

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original  Updated  Corrected

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2. Administrative Rule Chapter, Title and Number

Chapter NR 20, Fishing: Inland Waters; Outlying Waters

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3. Subject

Fishing Tournament Rule Changes, FH-01-12

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4. Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

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5. Chapter 20, Stats. Appropriations Affected

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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

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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)

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

Yes  No

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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.

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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

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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.

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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.

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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.

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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.

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### 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 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.

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### 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.

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### 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.

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### 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.
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### 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.

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17. Contact Name

Jonathan Hansen, Tournament Program Manager

18. Contact Phone Number

608-266-6883

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes     No
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