

SUBJECT:

Request that the Board approve the statement of scope for Board Order FH-01-12A, proposed rules affecting s. NR 20.40 related to fishing tournaments.

FOR: June 2013 Board meeting

PRESENTER'S NAME AND TITLE: Jonathan Hansen, Fishing Tournament Program Coordinator

SUMMARY:

The Board approved an original statement of scope for this Board Order in March 2012. Since that meeting, the scope of the rule expanded and a revised scope approval is required.

After several years of issuing tournament permits and evaluating both angler and program management needs, the department is proposing more efficient and effective tournament rules. New policies will include:

- defining "culling"
- determining certain permit exceptions and participant limits
- streamlining tournament permit application procedures
- specifying boat and live well requirements
- clarifying rules on border waters
- clarifying use of tournament specific conditions for catch-hold-release bass and walleye tournaments

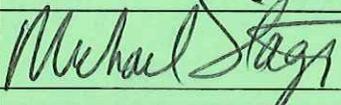
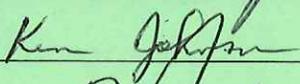
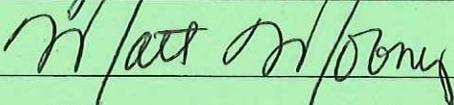
The rule may also include additional policies and proposals discussed and proposed by the Tournament Rule Review Task Force.

Proposed changes are in response to 2011 Wisconsin Act 24, which allowed culling during permitted bass fishing tournaments, and efforts to improve customer service and staff efficiencies.

RECOMMENDATION: That the Board approve the statement of scope for Board Order FH-01-12A.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|--|---|
| <input checked="" type="checkbox"/> memo to the Board (for scope statement approval) | <input type="checkbox"/> Attachments to background memo |
| <input checked="" type="checkbox"/> Statement of scope | <input checked="" type="checkbox"/> Governor approval of statement of scope |
| <input type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input type="checkbox"/> Response summary | <input type="checkbox"/> Board order/rule |

Approved by	Signature	Date
Mike Staggs, Bureau Director		5/20/2013
Ken Johnson, Administrator		5/22/2013
Cathy Stepp, Secretary		5/30/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-01-12 Revised Scope Statement

Relating to: Fishing Tournaments, Section NR 20.40

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

To simplify and create more effective fishing tournament rules that increase user satisfaction while still addressing concerns about crowding, tournament associated fish mortality, and the spread of invasive species.

Proposed changes are in response to 2011 Wisconsin Act 24, which allowed culling during permitted bass fishing tournaments, and efforts to improve customer service and staff efficiencies.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The current fishing tournament rule has been in effect for over three years and the Fisheries Management Bureau has taken a critical look at the rule to identify areas for improvement. The Tournament Rule Review Task Force, which includes DNR Fisheries Management and Law Enforcement staff and public tournament organizers from Wisconsin BASS and the Midwest Walleye Series, has and will discuss suggestions for fishing tournament rule changes.

Current fishing tournament rules establish maximum amount of tournament fishing pressure that can occur on individual waterbodies, a process for applying for tournament permits, established fees to recover the costs associated with processing and issuing tournament permits, and outline conditions that may be added to the fishing tournament permit by the department to reduce unwanted mortality and prevent the spread of aquatic invasive species. These conditions are explicitly stated at the time of permit issuance.

After several years of issuing tournament permits and evaluating both angler and program management needs, the department is proposing more efficient and effective tournament rules. New policies may include:

- defining "culling"
- determining certain permit exceptions and participant limits
- streamlining tournament permit application procedures
- specifying boat and live well requirements
- clarifying rules on border waters
- clarifying use of tournament specific conditions for catch-hold-release bass and walleye tournaments

The rule may include additional policies and proposals discussed and proposed by the Tournament Rule Review Task Force.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 29.403 (1g) and (3), Stats., authorizes the department to promulgate rules to establish a program to authorize and regulate fishing tournaments and establish the scope and applicability of the program.

Section 29.403 (2), Stats., provides that the department may require a permit to conduct a fishing tournament and may impose terms and conditions that apply to a specific permit.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 200 hours

6. List with description of all entities that may be affected by the proposed rule:

The proposed rule change would positively impact fishing tournament organizers and sport anglers who participate in fishing tournaments. No negative impact is expected for businesses, business associations, public utility rate payers, or local governmental units.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The department is not aware of any existing or proposed federal regulation that would govern fishing tournaments in Wisconsin.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The department anticipates that the proposed rule will have minimal or no economic impact locally or statewide (Level 3). The proposed rule change would impact fishing tournament organizers and sport anglers who participate in fishing tournaments. No negative impact is expected for businesses or business associations. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

Contact Person: Jon Hansen, Fishing Tournament Program Coordinator, 608-266-6883
jonathan.hansen@wisconsin.gov


Department Head or Authorized Signature

4/19/13
Date Submitted



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

May 8, 2013

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

RE: Statement of Scope for revisions to FH-01-12 modifying NR 20.40 relating to fishing tournaments

Dear Secretary Stepp,

I hereby approve the Statement of Scope submitted on April 29, 2013, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapter NR 20.40 of the Wisconsin Administrative Code. You may send the Statement of Scope to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker
Governor