

DATE: September 25, 2012

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS  
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SUBJECT: Transport of Game Taken in Another State or on an Indian Reservation

The following information is being provided for informational purposes, and is the Department of Natural Resources' suggested language regarding the "Memo No. 2" (the Memo) and associated draft legislation provided to the Special Committee on State-Tribal Relations (the Committee) by Legislative Council Senior Analyst David Lovell on September 17, 2012, relating to the transportation of game taken in other states or Indian reservations or trust lands and transported into or through Wisconsin.

The suggested edits and justifications will focus on "WLC:0002/1," dated September 13, 2012, (Legislation) that relates to "Option 1" in the Memo. In the event that the Committee decides to use the other proposed language associated with "Option 2" and "Option 3" in the Memo, these edits can be substantially incorporated into them as well as appropriate.

**1) Transportation of game taken on Indian lands in other states.**

**Issue:**

As currently worded, the Legislation does not address the issue of transportation of game taken on Indian lands in other states and transported into Wisconsin.

**Recommendations:**

Work with Legislative Council to include language in the definition of "Indian land" to find solution.

**2) Enforcement of other States' and Tribes' or Bands' violations in Wisconsin**

**Issue:**



As currently worded, the Legislation does not provide an easy mechanism for State enforcement of violations of laws promulgated in other states or by federally recognized American Indian tribes or bands. Recent history suggests that such a mechanism would be helpful, particularly in assisting Tribal law enforcement of violations when the individual tribal member is outside of the jurisdiction of the particular Tribal law enforcement authority.

**Recommendations:**

Amend existing Wis. Stat. s. 29.047(1b) as follows:

(b) No person in this state may transport into or through this state any game, or its carcass, from any other state or Indian land in violation of any law of the other state or federally recognized American Indian tribe or band.

**3) Cervid transport from Indian Lands into Wisconsin**

**Issue:**

As currently worded, the Legislation does not require cervids taken on Indian lands to comply with the applicable CWD (Chronic Wasting Disease) rules promulgated by the Department, which is required of all adjoining states. Although currently only one federally recognized tribe or band in Wisconsin, the Ho-Chunk Nation, has Indian Lands in and around existing Department established CWD zones, compliance with these rules is necessary for ensuring that CWD does not spread to other parts of the state and threaten the deer herd.

**Recommendations:**

Amend page 3, Section 5 of the Legislation, for proposed to Wis. Stat. s. 29.047(1e) to include the following new paragraph (d) between lines 16 and 17:

(d) 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) Carcass tag information**

**Issue:**

The Legislation could be modified to make the tag information less specific, to address tribal sovereignty concerns so that many existing tribal tags could meet the statutory requirement. Eliminating the “year, month, day and time” the game was taken, while making enforcement moderately more difficult, would still provide sufficient information to ensure that illegal harvest within state jurisdiction is not occurring.

**Recommendations:**

Repeal and recreate, on page 4, Section 6 of the Legislation, for proposed Wis. Stat. s. 29.047(1h), lines 1 to 5 to state:

29.047(1h) A carcass tag under sub. (1b)(d) or sub.(1e)(c) must:

(a) Bear the name of the agency that issued it in a manner that cannot be erased or modified, and the agency that issued the tag must have recorded the name and address of the person to whom it was issued.

(b) Be issued for the species of game harvested.

## 5) Carcass tags remaining with game

### Issue:

As currently worded, the Legislation does not clarify the prohibition on carcass tags or other states and tribes/bands registration tags being removed prior to the game being consumed, does not address carcasses where the game is not consumed, and does not adequately address the issue of “parts of” a carcass and tagging.

### Recommendations:

Amend page 4, Section 7 of the Legislation, for proposed Wis. Stat. s. 29.047(1k)(a), lines 7 to 9 as follows:

Except as provided under para. (am), A registration tag or a carcass tag attached under sub. (1b) (d) or sub. (1e) (c) and registration tag if required may not be removed from a gutted carcass at until the time of butchering, but the person who killed or obtained the animal game shall retain all required tags until the meat is consumed.

Amend page 4, Section 7 of the Legislation, for proposed Wis. Stat. s. 29.047(1k) to include a new paragraph (am) between lines 9 and 10:

(am) A carcass tag attached under sub. (1b) (d) or sub. (1e) (c) and registration tag if required may not be removed from a lawfully possessed carcass of a fur-bearing animal until removed at the time of preparation for preserving, mounting or tanning.

Amend page 4, Section 7 of the Legislation, for proposed Wis. Stat. s. 29.047(1k)(b), lines 10 to 12 as follows:

Any person who retains a tag under par. (a) and (am) may give the game or meat from the game carcass or any part of the carcass to another person. The person who receives the give of game or meat the carcass or any part of the carcass is not required to possess a tag.