

**SUBJECT:** Request authorization to hold public hearings on revisions to the Wisconsin Administrative Code NR 20.40 relating to fishing tournament regulations

**FOR:** SEPTEMBER, 2006 BOARD MEETING

**TO BE PRESENTED BY:** Michael Staggs

**SUMMARY:**

The Department is requesting authorization to conduct public hearings relating to modification of fishing tournament regulations. The proposed rule revisions were developed with substantial input from the fishing tournament advisory committee (FTAC), established in July 2004 by the Department as required by 2003 Wisconsin Act 249. The Department concurrently established an internal fishing tournament working group (FTWG) that provided substantial input into these rule revisions. The rule revisions were also reviewed by other department staff represented by members of the FTWG.

This rule order contains revisions to the rule that address concerns expressed by members of the NRB at the August 2006 meeting.

This rule contains fishing tournament fee alternatives that include permit application fees for organizers ranging from \$50 to \$850 depending on the cost of the permit program and the size of the fishing tournament. Tournament participant permit fees of \$5 or \$10 are also presented. Establishment of a permit issuance system would result in a one-time ALIS programming cost of \$1500. The rule also establishes tournament permit requirements, and limits on the size and number of fishing tournaments on water bodies based on the size of the waterbody.

Language established in s. NR 20.40, Wis. Adm. Rule for the purpose of s. 29.4035, Stats., is repealed in this proposal. The bass tournament pilot program expires December 31, 2006.

**RECOMMENDATION:** Authorize the Department to hold public hearings on revisions to the Wisconsin Administrative Code NR 20.40 relating to fishing tournament regulations

**LIST OF ATTACHED MATERIALS:**

- |    |                                     |   |     |                                     |          |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/>            | Fiscal Estimate Required                              | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/>            | Attached |
| No | <input type="checkbox"/>            | Background Memo                                       | Yes | <input checked="" type="checkbox"/> | Attached |

**APPROVED:**

\_\_\_\_\_  
/s/  
Bureau Director, Michael Staggs, Fisheries Management

\_\_\_\_\_  
09/08/2006  
Date

\_\_\_\_\_  
/s/  
Administrator, Todd Ambs, Water Division

\_\_\_\_\_  
09/11/2006  
Date

\_\_\_\_\_  
/s/  
Secretary, Scott Hassett

\_\_\_\_\_  
09/11/2006  
Date

- |                          |                                    |
|--------------------------|------------------------------------|
| cc: Amy J. Arthur - AD/5 | Tom Van Haren- LE/5                |
| Mike Staggs- FH/4        | Fisheries Management Board (8)     |
| Steve Hewett- FH/4       | Cons. Congress Exec Committee (24) |
| Patrick Schmalz- FH/4    | GLIFWC                             |
| Tim Andryk- LS/5         | FTAC (23)                          |

DATE: September 7, 2006

FILE REF: 3600

TO: Natural Resources Board Members

FROM: Scott Hassett

SUBJECT: Authorization for hearings on revisions to the Wisconsin Administrative Code NR 20.40 relating to the fishing tournament regulations – REVISED RULE BASED ON CONCERNS RAISED AT THE AUGUST NRB MEETING

The department presented draft fishing tournament rules (FH-22-06) to the Board at its August meeting to request hearing authorization. The board expressed concerns about specific aspects of the rule. Those concerns and the department responses are below:

#### FISHING TOURNAMENT PERMIT PROGRAM COST AND PERMIT FEES

To address concerns related to the cost of the fishing tournament permit program and associated permit fees, one-time ALIS programming costs of \$1,500 are estimated for Alternatives 2 and 3, which include participant permits to be purchased by open water tournament anglers.

#### IMPACT OF FISHING TOURNAMENTS ON SMALL WATERS

To address the concerns about fishing tournaments on small lakes, we amended the table in s. NR 20.40(9)(a) Wis. Adm. Code and reduced the monthly maximum tournament pressure for open-water permitted tournaments (number of tournament boats multiplied by the number of days a tournament is conducted) allowed on lakes in the lake size category 100-449 acres from 100 to 50 and in the lake size category 450 - 999 acres from 450 to 300. Although some of the concern was related to the number of boats allowed for a permitted open-water tournament on the smallest group of lakes, we did not make changes to the daily maximum number of boats allowed. These recommended changes result in the equivalent of a single two-day tournament consisting of 25 boats allowed per month on lakes from 100 - 449 acres in size. We also looked at our fishing tournament permit database and determined that only 2% of permitted open-water tournaments are on lakes under 100 acres. Of the tournaments held on lakes under 100 acres, 69% are part of a larger chain of lakes for which the same tournament is permitted.

In addition, we amended the daily maximum number of participants in ice fishing tournaments in the lake size category < 100 acres from 100 to 50 and in the lake size category 100 - 449 acres from 250 to 150.

#### TOURNAMENT-ASSOCIATED FISH MORTALITY

To ensure that the public hearings generate the desired input regarding tournament associated mortality, we have added language that would prohibit live-release tournaments from July 1 - August 31 to s. NR 20.40(12)(g) Wis. Adm. Code.

## AQUATIC INVASIVE SPECIES

To address concerns regarding preventing the spread of aquatic invasive species via tournament fishing we have added language to require tournament organizers to submit an AIS plan to be reviewed and approved by WDNR to s. NR 20.40(13)(b) Wis. Adm. Code. Language also specifies that the tournament must comply with the plan.

## LOCAL UNITS OF GOVERNMENT APPROVAL OF PERMITS

We believe that including local units of government in the permit approval process would be extremely cumbersome and thus do not recommend language requiring it. In addition, many public access sites utilized by tournaments are controlled by such units of government and already require some form of notification. However, language has been added that would require notification of appropriate units of government by tournament organizers when permits are issued by the department. That language is added to s. NR 20.40(7)(f) Wis. Adm. Code.

## **BACKGROUND**

The Department is requesting authorization to conduct public hearings relating to modification of fishing tournament regulations. The proposed rule revisions were developed with substantial input from the fishing tournament advisory committee (FTAC), established in July 2004 by the Department as required by 2003 Wisconsin Act 249. The Department is authorized in s. 29.403, Stats. to promulgate rules for authorizing and regulating fishing tournaments. This rule proposal includes definitions of various types of tournaments, rules regulating the number and size of tournaments on different sizes of waterbodies, permit conditions, and permit fees.

The Department concurrently established an internal fishing tournament working group (FTWG) that provided substantial input into these rule revisions. The rule revisions were also reviewed by other department staff represented by members of the FTWG.

The FTAC consists of fishing tournament organizers, the Conservation Congress, sport fishing organizations, and users of the lakes and streams of this state. The FTWG consists of department fisheries, watershed, law enforcement, and legal services staff. The FTAC has met eleven times between August 2004 and April 2006, six of those with the Department's FTWG. Ten of those meetings involved discussion of fishing tournament rule revisions. The groups focused on the specific authorities as provided in 2003 Wisconsin Act 249 in developing revised tournament rules.

## **SUMMARY OF THE RULE**

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

## **DEFINITIONS**

- Create a new definition of aquatic invasive species for s. NR 20.40, Wis. Adm. Code - "**Aquatic invasive species**" means non-indigenous water or wetland-dwelling organisms or their hybrids whose introduction into aquatic ecosystems causes or is likely to cause adverse economic, recreational or environmental impacts or harm to human health. – Currently found in s. NR 198, Wis. Adm. Code - AQUATIC INVASIVE SPECIES CONTROL GRANTS.

- Create a new definition of aquatic invasive species for s. NR 20.40 , Wis. Adm. Code - "**Aquatic plant**" means a submergent, emergent, or floating-leaf plant or any part thereof. "Aquatic plant" does not mean wild rice. – Currently found in s. 30.715, Stats - PLACEMENT OF BOATS, TRAILERS, AND EQUIPMENT IN NAVIGABLE WATERS.
- Amend the definition of a "**Fishing tournament**" to make it more general/broad – “Fishing tournament” means any organized fishing activity, on any water of the state where competition is the primary intent, and where prizes or incentives are awarded.
- Create new definitions for NR 20.40, Wis. Adm. Code which refer to specific types of tournament formats, processes, and regulatory categories:
  - “**Immediate-release tournament**”, “**Live-release tournament**”, "**Off-site weigh-in**", “**Permitted fishing tournament**”, "**Permitted fishing tournament boat days**", “**Possess**” or “**Possession**”, “**Traditional fishing tournament**”, “**Weigh-in**”
- Change the term “**Sponsor**” to “**Organizer**” but maintained the definition currently found in NR 20.40, Wis. Adm. Code.

#### BASS TOURNAMENT PILOT PROGRAM

- Language established in Ch 20.40 for the purpose of s. 29.4035, Stats., is repealed in this proposal. The bass tournament pilot program expires December 31, 2006.

#### PERMIT REQUIRED

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

#### NO PERMIT REQUIRED

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

#### FISHING TOURNAMENT PERMIT FEES

The Department estimates that the fishing tournament permit program will cost approximately \$76,000 annually for permit application review and approval, fishing tournament data collection, law enforcement, fishing tournament catch report review, and fishing tournament database entry. If only permit application review and approval, fishing tournament catch report review, and fishing tournament database entry were considered, the annual cost of the permit program would be approximately \$33,000. In addition to the annual cost of the fishing tournament permit program, the Department has committed to recover the cost of the bass fishing tournament pilot program not covered by donations and associated matching funds, totaling approximately \$90,000.

The FTAC and FTWG discussed fishing tournament permit fees at great length during several meetings without ever being able to reach consensus. The issue of tournament fees boils down to two fundamental questions. The first is how much of the fishing tournament permit program

should be paid for by fees (the entire \$76,000 or some portion of it). Second is who should pay those fees (tournament organizers, tournament participants, fishing license buyers, or some combination thereof).

**ALTERNATIVES**

*Assumptions used in alternative analysis.* Below is Wisconsin fishing tournament permit information for the years 1999-2005 by three size categories based on the number of boats for open water fishing tournaments (top panel) and number of anglers for ice fishing tournaments (bottom panel). Data summarized includes: the number of tournaments permitted over the entire time period, the percent of fishing tournaments in each category, and the expected average number of fishing tournaments expected if 400 tournaments are permitted.

Open Water Fishing Tournaments			
Number of Boats	Number of Tournaments	Percent of Tournaments	Average # per 400
≥ 100	48	3%	13
50-100	157	11%	42
≤50	472	32%	128

  

Ice Fishing Tournaments			
Number of Anglers	Number of Tournaments	Percent of Tournaments	Average # per 400
≥ 300	56	4%	15
100-300	247	17%	67
100	502	34%	135

These data were utilized to create a stepped fee structure based on tournament size, as agreed upon by the FTAC and FTWG. In the proposed rule, no permits would be required for ice fishing tournaments with fewer than 100 participants.

Alternative 1: Tournament organizers pay fishing tournament permit application fees.

Fees to collect \$76,000 annually for the permit program plus \$18,000 annually for five years (\$90,000) to recover the cost of the bass fishing tournament pilot program evaluation for a total of \$94,000 result in the following permit application fee structure:

Open Water Fishing Tournaments			
Number of Boats	Average # per 400	Cost per permit	Total Dollars per year
≥ 100	13	\$850	\$11,050
50-100	42	\$415	\$17,430
≤50	128	\$200	\$25,600

Ice Fishing Tournaments

Number of Anglers	Average # per 400	Cost per permit	Total Dollars per year
≥ 300	15	\$850	\$12,750
100-300	67	\$415	\$27,805
≤ 100	135	NA*	
<b>TOTAL</b>			<b>\$94,635</b>

*Alternative 2: Tournament organizers pay fishing tournament permit application fees and tournament anglers pay fishing tournament participant permits.*

Assuming that 5,500 tournament anglers would be required to purchase a participant permit at **\$10 each**; approximately **\$50,000** would be collected annually from tournament participant permit fees, after transaction fees are subtracted.

Fees to collect the remaining \$54,000 annually from tournament organizers paying permit application fees result in the following permit application fee structure:

Open Water Fishing Tournaments

Number of Boats	Average # per 400	Cost per permit	Total Dollars per year
≥ 100	13	\$650	\$ 8,450
50-100	42	\$275	\$ 11,550
≤50	128	\$50	\$ 6,400

Ice Fishing Tournaments

Number of Anglers	Average # per 400	Cost per permit	Total Dollars per year
≥ 300	15	\$650	\$ 9,750
100-300	67	\$275	\$ 18,425
≤ 100	135	NA*	
<b>TOTAL</b>			<b>\$ 54,575</b>

*Alternative 3: Tournament organizers pay fishing tournament permit application fees, tournament anglers pay fishing tournament participant permits, and all anglers pay with fishing license fees plus SFR funds.*

Fishing tournament permit application fees paid by organizers collect \$33,000 annually to pay the cost of fishing tournament permit application review and approval, fishing tournament report review, and fishing tournament database portions of the fishing tournament permit program would result in the following permit fee structure:

Open Water Fishing Tournaments			
Number of Boats	Average # per 400	Cost per permit	Total Dollars per year
≥ 100	13	\$400	\$ 6,400
50-100	42	\$150	\$ 6,300
≤50	128	\$50	\$ 5,200

  

Ice Fishing Tournaments			
Number of Anglers	Average # per 400	Cost per permit	Total Dollars per year
≥ 300	15	\$400	\$ 6,000
100-300	67	\$150	\$ 10,050
≤ 100	135	NA*	

  

			<b>TOTAL \$ 33,950</b>
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Assuming that 6,000 tournament anglers would be required to purchase a participant permit at **\$5 each**; **\$25,000** would be collected annually from tournament participant permit fees, after transaction fees are subtracted. Those fees could be utilized for 4 years to recover the cost of the bass fishing tournament pilot program evaluation.

The remaining costs associated with the fishing tournament permit program (roughly **\$46,000** for law enforcement and data collection) would be absorbed by existing funds from fishing license fees and the federal SFR grant.

The FTAC and FTWG were comfortable with the estimated cost of the fishing tournament permit program (\$76,000). The members of the FTAC that organize and participate in tournaments felt that permit application fees were too high and most agreed that participant fees would be more acceptable. Members of the FTAC that do not organize or participate in tournaments felt that license and SFR should not be used to pay any part of the permit program.

The Department recommends presenting these alternatives to the public and obtaining public input prior to making a final recommendation to the Natural Resources Board.

***FEE SPENDING AUTHORITY***

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

**PERMIT APPLICATION PROCESS**

- Establish a permit application process:
  - Department begins accepting permits **August 1** for the following calendar year.
  - Applications received **August 1** – the **September 30** subject to lottery drawing if monthly limits are exceeded. The department must notify the applicant that the event is subject to drawing and allows 7 days to change date or location.

- **Traditional fishing tournaments** are not included in the drawing unless they are competing with other traditional fishing tournaments for limited fishing tournament permits for a body of water (i.e. “grand-fathered”).
- Applicants are notified by **November 7** of approval or denial of permit (based on lottery drawing results).
- Applications received after the **September 30** approved first come first served. Approved permits are issued if limits are not exceeded, but must be received at least 30 days prior to event.
- Requires organizers to notify local units of government within which the access site or tournament headquarters is located of their approval to conduct a tournament, including the date, time, and size of the event.

### COMPLIANCE

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

### LIMITS ON SIZE AND NUMBER OF FISHING TOURNAMENTS

- Establish a maximum size (number of boats per day) an open-water fishing tournament can be based on lake size categories.
- Establish monthly maximums for open-water fishing tournaments based on an index of pressure calculated as:
  - Open-water (Permitted fishing tournament boat days) = (number of boats) \* (number of tournament days).
- Monthly maximums for open-water took into account maximum public access standards found in NR 1.91(5)(b). See table below.

Lake Size	Number of Lakes	Maximum # of Boats (Calc)	Maximum # of Boats (Rounded)	Maximum # of Days	Maximum # of Tournaments	Maximum Pressure Boat*Days	Comments NR 1.91(4)(b)
<100 acres	1,984*		0	0	0	0	per March meeting
100 - 449	902	23	25	2	2	50	1 boat / 15 acres
450 - 999	169	30	50	3	3	300	1 boat / 25 acres
1000-4999	112	125	125	3	3	1125	1 boat / 30 acres
5000-9999	15	150	150	4	4	2400	1 boat / 50 acres
10,000 +	9	No limit	No limit	No limit	No limit	No Limit	

\*Number of lakes <100 acres reported in the table above includes only lakes larger than 25 acres and less than 100 acres.

- **Maximum number of boats** allowed daily is calculated as the (top-end of category acreage) divided by (number of acres per boat)\*75%. Lake limits on smaller lakes were further reduced to address additional concerns about small waters.
- **Maximum number of days** and **maximum number of tournaments** were arbitrarily selected for use in calculations.



- **Maximum pressure** allowed each month is the product of (maximum number of boats)\*(maximum number of days)\*(maximum number of tournaments).
- Establish daily maximum number of participants for ice-fishing/shore fishing tournaments based primarily on tournament committee discussions and equal to roughly 10 times the maximum number of boats.

Lake Size	Number of Lakes	Maximum # of Participants	Maximum # of Days	Maximum # of Tournaments	Maximum Pressure Participants*Days	Comments
<100 acres	1,984*	50	No limit	No limit	No Limit	
100 - 449	902	150	No limit	No limit	No Limit	
450 - 999	169	500	No limit	No limit	No Limit	
1000-4999	112	1000	No limit	No limit	No Limit	
5000-9999	15	1500	No limit	No limit	No Limit	
10,000 +	9	No limit	No limit	No limit	No Limit	

\*Number of lakes <100 acres reported in the table above includes only lakes larger than 25 acres and less than 100 acres.

- Establish a maximum number of concurrent permitted fishing tournaments (open water and ice fishing) that can take place based on lake size categories (<1,000 acres - one; 1,000 – 10,000 – two; >10,000 - no limit).
- Provide the department with the ability to permit tournaments on lakes smaller than 100 acres if it determines the event will promote public awareness of fishing and the state's resources; and conforms to best management practices for the lake; or is a traditional fishing tournament.
- Specify how tournament maximums will apply to lake chains (Acreage of individual lakes within a chain of interconnected lakes shall be summed for use in determining monthly maximums; the interconnected lakes permitted shall not be interrupted by a lock, dam or other obstruction which prevents free navigation from one lake to another by the types of boats or vehicles used by the participants to be considered a chain for application of monthly maximums.
- Establish for boundary water lakes, the limits related to the number of permitted fishing tournaments shall be determined based on the Wisconsin acreage.
- Establish monthly maximum number of tournaments on rivers. Mississippi River maximums are the same as those used by MN. The Fox, Wolf, and Wisconsin River maximums are the same as the St. Croix (WI-MN) based on their similarity.
- Establish a limit for permitted fishing tournaments on the Mississippi River of no more than three pools.
- Establish specific boundary for fishing tournaments on Lake St. Croix (HWY 10 bridge at Prescott upstream to the Acola Bar) – pseudo-defines Lake St. Croix.
- Establish monthly limits for other rivers (2 per month per segment).

#### ADDITIONAL FISHING CONTEST PERMITS

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

#### DISPOSITION OF DEAD FISH

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

## GENERAL PROVISIONS AND PERMIT CONDITIONS

- Establish general authority for the department to deny permits to protect fisheries resources.
- Eliminate the prohibition of permitted fishing tournaments on opening weekend of a fishing season.
- Prohibit permitted fishing tournaments during the three-day Memorial Day weekend, Fourth of July, and three-day Labor Day weekend. Allow an exemption for traditional fishing tournaments.
- Allow the department to require tournament organizers to make alternative parking arrangements to ensure reasonable public access to the water where a permitted fishing tournament is being conducted and provide the plan to the department upon request.
- Require consistent and obvious marking of tournament boats.
- Establish criteria to be followed by tournament participants in order for an event to be considered an “immediate-release tournament”. The criteria specify what type of fish handling can be conducted on the water without constituting possession.
- Prohibits live release tournaments from July 1 – August 31 each year.
- Establish restriction for “live release tournaments”.
  - No live-release tournaments for muskellunge, northern pike, sturgeon, or trout with an off-site weigh-in.
- Establish standards for fish holding equipment and fish handling procedures for “live release tournaments” (much of this is from a publication entitled Keeping Bass Alive).
  - Boats must have working live wells.
  - If utilized, on-shore holding tanks used to hold fish during the weigh-in process must have the capacity sufficient to hold at least 1 gallon of water per pound of fish held.
  - The holding tanks on shore are equipped with aeration or oxygenation systems that maintain the dissolved oxygen at 5 ppm or higher.
  - Allow the department to specify other fish holding and handling conditions.
  - Require approval of an off-site weigh-in.
- Provide authority to write conditions to prevent waste of the resource when environmental conditions warrant, including:
  - Department may require immediate release or harvest of fish.
  - Department may restrict area fished or distance traveled by anglers.
  - Department may require redistribution of fish after weigh-in.
- Provide Department authority to modify or revoke a permit at any time to protect natural resources.
  - Circumstances include: discovery or presence of a fish disease, unusual and potentially detrimental water quality, such as high water temperature and low dissolved oxygen, and unusual weather event.

## USE OF TAGGED FISH

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

## REGULATION OF AIS

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

## PUBLIC HEARING PLAN

The department plans to conduct public hearings in 5 – 7 locations across the state over a two to three week period. The locations will be distributed geographically and will include areas where fishing tournaments are most common. Hearings will be held on weekday evenings. Proposed locations are: Madison, Fond du Lac, Racine, Green Bay, La Crosse, Rhinelander, and Spooner. A written comment period will also be conducted in concert with the public hearings. A fishing tournament web site with an email address for comments has been created to assist in obtaining public comments on the draft rules, in addition to the administrative rules web site and U.S. mail submission of written comments.

## POLICY IMPACTS

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

## PREVIOUS ACTION

In February 2005, the Natural Resources Board adopted live well standards and other rules (FH-55-04) for the bass fishing tournament pilot program, which was also created in 2003 Wisconsin Act 249.

## IMPACTS ON THE PUBLIC

The proposed rules will have minimal impact on most members of the public. The major impact will likely be to tournament organizers and tournament anglers. The FH Bureau has already

established a web page dedicated to fishing tournaments in Wisconsin that could serve as a conduit for information on new tournament regulations. The FH Bureau also works to notify the public of new regulations via press releases, and fishing regulations pamphlets.

**RESPONSE TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE**

The Department will consider all comments from the Clearinghouse Report and modify rules accordingly.

**SMALL BUSINESS ANALYSIS**

These rules will not directly affect small business, pursuant to s. 227.114(8)(b), Stats., therefore no analysis will be required.

**ENVIRONMENTAL ASSESSMENT**

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

## Fiscal Estimate — 2005 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated  <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number  Bill Number	Amendment Number if Applicable  Administrative Rule Number FH-22-06
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**Subject**

Proposal for revisions to the Wisconsin Administrative Code NR 20.40 relating to the fishing tournament regulations

**Fiscal Effect**

State:  No State Fiscal Effect  
 Indeterminate

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

- |  |   |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation        |   |

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

Yes     No

Decrease Costs

Local:  No Local Government Costs  
 Indeterminate

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

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

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

**Fund Sources Affected**

GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Chapter 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

2003 Wisconsin Act 249 provides the Department with the authority to specifically regulate the activity of fishing tournaments in the state; therefore, the Department is submitting a rule package that is consistent with what is identified in Act 249.

Included in the rule package are three alternatives for implementing a fishing tournament permit program, which would require permits for all tournaments that have one or more of the following characteristics:

- A. Consists of 20 boats or 100 participants
- B. Targets trout on classified trout streams
- C. Is a live release tournament with off-site weigh-in
- D. Awards \$10,000 or more in prizes

The program would be funded with revenue generated from permit sales to fishing tournament sponsors. In addition, 2 of the 3 alternatives being considered would include funding from permit sales to anglers that participate in fishing tournaments. The estimated revenue that would be generated from the 3 alternatives ranges from \$58,100 to \$94,600 annually.

The cost to implement the program is estimated to be \$76,000 annually.

Public hearings are scheduled to be conducted around the state for the purposes of selecting one of the three funding alternatives; therefore, the fiscal effect of the fishing tournament permit program at this point is indeterminate. A revised fiscal note will be submitted once a definitive plan is selected.

**Long-Range Fiscal Implications**

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

## Fiscal Estimate — 2005 Session

### Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number

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Assumptions Used in Arriving at Fiscal Estimate – Continued

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**Fiscal Estimate Worksheet — 2005 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number FH-22-06

**Subject**  
 Proposal for revisions to the Wisconsin Administrative Code NR 20.40 relating to the fishing tournament regulations

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

One-time ALIS programming costs of \$1,500 are estimated for any permit program that would include permit fees for tournament anglers.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations — Salaries and Fringes		\$ 76,000	\$ -
(FTE Position Changes)		( 1.00 FTE )	(- FTE )
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
<b>Total State Costs by Category</b>		\$ 76,000	\$ -
<b>B. State Costs by Source of Funds</b>			
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S		76,000	-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>Total State Revenues</b>		\$ 0	\$ -

**Net Annualized Fiscal Impact**

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 76,000	\$ 0
Net Change in Revenues	\$	\$ 0

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

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

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

FH-22-06

Analysis Prepared by the Department of Natural Resources

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

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

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

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

**Related Rule or Statute:** None.

**Plain Language Rule Analysis:** This rule exercises authority granted the Department in Wisconsin 2003 Act 249:

**29.403 Fishing tournaments. (1)** The department shall promulgate rules to establish a program to authorize and regulate fishing tournaments. The rules shall establish the scope and applicability of the program.

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

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

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

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



- ◆ designated release persons

Tournament size:

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

Culling of fish is currently allowed for all anglers. However, beginning on January 1, 2005 the new Iowa rules will read, "It is prohibited to sort, cull, highgrade, or replace any fish already in possession. Participants in permitted black bass tournaments are exempted. Any fish taken into possession by holding in a livewell, on a stringer or in other fish holding devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released." (Marion Conover, Iowa DNR Fisheries Chief)

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

- ◆ Prizes are offered for tagged or marked fish where any of the states waters with special regulations are named as a tournament site; or
- ◆ The fishing event is conducted over a period of more than five days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed have special regulations; or
- ◆ Special exemptions to the site specific regulations for daily creel and size limit are requested for:
  - catch, hold for weigh-in, and release tournaments for muskellunge on all waters;
  - black bass catch and release tournaments (Lake Michigan and streams, except that the Mississippi, Ohio, and Wabash Rivers are not eligible for permits which exempt participants from daily catch and size limits)'
  - special catch and release tournaments for which the proceeds go towards youth education and/or charity type projects;
  - National catch and release tournaments; and
  - special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.

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

- ◆ The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.
- ◆ The location of the tournament; catch and release management zones on streams are not eligible for permits.
- ◆ The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the ILDNR to issue the permit. Specific items to be considered include:
  - biological status of the fish population including the species being sought'
  - length of the tournament;
  - number of boats and anglers participating in the tournament;
  - for tagged fish tournaments; provisions for obtaining and tagging targeted fish species; and
  - safety of anglers and potential boater-user conflicts.
- ◆ Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:
  - Tournament officials must be able to certify that all boats possess a live well (except muskellunge fishing tournaments) measuring at least 18-in long, 12-in deep, and 12-in wide. and be fitted with a functioning aerator and water pump.
  - Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat, or by individual boats.
  - Common release boats must meet specifications set by the ILDNR and must be certified by the ILDNR as a common release boat. Individual boats can not carry more than the daily creel limit of fish.

- For catch, weigh-in, and release muskellunge tournaments, all boats must have a fish cradle to temporarily hold fish in the water while an official determines the length or weight of the fish prior to release. Muskellunge may not be transported to a weigh-in site.
- ◆ Adequate identification of participants in fishing tournaments for law enforcement purposes. Specific criteria are:
  - Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by ILDNR officials.
  - Each participant and boat must be identified in an easily recognizable manner at a distance (patch on the hat or back).

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

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

*Minnesota.* MNDNR developed new tournament rules in 2000. Details follow.

Definitions:

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

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

The FTAC consists of fishing tournament organizers, the Conservation Congress, sport fishing organizations, and users of the lakes and streams of this state. The FTWG consists of department fisheries, watershed, law enforcement, and legal services staff. The FTAC has met eleven times between August 2004 and April 2006, six of those with the Department's FTWG. Ten of those meetings involved discussion of fishing tournament rule revisions. The groups focused on the specific authorities as provided in 2003 Wisconsin Act 249 in developing revised tournament rules.

**Analysis and Documentation Used in Support of the Agency's Determination Under s. 227.114, Stats., (Small Business Impact):** The proposed rules do not apply directly to businesses, but to sport anglers, and are not designed nor anticipated to affect the overall number of fishing tournaments or tournament participants in Wisconsin.

**Effect on Small Business, Including How the Rule Will Be Enforced:** The proposed rule changes will not affect small businesses in Wisconsin, as the overall number of fishing tournaments is not expected to be impacted if the proposed rules are adopted.

**Agency contact person:** Patrick Schmalz, FH/4 101 South Webster Street, Madison, WI 53707-7921; email: Patrick.Schmalz@dnr.state.wi.us; phone: 608.266.8170.

**Place where comments are to be submitted and deadline for submission:** Comments can be submitted via mail to the contact and address above. In addition, comments can be submitted during the open comment period using the Internet at <http://adminrules.wisconsin.gov>. The comment period will begin upon publication of the public hearing notice and will continue until October 31, 2006.

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

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

**(2) DEFINITIONS.** In this section:

- (a) "Aquatic invasive species" has the meaning in s. NR 198.12(1).
- (b) "Aquatic plant" has the meaning in s. 30.715(1)(a), Stats.
- (c) "Fishing tournament" means any organized fishing activity, on any water of the state where competition is the primary purpose, and where incentives, such as money, prizes or points, are awarded.
- (d) "Immediate-release tournament" means a fishing tournament where fish caught by participants are not reduced to possession and transported, but are held only long enough for identification and to document length or weight or both, and released to the water from which they came.
- (e) "Live-release tournament" means a fishing tournament where fish caught by participants are reduced to possession and transported, usually for purposes of recording, and live fish are then released to the water from which they came.
- (f) "Live well" means a container designed to hold live fish on a boat.
- (g) "Off-site weigh-in" means a weigh-in of fish caught in a live-release tournament at a location that is not on the shoreline or adjacent to the waters listed on the fishing tournament permit.
- (h) "Permitted fishing tournament" means a fishing tournament that requires a permit from the department.
- (i) "Permitted fishing tournament boat days" is a measure of tournament fishing pressure for open water permitted fishing tournaments. It is calculated by multiplying the number of boats participating in an open water permitted fishing tournament by the number of days the permitted fishing tournament is held. Any part of a day shall count as one day.
- (j) "Person" means any individual, partnership, association, organization or body politic or corporate.
- (k) "Possess" for the purposes of this section means to own, control, restrain, transport or keep. Once a fish is possessed, it shall be counted towards the anglers daily bag limit pursuant to s. NR 20.05(7). Any of the following conditions constitute possession:

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

(L) "Organizer" means a person who advances, conducts, directs, establishes, organizes, promotes or otherwise is responsible for the operation of a fishing tournament, but does not include a person who only assists in advertising or publicizing another person's fishing tournament. "Organize" also means to advance, conduct, direct, establish, promote or otherwise be responsible for the operation of a fishing tournament.

(m) "Traditional fishing tournament" means a fishing tournament that was issued permits 4 out of 5 years from 2002 to 2006, for the same water or waters and time period. Beginning January 1, 2007, traditional fishing tournaments shall continue to be conducted at least 4 out of 5 years for the same lake and time period to remain a traditional fishing tournament.

(n) "Weigh-in" means a registration process for live-release fishing tournaments by which fish are measured and released.

**(3) PERMIT REQUIRED.** No person may organize or participate in a fishing tournament that meets any of the criteria in pars. (a) to (d), without a permit. A person shall obtain a permit from the department to organize a fishing tournament if one or more of the following apply:

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

[Drafter's Note: Rule language pertaining to tournament fees is provided as one alternative. Multiple fee alternatives will be presented at public hearings.]

**(5) FISHING TOURNAMENT PARTICIPANT PERMIT.** Each person who participates in an open water fishing tournament which requires the organizer to obtain a fishing tournament permit, shall possess a fishing tournament participant permit.

(a) *Authorization.* A fishing tournament participant permit authorizes the holder of the permit to fish as a participant in permitted open water fishing tournaments during the effective dates printed on the permit.

(b) *Display.* Each person fishing in a permitted open water fishing tournament shall carry their fishing tournament participant permit with them and shall display it to any employee or agent of the department upon request.

(c) *Effective period.* A fishing tournament participant permit shall be valid from the date and time of issuance until the following March 31st.

(d) *Fee.* The fishing tournament participant permit fee shall be \$10.00.

**Note:** Fishing tournament participant permits may be purchased through any department ALIS vendor, and may be used to participate in more than one tournament during the effective period.

[Drafter's Note: Rule language pertaining to tournament fees is provided as one alternative. Multiple fee alternatives will be presented at public hearings.]

**(6) 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 consisting of fewer than 50 boats or 100 participants shall pay a \$50.00 non-refundable permit application fee upon submission of the application.

(c) Applicants for a fishing tournament consisting of 50 boats or more but less than 100 boats, or 100 participants or more but less than 300 participants shall pay a \$275.00 non-refundable permit application fee upon submission of the application.

(d) Applicants for a fishing tournament consisting of 100 boats or more or 300 participants or more shall pay a \$650.00 non-refundable permit application fee upon submission of the application.

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

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

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

(b) If the number of permit applications submitted to the department from August 1 through September 30 exceeds the limits specified in subs. (9) and (10), the department shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the department shall allow the affected applicants a minimum of 7 days to change the location or time period requested on their applications to a location or time period for which applications are not already at or above the limits specified in subs. (9) and (10). If September 30 falls on a weekend, applications will be accepted through the following Monday.

(c) After the deadline to change applications as provided under par. (b), the department shall conduct a random drawing for each location and time period for which applications exceed limits established in subs. (9) and (10). Traditional fishing tournaments are not included in a random drawing unless they are competing with other traditional fishing tournaments for limited fishing tournament permits for a body of water. Only one permit application per organizer will be included in a drawing for the same location and time period.

(d) By November 1 the department shall approve or deny permit applications that are submitted by September 30 in compliance with the limits in sub. (9) and (10).

(e) The department may approve a permit application that is received after September 30 if approving the application would not result in exceeding the limits in subs. (9) and (10) and the application is received at least 30 days prior to the start of the tournament.

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

**(8) COMPLIANCE.** (a) All participants in a permitted tournament shall comply with all provisions of the permit and shall possess a participant permit pursuant to sub. (5).

(b) In the event that a participant fails to comply with the permit or sub. (4), the violating participant shall promptly be disqualified and expelled from the tournament by the organizer.

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

(d) Notwithstanding par. (b), the department may impose penalties under sub. (15) and take other appropriate enforcement action against a participant or organizer found to be in violation of this chapter or ch. 29, Stats.

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

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

**(9) 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:

(a) Lakes.

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

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

1. Promote public awareness of fishing and the state's resources; and
2. Conform to best management practices for the lake; or
3. Is a traditional fishing tournament.

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

1. Acreage of individual lakes within a chain of interconnected lakes shall be summed for use in determining monthly maximums established in par. (a) for the entire chain.

2. The interconnected lakes permitted shall be connected by a navigable water that is not interrupted by a lock, dam or other obstruction which prevents free navigation from one lake to another by the types of boats or vehicles used by the participants.

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

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

(f) Rivers.

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

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

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

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

**(10) ADDITIONAL FISHING TOURNAMENT PERMITS.** Notwithstanding the limits in sub. (9), the department may allow one additional permit each year for fishing tournaments on lakes greater than 1,000 acres or river segments identified by the department. For additional fishing tournaments permitted under this subsection, the fishing tournament permit applicant shall demonstrate to the department that the tournament will:

- (a) Promote public awareness of fishing and the state's resources; and
- (b) Conform to best management practices for the lake; or
- (c) Is a traditional fishing tournament.

**(11) DISPOSITION OF DEAD FISH.** The department shall require each applicant to provide a written plan for the disposition of any dead fish resulting from the fishing tournament which complies with s. 23.095(1g), Stats. No plan may include retention of any fish contrary to the requirements of department rule.

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

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

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

(c) No person may conduct a fishing tournament on the 3-day Memorial Day weekend, Fourth of July or 3-day Labor Day weekend unless it is a traditional fishing tournament.

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

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

(f) Restrictions on immediate-release tournaments. 1. Participants may not reduce fish to their possession.

2. Participants shall immediately initiate the official tournament registration process upon landing a fish.

3. Participants shall successfully release the fish, as indicated by the capability of the fish to swim away upright under its own power, prior to resuming fishing.

(g) Restrictions on live-release tournaments. 1. No person may conduct a live release tournament from July 1 through August 31.

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

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

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

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

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

7. The department shall include permit conditions that specify fish handling requirements for live release tournaments.

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



- a. The department may require harvest or immediate-release of fish.
  - b. 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.
  - c. The department may require re-distribution of released fish.
9. The department may modify or revoke a fishing tournament permit at any time for the following reasons:
- a. Presence of a fish disease.
  - b. Unusual and potentially detrimental water quality, such as high water temperature or low dissolved oxygen.
  - c. Unusual weather event.
  - d. Other unusual circumstances that may result in detrimental fisheries impacts.
- (h) All permits for fishing tournaments shall:
- 1. Identify areas where competitive fishing is prohibited for the following reasons:
    - a. To protect critical habitat, including areas designated by local ordinance for aquatic vegetation preservation or areas where habitat enhancement activity is underway.
    - b. To protect public rights, interests or safety, including designated swimming areas, mooring areas, access areas, navigational channels, staging areas, beaches or other special use areas.
  - 2. Prohibit the use of tagged fish, except when approved by the department for any of the following reasons:
    - a. To enhance collection of data for management purposes as part of a scientific study.
    - b. The tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the department under s. 29.736, Stats., and s. NR 19.05.
- (i) Pursuant to s. NR 20.05 (7), any fish taken into possession by an individual and not released immediately shall be included as part of the individual's daily bag limit.
- (j) The time limitations upon the length of a fishing tournament under this section do not include fishing activities by tournament participants carried out prior to the time when the tournament begins.
- (k) Except for tournaments on the Great Lakes, the fishing portion of any live release tournament may not run for more than 10 consecutive hours each day or more than 4 consecutive days.
- (L) The fishing portion of tournaments on the Great Lakes is not limited.
- (13) AQUATIC INVASIVE SPECIES.** (a) The department shall require each applicant for open water fishing tournament permits to submit a written plan describing the procedures that will be followed to prevent the spread of aquatic plants and aquatic invasive species by tournament participants and organizers.
- 1. The plan must be approved by the department prior to issuing an open water fishing tournament permit.
  - 2. The organizer is responsible for the tournament's compliance with the department approved plan.

(b) All tournament participants shall comply with s. 30.715, Stats., and all department rules pertaining to control of aquatic invasive species that are included with the permit. Any participant found to be in violation of s. 30.715, Stats., may not be allowed to participate in a fishing tournament until their boat is decontaminated utilizing methods approved by the department.

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

(d) Permit conditions shall include a requirement for the tournament's compliance with the plan described in sub. (13).

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

**Note:** Reporting forms will be issued with permits.

**(15) PENALTIES.** In addition to any penalties provided by law, the department shall, for a period of 2 years from the date of violation, deny any fishing tournament permit application submitted by a person it determines failed to comply with a fishing tournament permit or with a rule relating to tournament fishing.

**SECTION 3. 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 4. 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 \_\_\_\_\_  
Scott Hassett, Secretary

(SEAL)