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# ROB SUMMERFIELD

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STATE REPRESENTATIVE • 67<sup>th</sup> ASSEMBLY DISTRICT  
MAJORITY CAUCUS CHAIR

November 8, 2023

Representative Pronschinske, Chair  
Members of the Assembly Committee on Sporting Heritage

## Testimony on 2023 Assembly Bill 430

*Relating to: the transportation of fish taken by hook and line.*

Chairman Pronschinske and Committee Members:

Thank you Chairman Pronschinske and committee members for hearing Assembly Bill (AB) 430, relating to the transportation of fish taken by hook and line.

Many of us have enjoyed the sport of fishing over the years. It can be enjoyed as a fun family outing or a competitive fishing contest. No matter how you enjoy the sport, fishing is a beloved pastime that our state treasures. It is also a great source of tourism in our state. In 2021, the DNR sold 1.43 million fishing licenses, including **360,981 to non-residents**.

Oftentimes, in order to keep and transport a fish, the fish must be a certain length. These length requirements are meant to be measured from head to tail. However, many people choose to fillet their catch at the lake or river before transporting it. There are even lakes that have cleaning stations on shore. This can be confusing because, without the original carcass, the DNR will consider the size of the fillet alone and not count the size the fish would have been before filleting it. Unfortunately, the fisherman can then be fined for breaking the size requirement when in reality the fish itself was the correct size. To further the confusion, many lakes have different or confusing minimum and maximum size requirements.

This bill will make it so the actual **fillets of the fish** would not have to meet size limits. Instead, a fisherman would be able to transport a whole or dressed or filleted fish if they can provide a photo that bears a time stamp and shows the fish's length against a ruler before the head or tail was removed. Keeping the fish carcass would not be required.

I have introduced an amendment to this bill that resulted from many discussions with the DNR. This amendment adds a privacy provision that clarifies that when a fisherman shows a DNR warden a photo of the fish to prove the length of the fish - that does not constitute consent for the warden to view any content on the cell phone other than the image of the fish. The amendment also rephrases the term "minimum size limit" to just say "size limit" in order to acknowledge that there are also maximum and slot limits.

As a state with a rich fishing culture, we should do what we can to clarify the rules and regulations of this great sport and not impose fines on our fishermen for senseless reasons. I ask that you join me in supporting this bill.



November 8, 2023

**Testimony on 2023 Assembly Bill 430**

*Relating to: the transportation of fish taken by hook and line.*

Thank you, Chairman Pronschinske and other members of the committee, for hearing my testimony today. Representative Summerfield and I started looking into this due to an instance a few years ago where a constituent of ours was questioned by a DNR warden about the length of his fish, due to the fish fillets in his possession.

Different bodies of water and fish species around our state have different catch and length requirements. Wisconsin law currently requires anglers to keep the entire carcass of a fish to prove its length. However, keeping a fish carcass on hand to prove its length isn't the most convenient option. AB430 provides a solution by allowing anglers an extra measure of evidence that their fish was the proper size by taking a photograph.

Under this bill, a dressed or filleted fish may be transported if the possessor provides a physical or digital photo, containing a time and date stamp that shows the fish in question before it was dressed alongside a ruler or other acceptable measuring method. Most people nowadays carry a phone that is able to easily take a photo that contains a time stamp in its file data. This will help fishermen and women to give DNR proof their fish was long enough, while allowing for greater ease in cleaning fish and taking them home. We hope this will allow the fishing community to make greater use of the fish cleaning stations around the state, not only to dispose of guts, but skeletons, heads, and tails as well.

In short, this bill will make it so that if there is a head and tail, no photo is needed to transport. If no head and tail, a photo will be needed to prove the length of the fish. The substitute amendment to this bill provides some DNR suggestions and changes. We replaced the term "minimum size limit" with "size limit" to also acknowledge maximum and slot limits. The amendment also ensures privacy if a person chooses to hand over their phone to DNR personnel – the warden will only have permission to view that related photograph.

We hope that adding this option can be an innovative way to make sure our fish populations are being preserved while also making taking the catch home easier for our anglers. Thank you.

Respectfully,

Senator Jesse James



## Assembly Committee on Sporting Heritage

### *2023 Assembly Bill 430*

### *Transportation of Fish Taken by Hook and Line*

*November 8, 2023*

Good morning, Chair Pronschinske and members of the committee. My name is Lieutenant Matthew Wehn, and I am the Law Enforcement Policy Officer for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on 2023 Senate Bill 4430, related to transportation of fish taken by hook and line.

Current law restricts the transportation of a fish with the head or tail, or both, removed or a filleted fish, if that fish is subject to a minimum size limit and taken by hook and line from inland waters or outlying waters. Under current law, such a dressed or filleted fish may be transported only if it continues to meet the minimum size limit.

The proposed legislation would allow for a second method of verification that a transported fish meets the size limit. A dressed or filleted fish could also be legally transported if the angler provides, upon request, a physical or digital photograph that bears a stamp of the time and date on which the photograph was taken and that shows the fish before the head or tail was removed alongside a ruler or other method acceptable to the Department of Natural Resources for proving its length.

Regulations related to size limits and the enforcement of size limits are important. The sizes are determined based on biological data and direct angler harvest to a specific subset of the population, such as mature fish, small and overabundant fish, or trophy-sized fish. Adherence to the size limits is important for managing fishing pressure and fish population impacts to ensure that good fishing exists into the future.

There are challenges with the use of a photographs as verification methods. Images are not perfect and can be manipulated. Additionally, the providing of an electronic device, most likely a cellular telephone, for review by a law enforcement officer may have privacy implications.

However, the way we regulate hunting and fishing must adequately adapt to the changes in equipment, tactics, and sentiments of hunters and anglers. The same way having to transport the carcass may be unreasonable for people at a temporary abode like a hotel or campground. Additionally, if guide services or other businesses offer to fillet fish and properly dispose of the carcasses while sending customers home with their fillets and properly documented photographs, it only helps the sport and those businesses serving the angler community.

The current language became law in 1987, and since then, fishing regulations have become more complex. Besides minimum length requirements, regulations now include slot limits; longer than a minimum length but also shorter than a maximum length; and maximum length limits (i.e., five trout under twelve inches).

The department worked collaboratively with the bill author to identify amendments to this bill to address complex size requirements and privacy concerns associated with an individual showing their phone to a law enforcement officer. We greatly appreciate their willingness to work with us and address our concerns.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. I would be happy to answer any questions you may have.

November 8, 2023

Dear Chairman Pronschinske and other committee members,

Thank you for allowing me to provide testimony on AB430 today. I am a resident of Anson Township in Chippewa County. This problem started since the inception of the law, but most fishing persons either do not know the law exists or it is not practical to abide by this the law.

I am a very avid fisherman and at 62 years old I just learned of this law a few years ago. This law means any person who cleans a fish at a campground, resort, their own cabin, or cleaning station is in violation the minute they place a fillet in their vehicle to travel home without the carcass. Who is able to keep the entire carcass of the fish in the summer heat when they are on a weekend getaway or on vacation at a resort, campground, or a cabin? Who has that much freezer or cooler space when they are on vacation?

Many public boat launches especially around the Great Lakes have beautiful fish cleaning stations with **fish grinders**, built and maintained by the city or county, just to be in violation of the current law the minute you start driving away from the fish cleaning station whether you are a local resident in the area or on a vacation.

A few years ago, my son and I was checked by a warden in the Oconto, Wisconsin area when fishing walleyes on Green Bay, the warden asked where we were staying and how many walleyes we had in possession at our camper. We told him 8, our total possession limit was 20 and we did not keep any fish that evening. He told us that we could be fined since we did not have the carcasses. Then he asked how they were packaged. We told him each fish was packaged individually with skin attached for identification. He liked that they were individually packaged and dated. After discussing the law with the warden and that it is not practical to save the carcasses, he somewhat agreed and he said how about filleting the fish and leave the tail on the fillets. I said that I can do that. But that doesn't mean the next warden will agree with what he said and be acceptable. If the photo option would be passed into law, this would be an option where there cannot be any argument and be legal.

Here is what some of our neighboring states have for regulation:

**Minnesota.** Fish must be packaged for transport "in such a way that they can be readily unwrapped, separated, identified and counted" and "fish may not be cut into more than two fillets 8". Bullhead, sunfish, and crappie "may be filleted without leaving a patch of skin." Unless packaged by a licensed fish packer, "sauger without head and tail intact will be counted as walleye." Fillets from all other species are required to have "a 1-inch square patch of skin with scales intact from a portion of the body other than the belly."

**Michigan. None.**

**North Dakota.** Unless size limits apply, fish may be filleted for transport if "each individual portion of the meat removed from a fish is considered a fillet (fish cheeks and pectoral girdles (wings) are not considered as fillets and are legal to transport)."10 Two fillets count as one fish. Additionally, fish must be packaged so that the "fillets can be readily separated and counted"

and frozen fillets “must be packaged so that the fillets are separated and thus can be easily counted without thawing.”

**Iowa.** Fish may not be transported on any waters of the state unless it “can be identified easily by a portion of the skin (at least one square inch) including the scales left on each fish or fillet” and its length “can be determined when length limits apply.”

**Canada.** Package fish so they can be easily counted and identified. Package each fish individually, or arrange fillets spread flat in a clear freezer bag. Leave a large patch of skin and scales on fillets so conservation officers can identify the species.

We need legislation to address this because I feel most sports people are law abiding citizens and try abide to the laws. Our state needs a better way to legally transport fish without keeping the carcasses which is not practical or possible in 90-degree heat for a week. I will not put stinky spoiled carcasses in my car for a long ride home nor can I believe you would. Wisconsin is considered a great tourism state where sportspeople spend millions and millions of dollars in our state on fishing. This current law is no way to treat residents or non-residents. See above on the fish transportation laws from states near us. Please pass this amendment to the current law so honest people can abide by the law. Thank you for your consideration of AB430.

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