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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 305

Relating to: allowing a member of a group fishing party to catch a fish using the bag limit of another member.

By Senators Kreitlow, Decker, Olsen and Hansen; cosponsored by Representatives Zigmunt, Suder, Smith, Pridemore, Mursau and A. Ott.

September 23, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

September 30, 2009 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.
Absent: (0) None.

Appearances For

- Pat Kreitlow — 23rd Senate District

Appearances Against

- None.

Appearances for Information Only

- Joe Hennessy — WI DNR
- Tom Van Haren — WI DNR

Registrations For

- Ted Zigmunt — 2nd Assembly District
- Charles Weier — Wisconsin Federation of Great Lakes Sport Fishing Clubs

Registrations Against

- George Meyer, Madison — Wisconsin Wildlife Association

Registrations for Information Only

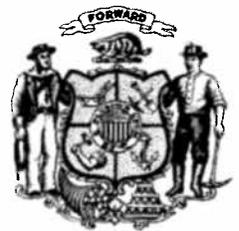
- None.

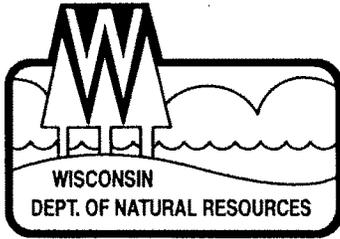
April 22, 2010 Failed to pass pursuant to Senate Joint Resolution 1.

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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DATE: September 29, 2009
TO: Committee on Transportation, Tourism, Forestry, and Natural Resources
FROM: Wisconsin Department of Natural Resources, Bureau of Fisheries Management
SUBJECT: 2009 SB 305; WDNR Bureau of Fisheries Management testimony

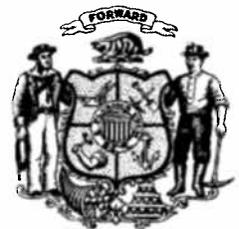
Dear Chairman Holperin and members of the committee,

Thank you for your time this morning, and for your interest in and concern for recreational angling in Wisconsin, and our shared intent of providing the most excellent fishing experience possible for anglers plying the waters of the state. Fisheries experts in the Bureau of Fisheries Management have discussed SB 305, and offer several points for your consideration in your deliberations of this bill.

- Bag limits in fishing are used as a tool to restrict and intentionally distribute harvest among more participants. This is in contrast to deer management, where one of the current objectives is control of herd size. Permitting group bagging would not improve the Department's tools for fish harvest management, and could compromise the effectiveness of one of its tools to a degree.
- Bag limits are a tool, along with seasons and length restrictions, used in recreational fisheries to control the rate of exploitation of fish populations. Varying success rates of individual anglers is both accounted for and addressed by bag limits. That is, while few anglers are skilled and lucky enough to consistently catch and keep a full bag limit, those instances of great success are moderated by a cap on the number of fish that may be harvested, which provides protection for fish populations and also serves to spread harvest among more participants. A group bag limit could result in more restrictive individual bag limits to account for additional harvest made by those individuals who are most successful, particularly in those cases where overharvest is a serious management concern.
- Neither the department nor state statute currently make any distinction between shore or boat anglers, tournament or non-tournament, or licensed or unlicensed anglers under the age of 16 in its application of fishing regulations. The principles of fisheries management underlying fishing regulations and the protections those regulations impart are important regardless of whether an angler is in a boat or fishing on foot.
- Should 2009 SB 305 be adopted, the Department would be responsible for holding public hearings in order to make changes in Administrative Code wherever references to group bagging or individual bag limits are referenced. Potential conflicts between the intent of the statute and public desires could arise, similar to those encountered in response to fishing-related provisions (i.e. creating a catch-and-release season for muskellunge in northern Wisconsin) included in 2007 Wisconsin Act 20 (the 2007-09 budget bill). After negative responses to those changes, this committee took action on 2009 AB 4 and repealed those provisions. Whereas a statutory change is not necessary to allow group bagging, an alternative approach the Committee could consider and one which would gather public input would be for the Department and Conservation Congress to develop an advisory committee or an advisory question for the spring, 2010 Department Rules and Conservation Congress Hearings.



WISCONSIN STATE LEGISLATURE



Department of Natural Resources
TESTIMONY - SB 305
GROUP FISHING
Tom Van Haren - Conservation Warden
September 30, 2009 10:00 am
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources
330 Southwest, State Capitol

Thank you Chair Holperin and members of the committee.

My name is Tom Van Haren, I am a Conservation Warden with the Department of Natural Resources, Bureau of Law Enforcement. I am appearing today along with Joe Hennessy from our Bureau of Fisheries on behalf of our department for informational purposes only.

The practice of catching or killing fish or game to fill someone else's bag limit has uniformly not been legal for hunting, fishing or trapping in Wisconsin, with only one exception. The one exception, as mentioned already, is for hunting deer with firearms, if hunting within visual or voice contact with one another.

Of the surrounding states, only one, Minnesota, allows group bagging for fish. However, unlike Wisconsin where a person is allowed to possess up to 2 Daily Bag limits, Minnesota prohibits a person from possessing more than 1 Daily Bag limit.

This may be Minnesota's way of counter balancing the effect of increased harvest that can result from group bagging and may be something that should also be considered here in Wisconsin.

Unlike this bill, Minnesota law allows group bagging even if not fishing from a boat, and does not allow group bagging for sturgeon taken by hook & line or for spearing, as this bill will allow.

Current Wisconsin law does not prohibit a group from fishing together or from commingling their catch. If a group of anglers want to fish together and place all their fish together in one bucket, basket or live well, they simply need to catch and keep track of their own individual daily bag limit.

The change proposed by this bill will create additional inconsistency in the fishing laws by allowing some anglers to catch more than their individual daily bag limit and not allowing others who hold the same license, are fishing the same season, on the same water and for the same species to do the same.

This bill does require each angler to be properly licensed. It is important to remember that anyone under the age of 16 resident or non-resident do not need to be licensed. As we understand this bill, it would be legal for one person in a boat to catch all the fish for every other person in the boat, including all those under age 16.

While the bill does require that the person for whom the fish are caught, to also be "ACTIVELY FISHING", the bill does not clarify what this means. Fishing is not an activity that always

requires the angler to be actively doing something, other than watching the line to see if a fish bites. Some forms of fishing do not even require monitoring a line or that the line be attended.

One might consider a person in a boat and who has a bank pole or setline set out for catfish somewhere, can simply be present in a boat while another in the boat catches all the panfish or game fish needed to fill both their bag limits? The person with the bank pole or setline may believe that they are actively fishing, and just waiting to go check their line which only needs to be checked once a day.

Or will actively fishing mean that the only time a person can catch a fish for another person, is when the 2nd person is actively holding or handling a fishing line? Either way, we believe it would be difficult to enforce the "Actively Fishing" component of this bill.

Current rules regulating fishing tournaments specifically state that any fish which a tournament angler does not immediately release, are considered part of that individuals daily bag limit.

There are a number other provisions in the fishing rules that state any fish taken and retained and not released back into the water, immediately after capture, shall be considered part of the angler's daily bag limit.

All these rules would need to be reviewed and amended accordingly, as it would be legal for these persons, including tournament anglers, to catch more than their individual daily bag limits, provided they have someone else in the boat.

If or when bag limits need to be further reduced, it will have the biggest impact on anglers who fish alone, or who only have the ability to fish from shore or on the ice.

When I started enforcing bag limits over 25 years ago, the state had relatively liberal statewide daily bag limits on many species. Anglers were allowed to catch 50 panfish, 5 walleye and 5 bass without size limit restrictions except for a few waters.

One thing I have observed over the years, is that while most anglers seldom catch the bag limit, there are some who are very efficient harvesters and account for a significant portion of the total fish caught. These anglers now how to catch fish and spend a lot of time doing it. Some are tournament anglers, but many just like to catch fish. Allowing group bagging probably benefit these anglers more than the average angler.

As fishing methods and equipment have advanced, many anglers have become better at finding and catching fish.

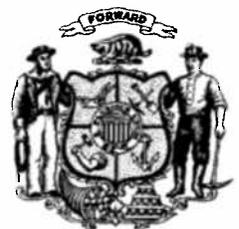
Ten years ago, the state reduced the statewide daily bag limit for panfish by 50%, from 50 to 25, in large part due to concerns from the public and fish biologists who were seeing panfish numbers dropping.

Today there are about 45 waters that have had bag limits for panfish, reduced even further, with most now set at 10 panfish.

Careful consideration should be given to the effects that group bagging for fish might have on fish populations, as well as daily bag limits, possession limit and size limits, if group bagging is to be made legal in Wisconsin.



WISCONSIN STATE LEGISLATURE



Zigmunt, Ted

From: TBITR@aol.com
Sent: Wednesday, September 30, 2009 11:09 AM
To: Sen.Holperin@legis.wisconsin.gov; staggm@dnr.state.wi.us
Cc: Rep.Zigmunt; tcgulash@sbcglobal.net; georgemeyer@tds.net; William.Horns@dnr.state.wi.us; Mike@leede.com
Subject: SB 305 (Bag Limit) Resource Committee Hearing, Madison Sept. 30, 2009

Senator Holperin, Chairman and Resource Committee Members:

I am unable to make attend your Hearing today concerning SB 305 (Bag Limits), but I want to assure you that our Federation of Great Lakes Sport Fishing Clubs representing some 3,500 members along the West shore of Lake Michigan, are in full support of the proposed Bill, SB 305 as presented today.

Respectfully,

Charles C Weier, President
Wisconsin Federation of Great Lales Sport Fishing Clubs