

NR 19.12 (current as of July 1, 2012)

(1)

(a) Each authorized person who has taken a protected wild animal, bird or fish on an Indian reservation, under provisions of the reservation's treaty rights during the off-reservation closed season for such game set by the department of natural resources, shall before removing the carcass or part thereof of such animal, bird or fish from the reservation, contact and exhibit it during ordinary working hours to a conservation warden of the department of natural resources or to any tribal member authorized by the particular tribe and designated by the department of natural resources.

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

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

(d) If a Wisconsin tribe has a tagging and registration system similar to the department's and an approved memorandum of understanding with the department pertaining to the system, tagging requirements under this section may be waived by the department. Tribal tags shall be validated and affixed to the carcass.

Wis. Stat. Ann. 29.047 (Current as of 2011 Wis. Act 286)

(1)

(a) In this subsection:

1. "Transport" includes to cause to be transported, to deliver or offer to deliver for transportation and to receive or offer to receive for transportation.
2. "Game" means any wild animal, wild bird or game fish.

(b) 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.

(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.

(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.

MEMO

TO: Quinn Williams

FROM: Paul King

DATE: 7/17/2012

RE: Tagging Requirements of Surrounding States

QP: What are the tagging requirements / laws for states surrounding Wisconsin relating to deer, otter, bobcat, fisher, coyote, and bear?

Minnesota

Bobcat, Fisher, Otter: Minnesota Rules 6234.2600: Pelt Tagging and Registration.

- You must present pelts to state wildlife designee within 48 hours of season's close.

Bear: Minnesota Rules 6232.2800: General Regulations for Taking Bears

- You must tag at site of the kill, then validate license of the hunter.
- Note the date of the kill, whether it was by firearms or archery, and the sex of the bear

Deer: Minnesota Rules 6232.0300: tag the deer through a slit in the ear or base of the antler or around the tendon or bone of the hind leg.

Coyote: Minnesota Rules 6234.3400: pay \$45 from March to September or \$30 from October to February.

97A.515 PELTS, SKINS, AND HIDES TAKEN ON INDIAN RESERVATIONS.

The pelts, skins, and hides of protected wild animals taken on an Indian reservation in this state, except the Fond du Lac Reservation, may be transported, sold, and disposed of as prescribed by the commissioner

(Note, this is substantially similar to our Wis. Admin. Code s. NR 19.12 requirements).

2. Michigan: my source for Michigan is the Michigan DNR website at Michigan.michigan.gov/dnr/taggingbiggameandfurbearers

Deer: each license comes with a kill tag (which has a license number on it)

- You must immediately tag the deer. you must have a license at the time of the harvest. fasten the tag to the animal just like in Minnesota.

Bobcats and Fishers: these follow the same rules as deer. The tags for all three are free.

Bear: Cut the tag out of your license and attach the tag to the bear's jaw. Register the bear within 72 hours.

Otter: Only trapping is allowed, you need a furbearer kill tag. Must be greater than 8 years old. Attach the tag to the jaw or eye socket.

Coyote: You need a small game license or fur harvester license to hunt.

3. Illinois: dnr.illinois.gov/hunting/Documents/HuntTrapDigest.pdf

Deer: You need to attach a harvest tag immediately. See 17 Ill. Adm. Code 685.50

Otter: You can only trap, but not hunt otters. Tag green hide before it goes to a fur manufacturer.

Coyote: You can hunt coyotes during deer season. Some areas require tags on traps. See 17 Ill. Adm. Code 570.40.

Bear: I didn't find any regulations

Fisher: I didn't find any regulations

Bobcat: Protected in Illinois; no hunting or trapping allowed. See DNR website at dnr.state.il/us/orc/wildlife/what.is.htm

Iowa:

Deer: Report the kill by midnight the day after you tag it, or before it goes to a taxidermist, or is processed or taken out of the state. CH 95, 571-95.1(1).

Otter: 571-108.6: Continuous closed season

Coyote: 571-108.5: Entire state okay for hunting and trapping from October through January

Bear: I didn't find any regulations

Fisher: I didn't find any regulations

Bobcat: 571-108.7: You need a harvest license. You must report your kill within 24 hours. Keep the bobcat with CITES tags attached.

“Off Reservation” Tagging
Byron Goetsch, NER Regional Warden
July 18, 2012

Introduction:

- Appreciate the opportunity to join you today.
- By no means am I an expert on this issue, most familiar with the tribes located here in NE Wisconsin.
- Introduce Warden Supervisor Dave Walz (Woodruff Team)
- This issue really boils down to ensuring there are reasonable regulations in place to properly protect and manage our natural resources, which is a common goal for both the Department and the tribes.

Currently:

- Following Administrative Code 19.12, Tribal Wardens are issued “Off Reservation Tags” from DNR.
- These tags are then issued to tribal members before animals leave the reservation.
- As tags are issued, a log is kept by the tribe in the NER, which identifies the animals tagged, including person, date, etc
- On occasion, these logs are used to verify lawful possession.
- Without these tags, it would be difficult for our wardens & other law enforcement officers to know if an animal was lawfully taken.
- Also, if no tagging requirement, it would be very difficult to convict someone for possession of an untagged animal off the reservation if the person simply claimed that the animal was taken on tribal lands.
- These tags also protect tribal members, from unnecessary allegations from the public and investigation by officers.

Where Do We Go From Here?

- The Menominee Tribe has expressed an interest in eliminating the need for obtaining these “off reservation” tags from the DNR, since no similar agreements/approvals are required of adjoining states under Wis. Stat. s. 29.047.
- We at DNR also have an interest in reducing our workload and costs associated with these issuing these tags.
- We also know there are potential administrative issues on those tribal lands which are located outside of an exterior reservation boundary (tribes with scattered trust lands – i.e., non-contiguous).
- Have worked with Chief Warden Walter Cox and others to develop a temporary MOU with the tribe. While it appears that the underlying tagging requirements are generally supported, the issue of Department approval is an ongoing sticking point that is preventing a permanent MOU.
- Bottom line is that we just need a system that continues to offer reasonable tools to protect and manage our resources, that respect our unique government to government relationship, and that accounts for

Department's approval of an MOU, is not consistent with our government to government relationship in light of Wis. Stat. s. 29.047.

- We also firmly believe that there is a common ground that can be found that both respects tribal sovereignty and ensures efficient, consistent enforcement of the unique challenges of tagging and transportation of furbearers and cervids off of federal trust lands located within Wisconsin, which are in both the state's and the tribes interests.
- With that in mind, the Department would be more than willing to work with this committee on any proposed statutory solution that you may seek to pursue.

Closing

- Very much appreciate the opportunity to be here today.
- Hope I was able to provide you with some useful information.
- Have come to appreciate the tribe's passion for our natural resources and conservation.
- I have also come to appreciate the individuals that I have had an opportunity to work with over the years.