

DATE: December 21, 2007

FILE REF: 3600

TO: Natural Resources Board Members

FROM: Matthew J. Frank

SUBJECT: FH-22-06 Fishing Tournament Regulation

BACKGROUND

In April 2007, summaries of 1) the results of the Bass Fishing Tournament Pilot program, and 2) the comments received during public hearings and the public comment period were presented to the Natural Resources Board. In response to these presentations, the Natural Resources Board instructed the Department to obtain additional input from the Fishing Tournament Advisory Committee (FTAC) specifically related to the tournament fee structure and the July-August ban on “catch-hold-release” tournaments and to modify the proposed rules as appropriate. The following rule takes into account all previous public input including input gathered during the FTAC meeting that occurred June 2007.

Increased participation in fishing tournaments in Wisconsin has led to growing concerns about tournament impacts on fish and on other anglers and boaters. In 2004 and 2005 approximately 20,000 anglers competed in fishing tournaments with prize values in excess of \$2 million each year. This rule exercises authority granted the Department in Wisconsin 2003 Act 249 to promulgate rules to establish a program to authorize and regulate fishing tournaments.

The proposed rule revisions were developed with substantial input from the fishing tournament advisory committee (FTAC), established in July 2004 by the Department as required by 2003 Wisconsin Act 249, as well as from comments provided during the public comment period and during public hearings. The Department concurrently established an internal fishing tournament working group (WG) that provided substantial input into these rule revisions. The Department is authorized in 29.403, Stats. to promulgate rules for authorizing and regulating fishing tournaments. This rule proposal includes definitions of various types of tournaments, rules regulating the number and size of tournaments on different sizes of waterbodies, permit conditions, and permit fees.

The FTAC consists of fishing tournament organizers, members of the Conservation Congress, members of sport fishing organizations, and users of the lakes and streams of this state. The WG consists of department fisheries, watershed, law enforcement, and legal services staff. The FTAC has met twelve times between August 2004 and June 2007, six of those with the Department’s WG. The groups focused on the specific authorities as provided in 2003 Wisconsin Act 249 in developing revised tournament rules.

SUMMARY OF THE RULE

APPLICABILITY – Applicability section added to NR 20.40, Wis. Adm. Code.

DEFINITIONS

- Create a new definition of aquatic invasive species for s. NR 20.40, Wis. Adm. Code - "**Aquatic invasive species**" means non-indigenous water or wetland-dwelling organisms or their hybrids whose introduction into aquatic ecosystems causes or is likely to cause adverse economic, recreational or environmental impacts or harm to human health. – Currently found in s. NR 198, Wis. Adm. Code - AQUATIC INVASIVE SPECIES CONTROL GRANTS.
- Create a new definition of aquatic invasive species for s. NR 20.40, Wis. Adm. Code - "**Aquatic plant**" means a submergent, emergent, or floating-leaf plant or any part thereof. "Aquatic plant" does not mean wild rice. – Currently found in s. 30.715, Stats - PLACEMENT OF BOATS, TRAILERS, AND EQUIPMENT IN NAVIGABLE WATERS.
- Amend the definition of a "**Fishing tournament**" to make it more general/broad – "Fishing tournament" means any organized fishing activity, on any water of the state where competition is the primary intent, and where prizes or incentives are awarded.
- Create new definitions for NR 20.40, Wis. Adm. Code which refer to specific types of tournament formats, processes, and regulatory categories:
 - "**Immediate-release tournament**", "**Catch-hold-release tournament**", "**Live well**", "**Off-site weigh-in**", "**Open water fishing**", "**Permitted fishing tournament**", "**Permitted fishing tournament boat days**", "**Possess**" or "**Possession**", "**Prizes**" "**Traditional fishing tournament**", "**Weigh-in**"
- Change the term "**Sponsor**" to "**Organizer**" but maintained the definition currently found in NR 20.40, Wis. Adm. Code.

PERMIT REQUIRED

- Establish new tournament permit requirements (If any of the following are true).
 - Require a permit for all tournaments consisting of 20 or more boats or 100 or more participants on lakes, rivers, Great Lakes, and WI-MN and WI-IA boundary waters.
 - Require a permit for all tournaments that target trout on classified trout streams.
 - Require a permit for all "catch-hold-release" tournaments with an off-site weigh-in.
 - Require a permit for all tournaments with prizes of \$10,000 or more.

NO PERMIT REQUIRED

- Exempt the permit requirements for tournaments with fewer than 20 boats (open water) or 100 participants (ice or shore fishing), if they are not targeting trout on classified trout streams, if they do not include an off-site weigh-in, and if prizes are less than \$10,000.
- Tournaments that are regional or statewide in nature do not require a permit.

FISHING TOURNAMENT PERMIT FEES

- The Department estimates that the cost of the fishing tournament permit program will be approximately \$33,000 annually for permit application review and approval, fishing tournament catch report review, and fishing tournament database entry. The previous estimate of \$76,000 included costs associated with law enforcement and data collection. Upon review of public comment and those provided by the FTAC, these two costs have been removed from current cost estimates. In addition to the annual cost of the fishing tournament permit program, the Department has committed to recover the cost of the bass fishing

tournament pilot program not covered by donations and associated matching funds, totaling approximately \$90,000.

FISHING TOURNAMENT PERMIT APPLICATION

- The permit application will specify an individual responsible for supervising the tournament.
- The non-refundable permit application fee will be \$25 when the format of the tournament is “immediate release”, has prizes less than \$500 or targets salmon on Lake Michigan, Green Bay, or Lake Superior.
- The non-refundable permit application fee will be \$100 when the format is “catch-hold-release” or “catch and kill” and where total prizes provided to tournament participants is between \$500 and \$9,999.
- The non-refundable permit application fee will be \$200 when the format is “catch-hold-release” or “catch and kill” and where total prizes provided to tournament participants is \$10,000 or greater.
- A non-refundable surcharge of \$2/participant will be charged to tournaments targeting largemouth and/or smallmouth bass and the format is “catch-hold-release” or “catch and kill” for a period of 6 years.
- There will be no fee for fishing tournaments where all participants are under 18 years of age or are physically or developmentally disabled.

FEE SPENDING AUTHORITY

The statutory language created in 2003 Wisconsin Act 249 did not provide the department with additional earmark fee authority. Thus fees collected will be deposited into the segregated fish and wildlife account. The department will request authorization to spend it on tournament costs in the department’s biennial budget requests.

PERMIT APPLICATION PROCESS

- Establish a permit application process:
 - Department begins accepting permits **April 1** for the following calendar year.
 - Applications received **April 1** – the **June 30** are subject to a lottery drawing if monthly limits are exceeded. The department must notify the applicant that the event is subject to drawing and allows the applicant 7 days to change date or location.
 - **Traditional fishing tournaments** are not included in the drawing unless they are competing with other traditional fishing tournaments for limited fishing tournament permits for a body of water (i.e. “grand-fathered”).
 - Applicants are notified by **August 1** of approval or denial of permit (based on lottery drawing results).
 - Applications received after **June 30** will be approved in a first come first served fashion. Approved permits are issued if limits are not exceeded, but must be received at least 30 days prior to event.
 - Requires organizers to notify local units of government within which the access site or tournament headquarters is located of their approval to conduct a tournament, including the date, time, and size of the event.

COMPLIANCE

- Minor changes were made to the compliance section to aid in clarifying what may constitute a violation of fishing tournament regulations:
 - Require all participants to comply with all permit conditions.
 - Require organizer to expel a participant that fails to comply.
 - Require organizer to provide a copy of the permit and tournament rules to all participants.
 - Provide inspection authority to Conservation Wardens.

LIMITS ON SIZE AND NUMBER OF FISHING TOURNAMENTS

- Establish a maximum size (number of boats per day) an open-water fishing tournament can be based on lake size categories.
- Establish monthly maximums for fishing tournaments.

LAKE OR CHAIN SIZE (ACRES)	MAXIMUM DAILY NUMBER OF BOATS ALLOWED FOR OPEN WATER FISHING TOURNAMENTS	MAXIMUM MONTHLY NUMBER OF PERMITTED FISHING TOURNAMENT BOAT DAYS	MAXIMUM DAILY NUMBER OF PARTICIPANTS ALLOWED FOR PERMITTED ICE FISHING TOURNAMENTS	MAXIMUM DAILY NUMBER OF CONCURRENT PERMITTED FISHING TOURNAMENTS
1. Less than 100	0	0	50	1 (ice fishing only)
2. 100 – 449	25	50	150	1
2. 450 – 999	50	300	500	1
3. 1,000 – 4,999	125	1,125	1,000	2
4. 5,000 – 9,999	150	2,400	1,500	2
5. Larger than 10,000	Determined by actual acreage (1 boat/50 acres)	3,000	No Limit	No Limit

- **Maximum number of boats** allowed daily is calculated as the (top-end of category acreage) divided by (number of acres per boat)*75%. Number of acres per boat are defined in NR1.91(4)(b) as follows: 5000+ acres = 1 boat/50 acres, 1000-4999 acres = 1 boat/30 acres, 450-999 acres = 1 boat/25 acres, and 100-449 acres = 1 boat/15 acres.
- **Maximum number of days** and **maximum number of tournaments** were arbitrarily selected for use in calculations.
- Establish a maximum number of concurrent permitted fishing tournaments (open water and ice fishing) that can take place based on lake size categories (<1,000 acres - one; 1,000 – 10,000 – two; >10,000 - no limit).
- Provide the department with the ability to permit tournaments on lakes smaller than 100 acres if it determines the event will promote public awareness of fishing and the state's resources

and conforms to best management practices for the lake; or is a traditional fishing tournament.

- Specify how tournament maximums will apply to lake chains. Permitted fishing tournaments may engage in fishing activities in lake chains or connected lakes but the organizer must select lake where the primary fishing activity or weigh-in will take place.
- Establish for boundary water lakes, the limits related to the number of permitted fishing tournaments shall be determined based on the Wisconsin acreage.
- Establish monthly maximum number of tournaments on rivers. Mississippi River maximums are the same as those used by MN. The Fox, Wolf, and Wisconsin River maximums are the same as the St. Croix (WI-MN) based on their similarity.
- Establish a limit for permitted fishing tournaments on the Mississippi River of no more than three pools.
- Establish specific boundary for fishing tournaments on Lake St. Croix (HWY 10 bridge at Prescott upstream to the Acola Bar).
- Establish monthly limits for other rivers (2 per month per segment).

ADDITIONAL FISHING TOURNAMENT PERMITS

- Establish a procedure by which additional tournament permits may be issued above monthly maximums for waters larger than 1,000 acres.

DISPOSITION OF DEAD FISH

- Require permit applicants to provide and execute a plan for disposition of dead fish that result from the fishing tournament for a period of 48 hours.

GENERAL PROVISIONS AND PERMIT CONDITIONS

- No person may organize fishing tournaments on the same waterbody with starting dates separated by less than 2 weeks.
- Establish general authority for the department to deny permits to protect fisheries resources.
- Prohibit permitted fishing tournaments during the opening weekend of a fishing season of a particular species if the fishing tournament targets that species, the three-day Memorial Day weekend, Fourth of July, and three-day Labor Day weekend. Allow an exemption for traditional fishing tournaments.
- Allow the department to require tournament organizers to make alternative parking arrangements to ensure reasonable public access to the water where a permitted fishing tournament is being conducted and provide the plan to the department upon request.
- Require consistent and obvious marking of tournament boats.
- Establish criteria to be followed by tournament participants in order for an event to be considered an “immediate-release tournament”. The criteria specify what type of fish handling can be conducted on the water without constituting possession.
- Establish restriction for “catch-hold-release” tournaments.
 - No catch-hold-release tournaments for muskellunge, northern pike, sturgeon, or trout with an off-site weigh-in.
- Establish standards for fish holding equipment and fish handling procedures for “catch-hold-release” tournaments.
 - Boats must have working live wells.

- If utilized, on-shore holding tanks used to hold fish during the weigh-in process must have the capacity sufficient to hold at least 1 gallon of water per pound of fish held.
- The holding tanks on shore are equipped with aeration or oxygenation systems that maintain the dissolved oxygen at 5 ppm or higher.
- Allow the department to specify other fish holding and handling conditions.
- Require approval of an off-site weigh-in.
- Establish a reduced daily bag limit for walleye and bass when water temperatures are likely to be high enough in some waters to increase delayed mortality.
- Provide authority to write conditions to prevent waste of the resource when environmental conditions warrant, including:
 - Department may restrict area fished, distance traveled by anglers, or time that fish are held in live wells.
 - Department may require redistribution of fish after weigh-in.

USE OF TAGGED FISH

- Provide a process for allowing the use of tagged fish.
 - To enhance collection of data for management purposes as part of a scientific study, or
 - The tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the Department under s. 29.736, Stats., and s. NR 19.05, Wis. Adm. Code.

REGULATION OF AIS

- Specify that all participants must comply with current laws regarding aquatic plants and AIS, found in s. 30.715, Wis. Stats, and all rules promulgated under that section. Aquatic invasive species are defined in ch. NR 198, Wis. Adm. Code as non-indigenous water or wetland-dwelling organisms or their hybrids whose introduction into aquatic ecosystems causes or is likely to cause adverse economic, recreational or environmental impacts or harm to human health.
- Require that prior to the tournament, fishing tournament organizers inform all tournament participants of procedures recommended by the Department to clean and decontaminate boats and equipment of aquatic vegetation and invasive species.
- Provide Department authority to write other conditions to prevent the spread of AIS.

POLICY IMPACTS

The proposed rule revisions result in a policy change as it relates to the regulation of fishing tournaments in Wisconsin. The fishing tournament permit system currently in place provides some minor regulatory authority to the Department, but was originally created to obtain information through permitting relating to the extent and nature of tournament fishing in Wisconsin. 2003 Wisconsin Act 249 provides the authority to specifically regulate the activity of tournament fishing, and thus these rule revisions provide many more regulations for fishing tournaments, while maintaining information gathering components. Increased regulation will likely result in Department staff spending more time on fishing tournament issues, thus making them a larger part of programs such as fisheries management, law enforcement, watershed management, and legal services.

PREVIOUS ACTION

In 1980, the Natural Resources Board policy on fishing tournaments included the following, “Sport fishing should remain a true amateur sport which combines the pleasures and skills of angling with wildlife and scenic enjoyment, contemplation, and other subtle pleasures, not competition. Recent trends toward commercialization of sport fishing through contests and tournaments will be closely monitored. Appropriate action within the existing authority will be taken to control excess”. After this policy statement, during the 1980’s, the Department worked with the Wisconsin Council of Sport Fish Organizations pursue self-regulation and self-sanctioning by tournament organizations.

In 1990, the Natural Resources Board Ethics and Fair Chase Committee recommended the following. “Unless it can be conclusively shown that delayed mortality is not having a negative impact on the resource, fishing tournaments should be banned.” If there is determined to be no impact then the Fair Chase Committee recommended that fishing tournaments should be licensed and regulated, the number of tournaments restricted, and the size of prizes regulated. A minority report recommended simply using guidelines provided by the Wisconsin Council of Sport Fish Organizations.

In 1991, the Natural Resources Board Tournament Fishing Committee Report was issued and suggested that the “NRB does not advocate or promote any individual fishing contest, but recognizes competitive fishing as a legitimate activity”. The report went on to recommend a permit program covering the number of boats and participants, protection of critical habitat, catch and release protocols, and sponsor responsibilities.

In 1994, the Natural Resources Board adopted NR 1.01(9) which states that sport fishing shall be managed in such a way that all have an equal opportunity to safely enjoy the aquatic resources regulated to the extent that: (NR 1.01(9c)) the social, biological, and economic values associated with recreational fishing, competitive and non-competitive, are recognized.

In May of 1994 the current tournament permit system was implemented. The system includes the following 1) permits are free, 2) permits are required for tournaments consisting of more than 20 boats or 40 individuals, and have prizes greater than \$500, 3) no permitted fishing tournaments are allowed on opening weekends, 4) fishing tournaments can be no longer than 3 days in duration, 5) no tournament fishing is allowed in specified critical habitat, and 6) the Department can specify catch and release protocols.

In 1999, Assembly Bill 423 which provided the Department with rule making authority related to fishing tournaments failed to be passed.

Another attempt at providing the Department with rule making authority related to fishing tournaments in the form of Assembly Bill 718, failed to be passed.

In 2003, Assembly Bill 569 allowing culling in bass fishing tournaments failed to be passed.

In 2003, Assembly Bill 623 was passed as 2003 Wisconsin Act 249 which granted the Department of Natural Resources rule making authority related to fishing tournaments with the amendment creating the bass fishing tournament pilot program.

In February 2005, the Natural Resources Board adopted live well standards and other rules (FH-55-04) for the bass fishing tournament pilot program.

In August 2006, the Natural Resources Board deferred a request for authorization to hold public hearings for FH-22-06 pertaining to fishing tournament regulations until the rule was modified to address the concerns expressed by the Natural Resources Board.

In September 2006, the Department altered the rule to reflect concerns expressed by the Natural Resources Board and the Natural Resources Board approved authorization for public hearings for FH-22-06 pertaining to fishing tournament regulations.

In April 2007, summaries of 1) the results of the Bass Fishing Tournament Pilot program, and 2) the comments received during public hearings and the public comment period were presented to the Natural Resources Board. The Natural Resources Board instructed the Department to obtain additional input from the Fishing Tournament Advisory Committee (FTAC) specifically related to the tournament fee structure and the July-August ban on “catch-hold-release” tournaments.

IMPACTS ON THE PUBLIC

The proposed rules will have minimal impact on most members of the public. The rules apply to tournament organizers and tournament anglers.

RESPONSE TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

The Department has changed or clarified all of the portions of the rule based on the Clearinghouse Report with the following exceptions:

1. Clearinghouse Report Comment: The rule proposes a fishing tournament participant fee of \$10 in s. NR 20.40 (5) (d). The statute grants express authority for the department, in s. 29.403 (3) (p), Stats., to promulgate rules specifying fees for fishing tournament permits, and for training or educational programs, including reduced fees in appropriate circumstances. The statute contains no other provision regarding fees. The question regarding statutory authority is whether the department has authority to adopt a participant fee, as in s. NR 20.40 (5) (d). On one hand, the department has arguably broad authority under s. 29.403 (1), Stats., to “promulgate rules to establish a program to authorize and regulate fishing tournaments,” which could include participant fees. On the other hand, s. 29.403 (3), Stats., commences with an introductory paragraph that states “the rules promulgated by the department under sub. (1) may include any of the following:”, followed by a list of specific terms. The use of “may” and “include” in the statute suggests that the rule may also include other provisions than those in the list. However, the list is unusually lengthy and specific, and does not include a provision for participant fees. It may be argued that the lengthy list of authorized rule provisions is evidence of legislative intent that the Legislature did not intend to authorize the department to require fees for participants, as well as for the fishing tournaments. The department should review its statutory authority carefully to determine whether the statute authorizes a fishing tournament participant fee.

Department Response: In response to concerns from the Clearinghouse report and from Department staff, the participant fee portion of the rule has been deleted.

2. Clearinghouse Report Comment: It is difficult to know what an applicant is required to do with dead fish. That statute is fairly vague. Is it possible to provide more specific guidance regarding the disposition of dead fish?

Department Response: The most appropriate or acceptable means of disposing fish will likely vary greatly depending on the location, time of year, time of day etc. Therefore, the Department feels that staff issuing fishing tournament permits and the tournament organizers should be given latitude in this regard.

3. Clearinghouse Report Comment: In section (10) (g) 7, the rule give the Department the authority to include permit conditions regarding fish handling requirements for live-release tournaments, and in section (10) (g) 8, the rule specifies permit conditions for live-release tournaments. Should these provisions be combined?

Department Response: The Department feels that these provisions should remain separate. The intent was for the first provision to relate to handling requirements of fish during a weigh-in and the second provision to relate to handling requirements of fish during the operation of the tournament. However, additional text has been added to clarify this distinction.

4. Clearinghouse Report Comment: The penalty provision in s. NR 20.40 (15) requires the department to deny a permit application for two years after the department determines that a person has failed to comply with a fishing tournament permit or the rules related to tournament fishing. This provision does not contain any information on when and how the department must make this determination in order for the penalty to apply.

Department Response: Sec. 29.403(5), Stats., is clear in what may result in the revocation or suspension of tournament privileges and that the Department may not issue a tournament permit to a person who violates tournament requirements for a period of 2 years from the date of the permit denial or revocation. Consequently, the Department feels that a rule is not needed at this time to interpret the statutory penalty section.

PUBLIC INPUT SYNOPSIS

The regulation of fishing tournaments in Wisconsin is a controversial and in many cases, polarizing issue. There was relatively strong opposition to the previously proposed rules from both the FTAC and the public who submitted oral and written comments during the public comment period and during public hearings. Upon receiving direction from the NRB in April 2007, reviewing public comments, and considering input from the FTAC, the Department has made several key changes to the proposed rules. In addition, four County Board resolutions in opposition to the previously proposed rules were received by the Department after the public comment period was closed. It is unlikely that all stakeholders will be satisfied with the currently proposed rules; however, it is the opinion of the Department that the proposed rules represent a reasonable compromise between those who wish fishing tournaments to be heavily regulated and those who wish them to be completely unregulated.

General Summary of Public Comments

A total of 731 individuals, groups, or organizations provided one or more comments in one or more forms (e.g. hearing testimony, written comments, email comments, et al.). A total of 1,863 individual comments were logged.

Input Types. - There were 480 individuals, groups, or organizations that registered at one or more of the public hearings and 174 provided testimony at one or more hearings. A total of 244 individuals, groups, or organizations submitted one or more comments via email; 50 individuals, groups, or organizations sent one or more comments via US mail; and 54 individuals, groups, or organizations sent form letters.

Rule Categories. – Six rule categories were created based on different components of the rule proposal. The categories are shown in the table below. For the purpose of summarizing general position on the proposed rules, the numbers reflected in the table refer to the number of individuals, groups, or organizations that commented and not the number of comments. One individual, group, or organization may have made multiple comments (in different forms/types) on the same rule category.

	For	Opposed	Unspecified	Total
<u>General Position on Rules</u>				
Number	74	528	101	703
Percent	11%	75%	14%	
<u>Permit Application Process</u>				
Number	21	40	8	69
Percent	30%	58%	12%	
<u>Tournament Permit Fees</u>				
Number	43	189	6	238
Percent	18%	79%	3%	
<u>Limits on Tournament #s</u>				
Number	28	90	3	121
Percent	23%	74%	2%	
<u>July-August Live Release Ban</u>				
Number	41	220	13	274
Percent	15%	80%	5%	
<u>AIS Plan Requirement</u>				
Number	29	70	21	120
Percent	24%	58%	18%	

General summary of the Fishing Tournament Advisory Committee (FTAC) meeting (20 June 2007) meeting

The rule proposals that went to public hearing resulted in part from input gathered at previous FTAC meetings. There was no consensus of the FTAC on many items but their input was valuable in producing the previously proposed rules. The FTAC met again on June 20th 2007 at the DNR South Central Regional headquarters in Madison to obtain the group's input in response

to two specific questions as advised by the NRB in April 2007. The following FTAC members were in attendance: Andrew Fayram (WDNR), Dan Brovarney (Wisconsin Bass Federation Nation), Steven Hjort (Wisconsin State Bass Federation), Tami Jackson (Wisconsin Association of Lakes), Bob Miller (Wisconsin Wildlife Federation), Steve Poll (World Walleye Association), Chuck Rolfsmeyer (National BASS Federation), Bob Selk (Trout Unlimited), Brett Stapelmann (Wisconsin Bowfishing Association), Steve Winters (Wisconsin Smallmouth Alliance), and Warren Zaren (CAST). The following members were absent: John Aschenbrenner, Craig Bender, Roger Dreher, Joel Everts, Michelle Kilburn, Ted Lind, Steve Lindahl, Jim Schommer, and Ken Snow. Although past membership of FTAC in some cases included more than one representative from a particular group, in the interest of efficiency, only one representative from each group was allowed to provide direct input as a formal committee member. The facilitators, Dennis Schenborn (WDNR) and Sue Acre (WDNR), took the group through a process which involved setting some ground rules as a team; gathering information on solutions to the two issues (questions) brought forth by the Natural Resources Board through discussion and round robin participation; and then voting on the suggested solutions coming to a consensus on which issue(s) the FTAC members favored. The two questions were: 1) What alternatives to the “July-August live release format ban” address the increased mortality of fish due to stress at higher water temperatures? and 2) What are the alternatives for how the tournament organizers and participants can raise \$94,000/year to fund the Program? The input gathered at this meeting is presented below in the appropriate sections. Note: the previous estimate of \$94,000 included law enforcement costs and data collection costs and was structured to recover the cost of the Bass Fishing Tournament Pilot Program in five years. The current estimate of approximately \$48,000 does not include law enforcement or data collection costs and recovers the cost of the Bass Fishing Tournament Pilot Program in six years.

General summary of County Board Resolutions

Four very similar County Board Resolutions were received by the Department. In general, the resolutions express the desire for the Department to refrain from charging fees for or adding additional restrictions to fishing tournament participants or organizers. More detailed information related to the County Board Resolutions can be found in the Resolutions themselves and in the appropriate category below.

Permit Application Process – FH-22-06 initially proposed a permit application process by which the department would accept applications for permits from August 1 - September 30 each year. Applications received during that period that result in limits on the number of tournaments on a waterbody being exceeded would be subjected to a lottery for the date and location. Prior to the lottery drawing, organizers would be informed and offered an opportunity to modify their application to a date or location where limits have not been reached.

DNR Position: The Department believes that a permit should be required for all fishing tournaments of reasonable size (e.g. >19 boats) in order to collect representative data and effectively manage fisheries affected by fishing tournaments. In order to accommodate the logistical constraints of larger tournament organizers, the Department has moved the open period when applications will be accepted from August 1st-September 30th to April 1st-June 30th.

Public Comment

Major Themes:

1. Trout and salmon tournaments (Great Lakes) should be exempt from the process entirely.

DNR response: The Department does not feel that tournaments held on the Great Lakes should be exempt from the permitting process. Anglers participating in tournaments in the Great Lakes fish for a number of different species. It is the opinion of the Department that adequate data collection related to tournament fishing is necessary to sufficiently manage all of the Great Lakes fisheries.

2. The proposed timeline does not allow larger tournament organizations enough lead time to schedule tournaments; so it would discourage larger organizations from coming to WI.

DNR response: The current rule proposal includes a timeline that is earlier than originally proposed (open time period April 1st – June 30th as opposed to August 1st-September 30th) to allow larger tournament organizations more lead time.

3. The size of a tournament requiring a permit should be less inclusive; reserved only for larger tournaments.

DNR response: A relatively large number of tournaments including 20-50 boats and 100 participants are held annually and the Department feels that it is important to require permits for these smaller tournaments in order to be able to assess the cumulative impact of tournaments in Wisconsin.

Suggested Alternatives from the Public:

1. Do not require permits for trout and salmon tournaments held on the Great Lakes.
2. The deadline for applications, the date the department conducts the lottery, and the date when the department notifies the organizer should be made earlier.
3. Weeknight club tournaments and open tournaments should not be exempt from permitting; tournaments with one fish bag limits (bass/walleye) should be exempt; Oversight via permitting should be required for tournaments with >50 boats.

Other Permit Application Process Comments:

1. All fishing tournament applications should be treated equally, including “Traditional fishing tournaments”.

DNR response: Traditional fishing tournaments are essentially treated equally to other fishing tournaments under the proposed rules with the exception of not being subject to lotteries when waterbody limitations are reached.

2. Tournament permits should be required for all catch and release tournaments.

DNR response: Under the proposed rules, all “catch-hold-release” format tournaments with an off-site weigh in are required to have a permit.

3. Tournament boats should be marked with a sticker or a flag so they are identifiable.

DNR response: The DNR believes that tournament participants should be identifiable as stated in the proposed rules.

4. Permits should specify that tournament organizers and participants are responsible for knowing and adhering to all local ordinances.

DNR response: The proposed rules require that areas where competitive fishing is prohibited be identified including areas designated by local ordinance for aquatic vegetation preservation. The Department feels that it is implied that tournament organizers and participants should be aware of and adhere to all local ordinances.

5. Specific objectives (measurable standards) should be established for modifying or revoking permits.

DNR response: The Department believes that the guidelines set forth in the proposed rules are sufficient. However, some discretion to the local fisheries biologist is necessary since conditions associated with waterbodies and fishing tournaments vary widely across the state.

Permit Fees – FH-22-06 initially proposed fishing tournament permit fees to cover the cost of executing a tournament program estimated to cost \$76,000 annually, which includes permit application review and approval, catch report review, database entry, law enforcement, and data collection. In addition, fees would recover \$90,000 of the cost of the bass fishing tournament pilot program at \$18,000 for five years. Thus proposed permit fees would collect \$94,000 per year. Public input was sought on two alternatives. The first alternative would charge tournament organizers permit application fees ranging from \$200 to \$850 based on the size of the tournament. The second alternative would collect fishing tournament permit application fees from organizers and annual fishing tournament participant permits from open-water tournament participants. Permit application fees for organizers would range from \$50 to \$475 based on tournament size and \$10 for each participant permit.

In general the subject of proposed permit fees generated controversy and the second highest number of specific comments, with the vast majority of those comments being in opposition to the fees as proposed. The small percentage of those in favor of the fees as proposed in FH-22-06 agreed that the entire program cost should be borne by tournaments and not general anglers. Many of those in opposition to the fees as proposed were not opposed to paying nominal fees to cover administrative costs of issuing permits, but they felt the proposed fees were too high. Some in opposition felt that there should be no additional fees for tournaments.

The June 2007 FTAC meeting resulted in the members agreeing that a \$10/participant charge was an acceptable alternative to the proposed fees to the organizers.

DNR position: The Department believes that fees associated with fishing tournaments should recover the costs of the Bass Fishing Tournament Pilot program, permit application review, maintaining the tournament fishing database, and report preparation and review. The time

spent accomplishing these duties has increased as tournament fishing has increased in popularity and diminishes the ability of DNR fisheries staff to accomplish other activities. The estimated total annual cost of these administrative activities is \$32,796. The approximate cost of the Bass Fishing Tournament Pilot Program was \$90,000. The Department also feels that the cost of administering the program should be supported by the tournament organizers. The Department proposes a fee structure for the organizers that includes a relatively low fee for tournaments likely to have a small impact on the fisheries resources of Wisconsin or are non-profit in nature. The term “non-profit” is difficult to define with regard to this classification of tournament organizers. The Department therefore proposes the following fee structure: \$25/permit for tournaments with total prize money (or value of other prizes) less than \$500, that target salmon and/or trout on Lake Superior, Lake Michigan, or Green Bay, or are run with the “immediate release” format. Other tournaments, including catch and kill format, catch-hold-release format, and tournaments where the total prize money is greater than \$500 but less than \$10,000 or if results are used to determine standings or rankings for prizes valued \$500 or more provided at a later date, would be \$100/permit. Similarly, if the tournament is catch and kill format, catch-hold-release format, and has total prize money \$10,000 or more or rankings for prizes valued \$10,000 or more provided at a later date, would be \$200/permit. The Department believes that a \$25 fee will not negatively impact small and charity fishing tournament events. Also, the Department feels that the cost of the Bass Fishing Tournament Pilot program should be recouped primarily from bass tournament organizers. As such, the Department recommends a \$2/participant surcharge to the organizer of all bass tournaments for a period of 6 years to recover the program cost of \$90,000. The estimated annual revenue generated from these fees is outlined below based on mean values from 2004 and 2005 and the estimated 400 tournaments that are likely to require a permit.

141 limited prize or charity tournaments * \$25 = \$3,525
217 other tournaments with \$500-\$9,999 prizes * \$100 = \$21,700
42 other tournaments with \$10,000 prizes * \$200 = \$8,400

7,719 bass tournament anglers * \$2 * 6 years = \$92,628

Public comment

Major Themes:

1. The proposed fees are unreasonably high.

DNR response: The Department has attempted to equitably distribute the costs of administering the fishing tournament program. The proposed fees are necessary to cover the costs of administering the fishing tournament program.

2. Proposed fishing tournament permit fees are too high for tournaments held as fund raisers for charities, for fishing/sports clubs, or for conservation projects. Any fees charged would take away funds from the money raised for the charity, club, and/or project.

DNR response: The Department recognizes that some fishing tournaments differ in their purpose. In attempt to address this, the Department proposes that a fee of \$25 be charged for “charity-type” tournaments in which proceeds are not returned to the participants.

3. Proposed fishing tournament permit fees are based on a permit program that is unreasonable; it is unfair to propose recovering the substantial estimated cost of law enforcement directly on to tournaments; data collection at fishing tournaments should be viewed as an opportunity rather than an expense.

DNR response: Because fishing tournaments result in conditions that differ from conditions created by general anglers (such as relatively intense fishing activity in a short period of time etc), their existence creates additional work for Department staff. The Department does not think that participants in fishing tournaments are any more likely to violate fishing regulations than other anglers and has not included the cost of law enforcement in the current rule. Under some conditions, data collected at fishing tournaments can enhance the ability of fisheries managers to effectively manage fish populations by providing additional data about particular fish populations and this will be determined as necessary by Department staff. However, since the collection of data from fishing tournaments by Department fisheries technicians will only be done when it is deemed necessary by the Department, the cost of this portion of the program is considered part of the normal duties of the Department and has not been included in the cost estimate to administer the program.

4. Permit application fees should be refundable.

DNR response: The Department disagrees because the Department seeks to cover the costs of the fishing tournament program and keep the fees to organizers as low as possible. By treating the fees as refundable, the Department would incur additional administrative costs. In addition, non-refundable fees reduce the likelihood that tournament organizers will apply for a number of different permits in the hopes of increasing the odds of successfully obtaining a single permit for a single tournament if waterbody limits are reached. In the event that waterbody limits are reached, tournament organizers will be given the opportunity to change the date and/or location of their tournament to avoid a lottery situation.

5. The estimated cost of the permit program appears to be the absolute minimum required to administer the rule with little left for enforcement or research.

DNR response: The Department seeks to cover the cost of administering the fishing tournament program and agrees that the proposed fee structure is the minimum required to do so.

Suggested Alternatives:

1. Tournament fees should be charged to organizers in the amount of \$1-3 per participant.
2. Tournament fees should be calculated as a portion of the tournament payout.
3. A participant permit of \$10-15 is acceptable if it permits culling.
4. No permit fees for tournaments with 25 boats or less.
5. \$25 permit fee for tournaments with payout less than \$500.
6. Tournaments with no registration fee for participants should not pay permit fees.

7. Establish a \$10 participant fee allowing culling, charge \$100 for a small tournament and \$200 for a large tournament. Utilize \$25,000 from fish and wildlife dollars.
8. Eliminate all permit fees for charity tournaments.
9. Create a separate lower fee structure for non-profit organizations conducting tournaments.
10. No fees should be charged for tournament permits if 20% or more of the proceeds go toward charity.
11. Create a distinction between for-profit and non-profit tournaments.
12. Tournament permit fees should only be to pay for administrative costs associated with issuing tournament permit.
13. Law enforcement costs and costs of collecting data at tournaments should be paid for with general fish and wildlife funds.
14. Establish fees to recover only \$33,000 annually.

Other Permit Fee Comments:

- Participant permits should only be required for licensed anglers (i.e. not required for youth participants).

DNR response: Under the currently proposed rules, no permit is required for fishing tournaments that include only participants who are under the age of 18. In addition, the currently proposed rules do not include a participant permit.

- WDNR needs to do a small business analysis.

DNR response: The Department has made an effort to outline the potential benefits of fishing tournaments to local economies (see Fishing Tournament Pilot Program summary). See small business analysis below.

- General license dollars should be used for management of fishing tournaments as tournament anglers contribute to that fund by purchase of licenses and fishing gear.

DNR response: Fishing tournaments create an additional work load for DNR staff. The Natural Resources Board has stated that the costs of administering the fishing tournament program should be recovered from those who are involved with fishing tournaments. In addition, some portions of the costs of the program (i.e. law enforcement and data collection) will be covered using funds that are currently available to the Department.

- There should be equal treatment of open water and ice fishing tournaments with respect to permit fees.

DNR response: The Department agrees. There is no distinction between open water and ice fishing tournaments in the currently proposed rules related to permit fees.

- Creation of participant fees does not appear to be authorized in 2003 Wisconsin Act 249; only fees to organizers.

DNR response: Although the consensus of the FTAC was that a participant fee should be created to the exclusion of fees to tournament organizers, the Department does not feel that it has the authority to charge fees to tournament participants. Upon review by Department legal staff and the Clearinghouse report, the Department agrees that it does not appear to have the authority to charge a surcharge to the participants. As such, the current rules do not include a charge to tournament participants.

- Fees that recover the costs associated with the bass fishing tournament pilot program should sunset in 5 years.

DNR response: The current proposed rules result in the recovery of the costs associated with the bass fishing tournament pilot program in six years. After this time, the surcharge to bass tournament organizers would be dropped.

FTAC opinion (June 2007 meeting)

What are the alternatives for how the tournament organizers and participants can raise \$94,000/year to fund the Program?

1. The consensus of the FTAC was to charge licensed tournament participants a fee of \$10 per year as an added “stamp” or privilege above the cost of their fishing license.

The consensus view also expressed that:

- Tournament organizers should not pay a fee, only the participants.

DNR response: Although the consensus of the FTAC was that a participant fee should be created to the exclusion of fees to tournament organizers, the Department does not feel that it has the authority to charge fees to tournament participants. Upon review by Department legal staff and the Clearinghouse report, the Department agrees that it does not appear to have the authority to charge a surcharge to the participants. As such, the current rules do not include a charge to tournament participants.

- Participants in tournaments organized by non-profit organizations should pay the same. Representatives expressed that distinguishing non-profit from for-profit was troublesome and they believe that this “loop-hole” would allow for-profit promoters to re-structure things to appear as non-profit.

DNR response: The Department recognizes the desire to charge true charity-type tournaments a lower fee. There is some difficulty however, in adequately defining a “non-profit” organization to achieve this intent. The lower fee (\$25) charged to tournaments that only give small prizes (less than \$500) to the tournament participants reflects the intent to allow charitable tournaments to persist. The Department believes that this fee is will not affect the ability of these tournaments to continue to operate.

- There should be **no** exemption for either ice fishing or Great Lakes tournaments.

DNR response: The Department agrees. The current rule proposals do not exempt ice fishing or Great Lakes tournaments from permit fees.

Other individual thoughts included:

- Give credit to the organizations that (are sponsoring tournaments) give so much back to the resource in donations (to improve fish habitat, promote conservation, education efforts, etc.).

DNR response: The Department recognizes and appreciates the efforts of organizations and individuals associated with fishing tournaments in working with the Department to develop these proposed rules and for the help of several organizations with the Bass Fishing Tournament Pilot Program.

- Data collection should be a DNR cost. No Law Enforcement is required. DNR's report should be DNR's cost. Use a simple spreadsheet to get data from tournaments.

DNR response: Because fishing tournaments result in conditions that differ from conditions created by general anglers (such as relatively intense fishing activity in a short period of time), their existence creates additional work for Department fisheries staff. However, the Department has not included the cost of law enforcement or data collection in the current rule.

- \$10 as a cost per participant if culling was part of the rule.

DNR response: 2003 Wisconsin Act 249 states that the Department “may not, under the program established under sub. (1), allow a participant in a fishing tournament to engage in any activity in which the department would not allow an angler who is not a participant to engage at the same time on the same body of water.” Culling is not currently allowed in the state of Wisconsin. Therefore, the Department does not have the authority to allow culling for tournament participants.

- Base the fee charged per angler on the expected number of licensed participants in permitted tournaments [and set it high enough] to reach \$94,000.

DNR response: Unfortunately, the Department feels that it does not have the authority to charge a fee to tournament participants, therefore the cost to administer the program falls to the organizers.

- Should be calculated on a user-based fee which DNR determines. Season long, for tournaments with < 20 boats on a given water and day should have one charge (to the club or tournament sponsor). Would also be comfortable with a fee also paid by the sponsors.

DNR response: The Department feels that the currently proposed fee structure is equitable and is likely to fully fund the administration of the program.

- Non-profits may merit reduced fee structure, but there are concerns regarding the definition of “non-profit” and the possibility that all tournaments may then morph into “non-profit” organizations.

DNR response: The Department recognizes the desire to charge true charity-type tournaments a lower fee. There is some difficulty however, in adequately defining a “non-profit” organization to achieve this intent. The lower fee (\$25) charged to tournaments that only give small prizes (less than \$500) to the tournament participants reflects the intent to allow charitable tournaments to persist. The Department believes that this fee is low enough so as to not dramatically affect the ability of these tournaments to continue to operate.

2. “I support the idea of a fee to recover DNR costs for” (number in brackets represents the number of participants who agreed that these aspects of administering the fishing tournament program of a possible total voting of 10 FTAC members):

- [8] tournament application review
- [6] costs associated with maintaining a database of tournament information
- [4] report preparation and review
- [4] law enforcements costs
- [3] data collection at tournaments

DNR response: The Department expects to fully recover costs related to the administration of the fishing tournament program which it feels are represented by the first three components listed above. The Department agrees with the prioritization of duties outlined above and has dropped the two lowest for inclusion in overall cost estimates.

County Board Resolutions

1. Costs associated with the tournament program are part of the normal scope and duties of the DNR and therefore should be supported with currently existing funds.

DNR response: The Department believes that the regulation and oversight of fishing tournament activity creates an additional workload for some Department staff and as such additional funds are necessary to administer the program.

2. Charging fees to the organizers of and participants in fishing tournaments could be construed as a tax on a specific segment of the fishing community.

DNR response: 2003 Wisconsin Act 249 gives the Department authority to charge fees related to fishing tournaments in order to recover costs of administering the fishing tournament program from those associated with fishing tournaments. The Natural Resources Board has indicated that those fees should be recovered from those associated with fishing tournaments.

3. Additional law enforcement related to fishing tournaments is unnecessary due to the diligence of tournament organizers in ensuring compliance with existing regulations.

DNR response: The DNR does not think that participants in fishing tournaments are any more likely to violate fishing regulations than other anglers, The costs of law enforcement have not been included in the estimated cost to administer this program.

4. Restrictions and fees associated with fishing tournaments will negatively impact local communities and businesses.

DNR response: The Department recognizes the fact that fishing tournaments have an impact on local communities and businesses and has made an effort to outline the potential benefits of fishing tournaments to local economies (see Fishing Tournament Pilot Program summary). However, we have no data to suggest that the proposed rules will positively or negatively affect the number or locations of fishing tournaments in Wisconsin.

Limits – FH-22-06 proposed limits on the size and numbers of tournaments that could be held on waters. Monthly limits on the number of tournaments for lakes and chains of lakes varied depending on acreage, and considered both the size (number of boats) and length (number of days) of the tournament. Maximum size of tournaments (number of boats/participants allowed daily) was also proposed. Proposed limits on the Mississippi River pools were similar to existing limits in place in the state of Minnesota and were simply a maximum number of tournaments allowed per month.

There was minimal support for limits on the size and number of fishing tournaments that should be allowed on water bodies. The support generally came from the Wisconsin Association of Lakes and from individuals specifying the Mississippi River. However there was far more opposition to limits. Those opposed generally felt it was unfair to single out tournaments, given that crowding at and on waters of Wisconsin transcend all water recreation. Although some alternatives were presented, many of them would add complexity to an already complex proposal.

DNR position: Wisconsin Act 249 states that the Department may promulgate rules for “controlling crowding, preventing unsafe conditions among the users of the body of water on which fishing tournaments are held or at facilities for public access to those bodies of water, including boat ramps, and parking lots”. As such, it is the Department’s goal to reduce user conflicts that may arise with the presence of fishing tournaments while providing reasonable access to Wisconsin’s fisheries and aquatic resources as outlined in NR 1.91 (5) (b). The Department believes that controlling the number of fishing tournaments on a waterbody will benefit all users of the waters of the state of Wisconsin including those participating in fishing tournaments. The Department feels that the proposed limits are not overly restrictive but act to temporally and spatially distribute fishing tournaments in an equitable fashion which will reduce conflicts due to crowding. Differential limits on the Mississippi River pools will reduce confusion since the proposed rules match those from Minnesota.

Public comment

Major Themes:

1. It is unfair to limit access to public waters by one specific group of users; crowding at boat landings, and on the water is a ubiquitous problem regardless of tournament anglers.

DNR response: Crowding associated with fishing tournaments is an issue that is often brought forth by people who utilize waters in the state of Wisconsin as well as Department staff. In an investigation into how people view fishing tournaments, completed as part of the Bass Fishing Tournament Pilot Program, crowding associated with fishing tournaments was an issue cited by a substantial proportion of those interviewed. Approximately one-half of all anglers interviewed said that being on the water as a non-participant during a tournament affected the quality of their fishing experience (52%), and 48% said the tournament made it difficult to obtain access to the water. In addition, other water recreation users reported that tournament boats and trailers caused overcrowding in parking lots (56%). Therefore, in the interest of reducing user conflicts, the Department feels that limiting spatial and temporal use of waterbodies by tournament anglers is appropriate and the Department has been given the authority to do so in 2003 Wisconsin Act 249.

2. Limits are unnecessary because tournament size and frequency are self-limiting (by tournament organizers).

DNR response: This is undoubtedly true in some instances. However, there are a number of other instances when there are conflicts. Having uniform standards for the number of tournaments that can be held will act to reduce these conflicts.

3. Proposed limits on the number of tournaments per month for the Mississippi River are too low; most of the pools would qualify as unlimited due to their acreage according to the proposed limits for inland lakes and lake chains.

DNR response: The proposed limitations on the Mississippi River are the same as those already in place in the state of Minnesota. Limits complementary to those in Minnesota greatly decreases regulatory complexity and confusion. In addition, by forcing the organizer to select a particular pool where the primary fishing activity or weigh-in will take place, tournaments that occur in multiple pools will only count against the limit for the pool that was selected by the organizer.

4. Permitting restrictions should only apply to the number of 50+ boat tournaments and not to smaller tournaments.

DNR response: Many small tournaments (i.e. between 20 and 50 boats) occur in Wisconsin each year. Although the smaller tournaments are likely to have a smaller impact than larger tournaments, their cumulative impact may be substantial. As such, the Department feels that requiring a permit from these smaller tournaments is necessary to obtain a complete picture of fishing tournament activities in Wisconsin.

5. Limits should not apply to weeknight tournaments that are generally only 3-4 hours and often have a one fish bag limit.

DNR response: See response to 4 above.

6. The limits are unnecessarily restrictive with respect to species of fish targeted by tournaments.

DNR response: The Department does not believe that the limits are overly restrictive and in general think that the majority of tournaments will be unaffected by the limits. Part of the justification for imposing limits is to reduce crowding and user conflicts and therefore this justification is independent of the fish species being sought.

7. There needs to be more protection for smaller lakes.

DNR response: The Department feels that the reduced number of tournament days and size of tournaments allowed on smaller lakes provides sufficient protection for smaller lakes.

8. The holiday weekend ban on tournaments is unnecessary.

DNR response: Holiday weekends and opening days for particular species are very popular times to fish among anglers in Wisconsin. In order to reduce crowding and the potential for user conflicts, the Department feels that permitted tournaments should not be allowed at these times.

Suggested Alternatives:

1. Limits should be placed on all boating activities.
2. Do not create limits; Limit tournaments to no more than three per weekend.
3. The limits for the Mississippi River should be eliminated altogether; Mississippi River pools should be treated like the inland lakes and lake chains and limits should be associated with surface acreage and the number of boats.
4. Change permit requirements so that they apply only to tournaments with 50+ boats.
5. Create an annual permit for night leagues or opens.
6. Create species specific limits for water bodies.
7. Another lake size (100–249 acres) category should be added with a maximum number of 15 boats and 30 boat*days; require a permit for tournaments with 10 boats on lakes 100-249 acres.

Other Limit Comments:

- The limits should be applied on a species-specific basis (e.g. limits on the number of bass tournaments, walleye tournaments, rough fish tournaments, etc).

DNR response: The Department does not believe that the limits are overly restrictive. The majority of tournaments will be unaffected by the limits. Part of the justification for imposing limits is to reduce crowding and user conflicts and therefore is independent of the fish species being sought.

- Rules should contain the authority to prevent overlapping tournaments.

DNR response: While the current limits do not specifically prevent overlapping tournaments, there are a number of provisions that act to spread tournaments out both spatially and temporally and the Department feels that the currently proposed rules are sufficient in this regard.

- Tournament boat*day allocations should apply to each water individually in a multi-water tournament.

DNR response: The current rules apply tournament*boat data allocations to each water individually in multi-water tournaments.

- The number of tournaments on a water should be regulated based on science – what that fishery can sustain without harm.

DNR response: The Department agrees that the number of tournaments should be based in part on what the fishery can sustain without harm. However, the Department also feels that the sociological concerns related to crowding associated with some fishing tournaments necessitates proposed limits be based in part on public access standards set forth in NR 1.91(5)(b).

- Limits on tournament size should be waived if there is a beneficial management outcome (e.g. rough fish control, northern pike control) for that water.

DNR response: While tournament fishing may in some cases benefit management activities, there will also be issues related to access and crowding associated with tournaments even when their presence is beneficial. As such, the Department feels that other methods should be the primary tool to address management concerns outlined by this comment. However, under 8 (a) of the proposed rules, the Department may issue an additional permit if it conforms to the best management practices of the lake.

- There is no reason to limit the number of participants allowed in ice fishing tournaments.

DNR response: The Department feels that use and access issues also exist with ice fishing tournaments. As such, the Department recommends limiting the number of participants allowed in ice fishing tournaments.

Catch-Hold-Release Ban – FH-22-06 initially proposed a prohibition on the catch-hold-release format – where fish are caught, held in live wells, transported, weighed, and later released – fishing tournaments during the months of July and August to address concerns about waste of fish due to post-release mortality.

The previously proposed ban on catch-hold-release tournaments during July and August generated the greatest number of specific comments for specific rule components. It is probably

the issue that caused the majority of the controversy surrounding FH-22-06. Despite the volume of comments received, the unique themes were limited. Most people were opposed to a ban on live release tournaments during July and August, feeling that it was unnecessarily restrictive. Many provided reasonable alternatives to a ban.

DNR position: After meeting with the FTAC and considering the public comments, the Department proposes to establish a reduced daily bag limit for walleye and bass species for a period of time, with specific dates, that have been quantitatively and conservatively tied to particular species specific water temperatures that result in increased delayed mortality. In addition, the reduced daily bag limits will address the desire of tournament organizers to have a consistent framework for tournament organizers.

The currently proposed rules recommend a reduced daily bag limit of three for walleye from the second Saturday in June to the first Sunday in September for all catch-hold-release tournaments and a reduced daily bag limit of three bass first Saturday in July to the second Sunday in August for all catch-hold-release tournaments. These dates were estimated based on nine lakes that are part of the University of Wisconsin Long Term Ecological Research (LTER) project. The lakes range from large to small and are located throughout the state. Bi-weekly temperature data was available from 1981-2006 for most lakes and from 1995-2006 for the remaining lakes. We based the above restrictions on the average first date that any lake reached 70°F (for walleye) and 80 °F (for bass species) and the last average date that temperatures dropped below these levels. These temperatures are approximately the temperature thresholds where studies indicate a substantial increase in delayed mortality from fishing tournaments. The dates selected are conservative (some lakes will never reach threshold temperatures and others will not reach these temperatures in some years). However, in order to reduce confusion and have guidelines that are applicable statewide we chose to be conservative. The exact dates estimated were June 15th through September 6th for 70°F and July 6th through August 15th for 80°F. We rounded to the nearest weekend for the sake of clarity.

Public comment

Major Themes:

1. Banning catch-hold-release tournaments during July and August is unnecessarily restrictive.

DNR response: In an effort to allow tournaments to practice catch-hold-release tournaments in July and August and reduce the effects of elevated indirect mortality that may occur in some waters in these months due to high water temperatures, the current rules propose a reduced bag limit of 3/day for walleye and bass species when water temperatures are likely to be above threshold levels in some waters.

2. Regulations related to warm water restrictions should be species-specific.

DNR response: Regulations related to warm water temperatures are specifically linked to walleye and bass species in the currently proposed rules.

Suggested Alternatives:

1. Require live release tournaments to have perpetual weigh-ins (open all day).
2. Require tournaments to institute reduced bag limits for participants.
3. Require tournaments to have a shorter fishing day.
4. Require the tournament to start and end earlier in the day.
5. WDNR should establish/require an education and training program for tournament organizers to teach them how to best handle fish.
6. Alternatives may be necessary under extreme conditions for larger tournaments, but those should be handled on a case-by-case basis and not with a blanket rule.
7. Require tournament organizers to patrol the water after a tournament to search for and pick up post-release mortalities.
8. Make the live well standards permanent.
9. Require tournaments to institute alternate size limits (e.g. keep smaller fish).
10. Limit the number of participants during extreme conditions (no extremely large events).
11. Allow biologists to write specific fish handling conditions based on weather/water conditions.
12. Regulation of tournament-associated mortality should be regulated on a tournament-by-tournament basis; Establish criteria to give local biologists guidance to place additional conditions on permits ; rule should require biologist to review the potential for mortality as part of the issuance process; specific criteria (water temp, presence of fish disease, water levels, handling procedures, distance from weigh-in, tournament length, number of fish in live well, wind and wave conditions); criteria should be created by DNR staff with input from FTAC; rule should require review of approved permit as tournament approaches to deal with intervening conditions

Other Comments:

- Such a ban would reduce an already short season for live release tournament fishing, especially in the northern bass zone where the catch-keep season does not open until the third week of June; No live release for two months would pack more tournaments into the months where live release is allowed.

DNR response: The Department believes that a reduction in the daily bag limit for walleye and bass species for catch-hold-release tournaments that occur when water temperatures are above threshold levels in some Wisconsin water is a reasonable alternative to the ban on this format during July and August. The reduced daily bag limit will provide the opportunity for catch-hold-release tournaments throughout the summer while reducing the amount of indirect mortality associated with higher water temperatures.

- There is not enough scientific evidence indicating the necessity for a ban on live release tournaments in July and August; fisheries that experience large numbers of tournaments also have some of the best fisheries; there are no documented population problems due to tournament mortality.

DNR response: The Department believes that there is a reasonable amount of scientific information that suggests that delayed mortality is elevated for walleye and bass species at higher water temperatures. However, relatively little information indicates that there are population level concerns related to delayed mortality from fishing tournaments that occur

in higher water temperatures. Even in if there were no detrimental population level effects, the increased delayed mortality may be considered waste of natural resources as prohibited under state statute 23.095 (1g). Therefore, the Department has sought to decrease the amount of delayed mortality associated with fishing tournaments held at higher water temperatures by instituting a reduced daily bag limit.

- Immediate release formats will not work for most bass or walleye tournaments.

DNR response: Many tournament organizers currently prefer the catch-hold-release format. However, it is not clear that the immediate release format “will not work”. For example, a nationally televised tournament in Texas with a \$1,000,000 purse (Toyota Texas Bass Classic, Lake Fork, Texas, April 13-15th 2007) utilized the immediate release format.

- The potential loss of economic impact due to loss of tournaments outweighs loss of fish when no biological impact on the population results.

DNR response: The Department has no information to indicate whether the total number of tournaments will increase or decrease as a result of the proposed regulations. The number may increase if they are viewed favorably compared to neighboring states or they may decrease if they are viewed negatively. In addition, as outlined in the response to the comment above, even in the absence of population level impacts, the Department needs to address issues related to the potential waste of natural resources as set forth in state statute 23.095 (1g).

- There should be no fishing tournaments during the spawn.

DNR response: The concern related potential for fishing during spawning periods to impact fish populations is valid. However, this concern relates to tournament anglers and non-tournament anglers alike and there is a notable absence of data suggesting negative population level impacts related specifically to fishing tournaments. Fishing regulations are designed in part to sustain fish populations and therefore, there does not seem to be any need to regulate tournament anglers in this regard in a more restrictive manner than other anglers.

FTAC opinion (June 2007 meeting)

What alternatives to the “July-August live release format ban” address the increased mortality of fish due to stress at higher water temperatures?

General comments from individual committee members:

- Some certainty for organizers and a low cost to administer (the program) should be a consideration in selecting an alternative. DNR could list lakes not subject to the July–August ban based on temperature characteristics of those waters.

DNR response: The Department has attempted to further refine the temperature characteristics of Wisconsin lakes to obtain a better understanding of when water temperatures are likely to exceed threshold levels that result in increased delayed

mortality for walleye and bass species. It is true that some waterbodies may never reach these temperatures particularly in individual years. However, in the interest of keeping confusion to a minimum and because predicting when and if a particular waterbody will reach threshold temperatures is difficult, the Department feels that general timelines for the reduction in a daily bag limit are appropriate.

- Guidelines for handling and transporting bass in tournaments already exist.

DNR response: Appropriate handling and transporting of bass certainly help reduce direct mortality associated with tournament fishing. However, delayed mortality seems somewhat difficult to reduce regardless of the care taken in handling and transporting bass. Therefore, the Department seeks to reduce this mortality through a reduced bag limit during times of the year when some waterbodies in Wisconsin reach threshold levels.

- Anglers will not stop fishing competitively during a (July-August) ban.

DNR response: The Department does not seek to stop competitive fishing from occurring at any point in the year. However, the currently proposed rules seek to reduce delayed mortality during time periods with elevated water temperatures.

- 80°F is accepted by other states; this is not seen as an issue for bass.

DNR response: The current timelines for reduced daily bag limits tournaments targeting bass were based on the temperature threshold of 25°C (77°C) which is generally the temperature supported in the scientific literature.

- DNR should prepare information for the NRB to estimate the mortality in July-August.

DNR response: The Department does have some information that was gathered during the Bass Fishing Tournament Pilot Program related to tournament associated mortality in addition to other published studies that suggests increased delayed mortality (approximately 25%) when water temperatures exceed 25°C.

- Rules for tournaments should be consistent and not vary county to county.

DNR response: The Department recognizes the desire for consistency. The currently proposed rules give nominal authority for the DNR fisheries biologists to impose particular conditions on fishing tournaments at the point of permit issuance (specifically they may require conditions related to the maximum time fish are held in live wells and/or the maximum distance fish can be transported). In general, the rules apply statewide.

- A fishery manager and tournament organizer could make the decision (about how to proceed with modified tournament rules in July-August) if they had some “hard” guidelines.

DNR response: In the interest of maintaining consistency among counties, the reduced daily bag limit of three for bass and walleyes is a statewide provision of the proposed rules.

The following alternatives and view points were discussed among the 10 advisory committee representatives. The number of representatives supporting each statement is shown in **[brackets]**. The statements are grouped for similarity based on the facilitator’s understanding of the comments and the representative’s intent.

- **[8]** “Leave well enough alone; no ban in July/August.”

DNR response: In an effort to allow tournaments to practice catch-hold-release tournaments in July and August and reduce the effects of elevated indirect mortality that may occur in some waters in these months due to high water temperatures, the current rules propose a reduced bag limit of 3/day for walleye and bass species when water temperatures are likely to be above threshold levels in some waters.

- **[8]** “DNR should develop species specific guidelines for tournaments organizers to determine if a fish is releasable.”

DNR response: Species specific guidelines for releasing fish would likely act to decrease direct mortality but delayed mortality is unlikely to be affected greatly as evidenced by the fact that while direct mortality rates associated with tournament fishing have been greatly decreased over the past 20 years (due to refined handling and transporting techniques), there has been no similar trend in delayed mortality.

- **[6]** Fishery managers should be allowed to advise the tournament to voluntarily reduce the bag limit based on water temperature.

DNR response: The Department feels that allowing fisheries managers to either require or recommend a reduced bag limit would result in inconsistent decision making across the state and would add to the frustration of most involved parties and would run contrary to the desire for consistency as outlined in other comments.

- **[6]** “Self-regulation (of tournaments) is working to reduce mortality through catch and release and other handling practices. The bass populations are not in trouble. We need to educate anglers, tournament promoters, and the communities instead of a ban.”

DNR response: The Department agrees that tournament organizers and participants are working to reduce mortality and that in general bass populations are not currently being negatively impacted to the point that causes population level concerns. However, Wisconsin 2003 Act 249 authorizes the Department to regulate fishing tournaments in Wisconsin and lays out a number of reasons in addition to the sustainability of bass populations including reducing user conflicts and the potential for elevated levels of delayed mortality to be considered a waste of natural resources.

- [4] Fishery managers should be allowed to change the tournament conditions, possession limit, or require immediate release based on the current conditions.

DNR response: The Department feels that allowing fisheries managers to either require or recommend particular tournament conditions would result in inconsistent decision making across the state and would add to the frustration of most involved parties and would run contrary to the desire for consistency as outlined in other comments.

- [3] “Treat tournament anglers like regular anglers.”

DNR response: The fact that Wisconsin 2003 Act 249 directed the Department to promulgate rules associated with tournament fishing means that anglers participating in tournaments will have additional regulations that they must abide by that regular anglers may not. This additional regulation is required because fishing tournaments result in conditions that differ from conditions created by general anglers (such as relatively intense fishing activity in a short period of time, crowding of the lake and the boat landings etc).

- [3] Conditions of the water, pathogens, handling, and size of the water are other factors to consider.

DNR response: The current rule proposal states that the fisheries biologist may include conditions in issuing the fishing tournament permit that are necessary to prevent the spread of aquatic invasive species (including pathogens). The presence of pathogens or other conditions in a water should not affect whether tournament fishing can occur in a waterbody or not. If the conditions are severe enough that the presence of a tournament puts the fish population in jeopardy, additional fishing restrictions should be placed on all anglers.

- [2] Let fishery managers decide based on the condition on the water (e.g. temperature) at the time instead of a July-August ban. The manager should interact with the tournament organizer to adjust the conditions of the tournament.

DNR response: The Department feels that allowing fisheries managers to either require or recommend particular tournament conditions would result in inconsistent decision making across the state and would add to the frustration of

most involved parties and would run contrary to the desire for consistency as outlined in other comments.

Aquatic Invasive Species – FH-22-06 initially proposed several provisions related to aquatic invasive species and fishing tournaments. Specifically it proposed requiring applicants for open water fishing tournament permits to submit a written plan describing the procedures that will be followed to prevent the spread of aquatic plants and aquatic invasive species by tournament participants and organizers. Additionally, the plan would need to be approved by the department and executed by the organizer. Language would also require tournament participants to be in compliance with AIS laws found in s. 30.715, Stats. The proposal would require tournament organizers to inform participants of procedures recommended by the department to clean and decontaminate boats and equipment of aquatic plants and invasive species prior to the tournament.

DNR position: The Department feels that existing AIS laws and the pending additional restrictions designed to reduce the spread of AIS as a result of the discovery of the VHS virus in Wisconsin waters will aid in efforts to control AIS from many vectors including tournament anglers. Tournament anglers are required to abide by all laws that apply to general anglers including AIS laws so the Department feels that additional requirements for tournament anglers are unnecessary at this point. However, the proposed rule recognizes the importance of controlling AIS and provides an additional penalty to tournament organizers of being barred from obtaining a tournament permit from a period of two years in the state of Wisconsin if they fail to comply with existing AIS laws.

Public Comment

Major Themes:

1. AIS are every boater's problem, not just tournament anglers. Any AIS regulations should apply to all boaters.

DNR response: The Department agrees all users of Wisconsin waters need to be concerned with AIS. As such, the requirement to submit an AIS plan for fishing tournaments has not been included in the currently proposed rules. The Department feels that current AIS laws, in addition to specific permit conditions added by the fisheries biologist in appropriate circumstances, can adequately address AIS issues associated with tournament fishing.

2. There are already laws related to AIS.

DNR response: See response to previous comment.

3. The approach to AIS should be education of tournament organizers and anglers, not targeted regulation of them.

DNR response: The currently proposed regulations emphasize education by requiring tournament organizers to inform all participants of procedures recommended by the Department to clean and decontaminate boats and equipment to reduce the likelihood of spreading AIS.

4. DNR should require watercraft inspections and boat disinfection.

DNR response: The Department agrees all users of Wisconsin waters need to be concerned with AIS. As such, the requirement to submit an AIS plan for fishing tournaments has not been included in the currently proposed rules. The Department feels that current AIS laws, in addition to specific permit conditions added by the fisheries biologist in appropriate circumstances, can adequately address AIS issues associated with tournament fishing.

5. Tournament organizers should be required to submit a detailed plan for AIS control, reviewed and approved by WDNR. WDNR should be granted authority to enforce compliance with the plan.

DNR response: See DNR response to previous comment.

Suggested Alternatives:

1. The department should develop a strategy to reduce the spread of AIS by all anglers (boaters).
2. Current AIS laws should be more strictly enforced.
3. The department should train/certify tournament organizers on AIS prevention. Require tournament organizers to provide educational materials, supplied by the department, to participants.
4. Lake associations may be able to assist with watercraft inspections. Require tournaments to utilize the 'clean boats clean waters' protocols.

Other AIS Comments:

- Trout and salmon tournaments on Lake Michigan should be exempt from AIS regulations since most of the boats are used exclusively on Lake Michigan and not transported to inland waters.

DNR response: Lake Michigan is one of the primary reservoirs of AIS as evidenced by the most recent discovery of VHS. Therefore, the Department does not feel that tournaments on Lake Michigan should be exempt.

- Tournaments should not be allowed to include infested waters, be required to fish only infested waters, or be allowed to only fish one waterbody in a day (i.e. no multiple lake tournaments).

DNR response: Preventing the spread of AIS is the responsibility tournament anglers as well as all other users of the waterways of Wisconsin. Current regulations associated with AIS apply to tournament anglers as well as others.

- WDNR should keep better track of weed harvest operations and require/enforce removal of weeds that wash on shore at boat launches, which increases the likelihood of a trailer picking up and transporting AIS.

DNR response: It is currently illegal to launch a boat with invasive plants attached and aquatic plant removal operations currently require a permit from the Department. The Department takes the threat of AIS seriously and is working hard to prevent their spread.

- Tournament anglers and organizers should be models for the general angling public with respect to AIS prevention.

DNR response: Given the high profile nature of many fishing tournaments, the Department would be grateful for the assistance of tournament participants and organizers in demonstrating effective means for preventing the spread of AIS.

ENVIRONMENTAL ASSESSMENT

This is a Type III action under Chapter NR 150, Wis. Adm. Code, therefore no EA is required.

REGULATORY FLEXIBILITY ANALYSIS

Small businesses likely to be impacted by this rule include tournament organizers and businesses that cater to tournament anglers and spectators. Tournament organizers will be affected by the imposition of tournament permit fees and will potentially be impacted by the imposition of the limits on the amount of tournament activity that can take place on a particular waterbody.

However, the rules do not prevent any tournament organizer from holding a tournament particularly if the organizer is flexible with regard to location and date of the tournament. Local communities and businesses may be affected if tournament activity either increases or decreases as a result of these rules. Tournament activity generates local economic activity and can range from tens of thousands of dollars to approximately one million dollars depending on the type of tournament (see the Economic component of the Bass Fishing Tournament Pilot program summary for specific details). The amount of tournament activity in Wisconsin may increase as a result of these rules if they are viewed as more favorable than those of surrounding states. Conversely, the amount of tournament activity may decrease if the rules are viewed as overly restrictive. The Department has no data to answer the question of whether these rules will act to increase or decrease tournament activity and it is therefore difficult to predict the overall economic impact of these regulations although the impact may be of notable magnitude.

RESOLUTION 2007 - 30

RE: Wisconsin Department of Natural Resources Fishing Tournament Regulations and Fees

WHEREAS, the Wisconsin Department of Natural Resources has proposed a program for regulation of fishing tournaments with both regulations and fees to be imposed; and

WHEREAS, the items delineated by the Wisconsin Department of Natural Resources as reasons for the development of the proposed tournament fee(s), including but not limited to administration costs, law enforcement and studies on tournament fishing, are part of the normal scope and duties of the Wisconsin Department of Natural Resources; and

WHEREAS, the fishing tournament/event fee proposal would have a direct negative impact on the tourism-based businesses in and around the tournament area, contrary to the information provided by the Wisconsin Department of Natural Resources information of no impact anticipated; and

WHEREAS, the fishing tournament/event fee proposal would have a direct negative effect on lake associations, communities, service organizations, and local business= ability to carry on traditional events, fundraising events, as well as the additional cost that would impact tourists= and the local population=s decision whether or not to participate; and

WHEREAS, the proposed fishing tournament/event fee proposal could be construed as an additional tax or surcharge on a specific segment of the fishing community; and

WHEREAS, the Wisconsin Department of Natural Resources has not provided the public with any specific detail as to the allocation of funds collected via the fishing tournament/event fee proposal; and

WHEREAS, the Wisconsin Department of Natural Resources law enforcement presence has been minimal, at best, in the past fishing tournaments/events due to the great running best management practices by the organizers of the event; and

WHEREAS, event organizers have been diligent in enforcing the existing laws related to fishing in Wisconsin waters and in supervising their tournament/event participants.

NOW, THEREFORE, BE IT RESOLVED by the Vilas County Board of Supervisors in session this 16th day of January, 2007 that we oppose any further regulation or fees on the well-regulated and administered practice of fishing tournaments.

BE IT FURTHER RESOLVED that any additional involvement of the Wisconsin Department of Natural Resources in these locally controlled events are a part of the statutory charge of the Legislature, in the tradition of the Public Trust Doctrine, which states that all the waters of Wisconsin belong to all the people of Wisconsin, and all cost for administration, regulation, enforcement or study should be covered by the \$1,000,000,000.00 plus budget already assessed and designated.

Submitted by: **Vilas County Advertising and Economic Development Committee**

s/ Jay Verhulst, Chair

s/ Ronald DeBruyne
s/ Charles Ahlborn
s/ Steven Doyen
s/ Stephen Favorite
s/ Linda L. Thorpe

Motion by S. Favorite, seconded by J.Verhulst to adopt. Discussion. Motion by L. Thorpe, seconded by R. De Bruyne to send copies of the resolution to the following:

Governor Jim Doyle; All State of Wisconsin Senators and Assemblymen; DNR Secretary Scott Hassett; All members of the Natural Resource Board; All Wisconsin county clerks. All voting aye on the amendment except E. Bluthardt. Carried. All voting aye on the resolution as amended. Carried.

RESOLUTION NO. 2007-10

RESOLUTION BY THE ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE ACKNOWLEDGES SUPPORT OF THE VILAS COUNTY RESOLUTION NO. 2007-30 OPPOSING FURTHER WISCONSIN DEPARTMENT OF NATURAL RESOURCES REGULATIONS AND FEES BEYOND THOSE CURRENTLY IN PLACE FOR FISHING TOURNAMENTS

To the Honorable Members of the Racine County Board of Supervisors:

BE IT RESOLVED that the Racine County Board of Supervisors hereby support the Vilas County Board of Supervisors' Resolution No. 2007-30, that is attached hereto and incorporated herein, opposing additional DNR regulations and fees on the already well-regulated fishing tournaments around the State.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the County Clerk a copy of this executed resolution to the Vilas County Clerk and the State of Wisconsin Department of Natural Resources.

Respectfully submitted,

1st Reading _____

ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE

2nd Reading _____

BOARD ACTION
Adopted _____
For _____
Against _____
Absent _____

Jeff Halbach, Chairman

Robert D. Grove, Vice-Chairman

VOTE REQUIRED: Majority

Q. A. Shakoor, II, Secretary

Prepared by:
Corporation Counsel

Mark M. Gleason

Kenneth Hall

Karen A. Nelson

Thomas Pringle

1 Resolution No. 2007-10
2 Page Two

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INFORMATION ONLY

WHEREAS, all appropriate additional information is set out in the Vilas County resolution.

No. 9d -- RESOLUTION REGARDING: WISCONSIN DEPARTMENT OF NATURAL RESOURCES FISHING TOURNAMENT REGULATIONS AND FEES

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the Wisconsin Department of Natural Resources has proposed a program for regulation of fishing tournaments with both regulations and fees to be imposed; and

WHEREAS, the items delineated by the Wisconsin Department of Natural Resources as reasons for the development of the proposed tournament fee(s), including but not limited to administration costs, law enforcement and studies on tournament fishing, are part of the normal scope and duties of the Wisconsin Department of Natural Resources; and

WHEREAS, the fishing tournament/event fee proposal would have a direct negative impact on the tourism-based businesses in and around the tournament area, contrary to the information provided by the Wisconsin Department of Natural Resources information of no impact anticipated; and

WHEREAS, the fishing tournament/event fee proposal would have a direct negative effect on lake associations, communities, service organizations, and local businesses' ability to carry on traditional events, fundraising events, as well as the additional cost that would impact tourists' and the local population's decision whether or not to participate; and

WHEREAS, the proposed fishing tournament/event fee proposal could be construed as an additional tax or surcharge on a specific segment of the fishing community; and

WHEREAS, the Wisconsin Department of Natural Resources has not provided the public with any specific detail as to the allocation of funds collected via the fishing tournament/event fee proposal; and

WHEREAS, the Wisconsin Department of Natural Resources law enforcement presence has been minimal, at best, in the past fishing tournaments/events due to the great running best management practices by the organizers of the event; and

WHEREAS, vent organizers have been diligent in enforcing the existing laws related to fishing in Wisconsin waters and in supervising their tournament/event participants.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it opposes any further regulation or fees on the well-regulated and administered practice of fishing tournaments.

BE IT FURTHER RESOLVED that any additional involvement of the Wisconsin Department of Natural Resources in these locally controlled events are a part of the statutory charge of the Legislature, in the tradition of the Public Trust Doctrine, which states that all the waters of Wisconsin belong to all the people of Wisconsin, and all cost for administration, regulation, enforcement or study should be covered by the \$1,000,000,000.00 plus budget

already assessed and designated.

Respectfully submitted,

LEGISLATIVE SUB-COMMITTEE

EXECUTIVE COMMITTEE

A motion was made by Supervisor De Wane and seconded by Supervisor Warpinski "to adopt". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Tom Hinz, County Executive
 Date: 4/25/2007

Fiscal Estimate — 2007 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental		LRB Number Bill Number	Amendment Number if Applicable Administrative Rule Number NR 20
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Subject
 Fishing Tournament Permit Program

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs — May be possible to absorb within agency's budget.

Yes No

Decrease Costs

Local: No Local Government Costs
 Indeterminate

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

20.370 (4) (mu)

Assumptions Used in Arriving at Fiscal Estimate

The rule package establishes a fishing tournament permit program.

COST ESTIMATES

The Department estimates that there are a total of 400 fishing tournaments held in Wisconsin each year and that the annual cost of a fishing tournament permit program is \$36,500. The costs are categorized as follows:

1. Permit application review and approval--salary and fringe costs of \$11,900 for a senior level fish biologist.
2. Report review--salary and fringe costs of \$5,900 for a senior level fish biologist.
3. Tournament database maintenance and data entry--salary and fringe costs of \$18,700.

REVENUE ESTIMATES

The Department is proposing the following fee structure that would recover the estimated \$36,500 that it costs to operate a tournament permit program and the \$90,000 in costs that the Department incurred in 2005 and 2006 to operate a bass fishing tournament pilot program.

1. "Immediate Release" Tournament Organizer Fee--The Department would impose a \$25 fee on a tournament organizer if the tournament format is "immediate release", if the total value of the prizes is less than \$500 or targets salmon on Lake Michigan, Green Bay, or Lake Superior. Assuming that there are 141 tournaments of this type annually, a \$25 fee would generate \$3,525 (141 x \$25) in annual fee revenue.

Long-Range Fiscal Implications

After the bass fishing tournament pilot program costs have been recovered, the estimated amount of revenue that would be collected would be \$33,625 because the \$2 participant surcharge would no longer be in effect.

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

Fiscal Estimate — 2007 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 20

Assumptions Used in Arriving at Fiscal Estimate – Continued

2. "Catch-hold-release" Tournament Organizer Fee

a. The Department would impose a \$100 fee on a tournament organizer if the tournament format is "catch-hold-release" (or "catch and kill"), and the total value of the prizes is between \$500 and \$9,999. Assuming that there are 217 tournaments of this type annually, a \$100 fee would generate \$21,700 (217 x \$100) in annual fee revenue.

b. The Department would impose a \$200 fee on a tournament organizer if the tournament format is "catch-hold-release" (or "catch and kill"), and the total value of the prizes is \$10,000 or greater. Assuming that there are 42 tournaments of this type annually, a \$200 fee would generate \$8,400 (42 x \$200) in annual fee revenue.

3. Temporary Tournament Participant Surcharge--In order to recoup the cost of the bass fishing tournament pilot program, the Department would impose a temporary \$2 surcharge per participant on a tournament organizer for tournaments with a "catch-hold-release" format and that also target largemouth and/or smallmouth bass. Assuming that there are approximately 7,500 bass angler tournament participants annually, a \$2 surcharge would generate \$15,000 (7,500 x \$2) in annual fee revenue.

The total estimated revenue that would be collected annually would be \$48,600 (3,525 + 21,700 + 8,400 + 15,000)

Fiscal Estimate Worksheet — 2007 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 20

Subject
 Fishing Tournament Permit Program

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$ 36,500	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$ 36,500	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S		36,500	-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S		48,600	-
Total State Revenues		\$ 48,600	\$ -

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 36,500	\$
Net Change in Revenues	\$ 48,600	\$

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature	Telephone No. 266-2794	Date (mm/dd/ccyy)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 20.40, relating to regulation of fishing tournaments in inland, outlying, and boundary waters of Wisconsin.

FH-22-06

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted: In promulgating this rule, ss. 29.014, 29.041, 29.403, and 29.516, Stats., which authorize fishing and the hunting of small game, have been interpreted as giving the department the authority to make changes to fishing regulations on boundary waters of Wisconsin. Additionally, ss. 29.403, and 29.4035, Stats., have been interpreted as allowing the department the authority to write fishing tournament rules that help to ensure good fishing opportunities.

Statutory Authority: Sections 29.014(1), 29.039, 29.041, 29.403, and 227.11(2)(a), Stats.

Explanation of agency authority: In promulgating this rule, ss. 29.014(1), 29.403, and 29.4035, Stats., have been interpreted as allowing the department the authority to write fishing tournament rules that help to ensure good fishing opportunities.

Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory

Authority: Statutes that authorize the promulgation of this rule order include ss. 29.014(1), 29.403, 29.4035, and 227.11(2), Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping that the department may establish a program to authorize and regulate fishing tournaments.

Related Rule or Statute: None.

Plain Language Rule Analysis: This rule exercises authority granted the Department in Wisconsin 2003 Act 249 to promulgate rules to establish a program to authorize and regulate fishing tournaments. New fishing tournament permit requirements are established so that if a fishing tournament consists of 20 or more boats or 100 or more participants or targets trout on classified trout streams or is a catch-hold-release tournament with an off-site weigh-in or has prizes of \$10,000 or more a permit from the department is required. If none of those criteria are met, no permit is required.

Fishing tournament permit fees are established to cover the cost of the program, estimated to be \$32,796 annually, which includes permit application review and approval, catch report review, and database entry. In addition, fees will include an additional \$15,000 for six years to recover the \$90,000 cost of the bass fishing tournament pilot program (approximately 7,500 bass angler tournament participants * \$2 surcharge per participant to the tournament organizer) In addition to the surcharge for bass tournament participants, tournament organizer fees depend on the tournament format and the nature of the contest. Tournament organizers will be charged a fee of \$25 if the tournament format is "immediate-release", targets salmon and/or trout in Lake Superior, Lake Michigan and Green Bay, or if the total value of the prizes is less than \$500 (approximately 141 tournaments of this type * \$25 = \$3,525). Tournament organizers will be charged a fee of \$100 if the format is catch-hold-release or "catch and kill", and the total value of the prizes is greater than \$500 but less than \$10,000, or where results of the tournament are used to calculate rankings or standings for future prizes worth greater than \$500 but less than \$10,000 (approximately 217 tournaments of this type * \$100 = \$21,700). Similarly, tournament organizers will be charged a fee of \$200 if the format is catch-hold-release or "catch and kill", and the total value of the prizes is \$10,000 or greater or where results of the tournament are used to calculate rankings or standings for future prizes worth \$10,000 or greater (approximately 42 tournaments of this type * \$200 =

\$8,400).

This rule establishes a permit application process by which the department will accept applications for permits from April 1st - June 30th each year for tournaments to be held the following year. Applications received during that period that result in limits on the number of tournaments on a water being exceeded will be subjected to a lottery for the date and location. Prior to the lottery drawing, organizers will be informed and offered an opportunity to modify their application to a date or location where limits have not been reached. Limits on the size and number of fishing tournaments are proposed in this rule. Limits on lakes vary depending on lake size and are based on public access standards set forth in NR 1.91(5)(b). The rule requires a reduced daily bag limit of three for walleye from the second Saturday in June to the first Sunday in September. The rule also requires a reduced daily bag limit of three bass from the first Saturday in July to the second Sunday in August. The rule also establishes other requirements of tournament organizers, including requiring a plan for disposal of dead fish. The rule establishes other general provisions related to fishing tournament format, fish holding, and handling.

Summary of and Comparison with Existing or Proposed Federal Regulations: None known.

Comparison of Similar Rules in Adjacent States: Fishing tournament regulation in states bordering Wisconsin:

Iowa. Iowa's fishing tournament rules are more stringent than Wisconsin's current regulations and similar to the type of rules that Act 249 authorizes the department to promulgate. In Iowa, a permit is required to conduct a fishing tournament on public waters under the jurisdiction of the state. Approval of any tournament application is at the discretion of the fisheries management biologist. The DNR may impose special conditions not specifically covered herein for any fishing tournament if deemed necessary to protect the resource or to assure public safety. Special conditions may include, but are not limited to:

- ◆ release of live fish
- ◆ fish measured to length and released from a boat
- ◆ multiple weigh-ins when water temperatures exceed 70 degrees Fahrenheit
- ◆ aerated live wells
- ◆ designated release areas
- ◆ designated release persons

Tournament size:

- ◆ on lakes less than 100 surface acres - a 15 boat maximum
- ◆ on lakes greater than 100 surface acres - a maximum of one boat per ten surface acres (Biologists may waive this rule for special events.)
- ◆ The number of tournaments at any one access area during a given day may be restricted if deemed necessary to avoid congestion with the public or competing tournaments

Iowa rules read, "It is prohibited to sort, cull, highgrade, or replace any fish already in possession. Participants in permitted black bass tournaments are exempted. Any fish taken into possession by holding in a live well, on a stringer or in other fish holding devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released."

Illinois. The Illinois DNR requires a fishing tournament permit if:

- ◆ Prizes are offered for tagged or marked fish where any of the states waters with special regulations are named as a tournament site; or
- ◆ The fishing event is conducted over a period of more than five days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed have special regulations; or

- ◆ Special exemptions to the site specific regulations for daily creel and size limit are requested for:
 - catch, hold for weigh-in, and release tournaments for muskellunge on all waters;
 - black bass catch and release tournaments (Lake Michigan and streams, except that the Mississippi, Ohio, and Wabash Rivers are not eligible for permits which exempt participants from daily catch and size limits)'
 - special catch and release tournaments for which the proceeds go towards youth education and/or charity type projects;
 - national catch and release tournaments; and
 - special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.

Issuance or denial of fishing tournament permits are based on the following criteria:

- ◆ The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.
- ◆ The location of the tournament; catch and release management zones on streams are not eligible for permits.
- ◆ The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the ILDNR to issue the permit. Specific items to be considered include:
 - biological status of the fish population including the species being sought.
 - length of the tournament;
 - number of boats and anglers participating in the tournament;
 - for tagged fish tournaments; provisions for obtaining and tagging targeted fish species; and
 - safety of anglers and potential boater-user conflicts.
- ◆ Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:
 - Tournament officials must be able to certify that all boats possess a live well (except muskellunge fishing tournaments) measuring at least 18-in long, 12-in deep, and 12-in wide. and be fitted with a functioning aerator and water pump.
 - Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat, or by individual boats.
 - Common release boats must meet specifications set by the ILDNR and must be certified by the ILDNR as a common release boat. Individual boats can not carry more than the daily creel limit of fish.
 - For catch, weigh-in, and release muskellunge tournaments, all boats must have a fish cradle to temporarily hold fish in the water while an official determines the length or weight of the fish prior to release. Muskellunge may not be transported to a weigh-in site.
- ◆ Adequate identification of participants in fishing tournaments for law enforcement purposes. Specific criteria are:
 - Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by ILDNR officials.
 - Each participant and boat must be identified in an easily recognizable manner at a distance (patch on the hat or back).

Failure to acquire a permit will result in denial of future applications for a fishing tournament permit by that applicant, sponsor or group for up to 5 years.

Michigan. Fishing tournament permits are obtained through the Michigan Recreational Boating Information Center for the use of the waterbody access site.

Minnesota. The Minnesota DNR recently (August 2007) put in place new rules for permitting and regulating fishing tournaments. The rules are as follows:

◆Fees

- Open water contests: Small contests (31-100 participants, 50 or fewer boats) = \$120, large contests (more than 100 participants or more than 50 boats) = \$400.
- Open water contests with off-site weigh-ins: small contests = \$500, large contests \$1,000.
- Ice fishing contests with more than 150 participants = \$120.
- Fees may be waived by the commissioner for charitable organizations.

◆Permits

- Permits are issued to Minnesota residents only.
- A permit is required for any fishing contest that is limited to specifically named waters is one or more of the following apply 1) there are greater than 30 participants for open-water contests or 150 participants for ice fishing contests, 2) the entry fee is greater than \$25/person, 3) the total prize value is greater than \$25,000 or 4) the contest is limited to trout species only.
- Contests limited to youth age 18 and under do not need a permit. Statewide and regional fishing contests do not need a permit unless they are limited to trout only.
- Permit applications will be accepted from August 1st through September 28th.
- If permit applications exceed the monthly limits for a given waterbody, the DNR will notify the applicants that their application will be subject to a lottery. Applicants will then be given seven days to change their application but could not change to a location an time period for which applications are already at or above the limit.
- The DNR will conduct a drawing for all locations and time periods for which applications exceed limits. First preference in the drawings will be given to applicants for established or traditional fishing contests. Preference points will be given to contests based on the number of times they have been unsuccessful in previous drawings. Contests lose all accumulated preference points after being successfully drawn.
- Results of the drawing will be announced no later than November 7th.
- Permit applications received after September 28th will be considered on a first come first served basis.

◆Monthly limits on the number of fishing contests

Lake size (acres)	Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days
less than 2,000	2	0	4
2,000-4,999	3	1	6
5,000-14,999	4	2	8
15,000-55,000	5	3	10
more than 55,000	no limit	no limit	no limit

Rivers	Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days
Mississippi River pool #1,2,3,5,5a,6,7,8,9	4 (each pool)	2 (each pool)	8 (each pool)
Mississippi River pool #4	5	3	10
Lake St. Croix	4	2	8
St. Croix River	2	1	8
All other rivers	2	1	4

-Up to five additional permits beyond the monthly limits listed above may be issued for fishing tournaments on lakes that are 5,000 acres or larger if the applicants can demonstrate that the contest will provide economic benefits to the local area, promote public awareness of fishing and the state's resources, and conforms to the best management practices for the lake.

◆Weekend Limitations

- On any waterbody less than 55,000 acres, the DNR may require at least two weekends per month with no permitted fishing contests.
- The DNR may require that multiple-day permitted fishing contests may not include more than one weekend day from Memorial Day through labor day weekend.
- Permitted fishing contests may not be held on the weekend of fishing season openers if the contest would target a species that the season is open for.

◆Other items

-The DNR may include the following restrictions as part of a fishing contest permit 1) restrictions on catch-hold-release or off-site weigh-ins, or denial of catch-hold-release or off-site weigh-ins to prevent undue loss of fish, 2) restrictions on hours that a fishing contest is conducted including specified start and stop times, 3) limits on pre-fishing and proof that such limits were communicated to contest participants and enforced, and 4) limits on the use of parking spaces at state-owned public water access sites and proof that such limits were communicated to the participants and enforced.

Definitions:

- **Permitted fishing contest** means an open-water fishing or ice-fishing contest that requires a permit from the MNDNR.
- **Permitted fishing contest day** means a day on a water body where a permitted fishing contest is held. Two permitted fishing contests that are held on the same water body on the same day count as two permitted fishing contest days.
- **Large permitted fishing contest** means an open-water fishing contest with more than 50 boats or 100 participants that requires a permit from the MNDNR.
- **Established or traditional fishing contest** means a fishing contest that prior to the 2001 tournament season had been issued at least two consecutive permits in the previous two years, or four out of the previous five years, for the same lake and time period. Tournaments granted established status need thereafter to be conducted annually or at least four out of five years to remain established.
- **Off-site weigh-in** means a weigh-in of fish from a fishing contest at a location that is not adjacent to the waters listed on the fishing contest permit.

- **Pre-fishing** means fishing by participants of a permitted fishing contest prior to the scheduled dates of the contest on waters listed on the fishing contest permit.
- **Participant** means a person who is taking part in a fishing contest.

Summary of Factual Data and Analytical Methodologies Used in Support of the Rule: The proposed rule revisions were developed with substantial input from the fishing tournament advisory committee (FTAC), established in July 2004 by the Department as required by 2003 Wisconsin Act 249. The Department concurrently established an internal fishing tournament working group (FTWG) that provided substantial input into these rule revisions. The rule revisions were also reviewed by other department staff represented by members of the FTWG.

The FTAC consists of fishing tournament organizers and representatives of the Conservation Congress, sport fishing organizations, and users of the lakes and streams of this state. The FTWG consists of department fisheries, watershed, law enforcement, and legal services staff. The FTAC has met twelve times between August 2004 and June 2007, six of those with the Department's FTWG. Eleven of those meetings involved discussion of fishing tournament rule revisions. The groups focused on the specific authorities as provided in 2003 Wisconsin Act 249 in developing revised tournament rules.

Analysis and Documentation Used in Support of the Agency's Determination Under s. 227.114, Stats., (Small Business Impact): Small businesses likely to be impacted by this rule include some tournament organizers. Tournament organizers will be affected by the imposition of tournament permit fees and will potentially be impacted by the imposition of the limits on the amount of tournament activity that can take place on a particular waterbody. However, the rules do not prevent any tournament organizer from holding a tournament particularly if the organizer is flexible with regard to location and date of the tournament.

Effect on Small Business, Including How the Rule Will Be Enforced: Local businesses that cater to tournament anglers and spectators may be indirectly affected by these regulations. Local communities and businesses may be affected if tournament activity either increases or decreases as a result of these rules. Tournament activity generates local economic activity and can range from tens of thousands of dollars to approximately one million dollars depending on the type of tournament (see the Economic component of the Bass Fishing Tournament Pilot program summary for specific details). The amount of tournament activity in Wisconsin may increase as a result of these rules if they are viewed as more favorable than those of surrounding states. Conversely, the amount of tournament activity may decrease if the rules are viewed as overly restrictive. The Department has no data to answer the question of whether these rules will act to increase or decrease tournament activity and it is therefore difficult to predict the overall economic impact of these regulations although the impact may be of notable magnitude.

Agency contact person: Andrew Fayram, FH/4 101 South Webster Street, Madison, WI 53707-7921; email: Andrew.Fayram@wisconsin.gov; phone: 608.266.5250.

SECTION 1. NR 20.40 is repealed and recreated to read:

NR 20.40 Fishing tournaments. (1) APPLICABILITY. This section applies to fishing tournaments on lakes, rivers, the Great Lakes, Wisconsin-Minnesota boundary waters as defined in s. NR 21.02(16), Wisconsin-Iowa boundary waters as defined in s. NR 22.02(14), and Wisconsin-Michigan boundary waters as defined in s. NR 23.02(10).

(2) DEFINITIONS. In this section:

- (a) "Aquatic invasive species" has the meaning in s. NR 198.12(1).
- (b) "Aquatic plant" has the meaning in s. 30.715(1)(a), Stats.
- (c) "Catch and kill tournament" means a fishing tournament where fish are caught by participants, reduced to their possession, and retained as part of the participant's daily bag limit.
- (c) "Catch-hold-release tournament" means a fishing tournament where fish caught by participants are reduced to possession and transported, usually for purposes of recording, and live fish are then released to the water from which they came. This format was previously referred to as a "live-release" tournament.
- (d) "Fishing tournament" means any organized fishing activity, on any water of the state where competition is the primary purpose, and where incentives, such as money, prizes or points, are awarded.
- (e) "Immediate-release tournament" means a fishing tournament where fish caught by participants are not reduced to possession and transported, but are held only long enough for identification and to document length or weight or both, and released to the water from which they came.
- (f) "Live well" means a container designed to hold live fish on a boat.
- (g) "Off-site weigh-in" means a weigh-in of fish caught in a catch-hold-release tournament at a location that is not on the shoreline or adjacent to the waters listed on the fishing tournament permit.
- (h) "Open water fishing" means all fishing that occurs except when ice is used as a platform from which to fish.
- (i) "Organize" means to advance, conduct, direct, establish, promote or otherwise be responsible for the operation of a fishing tournament.
- (j) "Organizer" means a person who advances, conducts, directs, establishes, organizes, promotes or otherwise is responsible for the operation of a fishing tournament, but does not include a person who only assists in advertising or publicizing another person's fishing tournament.
- (k) "Permitted fishing tournament" means a fishing tournament that requires a permit from the department.
- (l) "Permitted fishing tournament boat days" is a measure of tournament fishing pressure for open water permitted fishing tournaments. It is calculated by multiplying the number of boats participating in an open water permitted fishing tournament by the number of days the permitted fishing tournament is held. Any part of a day shall count as one day.
- (m) "Person" means any individual, partnership, association, organization or body politic or corporate.
- (n) "Possess" for the purposes of this section means to own, control, restrain, transport or keep. Once a fish is possessed, it shall be counted towards the angler's daily bag limit pursuant to s. NR

20.05(7). Any of the following conditions constitute possession:

1. Holding a fish out of the water longer than necessary to remove hooks and measure the fish for length, weight or both.
2. Placing a fish into a live well except to revive a fish or to avoid imminent boating danger.
3. Holding a fish at the side of a stationary boat for longer than necessary to register and revive the fish.
4. Resuming fishing by any angler in the boat prior to the release of the fish.

(m) "Prizes" means money or items that are provided to a tournament participant based on their performance in a competitive fishing event. This does not include "raffle" type prizes which are given to tournament participants independent of their performance in the competitive fishing event.

(n) "Traditional fishing tournament" means a fishing tournament that was issued permits 4 out of 5 years from 2003 to 2007, for the same water or waters and time period. Beginning January 1, 2008, traditional fishing tournaments shall continue to be conducted at least 4 out of 5 years for the same waterbody and time period to remain a traditional fishing tournament.

(o) "Weigh-in" means a registration process for catch-hold-release tournaments by which fish are measured and released.

(3) PERMIT REQUIRED. No person may carry out a fishing tournament that meets any of the criteria in pars. (a) to (d), without a permit. Fishing tournaments that are statewide or regional in nature do not require a permit. A person shall obtain a permit from the department to organize a fishing tournament if one or more of the following apply:

- (a) The fishing tournament involves 20 or more boats, or 100 or more participants.
- (b) The fishing tournament includes any trout species on waters classified as trout streams under s. NR 1.02(7).
- (c) The fishing tournament is a catch-hold-release tournament with an off-site weigh-in.
- (d) The total prize value is \$10,000 or greater.

(4) APPLICATION. A person who wishes to organize a fishing tournament requiring a permit from the department shall apply on forms available from the department.

(a) Permit applications shall specify an individual who is responsible for supervising the tournament to ensure compliance with all tournament permit conditions and regulations.

(b) Applicants for a fishing tournament permit shall pay a \$25.00 non-refundable permit application fee upon submission of the application when the following conditions apply:

1. The tournament format is immediate-release; or
2. Total prizes provided to tournament participants are valued at less than \$500; or
3. The tournament targets salmon species on Lake Michigan, Green Bay, or Lake Superior.

(c) Applicants for a fishing tournament permit shall pay a \$100.00 non-refundable permit application fee upon submission of the application when the following conditions apply:

1. The tournament format is catch-hold-release or catch and kill; and

2. Total prizes provided to tournament participants are valued at \$500 or greater and less than \$10,000, or where results of the tournament are used to calculate rankings or standings for future prizes are valued at \$500 or greater and less than \$10,000.

(d) Applicants for a fishing tournament permit shall pay a \$200.00 non-refundable permit application fee upon submission of the application when the following conditions apply:

1. The tournament format is catch-hold-release or catch and kill; and

2. Total prizes provided to tournament participants are valued at \$10,000 or greater, or where results of the tournament are used to calculate rankings or standings for future prizes valued at \$10,000 or greater.

(e) Applicants for a fishing tournament where the target species is largemouth bass or smallmouth bass, or both, and the format is catch-hold-release or catch and kill shall pay an additional non-refundable permit surcharge of \$2 for each participant for a period of 6 years beginning April 1st 2008 and ending January 1st 2014.

(f) There is no fee for a fishing tournament permit where all participants are younger than 18 years of age or are developmentally disabled as defined under s. 51.01(5)(a), Stats., or physically disabled and eligible for a license under s. 29.193(3) or (3m), Stats.

Note: Application forms may be obtained at no charge from department service centers and regional offices.

(5) PERMIT APPLICATION PROCESS. (a) Beginning April 1st each year, the department shall accept permit applications for fishing tournaments to be held in the following calendar year.

(b) If the number of permit applications submitted to the department from April 1st through June 30th exceeds the limits specified in subs. (7) and (8), the department shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the department shall allow the affected applicants a minimum of 7 days to change the location or time period requested on their applications to a location or time period for which applications are not already at or above the limits specified in subs. (7) and (8). If June 30th falls on a weekend, applications will be accepted through the following Monday.

(c) After the deadline to change applications as provided under par. (b), the department shall conduct a random drawing for each location and time period for which applications exceed limits established in subs. (7) and (8). Traditional fishing tournaments are not included in a random drawing unless they are competing with other traditional fishing tournaments for limited fishing tournament permits for a body of water. Only one permit application per organizer will be included in a drawing for the same location and time period.

(d) By August 1st, the department shall approve or deny permit applications that are submitted by June 30th in compliance with the limits in subs. (7) and (8).

(e) The department may approve a permit application that is received after June 30th if approving the application would not result in exceeding the limits in subs. (7) and (8) and the application is received at least 30 days prior to the start of the tournament.

(f) Upon permit approval, tournament organizers shall notify the county and city, village, or town within which the access site, weigh-in site, or headquarters for the tournament is located of the date, time, location, and size of tournament.

(6) COMPLIANCE. (a) All participants in a permitted fishing tournament shall comply with all provisions of the permit.

(b) If a participant fails to comply with the permit, the violating participant shall promptly be disqualified and expelled from the tournament by the organizer.

(c) All organizers of a permitted fishing tournament shall comply with all permit terms and conditions and the rules of this section and shall take adequate measures to ensure that all participants comply with all provisions of the permit. The organizer of a permitted fishing tournament shall provide each participant a copy of the permit conditions and rules specific to the fishing tournament along with potential penalties for noncompliance prior to any participant being allowed to participate in the tournament.

(d) Notwithstanding par. (b), the department may take other appropriate enforcement action against a participant or organizer found to be in violation of this chapter or ch. 29, Stats.

(e) For the purpose of enforcing this section, a conservation warden or a representative of the department, upon presentation of his or her credentials or department identification card, is authorized at any time gamefish are possessed during the tournament to open and inspect any live well, holding tank, bag, boat, or other device used to hold or transport fish.

(f) No tournament angler, organizer, volunteer or other tournament official may prohibit entry or inspections to be conducted under this section unless a court restrains or enjoins the entry or inspection.

(7) LIMITS ON SIZE AND NUMBER OF FISHING TOURNAMENTS. The size and number of permitted fishing tournaments allowed on a water body may not exceed the following limits except in Lake Michigan, Green Bay, Lake Superior, and Lake Winnebago where there are no limits on the size and number of permitted fishing tournaments.

(a) The following monthly limits on permitted fishing tournament size, number, and total boat days are based on lake acreage are outlined in the table below.

LAKE OR LAKE CHAIN SIZE (ACRES)	MAXIMUM DAILY NUMBER OF BOATS ALLOWED FOR PERMITTED OPEN WATER FISHING TOURNAMENTS	MAXIMUM MONTHLY NUMBER OF PERMITTED FISHING TOURNAMENT BOAT DAYS	MAXIMUM DAILY NUMBER OF PARTICIPANTS ALLOWED FOR PERMITTED ICE FISHING TOURNAMENTS	MAXIMUM DAILY NUMBER OF CONCURRENT PERMITTED FISHING TOURNAMENTS
1. Less than 100	0	0	50	1 (ice fishing only)
2. 100 – 449	25	50	150	1
2. 450 – 999	50	300	500	1
3. 1,000 – 4,999	125	1,125	1,000	2
4. 5,000 – 9,999	150	2,400	1,500	2
5. Larger than 10,000	Determined by actual acreage (1 boat/50 acres)	3,000	No Limit	No Limit

(b) Open water fishing tournaments on lakes or lake chains smaller than 100 acres may be permitted if the department finds that the tournament:

1. Will promote public awareness of fishing and the state's resources and conforms to the best management practices for the lake; or

2. Is a traditional fishing tournament.

(c) The following shall apply to fishing tournaments permitted for any combination of lakes within a chain of interconnected lakes:

1. Permitted fishing tournaments may engage in fishing activities in lake chains or connected lakes but the tournament organizer must select a lake where the primary fishing activity or weigh-in will take place. The availability of permits will be based on the acreage of the selected lake as outlined in par. (a).

(d) For boundary water lakes, the limits on the number of permitted fishing contests shall be determined based on the Wisconsin acreage.

(e) For flowages and impoundments of rivers, the limits in par. (a) shall include tributaries upstream to the first dam or road crossing unless otherwise specified in the permit.

(f) The following provisions apply to rivers:

1. The maximum number of permitted fishing tournaments per month on the Mississippi River, Lake St. Croix, St. Croix River, Wisconsin River, Fox River, and Wolf River are outlined in the following table.

RIVER SEGMENT OR SECTION	MAXIMUM NUMBER OF PERMITTED FISHING TOURNAMENTS PER MONTH
1. Mississippi River: pool 3; 5; 5A; 6; 7; 8; 9; 10; 11; 12; 13	4 (each pool)
2. Mississippi River: Pool 4	5
3. Lake St. Croix	4
4. St. Croix River, Wisconsin River, Fox River, Wolf River (excluding Lake Winnebago system waters as defined in s. NR 20.03(19))	2 (each 10 mile segment)

2. Fishing tournament waters identified in the permit for Mississippi River pools are limited to no more than 3 pools where each pool is separated by a lock and dam.

3. Fishing tournament waters for Lake St. Croix shall be restricted to the waters between the U.S. highway 10 bridge at Prescott upstream to the Acola Bar.

4. No more than 2 permitted fishing tournaments per month, not to exceed 4 days combined, may be issued for any 10 mile segment of a river not listed in subd. 1., as defined in the permit. If any portion of river permitted overlaps with a previously permitted portion of the same river, it shall be considered the same segment. Segment boundaries shall be readily identifiable features as close to 10 miles apart as possible.

5. Permitted fishing tournaments may engage in fishing activities in multiple pools but the tournament organizer must select the pool where the primary fishing activity or weigh-in will take place. The availability of permits will be based on the selected pool as outlined in subd. 1.

(8) ADDITIONAL FISHING TOURNAMENT PERMITS. Notwithstanding the limits in sub. (7), the department may allow one additional permit each year for fishing tournaments on lakes greater than 1,000 acres or river segments identified by the department. For additional fishing tournaments permitted

under this subsection, the fishing tournament permit applicant shall demonstrate to the department that the tournament:

(a) Will promote public awareness of fishing and the state's resources and conform to best management practices for the lake; or

(b) Is a traditional fishing tournament.

(9) DISPOSITION OF DEAD FISH. The department shall require each applicant to provide a written plan for the disposition of any dead fish encountered within a 48-hour period from the end of the tournament and are a result of the fishing tournament which complies with s. 23.095(1g), Stats. No plan may include retention of any fish contrary to the requirements of department rule.

Note: Section 23.095(1g), Stats., General prohibition. No person may damage or attempt to damage any natural resource within the state. Under s. 23.095(1)(a) "Damage" means to commit a physical act that unreasonably destroys, molests, defaces, removes or wastes.

(10) GENERAL PROVISIONS AND PERMIT CONDITIONS. (a) No person may organize fishing tournaments on the same body of water with starting dates separated by less than 2 weeks.

(b) The department may deny an application for a fishing tournament permit upon determination that the body of water, the fish or other aquatic resources may be substantially harmed by the concentration of fishing activity from the fishing tournament.

(c) No person may conduct a fishing tournament on any of the following:

1. Opening weekend of a fishing season of a particular species if fishing tournament targets that species.
2. 3-day Memorial Day weekend
3. Fourth of July.
4. 3-day Labor Day weekend unless it is a traditional fishing tournament.

(d) The department may require the tournament organizer to make parking arrangements in addition to those normally present at location where the event is taking place for fishing tournament participants in order to ensure reasonable public access to the water where the permitted fishing tournament is being conducted. A plan outlining the alternative parking arrangements shall be submitted to the department upon request. The department may withhold approval of a fishing tournament permit application until an adequate alternative parking plan or parking arrangements have been provided by the organizer.

(e) For open water permitted fishing tournaments, participants' boats shall be identified in a uniform manner that makes them easily identifiable on the water as fishing tournament participants and the method for identification shall be provided to the department. This requirement does not apply to tournaments on the Great Lakes for trout and salmon.

(f) The following provisions apply to immediate-release tournaments:

1. Participants may not reduce fish to their possession.
2. Participants shall immediately initiate the official tournament registration process upon landing a fish.
3. Participants shall successfully release the fish, as indicated by the capability of the fish to swim

away upright under its own power, prior to resuming fishing.

(g) The following provisions apply to catch-hold-release tournaments:

1. There will be a daily bag limit of 3 walleye from the second Saturday in June to the first Sunday in September for all catch-hold-release tournaments on all waters with a daily bag limit of 3 walleye or greater. There will be daily bag limit of 3 bass from first Saturday in July to the second Sunday in August for all catch-hold-release tournaments for all waters with a daily bag limit of 3 bass or greater.

Note: These dates are the approximate dates when some Wisconsin waters reach threshold water temperatures that cause increased delayed mortality for bass species and walleye.

2. No person may conduct a catch-hold-release tournament for muskellunge, northern pike, sturgeon or trout with an off-site weigh-in.

3. No person may conduct a catch-hold-release tournament unless they follow the conditions related to fish handling specified on the permit.

4. No person may participate in a catch-hold-release tournament unless their boat is equipped with a live well that is demonstrated to the tournament organizer as functioning properly prior to fishing in the fishing tournament.

5. No person may hold fish in a catch-hold-release tournament in on-shore holding tanks unless the tanks have the capacity to hold at least one gallon of water per pound of fish held and are equipped with an aeration or oxygenation system that maintains the dissolved oxygen at 5 parts per million or higher.

6. No person may conduct a catch-hold-release tournament with an off-site weigh-in unless the fish holding equipment and fish handling procedures at the weigh in site are approved by the department and the approval is specified on the permit.

7. The department shall include permit conditions that specify fish handling requirements during weigh-in for catch-hold-release tournaments.

8. The department may include the following permit conditions related to tournament operation for permitted catch-hold-release tournaments at the point of permit issue when it determines that environmental conditions are not conducive to survival of fish intended for release and the release may constitute unreasonable waste of natural resources under the provisions of s. 23.095 (1g), Stats.

a. The department may restrict the area that may be fished by fishing tournament participants to reduce the time that fish are held in live wells, the distance fish are transported to a weigh-in site or both.

b. The department may require redistribution of released fish.

(h) All permits for fishing tournaments shall do the following:

1. Identify areas where competitive fishing is prohibited for the following reasons:

a. To protect critical habitat, including areas designated by local ordinance for aquatic vegetation preservation or areas where habitat enhancement activity is underway.

b. To protect public rights, interests or safety, including designated swimming areas, mooring areas, access areas, navigational channels, staging areas, beaches or other special use areas.

2. Prohibit the use of tagged fish, except when approved by the department for any of the following reasons:

a. To enhance collection of data for management purposes as part of a scientific study.

b. The tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the department under s. 29.736, Stats., and s. NR 19.05.

(i) Pursuant to s. NR 20.05 (7), any fish taken into possession by an individual and not released immediately shall be included as part of the individual's daily bag limit.

(j) The time limitations upon the length of a fishing tournament under this section do not include fishing activities by tournament participants carried out prior to the time when the tournament begins.

(k) Except for tournaments on the Great Lakes, the fishing portion of any catch-hold-release tournament may not run for more than 10 consecutive hours each day or more than 4 consecutive days.

(L) The fishing portion of tournaments on the Great Lakes is not limited in duration.

(11) AQUATIC INVASIVE SPECIES. (a) All tournament participants shall comply with s. 30.715, Stats., and all department rules pertaining to control of aquatic invasive species.

(b) Fishing tournament organizers shall inform all tournament participants of procedures recommended by the department to clean and decontaminate boats and equipment of aquatic plants and invasive species prior to the tournament.

(c) The department may include permit conditions necessary to prevent the spread of aquatic invasive species.

(12) REPORTING. Each organizer shall report the results of the organizer's tournament and other information which the department deems necessary on forms available from the department no later than 30 days following the last day of the tournament.

Note: Reporting forms will be issued with permits.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)