

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
FH-22-06

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014(1), 29.403, 29.4035 and 227.11(2), Stats., interpreting ss. 29.014, 29.041, 29.403 and 29.516, Stats., the Department of Natural Resources will hold public hearings on the creation of s. NR 20.40, Wis. Adm. Code, relating to regulation of fishing tournaments in inland, outlying and boundary waters of Wisconsin.

2003 Wisconsin Act 249 created s. 29.403, Stats., requiring the Department to promulgate rules to establish a program to authorize and regulate fishing tournaments. Under the proposed rules, 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 structures 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 s. NR 1.91(5)(b), Wis. Adm. Code. 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. Penalties are included for tournament organizers that do not comply with their plans. The rule establishes other general provisions related to fishing tournament format, fish holding and handling.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. 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 the hearings will be held on:

<u>October 30, 2006</u> Monday	Holiday Inn, 624 W. Rolling Meadows Drive (US 151 & 41), Fond du Lac at 7:00 p.m.
<u>November 1, 2006</u> Wednesday	Strzelczyk Great Hall, Cleary Center, UW-La Crosse, 615 East Avenue South, La Crosse at 7:00 p.m.
<u>November 2, 2006</u> Thursday	Fitchburg Community Center, 5510 Lacy Road, Fitchburg at 7:00 p.m.
<u>November 8, 2006</u> Wednesday	Auditorium, Bay Beach Wildlife Sanctuary Nature Center, 1660 East Shore Drive, Green Bay at 7:00 p.m.
<u>November 9, 2006</u> Thursday	Suite IV, DNR Service Center, 9531 Rayne Road, Sturtevant at 7:00 p.m.
<u>November 14, 2006</u> Tuesday	Spooner Agricultural Research Station, W6646 Highway 70, Spooner at 7:00 p.m.
<u>November 15, 2006</u> Wednesday	Theater, Nicolet Technical College, County Highway G, Rhinelander at 7:00 p.m.

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 Patrick Schmalz at (608) 266-8170 with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. mail to Patrick J. Schmalz, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until November 17, 2006. 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. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Schmalz

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary