

DATE: March 19th, 2007

TO: Wisconsin Natural Resources Board

FROM: Michael Staggs

SUBJECT: FH-22-06 – Summary of Public Comments on Proposed Tournament Fishing Rules

General Summary of Public Comments

On September 27, 2006, the Natural Resources Board authorized the Department of Natural Resources to hold public hearings to receive comments related to proposed tournament fishing rules. The Department held seven public hearings and accepted written and electronically transmitted comments during October and November 2006 with the comment period ending on November 17, 2006. The public hearings occurred at the following locations and times.

October 30, 2006. Holiday Inn, 624 W. Rolling Meadows Drive (US 151 & 41), Fond du Lac. 7:00 pm.

November 1, 2006. Strzelczyk Great Hall, Cleary Center, UW-La Crosse, 615 East Avenue South, La Crosse. 7:00 pm.

November 2, 2006. Fitchburg Community Center, 5510 Lacy Road, Fitchburg. 7:00 pm.

November 8, 2006. Auditorium, Bay Wildlife Sanctuary Nature Center, 1660 East Shore Drive, Green Bay. 7:00 pm.

November 9, 2006. Suite IV, DNR Service Center, 9631 Rayne Road, Strutevant. 7:00 pm.

November 14, 2006. Spooner Agricultural Research Station, W6646 Highway 70, Spooner. 7:00 pm.

November 15, 2006. Theater, Nicolet Technical College, County Highway G, Rhinelander. 7:00 pm.

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 etc.). 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 categories that summarize different components of the rule proposal are shown in the table below. The numbers in the table represent the number of individuals, groups, or organizations 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%	

Specific Comments

In addition to registering favor or opposition to FH-22-06 and its components, many individuals, groups, and organizations provided specific comments, recommendations, and alternatives. Below is a summary of the major issues gleaned from the specific comments. They are summarized in five general categories.

Permit Application Process – NR-22-06 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.

Major Themes:

1. Trout and salmon tournaments (Great Lakes) should be exempt from the process entirely.
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.
3. The size of a tournament requiring a permit should be less inclusive; reserved only for larger tournaments.

Suggested Alternatives:

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”.
2. Tournament permits should be required for all catch and release tournaments (Wisconsin Association of Lakes form letter and testimony).
3. Tournament boats should be marked with a sticker or a flag so they are and identifiable.
4. Permits should specify that tournament organizers and participants are responsible for knowing and adhering to all local ordinances (Wisconsin Association of Lakes form letter and testimony).
5. Specific objectives (measurable standards) should be established for modifying or revoking permits.

Permit Fees – NR-22-06 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 a tremendous amount of 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 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.

Major Themes:

1. The proposed fees are unreasonably high.
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.
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.
4. Permit application fees should be refundable.
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 (Wisconsin Association of Lakes form letter and hearing testimony).

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).
- WDNR needs to do a small business analysis.
- 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.
- There should be equal treatment of open water and ice fishing tournaments with respect to permit fees.
- Creation of participant fees does not appear to be authorized in 2003 Wisconsin Act 249; only fees to organizers.
- Fees that recover the costs associated with the bass fishing tournament pilot program should sunset in 5 years.

Limits – NR-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. The public comment results, complimented by the results of the angler and boater surveys completed for the bass fishing tournament pilot program seem to indicate the need for limits may not be as necessary as previously thought. Perhaps general authority for biologists to deny a permit if they are aware of potential conflicts (e.g. another large tournament already permitted at an access site) will suffice for the time being.

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

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.
4. Permitting restrictions should only apply to the number of 50+ boat tournaments and not to smaller tournaments.
5. Limits should not apply to weeknight tournaments that are generally only 3-4 hours and often have a one fish bag limit.
6. The limits are unnecessarily restrictive with respect to species of fish targeted by tournaments.
7. There needs to be more protection for smaller lakes.
8. The holiday weekend ban on tournaments is unnecessary.

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 (Wisconsin Association of Lakes form letter and hearing testimony).

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).
- Rules should contain the authority to prevent overlapping tournaments.
- Tournament boat*day allocations should apply to each water individually in a multi-water tournament.
- The number of tournaments on a water should be regulated based on science – what that fishery can sustain without harm.
- 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.
- There is no reason to limit the number of participants allowed in ice fishing tournaments.

Live Release Ban – NR-22-06 proposed a prohibition on live 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 proposed ban on live 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 very 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.

The topic of minimizing post-release mortality would be one that could be provided to the FTAC, with well-defined bounds, for discussion and recommendation. The committee could work to determine alternative regulations for tournament operations and under what conditions those would apply.

Major Themes:

1. Banning live release tournaments during July and August is unnecessarily restrictive.
2. Regulations related to warm water restrictions should be species-specific.

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.
- 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.
- Immediate release formats will not work for most bass or walleye tournaments.
- The potential loss of economic impact due to loss of tournaments outweighs loss of fish when no biological impact on the population results.
- There should be no fishing tournaments during the spawn.

Aquatic Invasive Species – FH-22-06 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.

Major Themes:

1. AIS are every boater's problem, not just tournament anglers. Any AIS regulations should apply to all boaters.
2. There are already laws related to AIS.
3. The approach to AIS should be education of tournament organizers and anglers, not targeted regulation of them.
4. DNR should require watercraft inspections and boat disinfection.
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 (Wisconsin Association of Lakes form letter and hearing testimony).

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