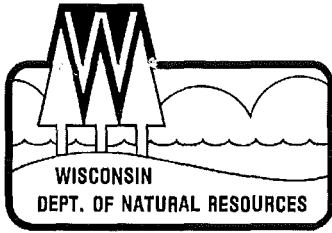


CR 93-10



George E. Meyer  
Secretary

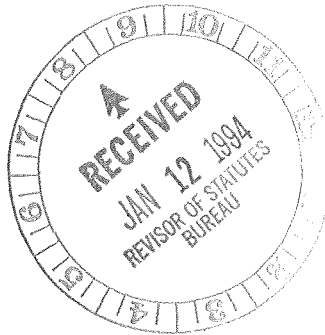
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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TDD 608-267-6897

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )      SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FM-46-92 was duly approved and adopted by this Department on July 29, 1993 and December 9, 1993. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



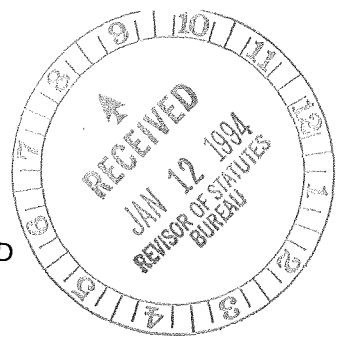
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 6th day of January, 1994.

*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

4-1-94





ORDER OF  
THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING AND RECREATING AND CREATING RULES

.....  
IN THE MATTER of repealing and recreating .  
s. NR 1.01(9) and creating s. NR 20.08 of the . FM-46-92  
Wisconsin Administrative Code pertaining to .  
the sport fishing policy and tournament fishing .  
.....

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 23.09 and 227.11, Stats.

Statutes interpreted: ss. 23.09, 29.085, 29.174 and 29.535,  
Stats.

The order revises department policy regarding sport fishing, recognizing both competitive and non-competitive fishing, acknowledging the values associated with sport fishing and the need to regulate to sustain the resource and protect public rights. The order creates rules establishing a permit system for competitive tournament fishing and establishes specific conditions for tournaments. Penalties are established for violations.

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SECTION 1. NR 1.01(9) is repealed and recreated to read:

NR 1.01(9) Sport fishing shall be managed in such a way that all have an equal opportunity to safely enjoy the aquatic resources, regulated to the extent that:

(a) Fish and other aquatic resources are protected and enhanced;

(b) Fishing effort does not exceed the capabilities of the resource to sustain desirable, quality fish populations;

(c) The social, biological and economic values associated with all recreational fishing, competitive and non-competitive, are recognized;

- (d) A sense of responsibility for the resource is inherent in all who participate and enjoy fishing;
- (e) User conflicts are minimized; and
- (f) Aesthetic and cultural values associated with fishing are held in trust for future generations.

SECTION 2. NR 20.08 is created to read:

NR 20.08 FISHING TOURNAMENTS. (1) DEFINITIONS. (a)

"Fishing tournament" means any organized fishing activity, on any water of the state at any time, where competition is the primary intent, where prizes are awarded which, in total, have a value of more than \$500, where the total number of participants is greater than 40 individuals or 20 boats, where the waters to be fished are identified by name by the sponsor, and where participants are required to fish on the same dates.

(b) "Person" means any individual, partnership, association, organization and body politic and corporate.

(c) "Sponsor" 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. "Sponsor" also means to advance, conduct, direct, establish, organize, promote or otherwise be responsible for the operation of a fishing tournament.

(2) PERMIT REQUIRED. No person may sponsor a fishing tournament without first obtaining a permit from the department.

(3) APPLICATION. A person who wishes to sponsor a fishing tournament shall apply to the department for a permit on forms available from the department. The application shall be submitted no sooner than one calendar year before the starting date of the tournament and no later than 30 days before the starting date of the tournament.

NOTE: *Application forms may be obtained at no charge from the department's district offices and the central office in Madison.*

(4) ACTION ON APPLICATIONS. (a) The department shall act on fishing tournament permit applications no later than 10 business days following receipt of a complete application.

(b) Permits shall be granted unless the sponsor's privilege has been revoked pursuant to sub. (9).

(5) COMPLIANCE. All participants in a permitted tournament shall comply with all provisions of the permit. In the event that a participant clearly fails to comply with the permit, the violating participant shall promptly be disqualified or expelled from the tournament by the sponsor. The department may impose penalties under sub. (9) and take other appropriate enforcement action against the violating participant.

(6) GENERAL PROVISIONS AND PERMIT CONDITIONS. (a) No person may sponsor fishing tournaments on the same body of water with starting dates separated by less than 2 weeks.

(b) No person may sponsor a fishing tournament for a particular species of fish on the opening weekend of any fishing season for that species on any water subject to the opening.

(c) 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 and

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. Specify the method for fish holding and release for tournaments where fish are reduced to possession, usually for purposes of recording, and live fish are then released to the water from which they came.

Note: NR 20.03(1) provides for permits for restocking.

3. Contain provisions for other than live release of fish when the department determines that weather conditions and water temperature are not conducive to survival of fish intended for release and the release may constitute malicious waste of natural resources under the provisions of s. 23.095(1), Stats.

4. Prohibit the use of tagged fish, except when approved by the department to enhance collection of data for management purposes as part of a scientific study, or when 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. 29.535, Stats., and s. NR 19.05.

(d) Pursuant to s. NR 20.07(1)(f) any fish taken into actual possession by an individual and not released immediately shall be included as part of the individual's daily bag limit.

(e) 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.

(f) Except for tournaments on the Great Lakes, the fishing portion of any tournament may not run for more than 10 consecutive hours each day or more than 3 consecutive days.

(g) The fishing portion of tournaments on the Great Lakes is not limited.

(8) REPORTING. Each sponsor shall report the results of the sponsor'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.

(9) 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 tournament fishing permit application submitted by a person it determines failed to comply with a tournament fishing permit or with a rule relating to tournament fishing.

(10) SUNSET. This section shall remain in effect until December 31, 1996.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on July 29, 1993 and December 9, 1993.

The rules contained herein 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.

Dated at Madison, Wisconsin January 6, 1994.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)

rp/fm46.dec

