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# THOMAS WEATHERSTON

STATE REPRESENTATIVE • 62<sup>ND</sup> ASSEMBLY DISTRICT

## **Testimony on AB 104 before the Committee on Natural Resources and Sporting Heritage, March 29<sup>th</sup>, 2017**

Mr. Chairman and members of the committee, thank you for holding this hearing on AB 104.

This bill would allow private property owners to leave unattended decoys in a body of water as long as it is self-contained, has no public access, and is entirely surrounded by their own property. Generally, this will apply to ponds and other small bodies of water. Current law declares all unattended decoys in the water as being public nuisances which means that they may be confiscated by DNR wardens. It is legal to leave decoys unattended on dry land in Wisconsin currently.

At the 2011 spring hearing the Conservation Congress adopted a resolution supporting changing the rules to allow unattended decoys to be left in water surrounded by private lands. It was again voted on by the Conservation Congress in 2015 and approved by a vote of 1847 to 1548, with 75% of the counties in support of the idea.

This bill will bring the law into conformity with other states in the region. Decoys are commonly used to hunt waterfowl in Wisconsin and other states located in their migration path, also called the flyway. Unattended decoys are allowed on private property in most other flyway states, including neighboring states Minnesota, Michigan, Iowa, and Illinois.

Because this bill only applies to bodies of water with no public access, there will never be a concern about one hunter unfairly reserving a spot and excluding another. Only the owner would ever be able to utilize the area, so there can be no conflict. Ultimately, this bill is about allowing a land owner to use their own property in a way that would not interfere with anyone else.

Thank you again for holding this hearing on AB 104.



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Dale Maas, Secretary  
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03/29/2017

Re: AB104

### Assembly Committee on Natural Resources and Sporting Heritage

Thank you for this opportunity to speak to you today. I'm Al Shook from Waukesha County and I am here testifying in support of this legislation on behalf of the Wisconsin Conservation Congress. In addition to being the Vice-Chair of the Congress, I also Chair of the WCC's Migratory Advisory Committee.

The Congress supports AB 104. This issue has come before the WCC Migratory committee and the Wisconsin citizens on two separate occasions.

In 2011 the idea of unattended decoys on water surrounded by one-owner private land was discussed at great length. Among the things of greatest concern were the "Public Trust Doctrine" and law enforcement issues on other water. A motion to advance the question out of the WCC Migratory Committee passed by a narrow margin, 9 yes 8 no. The statewide vote was 2,389 yes-1,916 no (53 counties yes, 18 no, 1 tie).

In 2014 this idea came before the Migratory Committee again. Issues from 2011 did not come up again. The main discussion was concerning private property rights. The Migratory Committee advanced this idea again, this time by a voice vote. The Statewide vote at the Spring Hearing in 2015 was 1,847 yes-1,548 no (54 counties yes, 15 no, 3 tie).

Although the vote was closer in 2015, it continued to have the support of the public.

Thank you again for the time to speak to you today.

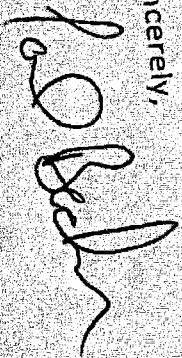
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March 24, 2017

Decoy Bill  
Unattended decoys

Decoy Bill:

What we currently have in Wisconsin is not allowing decoys to sit in water unattended. This was put in because public water used for hunting could somehow be claimed by hunter leaving their decoys out for hunting, thus having a good spot. Much like the tree stand rule on public land. However on private land there is no "Clamming" a spot because it is already owned. On dry land decoys can already be left out and is common practice. We are asking for water that is non navigable and sole ownership be allowed to leave decoys unattended. Please allow this change.

Sincerely,



Paul Becker