

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING
FH-01-12

NOTICE IS HEREBY GIVEN THAT pursuant to and interpreting ss. 29.014(1), 29.041, 29.403(1g), and 29.403(2), Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 20, Wis. Adm. Code, in permanent rule Order FH-01-12 relating to fishing tournaments on inland, outlying, and boundary waters of Wisconsin.

NOTICE IS HEREBY FURTHER GIVEN THAT the hearings will be held on:

October 30, 2013 South Side Neighborhood Center, 1300 S. 6th St.
Wednesday La Crosse, WI 54601
6:30 p.m.

November 4, 2013 Fitchburg Public Library, 5530 Lacy Road
Monday Meeting Room A&B, Fitchburg, WI
6:00 p.m.

November 6, 2013 James P. Coughlin Center/DNR Service Center, 625 E. County Road Y
Wednesday Main Conference Room, Oshkosh, WI 54901
6:00 p.m.

Availability of Rules and Submitting Comments:

The proposed rule supporting documents may be reviewed and comments electronically submitted at the following internet site: <http://adminrules.wisconsin.gov>. A copy of the proposed rules and supporting documents may also be obtained from Jonathan Hansen, Bureau of Fisheries Management, P.O. Box 7921, Madison, WI 53707 or jonathan.hansen@wisconsin.gov.

Written comments on the proposed rule may be submitted via U.S. mail or email to Jonathan Hansen at the addresses noted above. Written comments, whether submitted electronically or by U.S. mail, will have the same weight and effect as oral statements presented at the public hearings. Comments may be submitted until November 8, 2013.

Analysis Prepared by the Department of Natural Resources:

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 may reduce the daily bag limit when water temperatures are typically elevated and restrict 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. 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.

Agency contact person:

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NOTICE IS HEREBY FURTHER GIVEN THAT pursuant to ss.227.114 and 227.137, Wis. Stats., it is not anticipated that the proposed rules will have an economic impact on small businesses. The Department conducted an economic impact analysis by contacting businesses, business and fishing associations, local governmental units, and individuals. The Department determined that this rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN THAT the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN THAT pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Jonathan Hansen at (608) 266-6883 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin _____
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary