

## TITLE IV.

### Public Domain and the Trust Funds.

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#### CHAPTER 23

#### PUBLIC LANDS AND CONSERVATION

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**23.01 Constitutional board.** The board created by section 7 of article X of the Wisconsin constitution may be styled in any law or any action or proceeding in court as "The Board of Commissioners of Public Lands".

Cross reference: See definitions in 24 01

**23.02 Jurisdiction.** Together with the power and duty of selling the school and university lands and investing the funds arising therefrom, prescribed for the board by the aforesaid section of the constitution, it is invested with power to dispose of all other public lands and all interests in lands held by the state for sale, and with such further powers as may be necessary or convenient to enable it to exercise the functions and perform the duties imposed upon it by law.

**23.03 Investigate land claims.** The board of commissioners of public lands shall investigate the rights of the state to school and normal lands. The expenses incurred in making such investigations and taking necessary steps to protect common school fund and normal fund lands and timber, as well as the expense of necessary surveys, records, appraisals and sales, shall, upon the approval of the board, be paid out of the gross receipts to the funds to which the

proceeds from the sale of such land and timber will be added.

**23.04 Office in capitol; records; copies as evidence.** (1) The board shall keep its office in the capitol. It shall conveniently arrange and preserve therein all records, books, reports, surveys, maps, field notes, plats and other papers pertaining to the public lands heretofore, now, or hereafter owned by the state, including all such as have been or shall be received from the United States or any officer thereof. It may perfect such records, books, reports, surveys, maps, field notes, plats and other papers when incomplete, and cause fair copies thereof to be made when from injury, loss, use or accident it shall become necessary; and any such copy when certified by the chief clerk of the land office under his hand and the official seal of said office to have been made for any of the causes herein specified, and to be a correct copy thereof, shall have the same force and effect in all courts and places as the original; and any copy from said original records, books, reports, surveys, maps, field notes, plats or other papers, or from any record or paper required by law to be kept in its office, or any copy from said certified copy thereof, when certified by the chief clerk of the state land office or any one of the board of commissioners of

public lands under the official seal of the board, shall be received in evidence with the same effect as the original.

(2) All records, books and files kept by the board shall at all business hours be open, under proper regulations made by it, to the inspection of any person, free of charge. The board also may in like manner make, perfect, and complete proper records, books, reports and other papers pertaining to the lands of which the state has been or is trustee for the United States.

**23.05 Chief clerk; clerks; appointments; duties; oath.** The board shall appoint under the classified service a chief clerk and an assistant chief clerk who shall, during the absence of the chief clerk, have all the authority given by law to the chief clerk, and such other clerks as provided in s. 20.922. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall take and file the official oath.

**23.06 Not to buy lands.** The board, and all clerks and other persons employed by it or about any of its respective offices, are prohibited from purchasing any of the public lands, directly or indirectly, either in their own name or in the name of any other person in trust for them or either of them; and for every tract or parcel of land purchased in violation hereof each such person offending shall forfeit the sum of \$250.

**23.07 Report of board.** The board shall include, in its report under s. 15.07 (6) a report of its official proceedings, showing the quantity of land sold or leased and the amount received therefor, the amount of interest moneys accrued or received and a specific account of the several investments made by them, stating in all cases of loans, the name of each borrower, the sum borrowed and a description of the property mortgaged. The report also shall include such other matters as it thinks proper to communicate or as the legislature requires.

**23.08 Appraisers.** The board may select men employed elsewhere in the department to appraise lands or perform other services in field and forest.

**23.09 Conservation act.** (1) PURPOSES. The purpose of this section is to provide an adequate and flexible system for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in this state.

(2) DEPARTMENTAL RULES; STUDIES; SURVEYS; SERVICES; PENALTIES; POWERS; LONG-RANGE PLANNING. The department may make such rules, inaugurate such studies,

investigations and surveys, and establish such services as it deems necessary to carry out the provisions and purposes of this section, and any violation of this section, or of any rules promulgated by the department, shall constitute a misdemeanor. The department shall establish long-range plans, projects and priorities for conservation. The department may:

(b) *Game refuges.* Designate such localities as it shall find to be reasonably necessary to secure perpetuation of any species of game or bird, and the maintenance of an adequate supply thereof, as game or bird refuges for the purpose of providing safe retreats in which game or birds may rest and replenish adjacent hunting grounds.

1. The subquota prescribed by the department for wild geese to be taken at the Necedah refuge shall be not less than 10% nor more than 40% of the entire quota for the state as prescribed by the U. S. department of interior, bureau of sport fisheries and wildlife.

(c) *Fish refuges.* Designate such localities as it shall find to be reasonably necessary to secure the perpetuation of any species of fish and the maintenance of an adequate supply thereof, as fish refuges, for the purpose of providing safe retreats in which fish may breed and replenish adjacent fishing waters.

(d) *Lands, acquisition.* Acquire by purchase, lease or agreement, and receive by gifts or devise, lands or waters suitable for the purpose hereinafter enumerated, and maintain the same for the said purposes; and may condemn lands or waters suitable for such purposes after obtaining approval of the senate and assembly committees on natural resources:

1. For state forests for the purpose of growing timber, demonstrating forestry methods, protecting watersheds or providing public recreation.

2. For state parks for the purpose of preserving scenic or historical values or natural wonders.

3. For public shooting, trapping or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, trap or fish.

4. For fish hatcheries and game farms.

5. For forest nurseries and experimental stations.

(e) *Lands, blocking.* Extend and consolidate lands or waters suitable for the above purposes by exchange of other lands or waters under its supervision.

(f) *Propagation, game and fish.* Capture, propagate, transport, sell or exchange any species of game or fish needed for stocking or restocking any lands or waters of the state.

(g) *Forest protection.* Establish and maintain an efficient fire fighting system for the protection of forests.

(h) *Cooperation.* Enter into cooperative agreements with persons or governmental agencies for purposes consistent with the purposes and provisions of this act, including agreements with the highway authorities with regard to planting trees or other vegetation in or along highways, or furnishing stock for such planting.

(i) *Camp fires.* Regulate camp fires and smoking in the woods at such times and in such designated localities, as it may find reasonably necessary to reduce the danger of destructive forest fires.

(j) *Burnings.* Regulate the burning of rubbish, slashings and marshes or other areas as it may find reasonably necessary to reduce the danger of destructive fires.

(k) *Research.* Conduct research in improved conservation methods, and disseminate information to the residents of Wisconsin in conservation matters.

(l) *Publicity.* Collect, compile and distribute information and literature as to the facilities, advantages and attractions of the state, the historic and scenic points and places of interest within the state and the transportation and highway facilities of the state; and plan and conduct a program of information and publicity designed to attract tourists, visitors and other interested persons to this state; also encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the state for the same purposes. The department may maintain an office in the city of Chicago, Illinois, and a staff of employes within the classified service, except that residence in Wisconsin shall not be required. Any contracts engaging a private agency or agencies to conduct any publicity program hereunder shall reserve to the department the right to terminate the contract if in the discretion of the department the service is unsatisfactory. The department shall provide advice and assistance to persons or groups engaged in the recreation industry, conduct surveys of the facilities and needs of the recreation industry and work closely with other state agencies providing services to the recreational industry.

(m) *Lake and stream classification.* Develop a program for classifying lakes and streams by use and to make recommendations to municipalities and other state agencies for protection and development of recreational waters.

(n) *Donation of facilities, accept.* Accept donations of buildings, facilities and structures constructed upon lands owned by this state and under the jurisdiction of the department. The donor of such buildings, facilities and structures

may contract for this construction according to plans and specifications provided by the department or may enter into a contract for professional architectural and engineering services to develop plans and specifications of such buildings, facilities and structures and contract for the construction of same. Upon the completion of construction satisfactory to the department, title of such buildings, facilities and structures shall vest in the state of Wisconsin. No person shall construct any building, facility or structure under this paragraph without the prior approval of the department regarding plans and specifications, materials, suitability, design, capacity or location. The plans and specifications for any building, structure or facility donated under this paragraph shall also be subject to the approval of the building commission.

(o) *Gifts and grants.* The department may accept and administer any gifts, grants, bequests and devises, including funds made available to it by the federal government under any act of congress relating to any of the functions of the department; but all funds included in such gifts, grants, bequests and devises received or expected to be received by the department in a biennium shall be included in the statement of its actual and estimated receipts and disbursements for such biennium required to be contained in the biennial state budget report under s. 16.46, and shall be deemed to be and treated the same as other actual and estimated receipts and disbursements of the department.

**(3) INTER-DEPARTMENTAL COOPERATION.** The department shall cooperate with the several state departments and officials in the conduct of matters in which the interests of the respective departments or officials overlap. The cooperating agencies may provide by agreement for the manner of sharing expenses and responsibilities under this subsection.

**(4) RESCUES, EMERGENCIES AND DISASTERS.** The department may on its own motion and shall, when so directed by the governor, assist other state, county, and local governmental agencies or do all things reasonably necessary in the rescue of persons lost in the forests of the state, or who may be otherwise in danger of loss of life, in the recovery of the bodies of drowned persons, and in cases of emergency or disaster, by assigning equipment and employes of the department to such rescue, recovery, emergency, and disaster relief missions.

**(6) INTERPRETATION, LIMITATIONS.** This section shall not be construed as authorizing the department to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to extend any open season or bag

limit on migratory birds prescribed by federal law or regulations, or to contract any indebtedness or obligation beyond the appropriations made by the legislature.

(7) **PENALTIES.** Any person violating any rule of the department under this chapter may be fined not less than \$10 nor more than \$100, or imprisoned not exceeding 6 months or both.

(8) **WAYS TO WATERS.** The county board of any county may condemn a right of way for any public highway to any navigable stream, lake or other navigable waters. Such right of way shall be not less than 60 feet in width, and may be condemned in the manner provided by ch. 32; but the legality or constitutionality of this provision shall in nowise affect the legality or constitutionality of the rest of this section.

(9) **PUBLIC ACCESS TO WATERS.** The governing body of any county, town, city or village which, by resolution, indicates its desire to acquire or improve lands for the purpose of providing public access to any navigable lake or stream wholly or partially in the county, town, city or village may make application to the department for the apportionment of funds for state aid to counties, towns, cities or villages for the purpose. Such application shall state the name of the lake or stream and the location thereof and shall include an estimate of the total cost of the project. The department shall thereupon investigate the proposed project and it shall consider the distance the lake or stream lies from the nearest public highway, the existing access thereto, the terrain of the proposed project and whether it is of a practical nature from the standpoint of labor, development and cost, and whether it will best serve the public interest and need. If the department finds that the proposed public access project will best serve the public interest and need of the state as a whole, it may give preliminary approval to such project. Thereupon the county, town, city or village shall prepare and submit plans and specifications and cost analysis of the project to the department for final approval. Upon final approval, the department shall encumber a sum equal to one-half of the approved cost estimate of such project. When the project is completed, the department shall pay to the county, town, city or village such encumbered sum or an amount not greater than one-half of the actual cost of such project, whichever is the lesser. The actual cost of such project shall be determined by the department by audit of the municipality's cost records before such payment is made to the county, town, city or village.

(10) **CONSERVATION EASEMENTS AND RIGHTS IN PROPERTY.** Confirming all the powers hereinabove granted to the department and in furtherance thereof, the department may

acquire any and all easements in the furtherance of public rights, including the right of access and use of lands and waters for hunting and fishing and the enjoyment of scenic beauty, together with the right to acquire all negative easements, restrictive covenants, covenants running with the land, and all rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public. The department also may grant leases and easements to properties and other lands under its management and control under such covenants as will preserve and protect such properties and lands for the purposes for which they were acquired.

(11) **AIDS TO COUNTIES FOR THE DEVELOPMENT OF RECREATION FACILITIES.** (a) The county board of any county which, by resolution, indicates its desire to develop outdoor recreation facilities on county lands entered under s. 28.11 may make application to the department for the apportionment of funds for state aids to counties for such purposes.

(b) For the purposes of this subsection outdoor recreational facilities shall mean the development of picnic and camping grounds, nature trails, snowmobile trails and areas, beaches and bath houses, toilets, shelters, wells and pumps, and fireplaces. Costs associated with the operation and maintenance of recreational facilities shall not be eligible for aids under this section.

(c) The state aids granted under this section shall be no greater than but may be less than one-half the cost of such project as determined by the department.

(d) Applications shall be made in the manner and on forms prescribed by the department. The department shall thereupon make such investigations as it deems necessary to satisfy itself that the project will best serve the public interest and need. Upon approval of the project the department shall encumber a sum not more than one-half of the cost estimate of such project. When the project is completed, the department shall pay to the county not more than one-half the actual cost of such project. The department may inform itself and require any necessary evidence from the county to substantiate the cost before payment is made.

(e) The department in making its deliberations shall give careful consideration to whether or not the proposal is an integral part of an official comprehensive land and water use plan for the area as well as the relationship of the project to similar projects on other public lands. If requests for state aids exceed the funds allotted to the department for this program, those requests which form an integral part of a comprehensive plan shall be given first priority.

(f) Recreation facilities developed under the assistance of this act shall not be converted to uses which are inconsistent with the purposes of this act without the approval of the department. The department shall not issue such approval unless there is evidence that such other uses are essential to and in accordance with an official comprehensive plan for the area. The department shall require that the proceeds from the disposal of facilities developed under this act shall be used to further the objectives of this act.

**(12) COUNTY FISH AND GAME PROJECTS.** (a) The county board of any county which, by resolution, indicates its desire to plan and carry out a program of coordinated fish management projects, game management projects, or county bounties on wild animals may make application to the department for the allocation and apportionment of funds for state aids appropriated for such purposes by s. 20.370 (1) (vm).

(b) Fish management projects and game management projects and county bounty payments include but are not limited because of enumeration to: game food seeding; browse improvement cutting; prescribed burning for game habitat improvement; creating game cover brush piles; creation of impoundments, construction, nature trails; game and fish habitat creation or improvement; lake, stream and spring pond rehabilitation and improvement; construction of fish shelters; stream side fencing; rough fish control; and other approved fish and game management projects and the payment of bounties by the county under s. 29.61.

(c) State aid under this subsection to any county shall not exceed the percentage of the total appropriation made by s. 20.370 (1) (vm) in the ratio of the area of the county to the total area of the state excluding outlying waters and interstate boundary waters of the Mississippi River and Lake Pepin. Such state aid granted to any county shall be matched by the county and the state's share shall not exceed one-half of the actual cost of the project. Personnel, equipment and materials furnished by the county may be included in computing the county share contribution.

(d) Application shall be made in the manner and on forms prescribed by the department. The department shall make such investigations as it deems necessary to satisfy itself that the project will best serve the public interest and need and shall also consider the relationship of the project to similar projects on other public lands. Upon approval of the project the department shall encumber a sum not more than one-half of the cost estimate of such project. The department may inform itself and require any necessary

evidence from the county to substantiate the cost before payment is made.

(e) Recreation facilities developed under the assistance of this subsection shall not be converted to uses which are inconsistent with the purposes of this subsection without the approval of the department. The department shall require that the proceeds from the disposal of facilities developed under this subsection shall be used to further the objectives of this subsection.

(f) Any county may cooperate with and participate in approved projects in any other county under this subsection.

**(13) BONG AIR BASE.** The department may acquire by gift, purchase or otherwise the federally-owned lands, improvements and appurtenances thereto within the Bong air base in Kenosha county which may be disposed of by the federal government to be used by the department for any of the purposes in sub. (2) (d). The department may establish zones within the boundaries of the Bong air base which offer a wide range of variable opportunities for active outdoor recreation consistent with sub. (2) (d) and may adopt rules to control the activities within the zones.

**(17m) GRANTS TO COUNTIES FOR THE DEVELOPMENT OF HABITAT ON COUNTY FORESTS.** (a) The county board of any county, which by resolution indicates its desire to improve the natural environment for game and nongame species on county lands entered under s. 28.11, may make application to the department for the allocation of funds appropriated for such purposes by s. 20.370 (1) (do).

(b) The annual appropriation for each county shall not exceed 5 cents for each acre entered under s. 28.11, but any funds remaining from the appropriation made by s. 20.370 (1) (do) and unallocated to the counties on March 31 of each year may be allotted to any county in an amount not to exceed an additional 5 cents per acre under the procedure established in this subsection. These aids shall be used to undertake management activities provided in the comprehensive county forest land use plan and included in the annual work plan and budget.

(c) Management operations shall be limited to approved projects designed to benefit both game and nongame species and the natural environment.

(d) Application shall be made in the manner and on forms prescribed by the department. The department shall investigate all project proposals to satisfy itself that the project is feasible, desirable and consistent with such plans. If the department so finds, it may make advance payment as it determines to be

reasonable and proper to the game management fund account of any county.

(e) All payments made to counties under this subsection shall be deposited in the "County Game Management Fund".

(f) Completion of such projects authorized by the department shall be certified by a representative of the department. All records of receipts and expenditures from the county game management fund account shall be available to the department for inspection and audit at any time.

(g) Any unauthorized expenditures from the county game management fund shall be restored to such fund upon demand by the department and if not restored shall become a charge against the county and the secretary of state shall include such unpaid sums in the state tax levy of the respective counties in subsequent years.

(h) Any county game management fund unencumbered balances which are no longer required for the purposes of the subsection shall be paid to the department upon demand and if not so repaid shall become a charge against the county and the secretary of state shall include such unpaid sums in the state tax levy of the respective counties in subsequent years.

(i) Expenditures under this section on any land withdrawn from s. 28.11 and the title to which is transferred by the county to other than a public agency shall become a charge against the county and the secretary of state shall include such unpaid sums in the state tax levy of the respective counties in subsequent years.

**(20) LOCAL PARK AIDS.** The department shall receive applications for state aid in such manner and subject to such limitations as the department prescribes for park and other outdoor recreational facilities development submitted under s. 66.36 and allocate funds therefor within the limits of the appropriation established in s. 20.370 (3) (e) in accordance with priorities based on comprehensive plans submitted with the application and consistent with the state comprehensive outdoor recreation plan of the department.

**(21) CREATION OF NEW LAKES.** The department may create new lakes on lands under its supervision and control. It also shall accept applications and administer state aids under s. 92.18.

**(22) CONSERVATION WORK PROJECTS.** The department may develop and conduct a program of conservation work projects within a reasonable transportation distance from any city of the 1st class.

**(23) YOUTH CAMPS.** The department may establish and operate youth conservation camps for boys and girls. The camps shall be operated in areas suitable for constructive employment in

conservation projects, and boys and girls employed shall be deemed to be in the unclassified service. The department may acquire by fee or by lease all lands and facilities necessary for the establishment of camps.

**(24) RECREATIONAL SITE PLANNING.** (a) The governing body of any county, town, city or village which by resolution indicates its desire to develop site plans for outdoor recreational facilities may make application to the department for state aid for such purpose in accordance with the procedures in and subject to sub. (11) (c), (d) and (e).

**(25) MOTORCYCLE RECREATIONAL PROGRAM.** The department of natural resources shall acquire, develop and operate off-the-road motorcycle recreational and sporting areas under s. 27.01. Such power of acquisition shall not be exercised under chapter 32. The natural resources board shall create and appoint a motorcycle recreational advisory council pursuant to s. 15.04 (3), comprised of not less than 5 nor more than 7 members who are knowledgeable in off-the-road sporting and recreational needs of the motorcyclist and the use of the motorcycle. The council shall carry out studies and make recommendations to the board on all matters related to the program authorized by this subsection and the appropriation made by s. 20.370 (3) (z). The state and its agencies shall not be liable for any injury to any person or property in connection with or arising out of the use of any lands acquired, developed or operated under this subsection.

**(26) AIDS TO COUNTIES FOR SNOWMOBILE PURPOSES.** The procedures in sub. (11) (a), (d), (e) and (f) shall apply to this subsection except that the department shall consult with the snowmobile recreational council before adopting snowmobile trail construction standards, the restriction in sub. (11) (a) as to county lands is not applicable, the restriction in sub. (11) (d) as to encumbrance of funds is not applicable and the restriction in sub. (11) (e) as to requests for state aids exceeding available funds is not applicable.

(a) Counties may receive aids under this subsection distributed in accordance with s. 350.12 (4) to:

1. Purchase lands or secure easements, leases, permits or other appropriate agreements, written or oral, permitting use of private property for snowmobile trails, facilities and areas, if such easements, leases, permits or other agreements provide public access to the trail, facility or area. No lands purchased or leases, easements, permits or agreements secured under authority of this section may be acquired by the county through condemnation. Counties shall certify to the department that such lands,

easements, leases, permits or other appropriate agreements have been secured. However, when bridges, culverts, toilet facilities, parking lots or shelters are to be constructed under this section and the improvements are estimated to cost in excess of \$3,000, the land underlying such improvements must be purchased by the county or secured by the county by written easements or leases having a term of not less than 3 years.

2. Enter into agreements with the department to use for snowmobile trails, facilities or areas lands owned or leased by the department. No lands of the department to be used for snowmobiling purposes within the meaning of this subsection may be obtained through condemnation.

3. Develop and maintain snowmobile trails, facilities and areas on public lands designated by the county board or trails or areas under subd. 1 or 2.

4. Enforce laws in or on snowmobile trails, facilities or areas. As used in this subdivision, "facility" means a parking area, shelter or toilet.

5. Purchase liability insurance for snowmobile trails developed or maintained under subd. 3.

(b) The county board of any county, which, by resolution, indicates its desire to receive aids under this subsection shall apply to the department on forms prescribed by the department and submit required documentation as set forth by rule on or before February 1, commencing in 1973. A decision on an aid application shall be made by the department on or before April 1, commencing in 1973. If requests for state aids exceed the funds allotted for this program, the total dollar value of approved aid applications shall be calculated by the department. Funds shall be distributed on the basis of the ratio of the total dollar value of an individual county application to the total dollar value of all approved aid applications applied to the amount of available funds. Any county receiving less than the total dollar value of its application is under no obligation to expend county funds to cover the amount requested and not received. If requests received by February 1 do not exceed allotted funds, the department may grant aids based on requests received after February 1.

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333.

See note to 28.02, citing *Martineau v. State Conservation Comm.* 46 W (2d) 443, 175 NW (2d) 206.

A determination of necessity of condemning lands for conservation purposes is not invalidated by a showing that the board considered the question of whether the legislature might later decide to use the land for other purposes. *Herro v. Natural Resources Bd* 53 W (2d) 157, 192 NW (2d) 104

**23.092 Information centers.** (1) The department of natural resources may establish

information centers, permanent or mobile, in such manner as it directs.

(2) The department of natural resources shall acquire and operate a tourist information center in the downtown area of the city of Milwaukee. For this purpose, the department may accept gifts from municipal or private sources.

History: 1971 c. 164

**23.093 Carp control research.** The department of natural resources may enter into contracts with public or private agencies for the accelerated research and development of a specific toxic material for the control and eradication of carp in the waters of the state.

**23.095 Malicious waste of natural resources.** (1) It is hereby made unlawful for any person unreasonably to waste or maliciously to injure, destroy or impair any natural resource within the state.

(2) It is the purpose of this section to promote and secure the conservation of the natural resources within the state in the interests of the public welfare.

(3) Any person violating this section shall be fined not more than \$50, and for a 2nd offense may be fined not more than \$200.

**23.10 Conservation wardens.** (1) The department of natural resources shall secure the enforcement of all laws which it is required to administer and bring, or cause to be brought, actions and proceedings in the name of the state for that purpose. The persons appointed by said department to exercise and perform the powers and duties heretofore conferred and imposed upon deputy fish and game wardens, shall be known as conservation wardens and shall be subject to ch. 16.

(2) Whenever the county board of any county by resolution authorizes the appointment of county conservation wardens, and fixes the number of the same, the chairman of the county board, district attorney and county clerk, acting as a board of appointment, shall select the persons for such positions and certify their names to the department of natural resources which shall, if in its judgment such persons are competent and efficient, issue to them commissions as county conservation wardens. Such wardens have, within their county, all the powers and duties of conservation wardens. Their compensation shall be fixed by the county board in the resolution authorizing their appointment and be paid out of the county treasury.

(4) All conservation wardens shall, before exercising any of their powers, be provided with a

commission issued by the department of natural resources under its seal, substantially as follows:

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES.

To all to whom these presents shall come, greeting:

Know ye, that reposing special trust and confidence in the integrity and ability of \_\_\_\_\_, of the county of \_\_\_\_\_, we do hereby appoint and constitute him a conservation warden (or county, or special conservation warden) for the (county of \_\_\_\_\_), state of Wisconsin, and do authorize and empower him to execute and fulfill the duties of that office according to law, during good behavior and the faithful performance of his duties.

In testimony whereof, the secretary has hereunto affixed his signature and the official seal of the department, at its office in the city of Madison, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 19...

(Seal) STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES.

By \_\_\_\_\_

(5) The department of natural resources shall furnish to each conservation warden at the time of his appointment, a pocket identification folder in form and substance as follows: A leather-covered folder, size when folded, 3 by 4 inches; on one of the inner sides thereof shall be securely fastened a photograph of such appointee to be furnished by him, and partly on the photograph and partly on the margin of such folder shall be an impression of the seal of the department of natural resources; such appointee shall also affix his signature below the photograph on such folder; on the other inner side of such folder shall be securely fastened a miniature true copy of the commission issued to such appointee, which shall be signed by the secretary. Such appointee, when on official duty, shall at all times carry such identification folder on his person, and shall on demand exhibit the same to any person to whom he may represent himself as a conservation warden. The cost of such identification folder shall be charged to the appropriation for the department.

(6) All conservation wardens shall make full and complete reports of their transactions as such, according to the demand of the department and shall at all times be subject to its direction and control in the performance of their duties. They shall also gather and transmit all statistical information relative to such matters within their charge as the department directs. In its report under s. 15.04 (4) the department shall include information covering all its work and such other information as is valuable to the state in relation thereto and an itemized statement of receipts and disbursements.

History: 1971 c. 164

**23.11 General powers.** (1) In addition to the powers and duties heretofore conferred and imposed upon said department by this chapter it shall have and take the general care, protection and supervision of all state parks, of all state fish hatcheries and lands used therewith, of all state forests, and of all lands owned by the state or in which it has any interests, except lands the care and supervision of which are vested in some other officer, body or board; and said department is granted such further powers as may be necessary or convenient to enable it to exercise the functions and perform the duties required of it by this chapter and by other provisions of law. But it may not perform any act upon state lands held for sale that will diminish their salable value.

(2) Whenever any lands placed by law under the care and supervision of the department are inaccessible because surrounded by lands belonging to individuals or corporations, and whenever in the opinion of the department the usefulness or value of such lands, whether so surrounded or not, will be increased by access thereto over lands not belonging to the state, the department may acquire such lands as may be necessary to construct highways that will furnish the needed access.

(3) Said department shall consider the natural resources of the state and report to the governor from time to time the results of its investigations with recommendations of such measures as it deems necessary or suitable to conserve such resources and preserve them, so far as practicable, unimpaired.

(4) The department shall have police supervision over all state-owned lands and property under its supervision, management and control, and its duly appointed agents or representatives may arrest, with or without warrant, any person within such area, committing an offense against the laws of this state or in violation of any rule of the department in force in such area, and deliver such person to the proper court of the county wherein such offense has been committed and make and execute a complaint charging such person with the offense committed. The district attorney of the county wherein such offense has been committed shall appear and prosecute all actions arising under this subsection.

(5) The department may require an applicant for a permit or statutory approval which the department, by order, may grant, to submit an environmental impact report if the area affected exceeds 40 acres or the estimated cost of the project exceeds \$25,000.

History: 1971 c. 273



**23.12 Bylaws.** Said natural resources board may make and establish such rules and bylaws, not inconsistent with law, as it deems useful to itself and its subordinates in the conduct of the business entrusted to it.

**23.13 Governor to be informed.** The board of commissioners of public lands and the department of natural resources shall furnish to the governor upon his request a copy of any paper, document or record in their respective offices and give him orally such information as he may call for.

History: 1971 c. 164

**23.25 Geographic powers and duties.** (1) The department shall:

(a) Determine the correct and most appropriate names of the lakes, streams, places and other geographic features in the state, and the spelling thereof;

(b) Pass upon and give names to lakes, streams, places and other geographic features in the state for which no single generally accepted name has been in use;

(c) In cooperation with county boards and with their approval, change the names of lakes, streams, places and other geographic features with the end in view of eliminating, as far as possible, duplication of names within the state;

(d) Prepare and publish an official state dictionary of geographic names and publish the same, either as a completed whole or in parts when ready;

(e) Serve as the state representative of the U. S. geographic board and cooperate with the said board to the end that there shall be no conflict between the state and federal designations of geographic features in the state.

(2) Whenever the department has given a name to any lake, stream, place or other geographic feature within the state, or determined the correct spelling of any such name, it shall be used in all maps, reports and other publications thereafter issued by the state or any of its political subdivisions, and shall be deemed the official name of such geographic feature.

(3) No person shall in any advertisement or publication attempt to modify local usage or name unnamed geographic features without first obtaining the approval of the department. In case of a violation of this subsection, the department may announce its disapproval and thereafter adopt an official name for such feature.

**23.26 Natural resources council of state agencies.** (1) The purpose of this section is to promote the welfare of this state by providing a

method of collecting, analyzing and interpreting information and of making recommendations to the several state agencies on matters relating to the soils, waters, forests, fish, wildlife, and other natural resources of the state, and to provide a means whereby the several state agencies may better co-ordinate their efforts and activities in managing and regulating such natural resources and the protection, development and use thereof.

(2) The secretary of the natural resources council of state agencies shall call all meetings of the council, notify the members thereof and prepare the agenda for such meetings. He shall also prepare and edit the minutes of the meetings of the council and its reports to the legislature.

(3) The council may appoint subcommittees consisting of officers and employes of the several state departments and independent agencies, and authorize such subcommittees to make investigations and surveys and to report to the council on such matters as are necessary to enable the council to carry out the purposes of this section.

(4) In addition to reports under s. 15.04 (4), the council shall make such additional reports as are required by the legislature or the joint legislative council. The council may make reports of its findings and recommendations to the several state departments and independent agencies.

**23.27 Scientific areas preservation council.** The scientific areas preservation council shall:

(1) Determine the acceptance or rejection of areas of special scientific interest offered as donations by individuals or organizations for preservation.

(2) Make recommendations to appropriate federal agencies or national scientific organizations of areas in the state that are considered worthy to be listed as scientific areas of national importance.

(3) Advise the department of natural resources and other agencies on matters pertaining to the acquisition, development, utilization and maintenance of scientific areas, including determinations as to the extent of multiple use that may be allowed on approved scientific areas that are a part of a state park, state forest, public hunting ground or similar property of the department.

(4) Prepare and publish an official state list of scientific areas available for research and the teaching of conservation and natural history, and recommend publication of studies made in connection with these areas.

(5) Cooperate with federal agencies, other states, counties or organizations concerned with similar purposes.

(6) Take such other action as is deemed advisable to facilitate the administration, development, maintenance or protection of the scientific area system or any part thereof.

**23.30 Outdoor recreation program. (1)**

**PURPOSE.** The purpose of this section is to promote, encourage, coordinate and implement a comprehensive long-range plan to acquire, maintain and develop for public use those areas of the state best adapted to the development of a comprehensive system of state and local outdoor recreation facilities and services in all fields, including, without limitation because of enumeration, parks, forests, camping grounds, fishing and hunting grounds, related historical sites, highway scenic easements and local recreation programs, except spectator sports, and to facilitate and encourage the fullest public use thereof.

(2) **ESTABLISHED.** The outdoor recreation program is established as a continuing program to financially assist the state and local agency outdoor recreation program, including, without limitation because of enumeration, lake rehabilitation, coho salmon production, wildlife management on county forests, public access, state park and forest recreation areas, fish and game habitat areas, youth conservation camps, creation of new lakes, lake and stream classification, highway scenic easements, state aids for local governmental parks and other outdoor recreational facilities, acquisition and development, state aids for county forest recreation areas development, related historic sites, tourist information sites; recreational planning; scenic or wild river preservation and use; and conservation work program.

(3) **NATURAL RESOURCES BOARD.** The natural resources board is the body through which all governmental agencies and nongovernmental agencies may coordinate their policies, plans and activities with regard to Wisconsin outdoor recreation resources. To this end it shall:

(a) Consider and recommend to the governor and legislature broad policies and standards to guide the comprehensive development of all outdoor recreation resources in Wisconsin, including, without limitation because of enumeration, outdoor recreation development in relation to state population patterns, low-cost sewage system studies, the several outdoor recreation activities, outdoor recreation development to aid the state recreation industry, and policies and standards to coordinate the respective outdoor recreation development programs of federal, state and local governmental agencies and the recreation programs operated by private enterprise.

(b) Coordinate the development of a comprehensive long-range plan for the acquisition and development of areas necessary for a state-wide system of recreational facilities. The comprehensive plan shall be based upon the outdoor recreation plans of the several state agencies and local governmental agencies, and shall be coordinated and modified as the board deems necessary to comply with its policies and standards.

(c) Recommend to the legislature outdoor recreation program appropriations and allocations which, in conjunction with other financial sources supporting outdoor recreation resources, are necessary to carry out plans coordinated by the board.

(d) Consider progress reports from state agencies to determine that all state appropriations for outdoor recreation are being so expended that the policies and plans formulated by the board will be accomplished.

(f) Advise federal agencies concerned of the pattern in which all federal outdoor recreation resources financial assistance and loan programs to state and local governmental agencies and to nongovernmental associations and private individuals will most completely implement the policies and plans of the board.

(g) Negotiate agreements between agencies concerned when in the board's judgment there is an overlap of authority or responsibilities in the completion of a project.

(h) Accept on behalf of the state and allocate to the appropriate state agency any gifts and grants of money, property or services made for the purposes of outdoor recreation in Wisconsin. The proceeds of such gifts and grants may be expended for the purpose of the gift or grant.

History: 1971 c. 125

**23.31 Recreation resources facilities.** To provide and develop recreation facilities within this state, the natural resources board, with the approval of the governor, subject to the limits of s. 20.866 (2) (tp) may direct that state debt be contracted for providing recreation resources facilities or making additions to existing recreation resources facilities. By January 1 of each year, the board shall submit to the governor an expenditure plan for recreation projects for which public debt will be contracted in the following fiscal year. The plan shall specify the functional areas on which the department will place fiscal emphasis in the succeeding fiscal year as well as delineating specific acquisition and development objectives. Performance toward meeting these objectives will determine acquisition and development objectives for the succeeding fiscal year. No contract in anticipation of public debt may be entered into

by the board until the governor has approved the plan and no deviation from the plan may be made without the approval of the governor. Beginning with its 1973-75 budget request and biennially thereafter, the board shall include in its request for recreational acquisition and development funding under s. 23.30 and this section an expenditure plan. Such plan shall contain the policies regarding the priority types of land to be acquired and the nature and categories of the developments to be undertaken. Changes in priority types of land to be acquired and in

categories of developments may not be made without approval of the governor. Any deviation which the governor approves shall be reviewed by the joint committee on finance. Said debt shall be contracted for in the manner and form as the legislature hereafter prescribes. It is the intent of the legislature that state debt not to exceed \$56,055,000 in the 12-year period from 1969 to 1981 may be incurred for the comprehensive provision of outdoor recreation facilities as provided by s. 23.30.

**History:** 1971 c. 125; 1971 c. 211 s. 126; 1973 c. 90.