meaning as "trapping".

**(87)** "Vehicle" means any device for moving persons or property or pulling implements from one place to another on land or rails or in the air.

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

**History:** 1997 a. 248 ss. 39 to 47, 49 to 75, 84; 1999 a. 9; 2001 a. 56, 90, 109; 2005 a. 286, 288; 2011 a. 180, 252; 2013 a. 20.

## SUBCHAPTER II

## GENERAL FISH AND GAME REGULATION

**29.011 Title to wild animals. (1)** The legal title to, and the custody and protection of, all wild animals within this state is vested in the state for the purposes of regulating the enjoyment, use, disposition, and conservation of these wild animals.

**(2)** The legal title to a wild animal or carcass, taken or reduced to possession in violation of this chapter, remains in the state. The title to a wild animal or carcass, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter or transportation of a wild animal or carcass by the owner, the ownership shall revert, as a result of the violation, to the state.

**(3)** This section does not apply to farm−raised deer, farm−raised game birds, farm−raised fish, or wild animals that are subject to regulation under ch. 169.

**History:** 1997 a. 248 s. 87; 2001 a. 56.

**Cross−reference:** See also ss. NR 10.20, 10.28, 10.29, 10.30, 10.31, 10.32, 10.33, 10.35, and 10.36, Wis. adm. code.

**29.014 Rule−making for this chapter. (1)** The department shall establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping.

**(1m)** (a) If the department establishes an open season for hunting deer, elk, small game, wild turkey, or bear with a firearm, the season shall also be open for hunting that animal with a crossbow and a bow and arrow.

(b) If the department establishes an open season for hunting deer, elk, small game, wild turkey, or bear with a bow and arrow but not with a firearm, the department shall also establish an open season for hunting the respective game with a crossbow.

**(2)** (b) All of the rules promulgated under this chapter are prima facie reasonable and lawful until found to be otherwise in a final determination by a court.

(c) Any reference to this chapter includes any rules promulgated under this chapter and any reference to any provision of this chapter includes any rules promulgated under that provision.

**(3)** Any rule of the department is subject to review in the manner provided in ch. 227, except that if the rule affects only the county in which the appellant resides, the appeal shall be to the circuit court of that county.

**(4)** No person may challenge the validity of a rule promulgated under this chapter in any prosecution of that person for a violation of this chapter or rules promulgated under this chapter unless the person has previously brought a separate action under s. 227.40 seeking a declaratory judgment on the validity of the rule.

**History:** 1997 a. 248 ss. 77 to 79, 383, 397, 399; 2011 a. 252; 2013 a. 61.

**Cross−reference:** See also chs. NR 10 and 11, Wis. adm. code.

The department of natural resources has express authority under sub. (1) to adopt a rule allowing an open hunting season for mourning doves. The legislature has granted broad authority to the department to set open and closed seasons for game under sub. (1). Mourning doves fall within the definition of game applicable to this section, although the doves also fall within the definition of nongame species applicable to s. 29.039. Wisconsin Citizens Concerned for Cranes and Doves v. Department of Natural Resources, 2004 WI 40, 270 Wis. 2d 318, 677 N.W.2d 612, 02−1166.

**29.016 Department authority; deer hunting seasons and license restrictions. (1)** The department may not do any of the following:

(a) Require a person who holds a license that authorizes the hunting of deer to take an antlerless deer before the person may take the person's first antlered deer under that license.

(b) Except as provided in sub. (2), establish a fall open season for hunting deer with firearms that begins before the Saturday immediately preceding the 4th Thursday in November.

**(2)** Subsection (1) (b) does not prohibit the department from promulgating a rule that establishes a fall open season for hunting deer with firearms that begins before the Saturday immediately preceding the 4th Thursday in November if any of the following applies:

(a) The department limits the open season to hunting deer by any of the following persons:

1. Persons who are under 16 years of age.

2. Persons who hold a Class A, Class B, or Class C permit under s. 29.193 (2).

3. Persons who are learning to hunt.

(b) The department establishes the fall open season because a fall open season is necessary to control the spread of chronic wasting disease or other disease in deer and if all of the following apply:

1. The rule authorizes the hunting of only antlerless deer.

2. The rule provides for a closing date for the fall open season that is on or before October 15.

3. The rule provides that the rule does not apply beginning 270 days after the effective date of the rule.

**History:** 2011 a. 50.

**29.020 Deer management assistance program. (1)** The department shall establish a deer management assistance program. Under this program, the department shall provide deer management assistance to participating landowners. The department shall also provide a method for collecting information from participating landowners about deer health and the deer population in this state and for receiving suggestions from participating landowners about managing the deer population. The department shall analyze the information received and use it to improve deer health and manage the deer population in this state. The department shall promulgate rules to implement this program.

**(2)** The department may establish fees for participation in the deer management assistance program. The department shall credit all fees to the appropriation under s. 20.370 (1) (Lv).

**History:** 2013 a. 20.

**29.024 Approvals; forms; issuing agents. (1)** APPROVALS REQUIRED. Except as specifically provided in this chapter, ch. 169, or s. 95.55 (5), no person may hunt or trap in this state, fish in the waters of this state or engage in any of the activities regulated under this chapter unless the appropriate approval is issued to the person. A person shall carry the required approval with him or her at all times while hunting, trapping, or fishing or engaged in regulated activities unless otherwise required by this chapter or unless otherwise authorized or required by the department. A person shall exhibit the approval to the department or its wardens on demand.

**(2)** CONDITIONS AND RESTRICTIONS ON APPROVALS. (a) Except as provided in s. 29.182 (4), a hunting, trapping, or fishing approval may be issued only to and obtained only by a natural person entitled to the approval.

(b) Except as provided under s. 29.194 (1), a resident hunting, trapping or fishing approval may be issued only to a person who presents to the issuing agent or the department definite proof of his or her identity and that he or she is a resident.

(c) No more than one of the same series of approval may be issued to the same person for the same hunting or fishing season in any year except as authorized by the department.

(d) Except as provided under s. 29.179, 29.180, 29.182 (4), 29.185 (4), or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use of any approval by any other person.

(e) No person while hunting, trapping or fishing may use or carry any approval issued to another person, except that a person who accompanies and is assisting a disabled person may carry the disabled person's approval.

(f) 1. Except as provided under subd. 2. and as authorized by rules promulgated under sub. (5) (a) 2., no person may obtain a hunting, trapping or fishing approval for another person.

2. A person who assists a disabled person may obtain an approval for a disabled person.

(g) No approval authorizing hunting, trapping, fishing or any other activity regulated by this chapter may be issued to any person who is prohibited from obtaining this type of an approval under this chapter.

**(2g)** DENIAL AND REVOCATION OF APPROVALS BASED ON CHILD SUPPORT DELINQUENCY. (a) *Social security numbers required.* Except as provided in par. (am), the department shall require an applicant who is an individual to provide his or her social security number as a condition of applying for, or applying to renew, any of the following approvals:

1. Any license issued under this chapter except for any group fishing license issued under s. 29.193 (5).

2. Any permit issued under s. 29.403, 29.537, 29.733, 29.735, or 29.736.

3. A wild rice identification card issued under s. 29.607.

(am) *Social security numbers exceptions.* If an applicant who is an individual does not have a social security number, the applicant, as a condition of applying for, or applying to renew, an approval specified in par. (a) 1. to 3., shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. An approval issued by the department of natural resources in reliance on a false statement submitted by an applicant under this paragraph is invalid.

(b) *Duplicates.* For purposes of this subsection, an application for a duplicate of an approval specified in par. (a) shall be considered an application for the issuance of the approval.

(c) *Disclosure of social security numbers.* The department of natural resources may not disclose any social security numbers received under par. (a) to any person except to the department of

children and families for the sole purpose of administering s. 49.22.

(d) *Denial of approvals.* 1. As provided in the memorandum of understanding required under s. 49.857 (2), the department shall deny an application to issue or renew, suspend if already issued or otherwise withhold or restrict an approval specified in par. (a) 1. to 3. if the applicant for or the holder of the approval is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or if the applicant or holder fails to comply with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings.

2. As provided in the memorandum of understanding required under s. 49.857 (2), the department shall deny an application to issue or renew an approval specified in par. (a) 1. to 3. if the applicant for or the holder of the approval fails to provide his or her social security number as required under par. (a), unless the applicant is an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under par. (am).

(e) *Alternative to providing social security numbers.* If the federal government allows a method under the system under s. 49.857 (2) for purposes of administering this subsection that does not require the use of social security numbers of individuals applying for or holding approvals, other than the method under par. (am) for submitting a statement made or subscribed under oath or affirmation that the individual does not have a social security number, the department shall request that the legislative reference bureau prepare legislation that allows compliance with that method and that eliminates the requirement that individuals provide their social security numbers under the system. The secretary shall submit the proposed legislation to the standing committee of each house of the legislature that has jurisdiction over fish and wildlife matters under s. 13.172 (3).

**(2r)** DENIAL AND REVOCATION OF APPROVALS BASED ON DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS. (a) *Social security and identification numbers required.* Except as provided in par. (am), the department shall require an applicant who is an individual to provide his or her social security number and an applicant who is not an individual to provide the applicant's federal employer identification number as a condition of applying for, or applying to renew, any of the following approvals:

1. A license issued under s. 29.501.
2. A wholesale fish dealer license issued under s. 29.503.
3. A taxidermist permit issued under s. 29.506 (2).
4. A bait dealer license issued under s. 29.509.
5. A guide license issued under s. 29.512.
6. A sport trolling license issued under s. 29.514.
7. A commercial fishing license issued under s. 29.519.
8. A net license issued under s. 29.523.
9. A slat net license issued under s. 29.526.
10. A trammel net license issued under s. 29.529.
11. A set or bank pole license issued under s. 29.531.
12. A setline license issued under s. 29.533.
13. A clamming license or permit issued under s. 29.537.
14. A fish farm permit issued under s. 29.733.

14m. A fish importation permit under s. 29.735.

14r. A fish stocking permit under s. 29.736.

15. A wild rice dealer license issued under s. 29.607 (4) (b).
16. A wild ginseng dealer license issued under s. 29.611 (7).

(am) *Social security and identification numbers exceptions.* If an applicant who is an individual does not have a social security number, the applicant, as a condition of applying for, or applying to renew, any of the approvals specified in par. (a) 1. to 16., shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. An approval issued by the department of natural resources in reliance on a false statement submitted by an applicant under this paragraph is invalid.

(b) *Duplicates.* For purposes of this subsection, an application for a duplicate of an approval specified in par. (a) shall be considered an application for the issuance of the approval.

(c) *Disclosure of numbers.* The department of natural resources may not disclose any information received under par. (a) to any person except to the department of revenue for the sole purpose of making certifications required under s. 73.0301 and to the department of workforce development for the sole purpose of making certifications required under s. 108.227.

(d) 1. Except as provided in subd. 2., the department shall deny an application to issue or renew, or revoke if already issued, an approval specified in par. (a) if the applicant for or the holder of the approval fails to provide the information required under par. (a), if the department of revenue certifies that the applicant or approval holder is liable for delinquent taxes under s. 73.0301, or if the department of workforce development certifies that the applicant or approval holder is liable for delinquent unemployment insurance contributions under s. 108.227.

2. The department may not deny an application under subd. 1. for the reason that the applicant failed to provide his or her social security number, if the applicant is an individual who submitted a statement made or subscribed under oath or affirmation as required under par. (am).

**(2u)** REVOCATION OF HUNTING LICENSES BASED ON INCOMPETENCY. The department shall revoke any license authorizing hunting issued to an individual for whom the department receives a record of a declaration under s. 54.25 (2) (c) 1. d. stating that the individual is incompetent to apply for a hunting license under this chapter.

**(3)** FORM OF APPLICATION. The application for an approval shall be on the form and contain the information required by the department and no approval may be issued until the applicant complies with these requirements.

**(4)** FORM OF APPROVAL. (a) *Date; expiration.* Each approval issued under this chapter shall state for what period the approval is effective and the date of expiration.

(b) *Name; description; signature.* Each license or permit issued shall contain the name and address of the holder, a description of the holder and other information required by the department. Each license or permit shall, if required by the department under sub. (5) (a) 1., bear upon its face the signature of the holder and the date of issuance and shall be signed by the issuing agent. Each stamp shall, if required by the department under sub. (5) (a) 1., bear upon its face the signature of the holder. The department may apply any of the requirements of this subsection to other forms or approvals.

**(5)** FORMS OF APPROVALS. (a) *Department rules.* The department shall promulgate rules regulating the issuance of approvals. The rules shall include all of the following:

1. The signature requirements, if any, for each type of approval.

2. The conditions, if any, under which a person may be issued an approval for another person.

3. The authorized forms for stamps, which may include facsimiles, and the methods of attaching stamps to or imprinting stamps on other approvals issued under this chapter.

(b) *Forms.* The department shall prepare, procure the printing of, and supply all necessary forms for applications and approvals issued under this chapter and related applications for approvals.

(e) *Identification numbers.* The department may issue customer identification numbers as part of its statewide automated system for issuing approvals.

**(6)** ISSUANCE OF APPROVALS BY DEPARTMENT AND BY AGENTS. (a) In issuing approvals under this section, the department may do any of the following for each type of approval:

1. Directly issue the approvals.

2. Appoint, as an agent of the department, the clerk of one or more counties to issue the approvals.

3. Appoint persons who are not employees of the department to issue the approvals as agents of the department.

4. Contract with persons who are not employees of the department to operate a statewide automated system for issuing approvals.

(ag) Under a contract issued under par. (a) 4., the department may deduct a portion of each fee collected for a license issued pursuant to the statewide automated system. The department shall credit all of the amounts deducted to the appropriation account under s. 20.370 (9) (hv).

(am) In reserving deer hunting back tag numbers, the department may do any of the following:

1. Directly reserve the numbers.

2. Appoint, as an agent of the department, the clerk of one or more counties to reserve the numbers.

3. Appoint, as agents of the department, persons who are not employees of the department to reserve the numbers.

(b) The clerk of each county appointed under par. (a) 2. or (am) 2. may accept the appointment.

(c) 1. The department shall promulgate rules for each type of approval under this chapter that specify which persons under par. (a) shall issue that type of approval except as provided under subd. 2.

2. Persons appointed under par. (a) 2. and 3., as well as the department, shall issue temporary disabled person fishing licenses under s. 29.193 (3m).

(d) The department may promulgate rules regulating the activities of persons appointed under pars. (a) 2., 3. and 4. and (am) 2. and 3.

**(7)** DUPLICATES. If any license, permit, certificate or card is lost, the person to whom the license, permit, certificate or card was issued may apply to the department for a duplicate by submitting an affidavit proving loss. The department may accept information in a form other than an affidavit. The department shall make an inquiry and investigation as it considers necessary. If the department is satisfied that the loss has been proven, the department may issue a duplicate license, permit, certificate or card to the applicant. Back tags and other tags issued with a license, permit, certificate or card are parts of the license, permit, certificate or card and loss of any part is considered to be loss of the entire license, permit, certificate or card. Upon applying for a duplicate license, permit, certificate or card, the applicant shall surrender all parts of the original remaining in his or her possession to the department. No duplicate stamp may be issued and if a stamp is lost, the person to whom it was issued is required to apply and pay the regular fee in order to receive a new stamp.

**(8)** RECORD OF APPROVALS ISSUED. The department shall keep a complete record of all approvals issued.

**(9)** TAGS. The department shall provide all tags required under this chapter and shall specify their form and numbering.

**(10)** STAMPS; ARTWORK. The department may design and produce waterfowl hunting stamps, pheasant hunting stamps, wild turkey hunting stamps, inland waters trout stamps and Great Lakes trout and salmon stamps. The department may select artwork for stamps through a contest or otherwise may acquire original artwork for stamps.

**History:** 1997 a. 248 ss. 90, 91, 123 to 134, 161; 1997 a. 249 ss. 1, 2; 1999 a. 9, 32; 2001 a. 17, 56, 105, 107, 109; 2003 a. 59, 249; 2005 a. 88, 387; 2007 a. 20, 65; 2009 a. 38; 2011 a. 169; 2013 a. 36.

**Cross−reference:** See also ch. NR 8, Wis. adm. code.

**29.03 Wildlife violator compact. (1)** ARTICLE I — FINDINGS, DECLARATION OF POLICY, AND PURPOSE. (a) The participating states find all of the following:

1. Wildlife resources are managed by the respective states for the benefit of all residents and visitors.

2. The protection of wildlife resources of a state is materially affected by the degree of compliance with state laws, regulations, ordinances, resolutions, and administrative rules relating to the management of those resources.

3. The preservation, protection, management, and restoration of wildlife resources contribute immeasurably to the aesthetic, recreational, and economic aspects of those natural resources.

4. Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife resource preservation, protection, management, and restoration laws, regulations, ordinances, resolutions, and administrative rules of the participating states as a condition precedent to the continuance or issuance of any approval to hunt, fish, trap, or possess wildlife.

5. Violation of wildlife resource laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

6. The mobility of many violators necessitates the maintenance of channels of communication among the various states.

7. Usually, if a person is cited for a wildlife violation in a state other than the person's home state, one or more of the following occur:

a. The violator is required to post collateral or a bond to secure appearance for a trial at a later date.

b. The violator is taken into custody until the collateral or bond is posted.

c. The violator is taken directly to court for an immediate appearance.

8. The purpose of the enforcement practices described in subd. 7. is to ensure compliance with the terms of a wildlife citation by the violator who, if permitted to continue on his or her way after receiving the citation, could return to his or her home state and disregard the terms of the citation.

9. Usually, a person receiving a wildlife citation in his or her home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his or her way after agreeing or being instructed to comply with the terms of the citation.

10. The enforcement practices described in subd. 7. may cause unnecessary inconvenience and hardship for the violator who is unable at the time to post collateral, furnish a bond, stand trial, or pay a penalty, and thus is compelled to remain in custody until some alternative arrangement is made.

11. The enforcement practices described in subd. 7. consume an undue amount of law enforcement time.

(b) It is the policy of the participating states to do all of the following:

1. Promote compliance with the laws, regulations, ordinances, resolutions, and administrative rules relating to management of wildlife resources in their respective states.

2. Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat the suspension as if it had occurred in the home state.

3. Allow a violator, except as provided in sub. (3) (b), to accept a wildlife citation and, without delay, proceed on his or her way, whether or not a resident of the state in which the citation was issued, if the violator's home state is party to this compact.

4. Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against a violator whose home state was not the issuing state.

5. Allow the home state to recognize and treat a conviction recorded against a resident, which occurred in a participating state other than the home state, as though the conviction had occurred in the home state.

6. Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

7. Maximize effective use of law enforcement personnel and information.

8. Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is to do all of the following:

1. Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in par. (b) in a uniform and orderly manner.

2. Provide for the fair and impartial treatment of violators in all participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

**(2)** ARTICLE II — DEFINITIONS. As used in this compact, unless the context requires otherwise:

(a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment or other official document that a wildlife officer or other peace officer issues to a person for a wildlife violation that contains an order requiring the person to respond.

(b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with a citation issued by a wildlife officer or other peace officer for a wildlife violation.

(c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal or through the payment of fines, costs, and surcharges, if any.

(d) "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife that is prohibited by state law, regulation, ordinance, resolution, or administrative rule. "Conviction" shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed the offense, the payment of a penalty assessment or surcharge, a plea of no contest, and the imposition of a deferred or suspended sentence by a court.

(e) "Court" means a court of law, including municipal court.

(f) "Home state" means the state of primary residence of a violator.

(g) "Issuing state" means the participating state that issues a wildlife citation to the violator.

(h) "License" means any approval, license, permit, or other public document that conveys to a person the privilege of pursuing, possessing, or taking any wildlife regulated by law, regulation, ordinance, resolution, or administrative rule of a participating state.

(i) "Licensing authority" means the department or division within each participating state that is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife. In this state, the licensing authority is the department.

(j) "Participating state" means any state that enacts legislation to become a member of this wildlife compact.

(k) "Personal recognizance" means an agreement a person makes at the time of issuance of the wildlife citation that the person will comply with the terms of the citation.

(L) "State" means any state, territory, or possession of the United States, and includes the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and all other countries.

(m) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

(n) "Terms of the citation" means those conditions and options expressly stated upon the citation.

(o) "Violator" means a person who commits a wildlife violation.

(p) "Wildlife" means all species of wild animals that are protected or otherwise regulated by law, regulation, ordinance, resolution, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on the law of the participating state.

(q) "Wildlife law" means any law, regulation, ordinance, resolution, or administrative rule developed and enacted for the management and use of wildlife resources.

(r) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(s) "Wildlife violation" means any cited violation of a law, regulation, ordinance, resolution, or administrative rule developed and enacted for the management and use of wildlife resources.

**(3)** ARTICLE III — PROCEDURES FOR ISSUING STATE. (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any violator whose primary residence is in a participating state in the same manner as though the violator were a resident of the issuing state and shall not require the violator to post collateral to secure appearance, subject to par. (b), if the officer receives the recognizance of the violator that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable if both of the following apply:

1. Personal recognizance is not prohibited by local law or the compact manual.

2. The violator provides adequate proof of identification to the wildlife officer.

(c) Upon conviction or failure of a violator to comply with the terms of a citation issued for a wildlife violation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

(d) Upon receipt of the report of conviction or noncompliance under par. (c), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

**(4)** ARTICLE IV — PROCEDURE FOR HOME STATE. (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards shall be accorded.

(b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction in its records and shall treat the conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

**(5)** ARTICLE V — RECIPROCAL RECOGNITION OF SUSPENSION. (a) Each participating state shall recognize the suspension of license privileges of any violator by any participating state as though the violation resulting in the suspension had occurred in its own state and could have been the basis for suspension of license privileges in its own state.

(b) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

**(6)** ARTICLE VI — APPLICABILITY OF OTHER LAWS. Except as expressly required by provisions of this compact, nothing in this compact shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife resource law enforcement.

**(7)** ARTICLE VII — COMPACT ADMINISTRATOR PROCEDURES. (a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states. The head of the licensing authority of each participating state shall appoint the compact administrator. The compact administrator shall serve and be subject to removal in accordance with the laws of the state that he or she represents. A compact administrator may provide an alternate for the discharge of his or her duties and functions as a board member. An alternate may not serve unless written notification of his or her identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor of the action. Board action shall occur only at a meeting at which a majority of the participating states are represented.

(c) The board shall elect annually from its membership a chairperson and vice chairperson.

(d) The board shall adopt bylaws consistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services from any state, the United States, or any governmental agency, and may receive, utilize, and dispose of those donations and grants.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted by board action shall be contained in a compact manual.

**(8)** ARTICLE VIII — ENTRY INTO COMPACT AND WITHDRAWAL. (a) This compact shall become effective when it is adopted in a substantially similar form by 2 or more states.

(b) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairperson of the board. The resolution shall be substantially in the form and content as provided in the compact manual and shall include all of the following:

1. A citation of the authority from which the state is empowered to become a party to this compact.

2. An agreement of compliance with the terms and provisions of this compact.

3. An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(c) The effective date of entry shall be specified by the applying state but shall not be less than 60 days after notice has been given by one of the following:

1. The chairperson of the board of the compact administrators.

2. The secretary of the board to each participating state that the resolution from the applying state has been received.

(d) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

**(9)** ARTICLE IX — AMENDMENTS TO THE COMPACT. (a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairperson of the board of compact administrators and shall be initiated by one or more participating states.

(b) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

(c) A participating state shall respond to the compact chairperson within 120 days after receipt of a proposed amendment. Amendments proposed to change local law by the compact administrators shall be reviewed and approved by the legislature.

**History:** 2005 a. 282.

**29.035 Report of department.** On or before March 15 of each even−numbered year, the department shall submit to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), to the governor and to the Wisconsin conservation congress a report identifying the accomplishments of the department under this chapter that relate to fish and wildlife in the previous biennium and identifying the department's use and expenditure of all fishing, hunting and trapping approval fees collected under this chapter in the previous biennium.

**History:** 1997 a. 248 ss. 94, 404.

**29.036 Sporting heritage council. (1)** The sporting heritage council shall study, and provide advice and make recommendations to the governor, the natural resources board, and the legislature about, issues relating to hunting, trapping, fishing, and other types of outdoor recreation activities including all of the following:

(a) Ways to improve the recruitment and retention of hunters, trappers, and anglers.

(b) Ways to improve the management and protection of the natural resources of this state for the purposes of hunting, trapping, fishing, and other types of outdoor recreation activities.

(c) Ways to encourage youth to participate in outdoor recreation activities, including ways to implement outdoor recreation programs for youth.

(d) Ways to improve access to public and private land for hunting, trapping, fishing, and other types of outdoor recreation activities.

(e) Ways to improve public access to lakes.

(f) Ways to increase the availability of public shooting ranges.

**(2)** The sporting heritage council shall prepare a biennial report on the status of the recruitment and retention of hunters, trappers, and anglers in this state. The sporting heritage council shall submit its initial report under this subsection no later than July 1, 2014, and shall submit subsequent reports no later than July 1 of each even−numbered year thereafter, to the governor, to the

chairperson of the natural resources board, and to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3).

**History:** 2011 a. 168.

**29.037 Fish and wildlife restoration.** This state assents to the provisions of 16 USC 669 to 669i and 777 to 777L. The department is authorized and directed to perform any acts necessary to establish cooperative wildlife restoration projects and cooperative fish restoration and management projects in compliance with these federal provisions and with regulations promulgated by the secretary of the interior. No funds accruing to this state from license fees paid by hunters and from sport and recreation fishing license fees may be diverted for any other purpose than the administration of the department when it is exercising its responsibilities that are specific to the management of the fish and wildlife resources of this state.

**History:** 1997 a. 248 s. 402; 2001 a. 16.

**29.038 Local regulation of wild animals. (1)** In this section:

(a) "Local governmental unit" has the meaning given in s. 16.97 (7).

(b) "Political subdivision" means a city, village, town or county.

**(2)** No local governmental unit may enact any ordinance or adopt any regulation, resolution or other restriction for the purpose of regulating the hunting, fishing, trapping or management of wild animals, except as follows:

(a) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that is authorized under this chapter.

(b) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that restricts or prohibits access for hunting, fishing or trapping in any portion of land that it owns or leases.

**(3)** (a) Except as provided in par. (b), a local governmental unit may enact an ordinance or adopt a regulation, resolution or other restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety.

(b) 1. In this paragraph:

a. "Building" means a permanent structure used for human occupancy and includes a manufactured home, as defined in s. 101.91 (2).

b. "Restriction" means an ordinance, regulation, resolution, or other restriction enacted or adopted by a local governmental unit.

2. Except as provided in subd. 3., a local governmental unit may not enact or adopt a restriction that prohibits a person from hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit.

3. A local governmental unit may enact or adopt a restriction that does any of the following:

a. Prohibits a person from hunting with a bow and arrow or crossbow within a specified distance, not to exceed 100 yards, from a building located on another person's land. A restriction enacted or adopted under this subd. 3. a. shall provide that the restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building.

b. Requires a person who hunts with a bow and arrow or crossbow to discharge the arrow or bolt from the respective weapon toward the ground.

**(4)** If the department determines that an ordinance, regulation, resolution or other restriction enacted or adopted by a local governmental unit exceeds the authority granted to local governmental units in this section, the department may issue a notice to the local governmental unit of the department's intent to issue an order under this subsection. The department shall hold an informal hearing on the matter if a hearing is requested by the local governmental unit within 30 days after it receives the notice. The informal hearing is not a contested case under ch. 227. Following the hearing or following the failure of the local governmental unit to request a hearing within 30 days after it receives the notice, the department may issue an order declaring the ordinance, regulation, resolution or other restriction void.

**History:** 1997 a. 170; 1999 a. 32 s. 42; Stats. 1997 s. 29.038; 2001 a. 16; 2003 a. 33; 2013 a. 71.

**Cross−reference:** See also s. NR 19.40, Wis. adm. code.

**29.039 Nongame species. (1)** The department may conduct investigations of nongame species to develop scientific information relating to population, distribution, habitat needs, and other biological data to determine necessary conservation measures. The department may develop conservation programs to ensure the perpetuation of nongame species. The department may require harvest information and may establish limitations relating to taking, possession, transportation, processing and sale or offer for sale, of nongame species.

**(2)** Any rules promulgated or programs developed under this section may not impede, hinder or prohibit the utilization of lands for the construction, operation or maintenance of utility facilities otherwise authorized or permitted.

**History:** 1977 c. 370; 1979 c. 154; 1985 a. 332 s. 251 (1); 1997 a. 248 s. 405; Stats. 1997 s. 29.039.

**Cross−reference:** See also ss. NR 10.02, 10.04, 19.26, 19.27, and 19.275, Wis. adm. code.

"Taking," as used in this section, includes those activities delineated under the definition of "hunting" in s. 29.001 (42), such as killing, shooting, shooting at, trapping, and pursuing. Wisconsin Citizens Concerned for Cranes and Doves v. Department of Natural Resources, 2004 WI 40, 270 Wis. 2d 318, 677 N.W.2d 612, 02−1166.

**29.040 Deer management report rules.** The department may promulgate rules to implement the recommendations contained in the 2012 final report of the assessment of this state's deer management plans and policies that was conducted under the terms of a contract between the department of administration and a recognized deer management expert.

**History:** 2013 a. 20.

**29.041 Department to regulate hunting and fishing in interstate waters.** The department may regulate hunting and fishing on and in all interstate boundary waters, and outlying waters.

**History:** 1983 a. 27 s. 2202 (38); 1997 a. 248 s. 118; Stats. 1997 s. 29.041.

**Cross−reference:** See also chs. NR 20, 24, and 25, Wis. adm. code.

**29.042 Agreements to retire licenses. (1)** Beginning on January 1, 1998, the department may not enter into any agreement to make payments to persons holding approvals issued under s. 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529, 29.531, 29.533, 29.537, 29.607, 29.611, or 29.614 in exchange for the retirement of the approval or for the temporary or permanent cessation of any activity authorized under the approval.

**(2)** Notwithstanding sub. (1), an agreement entered into by the department before October 14, 1997, to make payments to persons holding commercial fishing licenses in exchange for the retirement of the licenses or for the permanent or temporary cessation of commercial fishing shall remain valid except that no moneys may be expended from the conservation fund to make payments under the agreement.

**History:** 1997 a. 27; 1997 a. 248 ss. 119, 120; Stats. 1997 s. 29.042; 2001 a. 56.

**29.043 Interstate comity. (1)** Whenever any other state confers upon the officers of this state reciprocal powers, any officer of the other state, who is authorized to enforce the laws of that state relating to the protection of wild animals, is designated an agent of that state within this state. The officer may follow any wild animal or carcass unlawfully shipped or taken from the officer's state into this state, and seize and convey it back to the officer's state. The laws of the state concerning the wild animal or carcass from which the wild animal or carcass was brought into this

state are adopted as the laws of this state. Transportation companies shall deliver to the officer, upon submission of proper proof of the officer's official capacity, any wild animal or carcass that is seized by the officer. The officer may dispose of a wild animal or carcass within this state, in accordance with the laws of the officer's state, under the supervision of the department. Expenses for the department's assistance shall be a lien upon the wild animal or carcass, or proceeds of the sale.

**(2)** Except as provided in sub. (1), the department may seize, hold and dispose, according to the laws of this state, of any wild animal or carcass brought or shipped into or through this state, or attempted to be carried through this state, in violation of the laws of any other state.

**(3)** The officers of every other state charged with enforcing the laws of another state relating to wild animals are designated agents of this state for the taking possession, seizing, holding and disposing, within the other state, of any wild animal or carcass protected by the laws of this state.

**(4)** If any other state confers upon the officers of this state reciprocal powers, the department may appoint persons who are charged with enforcing the laws of the other state relating to wild animals to act as wardens of this state, but without compensation from this state.

**History:** 1971 c. 164; 1991 a. 316; 1997 a. 248 s. 117; Stats. 1997 s. 29.043.

**29.045 Interstate license privileges. (1)** FISHING PRIVILEGES. If the state of Michigan, Minnesota or Iowa confers upon the fishing licensees of this state reciprocal rights, privileges and immunities, a fishing license issued by the other state entitles the licensee to the rights, privileges and immunities, in and upon the boundary waters between the states, of the holder of an equivalent license issued by this state, but subject to the duties, responsibilities and liabilities imposed on its own licensees by this state.

**(2)** COMMERCIAL CLAMMING PRIVILEGES. If the state of Michigan, Minnesota or Iowa confers upon the commercial clamming licensees of this state reciprocal rights, privileges and immunities, any commercial clamming license issued by the other state entitles the licensee to the rights, privileges and immunities, in and upon the boundary waters between Michigan, Minnesota and Iowa and this state, of the holder of an equivalent license issued by this state, but subject to the duties, responsibilities and liabilities imposed on licensees by this state.

**History:** 1985 a. 289; 1997 a. 248 s. 377; Stats. 1997 s. 29.045.

**Cross−reference:** See also chs. NR 21, 22, and 23 and ss. NR 20.38 and 24.05, Wis. adm. code.

**29.047 Interstate transportation of game. (1)** (a) In this section:

2. "Game" means any wild animal, wild bird or game fish.

3. "Indian land" means all land within the exterior boundaries of an Indian reservation in this state and all other land in this state that is held in trust for an Indian tribe or for a member of an Indian tribe.

4. "Indian tribe" means a federally recognized American Indian tribe or band.

5. "Transport" includes to cause to be transported, to deliver or offer to deliver for transportation and to receive or offer to receive for transportation.

(b) 1. No person in this state may transport into or through this state any game, or its carcass, from any other state in violation of any law of the other state.

2. No member of an Indian tribe may transport into or through this state any game, or its carcass, from the Indian land of that Indian tribe in violation of the law of that Indian tribe.

(c) No person in this state may transport, possess or control in this state any game, or its carcass, that was taken in another state in violation of any restriction on open and closed seasons established under this chapter or of any bag, possession or size limit established under this chapter unless all of the following apply:

1. The game was lawfully taken in and lawfully transported from the other state.

2. The person holds a license issued by the other state that authorized the person to transport, possess or control the game or its carcass.

3. If the game is a cervid the person transports, possesses, delivers, receives, or controls the carcass of the cervid in compliance with rules promulgated by the department.

4. If the game is a member of a species that the department requires a person holding an approval under this chapter to tag before transporting, the game bears a tag on which is printed, in a manner that cannot be modified or erased, the name of the department or, if the tag was issued by another state, the name of the other state's agency that issued the tag. A tag issued under this subdivision by another state is not valid unless the other state, at the time of issuance, recorded the name and address of the person to whom the tag was issued.

(d) No member of an Indian tribe may transport, possess, or control off of the Indian land of that Indian tribe any game, or its carcass, that was taken on that Indian land in violation of any restriction on open and closed seasons established under this chapter or of any bag, possession, or size limit established under this chapter unless all of the following apply:

1. The game was taken on and transported from the Indian land in accordance with the laws of the Indian tribe.

1m. The member of the Indian tribe holds a license, permit, or other authorization issued by the member's Indian tribe that allows the Indian tribe member to transport, possess, or control the game or its carcass on the Indian land of the member's Indian tribe or holds a tribal membership card or other document that demonstrates proof of membership in that Indian tribe.

2. If the game is a member of a species that the department requires a person holding an approval under this chapter to tag before transporting, the game bears a tag on which is printed, in a manner that cannot be modified or erased, the name of the department or, if the tag was issued by an Indian tribe, the name of the Indian tribe. A tag issued under this paragraph by an Indian tribe is not valid unless the Indian tribe, at the time of issuance, recorded the name and address of the person to whom the tag was issued.

**(1k)** (a) Except as provided in par. (b), no person may remove a required tag attached under sub. (1) (c) 4. or (d) 2. from a carcass until the time of butchering, but the person who killed or obtained the game shall retain all required tags until the meat is consumed.

(b) No person may remove a required tag attached under sub. (1) (c) 4. or (d) 2. from the carcass of a fur−bearing animal until the carcass is prepared for preservation, mounting, or tanning.

(c) A person who retains a tag under par. (a) or (b) may give the carcass or any part of the carcass to another person. The person who receives the gift of the carcass or part of the carcass is not required to possess a tag.

**(1m)** Unless prohibited by the laws of an adjoining state or a rule promulgated by the department under s. 29.063 (3) or (4), any person who has lawfully killed a cervid in this state may take the cervid or its carcass into the adjoining state and ship the cervid or carcass from any point in the adjoining state to any point in this state.

**(2)** Subsection (1) does not apply to any of the following:

(a) A person who has a valid taxidermist permit and who, in compliance with rules promulgated by the department under s. 29.063 (3) or (4), possesses, transports, causes to be transported, delivers or receives, or offers to deliver or receive, a wild animal carcass in connection with his or her business.

(b) The possession, transportation, delivery or receipt of farm−raised deer, farm−raised game birds, farm−raised fish, or wild animals that are subject to regulation under ch. 169.

**History:** 1985 a. 29; 1991 a. 269, 316; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 95, 96, 518 to 521; Stats. 1997 s. 29.047; 2001 a. 56, 109; 2005 a. 286; 2013 a. 85.

**29.053 Specific open and closed seasons. (1)** All fishing seasons on inland waters shall open on a Saturday.

**(2)** The department may exercise its authority under s. 29.014 with reference to the state as a whole, or for any specified county or part of a county, or for any lake or stream or part of a lake or stream.

(a) The department may establish a fishing season on specified bodies of water in certain urban areas, as determined by rule by the department, that allows fishing only by persons who are under 16 years old or who are disabled and can produce the evidence specified in s. 29.193 (3) (a), (b) or (c), subject to all of the following conditions:

1. The department may not designate a body of water under this subsection that is 25 acres or greater in area.

2. The department may not designate a body of water under this subsection without the written agreement of each private owner of shoreline and of each city, village, town, county, federal agency or other state agency that owns shoreline.

3. The department shall post notice of the restricted fishing season at each designated body of water.

(b) Section 227.16 (2) (e) does not apply to a rule promulgated under this subsection and, when the department proposes to add a body of water to or delete a body of water from a rule under this subsection, the department shall hold a hearing, as required under s. 227.16 (1), either in the county in which the body of water is located or within 50 miles of the body of water.

**(3)** The department may modify any requirement of this chapter or rules promulgated under it, establish special seasons, authorize the use of special equipment or take any other action in order to provide additional hunting and fishing opportunities for persons who are physically disabled or visually handicapped. The department may limit the number of persons involved, except that if the department establishes a special season for hunting deer with firearms for persons who are physically disabled, the season shall be open to persons who have been issued a Class D permit under s. 29.193 (2).

**History:** 1997 a. 248 ss. 112, 384, 388 to 392; 1999 a. 32; 2011 a. 168.
**Cross−reference:** See also ss. NR 10.01, 10.40, 19.01, and 20.33, Wis. adm. code.

**29.055 Wild animals; possession in closed season or in excess of bag limit.** Except as expressly provided in this chapter, no person may have in the person's possession or under the person's control, or have in storage, any wild animal or carcass that was taken during the closed season for that wild animal or that is in excess of the bag or possession limit or contrary to the size limits for that wild animal. The open and closed seasons and the bag, possession and size limits of the state, province or country in which a wild animal was taken shall apply to the wild animal or the carcass if it was lawfully killed outside of this state. This section does not apply to farm−raised deer, farm−raised fish, farm−raised game birds, or wild animals that are subject to regulation under ch. 169.

**History:** 1975 c. 360, 421; 1993 a. 410; 1997 a. 248 s. 502; Stats. 1997 s. 29.055; 2001 a. 56.

**29.057 Wild animals; possession in open season.** It is unlawful to possess or control at any time a protected wild animal or the carcass of any protected wild animal showing that it was taken during the closed season for the protected wild animal. This section does not apply to farm−raised deer, farm−raised fish, farm−raised game birds, or wild animals that are subject to regulation under ch. 169.

**History:** 1997 a. 248 s. 503; Stats. 1997 s. 29.057; 2001 a. 56.

**29.059 Reports of hunters.** Each person to whom a hunting or trapping license has been issued shall, upon request by the department, report to the department, on forms furnished by it, the number of the person's license, the number and kind of each animal taken by the licensee and other information that the department requires.

**History:** 1991 a. 316; 1997 a. 248 s. 282; Stats. 1997 s. 29.059.

**29.063 Management of chronic wasting disease. (1)** The department may manage, and provide funding to conduct testing for, chronic wasting disease in cervids.

**(2)** If the department designates an area as a chronic wasting disease eradication zone, the department shall provide notice and information to the public that is adequate to inform the public prior to the commencement of hunting that hunting of cervids to control the spread of the disease will occur in that zone.

**(3)** To control chronic wasting disease, the department may promulgate rules regulating the transportation, possession, control, storage, or disposal of the carcass of a cervid in this state, except that the rules may not apply to any of the following:

(a) Meat that is cut and wrapped, either commercially or privately.

(b) Quarters or other portions of meat to which no part of the spinal column or head is attached.

(c) Meat that has been deboned.

(d) Hides with no heads attached.

(e) Finished taxidermy heads.

(f) Antlers with no meat or tissue attached.

(g) Skulls with antlers attached and with no meat or tissue attached.

(h) Upper canine teeth.

**(4)** The department may promulgate rules prohibiting the transportation of the carcass of a cervid from another state or country in which chronic wasting disease has been confirmed in a cervid, except that the rules may not apply to any of the following:

(a) Meat that is cut and wrapped, either commercially or privately.

(b) Quarters or other portions of meat to which no part of the spinal column or head is attached.

(c) Meat that has been deboned.

(d) Hides with no heads attached.

(e) Finished taxidermy heads.

(f) Antlers with no meat or tissue attached.

(g) Skulls with antlers attached and with no meat or tissue attached.

(h) Upper canine teeth.

**(5)** The department may exempt deer hunters from obtaining a license under this chapter for the hunting of deer in an area that the department has designated by rule as a chronic wasting disease control zone. Deer hunters that are exempted under this subsection shall be at least 10 years of age, except that a person born on or after January 1, 1973, may not hunt deer under this subsection unless he or she complies with ss. 29.304 and 29.593. A deer hunter exempted under this subsection who is under 12 years of age is subject to the restrictions specified under s. 29.592. The department shall by rule establish eligibility criteria and application procedures for receipt of an exemption under this subsection, including a method for obtaining a permit to hunt deer without a license under this subsection.

**(6)** (a) In this subsection:

1. "Landfill" means a solid waste facility, as defined in s. 289.01 (35), for solid waste disposal, as defined in s. 289.01 (34), licensed under s. 289.31.

2. "Meat processing facility" means a plant or premises where animals are slaughtered for human consumption, or where meat or meat products are processed, but does not include rendering plants.

3. "Wastewater treatment facility" means a plant or premises used to treat industrial wastewater or domestic wastewater or any combination of industrial wastewater and domestic wastewater and permitted pursuant to ch. 283.

(b) Subject to par. (c), the department or the department of agriculture, trade and consumer protection may enter into agreements with persons who own or operate landfills, meat processing facili-

ties, or wastewater treatment facilities in which this state agrees to indemnify those persons and their employees, officers, and agents against liability for damage to persons, property, or the environment resulting from the processing or disposal of carcasses of cervids and farm−raised deer that have chronic wasting disease.

(c) The department or the department of agriculture, trade and consumer protection may enter into an agreement under par. (b) only if all of the following apply:

1. The governor approves the agreement.

2. The agreement specifies a method for determining whether the landfill, meat processing facility, or wastewater treatment facility is liable for damage described in par. (b).

3. The agreement requires the landfill, meat processing facility, or wastewater treatment facility to notify the department that entered into the agreement and the attorney general when a claim or lawsuit to which the agreement may apply is filed.

4. The agreement authorizes the attorney general to intervene on behalf of the landfill, meat processing facility, or wastewater treatment facility and this state in any lawsuit to which the agreement may apply.

5. The agreement requires the owner or operator of the landfill, meat processing facility, or wastewater treatment facility to minimize risks related to processing or disposal of carcasses of cervids and farm−raised deer that have chronic wasting disease.

6. The agreement authorizes the department that entered into the agreement to require the owner or operator of the landfill, meat processing facility, or wastewater treatment facility to operate in a manner specified in writing by that department to minimize risks related to processing or disposal of carcasses of cervids and farm−raised deer that have chronic wasting disease.

(d) This subsection and any agreement entered into under par. (b) may not be construed as consent to sue this state.

(e) If a claim is filed under an agreement under par. (b), the department that entered into the agreement shall review the claim to determine whether it is valid. A valid claim shall be paid from the appropriation under s. 20.370 (1) (hc).

**History:** 2001 a. 108; 2005 a. 286; 2009 a. 39.

**29.071 Wildlife on Indian reservations protected.** No person may remove or take from any Indian reservation the carcass of any protected wild animal during the closed season for the wild animal except as authorized by the department under this chapter or ch. 169.

**History:** 1997 a. 248 s. 538; Stats. 1997 s. 29.071; 2001 a. 56.

**Cross−reference:** See also s. NR 19.12, Wis. adm. code.

**29.075 Hunting, trapping and fishing by American Indians.** American Indians hunting, trapping or fishing off Indian reservation lands are subject to this chapter.

**History:** 1983 a. 27; 1997 a. 248 s. 92; Stats. 1997 s. 29.075.

**29.079 Deer hunting by practitioners of Ho−Chunk religion. (1)** Persons who are enrolled members of the Ho−Chunk nation and residents and who practice the traditional religion of the Ho−Chunk people may hunt deer during daylight hours for the members' use in religious ceremonies without obtaining licenses under this chapter. Each hunting party shall be designated by the respective clan. Each clan leader shall obtain permission for deer hunting under this section from the department not less than 24 hours prior to each hunt.

**(2)** The department shall promulgate rules necessary to control the conditions and location under which hunting under this section may take place. The department may deny permission for hunting under this section when it determines that a denial is necessary to effectively manage the deer population. The number of deer taken under sub. (1) during any calendar year shall be established by the department, by rule, when necessary to effectively manage the deer population. Hunting privileges under this section may not be exercised during the regular open season for deer.

**(3)** Nothing in this section may be construed to eliminate any requirement that a landowner's permission must be obtained prior to hunting on his or her land.

**History:** 1977 c. 242; 1997 a. 248 s. 240; Stats. 1997 s. 29.079.

**29.083 Interference with hunting, fishing or trapping. (1)** DEFINITION. In this section, "activity associated with lawful hunting, fishing or trapping" means travel, camping or other acts that are preparatory to lawful hunting, fishing or trapping and that are done by a hunter, fisher or trapper or by a member of a hunting, fishing or trapping party.

**(2)** PROHIBITIONS. (a) No person may interfere or attempt to interfere with lawful hunting, fishing or trapping with the intent to prevent the taking of a wild animal by doing any of the following:

1. Harassing a wild animal or by engaging in an activity that tends to harass wild animals.

2. Impeding or obstructing a person who is engaged in lawful hunting, fishing or trapping.

3. Impeding or obstructing a person who is engaged in an activity associated with lawful hunting, fishing or trapping.

4. Disturbing the personal property of a person engaged in lawful hunting, fishing or trapping.

5. Disturbing a lawfully placed hunting blind.

(b) No person may knowingly fail to obey the order of a warden or other law enforcement officer to desist from conduct in violation of par. (a) if the order is based on any of the following:

1. The warden or other law enforcement officer personally observed such conduct by the person.

2. The warden or other law enforcement officer has reasonable grounds to believe that the person has engaged in such conduct that day or that the person intends to engage in such conduct that day.

**(3)** EXEMPTIONS. This section does not apply to actions under sub. (2) (a) 1. to 5. performed by wardens and other law enforcement officers if the actions are authorized by law and are necessary for the performance of their official duties.

**(3m)** AFFIRMATIVE DEFENSE. It is an affirmative defense to the prosecution for violation of this section if the defendant's conduct is protected by his or her right to freedom of speech under the constitution of this state or of the United States.

**(4)** CIVIL ACTIONS. (a) A person who is adversely affected by, or who reasonably may be expected to be adversely affected by, conduct that is in violation of sub. (2) (a) may bring an action in circuit court for an injunction or damages or both.

(b) The circuit court may enter an injunction under ch. 813 against conduct in violation of sub. (2) (a) if the court determines any of the following:

1. The defendant is threatening the conduct.

2. The defendant has engaged in the conduct in the past and that it is reasonable to expect that the defendant will engage in the conduct that will adversely affect the plaintiff in the future.

(c) The circuit court may award damages to the plaintiff if the defendant's conduct in violation of sub. (2) (a) has adversely affected the plaintiff. The damages awarded may include punitive damages and any special damages. Special damages may include approval fees, travel costs, camping fees, costs for guides, and costs for equipment or supplies to the extent that the plaintiff did not receive the full value of any of these expenditures due to the unlawful conduct of the defendant.

**History:** 1989 a. 190; 1997 a. 248 s. 415; Stats. 1997 s. 29.083.

The application of this section is limited to physical interference and does not violate the freedom of speech. State v. Bagley, 164 Wis. 2d 255, 474 N.W.2d 761 (Ct. App. 1991).

**29.084 Incentives for recruitment.** The department shall establish a program to recognize people who recruit others as hunters, trappers, and anglers. The program shall include a component under which a person who is issued his or her first hunting,

trapping, or fishing approval in his or her lifetime may designate one person as the person who encouraged the applicant to obtain the license. The program shall provide for all of the following:

**(1)** A method for maintaining a record of persons designated as provided under this section.

**(2)** A method for issuing a credit to any resident who is designated as provided under this section a specified number of times, as determined by the department, in any license year. The method shall require the department to allow the recipient of the credit to apply the credit in a manner that reduces the fee for an approval that is listed under s. 29.563 (2) (a) 1., 2., 4. to 5g., or 7. to 9., (3) (a) 1., or (6) (a) 1. by one−half of the fee that would otherwise apply to the approval, rounded up to the nearest dollar, that reduces the fee specified in s. 29.563 (4) (a) 1. for a resident sports license by $20, or that reduces the fee specified in s. 29.563 (4) (a) 2. for a resident conservation patron license by $60. The department may not require a resident to be designated more than 5 times in a license year in order to be eligible for a credit under this subsection. In this subsection, "license year" means the period between April 1 and the following March 31.

**History:** 2011 a. 168.

**29.088 Use of poison and explosives; pole traps. (1)** Except as provided by s. 29.601 (4), it is unlawful to use baits containing poison of any description in any forests, fields or other places where it might destroy or cause the destruction of wild animals or birds, and the possession of any poison or poison baits in a hunting or trapping camp or on any person while hunting or trapping shall be prima facie evidence of a violation.

**(2)** Except as provided in sub. (3), no person may take, capture or kill or attempt to take, capture or kill any wild animal with the aid of any explosive or poison gas, or set any explosive near or on any beaver or muskrat houses. Possession or control of an explosive or a poison gas in places described in sub. (1) is prima facie evidence of intent to violate this subsection. Any person who violates this subsection shall be fined not more than $300 or imprisoned for not more than 30 days or both.

**(2g)** (a) Subsections (1) and (2) do not apply to toxicants placed in the waters of a self−contained fish rearing facility or a state or municipal fish hatchery if the toxicants are necessary to the operation of the fish farm or fish hatchery.

(b) Subsections (1) and (2) do not apply to toxicants placed in the waters of a preexisting fish rearing facility that is an artificial body of water if the toxicants are necessary to the operation of the fish farm and the department has issued a permit under s. 283.31 for the preexisting fish rearing facility.

**(2m)** It is unlawful to take, capture or kill or attempt to take, capture or kill any bird by setting or operating any trap or device designed, built or used to capture birds on a pole, post, tree stump or any other elevated perch more than 3 feet above the ground.

**(3)** Nothing in this chapter prevents the department or a person authorized under s. 29.885 from using an explosive or having an explosive near a beaver house or a beaver dam for the purpose of removing a beaver dam or a vacated beaver house when the beavers are causing damage to property.

**History:** 1973 c. 317; 1975 c. 52, 365; 1979 c. 34; 1981 c. 20; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1997 a. 248 ss. 670 to 672; Stats. 1997 s. 29.088.

**Cross−reference:** See also s. NR 19.01, Wis. adm. code.

**29.089 Hunting, fishing, and trapping on land in state parks and state fish hatcheries. (1)** No person may hunt or trap on land located in state fish hatcheries.

**(1m)** (a) Except as provided in par. (b), state parks shall be open to hunting, fishing, and trapping by persons who hold the appropriate approvals required under this chapter.

(b) The department may prohibit hunting, fishing, or trapping in a state park or a portion of a state park if any of the following applies:

1. The department prohibits hunting, fishing, or trapping within 100 yards of a designated use area.

2. The natural resources board determines that prohibiting hunting, fishing, or trapping is necessary to protect public safety or to protect a unique animal or plant community. A determination to prohibit hunting, fishing, or trapping in a state park or a portion of a state park under this subdivision requires 4 or more members of the natural resources board to concur in that determination.

**(2)** No person may have in his or her possession or under his or her control a firearm on land located in state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply to any of the following:

(a) A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

(b) A qualified out−of−state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

(c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies.

(d) A licensee, as defined in s. 175.60 (1) (d), or an out−of−state licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s. 175.60 (1) (bm).

**History:** 1989 a. 214; 1997 a. 237; 1997 a. 248 s. 599; Stats. 1997 s. 29.089; 2001 a. 109; 2005 a. 286; 2011 a. 35, 168.

**Cross−reference:** See also ss. NR 10.001 and 10.28, Wis. adm. code.

**29.091 Hunting or trapping in wildlife refuge. (1)** No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state wildlife refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

**(2)** The prohibition in sub. (1), as it relates to the possession or control of a loaded or unencased gun or firearm within a refuge established under s. 23.09 (2) (b), does not apply to any of the following:

(a) A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

(b) A qualified out−of−state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

(c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies.

(d) A licensee, as defined in s. 175.60 (1) (d), or an out−of−state licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.60 (1) (bm).

**History:** 1991 a. 316; 1997 a. 248 s. 600; Stats. 1997 s. 29.091; 2011 a. 35.

**Cross−reference:** See also s. NR 10.001, Wis. adm. code.

**29.095 Hunting on land in a school forest.** If a school board decides under s. 120.13 (38) that hunting may be allowed in its school forest, as defined in s. 26.39 (1) (a), the department shall establish and maintain open and closed seasons for game located in that school forest that are consistent with the open and closed seasons for game located on the lands adjacent to the school forest.

**History:** 2005 a. 290.

SUBCHAPTER III

HUNTING, TRAPPING AND FISHING APPROVALS

**29.161 Resident small game hunting license. (1)** A resident small game hunting license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident

applying for this license. The resident small game hunting license does not authorize the hunting of bear, deer, elk, or wild turkey.

**(2)** A resident small game hunting license authorizes hunting with a firearm, airgun, bow and arrow, or crossbow.

**History:** 1973 c. 90 s. 538; 1973 c. 315; 1979 c. 34; 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 193; Stats. 1997 s. 29.161; 2001 a. 109; 2005 a. 387; 2009 a. 119; 2011 a. 252.

**Cross−reference:** See also ss. NR 10.12, 10.125, and 10.26, Wis. adm. code.

**29.164 Wild turkey hunting approvals. (1)** DEFINITIONS. As used in this section:

(a) "Family member" means a person who is related to another person as a parent, child, spouse or sibling.

(b) "Landowner" means the owner of record of a parcel of land or the purchaser of land under a land contract who has the right to occupy and the right to use the land.

(c) "Operator" means a resident who is residing on a parcel of land under a rental agreement, lease, agreement or contract and who is engaged in farm activities or other operations on the land.

(d) "Resident applicant" includes a qualified resident landowner who applies for a wild turkey hunting license.

**(2)** AUTHORIZATION; RESTRICTIONS. (a) *Department authority.* The department may regulate and limit the hunting of wild turkeys by issuing licenses under this section.

(b) *Type of hunting authorized.* A license issued under this section authorizes hunting with a firearm, bow and arrow, or crossbow.

(c) *Requirements.* 1. No person may hunt wild turkey unless he or she has a valid wild turkey hunting license and a valid wild turkey hunting stamp attached to or imprinted on the person's wild turkey hunting license in the manner required by the rule promulgated under s. 29.024 (5) (a) 3.

2. If the department establishes a wild turkey hunting zone where or a season time period during which wild turkey hunting is permitted, no person may hunt wild turkeys in that wild turkey hunting zone or during that season time period unless the person has a wild turkey hunting license and a valid wild turkey hunting stamp as required under subd. 1. and unless the person has a wild turkey hunting tag that is valid for that zone and that time period.

(d) *Exception.* Any person holding a senior citizen recreation card or a conservation patron license is exempt from the requirements under par. (c) if the person has received a notice of approval under sub. (3) (e) and the person is exempt from paying the fee for the wild turkey hunting license.

**(3)** WILD TURKEY HUNTING LICENSES. (a) *Cumulative preference system.* 1. If the department requires wild turkey hunting licenses under sub. (2) (a) and the number of applications for wild turkey hunting tags for a given wild turkey hunting zone or a given wild turkey hunting season time period exceeds the number of available wild turkey hunting tags allocated by the department for that zone or that season time period, the department shall issue wild turkey hunting licenses and tags for that zone or that season time period according to the cumulative preference system under this subsection.

2. If the department requires wild turkey hunting licenses under sub. (2) (a) and the number of applications for wild turkey hunting tags for a given wild turkey hunting zone or a given wild turkey hunting season time period does not exceed the number of available wild turkey hunting tags allocated by the department for that zone or that season time period, the department shall issue a wild turkey hunting license and tag to each applicant.

(b) *Qualified resident landowners.* 1. The department shall create a first preference category in the issuance of wild turkey hunting licenses to applicants who are qualified resident landowners. The number of licenses issued under this paragraph for a season for an established wild turkey hunting zone may not exceed 30% of all licenses issued for that season for that zone.

2. For purposes of subd. 1., a qualified resident landowner is a resident who owns at least 50 acres in one parcel in an established wild turkey hunting zone. If more than one individual is the landowner of a single parcel of land, only one individual may be considered a qualified resident landowner.

3. A qualified resident landowner may assign his or her eligibility to apply for a wild turkey hunting license under this paragraph as a qualified resident landowner to a family member, to an operator, to a family member of the operator, or to a minor. A qualified resident landowner may not receive any consideration for the assignment of his or her eligibility under this subdivision. The department may specify the procedures and forms which are required to be followed and completed to effect this assignment. After this assignment, the assignee may apply for a wild turkey hunting license under this paragraph as a qualified resident landowner and the qualified resident landowner who assigned his or her eligibility may not so apply.

(c) *Second preference.* The department shall create a 2nd preference category in issuing wild turkey hunting licenses to resident applicants who in a previous season applied for but were not issued wild turkey hunting licenses:

1. For the previous season if the department establishes one open season per year; or

2. For the previous corresponding season if the department establishes more than one open season per year.

(cg) *Third preference.* The department shall create a 3rd preference category in issuing wild turkey hunting licenses to all other resident applicants.

(ci) *Fourth preference.* The department shall create a 4th preference category in issuing wild turkey hunting licenses to applicants who are qualified nonresident landowners. For purposes of this paragraph, a qualified nonresident landowner is a person who is not a resident and who owns at least 50 acres in one parcel in an established wild turkey hunting zone and who agrees to allow other persons to hunt wild turkeys on that land if those persons first obtain permission to hunt from the landowner. If more than one individual is the landowner of a single parcel of land, only one individual may be considered a qualified nonresident landowner.

(cm) *Fifth preference.* The department shall create a 5th preference category in issuing wild turkey hunting licenses to all other nonresident applicants.

(cr) *Cumulative preference.* 1. In issuing licenses under the 2nd preference category under this subsection, the department shall give, within that preference category, a preference point to each applicant for each previous corresponding season for which the person applied but was not issued a wild turkey hunting license. The department shall create subcategories for each point total and place each applicant in the applicable subcategory. The department shall rank the subcategories according to the number of preference points received, giving higher priority to those subcategories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points.

2. If the number of applicants within a preference category or a subcategory under this subsection exceeds the number of wild turkey hunting licenses available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the licenses.

(d) *License limitation.* No person may apply for or receive more than one wild turkey hunting license during one season.

(e) *Notification; issuance; payment.* The department shall issue a notice of approval to those qualified applicants selected to receive a wild turkey hunting license and tag under par. (a). A person who receives a notice of approval and who pays the license fee in the manner required by the department shall be issued a wild turkey hunting license, subject to ss. 29.024 and 54.25 (2) (c) 1. d., and a tag. The department may not charge a fee for a tag that is issued under this paragraph.

**(3m)** WILD TURKEY HUNTING LICENSES ISSUED TO MEMBERS OF ARMED FORCES. (a) Notwithstanding sub. (3), the department may issue wild turkey hunting licenses and tags without requiring that the licenses and tags be issued pursuant to the cumulative prefer-

ence system under sub. (3) to members of the U.S. armed forces who are all of the following:

1. Residents.

2. In active service with the U.S. armed forces outside this state.

3. On furlough or leave within the state.

(b) The department may not impose any deadline or other restriction on the timing for applications or issuing licenses or tags under this subsection. If a license and tag under this subsection are issued during the applicable hunting season, the license and tag shall authorize hunting beginning on the date of issuance.

(c) An applicant for a wild turkey hunting license under this subsection shall be eligible for the same number of wild turkey hunting tags for each applicable season time period as an applicant who is issued tags under the cumulative preference system under sub. (3).

**(4)** WILD TURKEY HUNTING STAMPS; ADDITIONAL TAGS. (a) *Issuance.* The wild turkey hunting stamp shall be issued by the department subject to s. 29.024.

(b) *Additional tags.* The department may issue the wild turkey hunting tags that were allocated for a given wild turkey hunting zone or season time period under sub. (3) (a) 2. but that were not issued. The department shall charge the fee specified in s. 29.563 (2) (f) or (g) for each of these additional tags. The issuance of a tag under this paragraph does not affect the priority that the person receiving the tag may have under the cumulative preference system.

**(5)** USE OF MONEYS FROM FEES. The fees collected from the sale of wild turkey hunting stamps shall be credited to the appropriation account under s. 20.370 (1) (ht).

**History:** 1981 c. 262; 1983 a. 27, 192; 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31, 73; 1991 a. 39, 77, 269; 1995 a. 27; 1997 a. 27, 168; 1997 a. 248 ss. 212 to 230; Stats. 1997 s. 29.164; 1997 a. 249 s. 21; 1999 a. 9, 32; 2001 a. 18; 2003 a. 67; 2005 a. 25, 108, 387; 2007 a. 24; 2009 a. 119; 2011 a. 252.

**Cross−reference:** See also ss. NR 10.25 and 10.29, Wis. adm. code.

**29.171 Resident archer hunting license. (1)** A resident archer hunting license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident applying for this license.

**(2)** A resident archer hunting license authorizes the hunting of all game, except bear, elk, and wild turkey, during the open seasons established by the department for hunting that game with bow and arrow.

**(3)** (a) Except as provided under par. (b), the department shall issue to each person who is issued a resident archer hunting license a deer tag and a back tag.

(b) The department may not issue a deer tag or back tag to a person who is issued a resident archer hunting license at the reduced fee under s. 29.563 (2g).

**(4)** (b) Except as provided in par. (bc), no person may use a crossbow in hunting as authorized by any license or permit issued under this chapter unless the crossbow meets all of the following specifications:

2. Shall have a minimum draw weight of 100 pounds.

4. Shall have a working safety.

5. Shall be used with bolts or arrows of not less than 14 inches in length with a broadhead.

(bc) A compound bow equipped with a device that holds the bow at full draw but that is not constructed with a stock and designed to be shot from the shoulder with one hand is exempt from the specification under par. (b) 2.

**History:** 1973 c. 90 s. 538; 1977 c. 232; 1979 c. 34; 1983 a. 27; 1985 a. 270; 1987 a. 353; 1989 a. 31; 1991 a. 39, 77; 1995 a. 293; 1997 a. 27, 168; 1997 a. 248 ss. 231 to 235; Stats. 1997 s. 29.171; 1997 a. 249 s. 25; 1999 a. 32; 2001 a. 18, 109; 2005 a. 285, 387; 2009 a. 119; 2011 a. 169, 252; 2013 a. 61, 165; 2013 a. 166 s. 77.

**29.172 Resident crossbow hunting license. (1)** A resident crossbow hunting license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident applying for this license.

**(2)** A resident crossbow hunting license authorizes the hunting of all game, except bear, elk, and wild turkey, during the open seasons for hunting that game with a crossbow established by the department. This license authorizes hunting with a crossbow only.

**(3)** (a) Except as provided under par. (b), the department shall issue to each person who is issued a resident crossbow hunting license a deer tag and a back tag.

(b) The department may not issue a deer tag or back tag to a person who is issued a resident crossbow hunting license at the reduced fee under s. 29.563 (2g).

**History:** 2013 a. 61.

**29.173 Resident deer hunting license. (1)** ISSUANCE. A resident deer hunting license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident applying for this license.

**(2)** AUTHORIZATION. (a) A resident deer hunting license authorizes the hunting of deer with a firearm, bow and arrow, or crossbow.

(b) A qualified service member holding a current resident deer hunting license may hunt deer of either sex during any season open to hunting of deer with firearms that is established by the department. For purposes of this paragraph, a qualified service member is a member of the armed forces who exhibits proof that he or she is in active service with the armed forces outside this state and proof of one of the following:

1. That he or she is a resident who is on furlough or leave.

2. That he or she was a resident at the time he or she entered active service and that he or she is on furlough or leave.

**(3)** DEER TAG AND BACK TAG. The department shall issue to each person who is issued a resident deer hunting license a deer tag and a back tag.

**History:** 1973 c. 90 s. 538; 1979 c. 34; 1983 a. 27; 1985 a. 270; 1993 a. 258; 1997 a. 27; 1997 a. 248 ss. 236 to 239; Stats. 1997 s. 29.173; 2005 a. 387; 2007 a. 51; 2011 a. 252.

**Cross−reference:** See also ch. NR 10, Wis. adm. code.

**29.177 Special deer hunting permits. (1)** ISSUANCE. The department may issue a hunter's choice deer hunting permit, a deer hunting party permit or other special deer hunting permit to a person with a valid deer hunting license who applies for the permit and to a person who is exempt from obtaining a deer hunting license under s. 29.063 (5) who applies for a permit.

**(2)** AUTHORIZATION. A hunter's choice deer hunting permit may authorize or require the permit holder to take deer of a sex or type not authorized by a regular deer hunting license. A deer hunting party permit may authorize members of a deer hunting party to take additional deer not authorized by a regular deer hunting license. Except as authorized by rule, a person may not apply for or be issued more than one special deer hunting permit in a single season.

**(3)** FINDINGS. The department may issue permits authorized under this section and s. 29.181 only in those years in which the department finds that the size or characteristics of the deer population of this state require additional or special types of deer to be taken for proper game management.

**(3m)** DEER MANAGEMENT RULES. For the purposes of permits issued under this section and s. 29.181, the department shall specify by rule the type and number of deer which may be taken, the deer management areas where these permits are valid, the number of permits to be issued, the open seasons during which the permits are valid, the types of weapons authorized to be used under the permits, and other restrictions and conditions concerning these permits.

**(4)** CUMULATIVE PREFERENCE SYSTEM. If the number of qualified applicants for a type of special deer hunting permit in a deer management area exceeds the number of such available special

permits, the department shall issue those special permits for that deer management area according to the cumulative preference system.

**(5)** PREFERENCE CATEGORIES. (a) *First preference.* The department shall create a first preference category for applicants who are qualified landowners, but not more than 30% of the available special permits for a deer management area for one season may be issued under this preference category.

(b) *Second preference.* The department shall create a 2nd preference category for resident applicants who applied for but were not issued special permits for a given deer management area for the previous season. Within this preference category, the department shall give a preference point to each applicant for each previous season in which the person applied for but was not issued a special permit for that deer management area. The department shall create subcategories for each point total and place each applicant in the applicable subcategory. The department shall rank the subcategories according to the number of points received, giving higher priority to those subcategories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points.

(c) *Third preference.* The department shall create a 3rd preference category for those persons who are not eligible under the 1st or 2nd preference categories.

(d) *Random selection.* If the number of applicants within a preference category or a subcategory under this subsection exceeds the number of special deer hunting permits available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

**(6)** QUALIFIED LANDOWNER. In order to apply for a special deer hunting permit as a qualified landowner a person is required to be a resident and the owner of record or a vendee under a land contract of at least 50 acres in one parcel located in whole or in part in the deer management area for which the special permit is valid. No more than one person may apply as a qualified landowner for one parcel of land in one season and if the parcel of land is located in more than one deer management area, the owner or vendee may apply as a qualified landowner in only one of the deer management areas in which the parcel of land is located in one season.

**(7)** EXEMPTION FROM CUMULATIVE PREFERENCE SYSTEM. (a) Notwithstanding sub. (4), the department may issue special deer hunting permits without requiring that the permits be issued pursuant to the cumulative preference system under sub. (4) to members of the U.S. armed forces who are all of the following:

1. Residents.
2. In active service with the U.S. armed forces outside this state.
3. On furlough or leave within the state.

(b) The department may not impose any deadline or other restriction on the timing for permit applications or issuing permits under this subsection. If a permit under this subsection is issued during the applicable hunting season, the permit shall authorize hunting beginning on the date of issuance.

**History:** 1985 a. 29; 1987 a. 274, 353, 399; 1989 a. 31; 1991 a. 39; 1997 a. 27; 1997 a. 248 ss. 241 to 247; Stats. 1997 s. 29.177; 1997 a. 249 s. 27; 2005 a. 286; 2007 a. 24; 2013 a. 61.

**29.179 Transfer of approvals to minors. (1)** DEFINITIONS. In this section:

(a) "Approval" means any of the following that the department issues to a resident or a nonresident under a random or preference selection system:

1. A hunter's choice deer hunting permit.
2. A bonus deer hunting permit.
3. A bobcat hunting and trapping permit.
4. An otter trapping permit.
5. A fisher trapping permit.
6. A Canada goose hunting permit.
7. A wild turkey hunting license.
8. A sharp−tailed grouse hunting permit.
9. A Class A bear license.
10. An elk hunting license.

10m. Wolf harvesting license.

11. A sturgeon spearing license.

(b) "Minor" means a person who is under 18 years of age.

**(2)** APPLICATION. Upon application by a holder of an approval to transfer the approval to a minor, and upon the payment of any fee required under sub. (3), the department shall transfer the approval to the minor if the application is made no later than the 15 days immediately preceding the first day of the applicable open season and if the minor has not been previously transferred that type of approval under this section and if the minor is otherwise eligible to use the approval. The department may transfer a sturgeon spearing license under this subsection only during the period beginning on the October 1st of each year and ending on the day that is the 15th day preceding the first day of the open season for the spearing of lake sturgeon that follows that October 1st.

**(3)** PAYMENT OF FEE. (a) If the holder of an approval is a resident and the holder applies to transfer the approval to a nonresident and if there is a fee for the issuance of the approval, the holder shall pay, at the time of application, any difference between the fee for issuing the approval to a resident and the fee for the approval to a nonresident.

(b) A holder of an approval being transferred under this section may not receive any consideration for the transfer of the approval.

**(4)** Notwithstanding ss. 29.164 (3) (cr), 29.177 (5) (b), 29.184 (6) (b), and 29.192 (4), a minor who is transferred an approval under this section shall retain all preference points that he or she has previously accumulated for that type of approval.

**(5)** APPLICABILITY. This section does not apply to transfers of approvals to minors that are subject to s. 29.180 (3).

**History:** 2007 a. 65 ss. 2 to 5, 10 to 13; 2009 a. 180; 2011 a. 169; 2013 a. 64.

**29.180 Transfers of approvals upon death. (1)** In this section:

(a) "Approval" means any of the following approvals that the department issues to the resident or nonresident under a random or preference selection system:

1. Hunter's choice deer hunting permit.
2. Bonus deer hunting permit.
3. Bobcat hunting and trapping permit.
4. Otter trapping permit.
5. Fisher trapping permit.
6. Canada goose hunting permit.
7. Wild turkey hunting license.
8. Sharp−tailed grouse hunting permit.
9. Class A bear license.
10. Elk hunting license.

10m. Wolf harvesting license.

11. Sturgeon spearing license.

(b) "Designee" means the decedent's surviving spouse, personal representative, guardian, or trustee that the decedent has designated to transfer his or her preference points, preference categories, or approval to a minor.

(c) "Minor" means a person who is eligible to receive an approval or permit and is under 18 years of age.

**(2)** (a) When a person dies, the designee may apply to the department to transfer any preference points or preference category related to an approval to a minor. A request to transfer any preference points or preference category authorized under this section shall be submitted on a form provided by the department that contains all of the information requested by the department, including the signatures of both the designee and the minor.

(b) An application to transfer preference points or preference category of a deceased person must be submitted within one year of the person's death.

(c) A minor shall submit an application for an approval by the established application deadline date for that approval.

**(3)** (a) If a person who has been awarded an approval dies before the first day of the season to which the approval is valid, the designee may apply to the department for the transfer of the approval to a minor. A request to transfer an approval authorized under this section shall be submitted on a form provided by the department that contains all of the information requested by the department, including the signatures of both the designee and the minor.

(b) If the decedent was a resident at the time of death and the designated minor applying for the transfer of an approval is a nonresident, the designated minor shall pay, at the time of application, the difference between the fee paid by the decedent and the fee required for a nonresident minor.

(c) A minor who is transferred an approval retains all preference points or preference categories that he or she has previously accumulated.

**(4)** A designee may not receive any consideration for the transfer of preference points, preference category, or approvals.

**(5)** The department may promulgate any rules necessary for the administration of this section.

**History:** 2005 a. 88; 2007 a. 65, 66; 2011 a. 169.

**29.181 Bonus deer hunting permits. (1b)** DEFINITIONS. In this section:

(a) "Agricultural purpose" means beekeeping, dairying, egg production, feedlots, grazing, arboriculture, horticulture, floriculture, plant nurseries and green houses, raising of livestock, raising of poultry, aquaculture, fur farming or growing of vegetables, fruits, nuts, berries, grains, grass, sod, mint or seed crops.

(b) "Farm" means land that is used on a commercial basis for an agricultural purpose during the year during which the bonus deer hunting permit is valid. "Farm" does not include land that is enrolled in the conservation reserve program under 16 USC 3831 to 3836.

**(1m)** ISSUANCE. Subject to s. 29.177 (3) and (3m), the department may issue a bonus deer hunting permit to a person who has a hunting license that authorizes the hunting of deer and who applies for the bonus deer hunting permit.

**(2)** AUTHORIZATION. (a) A bonus deer hunting permit shall authorize the holder of the bonus deer hunting permit to do any of the following:

1. Take an additional deer of the sex or type specified by the department on the permit.

2. Take an additional deer in a county or deer management area in which the department has confirmed that a deer has tested positive for chronic wasting disease.

(c) Except as authorized by rule or as provided under par. (d), a person may not apply for or be issued more than one bonus deer hunting permit in a single season.

(d) A person may be issued more than one bonus deer hunting permit in a single season if each bonus deer hunting permit authorizes the person to take deer only in a county or deer management area in which a deer has tested positive for chronic wasting disease.

**(2m)** RESIDENT FARM OWNER. If the department determines that for a deer management area the number of available bonus deer hunting permits for a single season will exceed the number of applications submitted, the department may authorize by rule the issuance of one or more bonus deer hunting permits to a resident without the resident having to pay any fee, including any processing or issuing fee, if the resident meets all of the following requirements:

(a) The resident is an owner of record or a vendee under a contract of a farm that is located in whole or in part in the deer management area or in whole or in part in an adjacent deer management area.

(b) The resident has been issued one bonus deer hunting permit for that season and for that deer management area for which the resident has paid the fee specified under s. 29.563 (2) (c) 1. or 1m.

**(3)** USE OF MONEY FROM FEES. From the moneys received from the sale of bonus deer hunting permits issued that authorize the taking of deer as provided under sub. (2) (a) 2., the department shall credit an amount equal to $5 times the number of those bonus deer hunting permits issued to the appropriation under s. 20.370 (1) (hx).

**(4)** RULES. The department may promulgate a rule that establishes a fee for a bonus deer hunting permit issued under sub. (2) (a) 2. that is higher than the fee specified in s. 29.563 (2) (c) 1m. or (d) 2.

**History:** 1991 a. 39; 1995 a. 27; 1997 a. 1; 1997 a. 248 ss. 248 to 254; Stats. 1997 s. 29.181; 1999 a. 9; 2001 a. 108; 2013 a. 20.

**Cross−reference:** See also s. NR 10.001, Wis. adm. code.

**29.182 Elk hunting licenses. (1)** DEPARTMENT AUTHORITY. The department may issue elk hunting licenses and may limit the number of elk hunters and elk harvested in any area of the state. The department may establish by rule closed zones where elk hunting is prohibited.

**(1m)** OPEN SEASON REQUIREMENT. The department may not establish an open season for hunting elk that begins earlier than the Saturday nearest October 15.

**(2)** APPLICATION. A person who applies for an elk hunting license under this section shall pay the processing fee under s. 29.553 at the time of application.

**(3)** AUTHORIZATION. (a) A resident elk hunting license authorizes a resident of this state to hunt elk with a firearm, bow and arrow, or crossbow.

(b) A nonresident elk hunting license authorizes a nonresident of this state to hunt elk with a firearm, bow and arrow, or crossbow.

**(4)** ISSUANCE. (a) Except as provided in pars. (c) and (d) and sub. (4m), if the department issues elk hunting licenses, the department shall issue a resident or nonresident elk hunting license to any person who applies for such a license, and who pays the fees required for the license.

(b) In issuing resident elk hunting licenses and nonresident elk hunting licenses under this section, the department shall determine the number of licenses it will issue in a given elk hunting season and shall allocate the licenses to residents and nonresidents in the following manner:

1. If the total number of licenses to be issued is 100 licenses or less, the licenses shall be allocated for issuance only as resident elk hunting licenses.

2. If the number of licenses to be issued is more than 100 licenses, the first 100 licenses and 95% of the amount over 100 shall be allocated for issuance as resident elk hunting licenses and the remaining licenses shall be allocated for issuance as nonresident elk hunting licenses.

(c) If the number of applicants for resident elk hunting licenses exceeds the number of resident elk hunting licenses that are available under par. (b), the department shall select at random the residents to be issued the licenses. If the number of applicants for resident elk hunting licenses is less than the number of resident elk hunting licenses available under par. (b), the department shall reallocate the unissued licenses to be issued as nonresident elk hunting licenses under par. (d).

(d) If the number of applicants for nonresident elk hunting licenses exceeds the number of nonresident elk hunting licenses that are available under par. (b), the department shall select at random the nonresidents to be issued the licenses. If the number of applicants for nonresident elk hunting licenses is less than the

number of nonresident elk hunting licenses available under par. (b), the department shall reallocate the unissued licenses to be issued as resident elk hunting licenses.

(e) In addition to any other elk hunting license that the department issues under this subsection, the department shall issue one resident elk hunting license in an elk hunting season to an organization known as the Rocky Mountain Elk Foundation if the organization applies for the license for that season and pays the required fees for the license. The organization may apply for the license only during the first 5 elk hunting seasons for which licenses are issued under this section.

(f) The organization known as the Rocky Mountain Elk Foundation shall award the license that is issued under par. (e) as a prize in a raffle conducted by a subunit of the organization that is licensed to conduct raffles under ch. 563.

(g) The organization known as the Rocky Mountain Elk Foundation shall transfer the license awarded under par. (f) only to a person who is qualified to receive a resident elk hunting license and shall transfer to that person the carcass tag and back tag that was issued by the department to the organization under subs. (6) and (7).

(h) If the organization known as the Rocky Mountain Elk Foundation fails to transfer the license under par. (g), the license shall become invalid, and the department may issue another resident elk hunting license under this subsection.

(i) The organization known as the Rocky Mountain Elk Foundation shall use the proceeds from the raffle under par. (f) in this state to promote elk management, to promote the reintroduction of eastern elk, or to further elk research.

**(4m)** LIMITATION OF ONE LICENSE. A person may be issued, or transferred under sub. (4) (g), only one resident elk hunting license in his or her lifetime, and the resident elk hunting license shall be valid for only one elk hunting season. The issuance, or transfer under sub. (4) (g), of the license to the person is subject to ss. 29.024 and 54.25 (2) (c) 1. d.

**(5)** FEES. Fees received from the issuance of licenses under this section shall be credited to the appropriation account under s. 20.370 (1) (hq).

**(6)** CARCASS TAG. The department shall issue an elk carcass tag to each person and organization who is issued an elk hunting license under this section.

**(7)** BACK TAG. (a) The department shall issue a back tag to each person and organization who is issued an elk hunting license under this section.

(b) No person may hunt elk unless there is attached to the center of the person's coat, shirt, jacket, or similar outermost garment where it can be clearly seen, the back tag issued to the person under par. (a).

**History:** 2001 a. 109; 2003 a. 321; 2005 a. 387; 2011 a. 252; 2013 a. 20, 165.

**29.183 Deferral of certain approvals. (1)** The department shall defer as provided in sub. (4), upon request from a person who meets the requirements under sub. (2) and who submits a request under sub. (3), any of the following approvals that the department issues to the person under a random or preference selection system:

(a) Hunter's choice deer hunting permit.

(b) Bonus deer hunting permit.

(c) Bobcat hunting and trapping permit.

(d) Otter trapping permit.

(e) Fisher trapping permit.

(f) Canada goose hunting permit.

(g) Wild turkey hunting license.

(h) Sharp−tailed grouse hunting permit.

(i) Class A bear license.

(j) Elk hunting license.

(k) Sturgeon spearing license.

**(2)** A person shall meet all of the following requirements to be eligible for the deferral of an approval under sub. (1):

(a) Be selected under a random or preference selection system for the issuance of any of the approvals listed in sub. (1).

(b) Be serving on active duty in the U.S. armed forces or national guard.

(c) Be unable to exercise his or her privilege to fish, hunt, or trap as permitted by that approval due to his or her service on active duty in the U. S. armed forces or national guard.

**(3)** A person who meets the requirements under sub. (2) may request, or have a request made on his or her behalf, that the department defer the person's approval.

**(4)** If the department receives a request for a deferral of an approval under sub. (3) and any approval and tags that have already been issued before the day prior to the beginning of that hunting or trapping season, the department shall defer the person's approval.

**(5)** The department shall notify the person whose approval was deferred under sub. (4) that he or she may receive that deferred approval after his or her active duty ends without applying under the random or preference selection system. A person whose approval was deferred under sub. (4) may apply for that approval during the calendar year that the person ceased serving on active duty in the U.S. armed forces or national guard, during the calendar year following the calendar year that the person ceased serving on active duty in the U.S. armed forces or national guard, or earlier if he or she is able to exercise his or her privilege to fish, hunt, or trap. Upon receipt of the appropriate fees and the application form prescribed by the department, the department shall issue the person his or her approval that was deferred.

**History:** 2005 a. 53; 2007 a. 66.

**29.184 Bear licenses. (1)** DEFINITION. In this section, notwithstanding s. 29.001 (42), "hunt bear" means to shoot, shoot at, take, catch, or kill a bear or pursue, with or without the use of dogs, a bear for the purpose of shooting, shooting at, taking, catching, or killing the bear.

**(2)** DEPARTMENT AUTHORITY. The department may regulate and limit the number of bear hunters and bear harvested in any area of the state.

**(3)** LICENSES; PROHIBITIONS; AUTHORIZATION. (a) *Prohibition.* Except as authorized under a Class A bear license or a Class B bear license and under sub. (5), no person may do any of the following:

1. Hunt bear.

2. Assist a person in hunting bear by tracking bear, trailing bear or engaging in any other activity to locate bear.

3. Bait bear.

4. Train a dog to track bear, to trail bear or to otherwise engage in any activity that contributes to locating bear.

(am) *Evidence of bear hunting.* The fact that a person is observing a bear while possessing a firearm is not sufficient evidence to prove that the person holding the firearm is hunting bear.

(bg) *Authorization; Class A bear license.* A Class A bear license authorizes a resident or nonresident holder of the license to hunt bear and to exercise all of the privileges of a Class B bear license.

(br) *Authorization; Class B bear license.* A Class B bear license authorizes a resident or nonresident holder of the license to do only the following:

1. Assist a holder of a Class A bear license in hunting bear by tracking bear, trailing bear or otherwise engaging in an activity that contributes to locating bear and that is authorized by rule by the department.

1m. Pursue a bear, provided that the licensee does not shoot, shoot at, capture, take, or kill the bear, except as provided under subd. 4.

2. Bait bear.

3. Train a dog to track bear, to trail bear or to otherwise engage in an activity that contributes to locating bear and that is authorized by rule by the department.

4. Shoot, for the purpose of killing, a bear that was shot, but not killed, by a Class A bear license holder if the Class B bear license holder was hunting in the same hunting party as the Class A bear license holder at the point of kill, if the Class A bear license holder possesses a current unused bear carcass tag that is authorized for use on the bear killed, and if killing the bear is necessary to protect the safety of the members of the hunting party or others.

(c) *Type of hunting authorized.* A Class A bear license authorizes hunting with a firearm, bow and arrow, or crossbow.

**(3m)** OPEN SEASON REQUIREMENTS. If the department establishes an open season that includes a period during which a Class A bear license holder is allowed to hunt bear with the use of a dog, the department shall allow a Class B bear license holder to engage in the activities specified in sub. (3) (br) 3. during that period.

**(4)** USE OF DOGS. (a) Except at facilities and specified property locations where prohibited by s. NR 45.06, Wis. Adm. Code, a person may engage in the training of a dog as authorized under sub. (3) (bg) or (br) without keeping it on a leash during the period from July 1st through August 31st if all of the following apply:

1. The dog is uniquely tattooed or wears a collar with the owner's name and address attached.

2. The person holds a Class A or Class B bear license issued under this section or is exempt from holding such a license under sub. (5).

3. The dog is being trained in a single pack of dogs that complies with the size requirement under par. (c).

(b) While a person is using a dog to hunt bear or to engage in any of the activities specified in sub. (3) (br) 1. to 4., the person shall keep on his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2) or 174.07 (1) (e).

(c) No more than 6 dogs may be in a single pack regardless of the number of individuals involved in the training and regardless of whether there is more than one owner of the dogs.

**(5)** EXEMPTIONS. (a) A person under the age of 16 years may engage in the activities authorized under sub. (3) (br) 1. to 4. without holding a Class B bear license.

(b) If a disabled person holds either a Class A or a Class B bear license, a person who accompanies and assists the disabled person may engage in the activities authorized under sub. (3) (br) 1. to 4. without holding a Class B bear license.

(c) Any person may engage in the activities authorized under sub. (3) (br) 1. to 4. during the 3rd Saturday in August and the immediately following Sunday without holding a Class B bear license.

**(6)** ISSUANCE. (a) *Application.* A person who seeks a Class A or Class B bear hunting license shall apply to the department.

(b) *Cumulative preference system; random selection.* If the number of qualified applications for Class A bear licenses exceeds the number of available licenses, the department shall select applicants to be issued Class A bear licenses based upon a cumulative preference system. This system shall establish preference categories for those applicants who applied for but who were not issued Class A bear licenses or bear harvest permits under s. 29.1085 (3) (b), 1993 stats., in the previous season, with higher priority given to those categories with more preference points than those with fewer preference points. For each season, the department shall allow each applicant under the system to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for a license but who is not selected. Applicants who fail to apply for either a preference point or a license at least once during any 3 consecutive years shall lose all previously accumulated preference points. If the number of applicants within a preference category exceeds the number of Class A bear licenses available in the category, the department shall select at random the applicants to be issued licenses within the preference category. Beginning on April 18, 2002, an applicant for a preference point must meet all of the following requirements on the first day of the bear hunting season that immediately follows the date of application:

1. The applicant is at least 10 years old. If the applicant is under 12 years of age, the applicant is subject to the restrictions specified under s. 29.592.

2. The applicant is eligible for an approval authorizing hunting.

(c) *Notification, issuance; fees.* 1g. A person who applies for a preference point or a license under par. (a) shall pay the processing fee under s. 29.553 at the time of application.

1r. Subject to ss. 29.024 and 54.25 (2) (c) 1. d., the department shall issue a Class A bear license to those qualified applicants selected to receive a license under par. (b).

2. A Class B bear license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident who applies for this license.

**(6g)** ISSUANCE OF ADDITIONAL CLASS A BEAR LICENSES. (a) In addition to any other Class A bear hunting license that the department issues under this section, the department shall issue 2 certificates for Class A bear hunting licenses in a Class A bear hunting season to an organization known as the Wisconsin Bear Hunters' Association, Inc., if the organization applies for the certificates for that season.

(b) The organization known as the Wisconsin Bear Hunters' Association, Inc., shall award one of the certificates that is issued under par. (a) as a prize in a raffle conducted by a subunit of the organization that is licensed to conduct raffles under ch. 563 and shall award the other to the person who places the highest bid in a public auction.

(c) The organization known as the Wisconsin Bear Hunters' Association, Inc., shall transfer the certificate awarded under par. (b) only to persons who are qualified to receive a Class A bear hunting license. A person who receives a certificate may present that certificate to the department and request a resident or nonresident Class A bear hunting license. Upon receipt of the certificate and the appropriate required fees, the department shall issue the holder of the certificate a resident or nonresident Class A bear hunting license and the carcass tag and back tag under subs. (8) and (9).

(d) If the organization known as the Wisconsin Bear Hunters' Association, Inc., fails to transfer the certificates under par. (c), the certificates shall become invalid.

(e) The organization known as the Wisconsin Bear Hunters' Association, Inc., shall use the proceeds from the raffle and auction under par. (b) in this state to promote bear management and education and to further bear research.

(f) A person may be issued under par. (c) only one Class A bear hunting license in his or her lifetime, and the Class A bear hunting license shall be valid for only one Class A bear hunting season. The issuance under par. (c) of a license to the person is subject to s. 29.024 (2g).

**(7)** USE OF FEES. Fees received from the issuance of licenses under this section shall be paid into the conservation fund to be used for administering bear licenses and for bear management activities.

**(8)** CARCASS TAG. (a) The department shall issue a bear carcass tag to each person who is issued a Class A bear license. Except as provided under par. (b) and s. 29.349 (2), a person who kills a bear shall immediately validate and attach the carcass tag to the bear. The carcass tag shall be attached and validated according to rules promulgated by the department.

(b) A person who kills a bear under sub. (3) (br) 4. shall ensure that the person for whom the bear is killed attaches a current validated bear carcass tag in the manner provided under par. (a).

**(9)** BACK TAG. (a) The department shall issue a back tag to each person who is issued a Class A bear license.

(b) No person may hunt bear as authorized under a Class A bear license unless there is attached to the center of the person's coat, shirt, jacket, or similar outermost garment where it can clearly be seen the back tag issued to the person under par. (a).

**History:** 1985 a. 270; 1997 a. 1 ss. 57 to 74, 77; 1997 a. 27, 191; 1997 a. 248 ss. 255 to 269; Stats. 1997 s. 29.184; 1997 a. 249 ss. 28 to 32; 1999 a. 9, 32, 186; 2001 a. 55; 2003 a. 59; 2005 a. 25, 387; 2007 a. 65, 66; 2009 a. 39, 119; 2011 a. 28, 251, 252; 2013 a. 20; 2013 a. 166 s. 76.

**Cross−reference:** See also ss. NR 10.001, 10.05, 10.10, 10.101, 10.102, 10.106, and 10.30, Wis. adm. code.

**29.185 Wolf harvesting licenses. (1b)** DEFINITIONS. In this section:

(a) "Federal endangered list" means the U.S. list of endangered and threatened species, as it applies to this state.

(b) "State endangered list" means the list of endangered and threatened Wisconsin species that is established under s. 29.604 (3) (a).

**(1m)** DEPARTMENT AUTHORITY. If the wolf is not listed on the federal endangered list and is not listed on the state endangered list, the department shall allow the hunting and trapping of wolves and shall regulate such hunting and trapping as provided in this section and shall implement a wolf management plan. In regulating wolf hunting and trapping, the department may limit the number of wolf hunters and trappers and the number of wolves that may be taken by issuing wolf harvesting licenses.

**(2)** LICENSES REQUIRED. (a) *Prohibition.* Except as authorized under a wolf harvesting license, no person may hunt or trap a wolf. Both residents and nonresidents are eligible for wolf harvesting licenses.

(b) *Archer licenses, crossbow licenses, and trapping licenses.* Notwithstanding ss. 29.171 (2), 29.172 (2), 29.216 (2), 29.217 (2), and 29.241 (3), a resident archer hunting license, a nonresident archer hunting license, a resident crossbow hunting license, a nonresident crossbow hunting license, or a trapping license does not authorize the hunting or trapping of wolves.

**(3)** ISSUANCE OF LICENSES. (a) *Issuance; generally.* Except as provided in par. (bn), if the department establishes an open season as provided under sub. (5), the department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting license to each person who applies for the license, and who pays the required fees for the license.

(bn) *Issuance system.* 1. In issuing wolf harvesting licenses under this subsection, the department shall determine the number of licenses that will be available for a given year. The number of licenses to be issued shall equal an even number.

2. If the number of qualified applications for wolf harvesting licenses exceeds the number of licenses that are available, the department shall issue 50 percent of the licenses by selecting at random the applicants to be issued the licenses.

3. The department shall issue the remaining 50 percent of the wolf harvesting licenses based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for but who were not issued a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. If the number of applicants within a preference category exceeds the number of wolf harvesting licenses available in the category, the department shall select at random within the category the applicants to be issued the licenses. For each season, the department shall allow each applicant to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for a license but who is not selected. An applicant who applies for either a preference point or a license at least once during any 3 consecutive years shall not lose his or her acquired preference points under the system.

4. The department shall establish a method for dividing the applications into those that will be included in the at−random system and those that will be included in the cumulative preference system.

5. A person applying for a wolf harvesting license shall pay the processing fee at the time of application.

(c) *Preference system; on receipt of license.* An applicant who is selected to receive a wolf harvesting license under the cumulative preference system established under par. (bn) 3. may elect to receive a preference point instead of a license if he or she is serving on active duty in the U.S. armed forces or national guard during all or part of the wolf harvesting season for which the license is issued.

**(4)** TRANSFER OF LICENSE. (a) Upon application by a holder of a wolf harvesting license to the department to transfer the license to another person and upon payment of any fee required under par. (b), the department shall transfer the license if the application is made no later than the 15 days immediately preceding the first day of the wolf harvesting season if the person to whom the license is transferred is at least 18 years of age and is otherwise eligible to use the license. The accompanying carcass tag shall also be transferred.

(b) If the holder of the wolf harvesting license is a resident and the holder applies to transfer the license to a nonresident, the holder shall pay, at the time of application, any difference between the fee for issuing the license to a resident and the fee for issuing the license to a nonresident.

(c) A holder of a license being transferred under this section may not receive any consideration for the transfer of the license.

**(5)** SEASONS; ZONES. (a) The department shall establish a single annual open season for both hunting and trapping wolves that begins on October 15th of each year and ends on the last day of February of the following year.

(b) The department shall divide the entire state into wolf harvesting zones and shall identify the zones in its wolf management plan. Each zone shall be open to both hunting and trapping, except as provided in par. (c). A wolf harvesting license authorizes its holder to hunt or trap or both only in the zone specified on the license.

(c) The department may close a wolf harvesting zone to both hunting and trapping of wolves if the department determines that the closure is necessary to effectively manage the state's wolf population. Closure of a wolf harvesting zone under this paragraph may not take effect until at least 24 hours after the department has done all of the following:

1. Posted notice of the closure on its Internet Web site.

2. Announced the closure on its telephone registration system.

3. Issued a press release announcing the closure.

(d) If the department closes a wolf harvesting zone to the hunting of coyotes during a season that authorizes hunting of deer with firearms, the department may reopen the zone to the hunting of coyotes if the department determines that the closure is no longer necessary to effectively manage the state's wolf population.

(e) Notwithstanding ss. 29.014 and 227.10 (1), the opening and closing of wolf harvesting zones as authorized under pars. (c) and (d) need not be promulgated as rules under ch. 227.

**(6)** AUTHORIZED HUNTING AND TRAPPING ACTIVITIES. (a) *Authorization; hunting.* A wolf harvesting license authorizes the hunting of wolves by using any of the following:

1. A firearm, as authorized under par. (b), a bow and arrow, or a crossbow.

2. Dogs to track or trail wolves, subject to par. (c).

3. Predator calls, including electronic calls.

4. Bait that does not involve animal parts or animal byproducts, other than liquid scents.

(b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting with a rifle, a muzzle−loading firearm, a handgun, a shotgun that fires slugs or shotshells, and any other firearm that is loaded with a single slug or ball. A wolf harvesting license authorizes hunting with shot that is larger than size BB.

(c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the first Monday that follows the last day of the regular season that is open to hunting deer with firearms and ending on the last day of February of the following year.

2. No more than 6 dogs in a single pack may be used to trail or track a wolf, regardless of the number of hunters assisting the holder of the wolf harvesting license.

3. While a person is using a dog to hunt wolf, the person shall keep on his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or 174.07 (1) (e).

(e) *Inapplicability of restrictions.* A person who is hunting as authorized under a wolf harvesting license is not subject to any restrictions relating to hunting seasons, zones, or times that the department imposes on the hunting of coyote.

(f) *Trapping; types of traps.* The types of traps that shall be authorized by the department for trapping wolves shall include cable restraints.

**(7)** TAGS; REGISTRATION. (a) The department shall issue one wolf carcass tag to each person who is issued a wolf harvesting license under sub. (3). Each holder of a wolf harvesting license who kills a wolf shall immediately validate and attach the carcass tag to the wolf. No person may possess, control, store, or transport a wolf carcass unless it is tagged as required under this paragraph. The carcass tag shall be attached and validated in the manner required by the department. A person who kills a wolf shall register the carcass with the department on a telephone registration system or through an electronic notification system established by the department, except as provided in par. (am). The carcass tag may not be removed before registration. The removal of a carcass tag from a wolf before registration results in the wolf being untagged.

(am) In lieu of registering carcasses by telephone or through an electronic notification system, the department may require that the person who kills a wolf physically present the entire carcass to the department for registration.

(b) A person who harvests a wolf that has an attached or implanted radio telemetry device shall return the device to the department. The department shall inform the person, upon his or her request, of any information that has been collected through the telemetry device or otherwise by the department that relates to the wolf that was harvested.

**History:** 2011 a. 169; 2013 a. 20, 61; 2013 a. 165 ss. 22, 115.

**29.191 Hunting stamps. (1)** WATERFOWL HUNTING STAMP. (a) *Requirement; issuance; exceptions.* 1. Except as provided in subd. 3., no person may hunt waterfowl unless he or she is issued a conservation patron license or unless he or she is issued a waterfowl hunting stamp which, in the manner required by the rule promulgated under s. 29.024 (5) (a) 3., is attached to or imprinted on the person's hunting license which authorizes the hunting of small game or to the person's sports license.

2. The waterfowl hunting stamp shall be issued by the department subject to s. 29.024.

3. Any person who is under 16 years of age is exempt from the requirements of this paragraph. Any person who is exempt from the requirement to have a hunting license or who is not required to pay a fee for a hunting license is exempt from the requirements of subd. 1.

(b) *Use of money from fees.* 1. 'Habitat.' The department shall expend 67% of the money received from fees for waterfowl hunting stamps for developing, managing, preserving, restoring and maintaining wetland habitat and for producing waterfowl and ecologically related species of wildlife.

2. 'Propagation.' The department shall expend 33% of the money received from fees for waterfowl hunting stamps for the development of waterfowl propagation areas within Canada which will provide waterfowl for this state and the Mississippi flyway. Money for the development of waterfowl propagation areas shall be provided only to nonprofit organizations. Before providing any money the department shall obtain evidence that the proposed waterfowl propagation project is acceptable to the appropriate provincial and federal governmental agencies of Canada.

**(2)** PHEASANT HUNTING STAMP. (a) *Requirement.* 1. Except as provided in subds. 2. to 4., no person may hunt pheasant unless he or she has a valid conservation patron license, or has a valid pheasant hunting stamp which, in the manner required by the rule promulgated under s. 29.024 (5) (a) 3., is attached to or imprinted on the person's hunting license which authorizes the hunting of small game or to the person's sports license.

2. Any person who is exempt from the requirement to have a license authorizing the hunting of small game or who is not required to pay a fee for a license authorizing the hunting of small game is exempt from the requirements under subd. 1.

3. Any person hunting pheasant under s. 29.195 is exempt from the requirements under subd. 1.

4. Any person hunting pheasant outside of a pheasant management zone, as established by the department, is exempt from the requirements under subd. 1.

(b) *Issuance.* The pheasant hunting stamp shall be issued by the department subject to s. 29.024.

(c) *Use of moneys from fees.* 1. Forty percent of the fees collected under this subsection shall be credited to the appropriation under s. 20.370 (1) (hr).

2. Sixty percent of the fees collected under this subsection shall be credited to the appropriation under s. 20.370 (1) (hw).

**History:** 1997 a. 248 ss. 195 to 211, 352 to 355, 357 to 362, 365 to 367, 406 to 408; 2001 a. 56; 2005 a. 25.

**Cross−reference:** See also ch. NR 8 and ss. NR 10.12 and 10.125, Wis. adm. code.

**29.192 Regulation of takings of certain wild animals. (1)** The department may regulate and limit the number of hunters and the maximum harvest of Canada geese in any area, by doing any of the following:

(a) Requiring hunters to tag each goose killed with a tag issued by the department.

(b) Requiring registration of each farm on which Canada goose hunting is allowed and registration of each goose killed at the farm.

(c) Prohibiting the hunting of Canada geese without a valid permit issued by the department.

**(2)** The department may establish by rule sharp−tailed grouse hunting zones where sharp−tailed grouse hunting is permitted. The department may establish by rule closed zones where sharp−tailed grouse hunting is prohibited. The department may regulate and limit the number of hunters and the maximum harvest of sharp−tailed grouse in any sharp−tailed grouse hunting zone or any other area, by doing any of the following:

(a) Requiring hunters to tag each sharp−tailed grouse killed with a tag issued by the department.

(b) Prohibiting the hunting of sharp−tailed grouse without a valid permit issued by the department.

**(3)** The department may limit the number of trappers and the maximum harvest of wild fisher or otters in any area. The department may limit the number of hunters or trappers, or both, and may limit the maximum harvest of bobcats or beaver in any area. The department may limit the number of persons fishing for sturgeon by hook and line or by spear, or both, and may limit the maximum harvest of sturgeon in any area. The department may impose any limitation under this subsection by establishing a permit system.

**(4)** (a) If the department decides to limit the number of persons taking Canada geese or sharp−tailed grouse by issuing permits and if the number of persons seeking the permits exceeds the number of available permits, the department shall issue the per-

mits according to a cumulative preference system established by the department. The department shall give a preference point to each applicant for each previous season for which the applicant applied but was not issued a permit. The system shall establish preference categories for these applicants, with higher priority given to those categories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points. If the number of applicants within a preference category or subcategory exceeds the number of permits available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

(b) 1. If the department decides to issue permits to limit the number of persons taking fishers, otters, bobcats, or sturgeon and if the number of persons seeking the permits exceeds the number of available permits, the department shall issue the permits according to a cumulative preference system established by the department. The system shall establish preference categories for those applicants who applied for but were not issued the applicable permits, with higher priority given to those categories with more points than those with fewer preference points. For each season, the department shall allow each applicant under the system to apply for a preference point or for a permit. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for a permit but who is not issued a permit. Applicants who fail to apply for either a preference point or a permit at least once during any 3 consecutive years shall lose all previously accumulated preference points. If the number of applicants within a preference category or subcategory exceeds the number of permits available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

2. A person who applies for a preference point or a permit under subd. 1. shall pay the processing fee under s. 29.553 at the time of application.

3. The department shall issue a permit to those qualified applicants selected to receive a permit under subd. 1.

**(4c)** (a) Notwithstanding sub. (4), the department may issue permits authorizing the hunting of Canada geese without requiring that the permits be issued pursuant to a cumulative preference system under sub. (4) to members of the U.S. armed forces who are all of the following:

1. Residents.

2. In active service with the U.S. armed forces outside this state.

3. On furlough or leave within the state.

(b) The department may not impose any deadline or other restriction on the timing for permit applications or issuing permits under this subsection. If a permit under this subsection is issued during the applicable hunting season, the permit shall authorize hunting beginning on the date of issuance.

(c) An applicant for a Canada goose hunting permit under this subsection shall be eligible for the same number of tags, if any are required, for each season as an applicant who is issued a Canada goose hunting permit under the cumulative preference system under sub. (4).

**(4m)** If the department establishes a permit system under sub. (3) or (4) (b) that affects the trapping of bobcats, fishers, or otters, the department may do any of the following:

(a) Impose greater or stricter limitations on trapping by nonresidents than on trapping by residents.

(b) Give greater preference to residents over nonresidents in issuing permits.

**(5)** The department shall establish the open season for hunting raccoon 2 weeks earlier for persons with resident licenses than for persons with nonresident licenses.

**History:** 1997 a. 248 ss. 385 to 387, 403, 409; 2005 a. 25, 284; 2007 a. 24, 66; 2013 a. 64.

**Cross−reference:** See also ss. NR 10.12, 10.125, 10.13, 10.145, 10.26, 10.31, 10.32, and 10.33, Wis. adm. code.

**29.193 Approvals for disabled persons. (1b)** DEFINITION. In this section, "nongovernmental issuing agent" means a person who is appointed under s. 29.024 (6) (a) 3.

**(1m)** TROLLING PERMITS. (a) The department shall, after an investigation and without charging a fee, issue a trolling permit to any person who meets any of the following requirements:

1. Has an amputation or other loss of one or more arms above the wrist.

2. Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed physician or a licensed chiropractor:

a. Upper extremity pinch.

b. Grip.

c. Nine−hole peg.

(b) A disabled person who holds a current fishing license issued under this chapter or who is exempt from holding a fishing license under this chapter and who holds either a trolling permit issued under par. (a) or a Class A permit issued under sub. (2) may fish or troll in the waters of this state using an electric motor. A person who assists the disabled person in the same boat may also fish or troll if he or she also holds a current fishing license or is exempt from holding a license. A person may use an electric motor under this subsection notwithstanding any ordinances enacted under s. 30.77 (3) that prohibit the use of motor boats on navigable waters. The use of such motor is subject to any rules promulgated by the department regarding the use of electric motors for fishing or trolling by disabled persons.

**(2)** HUNTING PERMITS. (a) *Definitions.* As used in this subsection:

1. "Accompanied" means being subject to continuous visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

5. "Visually handicapped" means blind, as defined in s. 47.01 (1).

(b) *Issuance of permit.* 1. The department shall, after investigation and without charging a fee, except for the costs of review in par. (c) 3. or (e), issue a Class A, Class B, Class C, or Class D permit to any person, as provided in this subsection.

2. An applicant shall submit an application on a form prepared and furnished by the department, which shall include a written statement or report prepared and signed by a licensed physician, a licensed chiropractor, or a licensed podiatrist prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

3. As part of the application for a Class A, Class B, or Class D permit under this subsection, the applicant shall authorize the department by written release to examine all medical records regarding the applicant's physical disability.

(c) *Eligibility.* 1. The department shall issue a Class A permit under this subsection to an applicant who is permanently disabled, as determined by the department, in any of the following ways:

a. Has a permanent or irreversible physical disability, is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, 2 leg braces or external prostheses below the knees, 2 crutches or 2 canes for mobility.

b. Suffers significantly from lung disease, to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.

c. Suffers significantly from cardiovascular disease, to the extent that functional limitations are classified in severity as class 3 or 4, according to standards accepted by the American heart association on May 3, 1988, and where ordinary physical activity causes discomfort, fatigue, palpitation, dyspnea or anginal pain.

2. The department shall issue a Class B permit under this subsection to an applicant who has a temporary disability which restricts mobility or ambulation due to injury or operative procedures and who either has a leg, hip or back, or any part thereof, casted by a licensed physician due to a fracture or has leg, hip or back surgery.

2m. The department may issue a Class B permit under this subsection to an applicant who has a temporary disability which restricts mobility or ambulation due to illness, injury or operative procedures.

3. The department may issue a Class B permit to an applicant who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician, a licensed chiropractor, or a licensed podiatrist selected by the applicant from a list of licensed physicians, licensed chiropractors, and licensed podiatrists compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use of this review procedure is discretionary with the department and all costs of the review procedure shall be paid by the applicant.

4. The department shall issue a Class C permit to any person who is visually handicapped.

5. The department shall issue a Class D permit to any person who meets the requirements under par. (cd).

(cd) *Class D permit requirements.* 1. A person is eligible for a Class D permit if he or she meets the requirements specified in subds. 2. and 3.

2. A person meets the requirements of this subdivision if any of the following applies:

a. The person has an amputation or other loss of one or more arms at or above the elbow.

b. The person has a permanent substantial loss of function in one or both arms and fails to meet the minimum standards of the standard upper extremity pinch test, the standard grip test, or the standard nine−hole peg test, administered under the direction of a licensed physician or a licensed chiropractor.

c. The person has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength test, administered under the direction of a licensed physician or a licensed chiropractor.

3. A person meets the requirements of this subdivision if any of the following applies:

a. The person is unable to place his or her nondominant hand or prosthesis in a position that is level with his or her shoulders and at a minimum distance of 27 inches from his or her body or is unable to hold a 5−pound weight for 10 seconds when that person's nondominant hand or prosthesis is in that position.

b. The person is unable to place his or her dominant hand or prosthesis in a position that is level with his or her shoulders at a minimum distance of 11 inches from his or her body.

(cg) *Approval required.* In order to hunt, fish or troll after receiving a permit under this section, the permit holder must apply for and be issued, or must already hold, any type of approval required under this chapter for the type of hunting or fishing that he or she will be doing.

(cr) *Authorization.* 1. A person holding a current resident or nonresident deer hunting license and a Class A or Class C permit may hunt deer of either sex during any season open to hunting of deer with firearms that is established by the department.

2. A Class A permit authorizes the holder to do all of the following:

a. Shoot or hunt from a stationary vehicle.

b. Fish or troll as authorized under sub. (1m) (b).

3. A Class B permit authorizes the holder to use any of the hunting or fishing methods authorized in this chapter for a holder of a Class A permit that are specifically approved by the department for that Class B permit holder upon issuance or subsequent modification of the Class B permit.

4. A person holding a current resident or nonresident deer hunting license and a Class D permit may hunt deer of either sex with a firearm only during a special season established by the department that is open for hunting deer with firearms by disabled persons who hold a permit under this section.

(d) *Assistance.* 1. A holder of a Class A or Class B permit may be accompanied by a person who is not eligible to apply for a Class A or Class B permit. The accompanying person may not hunt or carry a firearm, bow or crossbow unless that person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person who has not been issued the appropriate approval is limited to field dressing, tagging and retrieving game for the permit holder.

2. A holder of a Class C permit shall be accompanied by a person who is not eligible to apply for a permit under this section. The accompanying person may not hunt or carry a firearm, bow or crossbow unless the person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person may include sighting the firearm, bow or crossbow, identifying the game and field dressing, tagging and retrieving game for the permit holder.

3. A holder of a Class D permit may use an adaptive device, as authorized by the department by rule, to facilitate the use of a firearm and may be accompanied by a person who is not eligible to apply for a permit under this section. The accompanying person may not hunt or carry a firearm, bow, or crossbow unless that person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person who has not been issued the appropriate approval is limited to field dressing, tagging, and retrieving game for the permit holder and any other assistance authorized by the department by rule.

(e) *Review of decisions.* An applicant denied a permit under this subsection, except a permit under par. (c) 3., may obtain a review of that decision by a licensed physician, a licensed chiropractor, or a licensed podiatrist designated by the department and with an office located in the department district in which the applicant resides. The department shall pay for the cost of a review under this paragraph unless the denied application on its face fails to meet the standards set forth in par. (c) 1. or 2. A review under this paragraph is the only method of review of a decision to deny a permit under this subsection and is not subject to further review under ch. 227.

**(3)** ANNUAL FISHING LICENSE FOR DISABLED PERSONS. The department or a county clerk appointed under s. 29.024 (6) (a) 2. shall issue, subject to s. 29.024 (2g), an annual disabled person fishing license to any resident at the time the resident applies for this license if the resident does one of the following:

(a) Produces a certificate from a licensed physician or optometrist stating that his or her sight is impaired to the degree that he or she cannot read ordinary newspaper print with or without corrective glasses.

(b) Produces evidence that shows that he or she is receiving benefits under 38 USC 1521 to 1523, 42 USC 401 to 433, 42 USC 1381 to 1381d, or 45 USC 231a (a) (1) (iv) or (v) because of a determination that he or she is disabled.

(c) Produces evidence that shows that he or she is a veteran, as defined in 38 USC 101, and is receiving disability compensa-

tion benefits under 38 USC 1101 to 1163 for disabilities that result in a disability rating that is 70 percent or greater under 38 USC 1114 or 1134, or is receiving disability compensation benefits due to being individually unemployable under 38 CFR 4.16 as authorized under 38 USC 501.

**(3m)** TEMPORARY FISHING LICENSE FOR DISABLED PERSONS. If a person submits an application to a nongovernmental issuing agent for an annual disabled person fishing license that includes the evidence specified in sub. (3) (a), (b), or (c) and the applicable license fee and issuing fee, the nongovernmental issuing agent shall issue, subject to s. 29.024 (2g), a temporary disabled person fishing license to the applicant. The nongovernmental issuing agent shall promptly forward all of the application materials for the annual fishing license to the department for the department's review. A temporary fishing license issued under this subsection is valid for 14 days after the date of issuance. If the department denies the application for an annual fishing license, the department shall notify the applicant within 30 days after the date the temporary fishing license is issued. If the department approves the application, the department shall issue, subject to s. 29.024 (2g), the annual fishing license and mail it to the applicant within 30 days after the date the temporary fishing license is issued. The department may not charge any type of fee for issuing the annual fishing license, and the department may not refund the applicable fees for the temporary fishing license if the department denies the application for the temporary fishing license.

**(4)** FEDERAL MATCHING FUNDS. If the department determines that the fee collected for an annual fishing license issued under sub. (3) (c) is less or more than is necessary to qualify these licenses for matching funding under 16 USC 777c, the department shall submit proposed legislation to the legislature in the manner provided under s. 13.172 (2) to adjust the fee so that it equals the minimum amount necessary to qualify for the matching funding.

**(5)** GROUP FISHING LICENSE FOR THE DEVELOPMENTALLY DISABLED. (a) "Developmental disability" has the meaning given in s. 51.01 (5) (a).

(b) The department shall issue one−day group fishing licenses to groups consisting of individuals with developmental disabilities and their caregivers. Not more than 12 individuals may fish under the privilege conferred by each license.

**History:** 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

**29.194 Resident approvals for certain nonresidents and members of the armed forces. (1)** RESIDENT APPROVALS FOR CERTAIN NONRESIDENTS. (a) Notwithstanding ss. 29.024 (2) and 29.228 (1) (a), the department shall issue a resident fishing license, resident small game hunting license or resident deer hunting license to a qualified student applying for the license. A qualified student is a person who exhibits proof that he or she is a registered full−time student who is present in this state attending a public or private college or university that is located in this state and that offers an associate degree or a bachelor's degree or that he or she is a citizen of a foreign country temporarily residing in this state while attending a high school located in this state or an agricultural short course at the University of Wisconsin System.

(b) The department shall treat a qualified recipient of a purple heart medal, a qualified member of the armed forces, a qualified member of a reserve unit of the U.S. armed forces, or a qualified member of the national guard as a resident for purposes of determining the person's eligibility for and cost of obtaining a hunting, trapping, or fishing approval under this chapter, except for a conservation patron license issued under s. 29.235 (3m). A qualified recipient of a purple heart medal is a person who is not a resident who exhibits proof that he or she has received a purple heart medal. A qualified member of the armed forces is a person who exhibits proof that he or she is in active service in the U.S. armed forces or in forces incorporated in the U.S. armed forces and that he or she is stationed in this state. A qualified member of a reserve unit of the U.S. armed forces is a person who exhibits proof that he or she is a member of a reserve unit of the U.S. armed forces located in this state. A qualified member of the national guard is a person who exhibits proof that he or she is a member of the Wisconsin national guard.

(c) In addition to being able to qualify under par. (b), for purposes of qualifying for a resident hunting or fishing approval, a member of the armed forces not stationed in this state or a member of a reserve unit of the U.S. armed forces not located in this state shall be treated as a resident if the member was a resident at the time he or she entered active service.

**(2)** RESIDENT ARMED FORCES FISHING LICENSE. An annual fishing license shall be issued by the department to any member of the U.S. armed forces applying for this license who exhibits proof that he or she is in active service with the armed forces and that he or she is a resident on furlough or leave.

**(3)** RESIDENT ARMED FORCES SMALL GAME HUNTING LICENSE. A small game hunting license shall be issued by the department to any member of the U.S. armed forces applying for this license who exhibits proof that he or she is in active service with the armed forces and that he or she is a resident on furlough or leave.

**History:** 1997 a. 248 ss. 158 to 160, 411; 2005 a. 243, 283; 2007 a. 23, 51, 97; 2009 a. 180; 2013 a. 55.

**Cross−reference:** See also s. NR 19.001, Wis. adm. code.

**29.1945 Approvals for veterans and military members. (1)** In this section, "war period" means any of the following:

(a) A period between September 11, 2001, and the ending date of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom, as established by the department of veterans affairs by rule.

(b) A period between March 19, 2003, and the ending date of Operation Iraqi Freedom or an operation that is a successor to Operation Iraqi Freedom, as established by the department of veterans affairs by rule.

**(2)** The department of veterans affairs shall issue a voucher for a hunting or fishing license to each person who applies for the voucher and who is a qualified veteran. The voucher entitles a qualified veteran receiving the voucher to the waiver of the fee, including the issuing fee, and any applicable surcharge imposed under s. 29.563 (13) (a) for a single hunting or fishing license. The license may be a resident small game hunting license, a resident deer hunting license, a resident archer hunting license, or a resident annual fishing license. To qualify for the fee waiver, the qualified veteran must submit the voucher to the department of natural resources within 365 days after the date on which the qualified veteran is discharged or released. A voucher may not be presented to a person who is subject to an appointment or a contract as authorized under s. 29.024 (6) (a) 2. to 4. but must be submitted directly to the department of natural resources. Upon receiving the voucher, the department of natural resources shall waive the fees and any applicable surcharge and issue the license. On an annual basis, the department of veterans affairs shall pay to the department of natural resources an amount that equals the total of fees and surcharges that have been waived by the department of natural resources under this subsection.

**(3)** (a) For purposes of this section, a qualified veteran is a resident who is one of the following:

1. A veteran, as defined in s. 45.01 (12) (a) to (f), who served in a war period.

2. A member of a reserve component of the U.S. armed forces or of the national guard, as defined in 32 USC 101 (3), who has served in a war period and who has served under honorable conditions for at least one year beginning on the member's date of enlistment in a reserve component of the U.S. armed forces or in the national guard.

3. A person who served in a war period who was discharged from a reserve component of the U.S. armed forces or from the national guard, as defined in 32 USC 101 (3), if that discharge was

an honorable discharge or a general discharge under honorable conditions.

(b) For purposes of this section, the department of veterans affairs shall establish a procedure for determining who qualifies as a veteran. Before issuing a license, the department of natural resources shall request the department of veterans affairs to verify whether the applicant is a qualified veteran. If the department of veterans affairs verifies that the applicant for a license is a qualified veteran, the department of natural resources shall issue the license without charging a fee.

**History:** 2013 a. 20.

**29.195 Disabled veterans, Great Lakes Naval Hospital.** Notwithstanding any other statute, any disabled veteran who is a patient at the Great Lakes Naval Hospital, Great Lakes, Illinois, may hunt pheasant in this state in Columbia County on any one day in November in each year, the day to be specified by the administrator of the hospital to the department, without obtaining a resident or nonresident hunting license under this chapter.

**History:** 1971 c. 127; 1973 c. 243 s. 81; 1997 a. 248 s. 281; Stats. 1997 s. 29.195.

**29.197 Waivers of certain approvals. (1)** DEFINITION. In this section "recreational activity" means hunting, fishing or trapping for sport.

**(2)** WAIVER. For a special event or program that involves a recreational activity and that is sponsored or approved by the department, the department may waive the requirement that persons have approvals required under this chapter, and pay the applicable fees, for the recreational activity if the department finds that all of the following apply:

(a) The special event or program will provide education in or appreciation of the recreational activity.

(b) The waiver of the approval requirement will not result in a substantial loss of revenue to the department as determined by rule by the department.

**(3)** WEEKEND EVENTS. In addition to any special event or program sponsored under sub. (2), the department shall, by rule, designate 2 special event weekends per year during which it shall waive the requirement that persons be issued fishing licenses and pay the applicable fees in order to fish in the waters of this state. The department shall designate the 3rd full weekend in January as one of the special event weekends. The department shall, by rule, designate to which inland or outlying waters these waivers shall apply.

**(4)** PUBLICIZING. The department shall, in cooperation with and with the assistance of the department of tourism, publicize the special events and programs sponsored or approved under this section.

**(5)** CONDITIONS; LIMITATIONS. For a recreational activity that is the subject of the special event or program under this section, the department may waive conditions, limitations or restrictions required under this chapter or may establish reasonable conditions, limitations or restrictions that are in addition to those required under this chapter.

**(6)** LIMITATIONS ON PARTICIPANTS. (a) Persons who fish, hunt or trap in events or programs under this section may not sell, trade or barter the wild animals taken during the event or program. These persons are subject to all other conditions, limitations and restrictions required under this chapter except those waived.

(b) Persons who help or assist in conducting a special event or program, who are not employees of the department, and who are engaged in the recreational activity, are not exempt from possessing the approvals required under this chapter for the recreational activity.

**(7)** EXCLUSION. No person who holds a commercial fishing license issued under s. 29.519 may fish in an event or program under this section.

**(8)** REQUESTS FOR WAIVERS. Any person conducting a special event or program that involves a recreational activity for which an approval is required under this chapter may request a waiver of the approval requirement from the department. A denial of a waiver request is not subject to review under ch. 227.

**History:** 1985 a. 326; 1993 a. 182, 217, 491; 1995 a. 27; 1997 a. 195; 1997 a. 248 ss. 368 to 374; Stats. 1997 s. 29.197; 1999 a. 32; 2011 a. 168.

**Cross−reference:** See also s.s NR 19.025 and 20.25, Wis. adm. code.

**29.199 Authorizations for certain patients and institutionalized persons to fish.** The department shall issue an authorization without charge to a county hospital, state or federal mental hospital, state correctional institution or nonprofit institution located in this state for rehabilitation purposes upon request of the superintendent of the institution. The authorization permits a resident of the hospital or institution who is supervised by an employee of the hospital or institution to fish for fish subject to all other provisions of law.

**History:** 1993 a. 16; 1997 a. 248 s. 375; Stats. 1997 s. 29.199.

**29.201 Waiver of fishing license requirement for groups of disabled persons.** The department may exempt from the requirement of having fishing licenses groups of persons who are developmentally or physically disabled and who are participating in fishing excursions conducted by nonprofit organizations. The department need not promulgate as rules under ch. 227, the exemptions authorized under this section.

**History:** 1993 a. 324; 1995 a. 225; 1997 a. 248 s. 376; Stats. 1997 s. 29.201.

**29.204 Nonresident annual small game hunting license. (1)** A nonresident annual small game hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license. The nonresident annual small game hunting license authorizes the hunting of small game during the appropriate open season but does not authorize the hunting of deer, elk, bear, wild turkey, or fur−bearing animals.

**(2)** A nonresident annual small game hunting license authorizes hunting with a firearm, airgun, bow and arrow, or crossbow.

**History:** 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 270; Stats. 1997 s. 29.204; 2001 a. 109; 2009 a. 119; 2011 a. 252.

**Cross−reference:** See also ss. NR 10.12 and 10.125, Wis. adm. code.

**29.207 Nonresident 5−day small game hunting license. (1)** A nonresident 5−day small game hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license. The nonresident 5−day small game hunting license authorizes the hunting of small game for which there is an open season during the 5−day period for which it is issued but does not authorize the hunting of deer, elk, bear, wild turkey, or fur−bearing animals.

**(2)** A nonresident 5−day small game hunting license authorizes hunting with a firearm, airgun, bow and arrow, or crossbow.

**History:** 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 271; Stats. 1997 s. 29.207; 2001 a. 109; 2009 a. 119; 2011 a. 252.

**29.211 Nonresident deer hunting license. (1)** ISSUANCE. A nonresident deer hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license.

**(2)** AUTHORIZATION. A nonresident deer hunting license authorizes the hunting of deer with a firearm, bow and arrow, or crossbow.

**(3)** DEER TAG AND BACK TAG. The department shall issue to each person who is issued a nonresident deer hunting license a deer tag and a back tag.

**History:** 1983 a. 27; 1997 a. 27; 1997 a. 248 ss. 272 to 275; Stats. 1997 s. 29.211; 2011 a. 252.

**Cross−reference:** See also ch. NR 10, Wis. adm. code.

**29.213 Nonresident fur−bearing animal hunting license. (1)** A nonresident fur−bearing animal hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license. The nonresident fur−bearing animal hunting license authorizes the hunting of skunk, raccoon, fox, weasel, opossum, coyote, bobcat and cougar during the

appropriate open season but does not authorize the hunting of other fur−bearing animals, other small game, deer, elk, or bear.

**(2)** A nonresident fur−bearing animal hunting license authorizes hunting with a firearm, airgun, bow and arrow, or crossbow.

**History:** 1983 a. 27; 1997 a. 27; 1997 a. 248 s. 276; Stats. 1997 s. 29.213; 2001 a. 109; 2009 a. 119; 2011 a. 252.

**29.216 Nonresident archer hunting license.** **(1)** ISSUANCE. A nonresident archer hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license.

**(2)** AUTHORIZATION. The nonresident archer hunting license authorizes the hunting of all game, except bear, elk, wild turkey, and fur−bearing animals, during the open season for the hunting of that game with a bow and arrow.

**(3)** DEER TAG AND BACK TAG. (a) Except as provided under par. (b), the department shall issue to each person who is issued a nonresident archer hunting license a deer tag and a back tag.

(b) The department may not issue a deer tag or back tag to a person who is issued a nonresident archer hunting license if the department issues the nonresident archer hunting license at the reduced fee under s. 29.563 (2g).

**History:** 1983 a. 27; 1985 a. 270; 1991 a. 39; 1997 a. 27; 1997 a. 248 ss. 277 to 280; Stats. 1997 s. 29.216; 1997 a. 249 s. 33; 1999 a. 32; 2001 a. 109; 2009 a. 48, 119; 2013 a. 61; 2013 a. 151 ss. 2, 27.

**29.217 Nonresident crossbow hunting license.** **(1)** ISSUANCE. A nonresident crossbow hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license.

**(2)** AUTHORIZATION. The nonresident crossbow hunting license authorizes the hunting of all game, except bear, elk, wild turkey, and fur−bearing animals, during the open season for the hunting of that game with a crossbow.

**(3)** DEER TAG AND BACK TAG. (a) The department shall issue to each person who is issued a nonresident crossbow hunting license a deer tag and a back tag.

(b) The department may not issue a deer tag or back tag to a person who is issued a nonresident crossbow hunting license at the reduced fee under s. 29.563 (2g).

**History:** 2013 a. 61.

**29.219 Resident fishing licenses.** **(1)** FISHING LICENSE REQUIREMENT; EXCEPTIONS. (a) *Requirement.* Except as specifically provided otherwise by another section of this chapter, no resident may fish in the waters of this state unless the person has a valid resident fishing license or unless the person has a valid approval which authorizes fishing or entitles the holder to the rights and privileges of a fishing license.

(b) *Exception; residents under 16 years of age and certain senior citizens.* 1. No fishing license is required for any resident under the age of 16 years to fish for fish subject to all other provisions of law.

2. No fishing license is required for any resident born before January 1, 1927, to fish subject to all other provisions of law.

(c) *Exception; residents using nets for nongame fish.* No fishing license is required for any resident to set, place or use any landing net, dip net, minnow seine or minnow dip net in order to fish for fish other than game fish.

(d) *Exception; fishing in private ponds.* No fishing license is required for a resident to fish in a pond that is a self−contained body of water and that is located entirely on private property owned by a person who gives permission to the resident to fish in the pond.

**(2)** ANNUAL FISHING LICENSE. (a) The department shall issue a resident annual fishing license, subject to s. 29.024, to any resident who applies for this license.

(b) A resident annual fishing license issued to any resident who is 16 or 17 years of age shall be issued at the reduced fee under s. 29.563 (3) (a) 4.

(c) A resident annual fishing license issued to any resident who is a member of a Wisconsin veterans home under s. 45.50 shall be issued at no charge.

(d) A resident annual fishing license issued to any resident who holds a one−day fishing license under sub. (2m) that is valid during the same year for which the resident applies for a resident annual fishing license shall be issued at the reduced fee under s. 29.563 (3r).

**(2m)** ONE−DAY FISHING LICENSE. The department shall issue a resident one−day fishing license, subject to s. 29.024, to any resident who applies for this license.

**(3)** TWO−DAY SPORTS FISHING LICENSE. (a) *Issuance.* The department shall issue a resident 2−day sports fishing license, subject to s. 29.024, to any resident who applies for this license.

(b) *Authorization.* Unless otherwise specifically prohibited, a resident 2−day sports fishing license only authorizes fishing in outlying trout and salmon waters, as defined in s. 29.2285 (2) (a).

(c) *Use of fees.* The department shall deposit receipts from the sale of resident 2−day sports fishing licenses under this subsection in the conservation fund. The department shall credit 50% of these receipts to the appropriation under s. 20.370 (4) (ku).

**(3m)** TWO−DAY INLAND LAKE TROUT FISHING LICENSE. (a) *Issuance.* The department shall issue a 2−day inland lake trout fishing license, subject to s. 29.024, to any resident who applies for this license.

(b) *Authorization.* Unless otherwise specifically prohibited, a 2−day inland lake trout fishing license only authorizes fishing for lake trout in inland lakes.

(c) *Use of fees.* The department shall deposit receipts from the sale of 2−day inland lake trout fishing licenses under this subsection in the conservation fund. The department shall credit 50 percent of these receipts to the appropriation account under s. 20.370 (4) (kv).

**(4)** HUSBAND AND WIFE RESIDENT LICENSES. A combined husband and wife resident fishing license shall be issued subject to s. 29.024 by the department to residents applying for this license. This license confers upon both husband and wife the privileges of resident fishing licenses.

**History:** 1971 c. 22, 282; 1973 c. 90 s. 538; 1975 c. 39; 1975 c. 189 s. 99 (2); 1975 c. 216, 421; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 130; 1983 a. 27 ss. 749 to 761; 1985 a. 326; 1987 a. 27; 1991 a. 39, 269; 1993 a. 16, 153, 217; 1995 a. 27; 1997 a. 1, 27, 191; 1997 a. 248 ss. 318 to 332; Stats. 1997 s. 29.219; 1999 a. 63; 2005 a. 22, 25; 2009 a. 364; 2013 a. 20.

**29.228 Nonresident fishing licenses.** **(1)** FISHING LICENSE REQUIREMENT; EXCEPTIONS. (a) *Requirement.* Except as otherwise specifically provided under this chapter, no nonresident may fish in the waters of this state unless the person has a nonresident fishing license.

(b) *Exception; nonresidents under 16 years of age.* No fishing license is required for a nonresident under the age of 16 years to fish with a hook and line or a rod and reel for fish of any variety, subject to all other conditions, limitations and restrictions prescribed in this chapter.

(c) *Exception; nonresident obtaining bait.* No separate or other fishing license is required for a nonresident who is issued a valid nonresident fishing license to take minnows for bait or smelt for food under the same conditions and rules governing residents but minnows or smelt taken by a nonresident may not be sold, traded or bartered in any manner.

(d) *Exception; fishing in private ponds.* No fishing license is required for a nonresident to fish in a pond that is a self−contained body of water and that is located entirely on private property owned by a person who gives permission to the nonresident to fish in the pond.

**(2)** ANNUAL FISHING LICENSE. (a) The department shall issue a nonresident annual fishing license, subject to s. 29.024, to any nonresident who applies for this license.

(b) A nonresident annual fishing license issued to any nonresident who holds a one−day fishing license under sub. (4m) that is

valid during the same year for which the nonresident applies for a nonresident annual fishing license shall be issued at the reduced fee under s. 29.563 (3r).

**(3)** FIFTEEN−DAY LICENSE. The department shall issue a nonresident 15−day fishing license, subject to s. 29.024, to any nonresident who applies for this license.

**(4)** FOUR−DAY FISHING LICENSE. The department shall issue a nonresident 4−day fishing license, subject to s. 29.024, to any nonresident who applies for this license.

**(4m)** ONE−DAY FISHING LICENSE. The department shall issue a nonresident one−day fishing license, subject to s. 29.024, to any nonresident who applies for this license.

**(5)** ANNUAL FAMILY FISHING LICENSE. The department shall issue a nonresident annual family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

**(6)** FIFTEEN−DAY FAMILY FISHING LICENSE. The department shall issue a nonresident 15−day family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

**(7)** TWO−DAY SPORTS FISHING LICENSE. (a) *Issuance.* The department shall issue a nonresident 2−day sports fishing license, subject to s. 29.024, to any nonresident who applies for this license.

(b) *Authorization.* Unless otherwise specifically prohibited, a nonresident 2−day sports fishing license only authorizes fishing in outlying trout and salmon waters, as defined in s. 29.2285 (2) (a).

(c) *Use of fees.* The department shall deposit receipts from the sale of nonresident 2−day sports fishing licenses under this subsection in the conservation fund. The department shall credit 50% of these receipts to the appropriation under s. 20.370 (4) (ku).

**History:** 1971 c. 22, 42, 125; 1973 c. 90 s. 538; 1973 c. 145; 1979 c. 34; 1983 a. 27; 1985 a. 326; 1987 a. 27; 1991 a. 39; 1993 a. 217; 1997 a. 27; 1997 a. 248 ss. 310 to 317; Stats. 1997 s. 29.228; 2005 a. 25; 2009 a. 364; 2011 a. 260; 2013 a. 20.

**29.2285 Fishing stamps and tags. (1)** INLAND WATERS TROUT STAMPS. (a) *Definition.* In this subsection, "inland trout waters" means inland waters but this term excludes all of the following:

1. Any harbor on Lake Michigan or Lake Superior.

2. Any river or stream tributary of Lake Michigan or Green Bay, except the Kewaunee River, from its mouth upstream to the first dam or lake.

3. Any other river or stream tributary of Lake Michigan or Green Bay that is designated by the department.

(b) *Requirement.* Except as provided in par. (d), no person may fish for trout in inland trout waters unless he or she is issued a conservation patron license, unless he or she is issued a 2−day inland lake trout fishing license, or unless he or she is issued an inland waters trout stamp which is attached to or imprinted on the person's fishing license or sports license in the manner required by the rule promulgated under s. 29.024 (5) (a) 3.

(c) *Issuance.* The department shall issue an inland waters trout stamp subject to s. 29.024 to each person holding or applying for a fishing license, other than a two−day inland lake trout fishing license, or holding or applying for a sports license if the person intends to use the license for trout fishing in inland trout waters of the state.

(d) *Exemption.* Any person who is exempt from the requirement to have a fishing license or who is not required to pay a fee for a fishing license is exempt from the requirements under par. (b).

(e) *Use of moneys from fees.* The department shall expend the receipts from the sale under this subsection of inland waters trout stamps on improving and maintaining trout habitat in inland trout waters, conducting trout surveys in inland trout waters and administering this subsection.

**(2)** GREAT LAKES TROUT AND SALMON STAMPS. (a) *Definition.* In this subsection, "outlying trout and salmon waters" means any outlying waters and this term includes all of the following:

1. Any river or stream tributary of Lake Michigan or Green Bay from its mouth upstream to the first dam or lake.

2. Any other river or stream tributary of Lake Michigan or Green Bay that is designated by the department.

(b) *Requirement.* No person may fish for trout or salmon in the outlying trout and salmon waters of the state unless the person is issued a resident or nonresident 2−day sports fishing license, unless the person is issued a conservation patron license or unless the person is issued a Great Lakes trout and salmon stamp which is attached to or imprinted on the person's fishing license or sports license in the manner required by the rule promulgated under s. 29.024 (5) (a) 3.

(c) *Issuance.* The department shall issue a Great Lakes trout and salmon stamp subject to s. 29.024 to any person holding or applying for a fishing license or a sports license if the person intends to use the license for trout or salmon fishing in the outlying trout and salmon waters of the state.

(d) *Exemptions.* This subsection does not apply to a person who is exempt from the payment or requirement for a fishing license.

(e) *Use of fees.* The department shall expend the receipts from the sale of Great Lakes trout and salmon stamps to supplement and enhance the existing trout and salmon rearing and stocking program for outlying waters and to administer this subsection.

**(3)** STURGEON HOOK AND LINE TAGS. (a) *Requirement.* No person may possess a lake sturgeon taken by hook and line from the waters of the state unless he or she is issued one or more sturgeon hook and line tags.

(b) *Issuance.* The department shall issue sturgeon hook and line tags to each person holding or applying for a fishing license or a sports license if the person intends to possess a lake sturgeon taken by hook and line in the waters of the state.

(c) *Tagging requirement.* Any person having taken a lake sturgeon by means of a hook and line shall immediately attach a current, validated sturgeon hook and line tag issued to that person to the tail of the sturgeon. No person may possess, control, store, or transport a lake sturgeon carcass unless it is tagged as required under this paragraph.

(d) *License requirement.* Any person fishing for lake sturgeon shall hold a license authorizing the fishing or shall be exempt from holding such a license under s. 29.219 (1) (b) 1. or 2. or (d) or 29.228 (1) (b) or (d).

(e) *Use of moneys from fees.* The department shall deposit the receipts from the sale of sturgeon hook and line tags issued under this subsection into the conservation fund and shall credit these receipts to the appropriation account under s. 20.370 (4) (ky).

**History:** 2005 a. 25 ss. 569, 570, 574 to 575; 2013 a. 20.

**29.229 Fishing approvals issued by the Lac du Flambeau band. (1)** DEFINITIONS. In this section:

(a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

(b) "Reservation" means the territory within the boundaries of the Lac du Flambeau reservation that were in existence on April 10, 1996.

**(2)** AUTHORIZATION FOR ISSUANCE. The band may issue one or more types of fishing approvals that are equivalent to one or more of the following types of approvals by authorizing the same types of fishing by the same persons and in the same bodies of water:

(a) Nonresident annual fishing licenses.

(b) Nonresident 15−day fishing licenses.

(c) Nonresident 4−day fishing licenses.

(d) Nonresident annual family fishing licenses.

(e) Nonresident 15−day family fishing licenses.

(f) Nonresident 2−day sports fishing licenses.

(g) Resident annual fishing licenses.

(h) Resident 2−day sports fishing licenses.

(hm) Two−day inland lake trout fishing licenses.

(i) Husband and wife fishing licenses.

(j) Inland waters trout stamps.

(k) Sturgeon hook and line tags.

**(3)** REQUIREMENTS FOR ISSUANCE; FEES; PERIODS OF VALIDITY. (a) For any approval issued under this section, the band shall collect the same amount that would be collected for the equivalent approval under s. 29.563, including the issuing fee under s. 29.563 (14) (c). The band shall retain all of the fees collected under this paragraph, except as provided in sub. (5r).

(b) The band may not issue or sell approvals under this section in conjunction with discount coupons or as part of a promotion or other merchandising offer.

(c) For any approval issued under this section, the period of validity shall be the same as it would be for the equivalent approval under s. 29.569.

(d) The band may issue duplicates only for the approvals that it issues under this section.

(e) The band may issue approvals under this section only to applicants who appear in person on the reservation.

**(4)** ISSUANCE; PROCESSING; RECORDS. (a) The band shall prepare, procure the printing of, and supply all necessary approval forms and applications for approvals issued under this section. Approval forms and applications used under this section shall be numbered consecutively, at the time of printing, in a separate series for each kind of approval. Each license form issued under this section shall be provided with a corresponding stub or carbon numbered with the serial number of the license. Each requisition for the printing of the approval forms shall specify any serial numbers to be printed on the forms.

(b) Each license issued under this section shall bear on its face the signature of the licensee, the date of issuance and the signature of the issuing agent. All licenses shall be issued in English and in ink.

(c) Before June 1 annually, the band shall submit a report to the department notifying it of the number of each type of approval that the band issued for the period beginning on April 1 of the previous year and ending on March 31 of the year in which the report is submitted.

(d) For law enforcement purposes, persons issuing approvals under this section shall make available for inspection by the department during normal business hours their records of all approvals issued, including copies of all licenses issued.

(e) The band shall ensure that a record of each approval issued under this section, including a copy of each license issued, is retained for at least 2 years after the date of expiration of the license.

(f) Sections 29.024 (3), (4) (b), (5) (b), (7), (8) and (9), 29.559 (2) and 29.564 do not apply to any approval that may be issued under this section.

**(5)** RESTRICTIONS ON APPROVALS. A person who is fishing under the authority of an approval issued under this section shall be subject to the same conditions, limitations, and restrictions as are imposed on the equivalent approval issued under ss. 29.219, 29.228, 29.2285 (1), and 29.231, including bag limits, size limits, rest days, and closed seasons.

**(5m)** DENIAL AND REVOCATION OF APPROVALS BASED ON CHILD SUPPORT DELINQUENCY. (a) The band is requested to enter into a memorandum of understanding with the department of children and families under s. 49.857.

(b) The band is requested to enact tribal laws or ordinances that require each person who has a social security number, as a condition of being issued an approval under this section, to provide to the band his or her social security number, tribal laws or ordinances that require each person who does not have a social security number, as a condition of being issued an approval under this section, to provide to the band a statement made or subscribed under oath or affirmation on a form prescribed by the department of children and families that the person does not have a social security number, and tribal laws or ordinances that prohibit the disclosure of that number by the band to any other person except to the department of children and families for the purpose of administering s. 49.22.

(c) The band is requested to enact tribal laws or ordinances that deny an application to issue or renew, suspend if already issued or otherwise withhold or restrict an approval issued under this section if the applicant for or the holder of the approval fails to provide the information required under tribal laws or ordinances enacted under par. (b) or fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or if the department of children and families certifies that the applicant for or the holder of the approval has failed to pay court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse. The band is also requested to enact tribal laws or ordinances that invalidate an approval issued under this subsection if issued in reliance upon a statement made or subscribed under oath or affirmation under tribal laws or ordinances enacted under par. (b) that is false.

(d) Section 29.024 (2g) does not apply to approvals issued under this section.

**(5r)** FEES TO THE DEPARTMENT. The department may require that the band remit all of the fees collected under sub. (3) (a) to the department. If the department so requires, all of these fees shall be deposited in the conservation fund and credited to the appropriation account under s. 20.370 (9) (hs).

**(6)** APPLICABILITY. This section does not apply unless the department and the band have in effect a written agreement under which the band agrees to comply with subs. (2) to (4) and that contains all of the following terms:

(a) The manner in which the band will limit its treaty−based right to fish outside the reservation.

(b) A requirement that the fees collected by the band under sub. (3) (a) be used only for fishery management within the reservation.

**History:** 1997 a. 27, 191, 237; 1997 a. 248 s. 308; Stats. 1997 s. 29.229; 1999 a. 9, 32, 185; 2001 a. 107; 2005 a. 25, 253; 2007 a. 20.

**29.2295 Department approvals issued on the Lac du Flambeau reservation. (1)** DEFINITIONS. In this section:

(a) "Band" means the Lac du Flambeau band of Lake Superior Chippewa.

(b) "Reservation" means the territory within the boundaries of the Lac du Flambeau reservation that were in existence on April 10, 1996.

**(2)** AUTHORIZATION. The band may elect to issue one or more of the following types of approvals, subject to s. 29.024, as an agent of the department:

(a) Nonresident annual fishing licenses.

(b) Nonresident 15−day fishing licenses.

(c) Nonresident 4−day fishing licenses.

(d) Nonresident annual family fishing licenses.

(e) Nonresident 15−day family fishing licenses.

(f) Nonresident 2−day sports fishing licenses.

(g) Resident annual fishing licenses.

(h) Resident 2−day sports fishing licenses.

(hm) Two−day inland lake trout fishing licenses.

(i) Husband and wife fishing licenses.

(j) Inland waters trout stamps.

(k) Resident sports licenses.

(L) Nonresident sports licenses.

(m) Sturgeon hook and line tags.

**(3)** FEES; ISSUANCE. (a) The band shall collect the fee for an approval issued under sub. (2) in the same amount as is collected by the department for the approval, including the issuing fee. Except as provided in par. (b), the band shall retain the entire fee that it collects, including the issuing fee.

(b) For a resident or nonresident sports license, the band shall retain only the amount that is equal to the fee for an annual fishing license plus the issuing fee and shall remit the balance to the department.

(c) For a resident or nonresident sports license, in addition to the fees collected under par. (a), the band shall collect the wildlife damage surcharge and remit it to the department.

(d) The band may issue approvals under this section only to applicants who appear in person on the reservation.

**(4)** REVENUES FROM ISSUANCE OF DEPARTMENT APPROVALS ON THE RESERVATION BY OTHERS. (a) For each fiscal year, the department shall pay to the band an amount for the issuance of the approvals specified in sub. (2) (a) to (L) within the reservation.

(am) The payment under par. (a) shall be equal to the amount appropriated for that fiscal year under s. 20.370 (9) (hk) or the amount calculated under par. (b), whichever is greater.

(b) For purposes of par. (am), the calculated amount shall be the sum of the following:

1. The amount in fees received by the department from the issuance of the approvals specified in sub. (2) (a) to (j) during the preceding fiscal year by issuing agents other than the band at locations within the reservation.

2. An amount calculated by multiplying the number of resident and nonresident sports licenses issued during the preceding fiscal year by issuing agents other than the band at locations within the reservation by the amount of the fee for an annual fishing license, including the portion of the issuing fee for an annual fishing license that the department receives.

(c) 1. Subject to subd. 2., the department shall make the payment under par. (a) from the appropriation under s. 20.370 (9) (hk).

2. If the amount calculated under par. (b) for a fiscal year exceeds the amount appropriated under s. 20.370 (9) (hk) for that fiscal year, the department shall make a payment from the appropriation under s. 20.370 (9) (ht) to the band that equals the difference between the 2 amounts.

**(5)** APPLICABILITY. This section does not apply unless the department and the band have in effect a written agreement under which the band agrees to comply with subs. (2) and (3) and that contains all of the following terms:

(a) The manner in which the band will limit its treaty−based right to fish outside the reservation.

(b) A requirement that the fees collected and retained by the band under sub. (3) and the payments received under sub. (4) be used only for fishery management within the reservation.

**History:** 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20; 2009 a. 28.

**29.2297 Federal approvals for hunting, trapping, and fishing. (1)** CONTRACT. (a) The department may enter into a contract with the federal government under which the department shall issue, through the statewide automated system contracted for under s. 29.024 (6) (a) 4., one or more types of hunting, fishing, or trapping approvals that are issued or required by the federal government.

(b) A contract entered into under par. (a) shall specify all of the following:

1. The total fee to be collected for each approval.

2. The amount of each fee to be retained by the department for each type of approval the department issues.

3. Of the amount retained by the department, any amounts to be paid to the statewide automated system as issuing and transaction fees.

**(2)** FORMS. The federal government shall prepare, procure the printing of, and supply all necessary forms for applications and approvals issued under this section.

**(3)** RECORDS. The department shall keep a complete record of all approvals it issues under this section.

**(4)** USE OF MONEYS. All moneys retained by the department pursuant to a contract entered into under this section shall be credited to the appropriation account under s. 20.370 (9) (hu).

**History:** 2007 a. 50.

**29.231 Sports licenses. (1)** A resident sports license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident who applies for this license, and a nonresident sports license shall be issued subject to s. 29.024 by the department to any person who is not a resident and who applies for the license.

**(2)** A resident sports license confers upon the licensee all of the combined privileges conferred by a resident small game hunting license, resident fishing license and resident deer hunting license subject to all of the duties, conditions, limitations and restrictions of those licenses.

**(3)** A nonresident sports license confers upon the licensee all of the combined privileges conferred by a nonresident small game hunting license, nonresident fishing license and nonresident deer hunting license subject to all of the duties, conditions, limitations and restrictions of those licenses.

**(4)** The department shall issue to each person who is issued a sports license a deer tag and back tag.

**History:** 1973 c. 90 ss. 166, 538; 1973 c. 145; 1979 c. 34; 1983 a. 27; 1995 a. 27; 1997 a. 27; 1997 a. 248 ss. 333 to 337; Stats. 1997 s. 29.231; 2005 a. 387.

**29.235 Conservation patron license. (1)** ISSUANCE. A resident conservation patron license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident 10 years old or older who applies for the license. A nonresident conservation patron license shall be issued subject to s. 29.024 by the department to any person 10 years old or older who is not a resident, and who applies for the license. A conservation patron license issued to a person who is under 12 years of age is subject to the restrictions specified under s. 29.592.

**(2)** AUTHORIZATION; RESIDENT HUNTING, FISHING, AND TRAPPING PRIVILEGES. A resident conservation patron license confers upon the licensee the combined privileges conferred by all of the following:

(a) A resident small game hunting license.

(b) A resident deer hunting license.

(c) A resident wild turkey hunting license.

(d) A resident archer hunting license.

(dm) A resident crossbow hunting license.

(e) A waterfowl hunting stamp.

(f) A pheasant hunting stamp.

(g) A wild turkey hunting stamp.

(h) A resident annual fishing license.

(i) An inland waters trout stamp.

(j) A Great Lakes trout and salmon stamp.

(k) A sturgeon hook and line tag.

(L) A trapping license.

**(2m)** AUTHORIZATION; NONRESIDENT HUNTING, FISHING, AND TRAPPING PRIVILEGES. A nonresident conservation patron license confers upon the licensee the combined privileges conferred by all of the following:

(a) A nonresident small game hunting license.

(b) A nonresident deer hunting license.

(c) A nonresident wild turkey hunting license.

(d) A nonresident archer hunting license.

(dm) A nonresident crossbow hunting license.

(e) A waterfowl hunting stamp.

(f) A pheasant hunting stamp.

(g) A wild turkey hunting stamp.

(h) A nonresident annual fishing license.

(i) An inland waters trout stamp.

(j) A Great Lakes trout and salmon stamp.

(k) A sturgeon hook and line tag.

(L) A trapping license.

**(3)** AUTHORIZATION; ADMISSION TO STATE PARKS AND RELATED AREAS. A person may operate a motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01 (7), in any vehicle admission area under s. 27.01 (7) without having an admission receipt affixed to the vehicle or otherwise displayed and without paying a fee if the vehicle has as an occupant a holder of a resident or nonresident conservation patron license who can present the license upon demand in the vehicle admission area. The conservation patron license permits the license holder to enter Heritage Hill state park or a state trail without paying an admission fee. This subsection does not apply to holders of conservation patron licenses who are under the age of 18 years.

**(3m)** PURPLE HEART CONSERVATION PATRON LICENSE. The department shall issue a resident conservation patron license at the reduced fee under s. 29.563 (4) (a) 2s. to any resident applying for this license who exhibits proof that he or she has received a purple heart medal. The department shall issue a nonresident conservation patron license at the reduced fee under s. 29.563 (4) (b) 2s. to any person applying for this license who is not a resident and who exhibits proof that he or she has received a purple heart medal.

**(4)** DEER TAG AND BACK TAG. The department shall issue to each person who is issued a conservation patron license a deer tag and back tag.

**(5)** SUBSCRIPTION. At the time the department issues a conservation patron license, except for a license issued to a resident under sub. (3m), it shall provide each licensee who is at least 18 years of age with an annual subscription to the Wisconsin natural resources magazine without any additional fee or charge.

**(6)** ADMISSION RECEIPT. At the same time the department issues a conservation patron license, it may issue an annual resident or nonresident vehicle admission receipt or a special receipt for admission to state parks and similar areas. The department may issue an annual resident or nonresident vehicle admission receipt or a special receipt for admission to state parks and similar areas to a person who has a conservation patron license on location at the state park or similar area. A person who is issued a receipt under this subsection shall affix the receipt by its own adhesive to the interior surface of the lower left−hand corner of the windshield of the vehicle or otherwise display it as authorized under a rule promulgated under s. 27.01 (7) (e) 2. A receipt issued under this section is not considered part of a conservation patron license for the purpose of issuing a duplicate. No duplicate receipt may be issued for a receipt that is affixed by its own adhesive to a windshield unless the license holder provides evidence that the vehicle upon which the sticker receipt is affixed is no longer usable or that the vehicle was transferred to another person and the license holder presents the original receipt or remnants of it to the department. Section 29.024 (7) applies to the issuance of a duplicate receipt that is displayed as authorized under the rule promulgated under s. 27.01 (7) (e) 2. This subsection does not apply to holders of conservation patron licenses who are under the age of 18 years.

**History:** 1983 a. 27; 1987 a. 27; 1991 a. 39, 269; 1993 a. 213; 1995 a. 27; 1997 a. 1, 27; 1997 a. 248 ss. 338 to 344; Stats. 1997 s. 29.235; 2001 a. 109; 2005 a. 25, 284, 387; 2007 a. 97; 2009 a. 39; 2013 a. 55, 61.

**29.236 Annual disabled veteran recreation card. (1)** The department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue an annual disabled veteran recreation card to any resident who produces evidence that shows that he or she is a veteran, as defined in 38 USC 101, and is receiving disability compensation benefits under 38 USC 1101 to 1163 for disabilities that result in a disability rating that is 50 percent or greater under 38 USC 1114 or 1134, or is receiving disability compensation benefits due to being individually unemployable under 38 CFR 4.16 as authorized under 38 USC 501.

**(2)** An annual disabled veteran recreation card entitles the holder to exercise all of the combined rights and privileges conferred by a resident small game hunting license and a resident fishing license, subject to all duties, conditions, limitations, and restrictions of the licenses. A person may operate any motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01 (7) in any vehicle admission area under s. 27.01 (7) without having an admission receipt affixed to the vehicle or otherwise displayed and without paying a fee if the vehicle has as an occupant a card holder who can present the card upon demand in the vehicle admission area. The card permits a card holder to enter Heritage Hill state park or a state trail without paying an admission fee.

**(3)** Except as provided in this section, possession of an annual disabled veteran recreation card shall not entitle the holder to obtain any other privileges or services for free if the privileges or services may be obtained only through payment of a fee.

**History:** 2011 a. 168.

**29.237 Sturgeon spearing license. (1)** In this section:

(a) "Lake Winnebago and upper Fox and Wolf rivers system" means Buttes des Morts Lake, Winneconne Lake, Poygan Lake, Winnebago Lake, and all of the following:

1. Each stream that flows into any of these lakes, from the mouth of the stream upstream to the first dam on the stream.

2. The Fox River from the point that it flows into Lake Winnebago upstream to the dam above the city of Princeton.

3. Each tributary of the Fox River from the point that it flows into the Fox River upstream to the first dam on the tributary.

4. The Wolf River from its mouth upstream to the dam in the city of Shawano.

5. Each tributary of the Wolf River from the point that it flows into the Wolf River to the first dam on the tributary.

(b) "Validated" means marked with specified information in the manner required by the department.

**(1m)** Subject to s. 29.024 and any limit imposed under s. 29.192 (3), a sturgeon spearing license shall be issued by the department to any person applying for this license who is at least 12 years old.

**(2)** The sturgeon spearing license shall be accompanied by sturgeon carcass tags in the quantity to correspond with the season bag limit for spearing lake sturgeon established by the department. The serial numbers of these tags shall be entered on the license by the person issuing the license or by the department.

**(3)** A sturgeon spearing license authorizes the spearing of lake sturgeon subject to any limit imposed under s. 29.192 (3) and only during the open season for spearing these sturgeon established by the department. No person may fish for sturgeon by means of a spear unless the person is issued a sturgeon spearing license. The sturgeon spearing license shall be carried on the person of the licensee at all times while fishing for sturgeon by means of a spear.

**(4)** Any person having taken a lake sturgeon by means of a spear shall immediately attach a current, validated sturgeon carcass tag issued to that person to the tail of the sturgeon. No person may possess, control, store or transport a lake sturgeon carcass unless it is tagged as required under this section.

**(5)** The department shall deposit receipts from the sale of sturgeon spearing licenses under this subsection into the conservation fund and shall credit these receipts to the appropriation account under s. 20.370 (4) (kw) for assessing and managing the lake sturgeon stock and fishery in the Lake Winnebago system, for

improving and maintaining lake sturgeon habitat in the Lake Winnebago and upper Fox and Wolf rivers system, and for administering this section.

**History:** 1979 c. 34; 1983 a. 27; 1991 a. 269; 1997 a. 27; 1997 a. 248 ss. 345 to 351; Stats. 1997 s. 29.237; 1999 a. 32; 2001 a. 109; 2003 a. 274; 2011 a. 168; 2013 a. 64.

**Cross−reference:** See also ss. NR 20.07 and 20.11, Wis. adm. code.

**29.241 Trapping license. (1)** ISSUANCE. A trapping license shall be issued subject to s. 29.024 by the department to any resident applying for this license or to any nonresident of this state who applies for this license and who resides in a state that allows nonresidents of that state to trap within that state.

**(3)** AUTHORIZATION. A trapping license authorizes the use of traps for trapping fur−bearing animals.

**(4)** INDIVIDUAL LICENSES REQUIRED. If a trapper employs any person in trapping, a license is required for each person employed.

**History:** 1997 a. 248 ss. 284, 285, 437; 2005 a. 284.

SUBCHAPTER IV

HUNTING AND TRAPPING REGULATION

**29.301 General restrictions on hunting. (1)** HUNTING RESTRICTED AREAS. (a) In this subsection, "school" means a public or private elementary or secondary school, including a charter school, a tribal school, as defined in s. 115.001 (15m), or a technical college.

(b) No person may hunt within 1,700 feet of any hospital, sanatorium or the grounds of any school. The department may designate the form for or furnish signs designating the restricted area. No person may be convicted of a violation of this paragraph unless the restricted area is designated by the signs.

(c) Notwithstanding par. (b), this subsection does not prohibit hunting in a school forest if the school board allows hunting under s. 120.13 (38).

**(2)** COLOR OF CLOTHING. In the areas in which there is a season for the hunting of deer with firearms, no person may hunt any game except waterfowl during that season unless at least 50% of each article of the person's outer clothing above the waist, including a cap, hat or other head covering, is of a highly visible color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame orange or fluorescent blaze orange. This requirement does not apply to persons hunting from 30 minutes after sunset to 30 minutes before sunrise during a firearm deer hunting season if the person is hunting for other game that the department authorizes to be hunted during that firearm deer hunting season. Any person violating this subsection shall forfeit not more than $10.

**(3)** BACK TAG, DISPLAY. No person may hunt deer unless the back tag issued to the person with the license authorizing deer hunting is attached to the center of the person's coat, shirt, jacket or similar outermost garment where it can clearly be seen.

**History:** 1975 c. 360, 365, 421; 1979 c. 39; 1997 a. 151; 1997 a. 248 s. 412; Stats. 1997 s. 29.301; 1999 a. 32; 2005 a. 117, 290; 2009 a. 302.

**29.304 Restrictions on hunting and use of firearms by persons under 16 years of age. (1)** PERSONS UNDER 12 YEARS OF AGE. (a) *Prohibition on hunting.* No person under 12 years of age may hunt with a firearm, bow and arrow, or crossbow.

(b) *Restrictions on possession or control of a firearm.* No person under 12 years of age may have in his or her possession or control any firearm unless he or she is enrolled in the course of instruction under the hunter education program and he or she is carrying the firearm in a case and unloaded to or from that class under the supervision of his or her parent or guardian, or by a person at least 18 years of age who is designated by the parent or guardian, or is handling or operating the firearm during that class under the supervision of an instructor.

(c) *Restrictions on obtaining hunting approval.* Except as provided under par. (d), no person under 12 years of age may obtain any approval authorizing hunting.

(d) *Restrictions on validity of certificate of accomplishment.* A person under 12 years of age may obtain a certificate of accomplishment if he or she complies with the requirements of s. 29.591 (4) but that certificate is not valid for the hunting of small game until that person becomes 12 years of age.

**(2)** PERSONS 12 TO 14 YEARS OF AGE. (a) *Restrictions on hunting.* No person 12 years of age or older but under 14 years of age may hunt unless he or she is accompanied by his or her parent or guardian, or by a person at least 18 years of age who is designated by the parent or guardian.

(b) *Restrictions on possession or control of a firearm.* No person 12 years of age or older but under 14 years of age may have in his or her possession or control any firearm unless he or she:

1. Is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian; or

2. Is enrolled in the course of instruction under the hunter education program and is carrying the firearm in a case and unloaded to or from that class or is handling or operating the firearm during that class under the supervision of an instructor.

**(3)** PERSONS 14 TO 16 YEARS OF AGE. (a) *Restrictions on hunting.* No person 14 years of age or older but under 16 years of age may hunt unless he or she:

1. Is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian; or

2. Is issued a certificate of accomplishment that states that he or she successfully completed the course of instruction under the hunter education program or has a similar certificate, license, or other evidence satisfactory to the department indicating that he or she has successfully completed in another state, country, or province a hunter education course recognized by the department.

(b) *Restrictions on possession or control of a firearm.* No person 14 years of age or older but under 16 years of age may have in his or her possession or control any firearm unless he or she:

1. Is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian;

2. Is enrolled in the course of instruction under the hunter education program and is carrying the firearm in a case and unloaded to or from that class or is handling or operating the firearm during that class under the supervision of an instructor; or

3. Is issued a certificate of accomplishment that states that he or she successfully completed the course of instruction under the hunter education program or has a similar certificate, license, or other evidence satisfactory to the department indicating that he or she has successfully completed in another state, country, or province a hunter education course recognized by the department.

**(4)** PARENTAL OBLIGATION. No parent or guardian of a child under 16 years of age may authorize or knowingly permit the child to violate this section.

**(4m)** HUNTING MENTORSHIP PROGRAM. The prohibition specified in sub. (1) (a) and the restrictions specified in subs. (1) (b) to (d), (2), and (3) do not apply to a person who is hunting with a mentor and who complies with the requirements specified under s. 29.592.

**(5)** EXCEPTION. (a) Notwithstanding subs. (1) to (3), a person 12 years of age or older may possess or control a firearm and may hunt with a firearm, bow and arrow, or crossbow on land under the ownership of the person or the person's family if no license is required and if the firing of firearms is permitted on that land.

(b) 1. In this paragraph, "target practice" includes trap shooting or a similar sport shooting activity regardless of whether the activity involves shooting at a fixed or a moving target.

2. The restrictions on the possession and control of a firearm under sub. (1) do not apply to a person using a firearm in target practice if he or she is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian.

**History:** 1983 a. 420; 1997 a. 197; 1997 a. 248 s. 431; Stats. 1997 s. 29.304; 2005 a. 289; 2009 a. 39; 2011 a. 252, 258.

**Cross−reference:** See also s. NR 10.001, Wis. adm. code.

**29.307 Hunting with aid of aircraft prohibited. (1)** No person may hunt any animal with the aid of an aircraft, including the use of an aircraft to spot, group or drive, or otherwise attempt to affect the behavior of, animals for hunters on the ground.

**(3)** Any rules promulgated under s. 29.307 (2), 2009 stats., do not apply after June 30, 2004.

**History:** 1971 c. 151; 1997 a. 248 s. 432; Stats. 1997 s. 29.307; 2001 a. 108; 2011 a. 257.

**29.311 Shotshell restrictions.** No person may hunt waterfowl or coots with any firearm using any shotshell classified by the federal government as toxic or harmful to wildlife or the environment.

**History:** 1985 a. 155, 332; 1997 a. 248 s. 194; Stats. 1997 s. 29.311.

**29.312 Rules regulating the sighting of a firearm. (1)** In this section, "immediate family" means persons who are related as spouses, as siblings, or as parent and child.

**(2)** The department may not promulgate or enforce a rule that prohibits a person from sighting a firearm on land owned or leased by that person or a member of that person's immediate family during the 24−hour period prior to the opening date for hunting deer with firearms in any area where there is an open season for hunting deer with firearms.

**History:** 2003 a. 244.

**29.314 Shining animals. (1)** DEFINITION. As used in this section:

(a) "Flashlight" means a battery operated light designed to be carried and held by hand.

(am) "Laser sighting device" means a device for sighting a firearm that uses light amplification by stimulated emission of radiation to emit a beam of light that is visible to the human eye.

(b) "Light" includes flashlights, automobile lights and other lights.

(c) "Peace officer" has the meaning designated under s. 939.22 (22).

(d) "Shining" means the casting of rays of a light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

**(2)** PRESUMPTION. A person casting the rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.

**(3)** SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in possession of a firearm, bow and arrow, or crossbow.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business.

2. To an employee of the department on official business.

3. To a person authorized by the department to conduct a game census or to observe bear for educational purposes.

4. To the holder of a Class C permit issued under s. 29.193 (2) (c) 4. who uses a laser sighting device while hunting with a firearm, bow and arrow, or crossbow.

**(4)** SHINING WILD ANIMALS WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light for shining wild animals while the person is hunting or in possession of a firearm, bow and arrow or crossbow.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business, an employee of the department on official business or a person authorized by the department to conduct a game census.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or other unprotected animals during the open season for the animals hunted.

3. To a person who possesses or uses a light while using a bow and arrow or crossbow for taking rough fish.

4. To the holder of a Class C permit issued under s. 29.193 (2) (c) 4. who uses a laser sighting device while hunting with a firearm, bow and arrow, or crossbow.

**(5)** SHINING WILD ANIMALS AFTER 10 P.M. DURING CERTAIN TIMES OF THE YEAR PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light for shining wild animals between 10 p.m. and 7 a.m. from September 15 to December 31.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business, an employee of the department on official business or a person authorized by the department to conduct a game census or to observe bear for educational purposes.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or other unprotected animals during the open season for the animals hunted.

2m. To a person who possesses or uses a light while using a bow and arrow or crossbow for taking rough fish.

3. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.

3m. To the holder of a Class C permit issued under s. 29.193 (2) (c) 4. who uses a laser sighting device while hunting with a firearm, bow and arrow, or crossbow.

4. If rules promulgated by the department specifically permit a person to use or possess a light for shining wild animals during these times.

**(6)** COUNTY ORDINANCE. A county may regulate or prohibit the use of or possession with intent to use a light for shining wild animals. A county ordinance may not be less restrictive than the prohibition under sub. (5) (a). The exceptions under sub. (5) (b) apply to a county ordinance adopted under this subsection. A county may provide for a forfeiture of not more than $1,000 for violation of a county ordinance adopted under this subsection.

**(7)** PENALTIES. (a) A person who violates sub. (3) shall be fined not less than $1,000 nor more than $2,000 or imprisoned not more than 6 months or both and, in addition, the court shall order the revocation of all approvals issued to the person under this chapter and shall prohibit the issuance of any new approval under this chapter to the person for 3 years.

(b) A person who violates sub. (4) or (5) shall forfeit not more than $1,000.

**History:** 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291; 2011 a. 169, 180.

**Cross−reference:** See also s. NR 10.001, Wis. adm. code.

This section is constitutional. 71 Atty. Gen. 49.

The shining provisions of this section apply to game, fur, and deer farms. 80 Atty. Gen. 7.

**29.317 Taking homing pigeons.** Any person who takes, catches, kills or impedes the progress or otherwise interferes with any homing pigeon shall forfeit not more than $50.

**History:** 1975 c. 365; 1997 a. 248 s. 440; Stats. 1997 s. 29.317.

**29.319 Falconry regulation. (1)** The department may regulate falconry and the taking of raptors for use in falconry. In so doing, the department may do any of the following:

(a) Establish by rule a fee for any approval that it issues as part of this regulation.

(b) Allow persons who are not residents to take raptors from the wild to be used for falconry, but only if all of the following apply:

1. The person holds an approval, issued by the department, that authorizes the taking of raptors for use in falconry.

2. The person holds an approval, issued by the state, province or country of which he or she is a resident, that authorizes the taking of raptors for use in falconry.

3. The state, province or country of which the person is a resident allows residents of this state to take raptors from the wild in that state, province or country.

**(2)** Any fees collected by the department under this section shall be deposited in the conservation fund and credited to the appropriation for the endangered resources program under s. 20.370 (1) (fs).

**History:** 1999 a. 9; 2001 a. 56; 2003 a. 33.

**Cross−reference:** See also ch. NR 18, Wis. adm. code.

**29.324 Group deer hunting. (1)** In this section:

(a) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "Group deer hunting party" means 2 or more hunters hunting in a group all using firearms, each of whom holds an individual license to hunt deer.

**(2)** Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed.

(b) The person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

**(3)** A person who kills a deer under sub. (2) shall ensure that a member of his or her group deer hunting party without delay attaches a current validated deer carcass tag to the deer in the manner specified under s. 29.347 (2). The person who kills the deer may not leave the deer unattended until after it is tagged.

**History:** 1983 a. 546; 1997 a. 248 s. 506; Stats. 1997 s. 29.324.

**29.327 Regulation of waterfowl blinds. (1)** In this section:

(a) "Blind" means a permanent structure used in hunting waterfowl which is not removed at the end of hunting hours each day.

(b) "Waterfowl" means wild geese, brant, wild ducks, rails, coots, gallinules, snipe, woodcock, plovers, sandpipers and wild swan.

**(2)** (a) A blind situated on state−owned property and used in hunting waterfowl must bear the name of the owner affixed permanently to the blind in lettering one−inch square or larger.

(b) A blind on state−owned property may be erected not more than 7 days prior to the opening of the waterfowl hunting season and must be removed by the owner within 7 days after the close of the season unless the department approves an extension of the deadline for removal due to compelling personal needs of the owner. Any owner who erects a blind more than 7 days prior to the opening of the waterfowl hunting season or who does not remove a blind within 7 days after the close of the waterfowl season, or by a later date approved by the department, shall forfeit not less than $10 nor more than $200.

**History:** 1977 c. 443; 1997 a. 248 ss. 441, 442; Stats. 1997 s. 29.327; 1997 a. 249 s. 36; 1999 a. 32.

**Cross−reference:** See also ss. NR 10.12 and 10.125, Wis. adm. code.

**29.331 Trapping regulation. (1)** TAGS. Each trap used under a trapping license shall be tagged with a metal tag stamped with the name and address or customer identification number of the operator of the trap. All untagged traps shall be seized and confiscated, and the owner or person using or attending the untagged traps shall be punished as provided under s. 29.971 (4) and (12).

**(2)** SHIPMENTS. All shipments of hides must be marked showing the number and kinds of hides in the package, the name and address of the shipper, and the number of the shipper's trapping license.

**(3)** REPORT. On or before June 1 annually, the licensee shall report to the department, by affidavit, on forms furnished by the department, the number of the licensee's license, the number and value of each variety of animals taken during the previous 12 months ending May 1, and other information required on the forms furnished.

**(3m)** USE OF FEES. From the moneys received from the sale of trapping licenses, the department shall credit an amount equal to $2 times the number of trapping licenses issued to the appropriation under s. 20.370 (1) (Lq).

**(5)** MOLESTING TRAPS. (a) No person may molest, take or appropriate a trap belonging to another person when the trap is lawfully placed. No person may take or appropriate the animal or contents of any lawfully placed trap belonging to another person.

(b) A person who violates this subsection shall be fined not less than $300 nor more than $1,000 or imprisoned not more than 90 days or both. In addition, if a person violates this subsection, the court shall revoke all licenses issued to the person under this chapter for 5 years.

**History:** 1973 c. 90; 1975 c. 365 s. 62; 1979 c. 34; 1979 c. 190 s. 4; 1981 c. 236; 1981 c. 243 s. 7; 1981 c. 391; 1983 a. 27; 1991 a. 254, 316; 1997 a. 27; 1997 a. 248 ss. 283 to 287, 476; Stats. 1997 s. 29.331; 2001 a. 107; 2009 a. 38.

**Cross−reference:** See also ss. NR 10.13 and 10.145, Wis. adm. code.

**29.334 Hunting and trapping; treatment of wild animals. (1)** A person who hunts or traps any game animal or fur−bearing animal shall kill the animal when it is taken and make it part of the daily bag or shall release the game animal or fur−bearing animal.

**(2)** PENALTY. A person who violates sub. (1) shall forfeit not less than $100 nor more than $1,000.

**(3)** This section does not apply to farm−raised deer, farm−raised game birds, or wild animals that are subject to regulation under ch. 169.

**History:** 1997 a. 248 s. 513; 1999 a. 32; 2001 a. 56 ss. 38 to 40, 69.

**29.335 Feeding wild animals for nonhunting purposes.** Subject to s. 29.336, the department shall promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting.

**History:** 2001 a. 108; 2003 a. 240.

**29.336 Feeding deer. (1)** In this section, "feeding deer" means to place any material to feed or attract deer in or from the wild.

**(2)** The department shall promulgate rules that prohibit feeding deer for hunting or viewing purposes in any of the following counties:

(a) A county in which the county or a portion of the county is in a chronic wasting disease control zone designated by the department by rule.

(b) A county in which a positive test for chronic wasting disease or bovine tuberculosis has been confirmed in any captive or free−roaming domestic or wild animal after December 31, 1997.

(c) A county in which the county or a portion of the county is within a 10−mile radius of the known location of a captive or free−roaming domestic or wild animal that has been tested and confirmed to be positive for chronic wasting disease or bovine tuberculosis after December 31, 1997.

**(3)** A person may feed deer for viewing purposes in counties not included in the rules promulgated under sub. (2) if all of the following apply:

(a) The feeding site is within 50 yards of an owner−occupied residence or of a person's business, if the business is one that is generally open to the public.

(b) The feeding site is not less than 100 yards from a roadway, as defined in s. 340.01 (54), having a posted speed limit of 45 miles per hour or more.

(c) Not more than 2 gallons of material are at the feeding site.

(d) The material used to feed deer does not contain any animal part or animal byproduct.

**(4)** A person may feed deer for hunting purposes in counties not included in the rules promulgated under sub. (2) during any season open for hunting deer if all of the following apply:

(a) Not more than 2 gallons of material are at the feeding site.

(b) No feeding site is closer than 100 yards of another feeding site.

(c) The person does not place more than 2 gallons of material in any area comprising 40 acres or less.

(d) The material used to feed deer does not contain any animal part or animal byproduct.

**History:** 2003 a. 240.

**29.337 Hunting and trapping by landowners and occupants. (1)** The owner or occupant of any land, and any member of his or her family, may hunt or trap beaver, coyotes, foxes, raccoons, woodchucks, rabbits, and squirrels on the land without a license issued under this chapter or ch. 169 at any time, except as follows:

(a) An owner or occupant may not hunt any of these wild animals during the period of 24 hours before the time for commencement of the deer hunting season in any area where an open season for hunting deer with firearms is established.

(b) Such persons may not hunt coyotes during an open season for hunting deer with firearms in an area that is closed by the department by rule to coyote hunting.

**(2)** The owner or occupant of any land and any member of his or her family may take beaver, rabbits, raccoons and squirrels on the land at any time by means of live trapping with box traps in areas where the discharge of a firearm is illegal.

**History:** 1979 c. 142; 1987 a. 27; 1993 a. 246; 1997 a. 27; 1997 a. 248 ss. 433 to 436; Stats. 1997 s. 29.337; 2001 a. 56, 105.

**Cross−reference:** See also ch. NR 12 and ss. NR 10.13 and 10.145, Wis. adm. code.

**29.341 Duties on accidental shooting. (1)** Any person who, while hunting any wild animal or bird, discharges a firearm or arrow, and by that discharge injures or kills another person, shall immediately give his or her name and address to the injured person, render assistance to the injured person and obtain immediate medical or hospital care for the injured person, and immediately report the injury or death to the sheriff or police of the locality in which the shooting took place.

**(2)** Any person intentionally failing to comply with sub. (1) shall be fined not more than $5,000, or imprisoned in the county jail not more than one year, or both. Any person who neglects to comply with sub. (1) shall be fined not more than $5,000 or imprisoned not more than 9 months or both.

**History:** 1975 c. 365; 1991 a. 316; 1997 a. 248 s. 413; Stats. 1997 s. 29.341.

**29.345 Hunting, fishing or trapping accident; failure to report. (1)** Every person who has caused or been involved in an accident in which a person has been injured by discharge of a firearm or arrow while hunting, fishing or trapping, or inflicted an injury upon himself or herself with a firearm or with an arrow while hunting, fishing or trapping, shall render a report to the department at any of its field offices within 10 days after the injury unless the person is physically incapable of making the required report, in which event the person or persons involved in the accident shall designate an agent to file the report within the specified time.

**(2)** Any person who is involved in an accident with firearm or arrow while hunting, fishing or trapping, and who fails to submit the report required by this section, shall forfeit not more than $50. In addition, the court may revoke any license issued to the person under this chapter and may further provide that no license shall be issued to the person under this chapter for a fixed period of time specified by the court.

**History:** 1975 c. 365; 1991 a. 316; 1997 a. 248 s. 414; Stats. 1997 s. 29.345.

**29.346 Registration information.** If the department requires a person who kills an animal to register that animal with the department, the department shall, at the time of registration, make a record of the type of weapon that was used to kill the animal.

**History:** 2013 a. 61.

**29.347 Possession of deer and elk; heads and skins. (1)** DEFINITION. In this section, "validated" means marked with specified information in the manner required by the department.

**(2)** DEER OR ELK CARCASS TAGS. Except as provided under ss. 29.324 (3) and 29.349 (2), any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Any person who kills an elk shall immediately attach to the ear or antler of the elk a current validated elk carcass tag. Except as provided under sub. (2m) or s. 29.89 (6), no person may possess, control, store, or transport a deer carcass unless it is tagged as required under this subsection. Except as provided under sub. (2m), no person may possess, control, store, or transport an elk carcass unless it is tagged as required under this subsection. A person who kills a deer or an elk shall register the deer or elk in the manner required by the department. A person who kills a deer or an elk shall possess, control, store, or transport the deer or elk carcass in compliance with rules promulgated by the department under s. 29.063 (3). The carcass tag may not be removed before registration. The removal of a carcass tag from a deer or an elk before registration renders the deer or elk untagged.

**(2m)** REMOVAL AND RETENTION OF TAGS. (a) A carcass tag attached under sub. (2) and a registration tag attached by the department or a car kill tag attached under s. 29.349 (2) may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the animal shall retain all tags until the meat is consumed.

(b) Subject to sub. (6), any person who retains a tag under par. (a) may give deer or elk meat to another person. The person who receives the gift of deer or elk meat is not required to possess a tag.

**(3)** HEADS AND SKINS. (a) Except as provided in par. (b) and sub. (6), the control or possession of the head or skin of any deer or elk lawfully killed, when severed from the rest of the carcass, are not subject to this chapter.

(b) No person may possess or control deer or elk antlers in the velvet or a deer or an elk skin in the spotted coat of a lawfully killed deer or elk unless the person to whom the carcass tag for the deer or elk was issued, or the person who had the deer tagged under s. 29.349 (2), has requested and received authorization from the department to control or possess the antlers or skin. A request for written authorization from the department shall be made within 7 days after the carcass tag has been attached to the deer or elk.

**(4)** ANTLERS REMOVED OR BROKEN. Any deer from which the antlers have been removed, broken, shed, or altered so as to make determination of the legality of the deer impossible is an illegal deer if the deer is taken during an open season for hunting only antlered deer or during an open season for hunting only antlerless deer. Any elk from which the antlers have been removed, broken, shed, or altered so as to make determination of the legality of the elk impossible is an illegal elk if the elk is taken during an open season for hunting only antlered elk or during an open season for hunting antlerless elk.

**(6)** CONTROL OF CARCASSES. No person may transport, possess, store, butcher, or control the carcass of a cervid in violation of rules promulgated by the department under s. 29.063 (3) or (4).

**History:** 1975 c. 97, 199; 1983 a. 546; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9; 2001 a. 16, 56, 109; 2003 a. 247, 321; 2005 a. 286; 2011 a. 251.

**Cross−reference:** See also ss. NR 10.001 and 19.13, Wis. adm. code.

Only the tag of the person who kills the deer may be attached under sub. (2). State v. Skow, 141 Wis. 2d 49, 413 N.W.2d 650 (Ct. App. 1987).

**29.349 Animals killed by motor vehicles. (1)** In this section, "law enforcement officer" means a warden or any other law enforcement officer authorized by the department to issue tags for an animal killed by a vehicle.

**(2)** (a) Subject to s. 29.347 (6), any person who while operating a motor vehicle on a highway accidentally collides with and kills a bear, deer, or wild turkey may take possession of the carcass. Subject to s. 29.347 (6), if the motor vehicle operator does not want to take the carcass, the carcass may be taken by any other person who is present at the scene of the accident at the time the collision occurs or at any time after the collision occurs.

(b) No person may take possession of the carcass of a bear, deer, or wild turkey killed in the manner specified in par. (a) and remove the carcass from the scene of the accident unless the person has complied with rules promulgated by the department under s. 29.063 (3) and one of the following apply:

1. The person has the carcass tagged by a law enforcement officer.

2. The person contacts a law enforcement officer and gives his or her name, the location of the carcass and the date and the time, and the law enforcement officer approves the removal and gives the person the instructions and location for having the carcass tagged at a later time.

(c) The person removing the carcass under the procedure specified in par. (b) 2. shall have the carcass tagged within 24 hours after receiving the instructions under par. (b) 2.

(d) No fee may be charged for a tag issued under this subsection.

**(3)** (a) Except as provided under par. (b) or as authorized under s. 29.614, no person may take possession of the carcass of a small game animal killed by a person who accidentally collides with the small game animal while operating a motor vehicle on a highway unless all of the following apply:

1. The small game animal is killed during the open season for hunting or trapping that animal.

2. The small game animal is not a bobcat, fisher, or otter.

3. The person possesses an approval issued under this chapter that authorizes the hunting or trapping of the kind of small game animal killed.

4. The person is the operator of the motor vehicle.

(b) If an operator of a motor vehicle who is authorized under par. (a) to take possession of the carcass of a small game animal does not want to take possession of the carcass, any other person may take possession of the carcass and remove it from the scene of the accident if the person possesses an approval issued under this chapter that authorizes the hunting or trapping of the kind of small game animal killed by the operator of the motor vehicle and the person takes the carcass during the open season for that animal.

(c) The department may not charge a person a fee to take possession of the carcass of a small game animal if the person is authorized to possess the carcass under this subsection.

**History:** 2011 a. 251 ss. 4, 10 to 15.

**29.351 Skins of fur−bearing animals. (1g)** No person may possess or control the skin of any mink, muskrat, fisher, pine marten, or otter showing that the animal was shot.

**(1m)** (a) Except as provided in par. (b), or unless otherwise authorized by the department, no person may possess or control the green skin of any fur−bearing animal from the 5th day after the beginning of the closed season for that animal until the end of that closed season.

(b) Paragraph (a) does not apply to any of the following:

1. A fur−bearing animal that was lawfully taken and that has a valid registration tag attached to it by the department.

2. A fur−bearing animal that is taken as authorized under s. 29.337.

3. A fur−bearing animal that was lawfully taken for which an open season is established by rule and for which no bag or possession limit is imposed by rule.

**(1r)** No person may possess the raw skin of any muskrat, mink, otter, fisher, or pine marten at any time unless the person is the holder of a valid scientific collector permit, fur dealer license, trapping license, or resident conservation patron license. No license is required for a person breeding, raising, and producing domestic fur−bearing animals in captivity, as defined in s. 29.627, or for a person authorized to take muskrats on a cranberry marsh under a permit issued to the person by the department.

**(2m)** Subsections (1g) to (1r) do not apply to the skins of fur−bearing animals that are subject to regulation under ch. 169.

**History:** 1983 a. 27; 1987 a. 27; 1995 a. 27; 1997 a. 248 s. 507; Stats. 1997 s. 29.351; 2001 a. 56; 2009 a. 38.

**29.354 Possession of game birds and animals. (1)** APPROVAL NECESSARY. No person may possess or have under his or her control any game bird or game animal or the carcass of any game bird or game animal unless the person has a valid hunting license, sports license, conservation patron license, taxidermist permit, or scientific collector permit. This subsection does not apply to a person who takes possession of a bear, deer, or wild turkey under s. 29.349 (2) (a) and who complies with the requirements under s. 29.349 (2) (b).

**(2)** NESTS AND EGGS. (a) Except as provided in par. (b), no person may take, needlessly destroy or possess or have under his or her control the nest or eggs of any wild bird for which a closed season is prescribed under this chapter.

(b) A person who has a valid scientific collector permit may take or possess or have under his or her control the nest of a wild bird and may destroy the nest if necessary for a scientific purpose.

**(3)** MOUNTED COLLECTIONS. This section does not permit seizure of or prohibit possession or sale of lawfully obtained wild birds and animals which are mounted or in the process of being mounted for a private collection.

**(5)** CAPTIVE WILD ANIMALS. This section does not apply to farm−raised deer, farm−raised fish, fish produced in a municipal fish hatchery, farm−raised game birds, or wild animals that are subject to regulation under ch. 169.

**History:** 1973 c. 214; 1983 a. 27; 1985 a. 29; 1991 a. 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 509 to 511; Stats. 1997 s. 29.354; 2001 a. 56; 2011 a. 251; 2013 a. 20.

**Cross−reference:** See also s. NR 19.001, Wis. adm. code.

**29.357 Transportation; general provisions. (1)** DURING CLOSED SEASON. Except as otherwise expressly provided in this chapter, no person may transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game or game fish or carcass at any time other than during the open season for the game or game fish and 3 days thereafter. Whenever any game or game fish or carcass is offered to any person for transportation at any time other than during the open season therefor and 3 days thereafter, the person shall immediately notify the department or its wardens of the offer and by whom made.

**(2)** TRUNKS; VALISES. No person may carry or control in any trunk, valise, or other package or enclosure, at any time on any common carrier, any game or game fish, or carcass.

**(3)** TRANSPORTATION EMPLOYEES. No employee of any railroad, express or other transportation company, and no steward, porter or other employee of any dining, parlor or sleeping car may have possession or control of, at any time while on duty, any game or game fish, or carcass.

**(4)** LABELING GAME SHIPMENTS. No person shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any wild animal or carcass, unless the package or parcel is labeled in plain letters on the address side of the package or parcel with the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish or the number of each variety of other wild animals; or carcasses contained in the package or parcel; and unless the consignor is the owner of the shipment and delivers to the common carrier with the package or parcel, either personally, or by agent, a writing signed by the consignor personally, stating that the consignor is the owner of the shipment.

**(4m)** CONTROL OF CERVID CARCASSES. No person may transport, cause to be transported, deliver, receive, offer to deliver or receive, or control the carcass of a cervid in violation of rules promulgated by the department under s. 29.063 (3) or (4).

**(5)** EXEMPTIONS. (a) Subsections (1) to (4) do not apply to a person who has a valid taxidermist permit and who possesses, transports, causes to be transported, delivers or receives, or offers to deliver or receive, a wild animal carcass in connection with his or her business.

(b) Subsections (1) to (4m) do not apply to the possession, transportation, delivery, or receipt of farm−raised deer, farm−raised fish, fish produced in a municipal fish hatchery, farm−raised game birds, or wild animals that are subject to regulation under ch. 169.

**History:** 1985 a. 29; 1991 a. 269, 316; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 516, 517; Stats. 1997 s. 29.357; 2001 a. 56; 2005 a. 286; 2013 a. 20.

**29.361 Transportation of deer or elk. (1)** No common carrier may receive for transportation or transport or attempt to transport any deer or elk or the carcass of any deer or elk except as provided in this section.

**(2)** Any person may transport a lawfully taken deer or elk if it is properly tagged and registered, except as otherwise provided by rule during the open season for deer or elk and for 3 days thereafter.

**(2m)** Any person may transport an antlerless deer killed under the authority of his or her hunter's choice, bonus, or other deer hunting permit on any highway, as defined s. 340.01 (22), in order to register the deer in the deer management area where the deer was killed or in an adjoining management area.

**(3)** The place of delivery of any shipment authorized under this section by a resident shall be within the state and by a nonresident shall be either within the state or at his or her residence outside the state.

**(3m)** Notwithstanding subs. (1), (2), (2m), (3), and (5), no person may receive for transportation, transport, or attempt to transport the carcass of a cervid in violation of rules promulgated by the department under s. 29.063 (3).

**(4)** This section does not apply to a bona fide public zoo.

**(5)** This section does not apply to a person who has a valid taxidermist permit and who is transporting, attempting to transport, or receiving the carcass of a deer or elk in connection with his or her business.

**History:** 1979 c. 34; 1981 c. 111; 1985 a. 29; 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 522; Stats. 1997 s. 29.361; 1997 a. 249 s. 37; 2001 a. 109; 2005 a. 286.

**29.364 Transportation of game birds. (1)** TRANSPORTATION. No common carrier may receive for transportation or transport or attempt to transport any game bird or carcass of a game bird except as provided in this section.

**(2)** RESIDENTS. Any resident who has all of the required hunting approvals may transport in the resident's personal possession the legal daily bag limit or possession limit of any game birds for which an open season has been provided to any point within the state.

**(3)** NONRESIDENTS. Any nonresident who has all of the required hunting approvals may transport in the nonresident's personal possession the legal daily bag limit or possession limit of game birds for which an open season has been provided from any point within the state to any point within or without the state.

**(4)** MIGRATORY BIRDS. (a) In this subsection "migratory game bird" means any bird defined as such by the secretary of the interior in the code of federal regulations.

(b) No person may transport any migratory game bird for which open seasons are prescribed, unless the head or one fully feathered wing remains attached to each bird while being transported from the place where taken to the personal residence of the possessor or to a commercial preservation facility.

**(5)** EXEMPTION; TAXIDERMISTS. Subsections (1) to (3) do not apply to a person who has a valid taxidermist permit and who is transporting the carcass of a game bird in connection with his or her business.

**History:** 1975 c. 360; 1985 a. 29; 1991 a. 316; 1997 a. 248 s. 523; Stats. 1997 s. 29.364.

## SUBCHAPTER V

## FISHING REGULATION

**Cross−reference:** See also ch. NR 20, Wis. adm. code.

**29.401 Possession of fishing equipment. (1)** (a) No person may possess or control at any time any trammel, gill, or hoop net, or any other kind of net, nets, or fish trap that might take, catch or kill fish in the counties of: Adams, Barron, Burnett, Calumet, Chippewa, Clark, Columbia, Dane, Dodge, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Lafayette, Langlade, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Polk, Portage, Price, Richland, Rock, Rusk, Sauk, Sawyer, Shawano, Taylor, Vilas, Walworth, Washburn, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood except minnow nets and minnow traps, whitefish and cisco nets, dip nets, crab traps and turtle traps as provided in this chapter or by department order.

(b) Nothing in this subsection prohibits the department or its agents from having in possession, using, or causing the use of, any kind of nets as provided under other sections in the statutes, or prohibits the possession or use of nets by contract fishers who are operating under the supervision of the department.

(c) This subsection does not apply to any net or trap used to take, catch or kill farm−raised fish.

**(2m)** The department may not promulgate or enforce a rule that prohibits persons from possessing barbed hooks while fishing for trout in inland trout waters, as defined in s. 29.2285 (1) (a), during the period beginning on January 1 and ending on the Friday immediately preceding the first Saturday in the following May.

**History:** 1985 a. 332; 1991 a. 316; 1997 a. 27; 1997 a. 248 ss. 446, 447; Stats. 1997 s. 29.401; 1999 a. 178; 2005 a. 25.

**29.403 Fishing tournaments. (1b)** In this section, "live well" means a container designed to hold, and capable of holding, live fish on a boat.

**(1g)** The department shall promulgate rules to establish a program to authorize and regulate fishing tournaments. The rules shall establish the scope and applicability of the program.

**(1m)** Any person conducting a bass fishing tournament authorized by the department under this section may allow participants to fish for, and cull, both largemouth and smallmouth bass. Any participant in a bass fishing tournament shall ensure that the boat from which he or she is fishing has a functioning live well. Section 29.055 and any rule promulgated pursuant to sub. (3) (L), as they relate to bag and possession limits for bass, do not apply to culling that occurs in a bass fishing tournament authorized by the department under this section.

**(2)** The department may require a permit under the program to conduct a fishing tournament and may impose terms and conditions that apply to a specific permit. The department may issue a specific permit under terms and conditions that vary from the

requirements of the rules promulgated by the department under sub. (1g).

**(3)** The rules promulgated by the department under sub. (1g) may include any of the following:

(a) Rules governing the circumstances under which a waiver for a permit may be granted under s. 29.197.

(b) Rules establishing training or educational requirements for persons who seek a permit under sub. (2).

(c) Rules for controlling crowding, preventing unsafe conditions, or preventing conflicts among the users of the body of water on which fishing tournaments are held or at facilities for public access to those bodies of water, including boat ramps and parking lots.

(d) Rules relating to the prevention of the waste of a natural resource.

(e) Rules relating to the protection of the bodies of water of this state, fish, and other aquatic resources in those bodies of water.

(f) Rules specifying the number of fishing tournaments that may be held on a body of water.

(g) Rules governing the frequency with which fishing tournaments may be held and the dates on which they may be held.

(h) Rules specifying the number of days over which fishing tournaments, or practices for fishing tournaments, may be held.

(i) Rules governing the hours during which fishing tournaments may be held.

(j) Rules specifying the location of the bodies of water on which fishing tournaments may be held.

(k) Rules specifying the species of fish that may be targeted by fishing tournaments.

(L) Rules specifying bag and size limits for fish that are caught at fishing tournaments.

(m) Rules governing the time of year when fishing tournaments may be held.

(n) Rules specifying the qualities that the bodies of water on which fishing tournaments may be held must have.

(o) Rules governing the reporting of the results of fishing tournaments.

(p) Rules specifying fees for fishing tournament permits and for training or educational programs, including rules specifying reduced fees in appropriate circumstances.

**(4)** Notwithstanding subs. (2) and (3), the department may not, under the program established under sub. (1g), allow a participant in a fishing tournament to engage in any activity in which the department would not allow an angler who is not a participant to engage at the same time on the same body of water. This subsection does not apply to participants in a bass fishing tournament authorized by the department under this section.

**(5)** (a) The department shall deny an application for a fishing tournament permit or suspend or revoke a fishing tournament permit if the permit applicant or holder does any of the following:

1. Makes a material misrepresentation on a permit application.

2. Violates this section, a rule promulgated under this section, or a term or condition of a permit.

3. Violates this chapter as it relates to fishing in connection with a fishing tournament.

4. Fails to adequately supervise a fishing tournament.

(b) If the department denies a person's application for a fishing tournament permit or if the permit is revoked under par. (a), the department may not issue a fishing tournament permit to that person for a period of 2 years after the denial or revocation.

**(6)** Any person who participates in a fishing tournament shall comply with the terms and conditions imposed by any permit issued for that fishing tournament under sub. (2).

**(7)** This section does not apply to any fishing tournament that is conducted on a body of water where persons who are normally required to have fishing approvals are exempt from having such approvals.

**History:** 2003 a. 249; 2011 a. 24.
**Cross−reference:** See also s. NR 20.40, Wis. adm. code.

**29.404 Fishing shanties on ice, regulation. (1)** PUBLIC NUISANCE; REMOVAL. Any building, vehicle, tent, fish shanty or similar shelter that is used or left on the ice in violation of any department order or that has fallen through the ice is a public nuisance. The department shall notify the owner, if known. If after the expiration of 10 days after notice is given the owner does not claim the nuisance, the department may destroy or sell the nuisance in the name of the state.

**(2)** REIMBURSEMENT FOR DEPARTMENT COSTS. If the department destroys or sells the building, vehicle, tent, fish shanty or similar shelter that is a public nuisance, the owner shall reimburse the department for all costs associated with the seizure and destruction or sale of the public nuisance. The department shall give the owner written notice containing the amount of costs to be reimbursed and a statement that the owner must reimburse these costs to the department within 20 days after the notice is given.

**(3)** FORFEITURE. If the owner does not reimburse these costs to the department within 20 days after the notice is given under sub. (2), the owner shall forfeit not more than $100.

**History:** 1989 a. 359; 1991 a. 39; 1997 a. 248 ss. 443 to 445; Stats. 1997 s. 29.404.
**Cross−reference:** See also s. NR 20.11, Wis. adm. code.

**29.405 Fishing with bow and arrow or crossbow. (1)** No person may do any of the following:

(a) Take rough fish with a bow and arrow or take rough fish with a bolt from a crossbow unless the arrow or bolt is equipped with a metal barbed tip and is attached to the bow or crossbow with a tethered line that allows for the retrieval of the arrow or bolt and the fish.

(b) Release or return any rough fish taken with a bow and arrow or crossbow, whether dead or alive, to the waters of this state.

(c) Leave any rough fish taken with a bow and arrow or crossbow, whether dead or alive, on the ice or banks of any waters of this state.

**(2)** Any person who takes rough fish with a bow and arrow or crossbow in any waters of this state shall remove the fish from those waters and use or dispose of the fish in an appropriate manner as determined by the department.

**(3)** If the department establishes an open season for taking rough fish with a bow and arrow or crossbow on a particular body of water, the department shall allow the taking of rough fish with a bow and arrow or crossbow on that body of water from sunset to sunrise during that open season.

**(4)** If the department establishes an open season for taking rough fish with a bow and arrow on a particular body of water, the department shall also allow the use of a crossbow to take rough fish on that body of water under the same conditions that apply to the use of a bow and arrow to take rough fish on that body of water.

**History:** 2005 a. 291; 2007 a. 97; 2011 a. 180.

**29.407 Transportation of fish. (1)** FROM INLAND WATERS. (a) No person may transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game fish taken from inland waters unless the person complies with all applicable requirements under pars. (b) and (c).

(b) All fish that are subject to a minimum size limit and are taken by hook and line may be transported with the head or tail, or both, removed and may be filleted before being transported, but only if the dressed or filleted fish continues to meet the minimum size limit. A dressed fish shall remain in one piece with the skin and scales intact. The skin and scales shall remain on a filleted fish.

(c) A box, package or container of fish transported by common carrier shall contain fish of only one owner.

**(2)** FROM OUTLYING WATERS. (a) No person may transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game fish taken from outlying waters unless the person complies with all applicable requirements under pars. (b) and (d).

(b) 1. In this paragraph, "fresh fish" means any fish that has not been frozen or smoked.

2. No fresh fish of any variety except lawfully taken suckers may be shipped from any port located on outlying waters during the closed season for the fish, except the first 3 days of the closed season.

(d) All fish which are subject to a minimum size limit and are taken by hook and line may be transported with the head or tail, or both, removed and may be filleted before being transported, but only if the dressed or filleted fish continues to meet the minimum size limit. A dressed fish shall remain in one piece with the skin and scales intact. The skin and scales shall remain on a filleted fish.

**(3)** SHIPMENTS FROM INLAND POINTS. Any shipment of game fish of any variety originating at any point in this state other than ports located on outlying waters is subject to this section governing the transportation of game fish taken from inland waters.

**(4)** INJURIOUS FISH. No live rough fish except goldfish, dace and suckers may be transported into or within the state without a permit from the department, except any person authorized by a state contract to remove rough fish pursuant to s. 29.421 may transport rough fish taken by the person under the authority of the contract.

**(5)** EXEMPTIONS. (a) This section does not apply to a person who has a valid taxidermist permit and who is transporting fish in connection with the person's business.

(b) This section does not apply to the transportation, delivery, receipt or shipping of farm−raised fish or fish produced in a municipal fish hatchery.

**History:** 1971 c. 266; 1985 a. 29; 1987 a. 49; 1989 a. 56; 1991 a. 316; 1997 a. 27; 1997 a. 248 ss. 524 to 537; Stats. 1997 s. 29.407; 2005 a. 288; 2013 a. 20.

**29.411 Cooperation during a fish census.** A person who is fishing shall cooperate with an employee of the department when the employee is involved in taking a fish census. Section 29.971 does not apply to this section.

**History:** 1997 a. 248 s. 573.

**29.414 Erection of barriers to exclude rough fish.** The department may erect and maintain or authorize erection and maintenance of a screen or similar barrier in any navigable stream for the purpose of preventing rough fish or other undesirable fish from invading any part of the stream, if the screen or barrier does not unreasonably interfere with navigation.

**History:** 1997 a. 248 s. 571.

**29.417 Permit to take rough fish. (1)** Permission may be granted to any person by the department upon terms and conditions required by the department to take rough fish in the following bays or harbors in Door County: Sturgeon Bay, Little Sturgeon Bay, Riley's Bay, Egg Harbor, Fish Creek Harbor, Eagle Harbor, Bailey's Harbor, Mud Bay, North Bay, Rowley's Bay, and Washington Harbor, Jackson Harbor and Detroit Harbor in Washington Island.

**(2)** A person having a contract to take rough fish under s. 29.421 or this section may be authorized by the department to erect and maintain a temporary pond in any navigable water pending the sale of the fish, provided that the pond does not unreasonably interfere with navigation or other public rights in the water.

**(3)** Bays and harbors listed in this section shall have the following description:

(a) That body of water known as Jackson Harbor lying south and west of a line commencing at the most northerly point in section 27, township 34 north, range 30 east, and running in a straight line northwesterly to the most easterly point in the northeast quarter of section 28, same township and range.

(b) That body of water known as Bailey's Harbor lying north of a line commencing at the most southerly point in section 21, township 30 north, range 28 east, and running in a straight line westerly to the south line of section 20, same township and range.

(c) That body of water known as Washington Harbor lying south of a line commencing at the water's edge on the north line of section 26, township 34 north, range 29 east, and running in a straight line easterly to the water's edge on the north line of section 25, same township and range.

(d) That body of water known as Eagle Harbor lying south and east of a line drawn from the most northeast point in section 9, township 31 north, range 27 east, easterly to the water's edge on the north line of section 12, same township and range.

(e) That body of water known as Egg Harbor lying south of a line commencing at the most northeast point in section 26, township 30 north, range 26 east, and running in a straight line east to the north line of section 25, same township and range.

(f) That body of water known as North Bay lying north of a line commencing at the most northeast point in section 35, township 31 north, range 28 east, and running in a straight line to the west line of section 25, same township and range.

(g) That body of water known as Fish Creek Harbor lying south and east of a line commencing at the most northerly point in the southwest quarter of section 29, township 31 north, range 27 east, and running northeasterly in a straight line to the water's edge on north line of said section, township and range.

(h) That body of water known as Detroit Harbor lying north of a line commencing at the most southerly point in section 14, township 33 north, range 29 east, and running in a straight line to the most southerly point in section 18, township 33 north, range 30 east.

(i) That body of water known as Little Sturgeon Bay lying south of a line commencing at the most northeast point in section 35, township 28 north, range 24 east, and running in a northeasterly direction to the most northerly point in section 36, same township and range.

(j) That body of water known as Rowley's Bay lying north of a line commencing at the water's edge on south line of section 26, township 32 north, range 28 east, and running east to the most southerly point in section 32, same township and range.

(k) That body of water known as Riley's Bay lying south of a line commencing at the most northerly point in section 36, township 28 north, range 24 east, and running in a northeasterly direction to the most northerly point in section 30, township 28 north, range 25 east.

**History:** 1981 c. 390 s. 252; 1997 a. 248 ss. 81, 83, 85, 681; Stats. 1997 s. 29.417.
**Cross−reference:** See also s. NR 20.38, Wis. adm. code.

**29.421 Removal of rough fish.** The department may take rough fish by means of seines, nets or other devices, or cause rough fish to be taken, from any of the waters of this state, other than waters in a self−contained fish rearing facility or in a preexisting fish rearing facility that is an artificial body of water. Whenever the department takes rough fish under this section it shall dispose of the fish in any manner that it determines to be appropriate.

**History:** 1971 c. 266; 1977 c. 418; 1997 a. 27, 237; 1997 a. 248 ss. 676, 677; Stats. 1997 s. 29.421; 1999 a. 32.
**Cross−reference:** See also s. NR 20.38, Wis. adm. code.

**29.424 Control of detrimental fish. (1)** When the department finds that any species of fish is detrimental to any of the waters of the state it may designate the species of fish and specify the waters in which the species of fish is found to be detrimental. The department may remove or cause to be removed detrimental fish of the species designated from the waters specified.

**(2)** Subsection (1) does not authorize the department to remove fish from a self−contained fish rearing facility or from a

preexisting fish rearing facility that is an artificial body of water unless one or more of the following apply:

(a) The fish are of a species that is not native to this state and the department determines that having the fish in that particular self−contained fish rearing facility or preexisting fish rearing facility poses a risk of being detrimental to the waters of the state.

(b) The department of agriculture, trade and consumer protection has requested that the department of natural resources remove the fish to address a problem affecting fish health.

**History:** 1975 c. 360; 1997 a. 27; 1997 a. 248 ss. 678 to 680; Stats. 1997 s. 29.424.
**Cross−reference:** See also s. NR 20.38, Wis. adm. code.

## SUBCHAPTER VI

## COMMERCIAL ACTIVITIES

**Cross−reference:** See also s. NR 19.01, Wis. adm. code.

**29.501 Fur dealers regulated. (1)** In this section:

(a) "Dressed fur" means the dressed or tanned skins of any fur−bearing animal, but does not include fur in the manufactured article.

(b) "Fur auctioneer" means a person duly licensed to sell furs of wild−fur−bearing animals of this or other states or foreign countries.

(c) "Fur dresser or dyer" means a person engaged in the business of dressing, dyeing, tanning and otherwise preparing furs to be made into manufactured articles.

(d) "Itinerant fur buyers" means persons other than resident fur dealers who engage in the business of buying, bartering, trading or otherwise obtaining raw furs from trappers or from fur buyers or fur dealers in retail lots for purposes of resale, except those buying furs at a nationally advertised public auction conducted by a regularly licensed fur auctioneer.

(e) "Raw fur" means the undressed skins or pelts of any fur−bearing animal.

(f) "Resident fur dealer, Class A" means persons having an established post or place of business in the state where they carry on the business of buying, bartering, trading and otherwise obtaining raw or dressed furs, to the amount of $2,000 or more each year.

(g) "Resident fur dealer, Class B" means persons having an established post or place of business in the state where they carry on the business of buying, bartering, trading and otherwise obtaining raw or dressed furs, to the amount of less than $2,000 each year.

**(2)** No person may engage in the business of buying, bartering, bargaining, trading or otherwise obtaining raw furs until he or she has a license issued under this section.

**(3)** Licenses shall be issued, subject to s. 29.024 (2g) and (2r), by the department upon application. The form of application and license shall be prescribed by the department.

**(5)** Persons who have not had a place of business in the state for at least one year immediately preceding the date of application for such license, shall be issued itinerant fur buyers' licenses only.

**(6)** Each resident fur dealer, Class A; resident fur dealer, Class B; fur dresser or dyer; itinerant fur dealer or fur auctioneer license shall bear upon its face the date of issuance. The license shall be shown to the department upon request.

**(6m)** (a) Every person licensed under this section shall keep records of all transactions in the buying, selling, dressing, dyeing or tanning of raw furs by the person. This record shall show the name and address of each person from whom furs were purchased and to whom sold, together with the date of receipt and shipment, and a detailed account as to the number and kinds of raw furs in each shipment received or sold. This record shall be open to the inspection of the department at all reasonable hours. The records shall be kept intact for a period of 2 years after the expiration of any license issued under this section, as to all transactions carried on while the license was effective.

(b) Not less than 10 days before conducting a fur auction, the fur auctioneer shall file with the department evidence of national advertising showing the date and place of the auction.

(c) Within 10 days after conducting any fur auction, the fur auctioneer shall file with the department on forms furnished by it a report of the auction containing the date and place of the auction, the names and addresses of all persons buying furs taken from wild fur−bearing animals, the quantities and kinds of furs bought, and the amounts paid for the furs by each buyer.

**(7)** All packages of raw furs shipped or transported by any person shall have plainly marked on the outside of the package or shipment the kinds and number of furs in the package or shipment, the license number, and the name of the consignor and the consignee.

**(8)** No person on the person's own behalf or as an agent for any person may receive for shipment or cause to be received for shipment out of or in the state, any package of fur or furs unless the contents are plainly marked on the outside of the package as to the number and kinds of fur contained in the package, the license number, and the address of the consignor and consignee.

**(9)** Nothing in this section prohibits any person from buying raw or dressed furs for the purpose of making garments for himself or herself or a member of his or her family, but the person shall apply to the department for a permit to buy the furs.

**(9m)** This section applies to the raw furs and dressed furs of fur−bearing animals that are subject to regulation under ch. 169.

**(10)** Any person who violates this section shall be fined not more than $1,000, or imprisoned not more than 9 months, or both. Any person violating sub. (6m) shall forfeit not more than $100.

**History:** 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

**29.503 Wholesale fish dealer license. (1)** DEFINITIONS. In this section, unless the content otherwise requires:

(a) "Canned fish" means fish and seafood products prepared for human consumption commercially, sterilized by heat and preserved in hermetically sealed containers.

(b) "Fish" means any processed or unprocessed fish of those species which are found in the waters of the state as defined in s. 281.01 (18), including parts of fish, fish eggs, or fish products. "Fish" does not include minnows produced and sold or purchased as bait.

(c) "Producer of fish" means any person who fishes with or without a crew.

(cm) "Record" includes any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form, that relates to the production, storage, transportation, purchase, sale, trade, barter, or other acquisition or disposition of fish by commercial fishers or wholesale fish dealers.

(d) "Seafood" means food sold fresh or frozen and commonly known as oysters, shrimp, lobsters, lobster tails, crabs, scallops, clams and other types of shell fish which are or can be lawfully taken for commercial purposes, but not any canned fish or fish known as lutefisk.

(e) "Wholesale fish dealer" means any person who buys, barters, obtains, sells, solicits, or processes fish in any manner for himself or herself or any other person for sale to anyone other than a consumer; but no established retail store or locker plant is a "wholesale fish dealer" solely as the result of the sale of fish to a restaurant, hotel or tavern at no reduction in the retail price charged other retail customers. A producer of fish, except as otherwise hereinafter provided, who sells fish directly to retailers is a wholesale fish dealer. Hotels, meat markets, grocery stores, restaurants and taverns are retailers, except when they sell fish for resale, in which case they are wholesale fish dealers.

**(2)** LICENSE REQUIRED; EXEMPTION. (a) No person may engage in business as a wholesale fish dealer unless he or she is issued a wholesale fish dealer license by the department.

(b) No producer of fish who holds a commercial fishing license or contract under this chapter shall be required to obtain a license to sell the fish that he or she produces.

**(3)** LAKE STURGEON. A wholesale fish dealer license does not authorize a person to sell, buy, barter, trade, possess, control or transport lake sturgeon.

**(4)** TAGGING, LABELING, AND VEHICLE IDENTIFICATION REQUIREMENTS. (a) *Tag, label or receipt required.* No wholesale fish dealer may sell, buy, barter, trade, possess, control, transport, or cause to be transported any fish unless the fish are tagged and labeled in accordance with the law of the state or country where they were taken or, if no label or tag is required under the law of that state or country, unless the fish are accompanied by a receipt or invoice from the person from whom the fish were purchased or obtained.

(b) *Special requirements for lake trout.* No wholesale fish dealer or producer of fish may sell, buy, barter, trade, possess, control, transport, or cause to be transported any lake trout unless the lake trout is identified in the form and manner required by the department.

(c) *Failure to tag or label.* Fish which are not tagged, labeled or accompanied by a receipt showing the fish were taken in another state or country as required under par. (a) or (b) are presumed to have been taken from the waters of this state.

(d) *Package labeling requirements.* 1. No wholesale fish dealer or producer of fish may transport or cause to be transported, or deliver or receive for transportation from the seller of fish to the buyer of fish, any container, package, or box containing any fish unless it is accompanied by a bill of lading or an invoice that contains the name, address, and license number of the seller and of the buyer.

2. The bill of lading or invoice required under subd. 1. shall contain the name, address, and license number of the seller and the buyer of the fish covered by the bill of lading or invoice and shall specify the point of origin of the fish, the point of destination of the fish, the species of fish, the weight of each species of fish, and the number of containers, packages, or boxes covered by the bill of lading or invoice. The operator of the conveyance transporting the fish shall immediately produce the bill of lading or invoice for inspection upon the request of a warden.

3. This paragraph does not apply to a producer of fish if the producer is transporting fish from the producer's boat or landing to a processing facility in this state.

(e) *Vehicle identification requirements.* 1. No wholesale fish dealer or producer of fish may transport or cause to be transported any fish in a vehicle unless the ownership of the vehicle is marked in a manner prescribed by the department that identifies the vehicle's ownership and that confirms that the vehicle contains fish.

2. This paragraph does not apply to a producer of fish if the producer is transporting fish from the producer's boat or landing to a processing facility in this state.

**(5)** RECORDS AND INVENTORIES. (a) *Records.* Each wholesale fish dealer shall keep legible, written records in the English language of all fish purchased, sold, possessed, or obtained in his or her capacity as a wholesale fish dealer by any means including by trade or barter and shall keep records of all fish disposed of in his or her capacity as a wholesale fish dealer for any reason, including as a result of spoilage or by donation. The record shall include the name, address, and fish dealer license number of the purchaser; the name, address, and wholesale fish dealer or commercial fishing license number of the person from whom the fish were purchased or obtained; the date of the transaction; the kinds of fish, the pounds or kilograms of each kind and the description of the fish purchased or obtained; and the signature of the person completing the record. If the record relates to a retail sale by the wholesale fish dealer, the record shall include only the date of the transaction and the kind, weight, and condition of the fish sold.

(br) *Inventory.* Each wholesale fish dealer shall prepare an annual inventory of Great Lakes fish and all species of sturgeon owned by the wholesale fish dealer or in the dealer's possession or control at the time that the inventory is prepared, including such fish maintained in cold storage facilities. The inventory shall be furnished to the department within 15 days after the inventory is completed. The inventory shall be recorded on a form available from the department and shall include the weight of the fish in pounds or kilograms, the species of the fish, the condition of the fish, and the address of the location of the fish.

(c) *Prohibition.* No wholesale fish dealer, or employee of a wholesale fish dealer, may possess, control, store, transport, or cause to be transported any fish for which there is no record or for which there is no inventory as required under this subsection.

(d) *Record retention and confidentiality.* 1. Each wholesale fish dealer shall retain all records and inventories required under this subsection for a period of at least 5 years from the date on which the record or inventory was created. Each wholesale fish dealer shall notify the department annually, on forms available from the department, of the location of the dealer's records and inventories.

2. Upon the written request of a wholesale fish dealer to the department, the department shall keep confidential the value or weight of any fish listed on a record or inventory under this subsection and the identity of any person who is listed on a record under this subsection as having purchased, sold, possessed, or obtained fish.

3. Notwithstanding the confidentiality requirement in subd. 2, the department may disclose information contained on any record or inventory furnished by a dealer to the department if the disclosure is in furtherance of an investigation or enforcement action undertaken by the department or a law enforcement agency.

4. Notwithstanding the confidentiality requirement in subd. 2, the department may disclose information contained on any record furnished by a dealer to the department if the department uses the information for a statistical summary or report that does not identify the dealer by name or license number.

**(6)** INSPECTIONS. (a) *Subjects of inspection.* Fish stored or in the possession of a wholesale fish dealer, records and reports of a wholesale fish dealer and buildings, structures, vehicles, boats, equipment and materials related to a wholesale fish dealer's business are subject to inspection by the department as provided in this subsection.

(am) *Record production.* 1. Upon the request of the department, a wholesale fish dealer licensed in this state shall produce all records relating to the purchase, acquisition, sale, trade, barter, storage, or disposition of fish that are kept at the wholesale fish dealer's place of business or at a residence, dwelling, or location other than the wholesale fish dealer's place of business, within 24 hours of the request, for inspection or copying. The wholesale fish dealer may mail the records to the department for inspection or copying. The records shall be mailed within 24 hours of receipt of the department's request.

2. The department may not issue a license to, or renew a wholesale fish dealer license issued to, any person who has been convicted of violating this paragraph for a period of one year following the conviction.

(b) *Inspection authority; entry; inspection.* For the purpose of enforcing this subsection, a warden or a representative of the department, upon presentation of his or her credentials to a wholesale fish dealer, a person operating a vehicle or boat for a wholesale fish dealer or an employee or person acting on behalf of a wholesale fish dealer, is authorized during any time when business is being conducted on the premises:

1. To enter any building or structure, except a dwelling place, where fish are stored, processed, packed or held, where a wholesale fish dealer's records or reports are kept, where vehicles, boats, equipment or materials used in a wholesale fish dealer's

business are located or where activities related to a wholesale fish dealer's business are conducted and to enter any vehicle or boat used to transport or hold fish.

2. To inspect fish stored or in the possession of a wholesale fish dealer, inspect or copy records or reports of a wholesale fish dealer, and to inspect buildings, structures, vehicles, boats, equipment and materials related to a wholesale fish dealer's business.

(c) *Failure to produce records or to permit inspection.* No wholesale fish dealer, operator of a vehicle or boat for a wholesale fish dealer or employee or person acting on behalf of a wholesale fish dealer may prohibit entry or prohibit an inspection to be conducted as authorized under this subsection, or refuse to produce records as required under this subsection, unless a court restrains or enjoins the entry, inspection, or production.

**(7)** EXEMPTION. This section does not apply to fish produced in a state or municipal fish hatchery or to farm−raised fish that are bought, bartered, sold, obtained, processed, solicited, or transported by a person who operates a fish farm registered under s. 95.60 (3m) or by that person's employees.

**History:** 1975 c. 365; 1979 c. 142; 1983 a. 27; 1985 a. 29; 1991 a. 316; 1995 a. 227; 1997 a. 27, 191, 237; 1997 a. 248 ss. 291 to 296, 556; Stats. 1997 s. 29.503; 2001 a. 109; 2005 a. 288.

**Cross−reference:** See also ss. NR 19.001 and NR 25.17, Wis. adm. code.

**29.506 Taxidermists. (1)** DEFINITION. In this section, "taxidermist" means a person who mounts or preserves the carcass of any wild animal for consideration.

**(2)** PERMIT REQUIREMENTS. No person may engage in business as a taxidermist unless he or she is issued a taxidermist permit subject to s. 29.024 by the department. This subsection does not apply to agents or employees of taxidermists while working under the direct supervision of a taxidermist permit holder.

**(3)** PERMITS. The department may not issue a taxidermist permit to any person unless that person has a seller's permit issued by the department of revenue and the number of the seller's permit is reported on the application form.

**(4)** AUTHORIZATION. Subject to this section, a taxidermist permit authorizes the permit holder to possess and transport carcasses of wild animals in connection with his or her business. This authority supersedes, to the extent permitted under this section, restrictions on the possession and transportation of carcasses of wild animals established under this chapter and ch. 169. A taxidermist permit entitles the permit holder to the same privileges as a Class A fur dealer's license.

**(5)** PROHIBITION ON COMMINGLING CARCASSES; CARCASS IDENTIFICATION. (a) *Commingling.* No person may commingle, store, possess or transport carcasses of wild animals received in connection with his or her business with carcasses of wild animals received for any other purpose. This paragraph does not require separate refrigeration units for carcasses of wild animals received in connection with a person's business, if properly identified and recorded under par. (b), and carcasses of wild animals received for any other purpose.

(b) *Carcass identification; owner information.* A person who receives the carcass of any wild animal in connection with his or her business as a taxidermist shall attach an identification tag to the carcass and record information concerning the owner of the carcass. The identification tag shall remain with the carcass while it is in the possession or under the control of the taxidermist. Each identification tag shall have an identification number which corresponds with the information record of the owner of the carcass. The information record of the owner shall include the owner's name, address and signature, a description of the carcass and the date the carcass is received by the taxidermist. This paragraph does not apply to salvage or spare parts of any carcass owned by a taxidermist that are used for repair or replacement purposes.

**(5m)** CONTROL OF CERVID CARCASSES. No taxidermist may possess, transport, or control the carcass of a cervid in violation of rules promulgated by the department under s. 29.063 (3) or (4).

**(6)** RECORDS. A taxidermist shall maintain records on sales forms, in triplicate, as required by the department. These records shall include information records of the owner as required under sub. (5) (b), records of all other wild animal carcasses received in his or her place of business and records of deliveries and shipments of wild animal carcasses. Records related to the effective period of a taxidermist permit shall be maintained for 2 years following the end of that effective period. This subsection does not apply to salvage or spare parts of any carcass owned by a taxidermist that are used for repair or replacement purposes.

**(7)** INSPECTIONS. (a) *Departmental authority; limitations.* A warden may enter a taxidermist's place of business for inspection purposes as provided under par. (b) only:

1. Between the hours of 8 a.m. and 8 p.m.

2. On weekdays, excluding legal holidays.

3. Upon presentation of his or her credentials to the taxidermist or an employee or agent of the taxidermist.

(b) *Items subject to inspection.* All records required under subs. (5) (b) and (6) or related to the taxidermist's business are subject to departmental inspection as provided under par. (a). A taxidermist or an employee or agent of the taxidermist shall cooperate with and exhibit items subject to inspection to a warden or any other agent of the department.

(c) *Report.* If requested, the department shall issue a report concerning any inspection conducted under this subsection.

**(7m)** TAXIDERMY SCHOOL PERMIT. (a) The department shall issue a taxidermy school permit to a person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist permit issued under this section; and who, on August 15, 1991, operates a taxidermy school approved by the educational approval board under s. 38.50.

(b) A taxidermy school permit authorizes the holder of the permit to purchase muskellunge, bass, bluegill, sunfish, crappie, rock bass or northern pike, or the carcass of these fish, from persons who caught the fish and to resell the fish only to students enrolled in a taxidermy course at the taxidermy school operated by the purchaser. For purposes of this paragraph, a taxidermy course may not include a correspondence course in taxidermy.

(c) A taxidermy school permit issued under this subsection shall limit the number of each species of fish that the operator of the taxidermy school may possess on any given date to the number that the taxidermy school needs for its course of instruction for a period of 2 years beginning on that date.

(d) For the species of fish specified in par. (b), a holder of a taxidermy school permit issued under this subsection shall comply with the tagging requirements under sub. (5) (b) and the recording requirements under sub. (6) and shall allow inspections as authorized under sub. (7).

**(8)** PENALTIES. Any person who violates this section is subject to the following penalties:

(a) For a first conviction for any violation, a forfeiture of not more than $25.

(b) For a 2nd or subsequent conviction for any violation within 3 years of any previous violation, a forfeiture of not less than $25 nor more than $500.

**History:** 1985 a. 29; 1991 a. 39; 1995 a. 27 s. 9154 (1); 1997 a. 27; 1997 a. 248 ss. 297 to 300; Stats. 1997 s. 29.506; 1999 a. 9; 2001 a. 56; 2005 a. 22, 25, 286.

**Cross−reference:** See also ss. NR 19.28 and 19.001, Wis. adm. code.

**29.509 Bait dealer license. (1)** In this section, unless the context requires otherwise:

(a) "Bait" means any species of frog, crayfish or minnow used for fishing purposes.

(b) "Bait dealer, Class A" means any person who buys for resale, barters, gives or sells bait to the amount of $2,000 or more each year.

(c) "Bait dealer, Class B" means any person who buys or gives for resale, barters, or sells bait to the amount of less than $2,000 each year.

**(2)** A bait dealer license may be issued by the department to any resident.

**(3)** No person may engage in the business of bait dealer unless the person is issued a bait dealer license by the department, except that a child under 16 years of age who is a resident may barter or sell bait to consumers without a license or permit and shall be allowed to have a possession limit of 5,000 of each species of bait, but the child may not make bait sales totaling more than $500 annually.

**(4)** Each licensee shall keep records as required by the department of all transactions in the production, buying and selling of bait carried on by the licensee, except that retail sales to consumers need not be recorded. This record shall show the name and address of the person from whom bait was purchased and to whom it was sold, together with the date of each transaction and the value of the bait. This record shall be open to the inspection of the department at all reasonable hours. The record shall be kept intact for a period of 2 years after the expiration of any license issued under this section, as to all transactions carried on while the license was effective.

**(5)** The department may issue permits for the taking of bait from specified waters and restrict the number of permits that may be issued for any designated body of water. The permits shall be issued in the order of application up to the limit established by the department.

**(6)** This section does not apply to bait produced in a state or municipal fish hatchery or to bait that is farm−raised fish.

**(7)** Any person who molests, damages, destroys or takes the bait traps of another, regardless of intent, shall forfeit not more than $100.

**History:** 1975 c. 365; 1981 c. 226; 1983 a. 27; 1985 a. 332 s. 251 (3); 1989 a. 359; 1991 a. 316; 1997 a. 27; 1997 a. 248 ss. 301 to 307; Stats. 1997 s. 29.509.

**Cross−reference:** See also ss. NR 20.14 and 20.60, Wis. adm. code.

**29.512 Guide licenses. (1)** No person may engage or be employed for any compensation or reward to guide, direct or assist any other person in hunting, fishing or trapping unless the person is issued a guide license by the department subject to ss. 29.024 and 54.25 (2) (c) 1. d. No guide license for hunting or trapping may be issued to or obtained by any person who is not a resident of this state. No guide license may be issued to any person under the age of 18 years. The holder of a guide license shall comply with all of the requirements of this chapter.

**(2)** Any person violating this section shall forfeit not more than $100 and upon such conviction the person's guide license shall be revoked for one year.

**History:** 1975 c. 365; 1981 c. 390 s. 252; 1983 a. 27; 1991 a. 39; 1997 a. 248 s. 379; Stats. 1997 s. 29.512; 2005 a. 387.

**Cross−reference:** See also s. NR 20.65, Wis. adm. code.

**29.514 Outlying water sport trolling licenses. (1)** No person may be engaged or be employed for any compensation to guide any other person in sport trolling for trout or salmon in and upon the outlying waters unless the person is issued a sport trolling license by the department subject to s. 29.024. No sport trolling license may be issued to any person under the age of 18 years. The application shall include the name and address of the applicant, the name of the home port from which the applicant will operate, the applicant's valid U.S. coast guard operator's license number and other information as required by the department for statistical purposes. The licensee and all persons on board the licensee's boat shall comply with all of the requirements of this chapter. Boats used by the licensee shall meet minimum U.S. coast guard and this state's boat licensing and safety requirements.

**(2)** Each licensee shall keep records of the number of each variety of fish taken under his or her sport trolling license and other information that the department requires, and shall report to the department on forms provided by the department on or before the 10th day of each month on the records for the preceding calendar month. The licensee is responsible for the number of fish taken and shall be held to account for the number.

**History:** 1973 c. 173; 1975 c. 365; 1977 c. 418; 1981 c. 390 s. 252; 1983 a. 27; 1985 a. 29; 1997 a. 248 s. 380; Stats. 1997 s. 29.514.

**29.516 Fishing with nets and setlines. (1)** LICENSE REQUIRED. Nets and setlines may be used for the purpose of taking, catching, or killing fish, subject to the conditions, limitations and restrictions prescribed in this chapter; but no person may set, place or use in any waters of this state any net, trap, snare, set hook, or setline, which is intended to or might take, catch or kill fish of any variety, other than a landing net, dip net, minnow seine or minnow dip net, unless a license authorizing the use of nets, setlines, traps or snares has been issued to the person by the department.

**(2)** RESTRICTIONS ON THE USE OF LICENSED NETS AND SETLINES. The use of licensed nets and setlines is subject to the following conditions:

(a) No apron or other device shall be used in any pound net, which might prevent the escape of small fish through the meshes of the net when it is set or raised.

(b) No net of any kind shall be set so as to shut off more than 50% of any channel or passageway of any stream, or set within 1,000 feet of any other net in the stream.

(c) No licensee may join a net to that of any other licensee.

(d) All nets or set hooks, when set or placed in any waters, shall be marked with a number corresponding to the license number authorizing the use of the nets or set hooks. The method of marking the nets shall be as follows:

1. On drop nets, submarine trap nets and fyke nets, when set below the surface of the water, there shall be a buoy attached to the pot rope, on all gill nets and set hooks there shall be a buoy on each end of the gang, the buoys shall have a staff extending at least 3 feet above the surface of the water, upon the upper end of the staff there shall be a flag at least 10 inches square. Upon the bowl of the buoys there shall be maintained in plain figures the license number authorizing the use of the nets or set hooks.

2. On pound nets and stake fyke nets there shall be maintained at least 3 feet above the surface of the water, or the surface of the ice, when set through the ice, a board or similar material, which shall bear the license number authorizing the use of the nets.

3. On gill nets or set hooks when set through the ice there shall be maintained on each end of the gang a board or similar material which shall bear the license number authorizing the use of the nets or set hooks.

(e) The licensees of licensed nets or setlines used in outlying waters while engaged in the regular process of lifting nets or setlines shall, on their boats, carry the department's agents to and from their nets or setlines when set and, on demand of the agent, shall raise the nets or setlines for inspection. Any agent may, in the presence or absence of the licensees, at any time, raise any setline or nets, in any waters, with as little damage as may be, for inspection. If a licensee refuses to carry an agent the license shall be revoked.

(f) No licensed net may be drawn or lifted at any time between one hour after sunset and one hour before sunrise of the following morning, except as otherwise approved by the department or, in the case of an emergency, following notice to the nearest U.S. coast guard station.

(g) Except as provided in s. 29.519 (4m), no fish of any kind shall be taken or retained in any net, when drawn or lifted, other than the kind or kinds expressly authorized to be taken or retained in the net, as provided in this chapter; and except as provided by department order any other kind or kinds of fish coming into or taken in the nets shall be immediately returned, carefully and with

as little injury as possible, to the waters from which they were taken.

**(3)** EXEMPTION. This section does not apply to any net, trap, snare, hook, setline or other device used to take, catch or kill farm−raised fish.

**History:** 1971 c. 266; 1975 c. 360, 422; 1977 c. 418; 1983 a. 192 ss. 77, 303 (6); 1985 a. 29; 1991 a. 39, 316; 1993 a. 409; 1997 a. 27; 1997 a. 248 ss. 458, 459; Stats. 1997 s. 29.516.

**Cross−reference:** See also ch. NR 25 and ss. NR 20.13 and 20.14, Wis. adm. code.

**29.519 Commercial fishing in outlying waters. (1b)** In this section, "record" has the meaning given in s. 29.503 (1) (cm).

**(1m)** LICENSE AUTHORIZED. (a) No person may conduct commercial fishing operations on any of the outlying waters unless the person is issued a commercial fishing license by the department.

(b) The department may limit the number of licenses issued under this section and designate the areas in the outlying waters under the jurisdiction of this state where commercial fishing operations shall be restricted. After giving due consideration to the recommendations made by the commercial fishing boards under sub. (7), the department may establish species harvest limits and promulgate rules to establish formulas for the allocation of the species harvest limits among commercial fishing licensees or for the allotment of individual licensee catch quotas. The department may allocate the harvest limits among commercial fishing licensees. The department may designate the kind, size and amount of gear to be used in the harvest. The limitations on licenses, restricted fishing areas, harvests and gear shall be based on the available harvestable population of fish and in the wise use and conservation of the fish so as to prevent overexploitation.

(c) The department may promulgate rules defining the qualifications of licensees in the reasonable exercise of this authority, giving due consideration to residency, past record including compliance with the records requirements of sub. (5), fishing and navigation ability and quantity and quality of equipment possessed. The rules may not impose any minimum harvesting requirements on applicants for licenses requiring that applicants harvested, in any previous period of time, a specified minimum amount of fish. Rules relating to licensing commercial fishers shall be based on criteria provided by the commercial fishing boards under sub. (7).

(d) 1. In this paragraph, "overall length" means the minimum distance between the extreme outside end of the bow and the stern using the nearest whole number of feet.

2. The application for the license shall be made to the department, accompanied by the fee specified in s. 29.563 (7). The application shall state the name, birthdate, description and address of the residence of the applicant, the manner in which he or she proposes to fish, the name or number and overall length of his or her boats, the name of the hailing port from which the boats will operate, and the number and kind of nets or other gear he or she intends to use in connection with commercial fishing and any other information required by the department for statistical purposes. The applicant shall provide an itemized listing of commercial fishing gear and equipment with the current values of those items of commercial fishing equipment, sufficient to meet the investment requirements for licensing as established in rules promulgated under this section.

(e) No outlying waters commercial fishing license may be issued to a person under the age of 18 years.

**(2)** RESIDENCY; TRANSFERS; CATCH FEES. (a) *Nonresident defined.* In this subsection, "nonresident" includes any individual who is not a resident, any individual applying for a license for use of nets on a boat registered or of record at a port outside of the state, or any partnership, association, corporation or limited liability company any of whose stock, boats, nets and fishing equipment has been owned by a nonresident at any time during the 2 years immediately prior to the application for a license.

(d) *Transfer of license.* The department shall promulgate rules governing the transfer of commercial fishing licenses between individuals equally qualified to hold the licenses and to members of a licensee's immediate family provided the rules assure the wise use and conservation of the fish resources being harvested under the license. The rules shall relate only to those waters in which the number of licenses is limited. The commercial fishing boards, under sub. (7), shall approve or deny transfers of commercial fishing licenses in accordance with the rules promulgated under this section. For purposes of s. 29.024 (2g) and (2r), a transfer of a license under this section shall be considered an issuance of a license to the transferee.

(e) *Transfer of replacement boats.* The department may, upon application, allow the holder of a commercial fishing license to replace a boat listed on that license with a different boat.

(f) *Commercial fishing boats.* Any boat used by a resident licensee shall be from a port of record in this state, its hailing port shall be a port in this state, and it shall be a registered or documented boat of this state. Any boat used by a nonresident licensee shall be a registered or documented boat of the state of residency.

(fm) *Attending boats.* Each boat in excess of 25 feet in overall length used by a commercial fisher may be accompanied by and work with one attending boat without an additional license fee for the attending boat. Any attending boat that is a motorboat under s. 30.50 (2) shall be registered under s. 30.51. An attending boat shall bear the name, if any, of the boat listed on the commercial fishing license issued under sub. (1m) and may be used only for attending that boat.

(g) *Reciprocity.* 1. Except as provided under subd. 2., the department may not issue commercial fishing licenses to nonresidents of a particular state in a number which exceeds the number of commercial fishing licenses that that particular state issues to residents of this state.

2. The reciprocity limitation on the issuance of commercial fishing licenses to nonresidents under subd. 1. does not apply to a nonresident who held a commercial fishing license on or before July 1, 1982, or to a nonresident to whom such a commercial fishing license is or was transferred by a member of his or her immediate family if that license was renewed for at least 5 consecutive years by the nonresident or a member of his or her immediate family and subject to compliance with criteria and approvals required under this section.

(h) *Catch fee.* The department may require a catch fee which shall be equivalent to the department's direct costs of providing fish for harvest, for species of fish designated by department order, as further consideration for obtaining the license. The fees shall be charged only for those species of fish whose populations are sustained or supplemented through stocking and only for those fish caught by the licensee. All the fees shall be used exclusively to pay for the stocking, including purchase or propagation, of the fish.

**(4)** CREW LICENSES. (a) Any commercial fishing licensee may use licensed crew members when fishing with or without a boat. The number of crew members engaged under a single license may not exceed 4 when fishing with nets under the ice. The department, upon proper application for crew licenses, may issue with each commercial fishing license no more than 4 crew licenses for the specific purpose of fishing with nets under the ice and the number indicated on the application for the purpose of fishing in open water. Each crew license shall bear the number of the commercial fishing license, the purpose for which intended, the year for which issued and the name of the crew member to whom the crew license is issued. The crew license permits a person to engage in commercial fishing only as a member of a crew of a commercial fisher licensed under sub. (1m).

(b) Each member of a crew engaged in the setting, lifting or pulling of nets or other devices set under authority of a commercial fishing license shall carry the crew license on his or her person while so engaged and upon demand of any warden shall exhibit the license. Persons using minnow seines and dip nets used for taking smelt and minnows are exempt from this subsection.

(c) In case of illness or unavailability for good cause of a licensed crew member, an unlicensed person may work on a commercial fishing operation for a period not to exceed 48 hours under a temporary crew identification card, after which time he or she must obtain a crew license to engage in commercial fishing operations. Temporary crew identification cards shall be issued by the department to commercial fishing licensees for use as provided in this paragraph. Prior to use, the commercial licensee shall indicate on the temporary crew identification card the license number and name of the commercial fisher for whom the crew member will be working, the time and date the crew member commences work under the card and the crew member's name, address, description and his or her signature. The card shall be presented, upon request, to a warden and must be in the possession of the crew member at all times while engaged in commercial fishing operations. The commercial fisher issuing the temporary crew identification card to an unlicensed person shall submit the card to the department with the commercial catch report submitted for the period in which work conducted under the card was performed.

(d) The commercial fishing licensee is responsible for all acts of crew members conducting commercial fishing activities for the licensee. A commercial fishing licensee may be charged with and convicted of a violation committed by his or her crew member while the crew member is conducting commercial fishing activities for the licensee. Upon revocation of a commercial fishing license, all crew member licenses issued under that license are invalid, and no person may be issued a temporary crew identification card under that license.

**(4g)** PROHIBITION AGAINST OPERATING FISH FARMS. No person who holds a commercial fishing or crew license issued under this section may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section.

**(4m)** FISHING FOR CERTAIN SPECIES OF FISH IN LAKE MICHIGAN AND GREEN BAY. (a) In this subsection, "incidental catch" means species of fish inadvertently caught while a commercial fisher licensed under sub. (1m) is fishing by trawl for other species of fish.

(b) An incidental catch of smelt, chub or alewife from the waters of Green Bay or Lake Michigan may be brought to shore for the purpose of sorting or sale.

(c) A commercial fisher licensed under sub. (1m) may fish by trawl for the total allowable commercial harvest of smelt, as set by rule by the department, on the waters of Green Bay at any time during nighttime if all of the following apply:

1. The smelt will be used or sold for human consumption.

2. The fishing occurs in the areas and during the seasons established by the department for the fishing of smelt.

**(5)** RECORDS AND REPORTS. (a) *Records requirements.* Each commercial fisher shall maintain and submit records to the department in the form and manner required by the department.

(b) *Fishing records.* The commercial fisher shall keep and submit a complete, legible and accurate record of the licensee's daily fishing activities, in the form and manner required by the department. The record shall include the complete name, address and commercial fishing license number of the licensee; the name and number of the boat fished from; the location fished; the month and year for which the record is being kept; the date of each day's fishing activity; the kind and amount of commercial fishing gear used; the kind of fish caught and the number of pounds of each kind of fish caught; and the signature of the licensee.

(c) *Fish disposition records.* The commercial fisher shall keep a complete, legible and accurate record of the disposition of landed catch, in the form and manner required by the department. The record shall include the complete name, address and commercial fishing license number of the licensee; for each wholesale sale, the complete name, address and wholesale fish dealer license number, if any, of the buyer and the kinds of fish sold, the number of pounds of each kind and the description of the fish sold and the date of the sale; for direct retail sales, the kinds of fish sold, the total pounds of each kind, and the date of the sale; and the signature of the licensee. In this paragraph, "landed catch" means those fish or fish parts caught in commercial fishing operations and brought to shore to utilize or to sell or otherwise dispose of.

(dm) *Record retention and confidentiality.* 1. Each commercial fisher shall maintain and retain all records required under this subsection for a period of at least 5 years from the date on which the record was created. Each commercial fisher shall notify the department annually, on forms available from the department, of the location of the commercial fisher's records.

2. Upon the written request of a commercial fisher to the department, the department shall maintain the confidentiality of the information contained on each record furnished by the commercial fisher to the department.

3. Notwithstanding the confidentiality requirement in subd. 2., the department may disclose information contained on any record furnished by a commercial fisher to the department if the disclosure is in furtherance of an investigation or enforcement action undertaken by the department or a law enforcement agency.

4. Notwithstanding the confidentiality requirement in subd. 2., the department may disclose information contained on any record furnished by a commercial fisher to the department if the department uses the information for a statistical summary or report that does not identify the commercial fisher by name or license number.

**(5m)** INVENTORY. Each commercial fishing licensee shall prepare an annual inventory of Great Lakes fish and all species of sturgeon owned by the licensee or in the licensee's possession or control at the time that the inventory is prepared, including such fish maintained in cold storage facilities. The inventory shall be furnished to the department within 15 days after the inventory is completed. The inventory shall be recorded on a form available from the department and shall include the weight of the fish in pounds or kilograms, the species of the fish, the condition of the fish, and the address of the location of the fish.

**(6)** INSPECTION. For purposes of enforcement of this section, wardens or department employees duly authorized and designated by the secretary, upon presenting appropriate credentials to the commercial fisher, crew member, or agent in charge, are authorized:

(a) To enter any building or structure, excluding a dwelling place, in which records, nets, or fish are stored or held, or in which fish are processed or packed, or to enter any boat or vehicle being used to transport nets or fish when the owner or agent in charge is present or upon 8 hours' notice at other times.

(b) To inspect buildings, structures, boats or vehicles, to inspect all pertinent equipment including nets used or stored in the places to be inspected, to inspect or copy all records of commercial fishing activity, of fish storage, and of fish disposition, and to inspect any fish stored, processed, packed or held in the places to be inspected.

(c) To direct a commercial fisher, a crew member, or an agent in charge to empty any fish box that is larger than a standard fish box, as defined by the department by rule. If so directed, the commercial fisher, crew member, or agent shall empty such fish box.

**(6g)** RECORD PRODUCTION. Upon the request of the department, a commercial fisher shall produce all records relating to the production, acquisition, sale, trade, barter, storage, or disposition of fish that are kept at the commercial fisher's place of business or at a residence, dwelling, or location other than the commercial fisher's place of business within 24 hours of the request for inspection or copying. The records shall be mailed within 24 hours of receipt of the request.

**(6m)** INTERFERENCE WITH INSPECTIONS. No commercial fisher, licensed crew member, operator of a vehicle or boat for the commercial fisher, or an employee acting on behalf of the commercial fisher may prohibit entry, prohibit an inspection to be conducted, fail or refuse to produce any record, or fail or refuse to immediately empty a fish box or container as provided under sub. (6). The

department may not conduct an inspection or examine a person's records under sub. (6) if such action has been enjoined by court order.

**(7)** COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan commercial fishing boards established under s. 15.345 (2) and (3) shall review and consider applications for a transfer of license under this section and shall approve or deny applications on the basis of rules promulgated by the department. The boards shall recommend to the department species harvest limits and formulas for the allotment of individual licensee catch quotas when the department establishes species harvest limits for allocation among licensees. The boards shall assist the department in establishing criteria for identifying inactive licensees. The criteria established for identifying inactive licensees shall be the basis for rules governing the issuance of licenses. The boards may also advise the department on all other commercial fishing matters relating to Lake Michigan and Lake Superior.

**History:** 1975 c. 94 s. 91 (9); 1975 c. 199, 317; 1977 c. 29, 418; 1979 c. 32 s. 92 (1); 1979 c. 154, 221; 1983 a. 25; 1983 a. 27 s. 2202 (38); 1985 a. 29; 1985 a. 332 s. 251 (1), (3); 1991 a. 39; 1993 a. 112; 1997 a. 27, 189, 191, 237; 1997 a. 248 ss. 461 to 475; Stats. 1997 s. 29.519; 1999 a. 32; 2005 a. 288; 2011 a. 177.

**Cross−reference:** See also chs. NR 19 and 25, Wis. adm. code.

The warrantless search of a truck by a state conservation wardens under sub. (6) was presumptively reasonable. State v. Erickson, 101 Wis. 2d 224, 303 N.W.2d 850 (Ct. App. 1981).

Charging an employee with a license violation under sub. (1) [now sub. (1m)] was improper. The burden to obtain licenses for employees is on the employer. State v. Filipczak, 132 Wis. 2d 208, 390 N.W.2d 110 (Ct. App. 1986).

Commercial fishers did not have a property interest in quotas under existing commercial fishing licenses and were not entitled to hearings and other due process requirements or to compensation when rules setting the quotas were changed through ch. 227 rule making. LeClair v. Natural Resources Board, 168 Wis. 2d 227, 483 N.W.2d 278 (1992).

The relationship between Indian fishing rights and commercial fishing quotas is discussed. 68 Atty. Gen. 416.

**29.522 Description of nets; use of. (1)** ENTRAPPING NETS. (a) *Fyke net.* A fyke net is a composite net consisting of the following parts:

1. One net of a general hoop or circular−like structure commonly called a crib or pot with numbers of hoops holding, encasing or enclosing net webbing.

2. One or more small funnel−shaped nets commonly called tunnels with a large opening at one end and a small opening or throat at the other end through which the fish can pass from the outer part of the net into the crib or pot. This tunnel or these tunnels are attached to the inside of the crib or pot.

3. Two fence−like nets called wings or hearts attached to and extending obliquely outward from each side of the mouth of the net proper.

4. One fence−like net called a leader running from the center of the tunnel outward between the wings in a straight or angular line away from the net proper.

(b) *Drop net.* A drop net is a composite net consisting of the following parts:

1. One net of a general hoop or circular−like structure called a crib or pot with numbers of hoops holding, encasing or enclosing net webbing.

2. One or more small funnel−shaped nets commonly called tunnels with a large opening at one end and a small opening or throat at the other through which the fish can pass from the outer part of the net into the crib or pot. This tunnel or these tunnels are attached to the inside of the crib or pot.

3. One funnel− or hood−shaped net called a tunnel sloping upward and outward from the pot or crib.

4. Two fence−like nets called wings or hearts attached to and extending obliquely outward from each end of the tunnel.

5. One fence−like net called a leader running from the center of the tunnel outward between the wings in a straight or angular line away from the net proper.

(c) *Short tunnel pound net.* A short tunnel pound net is a composite net consisting of the following parts:

1. One boxlike receptacle closed at the bottom and sides and open at the top in which the fish are finally caught or impounded and variously known as a pound, pot or crib, but generally and commonly known in Wisconsin as a pot.

2. Two fence−like nets called hearts set one on each side of the tunnel mouth and used to form a preliminary enclosure resembling a heart in shape with no cover on the top or bottom.

3. One or more funnel−shaped nets commonly called a tunnel or tunnels with a large opening at one end and a small opening or throat at the other through which the fish can pass from the hearts into the pot.

4. One fence−like net called a leader running from the opening in the hearts in a straight or angular line away from the net proper.

5. All pound nets licensed or operated under this section must have their tunnels located and fastened entirely on the inside of the pot of the same, forming a net that is commonly known and called a short tunnel pound net.

**(2)** ENTANGLING NETS. (a) *Trammel net.* A trammel net is made of 3 sheets of net webbing, one of them of comparatively small mesh and of fine twine being hung between 2 sheets of net webbing of much larger mesh and heavier twine. This net is equipped at the top and bottom with lead or maitre cord, line, or rope to which at the top are attached floats and at the bottom, sinkers. The inner web of this net is of considerably greater fullness than the outside web.

(b) *Gill net.* A gill net is a net designed to entangle fish and made of a single web of fine thread hung and fitted at the top and bottom with lead or maitre cord, line, or rope to which are attached at the top, floats, and at the bottom, sinkers.

**(3)** DRAG NETS; SEINE. A seine is a net made of a circular, square or long webbing of coarse twine hung very full and fitted at the top and bottom with lead or maitre cord, line or rope. To such lines at the top are attached floats, and at the bottom, sinkers. This net is hung with such fullness that it creates or forms a kind of a bag near the center of the net which holds or entraps the fish while the net is being drawn through the waters.

**History:** 1977 c. 418; 1997 a. 248 s. 477; Stats. 1997 s. 29.522; 1999 a. 83.

**Cross−reference:** See also s. NR 20.13, Wis. adm. code.

**29.523 Net licenses, Mississippi and St. Croix rivers. (1)** Licenses which authorize the use of nets in the Mississippi River and in that part of the St. Croix River downstream from the dam at St. Croix Falls shall be issued subject to s. 29.024 by the department to a resident who applies for a license. This subsection, as applicable to the St. Croix River, is not effective unless Minnesota has in effect similar legislation.

**(2)** Each net license authorizes the use of one or more of the following nets only:

(a) Seine nets.

(b) Gill nets.

(c) Bait nets used without leads.

(d) Buffalo nets.

(e) Frame nets.

**(4)** (a) Except when lifting or setting a gill net, no person may use a seine, gill, bait, buffalo or frame net in the Mississippi and St. Croix rivers unless the net has the required number of tags stamped to designate the kind of net and number of the net license covering it securely fastened to it.

(b) The required number of tags is as follows:

1. For a seine net, one tag for each 500 lineal feet, or fraction thereof.

2. For a gill net, one tag for each 2,000 lineal feet, or fraction thereof.

3. For a bait, buffalo or frame net, one tag for each net.

(c) The department shall issue net tags to the licensee at the time of issuing the net license.

**(5)** Each licensee shall keep a strict record and account as to each variety of fish and the number of pounds of each variety that are taken by the licensee in gear licensed to the licensee and such other information as the department requires; and shall report thereon to the department on or before the 10th day of each month during the license period.

**(6)** No person who holds a net license may operate a fish farm that contains a variety of fish that the holder of the license is authorized to catch under this section.

**History:** 1975 c. 360; 1983 a. 27, 192; 1991 a. 316; 1997 a. 27; 1997 a. 248 ss. 478 to 481; Stats. 1997 s. 29.523.

**29.526 Slat net fishing in the Mississippi River. (1)** A slat net license authorizing the taking of commercial fish through the use of slat nets in that part of the Mississippi River over which this state has jurisdiction between the Minnesota−Iowa boundary line extended and the Wisconsin−Illinois boundary line extended shall be issued subject to s. 29.024 by the department to any resident who applies for this license.

**(2)** A person who is issued a slat net license or a crew may operate not to exceed 50 properly tagged slat nets.

**(3)** No person may use a slat net unless it is properly tagged. In order to be properly tagged a slat net is required to have attached to it a tag stamped to designate the kind of net and the number of the slat net license. Slat net tags are required to remain attached to the nets until replaced by renewal tags.

**(4)** No slat net may be set within 100 feet of any muskrat or beaver house. Any slat net found in any waters during the closed season for the use of slat nets and any slat net found on the Wisconsin banks or shores without a slat net tag and showing evidence of being used in the previous 5 months shall be seized and held subject to the order of the court or judge under s. 29.931 (2).

**(5)** A sufficient supply of slat net tags shall be furnished by the department to persons issuing approvals under this section.

**(6)** No person who holds a slat net license may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section.

**History:** 1971 c. 266; 1983 a. 27 ss. 793 to 795; 1997 a. 27; 1997 a. 248 ss. 482 to 488; Stats. 1997 s. 29.526.

**29.529 Trammel net fishing in the Mississippi River. (1)** The department may issue a trammel net license to any resident who applies for this license.

**(2)** This license authorizes the use of trammel nets in that part of the Mississippi River over which this state has jurisdiction.

**(3)** No person may use a trammel net which exceeds 300 feet and no person may use a trammel net unless it is properly tagged. In order to be properly tagged, a trammel net is required to have attached to it a tag stamped to designate the kind of net and the number of the trammel net license. Trammel net tags are required to remain attached to the nets until replaced by renewal tags.

**(4)** No trammel net may be set within 100 feet of any muskrat or beaver house. Any trammel net found in any waters during the closed season for the use of trammel nets and any trammel nets found on the Wisconsin banks or shores without a trammel net tag and showing evidence of being used in the previous 5 months shall be seized and held subject to the order of the court or judge under s. 29.931 (2).

**(5)** No person who holds a trammel net license issued under this section may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section.

**History:** 1983 a. 27 s. 795; 1983 a. 192; 1997 a. 27; 1997 a. 248 ss. 489, 490; Stats. 1997 s. 29.529.

**29.531 Set or bank pole licenses. (1)** A set or bank pole license authorizing the use of not to exceed 5 set or bank poles for taking, catching or killing fish in the inland waters of the state where the use of setlines is permitted shall be issued subject to s. 29.024 by the department to any resident who applies for the license.

**(2)** No set or bank pole may be used unless there is securely attached to the pole a tag stamped with the number of the license. Tags shall be furnished by the department to the licensee at the time of issuing the license.

**(3)** For the purposes of this section a set or bank pole is defined as a pole equipped with one line and not to exceed 2 hooks of a size not smaller than 3−0 which pole is used for fishing from the banks of lakes or rivers and may be operated in the same manner as a setline.

**(4)** No person who holds a set or bank pole license may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section.

**History:** 1983 a. 27; 1983 a. 192 s. 303 (6); 1997 a. 27; 1997 a. 248 ss. 491 to 494; Stats. 1997 s. 29.531.

**Cross−reference:** See also s. NR 20.12, Wis. adm. code.

**29.533 Setline licenses; inland waters. (1)** A setline license authorizing the use of setlines and hooks in inland waters in the manner determined by the department for taking, catching or killing fish shall be issued subject to s. 29.024 by the department to any resident applying for this license.

**(3)** (a) No person may operate any setline unless he or she has a setline license. No person may use a setline unless it is properly tagged. In order to be properly tagged a setline is required to be securely attached to a buoy or stake at one end, the buoy or stake is required to have attached to it a tag stamped to designate the serial number of the setline license covering it and the buoy or stake is required to be placed and the tag attached in a manner so the tag is visible above the surface of the water.

(b) The department shall issue setline tags to the licensee at the time of issuing the setline license.

**(4)** All fishers licensed under this section shall file such reports on the amounts and kinds of fish taken as may be requested by the department.

**(5)** No person who holds a setline license issued under this section may operate a fish farm that contains a kind of fish that the holder of the license is authorized to catch under this section.

**History:** 1977 c. 29; 1983 a. 27; 1983 a. 192 s. 303 (6); 1985 a. 332; 1997 a. 27; 1997 a. 248 ss. 495 to 500; Stats. 1997 s. 29.533.

**Cross−reference:** See also s. NR 20.12, Wis. adm. code.

**29.535 Shovelnose sturgeon permit. (1)** The department shall issue, subject to s. 29.024, an annual shovelnose sturgeon permit to any resident who applies for the permit and who holds at least one of the following licenses:

(a) A net license issued under s. 29.523.

(b) A trammel net license issued under s. 29.529.

(c) A set or bank pole license issued under s. 29.531.

(d) A setline license issued under s. 29.533.

**(2)** No person may take shovelnose sturgeon or shovelnose sturgeon eggs unless the person holds a permit from the department under this section.

**(3)** A person who is required to hold an annual shovelnose sturgeon permit shall report to the department, on forms available from the department, on or before the 10th day of each month, the number of pounds of shovelnose sturgeon eggs harvested during the preceding calendar month.

**(4)** The department shall deposit receipts from the sale of permits under this section in the conservation fund.

**History:** 2007 a. 20.

**29.537 Clams, clamming and commercial clamming. (1)** PURPOSE. The purpose of this section is to regulate the taking of clams in order to conserve and maintain their supply, to require licensing of persons engaged in commercial clamming and to protect those clam species which are endangered, threatened or rare.

**(2)** DEFINITIONS. In this section:

(a) "Assistant clam buyer" means any natural person who engages in clam buying on behalf of a clam buyer.

(b) "Clam" means any freshwater mussel, shell, valve or part of any shell, or meat of a freshwater mussel found in inland or outlying waters, but does not include meat after it has been processed for human or animal consumption and does not include bait, pearls, shells and parts of shells which have been mounted for display or fashioned into jewelry or items of apparel.

(c) "Clam buyer" means any person who engages in clam buying or who employs or authorizes an assistant clam buyer to do so on the person's behalf.

(d) "Clam buying" means buying, bartering or obtaining clams from commercial clam shellers or others for resale as clams.

(e) "Clam helper" means any natural person who engages in clam helping.

(f) "Clam helping" means assisting a commercial clam sheller in activities related to commercial clam shelling or assisting a clam buyer in activities relating to clam buying but does not include buying, bartering or obtaining clams from commercial clam shellers or others for resale as clams.

(g) "Clamming" means the taking, killing, collecting or removing of clams from inland or outlying waters or the beds of inland or outlying waters and the incidental killing of clams in the search for pearls but does not include commercial clam shelling.

(h) "Commercial clamming" means commercial clam shelling, clam buying, clam helping and related activities.

(i) "Commercial clam sheller" means any natural person who engages in commercial clam shelling.

(j) "Commercial clam shelling" means the taking, killing, collecting or removing of more than 50 pounds of clams per day from inland or outlying waters or the beds of inland or outlying waters and the incidental killing of more than 50 pounds of clams per day in the search for pearls.

**(3)** LICENSE OR PERMIT REQUIRED. (a) No person may engage in commercial clam shelling unless the person is a resident and at least one of the following applies:

1. The person is a natural person and has been issued a commercial clam sheller license by the department.

2. The person is a licensed clam helper engaged in commercial clam shelling while aboard a boat with the licensed commercial clam sheller whom the clam helper is assisting.

3. The person has not attained the age of 16 years, and the value of the clams taken, killed, collected or removed by that person does not exceed $1,000 per year. The department may, by rule, require persons under this subdivision to obtain a commercial clam shelling permit, at no charge, with the requirements for the permit to be determined by the department by rule.

(b) No person may engage in clam helping unless the person is a resident and a natural person and has been issued a clam helper license by the department.

(c) 1. No natural person may engage in clam buying unless he or she is a resident and has been issued by the department a clam buyer license or an assistant clam buyer license.

2. No corporation, partnership or other business association may engage in clam buying unless it has been organized under the laws of this state and has been issued by the department a clam buyer license.

(d) The department may limit the number of licenses and permits issued under this section.

**(4)** ASSISTANT CLAM BUYERS. (a) A licensed clam buyer may employ or authorize assistant clam buyers to buy clams. Upon proper application, the department shall issue no more than 10 assistant clam buyer licenses with a clam buyer license. Each assistant clam buyer license shall have printed on it the number of the clam buyer license for which it is issued.

(b) A natural person may be issued an assistant clam buyer license for each licensed clam buyer who employs or authorizes the natural person to buy clams.

(c) A licensed clam buyer is responsible for all acts relating to clamming performed by the assistant clam buyers engaged in clam buying activities for the clam buyer. A clam buyer may be charged with and penalized for a violation of this section committed by the assistant clam buyer while the assistant clam buyer is engaged in clam buying activities for the clam buyer.

(d) Upon revocation of a clam buyer license, all assistant clam buyer licenses issued under the clam buyer license shall also be revoked.

**(5)** CLAM HELPERS. (a) A licensed commercial clam sheller or a licensed clam buyer may employ or authorize a clam helper to assist him or her in activities related to commercial clam shelling or clam buying, but no clam helper may buy, barter or obtain clams from commercial clam shellers or others for resale as clams. Upon proper application, the department shall issue no more than 10 clam helper licenses with each commercial clam sheller license or with each clam buyer license. Each clam helper license shall have printed on it the number of the commercial clam sheller license or clam buyer license for which it is issued.

(b) A natural person may be issued a clam helper license for each licensed commercial clam sheller or licensed clam buyer who employs or authorizes the natural person to engage in clam helping.

(c) A licensed commercial clam sheller or licensed clam buyer is responsible for all acts relating to clamming performed by the clam helpers engaged in clam helping for the commercial clam sheller or clam buyer. A commercial clam sheller or clam buyer may be charged with and penalized for a violation of this section committed by the clam helper while the clam helper is engaged in clam helping for the commercial clam sheller or clam buyer.

(d) Upon revocation of a commercial clam sheller license or clam buyer license, all clam helper licenses issued under the commercial clam sheller license or the clam buyer license shall also be revoked.

**(6)** INSPECTION; ACCESS TO RECORDS. (a) Except as provided in par. (d), for purposes of enforcement of this section, wardens or department employees authorized and designated by the secretary, upon presenting appropriate credentials to the licensee or agent in charge, are authorized to do all of the following:

1. Enter any place, building or structure, excluding a dwelling place, in which clams or clamming equipment are stored, processed, packed or held and enter any boat or vehicle being used to transport clams or clamming equipment when the licensee or agent in charge is present or upon 8 hours' notice at other times.

2. Inspect places, buildings, structures, boats or vehicles, all pertinent equipment used or stored in the places to be inspected and any clams stored, processed, packed or held in the places to be inspected.

(b) No licensee, operator of a vehicle or boat for the licensee, or employee acting on behalf of the licensee may prohibit entry or prohibit an inspection from being conducted as authorized under par. (a).

(c) The department may examine any records relating to clamming or to commercial clamming.

(d) The department may not conduct an inspection or examine a person's records under this section if such action has been lawfully enjoined by a court order.

**(7)** POSSESSION, TRANSPORTATION AND SALE. No person may possess or transport more than 50 pounds of clams or sell or barter any clams unless at least one of the following applies:

(a) The person has been issued a commercial clam sheller, clam helper, clam buyer or assistant clam buyer license by the department or the person is exempt under sub. (3) (a) 3., and the clams are of a species open to commercial clam shelling and are of the minimum size or larger for commercial clam shelling.

(b) The person demonstrates that the clams are being transported through the state in interstate commerce by a reasonably direct route.

**(8)** RULES. The department may promulgate rules governing clamming and the clamming practices of commercial clam shellers, clam helpers, clam buyers and assistant clam buyers and other related matters, including but not limited to all of the following:

(a) Open and closed seasons and size and possession limits for different clam species.

(b) The methods of clamming and commercial clam shelling.

(c) Equipment specifications and requirements.

(d) Record−keeping and reporting requirements.

(e) Waters and portions of waters open and closed to clamming or commercial clam shelling.

(f) Transportation, possession, purchase, sale and barter of clams.

(g) Issuance and duration of permits for commercial clam shellers who are exempt under sub. (3) (a) 3. from the license requirement.

(h) Harvest limits, allocating the harvest limits among the commercial clam shellers and criteria for allocation.

**(9)** CONFIDENTIALITY. Upon request in writing by a person who is required by department rule to keep a record or submit a report, the department shall keep confidential any information on the record or report relating to the value or weight of clams bought, sold or bartered by the person or relating to the specific location where the clams were taken, killed, collected or removed, except that the information may be disclosed in statistical summaries or reports which do not identify the person by name or license number and in any enforcement action under s. 29.971 (1m).

**History:** 1985 a. 289, 332; 1987 a. 399; 1989 a. 336; 1993 a. 213; 1997 a. 248 s. 501; Stats. 1997 s. 29.537.

**Cross−reference:** See also ch. NR 24, Wis. adm. code.

All illegal clamming violations are punishable by forfeiture under s. 29.99 (1m) (a) [now 29.971 (11m) (a)] except violations of the possession provisions of this section. State v. Ahrling, 191 Wis. 2d 398, 528 N.W.2d 431 (1995).

**29.539 Sale of wild animals. (1)** (a) Except as otherwise expressly provided under this chapter, no person may sell, purchase, barter, or trade, or offer to sell, purchase, barter, or trade or have in possession or under control for the purpose of sale, barter, or trade any of the following:

1. Any deer, elk, squirrel, game bird, game fish, or the carcass of any such wild animal at any time.

1m. Any bear or any carcass of a bear at any time, including any head of a bear, bear claws, or bear teeth.

2. Any other wild animal or its carcass during the closed season for that wild animal.

(b) This subsection applies whether a wild animal listed under par. (a) was lawfully or unlawfully taken within or without the state.

**(1m)** Subsection (1) does not apply to any of the following:

(a) A lawfully taken wild animal that is not listed in sub. (1) (a) 1. or 1m. for which an open season is established by rule and for which there is no bag or possession limit imposed by rule, or the carcass of such a wild animal.

(b) A fur−bearing animal, or the carcass of a fur−bearing animal, that was lawfully taken and that has a valid registration tag attached by the department.

(c) Liquid scent made from the carcass of a lawfully taken wild animal, other than the gallbladder of a bear.

(d) A farm−raised deer, a farm−raised fish, fish produced in a municipal fish hatchery, a farm−raised game bird, or a wild animal that is subject to regulation under ch. 169 or the carcass of such a wild animal.

(e) The tail or skull of any deer or elk that is lawfully taken, the antlers of any deer or elk that are lawfully taken and that are not in the velvet, and the skin of any deer or elk that is lawfully taken and that is not in the spotted coat.

(f) The hide of any bear that is lawfully taken and that includes the claws, head, and teeth of the bear.

(g) Any claws, head, or teeth that are part of the hide of a bear that is lawfully taken.

(h) A rabbit, or the carcass of a rabbit, that is taken as authorized under s. 29.337 or 29.885.

(i) The tail, claws, skull, or skin of any squirrel that is lawfully taken and that is severed from the rest of the carcass.

**(2)** Except as provided in subs. (3) and (3m), no fish taken by hook and line from outlying waters, except rough fish, may be sold, bartered or traded in any manner.

**(3)** The eggs from trout and salmon that are not farm−raised fish and that are lawfully taken and possessed under this chapter are exempted from this section if removed from the fish as provided under sub. (3m).

**(3m)** The eggs from trout and salmon that are not farm−raised fish may not be sold or purchased unless the eggs are first removed from the whole fish in the presence of the buyer. The fish carcass shall be legally disposed of. Eggs that are removed in accordance with this subsection may subsequently be sold or purchased without the fish subject to any licensing requirement under s. 29.503.

**(6)** The sale and purchase of a species of fish specified under s. 29.506 (7m) (b) or of the carcass of any of these fish is exempt under this section if the sale and purchase are authorized by a permit issued under s. 29.506 (7m).

**History:** 1973 c. 315, 333; 1975 c. 360; 1977 c. 418; 1985 a. 29, 272; 1987 a. 27, 42, 114; 1991 a. 39, 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 539 to 545; Stats. 1997 s. 29.539; 2001 a. 56, 109; 2003 a. 247; 2005 a. 288; 2009 a. 38; 2013 a. 20.

**29.541 Serving of game to guests. (1)** PROHIBITION. (a) Except as authorized under s. 29.934 (2) or 254.715, no innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered, served or given, to its guests or boarders any of the following:

1. The meat of any deer, elk, bear, squirrel, game bird, or game fish taken from inland waters at any time.

2. The meat of any wild animal not listed in subd. 1., during the closed season for the wild animal, whether the meat is of a wild animal lawfully or unlawfully taken within or without the state.

(b) The department may issue permits authorizing the serving of lawfully taken and possessed wild animals at any time.

**(2)** FREE LUNCH. The giving, offering, or affording opportunity to take free lunch in any of the places named in sub. (1) is embraced within the prohibitions of sub. (1).

**(3)** EXEMPTION. This section does not apply to the meat from farm−raised deer, farm−raised fish, or farm−raised game birds or to meat that is subject to regulation under s. 169.14.

**History:** 1975 c. 360; 1991 a. 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 546 to 553; Stats. 1997 s. 29.541; 2001 a. 56, 109; 2005 a. 394; 2007 a. 20.

## SUBCHAPTER VII

## APPROVAL FEES AND EFFECTIVE PERIODS

**29.553 Processing fee. (1)** Except as provided in sub. (3), if the department issues any of the following approvals, a nonrefundable processing fee, in addition to any other fee imposed under s. 29.563, shall be collected for each approval:

(a) Hunter's choice deer hunting permit.

(am) Bonus deer hunting permit.

(b) Bobcat hunting and trapping permit.

(c) Otter trapping permit.

(d) Fisher trapping permit.

(e) Canada goose hunting permit.

(f) Wild turkey hunting license.

(g) Sharp−tailed grouse hunting permit.

(h) Class A bear license.

(hm) Elk hunting license.

(hr) Wolf harvesting license.

(i) Sturgeon fishing permit.

**(2)** If a person applies jointly for a hunter's choice deer hunting permit and a bonus deer hunting permit, the person shall pay a single processing fee. A person who applies for a bonus deer hunting permit is exempt from paying an additional processing fee if the person has already applied for a hunter's choice deer hunting permit for the same season. If the department authorizes the issuing of more than one bonus deer hunting permit to a person in a single season under s. 29.181 (2) or (2m), the person is exempt from paying an additional processing fee for an application for the 2nd or subsequent bonus deer hunting permit.

**(3)** The department may waive the processing fee for the approvals specified in sub. (1) (a), (am) and (c) to (g) for persons who apply for or are holders of resident conservation patron licenses and nonresident conservation patron licenses.

**History:** 1997 a. 248 ss. 143 to 149; 2001 a. 109; 2011 a. 169.

**29.556 Handling fee. (1b)** In this section:

(a) "In−person credit transaction costs" means the costs associated with issuing approvals that are applied for and issued in person and that are paid for by using a credit card.

(b) "Long−distance handling costs" means the costs associated with paying for approvals that are requested by mail, telephone or electronic means and includes credit transaction fees, mailing costs and personnel costs that are necessary to process a credit transaction.

**(1m)** In addition to any other fee imposed under s. 29.563, the department may collect a handling fee to cover long−distance handling costs and in−person credit transaction costs incurred in issuing approvals.

**(2)** (a) If the department collects a handling fee under sub. (1m), it shall promulgate rules to do all of the following:

1. Designate the approvals to which the fee applies.

2. Establish the amount of the fee.

(b) 1. The department may collect long−distance handling costs and in−person credit transaction costs for the approvals that the department itself issues.

2. The department may allow a person with whom it has contracted under s. 29.024 (6) (a) 4. to collect handling fees that cover long−distance handling costs. The department may allow the person to retain all or a portion of each handling fee.

3. The department may allow an agent who is appointed under s. 29.024 (6) (a) 2. or 3. to collect handling fees that cover in−person credit transaction costs. The department may allow the agent to retain all or a portion of each handling fee.

(c) A handling fee may not be more than the amounts necessary to cover the long−distance handling costs or the in−person credit transaction costs of issuing the approvals.

**(3)** Any fees collected under this section by the department shall be credited to the appropriation account under s. 20.370 (9) (hu).

**History:** 1997 a. 248 ss. 150, 151; 1999 a. 9.

**29.559 Issuing fee. (1)** COLLECTION OF ISSUING FEE. (a) Any person, including the department, who issues any license or stamp under this chapter shall collect, in addition to the statutory license or stamp fee, an issuing fee for each license and each stamp the person issued. Except as provided in par. (b), a person appointed under s. 29.024 (6) (a) 2., 3., or 4. may retain 50 cents of each issuing fee for each license and 15 cents for each issuing fee of each stamp to compensate for services in issuing the license or stamp.

(b) A person appointed under s. 29.024 (6) (a) 3. may retain the entire issuing fee for each temporary disabled person fishing license the person issues in order to compensate for services in issuing the license.

(c) Any person, including the department, who issues a wild turkey hunting tag under s. 29.164 (4) (b) or a sturgeon hook and line tag under s. 29.2285 (3) (b) shall collect, in addition to the statutory fee, an issuing fee for each tag that the person is issued. A person appointed under s. 29.024 (6) (a) 2., 3., or 4. may retain 15 cents for each issuing fee of each tag to compensate for services in issuing the tag.

**(1m)** COLLECTION OF ISSUING FEE FOR CERTAIN APPROVAL APPLICATIONS. A person authorized to distribute an application under s. 29.553 shall collect, in addition to the processing fee, an issuing fee for each application.

**(1r)** COLLECTION OF ISSUING FEE FOR BONUS DEER HUNTING PERMITS. Any person, including the department, who issues a bonus deer hunting permit shall collect, in addition to the statutory permit fee, an issuing fee for each permit. A person appointed under s. 29.024 (6) (a) 2., 3. or 4. may retain 50 cents of each issuing fee for each permit to compensate for services in issuing the permit.

**(2)** DEPARTMENT EMPLOYEES. An issuing fee collected by any employee of the department shall be remitted to the department together with the statutory approval fee.

**History:** 1997 a. 248 ss. 152 to 156; 1999 a. 9; 2001 a. 17, 108; 2005 a. 25; 2009 a. 276.

**29.561 Back tag number reservation fee. (1)** COLLECTION OF FEE. The department shall establish a system under which the department shall reserve a deer hunting back tag number for a person who pays a reservation fee. The department may limit the number of back tag numbers that may be reserved under this system. Upon payment of the fee each year, the department shall issue the same back tag number to that person. Any person, including the department, who reserves a back tag number shall collect, in addition to each reservation fee, an issuing fee of 50 cents.

**(2)** HANDLING AND RETENTION OF FEES. An issuing fee collected by any employee of the department under this section shall be remitted to the department. An issuing fee collected by a person appointed under s. 29.024 (6) (am) 2. or 3. may retain the issuing fee to compensate for services in making the reservation.

**History:** 1999 a. 9.

**29.563 Fee schedule. (1)** GENERAL. Unless specifically provided otherwise in this chapter, a person who applies for an approval shall pay the applicable fees specified in subs. (2) to (14).

**(2)** HUNTING APPROVALS. Except as provided in sub. (2m), (2r), and (6m), the fees for hunting approvals are as follows:

(a) *Resident licenses.* 1. Small game: $15.25.

2. Small game issued to a resident senior citizen: $6.25.

3. Small game issued to a member of the armed forces under s. 29.194 (3): $0.

4. Small game issued to persons who are under 18 years of age: $6.25.

5. Deer: $21.25.

5g. Deer issued to persons who are under 18 years of age: $17.25.

5m. Elk: $46.25.

6. Class A bear: $46.25.

7. Class B bear: $11.25.

8. Archer: $21.25.

8m. Archer issued to persons who are under 18 years of age: $17.25.

8r. Crossbow: $21.25.

8t. Crossbow issued to persons who are under 18 years of age: $17.25.

9. Wild turkey: $12.25.

(b) *Nonresident licenses.* 1. Annual small game: $82.25.

2. Five−day small game: $52.25.

3. Deer: $157.25.

3m. Elk: $248.25.

4. Class A bear: $248.25.

5. Class B bear: $107.25.

6. Archer: $157.25.

6m. Crossbow: $157.25.

7. Fur−bearing animal: $157.25.

8. Wild turkey: $57.25.

(c) *Resident permit.* 1. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: $11.25.

1m. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: $5.75 or, if a fee is established by rule under s. 29.181 (4), the fee established by rule.

2. Bonus deer issued to a person under s. 29.181 (2m): $0.

(d) *Nonresident permit.* 1. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: $19.25.

2. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: $5.75 or, if a fee is established by rule under s. 29.181 (4), the fee established by rule.

(e) *Stamps.* 1. Wild turkey: $5.

2. Pheasant: $9.75.

3. Waterfowl: $6.75.

(f) *Resident tags.* Each additional wild turkey hunting tag issued to a resident under s. 29.164 (4) (b): $9.75.

(g) *Nonresident tags.* Each additional wild turkey hunting tag issued to a nonresident under s. 29.164 (4) (b): $14.75.

**(2g)** REDUCED FEES FOR CERTAIN ARCHER AND CROSSBOW LICENSES. Notwithstanding the fees under sub. (2) (a) 8. and 8r. and (b) 6. and 6m., the fee is $2.25 for any of the following licenses:

(a) A resident archer hunting license issued to a person who holds a resident crossbow hunting license, provided that the resident archer hunting license and the resident crossbow hunting license authorize hunting during the same hunting season.

(b) A nonresident archer hunting license issued to a person who holds a nonresident crossbow hunting license, provided that the nonresident archer hunting license and the nonresident crossbow hunting license authorize hunting during the same hunting seasons.

(c) A resident crossbow hunting license issued to a person who holds a resident archer hunting license, provided that the resident crossbow hunting license and the resident archer hunting license authorize hunting during the same hunting season.

(d) A nonresident crossbow hunting license issued to a person who holds a nonresident archer hunting license, provided that the nonresident crossbow hunting license and the nonresident archer hunting license authorize hunting during the same hunting seasons.

**(2m)** HUNTING APPROVALS FOR CERTAIN NONRESIDENTS. The fees for hunting approvals for a person who is under 18 years of age, who is not a resident, and who exhibits proof that his or her parent is a resident shall be the same as the fees for hunting approvals for residents under sub. (2) (a) and (c).

**(2r)** HUNTING APPROVALS FOR 10 AND 11 YEAR OLDS. The fee for a hunting approval listed under sub. (2) issued to a person who is 10 or 11 years of age is $4.25.

**(3)** FISHING APPROVALS. Except as provided in subs. (3m), (3r), and (6m), the fees for fishing approvals are as follows:

(a) *Resident licenses.* 1. Annual: $19.25.

2. Annual fishing issued to a resident senior citizen: $6.25.

3. Husband and wife: $30.25.

4. Annual fishing license issued to 16−year−olds and 17−year−olds: $6.25.

4m. One−day fishing: $7.25.

5. Two−day sports fishing: $13.25.

5m. Two−day inland lake trout fishing: $13.25.

6. Annual fishing issued to a member of the armed forces under s. 29.194 (2): $0.

7. Annual or temporary fishing issued to a disabled person under s. 29.193 (3) (a) or (b) or (3m): $6.25.

7m. One−day group fishing issued under s. 29.193 (5): $24.25.

8. Annual fishing issued to a resident at a Wisconsin veterans home under s. 45.50: $0.

9. Annual or temporary fishing issued to a disabled veteran under s. 29.193 (3) (c) or (3m): $2.25.

10. Sturgeon spearing: $19.25.

(b) *Nonresident licenses.* 1. Annual: $49.25.

2. Annual family: $64.25.

3. Fifteen−day: $27.25.

4. Fifteen−day family: $39.25.

5. Four−day: $23.25.

5m. One−day: $9.25.

6. Two−day sports: $9.25.

7. Sturgeon spearing: $64.25.

(c) *Stamps.* 1. Inland waters trout: $9.75.

2. Great Lakes trout and salmon: $9.75.

(cm) *Tags.* 1. Sturgeon hook and line issued to a resident: $19.75.

2. Sturgeon hook and line issued to nonresident: $49.75.

(d) *Other.* One−day special fishing events: the fee as established by rule.

**(3m)** FISHING APPROVALS FOR CERTAIN NONRESIDENTS. The fees for fishing licenses for a 16 or 17 year−old who is not a resident and who exhibits proof that his or her parent is a resident shall be the same as the fees for fishing licenses for residents under sub. (3) (a).

**(3r)** REDUCED FEES FOR CERTAIN ANNUAL FISHING LICENSES. (a) Instead of the fee charged under sub. (3) (a) 1., the department shall charge a reduced fee for a resident annual fishing license if the applicant holds a resident one−day fishing license under s. 29.219 (2m) that is valid during the same year for which the annual license is issued. The reduced fee shall be an amount equal to the difference between the fee for the resident annual fishing license under sub. (3) (a) 1. and the fee for a resident one−day fishing license under sub. (3) (a) 4m.

(b) Instead of the fee charged under sub. (3) (b) 1., the department shall charge a reduced fee for a nonresident annual fishing license if the applicant holds a nonresident one−day fishing license under s. 29.228 (4m) that is valid during the same year for which the annual license is issued. The reduced fee shall be an amount equal to the difference between the fee for the nonresident annual fishing license under sub. (3) (b) 1. and the fee for a nonresident one−day fishing license under sub. (3) (a) 5m.

**(4)** COMBINATION APPROVALS. The fees for combination approvals are as follows:

(a) *Resident licenses.* 1. Sports: $57.25 or a greater amount at the applicant's option.

1m. Sports issued to persons who are under 18 years of age: $32.25 or a greater amount at the applicant's option.

2. Conservation patron: $160.25 or a greater amount at the applicant's option.

2m. Conservation patron issued to persons who are under 18 years of age: $70.25 or a greater amount at the applicant's option.

2s. Conservation patron issued under s. 29.235 (3m) to a recipient of the purple heart medal: $9.25 or a greater amount at the applicant's option.

3. Wolf harvesting: $48.25.

3m. Annual disabled veteran recreation: $7.

(b) *Nonresident licenses.* 1. Sports: $272.25 or a greater amount at the applicant's option.

1m. Sports issued to persons who are under 18 years of age: $33.25 or a greater amount at the applicant's option.

2. Conservation patron: $595.25 or a greater amount at the applicant's option.

2m. Conservation patron issued to persons who are under 18 years of age: $72.25 or a greater amount at the applicant's option.

2s. Conservation patron issued under s. 29.235 (3m) to a recipient of the purple heart medal: $160.25 or a greater amount at the applicant's option.

3. Wolf harvesting: $250.25.

**(5)** GUIDE AND SPORT TROLLING APPROVALS. The fees for guide and sport trolling approvals are as follows:

(a) *Resident licenses.* 1. Guide: $39.25.

2. Sport trolling: $100.

(b) *Nonresident licenses.* 1. Guide: $99.25.

2. Lake Michigan and Green Bay sport trolling: $400.

3. Lake Superior sport trolling: $400.

**(6)** APPROVALS FOR TRAPPING, FUR DEALERS AND TAXIDERMISTS. Except as provided in sub. (6m), the fees for trapping, fur dealer, taxidermist and related approvals are as follows:

(a) *Resident licenses.* 1. Trapping: $19.25.

1m. Trapping issued to persons who are under 16 years of age: $9.25.

2. Class A fur dealer: $25.

3. Class B fur dealer: $10.

(am) *Nonresident license.* Trapping: $149.25.

(b) *Other licenses.* 1. Itinerant fur buyer: $200.

2. Fur dresser or dyer: $25.

3. Fur auctioneer: $250.

(c) *Resident permit.* Taxidermist: $50.

(d) *Nonresident permit.* Taxidermist: $100.

**(6m)** REDUCED FEES FOR CERTAIN FIRST−TIME APPROVALS. (a) The fee for an approval that is listed under sub. (2) (a) 1., 2., 4. to 5g., 7. to 8m., or 9., (3) (a) 1., or (6) (a) 1. is $4.25 if the approval is issued to a person who has not received that type of approval, or has not been conferred the privileges of that type of approval under a license issued under s. 29.231 or 29.235, in any of the 10 years preceding the date of application.

(b) The fee for an approval listed under sub. (2) (b) 1., 3., 5., 6., 7., 8., (3) (b) 1., or (6) (am) is one−half of the fee listed for the respective approval, rounded up to the nearest dollar, if the approval is issued to a person who has not received that type of approval by the department, or has not been conferred the privileges of that type of approval under a license issued under s. 29.231 or 29.235, in any of the 10 years preceding the date of application.

**(7)** COMMERCIAL FISHING, CLAMMING AND FISH DEALER APPROVALS. The fees for commercial fishing, clamming and fish dealer approvals are as follows:

(a) *Resident commercial fishing licenses.* 1. Outlying waters: $899.25 for the first boat and $899.25 for each additional boat that is listed on a license issued under s. 29.519 (1m).

2. Outlying waters without boat: $899.25.

3. Rough fish harvest under contract under s. 29.417 or 29.421: $25 for the first licensed boat and $25 for each additional licensed boat.

4. Rough fish harvest under contract under s. 29.417 or 29.421 without a boat: $25.

(b) *Nonresident commercial fishing licenses.* 1. Outlying waters: $6,499.25 for the first boat and $6,499.25 for each additional boat that is listed on a license issued under s. 29.519 (1m).

2. Outlying waters without boat: $6,499.25.

(c) *Other commercial licenses.* 1. Outlying waters license transfers under s. 29.519 (2) (d): $50.

2. Outlying waters crew license issued under s. 29.519 (4): $0.

3. Mississippi and St. Croix rivers net licenses and tags:

a. Seine nets: $20 for the first 500 lineal feet of net, $10 for the 2nd 500 lineal feet and $2 for each additional 100 lineal feet or fraction thereof, plus 25 cents for each tag for each 500 lineal feet of net or fraction thereof.

b. Gill nets: $10 for the first 2,000 lineal feet of net and $1 for each additional 100 lineal feet or fraction thereof, plus 25 cents for each tag for each 2,000 lineal feet of net or fraction thereof.

c. Bait nets: $20, plus the tag for each bait net is 25 cents each.

d. Buffalo and frame nets: $10, plus the tag for each buffalo or frame net is 50 cents each.

e. Slat nets: $20, plus the tag for each slat net is 50 cents each, not to exceed 50 slat nets per licensee.

f. Trammel nets: $20 for each net, not to exceed 300 lineal feet, including one tag.

4. Inland waters set or bank pole: $2.25 including 5 tags, one for each set or bank pole allowed.

5. Inland waters setline: $10, plus 25 cents for the tag for each setline.

5g. Shovelnose sturgeon permit: $50.

5m. Fish farm: the fee as established by rule.

6. Wholesale fish dealer: $100.

7. Clam buyer: $300.

8. Assistant clam buyer: $0.

9. Clam helper: $0.

10. Clam sheller: $30.

**(8)** BAIT DEALER APPROVALS. The fees for bait dealer licenses are as follows:

(a) Class A bait dealer: $49.25.

(b) Class B bait dealer: $9.25.

**(10)** WILD RICE AND GINSENG APPROVALS. The fees for approvals relating to wild rice and wild ginseng are as follows:

(a) *Wild rice approvals.* 1. Wild rice harvest: $7.50.

2. Wild rice identification card: $0.

3. Class A wild rice dealer: $15.

4. Class B wild rice dealer: $50.

5. Class C wild rice dealer: $100.

6. Class D wild rice dealer: $150.

(b) *Wild ginseng licenses.* 1. Wild ginseng harvest issued to a resident: $15.

2. Wild ginseng harvest issued to a nonresident: $30.

3. Class A resident wild ginseng dealer: $100.

4. Class B resident wild ginseng dealer: $500.

5. Class C resident wild ginseng dealer: $1,000.

6. Nonresident wild ginseng dealer: $1,000.

**(11)** MISCELLANEOUS PERMITS AND FEES. The fees for other approvals are as follows:

(a) *Permits.* 1. Scientific collector: $0.

2. Endangered species: $100.

(b) *Instructional programs.* 1. Hunter education and firearm safety instruction fee: the fee as established by rule.

2. Trapper education instruction fee: the fee as established by rule.

**(12)** DUPLICATES OF APPROVALS. The fees for duplicate approvals are as follows:

(a) *Hunting.* 1. Deer: $14.25.

2. Archer, crossbow, sports, or conservation patron, except as provided in subd. 2m: $14.25 if deer tags are included; $11.25 after open season and deer tags are not included.

2m. Conservation patron issued to a resident under s. 29.235 (3m): $2.50.

3. Other hunting: $9.25.

4. Class A bear: $13.

5. Elk: $13.

(b) *Fishing.* 1. Fishing: $9.25 except as provided in subd. 2.

2. The total cost of issuing the original approval, including any supplemental fee under sub. (14), if the total cost is less than $10.

(c) *Other.* 1. Senior citizen recreation: $2.

1m. Annual disabled veteran recreation: $2.

2. Hunter education and firearm safety course certificate of accomplishment: $2.

3. Trapper education course certificate of accomplishment: the fee as established by rule.

3g. Wolf harvesting: $13.

4. All other approvals for which an original fee is charged: $2.

**(12m)** DUPLICATES OF REDUCED FEE APPROVALS. Notwithstanding the fees specified under sub. (12) (a) and (b), a person who was issued an approval and charged the reduced fee specified under sub. (2g) or (6m) may not be charged a fee for a duplicate of that approval that exceeds the fee specified for the approval under sub. (2g) or (6m).

**(13)** WILDLIFE DAMAGE SURCHARGE. (a) *Surcharge generally.* The surcharge for approvals listed under subs. (2) (a) 1., 2. and 4. to 9. and (b) 1. to 8. and (4) (a) 1. and 1m. and (b) 1. and 1m. is $2 and shall be added to the fee specified for these approvals under subs. (2) and (4).

(b) *Surcharge for conservation patron license.* The surcharge for licenses listed under sub. (4) (a) 2. and 2m. and (b) 2. and 2m. is $4 and shall be added to the fee specified for these approvals under sub. (4).

**(14)** PROCESSING, HANDLING, RESERVATION AND ISSUING FEES. The fees for processing, handling, reserving and issuing approvals are as follows:

(a) *Processing fee.* 1. The processing fee for applications for approvals under the cumulative preference systems for the hunter's choice deer hunting permit, bonus deer hunting permit, wild turkey hunting license, Class A bear license, Canada goose hunting permit, sharp−tailed grouse hunting permit, otter trapping permit, fisher trapping permit or sturgeon fishing permit: $2.75.

1m. The processing fee for applications for bobcat hunting and trapping permits: $5.75.

2. Joint application for a hunter's choice deer hunting permit and a bonus deer hunting permit: $2.75.

3. The processing fee for applications for elk hunting licenses and wolf harvesting licenses: $9.75.

(b) *Handling fee.* Approvals designated by rule under s. 29.556: the fee as established by rule.

(bn) *Reservation fee.* Reservation fee for a deer hunting back tag number: $4.50.

(c) *Issuing fee.* 1. Each license issued under subs. (2) to (10), (12), and (12m): 75 cents.

2. Each stamp issued under subs. (2) (e) and (3) (c): 25 cents.

3. Each application for a hunter's choice permit, bonus deer hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting license, Canada goose hunting permit, sharp−tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25 cents.

4. Each bonus deer hunting permit issued for which a fee is charged under s. 29.563 (2) (c) 1. or 1m. or (d): 75 cents.

5. Each reservation for a deer hunting back tag number: 50 cents.

6. Each wild turkey hunting tag issued under s. 29.164 (4) (b) or sturgeon hook and line tag issued under s. 29.2285 (3) (b): 25 cents.

7. There is no issuing fee for an annual disabled veteran recreation card.

**(15)** FEE WAIVER FOR VETERANS. An individual who is eligible under the veterans fee waiver program under s. 45.44 for a fee waiver is not required to pay any fee, including any issuing fee, handling fee, or fee for any type of tag or additional boats, that is imposed under this section for any of the following:

(a) A license issued under s. 29.501.

(b) A wholesale fish dealer license issued under s. 29.503.

(c) A taxidermist permit issued under s. 29.506 (2).

(d) A bait dealer license issued under s. 29.509.

(e) A guide license issued under s. 29.512.

(f) A sport trolling license issued under s. 29.514.

(g) A commercial fishing license issued under s. 29.519.

(h) A net license issued under s. 29.523.

(i) A slat net license issued under s. 29.526.

(j) A trammel net license issued under s. 29.529.

(k) A set or bank pole license issued under s. 29.531.

(L) A setline license issued under s. 29.533.

(m) A clamming license or permit issued under s. 29.537.

(n) A fish farm permit issued under s. 29.733.

(o) A fish importation permit issued under s. 29.735.

(p) A fish stocking permit issued under s. 29.736.

(q) A wild rice dealer license issued under s. 29.607 (4) (b).

(r) A wild ginseng dealer license issued under s. 29.611 (7).

**History:** 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33; 2005 a. 22, 25, 55, 284, 288; 2007 a. 20; 2009 a. 28, 39, 364; 2011 a. 168, 169, 209; 2013 a. 20, 55, 61, 151; 2013 a. 165 s. 114; 2013 a. 173 s. 33.

**Cross−reference:** See also s. NR 19.02, Wis. adm. code.

**29.564 Voluntary contributions; invasive species grants. (1)** Any applicant for a fishing license under s. 29.563 (3) (a) to (c) may, in addition to paying any fee charged for the license, elect to make a voluntary contribution of at least $2 to be used for research by the department concerning invasive species that are aquatic species and for grants under s. 23.22 (2) (c) to control invasive species that are aquatic species.

**(1m)** If a person appointed under s. 29.024 (6) (a) 2., 3., or 4., collects a voluntary contribution under sub. (1) from an applicant for a fishing license, the person collecting the voluntary contribution may retain 50 cents of the voluntary contribution to compensate for the person's services in collecting the voluntary contribution.

**(2)** All moneys collected under sub. (1), less the amount retained as authorized under sub. (1m), shall be deposited into the account under s. 20.370 (3) (is).

**History:** 1997 a. 248 ss. 163 to 165; 2009 a. 28.

**29.565 Voluntary contributions; venison processing and grant program. (1)** Any applicant for a hunting license listed under s. 29.563 (2) (a) or (b) may, in addition to paying any fee charged for the license, elect to make a voluntary contribution of at least $1 to be used for the venison processing and donation program under s. 29.89.

**(2)** All moneys collected under sub. (1) shall be credited to the appropriation account under s. 20.370 (5) (ft).

**History:** 2001 a. 16.

**29.566 Collection, retention, and deposit of fees. (1)** USE OF WILDLIFE DAMAGE SURCHARGE FEES. The wildlife damage surcharge shall be collected as are other approval fees and the surcharge fees shall be deposited in the conservation fund to be used for the wildlife damage abatement and claim program, for wildlife abatement and control grants under s. 29.887 and for removal activities by the department under s. 29.885.

**(1m)** TRANSACTION PAYMENTS. The department shall establish a system under which the department pays each agent appointed under s. 29.024 (6) (a) 2. or 3. a payment of 50 cents for each time that the agent processes a transaction through the statewide automated system contracted for under s. 29.024 (6) (a) 4. This payment is in addition to any issuing fee, processing fee, or handling fee retained by the agent. The department shall make these payments by allowing the agent to retain an amount equal to the pay-

ments from the amounts that are collected by the agent and that would otherwise be remitted to the department.

**(1r)** ISSUING PAYMENT FOR SPECIAL DEER HUNTING PERMITS. The department shall establish a system under which the department pays each agent appointed under s. 29.024 (6) (a) 2. or 3. a payment of 50 cents each time that the agent uses the statewide automated system contracted for under s. 29.024 (6) (a) 4. to issue to an individual one or more deer hunting permits as authorized under s. 29.177. The department shall make these payments by allowing the agent to retain an amount equal to the payments from the amounts that are collected by the agent and that would otherwise be remitted to the department.

**(2)** FEES HELD IN TRUST. All fees collected for approvals issued under this chapter that are required to be remitted to the department shall be held in trust for the state. Any person who collects, possesses or manages fees for these approvals acts in a fiduciary capacity for the state.

**History:** 1997 a. 248 ss. 167, 169, 607; 2001 a. 16.

**29.567 Voluntary contributions; elk research. (1)** Any applicant for an elk hunting license under s. 29.182 may, in addition to paying any fee charged for the license, elect to make a voluntary contribution of at least $1 to be used for elk research.

**(2)** All moneys collected under sub. (1) shall be credited to the appropriation account under s. 20.370 (1) (hq).

**History:** 2001 a. 109.

**29.569 Effective periods. (1)** SPECIFICATION OF EFFECTIVE PERIODS; RESTRICTIONS. Unless an approval issued under this chapter is suspended or revoked or unless another section of this chapter specifically provides otherwise, the approval is valid for the period or season specified on the face of the approval or on an attachment to the approval. In addition to any other restriction under this chapter, no license may be issued if that issuance is restricted under sub. (3).

**(3)** FISHING. (a) *Resident senior citizen fishing license.* A permanent fishing license issued to a resident senior citizen under s. 29.145 (1a), 1989 stats., is valid from the date of issuance and remains valid if the licensee is a resident.

(b) *Restrictions on issuance of sturgeon spearing licenses during the open season.* Except as provided in par. (bm), no sturgeon spearing license may be issued during a period beginning on November 1 and ending on the last day of the open season for the spearing of lake sturgeon that follows that November 1.

(bm) *Exceptions.* A sturgeon spearing license may be issued during a period beginning on November 1 and ending on the last day of the open season for the spearing of lake sturgeon that follows that November 1 to any of the following:

1. A person who is a member of the U.S. armed forces and who exhibits proof that he or she is a resident, is in active service with the armed forces outside this state, and is on furlough or leave.

2. A person who is a resident and who has attained the age of 12 during that period.

**(4)** SENIOR CITIZEN RECREATION CARD. A senior citizen recreation card is valid from the date of issuance and shall remain valid as long as the person is a resident.

**(5)** DUPLICATES. A duplicate approval is valid from the date of issuance until the expiration of the original approval.

**History:** 1997 a. 248 ss. 170, 171, 173, 176, 177, 178, 180, 182, 187; 2001 a. 77, 109; 2003 a. 313; 2009 a. 385; 2013 a. 69.

## SUBCHAPTER VIII

## EDUCATION AND TRAINING

**29.591 Hunter education program and bow hunter education program. (1)** ESTABLISHMENT; CONTENTS. (a) The department shall establish a hunter education program and bow hunter education program. The department shall conduct these courses of instruction in cooperation with qualified individuals, organizations, groups, associations, public or private corporations and federal, state and local governmental entities. The hunter education program shall provide for a course of instruction in each school district or county. The bow hunter education program need not provide for a course of instruction in each school district or county.

(am) The department shall offer an online course of instruction under the hunter education program for persons who are at least 18 years of age.

(b) The courses of instruction under these programs shall provide instruction to students in the responsibilities of hunters to wildlife, environment, landowners and others, how to recognize threatened and endangered species that cannot be hunted and the principles of wildlife management and conservation.

(c) In addition to the topics specified in par. (b), the course of instruction under the hunter education program shall provide instruction in the commonly accepted principles of safety in handling firearms and bows and arrows used in hunting and their associated equipment.

(d) In addition to the topics specified in par. (b), the course of instruction under the bow hunter education program shall provide instruction in hunting with bows and arrows and their associated equipment.

**(2)** ADMINISTRATION. (am) The department may appoint county, regional and statewide directors and categories of hunter education instructors necessary for the hunter education program and the bow hunter education program. These appointees are responsible to the department and shall serve on a voluntary basis without compensation. This paragraph does not apply to the online course of instruction under sub. (1) (am).

(b) 1. If the online course of instruction under the hunter education program requires field testing for a person to demonstrate successful completion of the course, the department shall make field testing available through each department service center at least once every 2 months for persons who are at least 18 years of age.

2. If the online course of instruction under the hunter education program requires a written test for a person to demonstrate successful completion of the course, the department shall offer the test at each department service center at least once every 2 months to persons who are at least 18 years of age.

**(3)** INSTRUCTION FEE. The department shall promulgate a rule establishing a fee for the course of instruction under the hunter education program and the bow hunter education program. If the department offers an advanced hunter education course or an advanced bow hunter education course, the rule may authorize the department to charge an additional fee for those courses. The instructor conducting a course under this subsection shall collect the instruction fee from each person who receives instruction. The instructor may retain up to $5 for each person who receives instruction from that instructor for allowable costs of instruction, as determined by the department. The instructor shall remit the remainder of the fee, or if nothing is retained, the entire fee, to the department.

**(4)** CERTIFICATE OF ACCOMPLISHMENT. (a) *Issuance.* 1. The department shall issue a certificate of accomplishment for free to a person who successfully completes the course of instruction under the hunter education program or the bow hunter education program and who pays the instruction fee.

2. A resident may use the certificate of accomplishment issued to him or her for successfully completing the course of instruction under the hunter education program for the first time in place of a small game hunting license.

(am) *Authorization for antlerless deer.* The department may authorize a person to whom it issues a certificate of accomplishment for successfully completing the course of instruction under the hunter education program for the first time to use the certifi-

cate in place of a permit issued under s. 29.177 to take one antlerless deer in specific areas identified by the department. The authorization for group deer hunting under s. 29.324 shall not apply to a person hunting an antlerless deer as authorized under this paragraph.

(ar) *Period for hunting antlerless deer.* A certificate of accomplishment issued under this section that the department has authorized to be used in place of a permit under s. par. (am) is valid for the hunting of one antlerless deer during the deer hunting season immediately following the date of issuance of the certificate.

(b) *Duplicate.* The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment and who pays the fee specified under s. 29.563 (12) (c) 2.

**History:** 1983 a. 420; 1997 a. 12, 197; 1997 a. 248 ss. 175, 420 to 426; Stats. 1997 s. 29.591; 1999 a. 9, 32; 2001 a. 16; 2005 a. 25; 2011 a. 168.

**29.592 Hunting mentorship program. (1)** A person who is at least 10 years of age may hunt in this state without obtaining a certificate of accomplishment under s. 29.591 and may, while hunting, possess or control a firearm if all of the following apply:

(a) At all times when hunting, the person is within arm's reach of a mentor who meets the qualifications under sub. (2).

(b) The person holds a hunting approval.

**(2)** No person may serve as a qualified mentor for a hunter unless the person meets all of the following requirements:

(a) The person is 18 years of age or older.

(b) The person is the parent or guardian of the person for whom he or she is serving as a mentor or is authorized by the parent or guardian to serve as a mentor. This requirement does not apply to a person serving as a mentor for a person who is 18 years of age or older.

(c) At all times when serving as a mentor, the person is within arm's reach of the person for whom he or she is serving as a mentor.

(d) The person has been issued a certificate of accomplishment under s. 29.591 or, if serving as a mentor for hunting elk, under s. 29.595 unless the person was born before January 1, 1973, and is not required to obtain a certificate of accomplishment.

(e) The person holds a current valid hunting approval.

**(3)** A person who is authorized to hunt with a mentor under this section and a mentor under this section with whom that person hunts may jointly have only one firearm, only one bow, or only one crossbow in their possession or control while hunting.

**(4)** A mentor under this section may take only one person hunting at a time for whom he or she is serving as a mentor.

**(5)** The requirements under subs. (1) (b) and (2) (e) do not apply to a person who is authorized to hunt without a hunting approval under s. 29.337 (1), 95.55 (5), or 169.19 (5).

**History:** 2009 a. 39; 2013 a. 61.

**29.593 Requirement for certificate of accomplishment to obtain hunting approval. (1)** (a) Except as provided under subs. (2), (2m) and (3), and s. 29.592 (1), no person born on or after January 1, 1973, may obtain any approval authorizing hunting unless the person is issued a certificate of accomplishment under s. 29.591.

(b) A certificate of accomplishment issued to a person for successfully completing the course under the bow hunter education program only authorizes the person to obtain a resident archer hunting license, a nonresident archer hunting license, a resident crossbow hunting license, or a nonresident crossbow hunting license.

**(2)** A person who has a certificate, license, or other evidence that is satisfactory to the department indicating that he or she has successfully completed in another state, country, or province a hunter education course recognized by the department may obtain an approval authorizing hunting.

**(2m)** A person who has a certificate, license, or other evidence that is satisfactory to the department indicating that he or she has successfully completed in another state, country, or province a bow hunter education course recognized by the department may obtain an archer hunting license or crossbow hunting license.

**(3)** A person who successfully completes basic training in the U.S. armed forces, reserves or national guard may obtain an approval authorizing hunting.

**(4)** A person who is subject to sub. (1) may prove compliance with sub. (1) when submitting an application for an approval authorizing hunting by presenting any of the following:

(a) His or her certificate of accomplishment issued under s. 29.591.

(b) An approval authorizing hunting that was issued to him or her under this chapter within 365 days before submitting the application.

(c) An approval authorizing hunting that was issued to him or her under this chapter for a hunting season that ended within 365 days before submitting the application.

**History:** 1983 a. 420; 1991 a. 254; 1997 a. 27, 197; 1997 a. 248 ss. 427 to 430; Stats. 1997 s. 29.593; 1999 a. 32; 2005 a. 289; 2009 a. 39; 2013 a. 61.

**29.595 Elk hunter education program. (1)** ESTABLISHMENT. The department shall establish and conduct an elk hunter education program.

**(2)** INSTRUCTION. The elk hunter education program shall provide a course of instruction that includes all of the following:

(a) History and recovery of elk in this state and the eastern United States.

(b) Elk census and population estimation methods used in this state.

(c) Elk biology and disease prevention.

(d) Elk hunting techniques and hunter ethics.

(e) Elk hunting zones.

(f) Rules promulgated by the department concerning elk hunting.

(g) Native American hunting.

**(3)** CERTIFICATE OF ACCOMPLISHMENT. (a) The department shall issue a certificate of accomplishment to a person who successfully completes the course of instruction under the elk hunter education program.

(b) Except as provided in par. (c), no person may be issued an elk hunting license unless he or she holds a valid certificate of accomplishment issued under this subsection.

(c) A person who has a certificate, license, or other evidence that is satisfactory to the department indicating that he or she has successfully completed in another state, country, or province an elk hunter education course recognized by the department may obtain an elk hunting license.

**(4)** FEE PROHIBITED. The department may not charge a fee for the course of instruction or the certificate of accomplishment.

**History:** 2001 a. 109; 2005 a. 289.

**29.597 Trapper education program. (1)** ESTABLISHMENT; PROGRAM REQUIREMENTS. (a) The department shall establish and supervise the administration of a trapper education program funded from the appropriations under s. 20.370 (1) (Lq) and (ma). Except with respect to the online course of instruction under sub. (1m), the department shall enter into an agreement with an organization that has demonstrated ability and experience in the field of trapper education to assist in the establishment and administration of the program.

(b) The trapper education program shall provide classroom instruction and instruction by correspondence and shall provide a course of instruction that includes all of the following:

1. Principles of wildlife management.

2. Responsibilities of trappers to landowners.

3. Interrelationships between trapping activities and the conservation of natural resources.

4. Techniques for the trapping of fur−bearing animals.

(c) The trapper education program shall use certified instructors when providing the instruction on techniques of trapping fur−bearing animals. The department shall establish criteria and standards for certifying these instructors. This paragraph does not apply to the online course of instruction under sub. (1m).

**(1m)** ONLINE COURSE OF INSTRUCTION. The department shall offer an online course of instruction under the trapper education program.

**(2)** ADMINISTRATION. (a) The department and the organization with which the department enters into an agreement under sub. (1) (a) shall jointly do all of the following:

1. Contract with a qualified individual, who may not be an employee of the department, to operate the trapper education program.

2. Prescribe the duties and responsibilities of the individual contracted with under subd. 1.

(b) The individual contracted with under par. (a) 1. shall operate the trapper education program and shall do all of the following:

1. Supervise the recruitment and training of qualified trapper education instructors.

2. Coordinate the scheduling of classes.

3. Maintain the records for the trapper education program.

(c) 1. If the online course of instruction under the trapper education program requires field testing for a person to demonstrate successful completion of the course, the department shall make field testing available through each department service center at least once every 2 months.

2. If the online course of instruction under the trapper education program requires a written test for a person to demonstrate successful completion of the course, the department shall offer the test at each department service center at least once every 2 months.

(d) Paragraphs (a) and (b) do not apply to the online course of instruction under the trapper education program.

**(3)** INSTRUCTION FEE. (a) The department shall establish by rule the fee for the course of instruction under the trapper education program.

(b) An instructor conducting the course of instruction under the trapper education program shall collect the fee established under par. (a) from each person receiving instruction. The department may authorize an instructor to retain up to 50% of the fee to defray expenses incurred by the instructor conducting the course. The instructor shall remit the remaining portion of the fee or, if nothing is retained, the entire fee to the department.

**(4)** COURSE AND PROMOTIONAL MATERIALS. The department may reimburse the organization with which it enters into an agreement under sub. (1) (a) for the organization's costs of producing promotional and course materials for the program.

**(5)** CERTIFICATE OF ACCOMPLISHMENT. (a) The department shall issue a certificate of accomplishment without charge to a person who successfully completes the course of instruction under the trapper education program and who pays the instruction fee. The certificate may be used by a resident to whom issued in place of a trapping license for the period specified by the department.

(b) The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment. The department shall establish by rule the fee for a duplicate certificate.

**(6)** REQUIREMENT OF CERTIFICATE OF ACCOMPLISHMENT TO OBTAIN TRAPPING APPROVAL. (a) No person may be issued an approval authorizing trapping unless he or she holds a valid certificate of accomplishment issued under this section.

(b) The following persons are exempt from the requirement under par. (a):

1. A resident who held on May 12, 1992, a valid approval authorizing trapping.

2. A resident who is a farmer, as defined in s. 102.04 (3).

3. A resident who has held a valid approval authorizing trapping that expired before May 12, 1992, and that was not suspended or revoked.

4. A person who holds a valid certificate, license or other evidence indicating that he or she has successfully completed a trapper education course in another state if the department determines that the course has substantially the same content as the course of instruction under the program established under this section.

**(7)** PROCEEDS FROM THE SALE OF SKINS. The department may sell, either directly or by an agent under supervision of the department, skins that are prepared as a part of the course of instruction under the trapper education program. Any proceeds that the department receives from the sale of these skins shall be credited to the appropriation account under s. 20.370 (1) (Lq).

**History:** 1991 a. 254; 1997 a. 248 ss. 416 to 419, 644; Stats. 1997 s. 29.597; 2005 a. 284, 394; 2011 a. 168.

**29.598 Outdoors skills training. (1)** PROGRAM COORDINATION. The department and the board of regents of the University of Wisconsin System shall enter into an agreement with an established national organization that provides training to persons who are interested in learning about the outdoor skills needed by women to hunt, fish, camp, canoe and undertake other outdoor recreational activities in order to provide that type of training to interested persons.

**(2)** MATCH. No moneys may be paid from the appropriation account under s. 20.370 (1) (mu) for the costs associated with the agreement under sub. (1), unless the organization described in sub. (1) demonstrates that it has contributed an equal amount to pay for those costs. The matching contribution may be in the form of money or in−kind goods or services.

**History:** 1999 a. 9; 2011 a. 32.

## SUBCHAPTER IX

## MISCELLANEOUS PROVISIONS

**29.601 Noxious substances. (1)** EXPLOSIVES; STUPEFACTIVES. (a) No person may do any of the following:

1. Take, capture or kill fish or game of any variety in any waters of this state by means of dynamite or other explosives or poisonous or stupefying substances or devices.

2. Place in any waters of this state explosives which might cause the destruction of fish or game, except when authorized by the department for the purpose of raising dead bodies, clearing a channel or breaking a log or ice jam.

3. Have in the possession or under the control of the person, upon any waters of this state, any dynamite or other explosives or poisonous or stupefying substances or devices for the purpose of taking, catching or killing fish or game.

(b) Whoever violates this subsection shall be fined not more than $500 or imprisoned for not more than 90 days or both.

**(2)** POISON. No person may use, set, lay or prepare in any of the waters of this state any poison or any other substance deleterious to fish life.

**(3)** DELETERIOUS SUBSTANCES. (a) No person may throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, oil, tar, garbage, refuse, debris, tanbark, ship ballast, stone, sand, except where permitted by s. 30.12 (3) (a) 1., slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings or waste material of any kind, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to game or fish life.

(b) Paragraph (a) does not apply to authorized drainage and sewage from municipalities and industrial or other wastes discharged from mines or commercial or industrial or ore processing plants or operations, through treatment and disposal facilities installed and operated in accordance with plans submitted to and approved by the department under chs. 281, 285 or 289 to 299 or in compliance with orders of the department. Any order is subject to modification by subsequent orders.

(c) 1. Any person violating this subsection shall forfeit not more than $200. Each day of a continuing violation is a separate offense.

2. Any person who intentionally violates this subsection shall be fined not more than $200 or imprisoned not more than 90 days or both.

**(4)** USE OF PESTICIDES. The department of natural resources, after public hearing, may promulgate rules governing the use of any pesticide which it finds is a serious hazard to wild animals other than those it is intended to control, and the making of reports about the pesticide. In promulgating the rules, the department to the extent relevant shall consider the need for pesticides to protect the well−being of the general public. "Pesticide" has the meaning given in s. 94.67.

**(5)** EXCEPTIONS. (a) This section does not apply to any activities carried out under the direction and supervision of the department of transportation in connection with the construction, reconstruction, maintenance and repair of highways and bridges in accordance with s. 30.2022.

(b) 1. This section does not apply to toxicants placed in the waters of a self−contained fish rearing facility or a state or municipal fish hatchery if the toxicants are necessary to the operation of the fish farm or fish hatchery.

2. This section does not apply to toxicants placed in the waters of a preexisting fish rearing facility that is an artificial body of water if the toxicants are necessary to the operation of the fish farm and the department has issued a permit under s. 283.31 for the preexisting fish rearing facility.

**History:** 1971 c. 73; 1975 c. 363, 365; 1977 c. 130; 1981 c. 226 s. 13; 1983 a. 410; 1985 a. 332 s. 251 (1); 1989 a. 335; 1995 a. 227; 1997 a. 27; 1997 a. 248 ss. 448 to 457; Stats. 1997 s. 29.601; 2003 a. 118; 2005 a. 347.

**Cross−reference:** See s. 94.709 for prohibition of use of DDT and exceptions to the prohibition.

**Cross−reference:** See also s. NR 19.01, Wis. adm. code.

**NOTE: 2005 Wis. Act 347, which affected this section, contains extensive explanatory notes.**

The legislative history and language of sub. (3) indicate that the statute is concerned primarily with the discharge into navigable waters of refuse arising from manufacturing activities and does not attempt to prohibit silting caused by surface water runoff. State v. Deetz, 66 Wis. 2d 1, 224 N.W.2d 407 (1974).

A proposed rule prohibiting the use of the chemical 2,4,5−T, unless a permit has been obtained, is within the statutory authority of the department of natural resources under sub. (4). 64 Atty. Gen. 126.

Discharging taconite tailings into the waters of Lake Superior was a violation of the Federal Water Pollution Control Act and a common−law nuisance. United States v. Reserve Mining Co. 380 F. Supp. 11 (1974).

**29.604 Endangered and threatened species protected. (1)** PURPOSE. The legislature finds that certain wild animals and wild plants are endangered or threatened and are entitled to preservation and protection as a matter of general state concern. The federal endangered species act of 1973 and the Lacey act together provide for the protection of wild animals and wild plants threatened with worldwide extinction by prohibiting the importation of endangered or threatened wild animals and wild plants and by restricting and regulating interstate and foreign commerce in wild animals and wild plants taken in violation of state, federal and foreign laws. The states, however, must also assume their responsibility for conserving these wild animals and wild plants and for restricting the taking, possession, transportation, processing or sale of endangered or threatened wild animals and wild plants within their respective jurisdictions to assure their continued survival and propagation for the aesthetic, recreational and scientific purposes of future generations. The legislature finds that by restricting the taking, possession or marketing of endangered species in this state and by establishing a program for conservation and restoration of these endangered or threatened species, their potential for continued existence will be strengthened. The legislature further finds that the activities of both individual persons and governmental agencies are tending to destroy the few remaining whole plant−animal communities in this state. Since these communities represent the only standard against which the effects of change can be measured, their preservation is of highest importance, and the legislature urges all persons and agencies to fully consider all decisions in this light.

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

(a) "Endangered species" means any species whose continued existence as a viable component of this state's wild animals or wild plants is determined by the department to be in jeopardy on the basis of scientific evidence.

(am) "State agency" means a board, commission, committee, department or office in the state government or the Fox River Navigational System Authority. "State agency" does not include the department of natural resources or the office of the governor.

(b) "Threatened species" means any species of wild animals or wild plants which appears likely, within the foreseeable future, on the basis of scientific evidence to become endangered.

(bn) "Whole plant−animal community" means a group of species living together in a particular area, time and habitat.

(c) Notwithstanding s. 29.001 (90), "wild animal" means any mammal, fish, wild bird, amphibian, reptile, mollusk, crustacean, or arthropod, or any part, products, egg or offspring thereof, or the dead body or parts thereof.

(d) "Wild plant" means any undomesticated species of the plant kingdom occurring in a natural ecosystem.

**(3)** ENDANGERED AND THREATENED SPECIES LIST. (a) The department shall by rule establish an endangered and threatened species list. The list shall consist of 3 parts: wild animals and wild plants on the U.S. list of endangered and threatened foreign species; wild animals and wild plants on the U.S. list of endangered and threatened native species; and a list of endangered and threatened Wisconsin species. Wisconsin endangered species shall be compiled by issuing a proposed list of species approaching statewide extirpation. Wisconsin threatened species shall be compiled by issuing a proposed list of species which appear likely, within the foreseeable future, to become endangered. Issuance of the proposed lists shall be followed by solicitation of comments and public hearing. Wild animals and wild plants shall be considered to be approaching statewide extirpation if the department determines, based upon the best scientific and commercial data available to it, after consultation with other state game directors, federal agencies and other interested persons and organizations, that the continued existence of these wild animals and wild plants in this state is in jeopardy.

(b) The department shall periodically review and, following public hearing, may revise its endangered and threatened species list. A summary report of the scientific data used to support all amendments to the state's endangered and threatened species list shall be maintained by the department.

(c) The department may upon the petition of 3 persons review any listed or unlisted wild animal or wild plant if the persons present scientific evidence to warrant such a review, after which the department may by hearing and rule amend the statewide list.

**(4)** PROHIBITION. Except as provided in subs. (6r) and (7m) or as permitted by departmental rule or permit:

(a) No person may take, transport, possess, process or sell within this state any wild animal specified by the department's endangered and threatened species list.

(b) No person may process or sell to another person a wild plant of an endangered or threatened species.

(c) No person may do any of the following to any wild plant of an endangered or threatened species that is on public property or on property that he or she does not own or lease, except in the course of forestry or agricultural practices, in the construction,

operation, or maintenance of a utility facility, or as part of bulk sampling activities under s. 295.45:

1. Remove, transport or carry away the wild plant from the place where it is growing.

2. Cut, root up, sever, injure or destroy the wild plant.

**(5)** ENFORCEMENT. (a) 1. Whoever violates sub. (4) (a) shall forfeit not less than $500 nor more than $2,000. In addition, the court shall order the revocation of all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approvals under this chapter for one year. Whoever intentionally violates sub. (4) (a) shall be fined not less than $2,000 nor more than $5,000 or imprisoned for not more than 9 months or both. In addition, the court shall order the revocation of all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approvals under this chapter for 3 years.

2. Whoever violates sub. (4) (b) or (c) shall forfeit not more than $1,000. Whoever intentionally violates sub. (4) (b) or (c) shall be fined not more than $1,000 or imprisoned for not more than 9 months or both.

(b) Any officer employed and authorized by the department, or any police officer of this state or of any municipality or county within this state, shall have the authority to execute a warrant to search for and seize any goods, business records, merchandise or wild animal or wild plant taken, employed, used or possessed in violation of this section. Any such officer or agent may, without a warrant arrest any person whom the officer or agent has probable cause to believe is violating this section in his or her presence or view. An officer or agent who has made an arrest of a person in connection with any violation under this section may search the person or business records at the time of arrest and seize any wild animals and wild plants, records, or property taken, used or employed in connection with any violation.

(c) Goods, merchandise, wild animals, wild plants or records seized under par. (b) shall be held by an officer or agent of the department pending disposition of court proceedings and shall be forfeited to the state for destruction or disposition as the department determines to be appropriate. Prior to forfeiture, the department may direct the transfer of wild animals or wild plants so seized to a qualified zoological, educational or scientific institution or qualified private propagator for safekeeping with costs assessable to the defendant.

**(6)** PERMITS. (a) The department shall issue a permit, under such terms and conditions as it may prescribe by rule, authorizing the taking, exportation, transportation or possession of any wild animal or wild plant on the list of endangered and threatened species for zoological, educational or scientific purposes, for propagation of such wild animals and wild plants in captivity for preservation purposes, unless such exportation, possession, transportation or taking is prohibited by any federal law or regulation, or any other law of this state.

(b) Any endangered species of wild animal or wild plant which enters the state from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond the state may enter the state and be transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(c) Possession, sale or transportation within this state of any endangered species on the U.S. list of endangered and threatened foreign species shall not require a state permit under par. (a).

**(6m)** INCIDENTAL TAKINGS; PERMITS. (a) In this subsection and sub. (6r), "taking" means an activity prohibited under sub. (4) (a), (b) or (c).

(b) The department may issue a permit, under such terms and conditions as it may prescribe, authorizing a taking that otherwise is prohibited by this section if the taking is not for the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity.

(c) The department may not issue a permit under this subsection unless an applicant for the permit submits to the department a conservation plan and an implementing agreement. The conservation plan shall include all of the following:

1. A description of the impact that will likely occur as a result of the taking of an endangered species or threatened species that is specified on the department's endangered and threatened species list.

2. The steps that the parties specified under par. (d) will take to minimize and mitigate the impact that the endangered species or the threatened species will suffer.

3. A description of the funding that the parties specified under par. (d) will have available to implement the steps specified under subd. 2.

4. A description of the alternative actions to the taking that the parties in par. (d) have considered and the reasons that these alternatives will not be utilized.

5. Any other measures that the department may determine to be necessary or appropriate.

(d) The implementing agreement required under par. (c) shall specifically name, and describe the obligations and responsibilities of, all the parties that will be involved in the taking as authorized by the permit.

(e) Upon receipt of an application for a permit and the accompanying conservation plan and implementing agreement for a proposed taking, the department shall publicize the application by announcing the application receipt and by giving a brief description of the proposed taking. The department publicity shall be distributed to the news media in the vicinity of the proposed taking and to the official state newspaper designated under s. 985.04. The department shall, by rule, establish a list of organizations, including nonprofit conservation groups, that have a professional, scientific or academic interest in endangered species or in threatened species. The department shall give notification of proposed takings under this subsection to these organizations. The department shall establish a procedure for receipt of public comment on the proposed taking.

(f) After having considered the public comment received on the proposed taking, the department shall issue the permit if the department finds, based on the permit application, the conservation plan and the implementing agreement, the taking will meet all of the following requirements:

1. The taking will not be the purpose of, but will be only incidental to, the carrying out of a lawful activity.

2. The parties specified under par. (d) will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking.

3. The parties specified under par. (d) will ensure that adequate funding for the conservation plan will be provided.

4. The taking will not appreciably reduce the likelihood of the survival or recovery of the endangered species or threatened species within the state, the whole plant−animal community of which it is a part or the habitat that is critical to its existence.

5. Any measures required under par. (c) 5. will be met.

(g) The department may require that a party specified under par. (d) make additional assurances that the requirements under par. (f) 1. to 5. will be met before issuing a permit under par. (f).

(h) The department shall impose on the permit any terms or conditions that the department finds necessary to ensure that the requirements under par. (f) 1. to 5. will be met. These terms or conditions may include reporting and monitoring requirements. These terms or conditions are modifiable only as provided under par. (hm).

(hm) The terms or conditions of a permit shall be modified if one of the following applies:

1. The modification is expressly provided in the conservation plan, implementing agreement or permit.

2. The permittee requests the modification.

3. Just cause exists based upon a written finding of necessity by the secretary.

(hr) A finding of necessity under par. (hm) 3. by the secretary shall be a final decision not subject to review under subch. III of ch. 227.

(i) The department shall revoke a permit issued under this subsection if it finds that a party specified under par. (d) fails to comply with the terms and conditions of the permit.

(j) A permit issued by the department is not required if a federal permit under 16 USC 1539 has been issued and if the federal fish and wildlife service consulted with the department in the process of determining whether to issue the federal permit.

(k) Paragraphs (b) to (j) do not apply to activities by a state agency or by the department under sub. (6r).

**(6r)** AGENCY ACTIVITIES. (a) A state agency shall notify the department at the earliest opportunity of the location, nature and extent of a proposed activity that the state agency may conduct, approve or fund and that may affect an endangered species or threatened species. The department may allow the taking of an endangered species or threatened species if all of the following apply:

1. The activity is accomplished in accordance with interagency consultation procedures established by the department and the state agency for the purpose of minimizing any adverse effect on the endangered species or threatened species.

2. The activity is not likely to jeopardize the continued existence and recovery of the endangered species or threatened species, or the whole plant−animal community of which it is a part, within this state and the activity is not likely to result in the destruction or adverse modification of a habitat that is critical to the continued existence of the endangered species or the threatened species within the state, as determined by the department under par. (b).

3. The benefit to public health, safety or welfare justifies the activity.

(b) For purposes of par. (a) 2., the department shall determine whether a habitat is critical to the continued existence of an endangered species or threatened species by considering the endangered species' or threatened species' global and state element ranking as defined by the methodology used by the natural heritage inventory program.

(bn) The department may allow an activity by the department itself that results in the taking of an endangered species or threatened species if the activity is accomplished with procedures established by the department for the purpose of minimizing any adverse effect on the endangered species or threatened species and if pars. (a) 2. and 3. and (b) apply.

(c) The department shall notify the state agency if the department determines that there is reasonable cause for the department to determine that an activity by the state agency is not being carried out in compliance with this subsection or with any environmental protection requirements developed through interagency consultation procedures. If the secretary of natural resources and the head, as defined in s. 15.01 (8), of the state agency are unable to agree upon methods or time schedules to be used to correct the alleged noncompliance, the department may bring any action or initiate any other proceedings to enforce compliance with this subsection.

(d) The department and the state agency shall exchange information and cooperate in the planning and implementation of any activity relating to the taking of any endangered species or threatened species in order to alleviate, to the maximum extent practicable under the circumstances, any potential adverse effect on the endangered species or the threatened species.

(e) 1. Except as provided in subd. 2., cooperation between the department and the state agency under par. (d) shall include conducting reasonable surveys and reasonable biological assessments as determined by the department.

2. Subdivision 1. does not apply if the department states in writing that it has data that is sufficient to make a determination that the proposed taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species within the state, the whole plant−animal community of which it is a part or the habitat that is critical to its existence.

(em) 1. Before allowing the taking of an endangered species or threatened species under this subsection, the department shall give notice of the proposed activity to the news media throughout the state and to any person who wants to receive notification of proposed takings under this subsection and who has so informed the department in writing. The department shall transmit the notice at least 30 days before allowing the taking except as provided in subd. 2.

2. If the department determines that it cannot comply with the 30−day time limit in subd. 1., the department shall transmit the notice as far in advance as is practicable before allowing the taking.

(f) In addition to any requirements under s. 1.11, the department may give public notice of and hold public hearings on the activities of state agencies or the department under this subsection.

**(7)** CONSERVATION. (a) The department shall conduct research on the endangered and threatened species of this state and shall implement programs directed at conserving, protecting, restoring and propagating selected state−endangered and threatened species to the maximum extent practicable.

(b) The department may enter into agreements with federal agencies, other states, political subdivisions of this state or private persons with respect to programs designed to conserve endangered or threatened species of wild animals or wild plants. Agreements with private persons under this paragraph may include providing for the movement of an endangered or threatened species to another appropriate habitat, preferably to a habitat located on state−owned or state−leased land.

**(7m)** BULK SAMPLING ACTIVITIES. A person may take, transport, or possess a wild animal on the department's endangered and threatened species list without a permit under this section if the person avoids and minimizes adverse impacts to the wild animal to the extent practicable, if the taking, transporting, or possession does not result in wounding or killing the wild animal, and if the person takes, transports, or possesses the wild animal for the purpose of bulk sampling activities under s. 295.45.

**(8)** EXEMPTIONS. This section does not apply to zoological societies or municipal zoos, or to their officers or employees.

**History:** 1971 c. 275; 1975 c. 365; 1977 c. 370; 1979 c. 110, 355; 1985 a. 182; 1987 a. 183; 1989 a. 296; 1995 a. 296; 1997 a. 248 s. 508; Stats. 1997 s. 29.604; 2001 a. 16; 2013 a. 1; 2013 a. 168 s. 21.

**Cross−reference:** See also ch. NR 27 and s. NR 10.02, Wis. adm. code.

This section does not form a basis for seeking injunctive relief against the proposed relocation of a county highway. Robinson v. Kunach, 76 Wis. 2d 436, 251 N.W.2d 449 (1977).

Department of natural resources refusal to engage in rulemaking to add bobcats to the endangered species list was proper when the scientific evidence presented was inconclusive. Barnes v. Department of Natural Resources, 184 Wis. 2d 645, 560 N.W.2d 730 (1994).

The effect and constitutionality of the law broadening endangered species protection to include threatened species is discussed. 68 Atty. Gen. 9.

Sub. (4) applies to state−listed endangered and threatened plants growing on public property. OAG 3−00.

**29.605 Sporting heritage grants. (1)** (a) The department shall provide one grant during each fiscal biennium to a nonprofit organization to provide education to persons who engage in hunting, fishing, and trapping, to establish and operate programs to recruit persons to engage in these activities, and to encourage continued engagement in these activities.

(b) During fiscal biennium 2013−15, the department shall provide a grant under par. (a) in the amount of $500,000. The department shall provide $200,000 of the grant in fiscal year 2013−14 from the appropriation under s. 20.370 (1) (ma). The department

shall provide the remaining $300,000 of the grant in fiscal year 2014−15.

(c) During fiscal biennium 2015−17, and during each fiscal biennium thereafter, the department shall provide a grant under par. (a) in the amount of $450,000.

**(2)** A nonprofit organization is eligible to receive a grant under sub. (1) if it meets all of the following requirements:

(a) It has a principal place of business in this state.

(am) It has a relationship with a nationally recognized organization that provides proven and successful firearms safety education and is able to use that relationship to host shooting events.

(b) It teaches courses on firearm safety and training, shooting skills, and outdoor education and uses a nationally recognized curriculum to teach those courses.

(c) It has a relationship with a nationally recognized shooting expert.

(d) It is able to provide mentors for new hunters by recruiting volunteers and maintaining a database of volunteers.

(e) It is not an affiliate of a national federation or organization.

(f) It is able to ensure the maintenance or improvement of this state's position among all of the states in the areas of outdoor sporting heritage and recruitment by providing sporting education and programming to persons throughout this state.

(g) Beginning with grants awarded during fiscal biennium 2015−17, it contributes $150,000 in funds to be used with a grant awarded under this section.

**(3)** A nonprofit organization that receives a grant under sub. (1) shall use the grant to provide programs and education designed to preserve and protect this state's hunting, fishing, trapping, and shooting traditions.

**(4)** During fiscal biennium 2015−17, and during each fiscal biennium thereafter, the department shall award a grant under this section not later than 30 days after the biennial budget bill for that fiscal biennium is enacted.

**History:** 2013 a. 20.

**29.607 Wild rice. (1)** TITLE TO WILD RICE. (a) The legal title to all wild rice growing in any lake of the state, whether meandered or not, is vested in the state for the purpose of regulating harvest, use, disposition and conservation of wild rice.

(b) The legal title to wild rice taken or reduced to possession in violation of this chapter remains in the state. Title to wild rice lawfully acquired is subject to the condition that upon the violation of this section by the holder of title to the wild rice, the title shall revert, as a result of the violation, to the state.

**(2)** POWERS OF THE DEPARTMENT. (a) The secretary may designate the opening date for harvesting wild rice in any navigable lake or stream by posting notice of the opening date on the shores of and at places of public access to the lake at least 24 hours before the opening date, unless the department promulgates by rule a different time period required for notice. Posting is sufficient notice of the opening date and no other publication is required.

(b) The department shall obtain the advice and recommendations of the tribal council before promulgating any rules governing the harvest, use and disposition of wild rice growing within the bounds of an Indian reservation.

**(3)** LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old−age assistance or members of their immediate families. The department, subject to s. 29.024 (2g) and (2r), shall issue a wild rice identification card to each member of a licensee's immediate family, to a recipient of old−age assistance and to each member of the recipient's family. The term "immediate family" includes husband and wife and minor children having their abode and domicile with the parent or legal guardian.

**(4)** LICENSES. (a) *Wild rice harvest license.* No wild rice harvest license is required of helpers of a licensee who participate only in shore operations. Wild rice harvest licenses may be issued only to residents.

(b) *Wild rice dealer license.* A wild rice dealer license is required to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside of the state to anyone within the state except consumers, or to process wild rice not harvested by the processor himself or herself for resale by the processor to any other person. The license is required to be a class D wild rice dealer license if the amount of wild rice bought, sold or processed by the licensee within the year covered by the license exceeds 50,000 pounds. The license is required to be a class C wild rice dealer license if this amount exceeds 25,000 pounds but does not exceed 50,000 pounds. The license is required to be a class B wild rice dealer license if this amount exceeds 5,000 pounds but does not exceed 25,000 pounds. The license is required to be a class A wild rice dealer license if this amount does not exceed 5,000 pounds. For the purposes of this section, 2.5 pounds of raw rice is equivalent to one pound of processed rice.

**(5)** RECORDS AND REPORTS. Each wild rice dealer shall keep a record in the form required by the department of all wild rice bought, sold or processed by the dealer during the period covered by the dealer's license showing the date of each transaction, the names and addresses of all other parties to the transaction, and the amount of wild rice involved, whether raw or processed. The record shall be open for inspection by the department at all reasonable times. All licensed wild rice dealers shall file reports on their operations as wild rice dealers as required by the department.

**(6)** PRIVATE WATERS. (a) Nothing in this section shall be construed as giving this state or the department the right to control, regulate, manage or harvest wild rice growing on privately owned beds of flowages or ponds.

(b) No person may use or cause to be used any mechanical device of any nature in the harvesting or gathering of wild rice.

**(7)** PENALTIES. Any person violating this section shall be punished pursuant to s. 29.971 (2) and (12).

**History:** 1975 c. 365 s. 62; 1979 c. 110; 1979 c. 190 s. 4; 1981 c. 243 s. 7; 1983 a. 27; 1985 a. 332 s. 251 (3); 1987 a. 27; 1991 a. 316; 1995 a. 27; 1997 a. 191, 237; 1997 a. 248 s. 594; Stats. 1997 s. 29.607; 1999 a. 32.

**Cross−reference:** See also ss. NR 19.001 and NR 19.09, Wis. adm. code.

**29.611 Wild ginseng. (1)** DEFINITIONS. In this section:

(a) "Dealer" means a person who purchases for purposes of resale at least 8 ounces of wild ginseng in a license year.

(am) "License year" means the period beginning on July 1 of a given year and ending on the following June 30.

(b) "Wild ginseng" means an unprocessed plant, dry root or live root of the species Panax quinquefolius that is not grown or nurtured by a person.

**(2)** CUTTING. No person may, between November 1 and the following September 1, cut, root up, gather or destroy wild ginseng.

**(3)** EVIDENCE. The purchase or sale of wild green ginseng between November 1 and the following September 1 is prima facie evidence of a violation of this section.

**(4)** PURCHASE WITH KNOWLEDGE. No person may purchase wild ginseng if the person knows the ginseng was cut, rooted up or gathered between November 1 and the following September 1. No dealer may purchase wild ginseng if any of the following applies:

(a) The dealer fails to inspect the vendor's wild ginseng harvest license or wild ginseng dealer license.

(b) The dealer knows that the vendor has violated this section.

**(5)** EVIDENCE. In any prosecution under this section proof that any wild ginseng which was purchased had been illegally

obtained by the vendor is prima facie evidence of a violation of this section by the purchaser.

**(6)** WILD GINSENG HARVEST LICENSE. (a) *Requirement.* No person may cut, root up, gather or destroy wild ginseng unless the person has a valid wild ginseng harvest license issued by the department. The department shall promulgate rules for issuing wild ginseng harvest licenses. The department may promulgate rules on the quantity of wild ginseng that each person may harvest and restrictions on areas where wild ginseng may be harvested and on the methods which may be used to harvest wild ginseng.

(b) *Exception.* Paragraph (a) does not apply to a person who cuts, roots up, gathers or destroys wild ginseng growing on the person's own land if the ginseng is not sold.

**(7)** WILD GINSENG DEALER LICENSES. (a) *License required.* No resident may act as a dealer in this state unless he or she has one of the following valid wild ginseng dealer licenses issued by the department:

1. A class A resident wild ginseng dealer license authorizes the purchase for purposes of resale of not more than 100 pounds dry weight of wild ginseng in a license year.

2. A class B resident wild ginseng dealer license authorizes the purchase for purposes of resale of not more than 1,000 pounds dry weight of wild ginseng in a license year.

3. A class C resident wild ginseng dealer license authorizes the purchase for purposes of resale of any amount of wild ginseng in a license year.

(b) *Nonresident wild ginseng dealer license.* A person who is not a resident may not act as a dealer in this state unless he or she has a valid nonresident wild ginseng dealer license issued by the department.

(c) *Rules.* The department may establish by rule the procedure for issuing wild ginseng dealer licenses.

**(8)** SHIPMENT AND CERTIFICATION OF ORIGIN OF WILD GINSENG. (a) *Wild ginseng originating in this state.* No person may ship out of this state wild ginseng that originates in this state unless the wild ginseng is accompanied by a valid certificate of origin issued under this subsection.

(bn) *Wild ginseng originating in another state.* 1. No person may ship out of this state to a foreign country wild ginseng that originates in another state unless the wild ginseng is accompanied by a valid certificate of origin issued by that other state. No person may ship out of this state wild ginseng that originates in another state under a certificate of origin issued under this subsection.

2. No resident may purchase for purposes of resale wild ginseng that originates in another state unless the wild ginseng is accompanied by a valid certificate of origin from the other state.

3. If a dealer who is a resident receives wild ginseng that originated in another state and if a certificate of origin issued by that state does not accompany the wild ginseng, the dealer shall return the wild ginseng to the sender within 30 days after its receipt.

(c) *Issuance of certificates.* The department shall promulgate a rule establishing the procedure for issuing certificates of origin. The department may issue certificates of origin only to a person who has a valid wild ginseng harvest license or a valid wild ginseng dealer license.

(d) *Effective period; cancellations; return.* Unless canceled, a certificate of origin is valid for the period indicated on the certificate's face. The department may cancel a certificate of origin at any time.

(e) *Validity.* A certificate of origin is valid only if it has not expired or been canceled by the department, is fully completed and contains no false information. A certificate of origin issued under this subsection is valid only for wild ginseng originating in this state.

(f) *Prohibitions.* No person may use an expired or canceled certificate of origin, falsify information on a certificate of origin, maintain false records of certificates of origin or fail to maintain records or comply with rules promulgated by the department concerning certificates of origin.

**(9)** RECORDS; REPORTS; INSPECTIONS. (a) *Purchases.* A dealer shall maintain records of the quantity purchased, the name and wild ginseng license number of the vendor and other information required by the department.

(b) *Sales and shipments.* A dealer shall maintain records required under this section and shall keep records and reports of sales, shipments and transactions as required by the department.

(c) *Records; retention.* A dealer shall retain records required under this section for 3 years after the date of the transaction recorded.

(d) *Submission of records.* A dealer shall submit records required under this section or legible copies of those records to the department within 10 days after the department requests submission of those records by mailing a request to the dealer at the address listed on the wild ginseng dealer license application.

(e) *Reports.* A dealer shall submit reports required by the department under this section upon request.

(f) *Inspections.* Upon request, a dealer shall make all records required under this section and all of the inventory of wild ginseng under the dealer's control available to the department for inspection.

(g) *Confidentiality.* 1. Notwithstanding s. 19.21, wild ginseng harvest license and wild ginseng dealer license records, records required under sub. (7) or this subsection and reports required under this subsection which relate to transactions in ginseng dry root are not public records and shall not be released or used by the department for any purpose except investigation and enforcement of this section.

2. All records and reports which relate to transactions in wild ginseng live root and seed shall be open to public inspection under subch. II of ch. 19.

**(10)** SUSPENSION; REVOCATION. (a) *Suspension.* The department may suspend the wild ginseng harvest license or the wild ginseng dealer license of a person who violates this section subject to a subsequent right to a hearing before the department. In order to obtain a hearing, a person is required to file a request with the department within 30 days after receipt of the notice of suspension. The filing of a request for a hearing does not stay the suspension pending the hearing.

(b) *Revocation.* The department may revoke the wild ginseng harvest license or the wild ginseng dealer license of a person who violates this section and may refuse to issue any new license under this section for a period of not more than 3 years. The department shall revoke the wild ginseng harvest license or wild ginseng dealer license of a person who violates this section within 3 years after his or her license was revoked or suspended for a previous violation and shall refuse to issue any new license under this section for a period of not less than one year nor more than 3 years.

**(11)** PENALTY. A person who violates this section shall forfeit not more than $500. A person who violates this section within 3 years after conviction for a previous violation of this section shall forfeit not more than $1,000.

**History:** 1975 c. 394 s. 15; 1975 c. 421; Stats. 1975 s. 29.547; 1979 c. 157; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 359; 1995 a. 27; 1997 a. 248 s. 595; Stats. 1997 s. 29.611.

**Cross−reference:** See also ch. NR 28, Wis. adm. code.

**29.614 Scientific collector permit. (1)** 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.

**(2)** A scientific collector permit shall state the name and address of the permittee, the date of issuance, the purposes for which it is issued, the type, species and number of specimens authorized to be collected or salvaged, the area and period of time

in which the specimens may be collected or salvaged, the place where the specimens may be kept and other conditions and limitations that the department requires. A scientific collector permit is not transferable.

**(3)** A scientific collector permit authorizes the permittee to collect or salvage from the wild, for scientific purposes only, live fish and the nests and carcasses of any wild animals specified in the permit subject to the conditions and limitations specified in the permit and the rules of the department. The permittee may use the specimens for the scientific purposes for which collected or salvaged and may transport them or cause them to be transported by common carrier. Possession of these specimens may not be transferred to any other person, except that these specimens may be exchanged for other specimens for scientific purposes. A scientific collector permit may authorize the use of net guns and tranquilizer guns for activities related to the purposes for which the permit is issued. Any person who is convicted of violating this chapter shall forfeit the person's permit and the permit is thereby revoked, in addition to all other penalties. Any person so convicted is not eligible for a permit under this section for one year following the conviction.

**History:** 1997 a. 248; 2001 a. 56.
**Cross−reference:** See also s. NR 19.11, Wis. adm. code.

**29.617 Public hunting and fishing grounds.** The department may acquire, lease, develop and maintain public hunting and fishing grounds. The department may agree to adjust and pay damages arising from the operation of public hunting or fishing grounds.

**History:** 1979 c. 34 s. 730; 1997 a. 248 s. 598; Stats. 1997 s. 29.617.

**29.621 Wildlife refuges. (1)** ESTABLISHMENT. The owner of contiguous land comprising in the aggregate not less than 160 acres located outside the limits of any city or village may apply to the department for the establishment of the land as a wildlife refuge. If the department determines that the establishment of the land as a wildlife refuge will promote the conservation of species or varieties native to this state, it may by order establish the land as a wildlife refuge.

**(2)** SIGNS. Within 30 days after the date of the order the owner of the land shall post signs or notices as required and furnished by the department, designating the refuge.

**(3)** PUBLICATION. The order is not effective until at least 30 days after issuance and until the department has caused to be published a class 3 notice, under ch. 985, in the county containing the land. The land shall remain a wildlife refuge for not less than 5 years.

**(4)** PROTECTION. Except as provided in s. 29.091 (1), no owner of a wildlife refuge, and no other person, may hunt or trap within the boundaries of any wildlife refuge or have in his or her possession or under his or her control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. This subsection, as it relates to the possession or control of a loaded or unencased firearm, does not apply to any of the following:

(a) A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

(b) A qualified out−of−state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

(c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies.

(d) A licensee, as defined in s. 175.60 (1) (d), or an out−of−state licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.60 (1) (bm).

**(5)** ANIMALS PROCURED BY DEPARTMENT. The department may place wild animals within any wildlife refuge, for the purpose of propagation.

**(6)** INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent, or interfere with the department in the destruction of injurious animals.

**History:** 1971 c. 42; 1989 a. 214; 1997 a. 248 s. 608; Stats. 1997 s. 29.621; 2011 a. 35.
**Cross−reference:** See also s. NR 10.001, Wis. adm. code.

**29.624 Senior citizen recreation card. (1)** A senior citizen recreation card entitles the holder to exercise all of the combined rights and privileges conferred by a resident small game hunting license, a wild turkey hunting license, a wild turkey hunting stamp and a resident fishing license, subject to all duties, conditions, limitations and restrictions of the licenses and stamp. A person may operate any motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01 (7) in any vehicle admission area under s. 27.01 (7) without having an admission receipt affixed to the vehicle or otherwise displayed and without paying a fee if the vehicle has as an occupant a card holder who can present the card upon demand in the vehicle admission area. The card permits a card holder to enter Heritage Hill state park or a state trail without paying an admission fee.

**(2)** Except as provided in this section, possession of a senior citizen recreation card shall not entitle the holder to obtain any other privileges or services for free if the privileges or services may be obtained only through payment of a fee.

**(3)** The department shall allocate the proceeds from senior citizen recreation card sales among the various affected programs at its discretion.

**(4)** The department may not issue a senior citizen recreation card after December 31, 1991.

**History:** 1997 a. 248 ss. 189 to 192; Stats. 1997 s. 29.624.

**29.627 Domestic fur−bearing animal farms.** The breeding, raising and producing in captivity, and the marketing, by the producer, of foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul, as live animals, or as animal pelts or carcasses shall be considered an agricultural pursuit, and all such animals so raised in captivity shall be considered domestic animals, subject to all the laws of the state with reference to possession, ownership and taxation as are at any time applicable to domestic animals. All persons engaged in the foregoing activities are farmers and engaged in farming for all statutory purposes.

**History:** 1997 a. 248 s. 630; Stats. 1997 s. 29.873; 2001 a. 56 s. 86; Stats. 2001 s. 29.627.

## SUBCHAPTER X

## FISH AND GAME PROPAGATION AND STOCKING

**Cross−reference:** See also s. NR 19.05, Wis. adm. code.

**29.701 Propagation of fish; protected wild animals. (1)** Nothing in this chapter concerning the protection of wild animals applies to any of the following:

(a) The operation of state fish hatcheries.

(b) The removal of fish which have died from natural causes or the removal of detrimental or rough fish by or as authorized by the department.

(c) The propagation or transportation, collecting and transplanting of fish by the department.

(d) The transportation of fish into or through this state or out of it by the commissioners of fisheries of other states or of the United States.

(e) The transportation and sale of farm−raised fish.

**(2)** The department may not furnish fish from state hatcheries to private ponds, private clubs, corporations or preserves, and may not introduce, stock or plant them in waters where the general public is not allowed the rights and privileges enjoyed by any individual.

**(3)** An operator of a fish farm, or an employee of the operator, may capture turtles that are on the fish farm, transport them to different locations and release them into the wild.

**History:** 1997 a. 27, 237; 1997 a. 248 s. 554; Stats. 1997 s. 29.701.

Under ss. 29.50 [now s. 29.701] and 30.77, the department may refuse to stock waters where public access is inadequate. 68 Atty. Gen. 233.

**29.705 Propagation of fish; removal of fish. (1)** TRANSPLANTATION OF FISH. The department may take or authorize to be taken fish at any time of the year from any waters of the state for stocking other waters or for the purpose of securing eggs for propagation. These fish or eggs may be taken only under a permit issued by the department and only in the presence of an employee or agent of the department. The permit shall specify the kinds of fish that may be taken and the manner in which they may be taken.

**(2)** FURNISHING FISH; ACCESS TO STOCKED WATERS. (a) The department may not furnish fish from state hatcheries to private ponds, private clubs, corporations or preserves.

(b) The department may not plant fish from state hatcheries in waters where the general public is not allowed the rights and privileges enjoyed by any individual.

**(3)** DELIVERY OF FISH EGGS. Any person fishing in any waters of this state shall deliver, on demand, to the department or its agent any fish for the purpose of being stripped of their eggs and milt. The department or its agent shall, immediately after having stripped the fish, return them to the person from whom received. The department or its agent may enter any boats, docks, grounds or other places where the fish may be, for the purpose of stripping them while alive, and the person possessing the fish shall render any assistance that may be necessary to expedite the work of mixing the eggs and milt for proper impregnation.

**(4)** DESTRUCTION OF FISH EGGS OR FISH. (a) The department may seize or destroy, or both, any fish, or any fish eggs, found to be infected with any disease organisms as are designated by the department.

(b) Paragraph (a) does not authorize the department of natural resources to remove fish or fish eggs from a self−contained fish rearing facility or from a preexisting fish rearing facility that is an artificial body of water unless the department of agriculture, trade and consumer protection has requested that the department of natural resources remove the fish or fish eggs to address a problem affecting fish health.

**(5)** REMOVAL OF FISH EGGS OR FISH FROM STATE. No person may remove any fish eggs or live fish from this state except as authorized by law or pursuant to a permit issued by the department. This subsection does not apply to farm−raised fish or eggs from farm−raised fish.

**(6)** FISHING FOR PROPAGATION PURPOSES. For the purposes of catching wild fish from the public waters for purposes of artificial propagation or for introduction, stocking or planting in fish farms, no person may take or have possession or control of any kind of fish unless par. (a) or (b) applies:

(a) The person has the approvals required under this chapter to take, possess or control that kind of fish.

(b) The person has been otherwise authorized by the department to take, possess or control that kind of fish.

**History:** 1997 a. 248 ss. 557, 563 to 570, 700.

**29.709 State fish hatcheries.** The department may operate state fish hatcheries and may do all of the following:

**(1)** Breed and propagate fish of such species and varieties as it determines to be of value.

**(2)** Distribute information regarding the propagation and conservation of fish.

**(3)** Manage the state fish hatcheries and all other property held by the state for the propagation of fish.

**(4)** Subject to s. 95.60, receive from any person all fish eggs or fish donated to the state or purchased, and procure, receive, exchange, distribute and dispose of fish eggs and fish.

**History:** 1997 a. 248 ss. 558, 559, 561.

**29.713 Trespass to state fish hatchery.** Whoever does any of the following without proper authority shall be subject to the penalties under s. 29.971 (1):

**(1)** Enters upon the grounds of a state fish hatchery for the purpose of killing or taking fish.

**(2)** Kills or takes fish from any waters or grounds of a state fish hatchery.

**(3)** Injures any fish, or interferes harmfully with the ponds, streams, troughs or other property of a state fish hatchery.

**History:** 1975 c. 365; 1985 a. 29; 1997 a. 248 s. 580; Stats. 1997 s. 29.713.

**29.717 Trespass on riparian land.** In an action against a person for damages sustained from trespassing on lands bordering streams stocked by the consent of the owner of the lands, with fish received from a state hatchery, where the damage exceeds $2, the trespasser is liable for double the amount of the damage and all of the taxable costs; and where the damage is $2 or less the trespasser shall be liable for the amount of the damage and costs not to exceed the amount of the damage.

**History:** 1997 a. 248 s. 682; Stats. 1997 s. 29.717.

**29.733 Natural waters used in fish farms. (1)** No person may use a natural body of water as a fish farm or as part of a fish farm unless all of the following apply:

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

(b) None of the owners of the fish farm or of the riparian land 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.

(c) The body of water is one of the following:

1. A freeze−out pond.

2. A preexisting fish rearing facility.

3. A body of water for which the department has issued a permit under s. 30.19, 30.195, or 31.04.

(d) If the department has not issued a permit for the body of water under s. 30.19, 30.195, or 31.04, a permit for the body of water has been issued under sub. (2).

**(1m)** The department shall post notice of every application submitted to the department under this section on the department's Internet Web site.

**(2)** (a) The department, subject to s. 29.024 (2g) and (2r), shall issue a permit under this subsection for a natural body of water specified under sub. (1) (c) 1. 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 damaged.

(b) Notwithstanding par. (a), for a freeze−out pond that is licensed as a private fish hatchery, or as part of a private fish hatchery, under s. 29.52, 1995 stats., on January 1, 1998, or for a natural body of water as described under sub. (1) (c) 2., the department shall issue an initial permit without making the determination under par. (a).

(c) Subject to s. 29.024 (2g) and (2r), a permit issued under this subsection does not expire unless the department determines that there has been a substantial change in circumstances that is related to a determination made under par. (a) for the natural body of water or that is related to the application of the criteria promulgated under par. (f) to the body of water.

(d) If the department denies a permit under par. (a), (b) or (c), the department shall issue written findings supporting the reason

for the denial that are based on the criteria promulgated under par. (f).

(e) The department may suspend a permit for a body of water specified in sub. (1) (c) 2. for 90 days if the department finds that the permit holder has failed to adequately maintain the fish barriers and may revoke the permit if the department determines that the failure to adequately maintain the barriers has not been corrected within the 90−day period.

(f) The department shall promulgate rules to establish the fees, criteria and procedures to be used in issuing permits under this subsection. The rules may not require the department, before issuing a permit under this subsection, to hold a hearing or to provide notice to any person, other than the applicant, that the department will proceed on an application for a permit without a hearing.

**(3)** This section does not apply to a person who places a net pen in a natural body of water for the purpose of holding or rearing fish in accordance with a general permit issued under s. 30.12 (3) (b).

**History:** 1997 a. 27, 191, 237; 1997 a. 248 s. 581; Stats; 1997 s. 29.733; 1999 a. 32; 2011 a. 207; 2013 a. 75.

**Cross−reference:** See also ss. NR 19.01, 19.90, 19.91, 19.92, 19.93, 19.94, and 19.95, Wis. adm. code.

**29.734 Barriers required for fish farms.** No person may use any body of water as a fish farm or as part of a fish farm unless the body of water is equipped with barriers that prevent the passage of fish between it and the other waters of the state.

**History:** 1997 a. 237; 1999 a. 32 s. 65; Stats. 1997 s. 29.734.

**29.735 Importation of fish. (1)** No person may bring into this state any fish, or fish eggs, of a species that is not native to this state for the purpose of introduction into the waters of the state, as defined in s. 281.01 (18), of use as bait or of rearing in a fish farm without having a permit issued by the department.

**(2)** A person applying for a permit under this section shall submit a written application to the department.

**(3)** Subsections (1) and (2) do not apply to the importation of fish by the department.

**(4)** For the purpose of issuing permits under this section, the department may not require that any testing, inspection or investigation be performed concerning the health of the fish.

**History:** 1997 a. 27; 1997 a. 248 s. 582; Stats. 1997 s. 29.735.

**Cross−reference:** See also s. NR 19.05, Wis. adm. code.

**29.736 Stocking of fish. (1)** In this section:

(a) "Fish" includes fish eggs.

(b) "Qualified inspector" means a veterinarian licensed under ch. 453 or a person who is qualified to provide evidence of fish health under s. 95.60 (4s) (c).

(c) "Waters of the state" does not include preexisting fish rearing facilities that are artificial bodies of water or self−contained fish rearing facilities.

**(2)** (a) No person may introduce, stock or plant any fish in the waters of the state unless all of the following apply:

1. The person has a permit issued by the department.

2. The fish have been certified by a qualified inspector to meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b).

3. The fish is not a species of lake sturgeon.

(b) A person applying for a permit under this section shall submit a written application to the department.

(c) This subsection does not apply to introduction, stocking or planting of fish by the department.

**(3)** (a) The department may not introduce, stock or plant any fish in the waters of the state unless the fish have been certified by a qualified inspector to meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b).

**(4)** For the purposes of issuing permits under this section and for introducing, stocking or planting of fish by the department, the department:

(a) Shall accept the certification by a qualified inspector that the fish meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b) and may not require that any additional testing, inspection or investigation be performed concerning the health of the fish.

(b) May regulate the species of fish, the number of fish and the sites where the fish will be introduced, planted or stocked.

**(5)** The requirement of being issued a permit under this section does not apply to civic organizations, organizations operating newspapers or television stations or promoters of sport shows when and in connection with publicly showing or exhibiting, giving demonstrations with or providing fishing of fish for periods of not to exceed 10 days if the fish are placed in a tank or an artificially constructed pond that is a self−contained body of water. Fish used for these purposes shall have been certified by a qualified inspector to meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b).

**History:** 1997 a. 27, 237; 1997 a. 248 ss. 583, 584; Stats. 1997 s. 29.736; 2003 a. 136.

**Cross−reference:** See also s. NR 19.05, Wis. adm. code.

**29.737 Permit for private management. (1)** Any person or persons owning all of the land bordering a navigable lake that is completely landlocked may apply to the department for a permit to remove, destroy or introduce fish in the lake.

**(2)** The department shall hold a public hearing on the permit application in the vicinity of the lake, and if the department determines that the hearing is favorable the department may issue a permit authorizing the applicant to remove, destroy or introduce fish in the lake.

**(3)** The department shall impose appropriate terms, conditions and limitations on the permit. All work done under the permit shall be under the supervision of employees or agents of the department, who shall have free access to the lake at all times for that purpose. The permittee shall pay the expenses of the supervision.

**(4)** All fish removed from the lake under a permit shall be disposed of as directed by the department.

**(5)** A person who is using a navigable lake that is a freeze−out pond as a fish farm, or as part of a fish farm, is exempt from obtaining a permit under this section.

**History:** 1997 a. 27; 1997 a. 248 ss. 576 to 578; Stats. 1997 s. 29.737.

**29.738 Private fishing preserves. (1)** A single person may register with the department a natural, navigable, self−contained body of water as a private fishing preserve if all of the following apply:

(a) All of the use and occupancy rights in the land that is riparian to the body of water are owned or leased by the registrant.

(b) The registrant and any owner of the riparian land do not provide 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.

(c) The registrant held a private fish hatchery license under s. 29.52, 1995 stats., on December 31, 1997, that applied to the body of water being registered as a private fishing preserve.

**(2)** No lake association, corporation or other association that is formed to establish a private fishing preserve is eligible to register under this section.

**(3)** A registration under this section is valid for one year.

**(4)** A person who is fishing in a private fishing preserve is exempt from having any sport fishing approval issued under this chapter. No person may sell or trade fish that are caught in a private fishing preserve. No person may charge a fee for fishing in a private fishing preserve or a fee for an activity that includes the privilege of fishing in a private fishing preserve.

**History:** 1997 a. 27, 237; 1997 a. 248 s. 579; Stats. 1997 s. 29.738.

**29.739 Grants for walleye production. (1)** The department shall establish a grant program to award grants on a competi-

tive basis to cities, villages, towns, and counties; to federally recognized Indian tribes or bands located in this state; and to fish farms.

**(2)** Grants awarded under this section shall be used for the purpose of increasing the grantee's capacity to raise walleye for stocking in the waters of the state. The grants may be used to build, improve, or repair any of the following:

(a) Buildings and structures used as fish hatcheries or for fish rearing.

(b) Fish rearing ponds.

(c) Wells or water recirculation systems.

(d) Biosecurity systems to ensure fish health.

(e) Holding facilities and equipment used for fish brood stock.

(f) Equipment used for the distribution of fish or for the collection of fish spawn.

**(3)** For a fish farm to be eligible for a grant under this section, the fish farm shall meet all of the following requirements:

(a) The fish farm is registered with the department of agriculture, trade and consumer protection under s. 95.60.

(b) The fish farm is in compliance with all applicable state and federal environmental laws and all applicable state and federal laws related to fish health.

**(4)** A contract awarding a grant under this section shall state the number of fingerlings that will be reared as a result of the increased capacity and the purchase price the grantee shall charge for the fingerlings when the construction, improvement, or repair is completed.

**(5)** The department shall promulgate rules to implement the program to be established under this section.

**History:** 2013 a. 20.

**29.740 Contracts for walleye production. (1)** In this section, "local governmental unit" means a city, village, town, or county.

**(2)** The department may enter into contracts with local governmental units, federally recognized Indian tribes or bands located in this state, and fish farms for the purpose of increasing the amount of walleye available for stocking in the waters of the state.

**(3)** The terms of a contract entered into under this section may include all of the following:

(a) Authorization for the department to furnish fish eggs and fish for free or at cost to a local governmental unit, tribe, band, or fish farm that is a party to the contract.

(b) Authorization for the department to purchase fish from a local governmental unit, tribe, band, or fish farm that is a party to the contract.

**(4)** No contract entered into under this section may have a term that is more than 5 years.

**History:** 2013 a. 20.

**29.741 Food in the wild for game birds.** No person may, from the public waters of this state, take, remove, sell, or transport any duck potato, wild celery, or any other plant or plant product except wild rice, that is native to these waters and that is commonly known to furnish food for game birds.

**History:** 1989 a. 359; 1997 a. 248 s. 593; Stats. 1997 s. 29.741; 2001 a. 16, 56.

**29.749 Horicon marsh fur farm and dam. (1)** The department shall establish a fur farm on the Horicon marsh in Dodge County under the supervision of the department.

**(2)** The department may maintain a dam in or near the city of Horicon, to control and regulate the flood waters on the Rock River, and to restore the Rock River on Horicon marsh to the natural levels existing prior to drainage of the marsh.

**History:** 1997 a. 248 ss. 609 to 612; Stats. 1997 s. 29.749.

**29.753 Importation of wild elk.** Notwithstanding ss. 95.20 and 95.55 (6) and rules promulgated under those provisions, the department may import and move elk and introduce the elk into Ashland, Bayfield, Jackson, Price, or Sawyer county if all of the following apply:

**(1)** The elk are taken from the wild and not raised on a farm.

**(2)** The purpose of importing or moving the elk is to protect, develop, or manage wildlife resources in this state.

**(3)** The department of agriculture, trade and consumer protection determines that the applicable requirements related to chronic wasting disease under ss. 95.20 and 95.55 (6) are met to the fullest extent possible and practical with wild and free−roaming elk.

**(4)** The department tests each elk for tuberculosis and brucellosis before importing or moving the elk in accordance with the applicable disease testing requirements of the department of agriculture, trade and consumer protection.

**(5)** The department does not seek a reduction of road access to public lands in connection with importing, moving, or introducing the elk.

**History:** 2013 a. 20.

## SUBCHAPTER XI

## CAPTIVE ANIMALS

**Cross−reference:** See also s. NR 19.01, Wis. adm. code.

**29.875 Disposal of escaped deer or elk. (1g)** In this section, "deer" means any species of deer.

**(1r)** The department may seize and dispose of or may authorize the disposal of any deer that has escaped from land owned by a person registered under s. 95.55 or by a person who is subject to s. 169.04 (5m) if the escaped deer has traveled more than 3 miles from the land or if the licensee or person has not had the deer returned to the land within 24 hours of the discovery of the escape.

**(2)** Notwithstanding sub. (1r), the department may dispose of the deer immediately if the department of agriculture, trade and consumer protection determines that the deer poses a risk to public safety or to the health of other domestic or wild animals.

**History:** 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 631; Stats. 1997 s. 29.875; 2001 a. 56, 109; 2003 a. 179.

## SUBCHAPTER XII

## WILDLIFE DAMAGE

**Cross−reference:** See also s. NR 19.01, Wis. adm. code.

**29.885 Removal of wild animals. (1)** DEFINITIONS. In this section:

(a) "Damage" means harm to forest products; streams; roads; dams; buildings; orchards; apiaries; livestock; and commercial agricultural crops, including Christmas trees and nursery stock.

(c) "Private property holder" means an owner, lessee or occupant of private property.

(d) "Removal activity" means removing or authorizing the removal of a wild animal that is causing damage or that is causing a nuisance or the removal of a structure of a wild animal that is causing damage or that is causing a nuisance.

(e) "Remove" means capture, shoot, set a trap for, relocate, or otherwise destroy or dispose of.

(f) Notwithstanding s. 29.001 (90), "wild animal" means any undomesticated mammal or bird, but does not include farm−raised deer, farm−raised game birds, or wild animals that are subject to regulation under ch. 169.

**(2)** DEPARTMENT AUTHORITY. The department may remove or authorize the removal of all of the following:

(a) A wild animal that is causing damage or that is causing a nuisance.

(b) A structure of a wild animal that is causing damage or that is causing a nuisance.

**(3)** DAMAGE COMPLAINTS. (a) Within 48 hours after receipt of a written complaint from a person who owns, leases or occupies property on which a wild animal or a structure of a wild animal is allegedly causing damage, the department shall both investigate the complaint and determine whether or not to authorize removal.

(b) The department may remove or authorize removal of the wild animal or the structure of the wild animal if it finds that the wild animal or the structure is causing damage on the property.

(c) A person who owns, leases or occupies property outside an incorporated municipality on which a wild animal or a structure of a wild animal is allegedly causing damage and who has made a complaint under par. (a), may remove the wild animal or the structure at any time from one hour before sunrise until one hour after sunset if all of the following conditions apply:

1. The department has failed, within 48 hours after the receipt of the complaint, to investigate the complaint and to determine whether or not to authorize removal.

2. The department has not refused to investigate as permitted under sub. (5) (a).

3. The wild animal is not of an endangered or threatened species under s. 29.604 and is not a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701.

(d) A person who owns, leases or occupies property located within an incorporated municipality on which a wild animal or the structure of a wild animal is allegedly causing damage may capture and relocate the wild animal or may relocate its structure if the person has made a complaint under par. (a) and all the conditions under par. (c) 1. to 3. apply.

**(4)** NUISANCE COMPLAINTS. (a) Upon the receipt of a complaint from a person who owns, leases or occupies property on which a wild animal or a structure is allegedly causing a nuisance, the department may investigate the complaint.

(b) The department may remove or authorize the removal of the wild animal or the structure of a wild animal if it finds that the wild animal or the structure is causing a nuisance on the property.

**(4m)** HUNTING ALLOWED. If the department removes or authorizes the removal of a wild animal or the structure of a wild animal under sub. (3) (b), the person who owns, leases or occupies the property on which the damage occurred shall open the property to others for hunting and trapping for one year beginning on the date on which the removal activity started unless hunting is prohibited under this chapter or under any municipal ordinance.

**(4r)** LAND NOT REQUIRED TO BE OPEN TO HUNTING. The requirements under sub. (4m) do not apply to a person to whom the department grants a shooting permit for deer causing damage that is issued as an abatement measure recommended under s. 29.889 if all of the following apply:

(a) The permit is the only abatement measure the person receives under s. 29.889 for damage caused by deer.

(b) The person waives any eligibility to receive a wildlife damage claim payment under s. 29.889 (7) for damage caused by deer.

**(5)** ABATEMENT. (a) The department may refuse to investigate under sub. (3) (a) if the person making the complaint refuses to participate in any available wildlife damage abatement program administered under s. 29.889 or refuses to follow reasonable abatement measures recommended by the department or by the county in which the property is located if the county participates in a wildlife damage abatement program.

(b) Before taking action under sub. (3) (b) or (4), the department may require the person making the complaint to participate in any available wildlife damage abatement program administered under s. 29.889 or to follow reasonable abatement measures recommended by the department.

**(6)** OWNER LIABILITY FOR BEAVER DAMAGE. A person who owns, leases or occupies property on which a beaver or a beaver structure is causing damage and who fails or refuses to give consent to the department to remove the beaver or the structure is liable for any damage caused by the beaver or the structure to public property or the property of others.

**(7)** NO DUTY; IMMUNITY FROM LIABILITY. (a) Except as provided in par. (d), no private property holder and no officer, employee or agent of a property holder owes any of the following duties to any person who enters the private property holder's property solely to engage in a removal activity:

1. A duty to keep the property safe for removal activities.

2. A duty to inspect the property.

3. A duty to give warning of an unsafe condition, use or activity on the property.

(b) Except as provided in par. (d), no private property holder and no officer, employee or agent of a private property holder is liable for any of the following injuries that occur on the private property holder's property:

1. An injury to a person engaging in a removal activity.

2. An injury caused by a person engaging in a removal activity.

(c) Except as provided in par. (d), nothing in this subsection, s. 101.11 or in the common law attractive nuisance doctrine creates any duty of care or ground of liability toward any person who uses private property holder's property for a removal activity.

(d) Paragraphs (a) to (c) do not apply if any of the following conditions exist:

1. An injury is caused by the malicious failure of the private property holder or an officer, employee or agent of the private property holder to warn against an unsafe condition on the property, of which the private property holder has knowledge.

2. An injury is caused by a malicious act of a private property holder or of an officer, employee or agent of a private property holder.

3. An injury is sustained by an employee of a private property holder acting within the scope of his or her duties.

**History:** 1989 a. 31; 1991 a. 39; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 637 to 641; Stats. 1997 s. 29.885; 1999 a. 32; 2001 a. 56; 2005 a. 82.

**Cross−reference:** See also ch. NR 12 and ss. NR 19.03, and 19.75, Wis. adm. code.

**29.886 Management of double−crested cormorants. (1)** In this section:

(a) "U.S. depredation order" means the depredation order for double−crested cormorants to protect public resources that was issued by the U.S. department of interior, fish and wildlife service, in 50 CFR 21.48, to reduce or minimize the wildlife damage caused by double−crested cormorants.

(b) "Wildlife damage" means adverse impacts on fish, including fish hatchery stock, wildlife, plants, and their habitats.

**(2)** The department shall, in cooperation with federal agencies, administer a program in a manner that complies with the U.S. depredation order to control and manage double−crested cormorants in order to reduce wildlife damage caused by double−crested cormorants.

**History:** 2005 a. 287.

**29.887 Wildlife control in urban communities. (1)** The department shall establish a program to award matching grants to urban communities for up to 50% of the costs for projects to plan wildlife abatement measures or to engage in wildlife control efforts or both.

**(2)** A grant awarded under this section may not exceed $5,000.

**(3)** The department shall promulgate rules establishing criteria for awarding grants under this section.

**History:** 1997 a. 27; 1997 a. 248 s. 643; Stats. 1997 s. 29.887.

**Cross−reference:** See also ch. NR 12 and s. NR 19.75, Wis. adm. code.

**29.888 Wolf depredation program. (1b)** In this section:

(a) "Federal endangered list" has the meaning given in s. 29.185 (1b) (a).

(b) "State endangered list" has the meaning given in s. 29.185 (1b) (b).

**(1m)** The department shall administer a wolf depredation program under which payments may be made to persons who apply for reimbursement for death or injury caused by wolves to livestock, to hunting dogs other than those being actively used in the hunting of wolves, and to pets and for management and control activities conducted by the department for the purpose of reducing such damage caused by wolves. The department may make payments for death or injury caused by wolves under this program only if the death or injury occurs during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list. The department may expend moneys under this program for its management and control activities only during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list.

**(2)** The department shall establish maximum amounts that will be paid under sub. (1m) depending on the type of animal that suffered the death or injury. If the department determines that the amount available from the appropriation under s. 20.370 (5) (fv) is insufficient in a given fiscal year for making all of these payments, the department shall make the payments on a prorated basis.

**(3)** If, after making the payments under sub. (2), there are moneys remaining in the appropriation under s. 20.370 (5) (fv) for a given fiscal year, the department may use all or part of the remaining moneys in the following fiscal year for management and control of the wolf population activities conducted by the department.

**(4)** If there are any moneys remaining at the end of a given fiscal year after making the payments under sub. (2) and paying for activities authorized under sub. (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001 (3) (c).

**History:** 2011 a. 169; 2013 a. 165 s. 115.

**29.889 Wildlife damage abatement program; wildlife damage claim program. (1)** DEFINITION. In this section, "wildlife damage" means damage caused by any of the following wild animals that are not subject to regulation under ch. 169:

(a) Deer that are not farm−raised deer.

(b) Bear.

(c) Geese.

(d) Turkey.

(e) Sandhill crane if hunting of sandhill cranes is authorized by the department.

(f) Elk, if the department has promulgated a rule that establishes a season for hunting elk.

(g) Cougar.

**(2)** DEPARTMENT POWERS AND DUTIES. (a) *Assistance.* The department shall assist counties in developing and administering the wildlife damage abatement and wildlife damage claim programs. The department shall provide this assistance through technical aid, program guidance, research, demonstration, funding, plan review, audit and evaluation services.

(b) *Eligibility and funding requirements; rules.* The department shall promulgate rules for eligibility and funding requirements for the wildlife damage abatement program and the wildlife damage claim program in order to maximize the cost−effectiveness of these programs. The department shall also promulgate rules to establish all of the following:

1. Authorized wildlife damage abatement measures and methods for implementing and paying for these abatement measures.

2. Forms and procedures for payment and processing of statement of claims and applications for abatement assistance.

3. Procedures and standards for determining the amount of wildlife damage.

4. A methodology for proration of wildlife damage claim payments.

5. Procedures for record keeping, audits and inspections.

(c) *Review of county administration plans.* The department shall provide guidelines to counties applying for participation in the wildlife damage abatement and wildlife damage claim programs. The department shall review each plan of administration submitted under sub. (3) (c) and shall approve the plan if it is in substantial compliance with sub. (3) (c) and the rules promulgated by the department under this section.

(d) *Administrative funds.* The department shall provide funding to each county participating in the wildlife damage abatement program, wildlife damage claim program or both for costs incurred in administering these programs. The amount of funding to be allocated for each county shall be based on the estimate of anticipated administrative costs prepared under sub. (3) (c) 8. but the department shall determine payments based on the actual administrative costs incurred. If actual costs exceed the estimate, the department may allocate additional funding based on criteria and using procedures established by rule.

**(3)** COUNTY ADMINISTRATION. (a) *County participation required.* Eligibility for the wildlife damage abatement program or the wildlife damage claim program requires participation of the county in the administration of these programs as specified under sub. (4) (a) and (6) (a). The department may not administer a wildlife damage abatement program or wildlife damage claim program on behalf of or instead of a county.

(b) *Application.* A county seeking to administer the wildlife damage abatement program or the wildlife damage abatement and wildlife damage claim programs shall apply to the department on forms provided by it on or before November 1 for the administration of these programs in the following calendar year or other period specified in the application.

(c) *Plan of administration.* The application shall include a plan of administration to which the county agrees and in the form required by the department. The plan of administration shall include all of the following:

1. An agreement that the county shall make all records and files relating to the wildlife damage abatement program and wildlife damage claim program, including records and files concerning access of hunters to lands for which a wildlife damage claim is filed, available to the department for audit at reasonable times with the full cooperation of the county.

2. A description of authorized wildlife damage abatement measures, including designation of specifications for woven wire deer fences, for which reimbursement may be provided under the wildlife damage abatement program or which may be recommended under the wildlife damage claim program.

3. A summary of billing, allocation and accounting procedures to be used by the county and the department under this section. These procedures shall be consistent with generally acceptable accounting practices.

4. The procedure or formula to be used to determine land suitable for hunting and other hunting requirements necessary to comply with sub. (7m).

5. The procedures to be used in administering the wildlife damage abatement and wildlife damage claim programs.

6. A commitment that the county agrees to administer the wildlife damage abatement and wildlife damage claim programs so that participants are encouraged to pursue sound conservation as well as normal agricultural practices.

7. A summary of the organization and structure of the agency or unit of the county which is responsible for the administration of the wildlife damage abatement and wildlife damage claim programs.

8. An estimate of anticipated administrative costs, anticipated wildlife damage abatement assistance costs and anticipated wildlife damage claim payments.

9. Other information and conditions the department requires.

(cm) *List of participants.* A county that administers the wildlife damage abatement program or the wildlife damage claim program shall maintain a list of participants in the program and shall make the list available for public inspection.

(d) *Departmental approval; revocation.* A county may not administer the wildlife damage abatement program or the wildlife damage claim program and a county is not considered a participating county for the purpose of administering these programs unless the department approves the plan of administration. The department may revoke its approval if a county does not comply with the plan of administration or this section.

**(4)** WILDLIFE DAMAGE ABATEMENT PROGRAM; ELIGIBILITY. (a) *Participating county.* In order to be eligible for wildlife damage abatement assistance, the land for which assistance is sought is required to be located in a county which is participating in the administration of the wildlife damage abatement program.

(b) *Filing of application.* In order to be eligible for wildlife damage abatement assistance, a person is required to file an application with the participating county in a form acceptable to the county. An owner or lessee of land, a person who controls land or an owner of an apiary or livestock may file an application.

(bn) *Type of wildlife damage.* In order to be eligible for wildlife damage abatement assistance, the type of wildlife damage to be abated shall be limited to damage to commercial seedings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock or damage to apiaries or livestock.

(c) *Other eligibility requirements.* In order to be eligible for wildlife damage abatement assistance, a person is required to comply with eligibility requirements adopted by the department under sub. (2) (b) and with eligibility requirements specified in the plan administration under sub. (3) (c).

**(5)** WILDLIFE DAMAGE ABATEMENT PROGRAM; ASSISTANCE. (a) *Review.* A participating county shall review each application for wildlife damage abatement assistance to determine if wildlife damage is occurring or likely to occur.

(b) *Assistance.* A participating county may provide wildlife damage assistance where wildlife damage is occurring or is likely to occur for the reimbursement of costs associated with wildlife damage abatement measures if the measures are authorized in the plan of administration under sub. (3) (c) 2.

(bm) *Cost−effectiveness of abatement.* A participating county may recommend only those wildlife damage abatement measures that are cost−effective in relation to the wildlife damage claim payments that would be paid if the wildlife damage abatement measures are not implemented.

(c) *State aid.* The department shall pay participating counties 75% of the actual cost of providing wildlife damage abatement assistance if wildlife damage abatement measures are carried out in full compliance with the direction of the county and with funding requirements adopted under sub. (2) (b).

**(6)** WILDLIFE DAMAGE CLAIM PROGRAM; ELIGIBILITY AND OTHER REQUIREMENTS. (a) *Participating county.* In order to be eligible for wildlife damage claim payments, the land where the wildlife damage occurred is required to be located in a county which is participating in the administration of both the wildlife damage abatement program and the wildlife damage claim program.

(b) *Filing of claim; form.* In order to be eligible for wildlife damage claim payments, a person is required to file a statement of claim with the department in a form acceptable to the department. An owner or lessee of land, a person who controls land or an owner of an apiary or livestock may file a statement of claim.

(c) *Time of filing; deduction.* In order to be eligible for wildlife damage claim payments, a person shall file a statement of claim within 14 days after the time the wildlife damage first occurs.

(d) *Compliance with wildlife damage abatement measures.* In order to be eligible for wildlife damage claim payments for an occurrence of wildlife damage, a person seeking wildlife damage claim payments shall have complied with any wildlife damage abatement measures to abate that wildlife damage that were recommended by the county.

(dm) *Compliance with normal agricultural practices.* In order to be eligible for wildlife damage claim payments, a person seeking wildlife damage claim payments shall have managed the seedings, crops, orchard trees, nursery stock, apiaries or livestock which the person is seeking the claim payments in accordance with normal agricultural practices.

(em) *Type of wildlife damage.* The type of wildlife damage that is eligible for wildlife damage claim payments shall be limited to damage to commercial seedings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock or damage to apiaries or livestock.

(f) *Other eligibility requirements.* In order to be eligible for wildlife damage claim payments, a person is required to comply with eligibility requirements adopted by the department under sub. (2) (b) and with eligibility requirements specified in the plan of administration under sub. (3) (c).

**(7)** WILDLIFE DAMAGE CLAIM PROGRAM; PAYMENT OF CLAIMS; LIMITATIONS AND DEDUCTIONS. (a) *Investigation.* A participating county shall investigate each statement of claim and determine the total amount of the wildlife damage that occurred, regardless of the amount that may be eligible for payment under par. (b).

(b) *Calculating amount of payment.* In calculating the amount of the wildlife damage claim payment to be paid for a claim under par. (a), the participating county shall determine the amount as follows:

1. If the amount of the claim is $500 or less, the claimant will receive no payment.

2. If the amount of claim is more than $500 but not more than $5,250, the claimant will be paid 100% of the amount of the claim that exceeds $500.

3. If the amount of the claim is more than $5,250, the claimant will be paid the amount calculated under subd. 2., plus 80% of the amount of the claim that exceeds $5,250, subject to subd. 4.

4. The total amount paid to a claimant under this paragraph may not exceed $10,000 for each claim.

(bm) If the land where the wildlife damage occurred is located in more than one participating county and the person files a statement of claim with more than one participating county, the amount of the claim, as determined under par. (a), shall be prorated between or among the participating counties based on the amount of wildlife damage occurring in each county.

(d) *State aid.* 1. Except as provided under subd. 2., the department shall pay claimants the full amount of wildlife damage claim payments calculated in accordance with par. (b) and funding requirements adopted under sub. (2) (b) no later than June 1 of the calendar year after the calendar year in which the statement of claims were filed.

2. The department shall pay claimants under subd. 1. from the appropriation under s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq) payments made for county administrative costs under sub. (2) (d) and payments made for wildlife damage abatement assistance under sub. (5) (c). If the amount remaining after these deductions from the appropriation under s. 20.370 (5) (fq) are not sufficient to pay the full amount required under subd. 1., the department shall pay claimants on a prorated basis.

**(7m)** LAND REQUIRED TO BE OPEN TO HUNTING; PENALTIES. (a) *Requirements.* A person who receives wildlife damage abatement assistance or wildlife damage claim payments and any other person who owns, leases or controls the land where the wildlife damage occurred shall permit hunting of the type of wild animals caus-

ing the wildlife damage on that land and on contiguous land under the same ownership, lease or control, subject to par. (ae). In order to satisfy the requirement to permit hunting under this subsection, the land shall be open to hunting during the appropriate open season. The county, with the assistance of the department, shall determine the acreage of land suitable for hunting.

(ae) *Conditions.* 1. A hunter may hunt on land covered by par. (a) only if the hunter notifies the landowner of his or her intent to hunt on the land.

2. A hunter may not bring a motor vehicle onto land covered by par. (a) without the permission of the landowner.

3. A hunter may not use a stand located on land covered by par. (a) without the permission of the landowner.

4. A landowner may deny a hunter access to land covered by par. (a) for reasonable cause, including any of the following:

a. The presence of at least 2 hunters per 40 acres of eligible land when the hunter notifies the landowner that he or she intends to hunt on the land.

b. The hunter appears to be intoxicated or unruly.

c. The hunter causes property damage.

d. The hunter fails to notify the landowner of his or her intent to hunt on the land or brings a motor vehicle onto the land without the permission of the landowner.

(am) *Exemption, apiaries.* The requirements to allow hunting under par. (a) do not apply to a person seeking wildlife damage abatement assistance if the person does not have authority to control entry on the land that is subject to those requirements and if the damage on the land is damage to apiaries.

(ar) *Exemption; land not required to be open to hunting.* The requirement under par. (a) does not apply to a person to whom the department grants a shooting permit for deer causing damage that is issued as an abatement measure recommended under this section if all of the following apply:

1. The permit is the only abatement measure the person receives for wildlife damage caused by deer.

2. The person waives any eligibility to receive a wildlife damage claim payment under sub. (7) for wildlife damage caused by deer.

(at) *Exemption; damage caused by cougar.* The requirements to allow hunting under par. (a) do not apply to a person seeking wildlife damage abatement assistance or wildlife damage claim payments for damage caused by cougar.

(b) *Penalties.* If any person who is required to permit hunting on land as required under par. (a) fails to do so, the person is liable for all of the following:

1. Repayment of any money paid for the wildlife damage claim.

2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.

3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs of investigating the failure to permit hunting on the land.

**(8)** HUNTING RIGHTS. Nothing in this section prohibits a person who owns, leases or occupies land on which wildlife damage occurs and who does not have the authority to control entry on the land for the purposes of hunting from seeking wildlife damage abatement assistance or wildlife damage claim payments.

**(8g)** REVIEW. A participating county's determination of the amount of wildlife damage, the amount of a wildlife damage claim or the amount of wildlife damage abatement assistance shall be treated as final decisions for purposes of review.

**(8r)** RECORDS; ENTRY TO LAND. (a) *Records.* A person receiving wildlife damage abatement assistance or wildlife damage claim payments shall retain all records as required by the participating county or the department and make them available to the participating county or the department for inspection at reasonable times.

(b) *Entry to land.* The department or a participating county may enter and inspect, at reasonable times, any land for which a wildlife damage claim has been filed or for which wildlife damage abatement measures have been implemented.

(c) *Responsibilities.* No person may refuse entry or access to or withhold records from the department or the participating county under this subsection. No person may obstruct or interfere with an inspection by the department or a participating county under this subsection. The department or participating county if requested, shall furnish to the person a report setting forth all of the factual findings by the department or participating county that relate to the inspection.

**(9)** AUDITS. The department shall conduct random audits of wildlife damage abatement claims paid, wildlife damage abatement measures recommended and wildlife damage assistance paid for under this section. The department shall conduct audits of all claims filed by, and payments made to, department employees and of all wildlife damage abatement measures for the benefit of crops, livestock or apiaries owned or controlled by these employees for which assistance was provided under sub. (5).

**(10)** NEGLIGENCE; FRAUD; PENALTIES. (a) *Liability.* For a given wildlife damage statement of claim or application for wildlife damage abatement assistance, if the person filing the claim or applying for the assistance negligently makes, or causes to be made, a false statement or representation of a material fact in making the claim or application, the person is liable for all of the following:

1. Repayment of any money paid for the wildlife damage claim.

2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.

3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs in investigating and determining whether a false statement or representation was made.

(b) *Fraud.* No person may knowingly make or cause to be made any false statement or representation of material fact under the wildlife damage abatement program or the wildlife damage claim program.

(c) *Fraud; penalties.* A court finding a person to be in violation of par. (b) may order any of the following:

1. That the person make any of the payments under par. (a) 1. to 3.

2. That the person pay a forfeiture equal to 2 times the total amount of wildlife damage claim payments received and the value of any wildlife damage abatement measures implemented, plus an amount not to exceed $1,000.

3. The revocation of the person's privileges or approvals under s. 29.971 (12) if the person violating par. (b) owns, leases or controls land, or owns livestock or apiaries, to which the false statement or representation relates.

4. That the person be prohibited from receiving any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day that the false statement or representation occurred.

(d) *Other liability.* Any person who owns, leases or controls land or owns livestock or apiaries for which a benefit was received in violation of par. (b) or who fails to allow hunting as required under sub. (7m) is not eligible for any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day on which the false statement or representation occurred, regardless of whether the person knew or should have known of the false statement or misrepresentation.

**(11)** ANNUAL REPORT. (a) *Contents.* The department shall prepare an annual report concerning wildlife damage, the wildlife damage abatement program and the wildlife damage claim program, including a summary of each of the following:

1. All of the wildlife damage believed to have occurred in the state.

2. The wildlife damage claims that were filed under this section.

3. The wildlife damage abatement measures that were recommended or implemented under this section.

4. The percentage of the total number of filed wildlife damage claims that are rejected for failure to meet the requirements of the programs.

5. The percentage of the total number of wildlife damage claims for which the amount of the payment to the claimant was prorated under sub. (7) (d).

(b) *Submission; distribution.* The department shall submit the report under this subsection no later than June 1 of each year for distribution to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3). The first report shall be submitted no later than June 1, 1999. Each report shall cover the 12−month period ending on the December 31 that immediately precedes the date of the report.

**(12)** TOLERABLE DEER DAMAGE LEVELS. The department shall promulgate rules to establish standards for tolerable levels of damage caused by deer living in the wild to crops on agricultural land, including commercial seedings, orchard trees and nursery stock. The department shall use the standards in setting goals for managing the deer herd.

**History:** 1983 a. 27; 1985 a. 29 ss. 662 to 668m, 3202 (39) (g); 1985 a. 332 ss. 41, 251 (1); 1987 a. 280; 1989 a. 31, 336; 1995 a. 27, 79; 1997 a. 27, 237; 1997 a. 248 ss. 396, 645 to 668, 706; Stats. 1997 s. 29.889; 2001 a. 56, 109; 2005 a. 82; 2007 a. 97; 2009 a. 28; 2011 a. 280.

**Cross−reference:** See also ch. NR 12 and ss. NR 19.75, 19.76, 19.77, 19.78, 19.79, 19.80, 19.81, 19.82, 19.83, and 19.84, Wis. adm. code.

**29.89 Venison processing and donation program. (1)** DEFINITION. In this section, "charitable organization" means a nonprofit corporation, charitable trust or other nonprofit association that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

**(2)** ESTABLISHMENT OF PROGRAM. The department shall establish a program to reimburse counties for the costs that they incur in processing and donating venison from certain deer carcasses.

**(3)** ELIGIBILITY REQUIREMENTS. A county is eligible for reimbursement under this section if all of the following apply:

(a) The county participates in the administration of both the wildlife damage abatement program and the wildlife damage claim program under s. 29.889.

(b) The county accepts deer carcasses for processing.

(d) The county pays for the costs of processing the venison.

(e) The county shall make reasonable efforts to donate the venison as provided under sub. (4).

**(4)** DONATIONS AUTHORIZED. A county may donate the processed venison to a food distribution service or a charitable organization. The county may require that the carcasses be field dressed before accepting them for processing.

**(5)** REIMBURSEMENT; FUNDING. (a) Subject to par. (c), reimbursement under this section shall equal the costs, including administrative costs, that a county incurs in processing the venison and in donating the processed venison under sub. (4).

(b) 1. The department shall reimburse counties under this section from the appropriation under s. 20.370 (5) (fs) and (ft).

2. The department shall reimburse counties under this section from the appropriation under s. 20.370 (5) (fq) if all of the following apply:

a. The total amount of reimbursable costs exceeds the amount available under s. 20.370 (5) (fs) and (ft).

c. Moneys are available under s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq) payments made for county administrative costs, payments made for wildlife damage abatement assistance, and wildlife damage claim payments under s. 29.889.

(c) If the total amount of reimbursable costs under par. (a) exceeds the amount available under par. (b), the department shall establish a system to prorate the reimbursement payments among the eligible counties.

**(6)** TAGGING EXEMPTION. The requirement under s. 29.347 (2m) (a) that the tags remain with the deer carcass or venison does not apply to a deer carcass or venison that is subject to this section.

**History:** 1999 a. 9; 2001 a. 16; 2005 a. 25.

SUBCHAPTER XIII

ENFORCEMENT

**29.921 Warrants; arrests; police powers. (1)** GENERALLY. The department and its wardens may execute and serve warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31, 346.19, 940.24, 941.20, 948.60, 948.605 and 948.61 in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the officer has probable cause to believe is guilty of a violation of any of the laws cited in this subsection, whether the violation is punishable by criminal penalties or by forfeiture, and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing any of the laws cited in this subsection, any officer may stop and board any boat and stop any vehicle, if the officer reasonably suspects there is a violation of those sections.

**(2)** FIELD ARCHAEOLOGY. The department and any of its wardens may execute and serve warrants and processes issued for violations of s. 44.47 occurring on the bed of any stream or lake in the same manner as any constable may serve and execute the process; and may arrest a person, with or without a warrant, who is detected committing such a violation, or whom the warden has probable cause to believe is guilty of a violation of s. 44.47, and may take the person before any court in the county where the violation was committed and make proper complaint. For the purpose of enforcing s. 44.47, any warden may stop and board any boat and stop any vehicle, if the warden reasonably suspects that there is a violation of s. 44.47.

**(3)** HARASSMENT. The department and its wardens may execute and serve warrants and processes issued for violations of s. 947.013 (1m) (b) if the victim of the harassment is intentionally selected because of the victim's race in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the warden has probable cause to believe guilty of a violation of s. 947.013 (1m) (b), whether the violation is punishable by criminal penalties or by forfeiture and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing s. 947.013 (1m) (b), any warden may stop and board any boat and stop any vehicle, if the warden reasonably suspects there is a violation of s. 947.013 (1m).

**(4)** TRIBAL CODE ENFORCEMENT. If a federally recognized American Indian tribe or band consents to the enforcement of its conservation code by the department or if a federal court order authorizes or directs the enforcement, the department and its wardens may execute and serve warrants and processes issued for violations of the tribe's or band's conservation code that occur outside the exterior boundaries of American Indian reservations; and may arrest a person, with or without a warrant, who is detected committing such a violation, or whom the warden has probable cause to believe is guilty of such a violation, and may take the person before the tribal court of appropriate jurisdiction and make proper complaint. For the purpose of enforcing a tribe's or band's conservation code, any warden may stop and board any boat and

may stop any vehicle, if the warden reasonably suspects there is a violation of such a conservation code.

**(5)** ADDITIONAL ARREST POWERS. In addition to the arrest powers under sub. (1), a warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (a) 1. and has complied with any applicable requirements under s. 165.85 (4) (a) 7. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.85 (2) (bv) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the warden makes an arrest without the presence of another law enforcement agency, the warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The warden shall be available as a witness for the state. A warden may not conduct investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

**(6)** SEARCH WARRANTS; SUBPOENAS. In executing search warrants and subpoenas under this chapter where the penalty for the violation is a forfeiture, the department shall use procedures which comply with ss. 968.12 and 968.135 to 968.19.

**(7)** DOGS INJURING WILDLIFE. A warden may kill a dog found running, injuring, causing injury to, or killing, any deer or elk, or destroying game birds, their eggs, or nests, if immediate action is necessary to protect the deer, elk, or game birds, their nests or eggs, from injury or death.

**History:** 1997 a. 248 ss. 98 to 102, 708 to 710; 2001 a. 109; 2013 a. 214.

A game warden who kills a dog that he believes is wounding or worrying a domestic animal is not exempt from liability under all circumstances. Munyon v. Moe, 46 Wis. 2d 629, 176 N.W.2d 324 (1970).

**29.924 Investigations; searches. (1)** INVESTIGATIONS. The department and its wardens shall, upon receiving notice or information of the violation of any laws cited in s. 29.921 (1), as soon as possible make a thorough investigation and institute proceedings if the evidence warrants it.

**(2)** DRIVING WITHOUT HEADLIGHTS. In the performance of their law enforcement duties, wardens may operate motor vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if the driving will aid in the accomplishment of a lawful arrest for violation of this chapter or in ascertaining whether a violation of this chapter has been or is about to be committed. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

**(3)** OPENING PACKAGES. The department and its wardens may examine and open any package in the possession of a common carrier which they have probable cause to believe contains wild animals in violation of this chapter, or carcasses, or is falsely labeled in violation of this chapter. Each common carrier and its agent or employee shall permit the officer to examine and open the package. Any opened package shall be restored to its original condition.

**(4)** ACCESS TO STORAGE PLACES. The owner or occupant of any cold−storage warehouse or building used for the storage or retention of wild animals, or their carcasses, that are subject to regulation under this chapter shall permit the department and its wardens to enter and examine the premises subject to s. 66.0119. The owner or occupant, or the agent or employee of the owner or occupant, shall deliver to the officer any such wild animal or carcass, in the warehouse or building, that the officer has reasonable cause to believe is possessed or was taken in violation of the law, whether taken within or without the state. The owner or occupant, or the agent or employee of the owner or occupant, shall permit the department to examine and copy any record pertaining to the storage or retention of any wild animal either when the owner, occupant, agent, or employee is present or upon 24 hours' notice.

**(5)** ACCESS TO PRIVATE LAND. The department may, after making reasonable efforts to notify the owner or occupant, enter private lands to retrieve or diagnose dead or diseased wild animals and take actions reasonably necessary to prevent the spread of contagious disease in the wild animals.

**History:** 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 2001 a. 30, 56; 2005 a. 288.

**29.927 Public nuisances.** The following are declared public nuisances:

**(1)** Any unlicensed, untagged or unmarked net of any kind, or other unlicensed, untagged or unmarked device for fishing.

**(1m)** Any licensed, tagged or marked net or other device for fishing set, placed, or found in any waters where it is prohibited to be used, or in a manner prohibited by this chapter.

**(2)** Any unlicensed, untagged or unmarked setline, cable, rope, or line, with more than one fish line attached.

**(2c)** Any licensed, tagged or marked setline set, placed, or found in any waters where it is prohibited to be used, or in a manner prohibited by this chapter.

**(2g)** Any fish line left in the water unattended, whether having one or more hooks attached.

**(2m)** Any long tunnel pound net or similar entrapping net other than the legal fyke net, drop net, submarine trap net and the short tunnel pound net whenever found in outlying waters or on any boat, dock, pier or wharf or in any building or vehicle on or adjacent to outlying waters. Any nets found as described in this subsection shall be sufficient evidence of the use of the nets by the owner.

**(3)** Any device set in public waters to prevent the free passage of fish, or set in any stream which has been stocked by the state unless authorized by the department.

**(4)** Any permanent or temporary structure placed, occupied, or used on the ice of any waters in violation of this chapter.

**(5)** Any trap, snare, spring gun, set gun, net or other device used in violation of this chapter which might entrap, ensnare, or kill game.

**(5m)** Any trap without a metal tag attached as required by law.

**(6)** Any boat, together with its tackle and equipment, used in violation of this chapter.

**(6g)** Any lamp, light, gun, firearm, ammunition, bow, crossbow, bolt, or arrow used in violation of this chapter or s. 167.31 or any rules promulgated under s. 167.31.

**(6r)** Any boat, floating raft, box, or blind set in open water and used in hunting game birds.

**(7)** Any decoys left in the water unattended.

**(8)** Any dog found running deer or elk at any time, or used in violation of this chapter.

**(9)** Any ferret, rat, weasel, or guinea pig in possession or used while hunting.

**(10)** Any blind used in hunting waterfowl in violation of s. 29.327.

**(11)** Any motor vehicle, boat, aircraft, remote sensing equipment, navigational device, survey equipment, scuba gear or other equipment or device used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47.

**History:** 1977 c. 443; 1983 a. 192 s. 303 (6); 1985 a. 36; 1993 a. 169; 1995 a. 79; 1997 a. 248 s. 93; Stats. 1997 s. 29.927; 2001 a. 56, 109; 2005 a. 161; 2011 a. 180.

**29.931 Seizures. (1)** SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The department and its wardens shall seize and confiscate any wild animal, carcass or plant caught, killed,

taken, had in possession or under control, sold or transported in violation of any of the laws for which the department and its wardens have enforcement authority under s. 29.921. The officer also may, with or without warrant, open, enter and examine all buildings, camps, boats on inland or outlying waters, vehicles, valises, packages and other places where the officer has probable cause to believe that wild animals, carcasses or plants that are taken or held in violation of any of these laws are to be found.

**(2)** SEIZURE AND CONFISCATION OF OBJECTS; SALE OF PERISHABLE PROPERTY. (a) The department and its wardens shall seize and hold, subject to the order of the court for the county in which the alleged offense was committed, any vehicle, boat or object declared by this chapter to be a public nuisance, or which they have probable cause to believe is being used in violation of any of the laws for which the department and its wardens have enforcement authority under s. 29.921. If it is proven that the vehicle, boat or object is a public nuisance or that within 6 months previous to the seizure the vehicle, boat or object was used in violation of any of the laws for which the department and its wardens have enforcement authority under s. 29.921, it shall be confiscated if the court directs in its order for judgment.

(am) If the department or its wardens seize any net or similar fishing device under par. (a), the owner shall reimburse the department for all costs associated with the seizure within 20 days after the department gives written notice to the owner of the owner's obligation to reimburse the department. The notice shall include the amount of the costs required to be reimbursed by the owner. If the owner does not reimburse the department as required under this paragraph, the owner shall forfeit not more than $1,000 in addition to the costs of reimbursement. All reimbursement costs collected under this paragraph shall be credited to the appropriation under s. 20.370 (3) (mi).

(b) Any perishable property seized by the department or its wardens under this section may be sold at the highest available price, and the proceeds of the sale turned into court for disposition as the court directs.

**(3)** ENTIRE SHIPMENT AFFECTED. Confiscation of any part of a shipment under this section shall include the entire shipment.

**(4)** ORDINANCE VIOLATIONS. For purposes of this section, a violation of ch. 169 includes a violation of an ordinance enacted under s. 169.43.

**History:** 1997 a. 248 ss. 108 to 110, 712; 2001 a. 56; 2005 a. 288, 394.

**29.934 Sale of confiscated game and objects. (1)** (a) All wild animals, carcasses, plants, vehicles, boats, or objects that are confiscated by the department for a violation of any of the laws for which the department and its wardens have enforcement authority under s. 29.921 shall, if not destroyed as authorized by law, be sold at the highest price obtainable except as provided in ss. 29.936 and 29.938, by the department, or by an agent on commission under supervision of the department. The net proceeds of sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be remitted to the department. The remittance shall be accompanied by a report of the sales, supported by vouchers for expenses and commissions, and shall be filed with the department.

(b) Of the remittance from the sales of confiscated vehicles, boats or objects, 18% shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82% shall be paid into the common school fund.

(c) 1. In the case of the sale of a confiscated motor vehicle, the department shall make a reasonable effort, within 10 days after seizure, to ascertain if a security interest in the seized motor vehicle exists. The department shall, within 10 days after obtaining actual or constructive notice of any security interest in the seized motor vehicle, give the secured party notice of the time and place when there is to be any proceeding before a court pertaining to the confiscation of the motor vehicle. Constructive notice shall be limited to security interests perfected by filing.

2. The time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation as provided in s. 29.931 (2). The department shall give each secured party discovered in accordance with subd. 1. at least 10 days' notice of the time and place of sale of the motor vehicle.

3. If the holder of a security interest in the confiscated motor vehicle, perfected by filing, proves to the court, or after judgment of confiscation, to the department, that the violation that led to the confiscation was not with the knowledge, consent or connivance of the holder of the security interest or with that of some person employed or trusted by the holder of the security interest, the amount due under the security agreement, together with any other deductions authorized under par. (a), shall be deducted from the proceeds of the sale of the confiscated motor vehicle and the amount due shall be paid to the one entitled. If a sufficient amount does not remain for the full payment of the amount due under the security agreement after making the other deductions authorized under par. (a), the amount remaining shall be paid to the one entitled.

(d) The provisions of s. 973.075 (1) (b) 2m. and (5) apply to boats and vehicles, other than motor vehicles, under this subsection.

(e) This subsection does not apply to a deer killed, or so injured that it must be killed, by a collision with a motor vehicle on a highway.

**(2)** On any sales under this section of wild animals or carcasses, the department or the agent selling them shall issue to each purchaser a certificate, on forms prepared and furnished by the department, covering the sales. The wild animals or carcasses so purchased shall be consumed, resold, or otherwise disposed of by the purchaser within a period to be set by the department. Any such wild animal or carcass may be resold or exchanged, in whole or in part, to another person only as authorized by the department.

**History:** 1975 c. 97, 199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a. 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a. 285 s. 1; 1999 a. 32; 2001 a. 56, 109; 2005 a. 394.

**Cross−reference:** See also s. NR 19.115, Wis. adm. code.

**29.936 Distribution of fish and game to food distribution services. (1)** Notwithstanding s. 29.934, the department may distribute for free carcasses from fish and game seized or confiscated under s. 29.931 that are suitable for eating to food distribution services. The department may have the fish or game that is seized or confiscated processed before distributing that fish or game to food distribution services. The department may collect the costs of the processing of the fish or game from the person from whom the fish and game was seized or confiscated.

**(2)** The department may notify the person from whom the fish or game was seized or confiscated under s. 29.931 that he or she is liable for the costs incurred by the department for processing the fish or game under this section. The notification shall be mailed to the person's last−known address and shall include the amount that the person is required to pay as well as the address where payment shall be sent.

**(3)** If a person fails to pay the processing costs as requested under sub. (2), the department may submit a certification under oath to the clerk of circuit court in the county where the processed fish or game was seized or confiscated. The certification shall state the amount of processing costs unpaid, the name and last−known address of the person who is liable for those costs and such other information as the court considers necessary. The court shall order that the amount certified by the department be a judgment on behalf of the state and against the person if the person fails to submit a written objection to the court within 30 days after the court receives the certification from the department unless the department notifies the court that the envelope including the certification mailed to the person under sub. (4) was returned unopened to the department. If the person timely submits a written objection to the certification, the court shall consider the objection to be a complaint in a civil action and proceed under the

rules of procedure under chs. 799 or 801 to 847, without requiring the service of a summons or the payment of filing fees.

**(4)** On the same day that the department submits the certification to the court, the department shall send a copy of the certification to the person at his or her last−known address by 1st class mail. Mailing of the certification shall be considered service of that certification when it is mailed unless the envelope containing the certification is returned unopened to the department. The department shall include with the certification a notice informing the person of all of the following:

(a) That, if the person fails to submit a written objection to the court within 30 days after the court receives the certification from the department, the court shall order that the amount certified by the department be a judgment on behalf of the state and against the person.

(b) The name and address of the circuit court where the certification was submitted and the date of that submittal.

(c) That, if the person timely objects to the certification, the objection will be considered a complaint for purposes of the commencement of a civil suit under ch. 799 or 801.

(d) That the person is required to submit a copy of the objection to the department at the time that he or she submits the objection to the clerk of circuit court.

(e) The address of the department where the person is required to submit a copy of the objection.

**(5)** The department shall mail the certification under sub. (4) in an envelope that includes the department's return address. The department shall notify the court if the envelope is returned to the department unopened.

**History:** 1997 a. 321; 1999 a. 9, 32, 186.

**29.938 Use by the department of unclaimed, seized, or confiscated property.** The department may receive, retain, and use for the hunter education programs under ss. 29.591 and 29.595, the trapper education program under s. 29.597, or other educational hunting, fishing, trapping, or conservation activities the department conducts any of the following property:

**(1)** Property seized or confiscated for violations of s. 167.31 or 943.13, this chapter, or ch. 169 or 951.

**(2)** Property turned over to the department under s. 968.20 (3).

**(3)** Personal property that is in the possession of the department and that is lost, abandoned, or not claimed by its owner.

**History:** 2005 a. 394.

**29.941 Assistance of law enforcement officers.** All sheriffs, deputy sheriffs and other law enforcement officers are deputy conservation wardens, and shall assist the department and its wardens in the enforcement of this chapter whenever notice of a violation is given to them by the department or its wardens.

**History:** 1979 c. 110; 1997 a. 248 s. 116; Stats. 1997 s. 29.941.

**29.944 Exemption from liability.** Members of the natural resources board, and each warden, in the performance of official duties, are exempt from liability to any person for acts done or permitted or property destroyed by authority of law. No taxable costs or attorney fees shall be allowed to either party in an action against a member of the natural resources board or a warden.

**History:** 1997 a. 248 s. 111.

**29.947 Law enforcement aid program; spearfishing.** **(1)** DEFINITIONS. As used in this section:

(a) "Additional law enforcement services" means an extraordinary type or level of service which is not normally provided or budgeted for by a law enforcement agency.

(p) "Municipality" means any city, village or town.

(t) "Spearfishing" means a method of taking fish which is authorized by an agreement negotiated between the state and the members of federally recognized American Indian tribes or bands domiciled in Wisconsin relating to the tribes' or bands' treaty−based, off−reservation rights to hunt, fish and gather.

**(2)** PARTICIPATING COUNTY OR MUNICIPALITY. In order to be eligible to receive reimbursement from the department for costs incurred on or after August 1, 1987, by law enforcement agencies in response to members of federally recognized American Indian tribes exercising or attempting to exercise their right to engage in spearfishing, a county or municipality must do all of the following:

(b) *Daily records.* Maintain daily records of any costs for additional law enforcement services incurred by law enforcement agencies that are directly related to spearfishing and make the daily records available, upon request, to the department for inspection at periodic times during normal business hours.

(c) *Filing of application.* File an application for aid with the department by July 1 of the calendar year in which additional law enforcement services are provided, specifying all of the following:

1. The names and salaries of the officials who provided additional law enforcement services during the spearfishing season.

2. The number of hours worked by the persons under subd. 1.

3. Any other costs, as specified by the department, incurred by the county or municipality that are directly attributable to providing additional law enforcement services during the spearfishing season.

4. Any other information requested by the department.

(cm) *Amended claims.* A county or municipality that has filed an application for aid under par. (c) by July 1 of a calendar year in which additional law enforcement services are provided may amend that application before August 1 of that calendar year.

**(4)** AID PAYMENTS. (a) *Costs reimbursed.* Except as provided under par. (c), the department may pay each participating county or municipality up to 100% of the county's or municipality's actual costs that are directly attributable to providing additional law enforcement services during the spearfishing season. The department shall make any aid payments from the appropriations under s. 20.370 (5) (ea) by September 30 of the calendar year in which the county or municipality files an application under sub. (2) (c). The department may not make an aid payment unless the payment is approved by the secretary of administration.

(c) *Prorated payments allowed.* If the total amount of reimbursable costs under par. (a) exceeds the amount available for payments under s. 20.370 (5) (ea), the department may prorate payments to participating counties and municipalities.

**History:** 1987 a. 27, 399, 418; 1989 a. 31, 56, 336; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 248 s. 669; Stats. 1997 s. 29.947.

**29.951 Resisting a warden.** Any person who assaults or otherwise resists or obstructs any warden in the performance of duty shall be subject to the penalty specified in s. 939.51 (3) (a).

**History:** 1975 c. 365, 421; 1979 c. 34; 1981 c. 20; 1993 a. 137; 1997 a. 248 s. 683; Stats. 1997 s. 29.951.

This section defines one crime with multiple modes of commission and comports with the applicable fundamental fairness standard embodied in the due process clause. Jury unanimity as to the manner in which a defendant violates it is not required. Failure to specify the manner of violation did not deny the defendant his due process right to a unanimous jury verdict. State v. Dearborn, 2008 WI App 131, 313 Wis. 2d 767, 758 N.W.2d 463, 07−1894.

Affirmed on other grounds. 2010 WI 84, 327 Wis. 2d 252, 786 N.W.2d 97, 07−1894.

**29.954 False impersonation of warden.** Any person who falsely represents himself or herself to be a warden or who assumes to act as a warden without having been first duly appointed shall be subject to the penalty specified in s. 939.51 (3) (a).

**History:** 1975 c. 365; 1979 c. 34; 1981 c. 20; 1993 a. 137; 1997 a. 248 s. 684; Stats. 1997 s. 29.954.

**29.957 Breaking seals of department.** Any person who breaks, removes or interferes with any seal or tag attached to any animal, carcass or object by the department, or who interferes with

any animal, carcass or object with a seal or tag attached, or who counterfeits a seal or tag, attached or unattached, shall be fined not more than $500 or imprisoned for not more than 90 days or both. This section applies to seals and tags required by the department under this chapter or ch. 169.

**History:** 1975 c. 365; 1979 c. 34; 1981 c. 20; 1997 a. 248 s. 689; Stats. 1997 s. 29.957; 2001 a. 56.

**29.961 Incorrect information. (1)** Any person who provides incorrect information and thereby obtains an approval issued under this chapter to which the person is not entitled:

(a) Shall forfeit not more than $200; and

(c) Shall pay a natural resources restitution surcharge equal to the amount of the statutory fee for the approval which was required and should have been obtained.

**(2)** Any person who fails to keep records as required under this chapter, fails to keep accurate records under this chapter, or provides incorrect information to the department under this chapter, other than information to obtain an approval as provided under sub. (1), shall forfeit not more than $100.

**History:** 1975 c. 365; 1979 c. 34, 175; 1981 c. 20; 1983 a. 27; 1987 a. 399; 1997 a. 248 ss. 685, 713; Stats. 1997 s. 29.961; 2003 a. 139.

**29.962 Worthless checks for approvals.** If a person tenders a check or other order for payment to an issuing agent appointed under s. 29.024 (6) (a) 3. to make payment for an approval issued under this chapter to an issuing agent, and the check is drawn on an account that does not exist or on an account with insufficient funds, or is otherwise worthless, the issuing agent may give notification to the department of the fact after having made an effort to receive payment from the person who tendered the check or other payment. If the issuing agent gives such notification, the department shall revoke the approval and send notification to the holder of the approval that it has been revoked for failure to make payment for the approval. The holder of the approval shall return the approval to the department within 7 days after receiving the notification.

**History:** 2003 a. 138.

**29.964 Changing approval.** Any person who changes or alters, in any manner, or enters other than the correct date of issuance on any approval:

**(1)** Shall be fined not more than $200 or imprisoned not more than 90 days or both; and

**(3)** Shall pay a natural resources restitution surcharge equal to the statutory fee for the approval which was required and should have been obtained.

**History:** 1975 c. 365; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1997 a. 248 s. 688; Stats. 1997 s. 29.964; 2003 a. 139.

**29.967 Prohibitions during periods of suspension or revocation. (1)** Any person who has had an approval or a privilege under this chapter revoked or suspended by a court and who engages in the activity authorized by the approval or in the privilege during the period of revocation or suspension is subject to the following penalties, in addition to any other penalty imposed for failure to have an approval:

(a) For the first conviction, the person shall forfeit not less than $300 nor more than $500.

(b) If the number of convictions in a 5−year period equals 2 or more, the person shall be fined not less than $500 nor more than $1,000.

**(2)** The 5−year period under sub. (1) (b) shall be measured from the dates of the violations which resulted in the convictions.

**(3)** Any person who obtains any approval under this chapter during the period of time when that approval is revoked by any court shall be fined not more than $200 or imprisoned not more than 90 days or both.

**History:** 1993 a. 137; 1997 a. 196; 1997 a. 248 ss. 686, 687; Stats. 1997 s. 29.967.

**29.969 Larceny of wild animals.** A person who, without permission of the owner, disturbs or appropriates any wild animal or its carcass that has been lawfully reduced to possession by another shall forfeit not less than $1,000 nor more than $2,000. This section does not apply to farm−raised deer, farm−raised fish, farm−raised game birds, or wild animals that are subject to regulation under ch. 169.

**History:** 1993 a. 137; 1995 a. 79; 1997 a. 27; 1997 a. 248 s. 690; Stats. 1997 s. 29.969; 2001 a. 56.

**29.971 General penalty provisions.** Any person who, for himself or herself, or by his or her agent or employee, or who, as agent or employee for another, violates this chapter shall be punished as follows:

**(1)** (a) For the violation of any requirement of this chapter relating to fishing or fish dealing, by a forfeiture of not more than $1,000 except as provided under pars. (ag), (ar), (b), and (c) and sub. (5m).

(ag) For conducting a fishing tournament without a permit as required by the department, by a forfeiture of not less than $1,000 nor more than $2,000.

(ar) For participating in a fishing tournament and failing to comply with a term or condition imposed by a permit issued for that fishing tournament under s. 29.403, by a forfeiture of not more than $500.

(b) For taking, transporting, acquiring, selling, purchasing, or possessing, or attempting to take, acquire, transport, sell, purchase, or possess, any fish, or failing to comply with any record−keeping requirement for fish, in violation of this chapter that has a value under par. (d) exceeding $300 but not exceeding $1,000, by a fine of not less than $1,000 nor more than $5,000 or imprisonment for not more than 30 days or both.

(c) A person taking, transporting, acquiring, selling, purchasing, or possessing, or attempting to take, acquire, transport, sell, purchase, or possess, any fish, or failing to comply with any record−keeping requirement for fish, in violation of this chapter is guilty of a Class I felony if the value of the fish under par. (d) exceeds $1,000.

(d) 1. In this paragraph, "average wholesale value" means the average purchase price paid by wholesale fish dealers on the date of a violation of this chapter as determined by the department after obtaining price information from 3 wholesale fish dealers in this state.

2. Salmon, trout, and noncommercial game fish shall be valued for the purposes of pars. (b) and (c) on a per−fish basis according to the dollar amounts specified under s. 29.977 (1) (a) and (i) to (L).

3. Other species of commercial fish shall be valued on a per−pound basis according to the average wholesale value of the fish. The department shall determine the average wholesale value of the fish by averaging the price received by 3 different wholesale fish dealers in this state for that species of fish on or about the date of the violation.

4. For purposes of making charging and penalty determinations under pars. (b) and (c), the value of fish from multiple violations committed by the same person in any 12−month period may be aggregated.

(e) In addition to any other penalty under this section, during the period of time that a person's commercial fishing license is revoked under sub. (12), the person may not engage in fishing on the water or ice in any manner, operate or assist in the operation of fishing gear or engage in the sale or transportation of fish. Any person holding a license under s. 29.519 (1m) who has that license revoked under sub. (12) may apply for that license for that part of the license year following the period of revocation and the department shall issue that license if all licensing criteria are met. The revoked license may not be issued to another person during the period of revocation.

**(1g)** For failure to hold a valid approval as required under this chapter for which a court imposes a penalty under sub. (1) (a) to (e) or (5m), by the payment of a natural resources restitution surcharge equal to the amount of the statutory fee for the approval that was required and that should have been obtained.

**(1m)** (a) For the violation of s. 29.537, by a forfeiture of not more than $1,000, except as provided under pars. (b) and (c).

(b) For possessing clams in violation of s. 29.537, if the value of the clams under par. (d) exceeds $300 but does not exceed $1,000, by a fine of not more than $5,000 or imprisonment for not more than 30 days or both.

(c) A person possessing clams in violation of s. 29.537 is guilty of a Class I felony if the value of the clams under par. (d) exceeds $1,000.

(d) Clams shall be valued for the purpose of pars. (b) and (c) according to the current average wholesale value. In this paragraph, "average wholesale value" means the average price received by commercial clam shellers during the 30−day period prior to the date of violation.

(e) For any person holding any approval issued under this chapter, upon the person's 2nd conviction within a 3−year period for violations of this chapter relating to clamming or commercial clamming, by the revocation of all of the person's approvals. In addition, no commercial clamming license or permit may be issued to the person for at least one year after the date of conviction.

**(2)** For hunting or trapping without an approval required by this chapter:

(a) By a forfeiture of not more than $100; and

(c) By the payment of a natural resources restitution surcharge equal to the amount of the statutory fee for the approval which was required and should have been obtained.

**(3)** For the violation of any statutes or any department order relating to the hunting, taking, transportation or possession of game, by a forfeiture of not more than $1,000.

**(3m)** For unlawfully hunting a moose, by a forfeiture of not less than $1,000 nor more than $2,000 and the mandatory revocation of all hunting approvals issued to the person. In addition, no hunting approval may be issued to the person for the time period specified by the court. The time period specified shall be not less than 3 years nor more than 5 years following the date of conviction under this subsection.

**(4)** For any violation of this chapter or any department order for which no other penalty is prescribed, by a forfeiture of not more than $100.

**(5)** For violation of s. 29.539, except s. 29.539 (3m), by a fine of not less than $1,000 nor more than $2,000 or imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all hunting and sport fishing approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting or sport fishing approvals under this chapter to the person for 5 years.

**(5g)** For violation of s. 29.541, by a fine of not more than $500 or imprisonment for not more than 90 days or both. In addition, the court shall order the revocation of all hunting and sport fishing approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting or sport fishing approvals under this chapter to the person for 3 years.

**(5m)** For the violation of this chapter relating to the taking or possession of lake sturgeon, by a fine of $1,500 or imprisonment for not more than 90 days or both for each lake sturgeon illegally taken or possessed, and a mandatory 3−year revocation of all hunting, fishing and trapping approvals issued to the person under this chapter.

**(7)** For the violation of s. 29.307 (1), by a fine of not more than $1,000 for the first violation and not more than $2,000 for subsequent violations or imprisonment for not more than 90 days, or both, and by a mandatory 3−year revocation of all hunting, fishing, and trapping approvals. An aircraft used in the violation is a public nuisance.

**(9)** For the violation of any statute or any department order relating to the registration of any wild animal, by a forfeiture of not more than $100.

**(9m)** For the improper use or validation of any carcass tag, by a forfeiture of not more than $500.

**(11)** For hunting deer without the required approval, during the closed season, with the aid of artificial light or with the aid of an aircraft, for the snaring of or setting snares for deer, or for the possession or control of a deer carcass in violation of s. 29.055 or 29.347, by a fine of not less than $1,000 nor more than $2,000 or by imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all approvals issued to the person under this chapter and shall prohibit the issuance of any new approval under this chapter to the person for 3 years.

**(11g)** (a) For hunting elk without a valid elk hunting license, for possessing an elk that does not have an elk carcass tag attached, for possessing an elk during the closed season, by a fine of not less than $1,000 nor more than $15,000 or by imprisonment for not more than 6 months or both for the first violation, or by a fine of not more than $20,000 or imprisonment for not more than one year or both for any subsequent violation. In addition, the court shall revoke all hunting and trapping approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting and trapping approvals under this chapter to the person for 5 years.

(b) Except as provided under par. (a), for the violation of any provision of this chapter or rules promulgated under this chapter relating to elk hunting or to the violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than $5,000.

**(11m)** (a) For shooting, shooting at, killing, taking, catching or possessing a bear without a valid Class A bear license, or for possessing a bear which does not have a carcass tag attached or possessing a bear during the closed season, by a fine of not less than $1,000 nor more than $2,000 or by imprisonment for not more than 6 months or both for the first violation, or by a fine of not more than $10,000 or imprisonment for not more than 9 months or both for any subsequent violation, and, in addition, the court shall revoke all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approval under this chapter to the person for 3 years. This paragraph does not apply to a person who shoots at or kills a bear as authorized under s. 29.184 (3) (br) 4.

(b) Except as provided under par. (a), for the violation of any provision of this chapter relating to bear hunting, to the activities specified in s. 29.184 (3) (br) 1. to 4., or to the validation of a bear carcass tag or registration of a bear, by a forfeiture of not more than $1,000.

(c) Any person who is convicted of hunting bear or engaging in any of the activities under s. 29.184 (3) (br) with a dog that is not in compliance with s. 29.184 (4) or the licensing requirements under s. 174.053 or 174.07 may have his or her Class A or Class B bear hunting license revoked; and if the license is revoked, no Class A or Class B bear hunting license may be issued to the person for a period of 3 years after the date of conviction.

**(11p)** (a) For entering the den of a hibernating black bear and harming the bear, by a fine of not more than $10,000 or imprisonment for not more than 9 months or both.

(b) Paragraph (a) does not apply if the activity subject to the penalty under par. (a) has been specifically approved by the department and is necessary to conduct research activities.

**(11r)** (a) For the violation of s. 29.083 (2) (a), by a forfeiture of not more than $500.

(b) For the violation of s. 29.083 (2) (b), by a forfeiture of not more than $1,000.

**(11v)** For failing to reimburse the department as required under s. 29.404 (3), by a forfeiture of not more than $100.

**(12)** In addition to any other penalty for violation of this chapter or any department order made under this chapter, the court may revoke or suspend any or all privileges and approvals granted under this chapter for a period of up to 3 years. If a person is convicted of reckless or highly negligent conduct in the operation or handling of a firearm or bow and arrow in violation of s. 940.08, 940.24 or 941.20 and either death or bodily harm to another results from that violation, the court shall revoke every approval issued to that person under this chapter and shall provide a fixed period during which no new approval may be issued to the person. If no death or bodily harm to another results from the violation, the court may revoke any approval issued to that person under this chapter and may provide a fixed period during which no new approval may be issued to the person.

**(13)** No penalty prescribed in any section of this chapter shall be held to be diminished because the violation for which it is prescribed falls also within the scope of a more general prohibition.

**(14)** In any prosecution under this section it is not necessary for the state to allege or prove that the animals were not farm−raised deer, farm−raised fish, farm−raised game birds, wild animals subject to regulation under ch. 169, or domestic animals, that they were not taken for scientific purposes, or that they were taken or in possession or under control without a required approval. The person claiming that these animals were farm−raised deer, farm−raised fish, farm−raised game birds, wild animals subject to ch. 169, or domestic animals, that they were taken for scientific purposes or that they were taken or in possession or under control under the required approval, has the burden of proving these facts.

**History:** 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190, 336; 1991 a. 39, 269; 1993 a. 137; 1995 a. 59, 79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; 1999 a. 9, 32; 2001 a. 56, 108, 109; 2003 a. 139, 249; 2005 a. 288; 2009 a. 276; 2011 a. 28, 257.

All illegal clamming violations under s. 29.38 are punishable by forfeiture under sub. (1m) (a) except violations of the possession provisions of s. 29.38 [now s. 29.537]. State v. Ahrling, 191 Wis. 2d 398, 528 N.W.2d 431 (1995).

**29.972 Revocation; failure to comply. (1)** The department shall deny an application to issue or renew, or suspend if already issued, all hunting, fishing, or trapping approvals issued to a person under this chapter if the person who violates this chapter does any of the following:

(a) Fails to respond to a summons under s. 23.66 (3) or 23.67 (4), or a warrant or summons under s. 968.04.

(b) Fails to appear on the court date set under s. 23.72 or 23.75 unless the person makes a deposit under s. 23.66 or makes a deposit and stipulation under s. 23.67.

(c) Fails to appear before the court and is subject to a bench warrant under s. 968.09.

**(2)** (a) The requirement to deny or suspend an approval under sub. (1) does not apply if the court revokes any or all of the person's hunting, fishing, or trapping approvals under s. 23.79 (4) or 23.795 (2).

(b) The requirement to deny or suspend an approval under sub. (1) remains in effect until either of the following occurs:

1. The person resolves the matter under sub. (1) that resulted in the denial or suspension.

2. The court revokes or suspends any or all of the person's hunting, fishing, or trapping approvals under s. 29.971.

**(3)** The department shall establish procedures for the denial or suspension of approvals under subs. (1) and (2), including all of the following:

(a) The exchange of information among the department, the district attorneys, and the clerks of court.

(b) Notice to the person who is subject to the denial or suspension.

(c) The opportunity for an administrative appeal to the department which shall be limited to the issue of whether the action listed in sub. (1) (a) to (c) is sufficient to require the department to deny an application to issue or renew, or to suspend the approvals.

**History:** 2005 a. 282.

**29.973 Commercial fish reporting system.** The department shall establish and maintain a commercial fish reporting system under which the department shall establish specific reporting or record−keeping requirements that apply to all of the following:

**(1)** Any person who has committed a certain number of violations of subch. VI, as determined by the department.

**(2)** Any person who holds a license issued under s. 29.519 (1m), and who is convicted of harvesting more than 1,000 pounds of fish above their annual quota, failing to report over 2,000 pounds of catch during a 12−month period, fishing during the closed season, or possessing 200 or more pounds of fish in violation of this chapter.

**History:** 2005 a. 288; 2007 a. 97 s. 50.

**Cross−reference:** See also ch. NR 25, Wis. adm. code.

**29.974 Penalties; repeaters. (1)** If a person is convicted of any violation of this chapter, of s. 167.31 (2) or (3) or of a rule promulgated under s. 167.31 (4m), and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that the person was previously convicted within a period of 5 years for a violation of this chapter, of s. 167.31 (2) or (3) or of a rule promulgated under s. 167.31 (4m) by any court of this state, the person shall be fined not more than $100, or imprisoned not more than 6 months or both. In addition, all hunting, fishing and trapping approvals issued to the person shall be revoked and no hunting, fishing or trapping approval may be issued to the person for a period of one year after the 2nd conviction.

**(2)** (a) In this subsection, "wild animal" does not include a farm−raised deer, a farm−raised fish, a farm−raised game bird, or a wild animal subject to regulation under ch. 169.

(b) When any person is convicted and it is alleged in the indictment, information or complaint and proved or admitted on trial or ascertained by the court after conviction that the person had been before convicted 3 times within a period of 3 years for violations of this chapter or department order punishable under s. 29.501 (10), 29.601 (1) or 29.971 (5), or for violation of s. 29.539, or for violation of any statute or department order regulating the taking or possession of any wild animal or carcass during the closed season or any combination of those violations by any court of this state, and that the convictions remain of record and unreversed, the person shall be fined not more than $2,000 or imprisoned for not more than 9 months or both.

**(3)** No penalty for any violation listed in sub. (1) or (2) may be reduced or diminished by reason of this section.

**History:** 1975 c. 365 s. 46; Stats. 1975 s. 29.995; 1981 c. 243 s. 7; 1983 a. 27; 1985 a. 29, 272; 1993 a. 137; 1997 a. 248 s. 723; Stats. 1997 s. 29.974; 2001 a. 56.

Criminal prosecution under this section must be commenced by a complaint under s. 968.02; prosecution must be conducted within the statutory and constitutional requirements applicable to other criminal prosecutions. 71 Atty. Gen. 136.

**29.977 Civil actions for damages caused by law violations. (1)** The department may bring a civil action in the name of the state for the recovery of damages against any person killing, wounding, catching, taking, trapping or possessing in violation of this chapter any of the following named protected wild animals, birds, or fish, or any part of an animal, bird or fish, and the sum assessed for damages for each wild animal, bird, or fish shall be not less than the amount stated in this section:

(a) Any endangered species protected under s. 29.604, $875.

(am) Any elk, $2,000.

(b) Any moose, fisher, prairie chicken, or sand hill crane, $262.50.

(c) Any deer, bear, wild turkey or wild swan, $175.

(d) Any bobcat, fox, wolf, beaver, or otter, $87.50.

(e) Any coyote, raccoon or mink, $43.75.

(f) Any sharp−tailed grouse, ruffed grouse, spruce hen, wild duck, coot, wild goose or brant, $26.25.

(g) Any pheasant, gray partridge, quail, rail, Wilson's snipe, woodcock or shore bird, or protected song bird or harmless bird, $17.50.

(h) Any muskrat, rabbit or squirrel, $8.75.

(i) Any muskellunge or lake sturgeon, $43.75.

(j) Any largemouth or smallmouth bass, $26.25.

(k) Any brook, rainbow, brown, or steel head trout, $26.25.

(L) Any walleye pike, northern pike, or any other game fish not mentioned in pars. (i) to (k), $8.75.

(m) Any game or fur−bearing animal or bird not mentioned in pars. (am) to (h), $17.50.

**(2)** Any damages recovered in a civil action under this section shall be paid into the conservation fund. The costs of the action, if the judgment is in favor of the defendant, shall be paid out of the conservation fund.

**(3)** A civil action brought under this section shall be a bar to a criminal prosecution for the same offense and any criminal prosecution for any offense chargeable under this section shall be a bar to a civil action brought under this section.

**History:** 1975 c. 365; 1977 c. 386; 1979 c. 34; 1985 a. 332 s. 251 (1); 1995 a. 376; 1997 a. 27; 1997 a. 248 ss. 691 to 698; Stats. 1997 s. 29.977; 2001 a. 56, 109; 2011 a. 169.

The civil remedy is coextensive with the criminal sanctions of the chapter, and since the chapter does not prohibit killing fish by opening a dam unlawfully, there is no civil remedy. Department of Natural Resources v. Clintonville, 53 Wis. 2d 1, 191 N.W.2d 866.

The state may recover "civil redress" damages under this section as well as prosecute the perpetrator for the underlying violation punishable only by civil forfeiture. State v. Denk, 117 Wis. 2d 432, 345 N.W.2d 66 (Ct. App. 1984).

When a criminal action is brought for a violation of ch. 94, prohibiting deposit of pesticides in public waters of the state, the proceeding is not barred by a civil action to recover the statutory value of the fish killed by the pesticides. 62 Atty. Gen. 130.

**29.981 Parties to a violation. (1)** Whoever is concerned in the commission of a violation of this chapter or of any department order under this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

**(2)** A person is concerned in the commission of the violation if the person:

(a) Directly commits the violation;

(b) Aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

**History:** 1975 c. 365; 1987 a. 379; 1997 a. 248 s. 724; Stats. 1997 s. 29.981.

**29.983 Wild animal protection surcharges. (1)** LEVY OF WILD ANIMAL PROTECTION ASSESSMENT. (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or an order issued under this chapter for the unlawful killing, wounding, catching, taking, trapping, or possession of a wild animal specified in par. (b), or any part of such a wild animal, the court may impose a wild animal protection surcharge under ch. 814 that equals the amount specified for the wild animal under par. (b).

(b) The amount of the wild animal protection surcharge imposed under ch. 814 shall be as follows:

1. For any wild animal that is an endangered species protected under s. 29.604, $875.

1m. Any elk, $2,000.

2. For any moose, fisher, prairie chicken, or sand hill crane, $262.50.

3. For any bear, wild turkey or wild swan, $175.

4. For any bobcat, fox, wolf, beaver, or otter, $87.50.

5. For any deer, coyote, raccoon or mink, $43.75.

6. For any sharp−tailed grouse, ruffed grouse, spruce hen, wild duck, coot, wild goose or brant, $26.25.

7. For any pheasant, gray partridge, quail, rail, Wilson's snipe, woodcock or shore bird, or protected song bird or harmless bird, $17.50.

8. For any muskrat, rabbit or squirrel, $8.75.

9. For any muskellunge or lake sturgeon, $43.75.

10. For any largemouth or smallmouth bass, $26.25.

11. For any brook, rainbow, brown, or steel head trout, $26.25.

12. For any walleye pike, northern pike, or any other game fish not mentioned in subds. 9. to 11., $8.75.

13. For any game or fur−bearing animal or bird not mentioned in subds. 1m. to 8., $17.50.

(d) If a fine or forfeiture is suspended in whole or in part, the wild animal protection surcharge shall be reduced in proportion to the suspension.

(e) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the wild animal protection surcharge under this section. If the deposit is forfeited, the amount of the wild animal protection surcharge shall be transmitted to the secretary of administration under par. (f). If the deposit is returned, the wild animal protection surcharge shall also be returned.

(f) The clerk of the court shall collect and transmit to the county treasurer the wild animal protection surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

**(2)** DEPOSIT OF WILD ANIMAL PROTECTION SURCHARGE FUNDS. The secretary of administration shall deposit the moneys collected under this section into the conservation fund.

**History:** 1991 a. 39; 1995 a. 201, 376; 1997 a. 248 s. 725; Stats. 1997 s. 29.983; 2001 a. 56, 109; 2003 a. 33, 139, 326; 2011 a. 169.

**29.984 Commercial fish protection surcharge. (1)** LEVY OF COMMERCIAL FISH PROTECTION SURCHARGE. (a) If a court imposes a fine or forfeiture under s. 29.971 for the unlawful killing, catching, taking, transporting, sale, or possession of Great Lakes fish in violation of s. 29.503, or of fish in violation of s. 29.514 or 29.519, or for failing to comply with any record−keeping requirement for fish in violation of s. 29.503, 29.514, or 29.519, the court may impose a commercial fish protection surcharge that equals the amount specified for the fish under par. (b) or (bg).

(b) Except as provided in par. (bg), the amount of the commercial fish protection surcharge shall be as follows:

1. For any commercial fish, as determined by the department, an amount equal to the average wholesale value of the fish on the date of the violation. The department shall determine the average wholesale value of the fish by determining the wholesale value of such fish purchased by 3 different wholesale fish dealers in this state on or about the date of the violation.

2. For salmon, trout, and noncommercial game fish, an amount equal to the amount specified in s. 29.983 (1) (b) 9. to 12.

(bg) For a fine imposed under s. 29.971 (1) (b) or (c), the amount of the commercial fish protection surcharge shall be an amount equal to 3 times the average wholesale value of the fish. The department shall determine the average wholesale value of the fish by averaging the price received by 3 different wholesale fish dealers in this state for that species of fish on or about the date of the violation.

(c) If a fine or forfeiture is suspended in whole or in part, the commercial fish protection surcharge shall be reduced in proportion to the suspension unless the court directs otherwise.

(e) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the commercial fish protection surcharge required under this section. If the deposit is forfeited, the amount

of the commercial fish protection surcharge shall be transmitted to the state treasurer under par. (f). If the deposit is returned, the commercial fish protection surcharge shall also be returned.

(f) The clerk of court shall collect and transmit to the county treasurer the commercial fish protection surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the commercial fish protection surcharge in the conservation fund.

**(2)** USE OF COMMERCIAL FISH PROTECTION SURCHARGE FUNDS. All moneys collected from commercial fish protection surcharges shall be credited to the appropriation under s. 20.370 (4) (kr).

**History:** 2005 a. 288.

**29.985 Fishing shelter removal surcharge. (1)** LEVY OF FISHING SHELTER REMOVAL SURCHARGE. (a) If a court imposes a forfeiture under s. 29.404 (3), the court shall impose a fishing shelter removal surcharge under ch. 814 equal to the costs that should have been reimbursed under s. 29.404 (2).

(b) If a forfeiture is suspended in whole or in part, the fishing shelter removal surcharge shall be reduced in proportion to the suspension unless the court directs otherwise.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the fishing shelter removal surcharge under this section. If the deposit is forfeited, the amount of the fishing shelter removal surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the fishing shelter removal surcharge shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the fishing shelter removal surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

**(2)** USE OF FISHING SHELTER REMOVAL SURCHARGES FUNDS. All moneys collected from fishing shelter removal surcharges shall be deposited in the conservation fund.

**History:** 1991 a. 39; 1995 a. 201; 1997 a. 248 s. 726; Stats. 1997 s. 29.985; 2003 a. 33, 139, 326.

**29.987 Natural resources surcharge. (1)** LEVY OF NATURAL RESOURCES SURCHARGE. (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or an order issued under this chapter, other than for a violation specified under s. 29.9905 (1) (a), the court shall impose a natural resources surcharge under ch. 814 equal to 75 percent of the amount of the fine or forfeiture.

(b) If a fine or forfeiture is suspended in whole or in part, the natural resources surcharge shall be reduced in proportion to the suspension.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources surcharge under this section. If the deposit is forfeited, the amount of the natural resources surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the natural resources surcharge shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the natural resources surcharge in the conservation fund.

**(2)** USE OF NATURAL RESOURCES SURCHARGE FUNDS. All moneys collected from natural resources surcharges shall be credited to the appropriation under s. 20.370 (3) (mu).

**History:** 1979 c. 34; 1981 c. 20; 1995 a. 201; 1997 a. 248 s. 727; Stats. 1997 s. 29.987; 2003 a. 33, 139, 326; 2005 a. 288; 2007 a. 97.

**29.989 Natural resources restitution surcharge. (1)** LEVY OF NATURAL RESOURCES RESTITUTION SURCHARGE. (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or an order issued under this chapter where the payment of a natural resources restitution surcharge is required, the court shall impose a natural resources restitution surcharge under ch. 814 equal to the amount of the statutory fee for the approval which was required and should have been obtained.

(b) If a fine or forfeiture is suspended in whole or in part, the natural resources restitution surcharge shall be reduced in proportion to the suspension unless the court directs otherwise.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources restitution surcharge under this section. If the deposit is forfeited, the amount of the natural resources restitution surcharge shall be transmitted to the secretary of administration under par. (d). If the deposit is returned, the natural resources restitution surcharge shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources restitution surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the natural resources restitution surcharge in the conservation fund.

**(2)** USE OF NATURAL RESOURCES RESTITUTION SURCHARGE FUNDS. All moneys collected from natural resources restitution surcharges shall be appropriated for use under s. 20.370 (3) (mu).

**History:** 1979 c. 34, 175; 1983 a. 27; 1989 a. 56; 1995 a. 201; 1997 a. 248 s. 728; Stats. 1997 s. 29.989; 1999 a. 32; 2003 a. 33, 139, 326.

**29.99 Wildlife violator compact surcharge. (1)** If a court imposes a fine or forfeiture for a violation of a provision of this chapter or an order issued under this chapter, the court shall impose a wildlife violator compact surcharge under ch. 814 equal to $5 for the violation.

**(2)** If a fine or forfeiture is suspended in whole or in part, the wildlife violator compact surcharge shall be reduced in proportion to the suspension unless the court directs otherwise.

**(3)** If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the wildlife violator compact surcharge under this section. If the deposit is forfeited, the amount of the wildlife violator compact surcharge shall be transmitted to the secretary of administration under sub. (4). If the deposit is returned, the wildlife violator compact surcharge shall also be returned.

**(4)** The clerk of the court shall collect and transmit to the county treasurer the wildlife violator compact surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the wildlife violator compact surcharge in the conservation fund.

**History:** 2005 a. 282; 2007 a. 97.

**29.9905 Great Lakes resource surcharge. (1)** LEVY OF GREAT LAKES RESOURCE SURCHARGE. (a) If a court imposes a fine or forfeiture for a violation of s. 29.503 involving Great Lakes fish or for a violation of s. 29.514 or 29.519, the court shall impose a Great Lakes resource surcharge equal to 75 percent of the amount of the fine or forfeiture.

(b) If a fine or forfeiture is suspended in whole or in part, the Great Lakes resource surcharge shall be reduced in proportion to the suspension.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the Great Lakes resource surcharge prescribed in this section. If the deposit is forfeited, the amount of the Great Lakes resource surcharge shall be transmitted to the state

treasurer under par. (d). If the deposit is returned, the Great Lakes resource surcharge shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the Great Lakes resource surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the Great Lakes resource surcharge in the conservation fund.

**(2)** USE OF GREAT LAKES RESOURCE SURCHARGE FUNDS. All moneys collected from Great Lakes resource surcharges shall be credited to the appropriation under s. 20.370 (4) (kr).

**History:** 2005 a. 288; 2007 a. 97 s. 52.

**29.991 Fishing net removal surcharge. (1)** LEVY OF FISHING NET REMOVAL SURCHARGE. (a) If a court imposes a forfeiture under s. 29.931 (2) (am) for failure to reimburse the department for costs associated with the seizure of a net or similar fishing device under s. 29.931 (2) (a), the court shall impose a fishing net removal surcharge in an amount equal to the sum of those costs plus an amount equal to 75 percent of the amount of the forfeiture.

(b) If the forfeiture is suspended in whole or in part, the fishing net removal surcharge shall be reduced in proportion to the suspension.

(c) The clerk of the court shall collect and transmit to the county treasurer the fishing net removal surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

**(2)** DEPOSIT OF FISHING NET REMOVAL SURCHARGE FUNDS. All moneys collected from fishing net removal surcharges shall be deposited in the conservation fund.

**History:** 2005 a. 288.