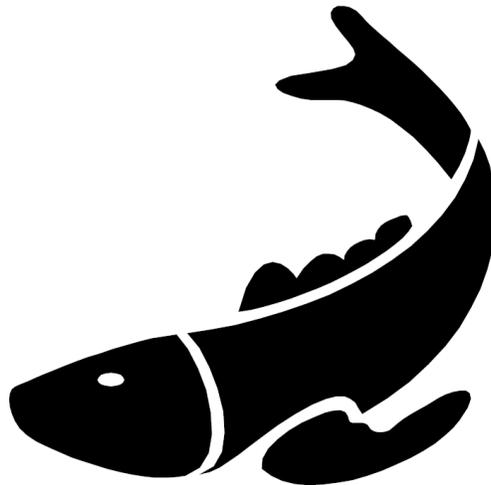




**Wisconsin  
Department of Natural Resources –  
*Wholesale Fish Dealer  
Program***



**PUB-LE-615-2009 (Revised May 2019)**

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# INTRODUCTION

The Wisconsin WHOLESALE FISH DEALER PROGRAM is managed by the Wisconsin Department of Natural Resources (WDNR) Bureau of Law Enforcement. This program monitors the commercial trade of fish in Wisconsin as part of the effort to manage and protect Wisconsin's valuable fishery resources. In addition to being applicable to licensed wholesale fish dealers, most of the wholesale fish dealer laws also apply to other persons or businesses meeting the definition of a wholesale fish dealer. Usually, those persons or businesses are "producers of fish" – commonly referred to as "commercial fishers" – which includes:

- Lake Michigan commercial fishers and their crew members,
- Lake Superior commercial fishers and their crew members,
- Mississippi River and St. Croix River Net License holders, and
- Holders of rough fish removal contracts.

Sustaining healthy fish stocks for the future benefits the resource AND is good for the continued well-being of businesses within the fishing industry.

This booklet is designed to explain the requirements related to licensing, record keeping, and inventory reporting. If you have any questions about the information provided in this booklet please contact:

***Lieutenant Robert Stroess***

*Conservation Warden*

*Administrator – Commercial Fishing, Wholesale Fish Dealing, and Charter Fishing –  
Bureau of Law Enforcement – Wisconsin DNR*

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*This booklet is an interpretive summary of Wisconsin's wholesale fish dealing laws and regulations. For complete wholesale fish dealing laws and regulations, consult the Wisconsin Statutes Chapter 29 or Administrative Code of the Department of Natural Resources. Consult the legislative website – <http://docs.legis.wi.gov> – for more information.*

**Notice:** The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of the Interior, Washington, D.C. 20240. This publication may be available in alternative format upon request. Please call (920) 901-1361 for additional information.

## DATES OF LICENSE COVERAGE:

A wholesale fish dealer license is valid for the calendar year.

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## LICENSE REQUIRED . . .

**No person may engage in business as a wholesale fish dealer unless he or she is issued a wholesale fish dealer license by the Wisconsin Department of Natural Resources.**

*“Wholesale fish dealer” means any resident or non-resident who buys, barter, obtains, sells, solicits or processes fish or parts of fish in any manner for themselves or any other person for sale to someone other than a final consumer. (Note: For purposes of the wholesale fish dealer laws and regulations, “fish” are considered only those species listed under the “Fish Species List” on pages 10-11.)*

### **A WHOLESALE FISH DEALER LICENSE IS REQUIRED FOR THE FOLLOWING PERSONS AND BUSINESSES:**

- a) A **fish or food broker** who acquires solicits, obtains, buys, sells, or trades fish on behalf of another person or company.
- b) A **fish processor** who processes fish or fish parts either for themselves or someone else for sale or trade by the owner of the fish to someone other than the final consumer. Examples of this include a person or business who:
  - custom-smokes or fillets fish for another business so the business can then sell those fish to other wholesale suppliers, grocery stores, restaurants, etc.;
  - cleans and processes roe for other commercial fishers or businesses who retain ownership of the finished product for return and sale to other wholesale suppliers, grocery stores, restaurants, etc.
  - purchases or otherwise obtains roe from commercial fishers or businesses for cleaning and processing and then sells the finished product (roe) to other wholesale suppliers, grocery stores, restaurants, etc.
  - purchases or otherwise obtains fish or fish parts for composting or manufacturing fish emulsions or fertilizers for sale to wholesale suppliers, garden suppliers, retail stores, etc.
- c) A **bait dealer, distributor, or any other person** who sells roe, spawn sacks, smelt, or alewife to wholesale fish dealers, other distributors or retailers such as bait shops or convenience stores for resale to the final consumer
- d) A **commercial fisher** who obtains fish from a different commercial fisher or another distributor, and then sells those fish to someone other than the final consumer.
- e) A commercial fisher’s **crew member** who either (1) receives a share of the catch as payment for his or her work and then sells those fish to someone other than the final consumer or (2) retains part or all of the proceeds when the fish are sold by the commercial fisher to someone other than the final consumer.
- f) A **person who obtains fish** from a registered fish farmer for sale to someone other than the final consumer (see exception below for the registered Wisconsin fish farmer).
- g) A **non-resident fish farmer** (located in another state or province) who is doing business in the state by obtaining or selling fish for sale to someone other than the final consumer. (**Note:** A non-resident

fish farmer purchasing or selling fish solely for stocking purposes would not need a wholesale fish dealer license.)

- h) A **sport angler** or **licensed guide** who is selling legally harvested rough fish to someone other than the final consumer.

## **LICENSE NOT REQUIRED . . .**

### **A WHOLESALE FISH DEALER LICENSE IS NOT REQUIRED FOR THE FOLLOWING PERSONS AND BUSINESSES:**

- a) A **retail store** or **locker plant** that sells fish to a restaurant, hotel, or tavern at no reduction in price compared to the price charged to retail customers.
- b) **Hotels, meat markets, grocery stores, restaurants, and taverns** selling directly to the final consumer.
- c) A “**producer of fish**” who holds a Wisconsin commercial fishing license or a Wisconsin DNR rough fish removal contract or permit when selling the fish that he or she catches.  
(**Note:** As noted earlier, almost all wholesale fish dealer laws still apply to holders of commercial fishing licenses and rough fish removal contracts, they are just exempt from the license requirement when selling the fish that they catch.)
- d) An **employee** of a licensed **wholesale fish dealer** who is engaged in wholesale fish dealer activity on behalf of the licensee.
- e) A licensed **crew member** of a licensed **commercial fisher** who processes or sells fish on behalf of the licensed commercial fisher but does not receive a share of the catch as payment for his or her work and does not retain part or all of the sale proceeds. In other words, the crew member is paid regardless of and not contingent upon the sale of the fish.
- f) A licensed **bait dealer** or **distributor** selling minnows for use as bait. (**Note:** As noted earlier, a wholesale fish dealer license is required for sale of smelt, alewife, and roe/spawn to wholesale fish dealers, other distributors and retail outlets for resale to their customers.)
- g) A person or business selling fish or fish parts directly to the final consumer (assuming the fish sold fall under other legal authorizations for the sale of the fish).
- h) An independent **trucking or transportation company** with common carrier authority under a federal DOT number authorizing commercial operation that is transporting fish for another person or company, the same as any other cargo. (**Note:** A trucking company or its employee present and soliciting fish in Wisconsin on behalf of a fish dealer would be required to have a wholesale fish dealer license.)
- i) A **cold storage** or **warehouse facility** in the sole business of providing and leasing freezer or cold storage space to independent customers.
- j) A **Wisconsin fish farmer** registered with the Department of Agriculture, Trade and Consumer Protection (DATCP) under s. 95.60(3m), Wis. Stats. who purchases, barter, sells, obtains, processes, or transports farm-raised fish (or the **fish farmer’s employee** who does so on behalf of the fish farmer). (**Note:** As noted earlier, a non-resident fish farmer is required to have a wholesale fish dealer license to do business in Wisconsin to purchase or sell fish for sale to someone other than the final consumer even if the fish are farm-raised fish).

# RECORD KEEPING REQUIREMENTS

Every wholesale fish dealer is required to keep a complete, legible, written record in the English language of all fish purchased, obtained, sold, traded, processed, or disposed of as a wholesale fish dealer, including retail sales and disposal as a result of donations or spoilage.

To avoid having to make duplicate records, the record can be your sales/purchase invoice, as long as it includes all of the below required information. Use of a stamp or pre-printed invoice with your name, address, and Wholesale Fish Dealer License number can significantly reduce your labor and time for record keeping.

## **Your written records must include the following information:**

- a) Your complete name and address**
- b) Your Wholesale Fish Dealer License number** (or if you are exempt from having to purchase a Wholesale Fish Dealer License, then list your Commercial Fishing License number, Net License number, or your Rough Fish Removal Contract)
- c) Other party's name and address:** Use the name of the person or business from whom you purchased/obtained or to whom you sold/transferred the fish, and their address. For businesses, use the official business name rather than the name of an employee or a crew member of the licensed seller/purchaser. For **fish processors**, list the complete name and address of the person or business for whom the fish/fish parts were processed.
- d) Other party's license number:** List the Wholesale Fish Dealer License number, Commercial Fisher License number, Net License number, Rough Fish Removal Contract, fish farm registration number, or other license authorizing the other party's sale, purchase, or possession of the fish.
- e) Transaction date:** The date of the sale, purchase, acquisition, trade or disposal of the fish. Multiple transactions from one source to another individual person or business may be recorded on the same record form, as long as there are separate entries on the form for each day's transactions (such as a ledger style).
- f) Species of the fish:** List the species of fish involved in the transaction. Only species on the list on pages 10-11 need to be recorded. Other species are not regulated under the Wholesale Fish Dealer Program.
- g) Condition of the fish:** List the condition of the fish, which includes but is not limited to *fresh round, fresh dressed, frozen dressed, fresh fillet, frozen fillet, fresh chunked, frozen chunked, smoked dressed, smoked fillet, smoked chunked, fresh snipped or frozen snipped* [see s. NR 25.02 (11), Wis. Adm. Code]. Also see pages 8 to 9 for photographs depicting "Condition of the Fish."
- h) Weight of the fish:** List the weight of the fish or fish parts, including the unit of measurement such as pounds or kilograms.
- i) Signature:** The record must be signed by the person who completed the record. In the case of a ledger-style record covering numerous days, each day must have a signature.

**Written records required:** Maintaining records only on a computer or by other electronic means does not comply with s. 29.503 (5) (a), Wis. Stats., which states: "*Each wholesale fish dealer shall keep legible, written records in the English language of all fish . . .*" You may make your initial record on a computer, but you must print, sign and date each page of the records on a daily basis so you have a written record in your files. Claiming your computer "crashed" or your printer ran out of ink are not acceptable excuses for failing to produce written records upon request.

**Retail sales:** Wholesale fish dealers must keep a written record of retail sales. For retail sales, the record needs to include only the date of the transaction, kind of fish (species), weight, and condition of the fish sold. It is permissible to:

- Maintain written retail sales records in the form of a ledger or notebook with multiple sales recorded per page. Each page must be signed by the person completing the record.

- Create a single written record for each day documenting total daily retail fish sales through the dealer's retail outlet provided that the record lists the date, the total pounds of fish sold by species and condition, and that the record is signed by the person completing the record.

**Records of disposal due to spoilage:** Written records need to show whether any fish were disposed, destroyed, or otherwise discarded, the date of disposal, and the species, weight, and condition of the fish disposed.

**Recording license numbers:** Most states and Canadian provinces have licenses authorizing the sale and purchase of fish. Record these license numbers on invoices and bills of lading.

- **Purchases/sales involving Wisconsin residents:** All sellers residing or operating in Wisconsin must have some type of license authorizing the sale of fish. Every Wisconsin commercial fisher authorized to sell fish has some kind of commercial fishing license number or rough fish removal contract. All commercial fish licenses issued in Wisconsin utilize an alpha-numeric numbering system. The letters of each license number identify what type of license it is. For example, LM-7 is a Lake Michigan commercial fishing license, RC-8 is a Red Cliff Native American commercial fishing license, MR9786 is a Mississippi River Net License, and WH-0789 indicates a Wholesale Fish Dealer license. For purchases of fish from sport fishers (e.g., trout or salmon roe), bank pole fishers, or set line fishers, record the 9-digit WDNR Customer ID Number. If the fish are from a person with a WDNR inland rough fish removal contract, write the words "*fish removal contract*" by his/her name on the invoice.
- **Out-of-state purchases/sales:** The licenses of commercial fishers, fish dealers, and fish farmers from other states often do not have license numbers with identifying letters like Wisconsin. If purchasing fish from out-of-state sources, you should ask the seller for the number of their commercial fishing license, fish dealing license, or other license issued by that state which allows the sale and/or purchase of fish. If no fish dealer license or other license is required by the other state, write "NO LICENSE" on your record.
- **Wisconsin registered fish farm:** For purchases/sales involving a Wisconsin registered fish farm, record their name, address, and fish farm license number issued by Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

**Location of records and inventories:** Licensed wholesale fish dealers, Great Lakes commercial fishers, and shovelnose sturgeon permit holders who sell any of their sturgeon or other commercial fish at the wholesale level are required to annually notify the WDNR of all locations where they keep records and inventories relating to your wholesale fish dealer business.

- **Location of records:** You must list the location of your **written** records as part of your annual wholesale fish dealer license application (Form 9400-001). Failure to provide this information will result in your license application not being processed and your license will not be issued until the required information is provided.
- **Location of inventories:** You must list the location where you possess, control, or store fish. This must be reported on the "*Great Lakes Fish and Sturgeon Commercial Fisher/Wholesale Fish Dealer Inventory Report*" (Form 4100-117). A separate form must be completed for each location where you keep or store fish. Instructions for completing the report are on the report form.

**Record retention:** You must retain written copies of your records for at least five (5) years after the creation of the record and make the record available to a conservation warden for inspection and copying upon request.

**Condition of the Fish Reference Photographs:** “Condition of the fish” means the form that fish are in, and includes but is not limited to fresh round, fresh dressed, frozen dressed, fresh fillet, frozen fillet, fresh chunked, frozen chunked, smoked dressed, smoked fillet, smoked chunked, fresh snipped, frozen snipped, eggs, roe, guts, heads, etc.



 **Round**       **Dressed**       **Snipped**       **Chunked**       **Fillet**

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“**Round**” DOES NOT have a definition in Chapter NR 25 Administrative Code or Chapter 29 Wisconsin Statutes but is commonly understood – in both the industry and to sport anglers – to mean the unaltered fish prior to any butchering or processing.



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“**Dressed**” or “**Dressed Fish**” means fish from which only the viscera have been removed. This condition is commonly referred to as “Gutted” – s. NR 25.02(16)



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**“Snipped”** means headless with viscera partially removed – s. NR 25.02(56)



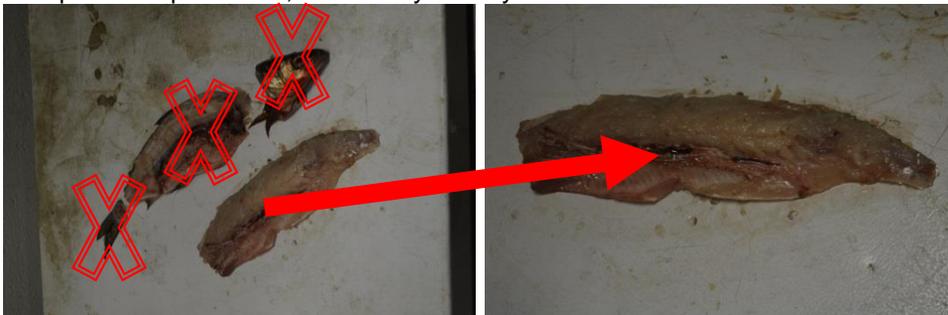
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**“Chunked”** means fish from which the viscera, head and tail have been removed – s. NR 25.02(3)



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**“Fillet”** means the slab side of fish from which the viscera, head, tail and bones have been removed, except for the pin bones, which may or may not have been removed – s. NR 25.02(23)



# STANDARDIZED FISH SPECIES NAMES FOR RECORDS

Beginning on this page is a list of fish found in Wisconsin that are commonly traded commercially. You only need to maintain records on the purchase, acquisition, possession, sale and other disposition of the fish species on the list. This includes processed products made from parts of the listed fish (e.g., roe, breaded catfish nuggets, perch fillets, etc.).

You do not need a wholesale fish dealer license and you do not need to keep records for WDNR of purchases and sales of species not found on the list (e.g., zander, salt water cod, swordfish, pollack, etc.).

A wholesale fish dealer cannot legally purchase, trade, possess, control or transport lake sturgeon, regardless of the source.

**DO NOT use common names for fish:** The commercial fish industry has many different common names for the same fish. When maintaining required records, do not use the following common names:

- **Do not** use the term “Asian Carp”. Rather, these fish must be reported under their specific names of BIGHEAD CARP, BLACK CARP, GRASS CARP or SILVER CARP.
- **Do not** refer to BOWFINS as “dogfish”, “mudfish”, “cypress trout”, etc.
- **Do not** refer to BURBOT as “lawyers”, “eelpout”, “fresh water cod”, etc.
- **Do not** refer to CISCO as “tubbies” or “tullibebs”.
- **Do not** refer to FRESHWATER DRUM as “sheepshead” or “Mississippi whitefish”, etc.
- **Do not** refer to MENOMINEE as “round whitefish”.
- **Do not** refer to SHOVELNOSE STURGEON as “hacklebacks” or “sand sturgeon”.
- **Do not** use only the terms “trout”, “salmon”, “steelhead”, “Pacific Salmon” or “Alaskan Salmon”. [Actually, there are several types of salmon coming from Pacific waters: Chinook, Coho, Sockeye (Red), Chum, etc.]
- **Do not** refer to WALLEYE as “yellows”
- **Do not** refer to NORTHERN PIKE as “jax”, “jacks”, “pike”, or “pickerel”.
- **Do not** refer to SISCOWET as “fats”, “fat lake trout”, “deep lake trout”, etc. For the purposes of reporting, record keeping, tagging, quotas, and enforcement, any fish name that includes the words “lake trout” will be considered a lake trout that is required to be tagged by the commercial fisher if taken from the waters of Lake Superior.

**Fish Species List:** You must use only the complete, specific names from the following list to identify the fish in your records, invoices, bills of lading, shipping papers, inventory reports, etc.:

NAME
ALEWIVES
BASS, LARGEMOUTH
BASS, ROCK
BASS, SMALLMOUTH
BASS, WHITE
BASS, YELLOW
BLUEGILL
BOWFIN
BUFFALO, BIGMOUTH
BUFFALO, SMALLMOUTH
BULLHEADS
BURBOT
CARP, BIGHEAD

CARP, BLACK
CARP, COMMON
CARP, GRASS
CARP, SILVER
CARP, WHITE
CARPSUCKER
CATFISH, CHANNEL
CATFISH, FLATHEAD
CHUBS
CISCO
CRAPPIE, BLACK
CRAPPIE, WHITE
DRUM, FRESHWATER
EEL

GAR, LONGNOSE
GAR, SHORTNOSE
GIZZARD SHAD
HERRING, LAKE
LOX (a processed salmon product)
MENOMINEE
MOONEYE
MULLET, SUCKERS
NORTHERN PIKE
PERCH, YELLOW
PERCH, WHITE
PICKEREL
QUILLBACK
REDHORSE
SALMON, ATLANTIC
SALMON, CHINOOK
SALMON, CHUM (or KETA)
SALMON, COHO
SALMON, HUMPBACK
SALMON, KING

SALMON, KOKANEE
SALMON, LOX
SALMON, PINK
SALMON, RED
SALMON, SILVER
SALMON, SOCKEYE
SAUGER
SHINERS
SISCOWET
SMELT
STURGEON, SHOVELNOSE
STURGEON, OTHER
SUCKERS, MULLET
SUCKER, WHITE
SUNFISH
TROUT, BROOK
TROUT, BROWN
TROUT, LAKE
TROUT, RAINBOW
WALLEYE
WHITEFISH

## RECORDING PURCHASES, SALES, AND POSSESSION OF FISH EGGS OR FISH PARTS

### **General:**

The purchase, sale, and possession of fish eggs/roe, guts, heads, or other parts of fish must be documented on a record in the same manner as when purchasing any other fish product (such as fillets, chunks, entire fish, etc.).

### **Purchasing from Sport Fishers:**

A provision in Wisconsin law allows sport fishers to sell the eggs of their legally-obtained trout and salmon. The whole fish must be brought to the original buyer and **the eggs removed in the presence of the buyer**. The subsequent sale and purchase of these legally-obtained trout or salmon eggs is allowed without the presence of the fish carcass. Please note that:

- It is not legal to purchase or sell the eggs/roe of any other game fish from a sport fisher.
- It is not legal to purchase or sell the carcass of a trout, salmon, or any other game fish from a sport fisher.

When you purchase trout or salmon eggs from a sport fisher, you are required to record the same information as listed earlier for other transactions. However, rather than recording some type of commercial license for the seller, record the seller's WDNR Customer ID Number as shown on their sport fishing license. Be sure to record the species and note that the purchased product is eggs/roe (e.g., "king salmon eggs" or "rainbow trout roe").

# RECORDING PURCHASES AND SALES MADE THROUGH A BROKER

All brokers of fish in Wisconsin must be licensed wholesale fish dealers and must maintain records of all purchases, acquisitions, sales, etc., that they broker.

When a broker sets up the sale and never takes possession of the fish – because they are shipped directly to the wholesale fish dealer or because the wholesale fish dealer picks them up – then the wholesale fish dealer's record should indicate the transaction was a purchase/sale from the actual seller/buyer, NOT the broker.

If the broker actually takes possession of the fish (stores them in the broker's warehouse, delivers them to the wholesale fish dealer, or the wholesale fish dealer picks them up from the broker), the wholesale fish dealer's record must include the name, address, and wholesale fish dealer number of the broker.

## SPECIAL REQUIREMENTS FOR LAKE TROUT

### **Tagging of Wisconsin (domestic) lake trout**

Wisconsin has a particular interest in monitoring and managing lake trout. A limited commercial harvest of lake trout is allowed only from certain parts of Lake Superior each year. As such, all lake trout originating in Wisconsin must be tagged with a Wisconsin Lake Trout Quota Tag. No wholesale fish dealer in Wisconsin may import, possess, transport or trade lake trout from Wisconsin's waters of Lake Superior unless they are tagged with tags approved by WDNR. Tags approved and currently in use on Wisconsin lake trout are as follows:

- Wisconsin Lake Trout Quota Tags
- Tribal Fishery Lake Trout Tags

**Note:** Siscowet (also known as "fats" or "fat lake trout") must be identified in records, invoices, bills of lading, and inventory reports by the name "SISCOWET". For the purposes of reporting, record keeping, tagging, quotas, and enforcement, any fish name that includes the words "lake trout" will be considered a lake trout and not a siscowet.

### **No tagging required for foreign (imported) lake trout**

The inspection and tagging of foreign (imported) lake trout from sources outside of Wisconsin has been eliminated. Shipments of lawfully possessed lake trout originating outside of Wisconsin may enter the state provided they are accompanied by an invoice or bill of lading containing the names, addresses, and license numbers of the seller and the buyer of the lake trout and the point of origin of the trout, the point of destination of the lake trout, the species of fish, the weight of the lake trout, and the number of containers, packages, or boxes covered by the bill of lading or invoice.

## SHIPPING AND TRANSPORTATION REQUIREMENTS

**Invoice or bill of lading requirement:** Wholesale fish dealers and producers of fish may not transport, cause to be transported, or deliver or receive for transportation any fish unless the shipment is accompanied by a bill of lading or an invoice that contains all of the following information:

1. Seller's name, address, and license number
2. Origin of the fish
3. Purchaser's name, address, and license number
4. Destination of the fish
5. Fish species
6. Weight and description of each species of fish

7. Number of containers, packages, or boxes of fish
8. Date
9. Signature of the person completing the invoice or bill of lading.

**Availability for inspection:** The operator of any vehicle, boat, or other conveyance transporting the fish shall immediately produce the bill of lading or invoice for inspection upon the request of a warden.

**Tags and labeling:** In addition to having the above invoice or bill of lading, a wholesale fish dealer may not purchase, sell, possess, control, transport or cause to be transported any fish obtained from another state or country unless the fish are tagged and labeled in accordance with the laws of that state or country. All lake trout tags issued by a governmental agency (from any state or country), when severed or removed from the fish for filleting or smoking, are considered state property and may be claimed by WDNR within one year of the date they were severed from the fish. You may not reuse any lake trout tag or any commercial fish tag issued or authorized by WDNR or by any other governmental agency of another state or country.

**Marking of vehicles and boats:** Vehicles and boats used by a wholesale fish dealer or commercial fisher during the transport of fish must be marked on each side with the word "FISH" in block letters at least 4 inches high. Also, the correct business name of the wholesale fish dealer or commercial fisher must be displayed on each side of the vehicle or boat in letters at least 1 inch high. The letters must be of a color contrasting with the background (e.g., white letters on a dark background or black letters on a light background). The markings placed on each side of a boat shall not be located on the forward half of either side of the boat as this area is reserved for the boat's registration numbers and decals.

**Limited exemptions for commercial fishers:** A commercial fisher is not required to have an invoice or bill of lading, or to have their vehicles or boats marked, when fishing or when transporting fish from the commercial fisher's boat or landing to a processing facility within Wisconsin. A commercial fisher is required to have an invoice or bill of lading along with the vehicles and boats marked as described above when transporting fish from the commercial fisher's processing facilities to cold storage, retail markets, a wholesale fish dealer, or other location.

**Rough fish (includes Asian carp):**

- **Asian carp** (e.g. bighead carp, black carp, silver carp, and grass carp) are listed as *Prohibited Invasive Species* in Wisconsin. Asian carp are resilient! Intact/round Asian carp are often revivable after being out of the water or on ice for extended periods of time. Therefore, all Asian carp **MUST BE EVISCERATED (ENTRAILS REMOVED) OR THE GILL PLATE SEVERED** so the fish bleed out before transportation. Failure to follow this requirement is a violation of State law.
- For **other live rough fish**, it is illegal to transport any live rough fish without first obtaining a "*Possession, Transport, and Transfer of Live Fish General Permit Form 9400-234*". Exemptions for the transportation of live rough fish – other than Asian carp – exist for holders of rough fish removal contracts.

# ANNUAL INVENTORY REPORT OF FISH

Each wholesale fish dealer is required to file an annual inventory report with WDNR of certain species of fish (including parts of fish) that they own, possess, or are under their control **on the day** the inventory is completed. This must be reported on “*Great Lakes Fish and Sturgeon Commercial Fisher/Wholesale Fish Dealer Inventory Report Form 4100-117*”. This includes reporting all such fish the wholesale fish dealer owns, possesses, or controls, including in cold storage facilities, in Wisconsin or outside of Wisconsin, on the day of the inventory. It includes fish originating from Wisconsin waters, as well as fish originating from locations outside of Wisconsin.

When completing the inventory report, please note the following:

- **Great Lakes fish are defined as** alewife, burbot, chubs, lake herring, lake trout, menominee, siscowet, smelt, whitefish, and yellow perch.
- **Sturgeon includes** all species of sturgeon. However, it is illegal for a wholesale fish dealer to possess lake sturgeon.
- A separate form must be completed and submitted for each location at which fish are located, including locations outside of Wisconsin. The reporting form and instructions are available upon request on the Wisconsin DNR website or directly from:

***Lieutenant Robert Stroess***

*Conservation Warden*

*Administrator – Commercial Fishing, Wholesale Fish Dealing, and Charter Fishing*

*Bureau of Law Enforcement*

**Phone:** (920) 901-1361

**e-mail:** [Robert.Stroess@wisconsin.gov](mailto:Robert.Stroess@wisconsin.gov)

- You may select the annual date (month and day) of the inventory. It may be beneficial to use an inventory date identical to other inventories that you already complete for your internal needs or as may be required for tax purposes.
- The completed inventory form must be submitted to the WDNR address listed on the form. It must be submitted each year within 15 days after the day on which you complete your inventory.
- **No fish in inventory:** If you do not own, control or possess any sturgeon or Great Lakes fish on the date of your inventory, you still need to complete and return the form, including the words “*No fish in inventory*” written across the form.
- **New wholesale fish dealers:** Within 30 days after receiving a license, a new wholesale fish dealer shall complete and submit an inventory report of sturgeon and Great Lakes fish in their possession or under their control. At the time the inventory report is submitted, the wholesale fish dealer shall designate and advise WDNR of the month and day on which future inventory reports will be submitted.
- **Changing the inventory date:** You may request a change of the designated month and day for completing your annual inventory. The effective date for the change may not be more than 15 months from your previously designated inventory date. You may not request a change in your annual inventory date more than once per 12 months.
- **Non-resident fish farmers:** Non-resident fish farmers licensed as a Wisconsin wholesale fish dealer must report their annual inventory of fish. However, this does not include the live fish in their raising facilities (raceways, ponds, and tanks).



# APPENDIX A

## Excerpts from Chapter 29, Wisconsin Statutes

### s. 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, barter, 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.

## APPENDIX B

### Excerpts from Chapter NR 25, Wisconsin Administrative Code

**NR 25.02 Definitions.** Except as otherwise specifically defined in the statutes, the following terms, for the purposes of this chapter, are defined as follows:

- (3)** "Chunked" means fish from which the viscera, head and tail have been removed.
- (11)** "Condition of the fish" means the form that fish are in, and includes but is not limited to fresh round, fresh dressed, frozen dressed, fresh fillet, frozen fillet, fresh chunked, frozen chunked, smoked dressed, smoked fillet, smoked chunked, fresh snipped or frozen snipped.
- (15)** "Domestic lake trout" means a lake trout taken from the waters of the state, but not from a fish farm registered with the department of agriculture, trade and consumer protection.
- (16)** "Dressed fish" means fish from which only the viscera have been removed.
- (23)** "Fillet" means the slab side of fish from which the viscera, head, tail and bones have been removed, except for the pin bones, which may or may not have been removed.
- (24)** "Final consumer" means the last or ultimate person who obtains a fish for its final use for eating or otherwise.
- (25)** "Final consumption" means the last or ultimate use of a fish by eating or otherwise.
- (26)** "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), Stats., including parts of fish, fish eggs or fish products.
- (31)** "Foreign lake trout" means lake trout harvested outside of Wisconsin and imported into the state.

- (34) "Illegal fish" means any fish taken, possessed or controlled in violation of this chapter or a statute, including fish that have not been reported or for which a record has not been created as required.
- (36) "Import" includes the transport of fish by a common carrier or out-of-state fish dealer or producer into the state, or at the request of a licensed wholesale fish dealer, but does not include fish being transported through the state to a destination in another state.
- (51) "Pounds" means the avoirdupois weight in pounds of fish in the round with head, gills and viscera intact, except with respect to chubs sorted for human consumption, menominee and whitefish, where it means the avoirdupois weight in pounds of dressed fish.
- (53) "Record" has the meaning given it in s. 29.503 (1) (cm), Stats.
- (56) "Snipped" means headless with viscera partially removed.

**NR 25.16 Lake trout tagging and identification.**

**(1) IMPORTING FOREIGN LAKE TROUT.**

- (a) No person may import or cause to be imported into Wisconsin any foreign lake trout by means of a boat authorized to be used under a license issued pursuant to s. 29.519 (1m), Stats.
- (b) No wholesale fish dealer or producer of fish may sell, buy, barter, trade, possess, control, transport or cause to be transported any domestic lake trout unless the fish is tagged with a valid, current commercial fish tag issued or authorized by the department. The tag shall be attached through the gills and mouth of whole or dressed lake trout. Producers of fish and their crew members may not possess filleted or chunked domestic lake trout on the ice or on board a boat.
- (c) All commercial fish tags issued or authorized by the department or by a governmental agency of another state or country, when severed from the lake trout are considered state property and may be claimed by the department within one year of the date they were severed.

- (2) FILLETED, PORTIONED OR SMOKED DOMESTIC LAKE TROUT.** Lawfully possessed domestic lake trout which are intended for smoking, portioning or filleting may have the tags removed immediately prior to smoking, portioning or filleting.

**(3) USED TAGS**

- (a) When lawfully possessed, lake trout which were tagged with a commercial fish tag issued or authorized by the department or by a governmental agency of another state or country and imported into this state are sold at retail or to a retail outlet, the wholesale fish dealer shall remove and retain the commercial fish tags. The department may reclaim such tags within one year at the wholesale fish dealer's place of business.
- (b) No person may reuse any commercial fish tag issued or authorized by the department or by a governmental agency of another state or country.

**NR 25.17 (1) RECORD KEEPING.** Licensed wholesale fish dealers who purchase fish outside of Wisconsin for sale within this state, are subject to the record keeping requirements of s. 29.503 (5), Stats.

**NR 25.17 (2) ANNUAL INVENTORY.**

- (a) Each wholesale fish dealer shall complete an annual inventory of Great Lakes fish and all species of sturgeon in possession, ownership or under control, including in cold storage facilities, and report that inventory to the department within 15 days of completion as required under s. 29.503 (5) (br), Stats. The inventory report shall be on forms available from the department and shall include shall include the species, condition and weight of fish, the location of the fish by street address, date of the inventory, wholesale fish dealer license number, signature of the licensee and any other information required on the inventory report form.
- (b) No later than 30 days after July 1, 2009, each wholesale fish dealer shall complete the inventory required by par. (a) and submit the inventory report to the department. At the time the initial inventory report is submitted, the wholesale fish dealer shall designate and advise the department of the month and day in which future annual inventory reports will be submitted. The wholesale fish dealer shall thereafter complete the inventory on an annual basis within 10 working days preceding that designated month and day.
- (c) Within 30 days after receipt of a new wholesale fish dealer license, the wholesale fish dealer shall complete an inventory of fish and submit an inventory report as required under par. (a). At the time the inventory report is submitted, the wholesale fish dealer shall designate and advise the

department of the month and day in which future inventory reports will be submitted. The wholesale fish dealer shall thereafter complete the inventory on an annual basis within 10 working days preceding that designated month and day.

- (d) Upon written request to the department, a wholesale fish dealer may request a change of the designated date for the annual inventory report submittal. The effective date for the change may not be more than 15 months from the previous designated inventory report submittal date. A change in the annual inventory report submittal date may not be requested more than once per 12 months.
- (e) A wholesale fish dealer who does not possess, own or control any Great Lakes fish or sturgeon on the date of the inventory shall submit the inventory report to the department as required by pars. (a) and (b) indicating that the wholesale fish dealer does not have any Great Lakes fish or sturgeon in possession, ownership or under control, including in cold storage facilities on the date of the inventory.

**NR 25.19 Vehicle identification requirements.** As required under s. 29.503 (4) (e), Stats., no wholesale fish dealer or producer of fish may transport or cause to be transported any fish unless the transporting vehicle or boat is clearly marked on each side of the vehicle or boat with the word "FISH" in letters of block characteristic at least 4 inches high and of contrasting color with the background, and the correct business name of the wholesale fish dealer or producer of fish in letters one inch high, all in the English language.