

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT:

Request that the Board adopt Board Order FH-01-12, proposed rules affecting NR 20 related to fishing tournaments.

FOR: December 2013 Board meeting

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

SUMMARY:

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 conditions for catch-hold-release tournaments
- clarifying use of bag limit reduction during warm water periods for bass and walleye tournaments
- specifying boundaries for catch-hold-release bass and walleye tournaments on Green Bay

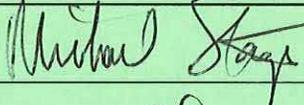
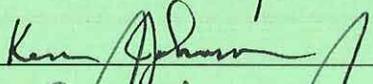
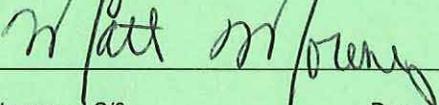
Proposed changes are in response to 2011 Wisconsin Act 24, which allowed culling during permitted bass fishing tournaments, and efforts to improve customer service and staff efficiencies.

The Department anticipates that the proposed rule will have minimal or no economic impact locally or statewide (Level 3).

RECOMMENDATION: That the Board adopt Board Order FH-01-12.

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

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

Approved by	Signature	Date
Mike Staggs, Bureau Director		11/13/13
Ken Johnson, Administrator		11/15/13
Cathy Stepp, Secretary		11/18/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: November 12, 2013

TO: All Members of the Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Background memo on Board Order FH-01-12, relating to fishing tournaments

1. Subject of Proposed Rule:

The Department is proposing more efficient and effective fishing 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 conditions for catch-hold-release tournaments
- clarifying use of bag limit reduction during warm water periods for bass and walleye tournaments
- specifying boundaries for catch-hold-release bass and walleye tournaments on Green Bay

2. Background:

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.

The Tournament Rule Review Task Force - which includes DNR Fisheries Management and Law Enforcement staff, a WI Conservation Congress representative, and public tournament organizers from Wisconsin BASS and the Midwest Walleye Series - have been developing suggestions for fishing tournament rule changes.

3. Why is the rule being proposed?

The current fishing tournament rule has been in effect for several years and the Fisheries Bureau has taken a critical look at the rule to identify areas for improvement. This rule is being proposed to simplify and create more effective fishing tournament rules that should increase user satisfaction and address concerns about crowding, tournament associated fish mortality, and the spread of invasive species.

4. Summary of the rule.

Current fishing tournament rules establish a maximum amount of tournament fishing pressure that can occur on individual waterbodies, a process for applying for tournament permits, fees to recover the costs associated with processing and issuing tournament permits, and 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:

A) Current policy: 2011 Wisconsin Act 24 allows anglers to cull in department authorized bass tournaments, but did not provide a definition of “culling.”

Proposed change: Define “Cull” or “Culling” as the practice of releasing a live fish that was held in an angler’s possession and replacing it with another fish. Live fish that are released and capable of swimming away under their own power are not considered part of the angler's daily bag limit provided the total number of fish possessed at any one time does not exceed the angler's daily bag limit.

B) Current policy: A tournament permit is required if various criteria are met, including the identification of tournament participants and if the event is limited to certain waters. These criteria are meant to address crowding issues, however, they do not determine whether participants are fishing during a short period of time. Moreover, permitted tournaments may not last longer than four days.

Proposed change: Create permit exception for season-long tournaments. Many resorts and bars have season-long events for which participants must pay to enter, however, the associated fishing pressure is minimal because it is dispersed over many weeks. Creating a permit exception would allow Wisconsin resorts and bars to continue to hold season-long tournaments without applying for a permit and with little chance of adding to typical tournament related crowding or fish mortality.

C) Current policy: Tournament permit applicants must pay an application fee based on prize values.

Proposed change: Adjust lower bounds of prize values used to determine the permit application fee. Tournament permit applicants tend to estimate the maximum prize values on their application at a level that results in an unnecessarily high application fee. This change would add \$1 to the lower bounds of the prize value structure in order to reduce application fees for some applicants from \$50 to \$25 and from \$200 to \$50. The department would expect minor revenue losses (~\$1,600).

D) Current policy: The department accepts permit applications during an open period from April 1 through June 30 for fishing tournaments to be held in the following calendar year. If the number of tournament applications during that period exceeds the maximum number of tournaments allowed on a waterbody, applicants are subject to a drawing.

Proposed change: Remove the open period from the permit application process and allow applicants to apply starting on January 1 of the preceding year for traditional tournaments (a fishing tournament that was issued permits 4 out of 5 years from 2004 to 2008 for the same water and time period) and April 1 of the preceding year for non-traditional tournaments. The current permitting process has been in effect for three years and the department has received roughly 16% of the total annual applications during the open period in each year. A drawing was not necessary in any year and there have generally been few instances of multiple proposed tournaments collectively approaching the participation limits. Moreover, the complicated nature of the open period has been confusing for tournament organizers and logistically challenging for the department. Removing the open period and potential for a drawing will simplify the rule, streamline the permitting process, and reduce workload for department staff.

E) Current policy: In lakes less than 100 acres, ice fishing tournaments are limited to 50 participants per day. However, a tournament permit is not needed unless there are 100 or more participants. In lakes 100 to 449 acres, the maximum daily number of participants is 150.

Proposed change: Increase the maximum daily number of participants allowed for permitted ice fishing events in small lakes: 150 daily participants would be allowed on lakes less than 100 acres and

250 daily participants would be allowed on lakes between 100-449 acres. Numerous community-oriented fundraising events with ice fishing tournaments are limited by the current participation limits. These events are more focused on the social aspects of the event rather than the competition of the tournament and organizers generally are unable to determine how many participants are actually fishing. An increase in participation limits will reduce the likelihood that these community-oriented events would potentially be in violation of the law. While increasing the participation limit does result in a potential increase in crowding, the department does not believe increases will be perceptible given the vague distinction between tournament participants and non-tournament participants.

F) Current policy: The size and number of permitted fishing tournaments allowed on a water body may not exceed limits in administrative code based on lake acreage and the numbers of boats, fishing days, and participants.

Proposed change: Exclude small permitted tournaments from calculations to determine the total number of tournaments allowed on individual waters. 2011 Wisconsin Act 24 allowed culling in department-authorized bass tournaments, and as a result bass tournaments with fewer than 20 boats that formerly did not need permits are now applying for them in order to cull fish. The increase in permit applications could create a shortage of permits on certain waterbodies, potentially preventing large tournaments in need of a permit from receiving one. Prior to Act 24, these tournaments would already occur without a permit and not be counted toward the tournament permit limit because the small number of participants would not cause crowding on the water. To avoid this unintended consequence of Act 24, small tournaments (<20 boats) that apply for a permit only so participants can cull fish would not be counted toward any participation limits (maximum daily number of boats, maximum monthly boat days, maximum daily concurrent tournaments).

G) Current policy: Catch-hold-release tournaments are subject to provisions intended to set standards for the care of fish meant to be released. Current language requires participants to have a boat with a functioning live well however does not differentiate this requirement for open water versus ice fishing events.

Proposed change: Add language to specify that boat and live well requirements only apply to open water tournaments and that any fish transported to or from the weigh-in site in a catch-hold-release ice fishing tournament must be held in water if the fish will be released.

H) Current policy: The fishing tournament permitting program administered by the Minnesota DNR that authorizes tournament activity on WI-MN boundary waters of the Mississippi River is very similar to that of WDNR. Accordingly, the states have recognized tournament permits and allowed tournament activity in their waters under the other states' permit. The number of permits available per river pool was set to reflect this agreement. No administrative code language currently exists that explicitly states this agreement.

Proposed change: Add language to explicitly state the authority to recognize neighboring states' tournament permits on border waters.

I) Current policy: Catch-hold-release tournaments targeting bass or walleye are subject to tournament specific conditions that the department may use to minimize post-release fish mortality when environmental conditions are not conducive to post-release survival. The department has internal guidance that is somewhat ambiguous regarding two specific conditions: 1) the reduction of bag limits during warm water periods and 2) restrictions on the distance tournament anglers may travel on large waterbodies. Specifically, for 1), the department currently reduces the daily bag limit during the time period specified in administrative code unless a local fisheries biologist has data that suggest water temperatures will not be over 70 degrees F for walleye and 80 degrees for black bass.

Specifically, for 2), the department has developed guidance that places boundaries on bass and walleye tournaments on Green Bay (the only water where distance restrictions are warranted) based on studies published from other states, fish tagging data, and precedence. Both of these tournament specific conditions have at different times generated substantial controversy and, because of mutual miscommunication, been received with some element of surprise.

Proposed change: The department proposes adding specific language to administrative code that clarifies the use of these tournament specific conditions that is agreeable to tournament organizers and the department believes sufficiently addresses social and biological concerns. The department worked with tournament anglers in developing a standard approach to implementing these conditions. The proposed changes explicitly state when and where bag limits will be reduced as well as provide exceptions for high profile tournaments that promote national public awareness of fishing. The proposed changes also state exactly where anglers will be allowed to fish on Green Bay based on the species they are targeting and the location of a tournament's weigh-in site. Finally, the department is adding language that clarifies the reasoning for the condition: whether the conditions are to be used to address issues associated with waste from post-release mortality or whether the conditions are meant to address potential detrimental effects on the fish population.

J) Current policy: The permit provisions for fish transport, measurement, and release have always been included on permits for catch-hold-release muskellunge tournaments.

Proposed change: The provisions will now be codified rather than only included on permit forms.

5. How does this proposal affect existing policy?

(Noted in Summary above)

6. Has Board dealt with these issues before?

In January 2008, the Natural Resources Board passed order FH-22-06 pertaining to the regulation of fishing tournaments. There were four general components included in the proposed rules. First, the rules established a maximum amount of tournament fishing pressure that can occur on individual waterbodies. The determination of the maximum amount of fishing pressure was based on providing reasonable access to Wisconsin's fisheries and aquatic resources as outlined in NR 1.91 (5) (b). Second, the rules outlined a process for applying for tournament permits. This process included a provision to hold a lottery if tournament applications received during the open application period (April 1-June 30 in the year prior to the event) exceed the maximum allowable amount of fishing pressure. "Traditional fishing tournaments" were given preference and are generally not subject to the lottery. Traditional fishing tournaments would receive their permit unless the number of traditional fishing tournaments exceeds the maximum. Third, the rules established fees, which range from \$25-\$200, to recover the costs associated with processing and issuing tournament permits with lower fees associated with tournaments that are likely to have a small impact on fisheries resources. Finally, the rules outlined 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.

On May 1, 2008, the Assembly Committee on Natural Resources took testimony from the DNR and the public related to the rules passed by the NRB. In response to the testimony and the concerns of Committee, the Committee voted unanimously to request that the Department of Natural Resources consider modification to Clearinghouse Rule 06-108, including but not limited to the issue of law enforcement probable cause. In addition, a number of people testified that the fees were still too high for smaller tournaments and were concerned that the rules would adversely affect youth participation. The Department addressed these concerns as well as some smaller issues of interest to the DNR.

7. Who will be impacted by the proposed rule? How?

The proposed rule change would impact fishing tournament organizers and sport anglers who participate in fishing tournaments. Changes are expected to make the tournament permitting process simpler and to clarify rules for anglers. No negative impact is expected for businesses, business associations, public utility rate payers, or local governmental units.

8. Soliciting public input on economic impact synopsis

The economic impact comment period was held August 22 – September 5, 2013. The Department received five comments that are included in the attached economic impact statement.

Based on one comment received during the economic impact comment period, the rule would have a beneficial impact for some businesses, such as bait and tackle shops located near popular tournament areas. Minimal economic impact is expected overall for businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State.

9. Environmental Analysis

This is a Type IV action under Chapter NR 150, Wis. Admin. Code. No environmental assessment is required.

10. Small Business Analysis

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. During rule development, the proposed rule language was available for viewing and to make comments at <https://health.wisconsin.gov/admrules/public/Home>.

Final regulatory flexibility analysis:

Minimal economic impact is expected overall for businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State.

The proposed rule change would impact fishing tournament organizers and sport anglers who participate in fishing tournaments. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

Based on one comment received during the economic impact comment period from a bait and tackle business, the rule may have a beneficial impact for some businesses, such as bait and tackle shops located near popular tournament areas.

11. Public Hearing Response Summary

Three public hearings were held for FH-01-12: October 30 in La Crosse (2 attendees); November 4, 2013 in Fitchburg (1 attendee); and November 6, 2013 in Oshkosh (10 attendees). There was light attendance at the hearings, indicating low public interest. A majority of the comments received were in favor of the

rule, with suggestions for making small changes to specific rule sections, as noted below. The changes are not likely to be controversial.

The following changes were made within the scope of the rule taken to hearing and based on public comments received:

A majority of the comments on changes to the rule addressed the tournament fishing boundaries proposed for Green Bay and when exceptions would be allowed for those boundaries (rule Section 13), as well as when exceptions would be allowed to daily bag limit reductions in summer months when water temperatures are typically elevated (rule Section 14).

The original rule language proposed multiple “zones” or boundaries within Green Bay in which tournament anglers would be allowed to fish, and those zones differed based on weigh-in site location and for bass tournaments and walleye tournaments. Certain boundaries have been part of tournament permit criteria on Green Bay for years, and this rule change will codify boundaries that are intended to minimize post-release fish mortality. Hearing attendees noted that some boundaries should be expanded and also that the multiple zones based on species and weigh-in site would be confusing. After considering direct comments from hearing attendees and discussions with Green Bay area fish biologists, the fishing areas where tournament participants may travel were consolidated into two zones. (Please see Section 13 of the rule language and the attached maps.)

The Department also received comments about how exemptions to the Green Bay boundaries would be allowed for “one bass *or* one walleye” tournament, along with suggestions that it allow both “one bass *and* one walleye” tournament exemption per year. The rule language was changed to allow “one bass *and* one walleye” tournament exemption to the Green Bay fishing boundaries per year. The rule also stated that one bass or walleye tournament per year on Green Bay would be exempt from boundary limits if they promoted national public awareness of fishing. Hearing attendees requested that language be added to describe what was meant by promoting “national public awareness of fishing” on Green Bay: a tournament event that promotes national public awareness of fishing would qualify to be exempt from the boundaries if it is an event that is part of a national tour or is a statewide or regional championship that qualifies participants for a national event.

The original and current rule also require a reduced daily bag limit of 3 bass for catch-hold-release tournaments on all waters with a daily bag limit of 3 bass or greater from the first Saturday in July to the second Sunday in August unless the department determines that the temperature of the primary waterbody to be fished is expected to be less than 75 degrees Fahrenheit for smallmouth bass or less than 80 degrees Fahrenheit for largemouth bass. The Department received comments from people who wanted clarification of when it would allow one catch-hold-release bass tournament per year per waterbody to be exempted from the 3-fish bag limit (and be allowed a 5-fish bag limit) during that time period. Original rule language stated that an exemption may be granted if the tournament is planned to have 60 or more boats, the primary waterbody fished will be 2000 or more acres, and the tournament promoted public awareness of fishing. Based on hearing comments, language was added to the rule noting that in addition to the requirements for boats and size of waterbody, a bag limit exemption may be allowed if the tournament will promote *national* public awareness of fishing. A tournament event that promotes national public awareness of fishing is an event that is part of a national tour or is a statewide or regional championship that qualifies participants for a national event.

A summary of the comments at the public hearings and submitted by email or mail:

Drew Halvorsen email 10/28/2013 (Boscobel)– I believe that a rule should be included in the new rules. The rule should be able to control the contestants from preventing non contestants from fishing, harassment, and dangerous boat handling. These problems do exist and I will supply dates, times, and

location if asked to do so. To ignore the problem will only embolden the fisherman who engage in such behavior. I will thank you in advance for your efforts regarding my concerns

Mike Hoffman email conversation on 10/23/2013 (Weston) – *Would have liked a hearing in the northern half of state.* Anyway. As a tournament director of a very popular trial here in Wisconsin, I for one do NOT have an issue with your proposed changes for the most part. I disagree on the 3 fish limit proposal as the weather in Wisconsin does generally get warm enough to warrant this as a rule change. what you end up doing is congregating more tournaments before and after the time period of the 3 fish limit. therefore more congestion on the lakes. we already have a short soft water season and limiting to a 3 fish moves those tournaments into an even shorter time frame.

That being said i fully understand why you think you have to do it.

The green bay sectioning thing. I think the DNR is a little off base here. There are NOT separate species of bass in the bay of green bay. if a bass is taken from Oconto and transported to sturgeon bay for weigh-in. it will live very nicely in that area and or may travel back as studies have show that bass sometimes will do. there are tournaments on both sides of green bay. bass would be transported back and forth and it would NOT have an effect on the population- it never has as evidence has shown that the population in green bay is the best in the state- despite any new rule the DNR will enforce I understand why you propose it- but the reasons are not valid. no evidence has been shown that your new rule will help anything.

Mike Levans email conversation on 10/31/2013 (Rockford Hawg Hunters): Hello Mr. Levans, Thank you for the comment. I wanted to clarify what our proposed rule changes would actually do since it may not be clear from the summary statement. I don't believe it adds any burden to small tournaments— in fact I believe it relieves some burden. The components that apply to small (<20 boats) tournaments are all related to the culling law passed by the legislature where they stated that bass tournament anglers can cull but they need a permit to do so. The complication is that lots of small tournaments that previously did not need a permit were now applying for one so they can cull. Basically, we wanted to reiterate what the legislature stated in statute by saying that a new criteria for needing a permit is if you are a small tournament and want to cull, you'll need a permit. If you are a small tournament and do not want to cull, you still do not need a permit.

We're not adding any additional requirements beyond what was already included in the culling legislation. Actually, we are removing some of the requirements from the capacity limit calculations so that small tournaments that get a permit just to cull will not count against the capacity limit calculations so as not to unnecessarily take-up a permit from a larger event.

Hopefully this makes sense, the summaries left out some details that may have been confusing. I'd be happy to discuss on the phone if you want further clarification. Either way, I'll be sure to add your comment to record. Thanks again for providing input.

Jon

Jonathan Hansen | Bureau of Fisheries Management | Wisconsin Dept. of Natural Resources

Mr. Hanson,

After discussing the proposed rule changes with friends and associates I would like to log the following comments:

1-The proposed changes to sections 1&2 regarding culling will unnecessarily burden small (less than 20 boat) club tournaments by requiring a registration process and/or fee and should not be approved. Most, if not all, small club tournaments are actually less than 10 boats with less than 20 anglers per event and the practice of releasing a live fish or two from a properly equipped on-board live-well cannot possibly have any negative effect whatsoever on the fishery. Antiquated rules governing small groups of individuals such as this make little sense at all.

2- While the proposed changes may decrease the Wisconsin DNR's administrative time with certain clarifications made with regards to large (20 or more boats, or 100 or more participants) tournament

events, it simply goes too far in targeting smaller groups who otherwise support Wisconsin fisheries greatly via license fees as well as travel/entertainment tax & general revenue generation.

Thank you for accepting these comments and request for some limited balance on the undue changes affecting small groups that simply want to be left alone to fish within the same 'Individual' fishing regulations they have bought and paid for via the advance purchase of a Wisconsin Fishing License regardless of a little friendly competition among 'Private' friends and associates from time to time.
Mike Levans, President, Rockford Hawg Hunters
<http://www.basshawg.com/>

Jerry Krull, email on 11/07/2013

Jonathon, I did read the article on fishing tournament's and would like to respond.
First of all I do not fish tournaments. I do see what economic value they have on localities. I also attend these tournaments as a spectator and can assure you they, the contestants take a lot of precaution NOT to kill the fish they catch and release.

The individuals that are complaining are the same individuals that think the lake is theirs and no one else's. (I have had a conversation with a lake association member on Lake Noqueby by Crivitz) I have never witnessed someone not being able to take their boy or grandson out fishing while these are going on. It is just local greed , nothing else.

These individual will complain about anything that interferes with them, regardless of its nature. IT IS PURE GREED ON THEIR PART

I gave up hunting in Wisconsin when they started to earn a buck and quite frankly if these chronic complainers get their way, I will give up fishing in this state also and take my money elsewhere. It is time the state stands up to the complainers and react professionally and do what is right for the whole fishing group.

These complainer's should take care of their resources like the tournament fisherman do and they would have plenty of fish to go around.

Thank you - Gerald M. Krull, The Platinum Group, Green Bay, WI 54301

Norbert Wisniewski, email on 11/07/2013

I have fished tournaments for 9 years. I keep getting more and more frustrated with the rules. I will be doing less tournament fishing this year.

During a tournament a team is limited to 3 or 5 fish and we return them to the water. When we are not fishing a tournament my partner and I can take 10 fish home. The dead fish excuse holds no water. As for the guy who complains about no place on the lake, All those tournament fishermen will still go out and fish on a weekend. It is better to have them on one body of water. We need to do a better job of publicizing times and locations of tournaments so non tournament fishermen have an opportunity to go elsewhere. One suggestion would be to limit tournaments to every other weekend.

Thank you for listening.

Norbert Wisniewski

Dan Brovarnery, email on 11/07/2013

RE: Changes to the Tournament rules under consideration.

Mr. Hanson,

After discussing the proposed rule changes with friends and associates I would like to log the following comments.

1-The proposed changes will either open up and expand the fishing option for Wisconsin's Tournament anglers while protecting the resource and should be approved.

2- The proposed changes will decrease the DNR's administrative time with the clarifications made and as such should be approved.

If it is possible to add changes to the proposed rules I would respectfully request that some sort of exemption be approved to allow for the use of larger bodies of waters with "special or trophy" regulations for five fish limits Catch/Hold/Release Bass tournaments. Examples of bodies of water that I would

define as larger would be Lakes Mendota, Delavan and Beulah. A single exempted tournament on any would serve to bring positive attention to the condition of these fisheries.

Thank you for accepting these comments and request for changes.

Chris Bork, email on 11/08/2013

Jonathan, This is long overdue. I do not understand why the state has allowed the fish killing to go on for years. I'm an avid angler 100 + days a year. Tournament experience in past . Member of several fish species clubs. The only reason over the past 20 years that has kept me from participating IN tournaments is the sick feeling I get when I see all the dead fish or soon to be dead released fish.

With state budget issues and increased fishing pressure from public during and after tournaments (obtaining specific spots) + tournament killing puts a huge impact on the large fish in any body of water.

I know all about the reproduction of big fish answers and arguments. The Bay of Green Bay is a prime example. The over harvest of fish by the public AND TOURNAMENTS in the last 5 years is outrageous. The answer I get at every boat landing is THE BAY IS SO BIG YOU CANT FISH IT OUT THERES SO MANY FISH

I HAVE ATTENDED ALMOST ALL THE WALLEYE TOURNAMENTS ON THE BAY AND WINNABAGO . THE NUMBER OF HUGE FISH USED TO BE THE NORM.

CHECK THE RESULTS FOR THE PAST 5 YEARS THE BIG FISH ARE FEW AND FAR . BIG FISH #S ARE WAY DOWN

MY QUESTION ?

1. WHY NO SLOT LIMIT.
2. WHY CANT THE LIMIT BE REDUCED
3. WHY NOT 1 FISH ALLOWED OVER THE 20 - 23 INCH SIZE YEAR AROUND

The only way a tournament should be allowed is catch, photo ,release like the AIM walleye format

People fish Tourneys for competiton and fun but main reason is MONEY AND PUBLICITY THEY WILL STILL FISH FOR MONEY WITH NEW RULE CHANGES THAT BENEFIT EVERYONE

SINCERELY, CHRIS BORK

David Schmidt, email on 11/11/2013

Hello- My name is Dave Schmidt and I am a walleye fishermen out of Oshkosh, WI

I have been fishing tournaments since 1982. and grew up on lake Winnebago.

I have seen our system struggle and seen it thrive. You may not remember this but there was a time when you could hardly catch a walleye on this system. it was in the early 1980's before tournament fishing was common. Since then catch and release, Fishermen awareness. and local clubs have done wonders to fix this system. I know the DER Likes to take credit for the turn around but fact is the people from this area saved the system. Your purposal to change tournament rules are misguided. Most tournament angles practice catch and release. And all though I realize there is some mortality in catch and release fishing it is nothing compared to the amount of fish taken and cleaned on every given day by the general public. You reference changing the rules because of a few people complaining about tournaments. But what about the thousands of people that come up to us to us each season asking wow were catching them. and learning to enjoy the resources through our guidance. I can't even tell you how may hundreds of calls I have gotten on a Monday or Tuesday from a happy Parent who's Kids are now hooked on fishing because of the

advise ee gave them. I have been working on the Winnebago system since I was 14. and lived on it shores my entire life. It is not tournament fishing that hurts the resources. It is lack of awareness. If you really want to help grow the sport of fishing encourage tournament fishing. Get behind it

Quit landscaping it with silly rules that do nothing buy try and quite a few squeaky wheels. Michigan has allowed culling forever and they don't have half the problems we have. Do the right thing. If you want to help the resource go after the problem. The double dippers. Shut down the spring run. You won't do that because of Economic impact. Well consider the Economic impact of tournament fishing. not just the money brought into the local communities. But mist of the products you see on the shelves at your local sporting goods stores have ties to tournament fishing depth sounder. baits. drift socks. nets. the list is endless. think of that economic impact. There is a really big picture to see. Tournament fishing has brought catch and release mentality to anglers. That is helping our system. Instead of looking at the few negatives look at all the positives. Thank you for your time. for your info I am 47 years old and have been working on the water since I was 14. Sincerely David Schmidt

THE FOLLOWING COMMENTS WERE OFFERED DURING THE PUBLIC HEARINGS:

Jeremiah Shaver, paraphrased from public hearing comments (WI BASS Nation, La Crosse):

Weekly small tournaments (<20 boats) that want to cull should not be restricted to every other week and should not have to pay for separate permits every week. We're offering a season long exception, couldn't these be permitted as one season long event and only pay one permit fee.

Generally, not in favor of bag limit reduction at all and believes it was originally misconstrued however if there's an exception for their state championship this would be acceptable. Wanted to clarify whether Mississippi River pools were each considered a waterbody and could each get one exception per year.

Robert Claus, email on 11/07/2013 as follow-up to comment during public hearing in Oshkosh (Sheboygan Walleye Club Secretary)

Hi Jonathan we talked last night at the heading in Oshkosh.

My biggest issue with the boundaries on Green Bay for Walleye events was the inconsistency between east side and west side and north and south lines. I would suggest making it a bit simpler.

Most of us organizers try to schedule our events out of ports that offer the best possibility for numbers and size and fishing potential for our entrants. So we pick our port of launch based on season activities of the Walleye. So most of us would rather have tournaments on the lower Bay in the spring and then move north with events as the summer sets in so dividing off the lower bay from the upper bay makes sense and is not as much of an issue.

Thus the southern boundary for events out of Green Bay is OK at the line from Pensaukee to Chaudoir's Dock.

The real concern that many of us had was that the City of Oconto has been a popular destination for organizers because of the facilities and the community welcome us and want our events there. The time of the year we are planning our events out of Oconto would tend to have the anglers running more north bound than south. So the southern lines were never an issue for the majority of the anglers. The north boundary line cutting off Chambers Island and the structure up to the north was a bit of a deterrent for some anglers to come fish the events out of Oconto this season. What made no sense to me was that if we would have moved our events to Sturgeon Bay we basically would have had the identical southern boundary line but the norther line was increased, allowing the same fishable waters as Oconto but adding in more waters to the north. This was the inconsistency many of us disliked.

I think it would be simpler and make more sense to have northern and southern bay zones for events and ot worrw about East Vs West side of the bay as far as port of launch.

So keep the southern Bay (launch out of Green bay or Suamico or Bay Shore) the lower bay including the river all the way up to the line from Pensaukee to Chaudoir's Dock.

For the Northern Zone either keep the southern boundary line at the Brown County line across to the Door/Kewunee County line or move it up slightly to the line for the southern zone as described above but make the northern line exactly what you had in place for a Sturgeon Bay event but make that the line for all events no mater east or west side launch (Oconto, Marniette, Sturgeon Bay)

Does this make sense?

Bob Claus Sheboygan Walleye Club Secretary, Capt. Robert Claus
NPAA #385, FinFanic Charters, <http://www.finfanatic.net/>

Robert's written comment: Adjust the walleye boundaries on Green Bay for better consistency between east and west shore events. Move Oconto north boundary and Marinette boundary north to around Chambers Island up to Gills Rock.

Patrick Neu, paraphrased from public hearing comments (National Professional Anglers Association Executive Director)

Here to support the use of the resource to benefit all users.

Spoke at length about encouraging immediate release style format (aka Catch Record Release, CRR).

Thinks this could continue to gain traction and should be encouraged by DNR.

Regarding the boundaries, suggests offering two exemptions to the boundaries each year, could be both bass or walleye or one of each.

The northern boundary for Green Bay walleye tournaments should be further north, at least the same as the bass boundary.

Let anglers go south to GB for walleye tournaments out of Oconto.

Let anglers go to Kewaunee – Brown Counties line for walleye tournaments out of Marinette.

Steven Slabe, written comment submitted during public hearing in Oshkosh

Walleye tournaments should be able to cull like bass tournaments.

There should be 1 exception to the GB boundaries for each walleye and bass.

Regulations take the fun out of tournaments and will drop participants which will drop the economic impact.

Jon Noble, written comment submitted during public hearing in Oshkosh

Walleye tournaments should be allowed to cull as in bass tournaments

Keith Kavajecz, written comment submitted during public hearing in Oshkosh

For national events should allow both a bass and a walleye event to not have boundaries. For that matter, allow any number of "national" events (to have an exception from the boundary condition).

Chase Parsons, written comment submitted during public hearing in Oshkosh

Allow any number of national events to be excluded from boundary regulations.

Sean Freund, paraphrased from a discussion with JFH at the public hearing in Oshkosh

There is a substantial amount of confusion among walleye anglers regarding how the bag limit reduction interacts with tournament self-imposed rules and what this means for culling. JFH explained the DNR's definition of culling and how it related to walleye tournaments, i.e. the bag limits from the DNR are individual bag limits meaning no individual person reduce more than that number of fish to possession (put into livewell) throughout the day. They are allowed to release some along the way.

Ronald Goldapske, written and oral comment submitted during public hearing in Oshkosh

I would like to see legal culling for walleyes or at least let us fish state laws, the boundaries I think are too small. I do not fish in the boundaries very often, very crowded spots, need to open up more water. The DNR is coming down too hard on tournaments and is taking the fun out of fishing tournaments.

Tom Kemos, oral comment submitted during public hearing in Oshkosh (paraphrased)

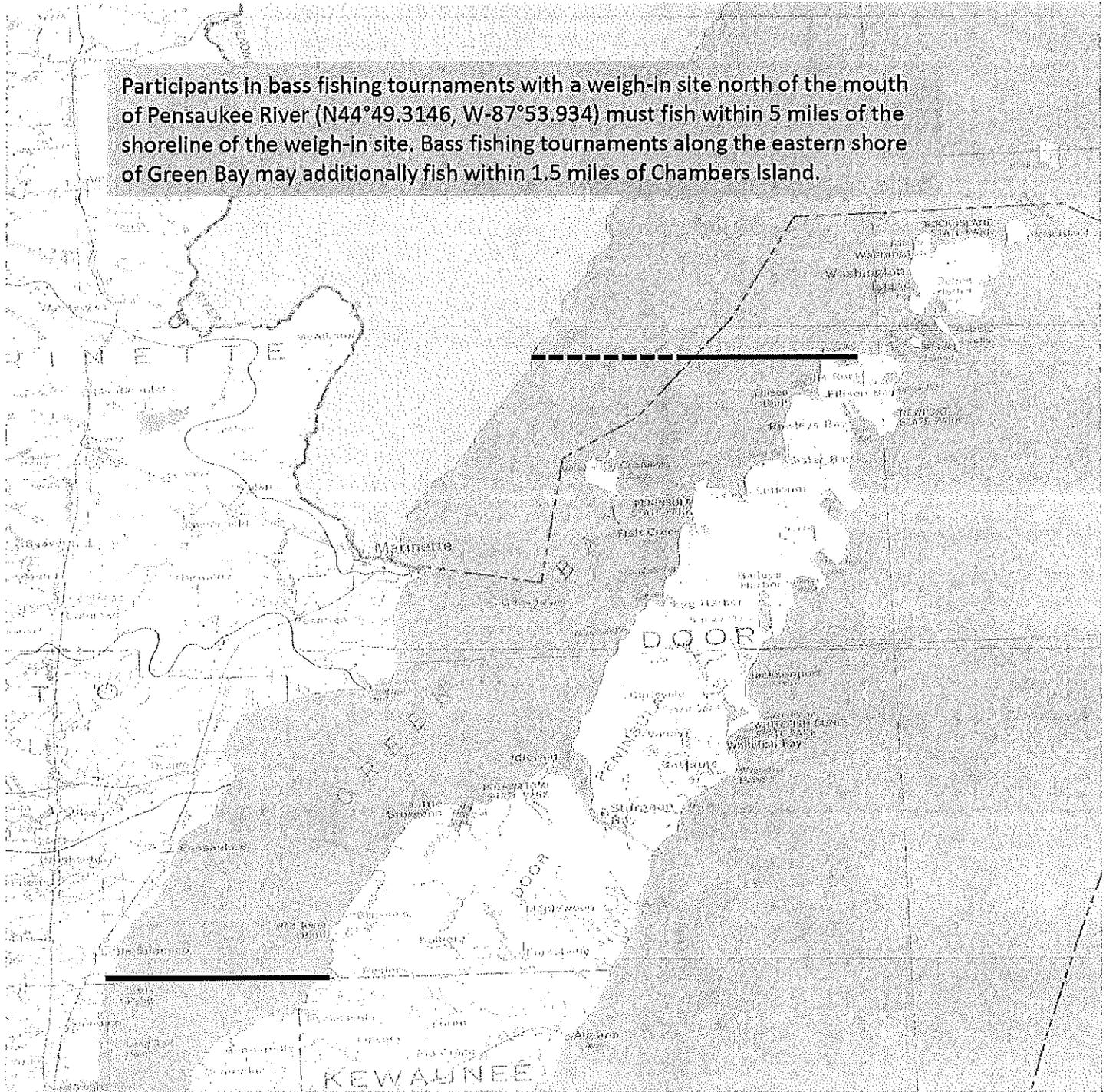
The DNR has attempted to reduce unnecessarily complex regulations for most other efforts yet they increase the complexity of regulations on tournaments. That is inconsistent and it is hurting tournament participation. People are not fishing tournaments as much because they believe it's too complicated to abide by the rules, it's not fun anymore. Since the boundaries have started to be used, the number of participants has dropped.

DRAFT: Northern Zone Boundaries

Applies to catch-and-release bass and walleye tournaments with weigh-ins north of the mouth of the Pensaukee River

Note: locations are approximate, see description for detail

Participants in bass fishing tournaments with a weigh-in site north of the mouth of Pensaukee River (N44°49.3146, W-87°53.934) must fish within 5 miles of the shoreline of the weigh-in site. Bass fishing tournaments along the eastern shore of Green Bay may additionally fish within 1.5 miles of Chambers Island.

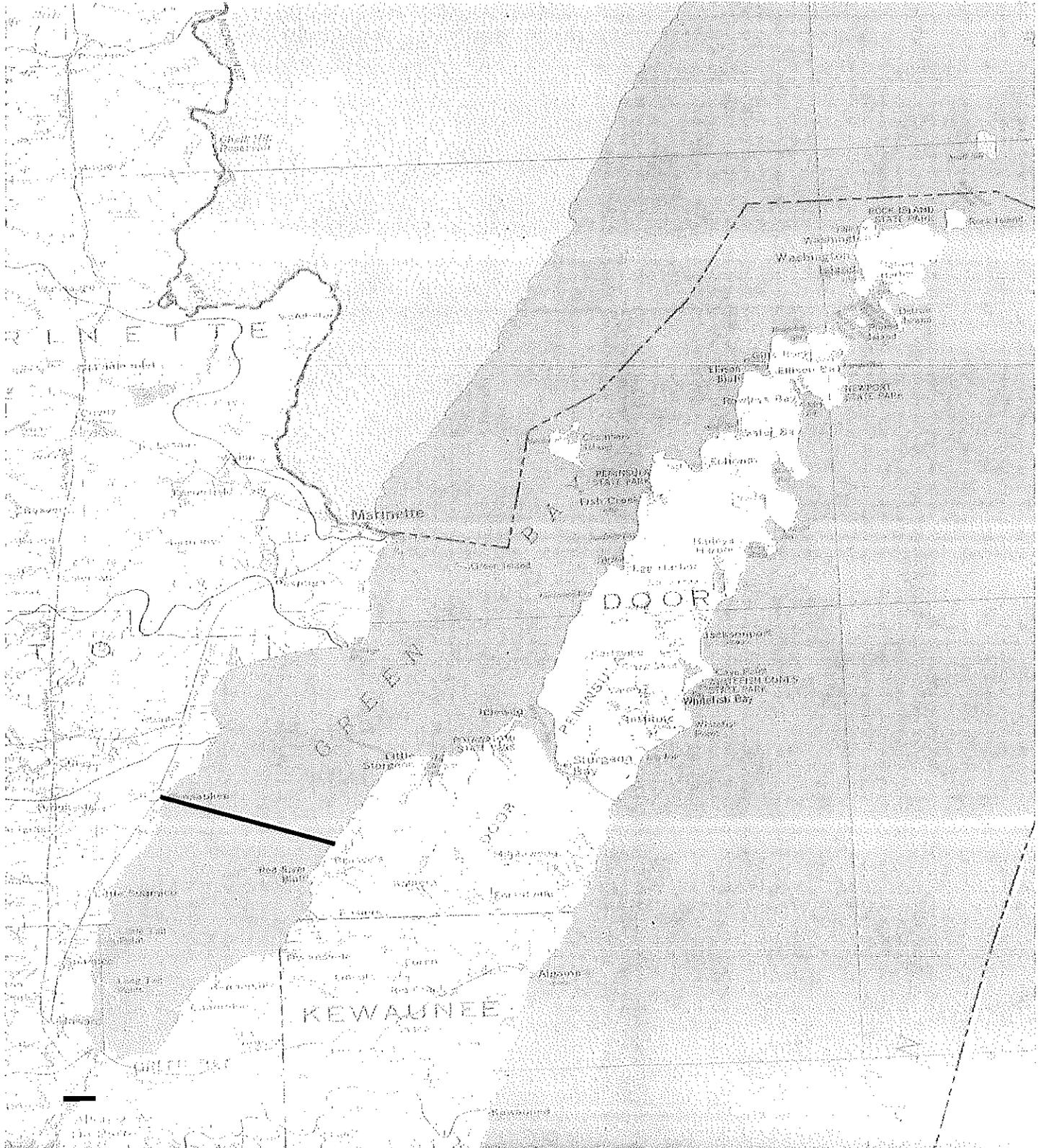


Note: Anglers are not restricted from fishing in Michigan waters, however, to minimize potential for biological harm and unreasonable waste of natural resources, the department encourages tournament organizers to restrict fishing in Michigan waters to south of a line extending due east from Rochereau Point (N45°18'13.92", W-87°26'2.436") to the WI state line

DRAFT: Southern Zone Boundaries

Applies to catch-hold-release bass and walleye tournaments with weigh-ins south of the Pensaukee River

Note: locations are approximate, see description for detail



ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Chapter NR 20, Fishing: Inland Waters; Outlying Waters

3. Subject

Fishing Tournament Rule Changes, FH-01-12

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The rule is intended to simplify and create more effective fishing tournament rules that increase user satisfaction while addressing concerns about crowding, tournament associated fish mortality, and the spread of invasive species.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

For comments on the economic impact of the rule, the department contacted current and former fishing tournament permit holders, local governments where tournaments often occur, the Wisconsin Conservation Congress, the Wisconsin Wildlife Federation, the Great Lakes Indian Fish and Wildlife Commission, Wisconsin Association of Lakes, WI Federation of Great Lakes Sport Fishing Clubs, WI Council of Sport Fishing Organizations, Musky Clubs Alliance of Wisconsin, Inc., Salmon Unlimited, Sturgeon for Tomorrow, Trout Unlimited - WI Council, Walleyes for Tomorrow, WI Bass Federation, Izaak Walton League-Wisconsin Division, Lake Michigan Fisheries Forum, WI Commercial Fisheries Association, American Fisheries Society-Wisconsin Chapter, Natural Resources Foundation of WI, Gathering Waters, River Alliance of Wisconsin, UW Sea Grant, League of WI Municipalities, WI Towns Association, WI Counties Association, NE WI Great Lakes Sport Fishermen, Great Lakes Sport Fishermen of Milwaukee, and the Lake Michigan and Lake Superior Commercial Fishing Boards.

The Department received five comments during the August 22 to September 5 open comment period, including:

--Ron Lappin, Tournament Director for FLW Outdoors: We are a compliant company and we have no issue with the proposed rule. We applaud efforts to help us help our customers have a great experience fishing in your states waters.

--Fred Iantorno, President of Blackhawk Bassmasters: Thank you for the opportunity to review the proposed changes. And thank you for the changes. Blackhawk Bassmasters is a small fishing club that has obtained permits in 2013 in order to cull. We fall under the minimum requirements do to our size. There is no economic impact to us unless the fees are raised from the \$25.00.

There is still one point that I believe needs to be clarified. It is the three fish rule during warmer weather. The issue is that of the temperature exceptions. How will a club such as ours be notified that the 3 fish rule (for the appropriate

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

summer period) is NOT in effect. Water temperature varies all over a body of water. Without some way of know definitively in writing, the temperature rule has no effect. Not wanting to violate any law, I, for one, would have to assume that the rule is in effect. Please consider something to the effect of posting a web page with this information and making it easily available to anglers.

Thank you for the opportunity to review the documents, and for considering my reply.

(Department response to the above question is that the appropriate regulation would be listed in the permit obtained by tournament organizers.)

--Gary Swanson, WI River Lions: Thank you for asking for our input. We have held the "Early Bird Fishing Tournament" for the past 30 years. We are the Wisconsin River Lions and as a charitable organization using our April fishing tournament on the Wisconsin River as a fund raiser, lowering the permit fee would be great. We do not allow culling in our tournament, so that aspect of your proposal does not apply to us. We also have a very low mortality due to the water temperature in late April. Most of your proposal will not impact our tournament, but maybe you could waive the permit fee for charitable organizations? Thanks again for asking.

--Marc A. Schultz, Chairman La Crosse County Conservation Alliance: I quickly reviewed the information provided and did not notice any big issues however getting input from member organizations is impaired by the short comment period. I do have an issue with the short turn around on the comment time. I suspect that some fishing organizations have followed this process but most anglers have not.

Many conservation organizations meet once a month. If the organization meeting does not fall within the time period Aug 22 to Sept 5 and having not been aware of the details of the proposals before today the organization would not usually be able to comment. This economic impact process needs a minimum of 30 days for comment.

(The Department responded directly to Mr. Schultz with the following: Thanks for your comments. This rule is expected to have minimal economic impact, which put it in the 14-day comment period category. However, the rule must still be approved for public hearings by the Natural Resources Board and afterward there will be a public hearing and comment period, so there will be ample opportunity for anyone we've missed to still comment. If anyone has specific economic impact comments at a later time, we can update the analysis as needed. Mr. Schultz then responded: OK. I do not expect any real issues and it is good to know the details of the process. Thanks.)

--Scott Gartner, Bob's Bait and Tackle in LaCrosse, WI: The new rules I just read, and believe to understand, would be a great benefit to my small bait and tackle company in La Crosse, WI. We are right on the Mississippi River and tournaments are a catalyst for a considerable amount of our yearly revenue. These loosened rules will be great for our business and I believe are more appropriate for such a wonderful and large tournament body of water. The areas that are very small may have some crowding issues with fewer permits needed, but I can't speak for them.

11. Identify the local governmental units that participated in the development of this EIA.

No local governments requested to participate in the development of the EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Based on one comment received during the economic impact comment period, the rule may have a beneficial impact for some businesses, such as bait and tackle shops located near popular tournament areas. Minimal economic impact is expected overall for businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State.

The proposed rule change would impact fishing tournament organizers and sport anglers who participate in fishing

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

tournaments. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule change would positively impact fishing tournament organizers and sport anglers who participate in fishing tournaments. The Tournament Rule Review Task Force - which includes DNR Fisheries Management and Law Enforcement staff, a WI Conservation Congress representative, and public tournament organizers from Wisconsin BASS and the Midwest Walleye Series - developed these fishing tournament rule changes.

There would be no implementation costs for the Department and no expected costs or negative impacts on small businesses. Programming changes would be made to the Department's online permitting system in order to simplify and quicken the application process for tournament organizers and potentially reduce workload for staff.

The alternative would be to not implement the rule, which would reduce the benefits expected for fishing tournament organizers and Department staff. All parties will benefit from clarification of existing rules as well as ensuring administrative code reflects the statutory changes made in 2011 Wisconsin Act 24.

14. Long Range Implications of Implementing the Rule

Changes are expected to make the tournament permitting process simpler and to clarify rules for anglers. No negative impact is expected for businesses, business associations, public utility rate payers, or local governmental units.

15. Compare With Approaches Being Used by Federal Government

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

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Iowa

A tournament permit is required from the DNR for all organized fishing events with 6 or more boats or 12 or more participants (except for the Mississippi River where it is 20 or more boats or 40 or more participants) where an entry fee is required or prize values awarded. Tournament permits must be applied for online and cost \$25. Tournament activity is limited based on waterbody size and permit applications can be denied at the discretion of the reviewing biologist. The DNR may impose special conditions for any fishing tournament if deemed necessary to protect the resource or to assure public safety, including but not limited to:

- fish measured to length and released from a boat
- designated release areas
- multiple weigh-ins when water temperatures exceed 70 degrees Fahrenheit
- scheduled weigh-in no later than 1:00 PM in the months of June, July, and August
- no weigh-in tournaments allowed for walleye, northern pike, and muskellunge in the months of June, July and August

Minnesota

Fishing tournaments are regulated very similarly to Wisconsin. Tournament permits are available based on waterbody size and a lottery exists if limits are reached. Permit application fees are more substantial than Wisconsin. Additionally, the DNR may include the following restrictions as part of a fishing contest permit:

- Restrictions on live-release or off-site weigh-ins, or denial of live-release or off-site weigh-ins to prevent undue loss of fish;
- Restrictions on hours that a fishing contest is conducted including specified start and stop times;
- Limits on pre-fishing and proof that such limits were communicated to contest participants and enforced; and
- 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.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

Illinois

A permit is needed from the DNR if prizes are offered for tagged fish, the event is more than 5 days, or if special exemptions are requested. There are no set limits to tournament activity nor a permit fee. Permit applications are reviewed and issued or denied based on various criteria. There is no set application process except that applications must be received at least 60 days in advance.

Michigan

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

17. Contact Name

Jonathan Hansen, Tournament Program Manager

18. Contact Phone Number

608-266-6883

This document can be made available in alternate formats to individuals with disabilities upon request.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING, REPEALING AND RECREATING, AND CREATING RULES**

Wisconsin Natural Resources Board proposes an order to amend NR 20.40(3), (3m), (4), (7)(intro.), (7)(a), (10)(g)3., (10)(g)4., and (10)(g)7., to repeal and recreate NR 20.40(5), and to create NR 20.40(2)(dm) and (Note), (7)(f)2m and (Note), (10)(g)3m., (10)(g)8., (10)(g)9., and (10)(gm) relating to fishing tournaments on inland, outlying, and boundary waters of Wisconsin.

FH-01-12

Analysis Prepared by Department of Natural Resources

1. Statutes interpreted. Sections 29.014(1), 29.041, and 29.403, Stats., have been interpreted as giving the department the authority to make changes to fishing regulations on waters of Wisconsin and to write fishing tournament rules that help to ensure good fishing opportunities.

2. Statutory authority. Sections 29.014(1), 29.041, 29.403(1g), and 29.403(2), Stats.

3. Explanation of agency authority to promulgate the proposed rules under the statutory authority. 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), 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.

4. Related statutes or rules.

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

5. Plain language analysis of the proposed rule. This rule is being proposed to simplify and create more effective fishing tournament rules that should increase user satisfaction and address concerns about crowding, tournament associated fish mortality, and the spread of invasive species.

SECTIONS 1 and 2 define culling and require bass fishing tournaments of any size that intend to cull to obtain a permit. "Cull" or "Culling" is the practice of releasing a live fish that was held in an angler's possession and replacing it with another fish. Live fish that are released and capable of swimming away under their own power are not considered part of the angler's daily bag limit provided the total number of fish possessed at any one time does not exceed the angler's daily bag limit. Section 29.403(1m), Stats., allows culling only during largemouth and smallmouth bass fishing tournaments authorized by the department.

SECTION 3 creates a permit exception for season-long tournaments. Many resorts and bars have season-long events for which participants must pay to enter, however, the associated fishing pressure is minimal because it is dispersed over many weeks. Creating a permit exception would allow Wisconsin resorts and bars to continue to hold season-long tournaments without applying for a permit and with little chance of adding to typical tournament related crowding or fish mortality.

SECTION 4 adjusts the lower bounds of prize values used to determine the permit application fee. Tournament permit applicants must pay an application fee based on prize values. Tournament permit applicants tend to estimate the maximum prize values on their application at a level that results in an unnecessarily high application fee. This change would add \$1 to the lower bounds of the prize value structure in order to reduce application fees for some applicants from \$50 to \$25 and from \$200 to \$50.

SECTION 5 removes the open period and lottery process from the permit application process and allows applicants to apply starting on January 1 of the preceding year for traditional tournaments (a fishing tournament that was issued permits 4 out of 5 years from 2004 to 2008 for the same water and time period) and April 1 of the preceding year for non-traditional tournaments. All permits would be issued on a first come first served basis. Language was also included that allows the department to process late applications provided the applicant pays a late fee. This is necessary in order for department staff to expedite reviews and give incentive for applicants to apply earlier.

SECTION 6 excludes small permitted bass tournaments from calculations to determine the total number of tournaments allowed on individual waters. The size and number of permitted fishing tournaments allowed on a water body may not exceed limits in administrative code based on lake acreage and the numbers of boats, fishing days, and participants. 2011 Wisconsin Act 24 allowed culling in department-authorized bass tournaments, and as a result bass tournaments with fewer than 20 boats that formerly did not need permits are now applying for them in order to cull fish. The increase in permit applications could create a shortage of permits on certain waterbodies, potentially preventing large tournaments in need of a permit from receiving one. Prior to Act 24, these tournaments would already occur without a permit and not be counted toward the tournament permit limit because the small number of participants would not cause crowding on the water. Small bass tournaments (<20 boats) that apply for a permit only so participants can cull fish would not be counted toward any participation limits (maximum daily number of boats, maximum monthly boat days, maximum daily concurrent tournaments).

SECTION 7 increases the maximum daily number of participants allowed for permitted ice fishing events in small lakes: 150 daily participants would be allowed on lakes less than 100 acres and 250 daily participants would be allowed on lakes between 100-449 acres. Numerous community-oriented fundraising events with ice fishing tournaments are limited by the current participation limits.

SECTION 8 explicitly recognizes Minnesota's tournament permits on border waters. The fishing tournament permitting program administered by the Minnesota Department of Natural Resources that authorizes tournament activity on WI-MN boundary waters of the Mississippi River is very similar to that of Wisconsin. Accordingly, the states have recognized tournament permits and allowed tournament activity in their waters under the other states' permits. The number of permits available per river pool was set to reflect this agreement.

SECTIONS 9 and 10 specify that boat and live well requirements only apply to open water tournaments and that any fish transported to or from the weigh-in site in a catch-hold-release ice fishing tournament must be held in water if the fish will be released.

SECTIONS 11 and 15 include standard conditions associated with catch-hold-release muskellunge tournaments. The permit provisions for fish transport, measurement, and release have always been

included on permits for catch-hold-release muskellunge tournaments. The provisions will now be codified rather than only included on permit forms.

SECTIONS 12, 13, and 14 clarify the use of tournament specific conditions for catch-hold-release bass and walleye tournaments. The department currently places tournament-specific conditions on catch-hold-release bass and walleye tournaments to address issues related to post-release mortality. Specifically, the department reduces the daily bag limit when water temperatures are typically elevated and restricts the areas anglers are allowed to fish on large waterbodies to reduce the distance fish are transported. Both of these tournament specific conditions have at different times generated substantial controversy and, because of mutual miscommunication, been received with some element of surprise. The department worked with tournament anglers in developing a standard approach to implementing these conditions. The proposed changes explicitly state when and where bag limits will be reduced as well as provide exceptions for high profile tournaments that promote national public awareness of fishing. The proposed changes also state exactly where anglers will be allowed to fish on Green Bay based on the species they are targeting and the location of a tournament's weigh-in site. Finally, the department is adding language that clarifies the reasoning for the condition: whether the conditions are to be used to address issues associated with waste from post-release mortality or whether the conditions are meant to address potential detrimental effects on the fish population.

6. Summary of and comparison with existing or proposed federal statutes and regulations. The department is not aware of any existing or proposed federal regulation that would govern tournament fishing in Wisconsin's inland, outlying, or boundary waters.

7. Comparison with rules in adjacent states.

Iowa

A tournament permit is required from the DNR for all organized fishing events with 6 or more boats or 12 or more participants (except for the Mississippi River where it is 20 or more boats or 40 or more participants) where an entry fee is required or prize values awarded. Tournament permits must be applied for online and cost \$25. Tournament activity is limited based on waterbody size and permit applications can be denied at the discretion of the reviewing biologist. The DNR may impose special conditions for any fishing tournament if deemed necessary to protect the resource or to assure public safety, including but not limited to:

- fish measured to length and released from a boat
- designated release areas
- multiple weigh-ins when water temperatures exceed 70 degrees Fahrenheit
- scheduled weigh-in no later than 1:00 PM in the months of June, July, and August
- no weigh-in tournaments allowed for walleye, northern pike, and muskellunge in the months of June, July and August

Minnesota

Fishing tournaments are regulated very similarly to Wisconsin. Tournament permits are available based on waterbody size and a lottery exists if limits are reached. Permit application fees are more substantial than Wisconsin. Additionally, the DNR may include the following restrictions as part of a fishing contest permit:

- Restrictions on live-release or off-site weigh-ins, or denial of live-release or off-site weigh-ins to prevent undue loss of fish;
- Restrictions on hours that a fishing contest is conducted including specified start and stop times;
- Limits on pre-fishing and proof that such limits were communicated to contest participants and enforced; and

- 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.

Illinois

A permit is needed from the DNR if prizes are offered for tagged fish, the event is more than 5 days, or if special exemptions are requested. There are no set limits to tournament activity nor a permit fee. Permit applications are reviewed and issued or denied based on various criteria. There is no set application process except that applications must be received at least 60 days in advance.

Michigan

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

8. Summary of factual data and analytical methodologies.

This rule is intended 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. The Tournament Rule Review Task Force, which includes DNR Fisheries Management and Law Enforcement staff and public tournament organizers from the Wisconsin Bass Federation Nation, Wisconsin Bass Federation, Wisconsin Conservation Congress, and the Midwest Walleye Series, developed the fishing tournament rule changes. The department solicited input on the suggested changes from the Wisconsin Federation of Great Lakes Sportfishing Clubs, the Wisconsin Conservation Congress, the Wisconsin Association of Lakes, the Wisconsin Wildlife Federation, and the Musky Clubs Alliance of Wisconsin, among others.

9. Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis. There would be no implementation costs for the department and no expected costs or impacts on small businesses. Programming changes would be made to the department's online permitting system in order to simplify and quicken the application process for tournament organizers and reduce workload for staff.

10. Effects on small business. The rule would directly affect sport anglers who engage in tournament fishing. It is not expected to have an effect on small businesses. Resorts or taverns that choose to organize season-long fishing tournaments would have permit exemptions to do so. Local businesses that cater to tournament anglers and spectators may be indirectly affected by this rule.

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. The department conducted an economic impact analysis prior to rule implementation.

11. Rules proposed by the Department of Veterans Affairs. No information

12. Agency contact person.

Jonathan Hansen
 Department of Natural Resources
 P.O. Box 7921
 Madison, WI 53707-7921
 Telephone: (608) 266-6883
 Email: Jonathan.Hansen@wisconsin.gov

13. Place where comments are to be submitted and deadline for submission. Comments on this proposed rule were submitted to the agency contact person listed above. The deadline for written comments was November 8, 2013.

SECTION 1. NR 20.40(2)(dm) and (Note) are created to read:

NR 20.40(2)(dm) "Cull" or "culling" means the practice of releasing a live fish that was held in an angler's possession and replacing it with another fish. Live fish that are released and capable of swimming away under their own power are not considered part of the angler's daily bag limit provided the total number of fish possessed at any one time does not exceed the angler's daily bag limit.

Note: Section 29.403(1m), Stats., allows culling only during largemouth and smallmouth bass fishing tournaments authorized by the department. An angler must release the fish to be culled without unnecessary delay when keeping a new fish that would otherwise put them over their daily bag limit, and may not resume fishing or other activities until the fish to be culled is first released.

SECTION 2. NR 20.40(3) is amended to read:

NR 20.40(3) PERMIT REQUIRED. No person may carry out a fishing tournament that meets any of the criteria in pars. (a) to (e), without a permit. A person shall obtain a permit from the department to organize a fishing tournament when the waters to be fished are identified by name by the sponsor organizer and 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.
- (e) Tournament participants are allowed to cull largemouth and smallmouth bass.

SECTION 3. NR 20.40(3m) is amended to read:

NR 20.40(3m) PERMIT EXCEPTIONS. Organizers do not need a permit under this section to organize and conduct any of the following:

- (a) Fishing tournaments that are statewide or regional in nature do not require a permit where the specific waters to be fished or landings that must be used are not identified by name.
- (b) Fishing tournaments that do not require identification or registration of participants prior to engaging in the tournament ~~do not require a permit.~~

(c) Fishing tournaments that continue for more than 4 days, do not require participants to fish at the same time, allow participants to register at any time during the tournament, and do not specify a weigh-in time.

SECTION 4. NR 20.40(4) is amended to read:

NR 20.40(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 ~~\$1,000~~ \$1,001; or
3. The tournament targets salmon or trout species on Lake Michigan, Green Bay, or Lake Superior; or
4. The tournament targets rough fish as defined in s. 29.001 (74), Stats.

(c) Applicants for a fishing tournament permit shall pay a \$50.00 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 ~~\$1,000~~ \$1,001 or greater and less than ~~\$10,000~~ \$10,001.

(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~~ \$10,001 or greater.

(e) There is no fee for a fishing tournament permit where 50% or more of the 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 or by visiting the department website at <http://dnr.wi.gov/topic/fishing/tournaments/>.

SECTION 5. NR 20.40(5) is repealed and recreated to read:

NR 20.40(5) PERMIT APPLICATION PROCESS.

(a) The department shall accept permit applications for traditional fishing tournaments beginning on January 1 of the year preceding the tournament.

(b) The department shall accept permit applications for tournaments that are not traditional fishing tournaments beginning on April 1 of the year preceding the tournament.

(c) All permit applications and application fees must be received by the department at least 30 days prior to the start of the tournament. The department may review permit applications received within 30 days of the tournament start date if the applicant pays a late fee in addition to the application fee which shall be equal to the application fee specified under sub. (4). If the department is unable to review a late application, the application fee will be returned to the applicant.

(d) The department shall approve or deny permit applications on a first come first served basis in compliance with the limits in subs. (7) and (8).

SECTION 6. NR 20.40(7)(intro.) is amended to read:

NR 20.40 (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. Traditional fishing tournaments may be permitted to exceed the limits established in this subsection up to the maximum level of participation or boat days associated with that tournament in the past 5 years. Bass fishing tournaments with fewer than 20 boats will not be included in the maximum daily number of boats allowed on open water, the maximum monthly number of permitted fishing tournament boat days, the maximum daily number of concurrent permitted fishing tournaments, or the maximum number of permitted fishing tournaments per month on rivers.

SECTION 7. NR 20.40(7)(a) is amended to read:

NR 20.40(7)(a) The following monthly limits on permitted fishing tournament size, number, and total boat days 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	50 150	1 (ice fishing only)
2. 100-449	25	50	150 250	1
3. 450-999	50	300	500	1
4. 1,000-4,999	125	1,125	1,000	2

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5. 5,000–9,999	150	2,400	1,500	2
6. Larger than 10,000	Determined by actual acreage (1 boat/50 acres)	3,000	No Limit	No Limit

SECTION 8. NR 20.40(7)(f)2m. and (Note) are created to read:

NR 20.40(7)(f)2m. Fishing tournaments permitted by the Minnesota Department of Natural Resources are authorized to operate in Wisconsin portions of Wisconsin-Minnesota boundary waters under the regulations specified in the Minnesota permit.

Note: Under s. 29.403 (1m), Stats., a bass tournament permitted by the Minnesota Department of Natural Resources may cull largemouth and smallmouth bass in Wisconsin portions of Wisconsin-Minnesota boundary waters. Culling is not allowed in Minnesota waters of Wisconsin-Minnesota boundary waters at the time this rule was drafted. Tournaments authorized by the Wisconsin Department of Natural Resources may not cull in Minnesota waters unless authorized by the Minnesota Department of Natural Resources.

SECTION 9. NR 20.40(10)(g)3. is amended to read:

NR 20.40(10)(g)3. No person may participate in a catch-hold-release open water 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.

SECTION 10. NR 20.40(10)(g)3m. is created to read:

NR 20.40(10)(g)3m. No person may participate in a catch-hold-release ice fishing tournament unless they have a container capable of holding and transporting live fish in water.

SECTION 11. NR 20.40(10)(g)4. is amended to read:

NR 20.40(10)(g)4. Except as provided in section (10)(gm)4. ~~No~~ 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.

SECTION 12. NR 20.40(10)(g)7. is amended to read:

NR 20.40(10)(g)7. The department may include the following permit conditions related to tournament operation for permitted catch-hold-release tournaments at the point of permit issuance 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 or when it determines that the transport and release of fish is detrimental to the fish population 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.

~~c. The department may require a reduced daily bag limit of 3 walleye for catch-hold-release tournaments on all waters with a daily bag limit of 3 walleye or greater from the second Saturday in June to the first Sunday in September. The department may also require a reduced daily bag limit of 3 bass for catch-hold-release tournaments on all waters with a daily bag limit of 3 bass or greater from the first Saturday in July to the second Sunday in August.~~

SECTION 13. NR 20.40(10)(g)8. is created to read:

NR 20.40(10)(g)8. The department shall restrict the area that may be fished by participants in catch-hold-release bass and walleye tournaments on Green Bay to reduce the potential for biological harm to the bass population and to reduce the potential for unreasonable waste of walleye. Participants in catch-hold-release bass and walleye fishing tournaments with a weigh-in site north of the mouth of the Pensaukee River (N44°49.3146, W-87°53.934) may not fish north of a line extending from Gills Rock (N45°17'38.9724", W-87°1'23.0376") to the Wisconsin state line and south of a line running from Brown County line (N44°40'39.6510", W-87°59'15.5004") to the Kewaunee County line (N44°40'36.8898", W-87°44'11.8026"). Participants in catch-hold-release bass fishing tournaments with a weigh-in site north of the mouth of Pensaukee River (N44°49.3146, W-87°53.934) may not fish beyond 5 miles of the Green Bay shoreline on which the weigh-in site is located. Participants in catch-hold-release bass fishing tournaments with a weigh-in site north of the mouth of Pensaukee River located on the eastern shore of Green Bay may fish beyond 5 miles of the eastern shore only to access Green Bay waters within 1.5 miles surrounding Chambers Island. Participants in catch-hold-release bass and walleye fishing tournaments with a weigh-in site south of the mouth of the Pensaukee River (N44°49.3146, W-87°53.934) may not fish south of the DePere Dam (N44°26'50.9928", W-88°4'3.7050") and north of a line running from the mouth of the Pensaukee River (N44°49.3146, W-87°53.934) to Chadoirs Dock (N44°44.838, W-87°41.94). Notwithstanding these fishing area restrictions, the department may allow one bass and one walleye tournament per year on Green Bay to fish all waters of Green Bay south of a line extending from Gills Rock (N45°17'38.9724", W-87°1'23.0376") to the Wisconsin state line provided that the tournament will promote national public awareness of fishing on Green Bay and is planned to have more than 60 boats. Tournaments promoting national public awareness include, but are not limited to, events

that are part of a national tour and statewide or regional championships that qualify participants for a national event.

Note: Anglers are not restricted from fishing in Michigan waters, however, to minimize potential for biological harm and unreasonable waste of natural resources, the department encourages tournament organizers to restrict fishing in Michigan waters to south of a line extending due east from Rochereau Point (N45°18'13.92", W-87°26'2.436") to the Wisconsin state line.

SECTION 14. NR 20.40(10)(g)9. is created to read:

NR 20.40(10)(g)9. To reduce the potential for unreasonable waste of natural resources, the department shall:

(a) Require a reduced daily bag limit of 3 walleye for catch-hold-release tournaments on all waters with a daily bag limit of 3 walleye or greater from the second Saturday in June to the first Sunday in September, unless the department determines that the temperature of the primary waterbody to be fished is expected to be less than 70 degrees Fahrenheit.

(b) Require a reduced daily bag limit of 3 bass for catch-hold-release tournaments on all waters with a daily bag limit of 3 bass or greater from the first Saturday in July to the second Sunday in August unless the department determines that the temperature of the primary waterbody to be fished is expected to be less than 75 degrees Fahrenheit for smallmouth bass or less than 80 degrees Fahrenheit for largemouth bass. Notwithstanding these bag limit requirements, the department may allow one catch-hold-release bass tournament per year per waterbody with a 5 fish bag limit from the first Saturday in July to the second Sunday in August provided the tournament will promote national public awareness of fishing and is planned to have 60 or more boats and the primary waterbody fished will be 2000 or more acres. Tournaments promoting national public awareness include, but are not limited to, events that are part of a national tour and statewide or regional championships that qualify participants for a national event.

SECTION 15. NR 20.40(10)(gm) is created to read:

NR 20.40(10)(gm) In addition to the provisions in sub. (g), all of the following provisions apply to participants in catch-hold-release muskellunge tournaments:

1. Participants shall use boats equipped with a functioning live well or other container large enough to hold muskellunge and equipped with a pump for aerating and exchanging freshwater that is operated continuously once a fish is placed in the live well or other container.

2. Participants shall immediately transport muskellunge placed in a live well or other container to the designated weigh-in site. All transported fish must meet legal length limits for the water body being fished.

3. Either multiple weigh-in sites shall be designated by the tournament organizer or the areas open to fishing limited so that muskellunge will not be transported for more than 30 minutes.

4. Tournament officials or judges shall immediately register muskellunge brought to the weigh-in site. No pens, tanks or other means of confinement may be used to hold the fish at the weigh-in site.

5. Registration of muskellunge is restricted to a measurement of length. In-water measurement of the fish is recommended whenever possible.

6. Muskellunge may be retained at the weigh-in site only until capable of swimming upright under its own power and shall be released from the weigh-in site.

7. Participants may not leave the weigh-in site until the fish they transported to the weigh-in site has been successfully released. If the fish cannot be released alive, final disposition of the fish is the responsibility of that participant and shall not violate s. 23.095 (1g), Stats.

8. A participant shall count muskellunge transported to a weigh-in site towards the participant's daily bag limit and that person may not fish for muskellunge during the remainder of that day.

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

SECTION 16. 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 17. 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 _____
Cathy Stepp, Secretary

(SEAL)