

Report From Agency

REPORT TO LEGISLATURE

NR 20, Wis. Adm. Code

Board Order No. FH-01-12
Clearinghouse Rule No. CR13-079

Basis and Purpose of the Proposed Rule

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. New policies include:

- defining “culling”
- determining certain permit exceptions and participant limits
- streamlining tournament permit application procedures
- specifying boat and live well requirements
- clarifying rules on border waters
- clarifying conditions for catch-hold-release tournaments
- clarifying use of bag limit reduction during warm water periods for bass and walleye tournaments
- specifying boundaries for catch-hold-release bass and walleye tournaments on Green Bay

Summary of Public Comments

Three public hearings were held for FH-01-12: October 30 in La Crosse (2 attendees); November 4, 2013 in Fitchburg (1 attendee); and November 6, 2013 in Oshkosh (10 attendees). There was light attendance at the hearings, indicating low public interest. A majority of the comments received were in favor of the rule, with suggestions for making small changes to specific rule sections, as noted below. The changes are not likely to be controversial.

Modifications Made

A majority of the comments on changes to the rule addressed the tournament fishing boundaries proposed for Green Bay and when exceptions would be allowed for those boundaries (rule Section 13), as well as when exceptions would be allowed to daily bag limit reductions in summer months when water temperatures are typically elevated (rule Section 14).

The original rule language proposed multiple “zones” or boundaries within Green Bay in which tournament anglers would be allowed to fish, and those zones differed based on weigh-in site location and for bass tournaments and walleye tournaments. Certain boundaries have been part of tournament permit criteria on Green Bay for years, and this rule change will codify boundaries that are intended to minimize post-release fish mortality. Hearing attendees noted that some boundaries should be expanded and also that the multiple zones based on species and weigh-in site would be confusing. After considering direct comments from hearing attendees and discussions with Green Bay area fish biologists, the fishing areas where tournament participants may travel were consolidated into two zones. (Please see Section 13 of the rule language)

The Department also received comments about how exemptions to the Green Bay boundaries would be allowed for “one bass or one walleye” tournament, along with suggestions that it allow both “one bass *and* one walleye” tournament exemption per year. The rule language was changed to allow “one bass *and* one walleye” tournament exemption to the Green Bay fishing boundaries per year. The rule also stated that one bass or walleye tournament per year on Green Bay would be exempt from boundary limits if they promoted national public awareness of fishing. Hearing attendees requested that language be added to describe what was meant by promoting “national public awareness of fishing” on Green Bay: a tournament event that promotes national public awareness of fishing would qualify to be exempt from the boundaries if it is an event that is part of a national tour or is a statewide or regional championship that qualifies participants for a national event.

The original and current rule also require a reduced daily bag limit of 3 bass for catch-hold-release tournaments on all waters with a daily bag limit of 3 bass or greater from the first Saturday in July to the second Sunday in

August unless the department determines that the temperature of the primary waterbody to be fished is expected to be less than 75 degrees Fahrenheit for smallmouth bass or less than 80 degrees Fahrenheit for largemouth bass. The Department received comments from people who wanted clarification of when it would allow one catch-and-release bass tournament per year per waterbody to be exempted from the 3-fish bag limit (and be allowed a 5-fish bag limit) during that time period. Original rule language stated that an exemption may be granted if the tournament is planned to have 60 or more boats, the primary waterbody fished will be 2000 or more acres, and the tournament promoted public awareness of fishing. Based on hearing comments, language was added to the rule noting that in addition to the requirements for boats and size of waterbody, a bag limit exemption may be allowed if the tournament will promote *national* public awareness of fishing. A tournament event that promotes national public awareness of fishing is an event that is part of a national tour or is a statewide or regional championship that qualifies participants for a national event.

Appearances at the Public Hearing

Three public hearings were held for FH-01-12: October 30 in La Crosse (2 attendees, 1 from WI BASS Nation); November 4, 2013 in Fitchburg (1 attendee from National Professional Anglers Association); and November 6, 2013 in Oshkosh (10 attendees, including from Sheboygan Walleye Club and other fishing and tournament groups).

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was amended to reflect the public hearing modifications noted above. The economic impact comment period was held August 22 – September 5, 2013. The Department received five comments that are included in the economic impact statement. Based on one comment received during the economic impact comment period, the rule would 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.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on form, style, and placement; and clarity, grammar, and punctuation. Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

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.

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.

Based on one comment received during the economic impact comment period from a bait and tackle business, the rule may have a beneficial impact for some businesses, such as bait and tackle shops located near popular tournament areas.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.