

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 to promulgate rules to establish a program to authorize and regulate fishing tournaments. New fishing tournament permit requirements are established so that if a fishing tournament consists of 20 boats or 100 participants or targets trout on classified trout streams or is a live release tournament with an off-site weigh-in or has prizes of \$10,000 or more a permit from the department is required. If none of those criteria are met, no permit is required.

Fishing tournament permit fees are established to cover the cost of the program, estimated to be \$76,000 annually, which includes permit application review and approval, catch report review, database entry, law enforcement, and data collection. In addition fees will include an additional \$18,000 for five years to recover the cost of the bass fishing tournament pilot program. Two alternatives for fee structure will be presented at public hearings. The first alternative seeks to collect \$94,000 annually by charging tournament organizers permit application fees ranging from \$200 to \$850 based on the size of the tournament. The second alternative seeks to collect fishing tournament permit application fees from organizers and annual fishing tournament participant permits from open-water tournament participants. Permit application fees for organizers would range from \$50 to \$475 based on tournament size and \$10 for each participant permit. These estimates assume 400 fishing tournament permits annually and 5,500 open water fishing tournament participants.

This rule establishes a permit application process by which the department will accept applications for permits from August 1 - September 30 each year. Applications received during that period that result in limits on the number of tournaments on a water being exceeded will be subjected to a lottery for the date and location. Prior to the lottery drawing, organizers will be informed and offered an opportunity to modify their application to a date or location where limits have not been reached. Limits on the size and number of fishing tournaments

are proposed in this rule. Limits on lakes vary depending on lake size and are based on public access standards set forth in NR 1.91(5)(b). Limits on the Mississippi River are similar to those in place in Minnesota. The rule prohibits live release fishing tournaments during July and August. The rule also establishes other requirements of tournament organizers, including requiring a plan for disposal of dead fish and for preventing the spread of aquatic invasive species. The rule establishes other general provisions related to fishing tournament format, fish holding and handling.

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 November 17, 2006.

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 \$225.00 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 \$475.00 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 2. 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 3. 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)