

## CR 13-079

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

The revised scope statement for this rule, SS006-12, was approved by the Governor on May 8, 2013, published in Register Number 689 on May 31, 2013, and approved by the Natural Resources Board on March 28, 2012. This rule was approved by the Governor on December 30, 2013.

Wisconsin Natural Resources Board proposes an order to amend NR 20.40(3), (3m), (4), (7)(intro.), (7)(a), (10)(g)3., (10)(g)4., and (10)(g)7., to repeal and recreate NR 20.40(5), and to create NR 20.40(2)(dm) and (Note), (7)(f)2m and (Note), (10)(g)3m., (10)(g)8., (10)(g)9., and (10)(gm) relating to fishing tournaments on inland, outlying, and boundary waters of Wisconsin.

FH-01-12

#### Analysis Prepared by Department of Natural Resources

- 1. Statutes interpreted.** Sections 29.014(1), 29.041, and 29.403, Stats., have been interpreted as giving the department the authority to make changes to fishing regulations on waters of Wisconsin and to write fishing tournament rules that help to ensure good fishing opportunities.
- 2. Statutory authority.** Sections 29.014(1), 29.041, 29.403(1g), and 29.403(2), Stats.
- 3. Explanation of agency authority to promulgate the proposed rules under the statutory authority.** Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 29.403 (1g), Stats., authorizes the department to promulgate rules to establish a program to authorize and regulate fishing tournaments and establish the scope and applicability of the program.

Section 29.403 (2), Stats., provides that the department may require a permit to conduct a fishing tournament and may impose terms and conditions that apply to a specific permit.

#### **4. Related statutes or rules.**

Section 23.095 (1g), Stats., Protection of natural resources: No person may damage or attempt to damage any natural resource within the state. "Damage" means to commit a physical act that unreasonably destroys, molests, defaces, removes or wastes.

- 5. Plain language analysis 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.

SECTIONS 1 and 2 define culling and require bass fishing tournaments of any size that intend to cull to obtain a permit. "Cull" or "Culling" is the practice of releasing a live fish that was held in an angler's possession and replacing it with another fish. Live fish that are released and capable of swimming away under their own power are not considered part of the angler's daily bag limit provided the total number of

fish possessed at any one time does not exceed the angler's daily bag limit. Section 29.403(1m), Stats., allows culling only during largemouth and smallmouth bass fishing tournaments authorized by the department.

SECTION 3 creates a permit exception for season-long tournaments. Many resorts and bars have season-long events for which participants must pay to enter, however, the associated fishing pressure is minimal because it is dispersed over many weeks. Creating a permit exception would allow Wisconsin resorts and bars to continue to hold season-long tournaments without applying for a permit and with little chance of adding to typical tournament related crowding or fish mortality.

SECTION 4 adjusts the lower bounds of prize values used to determine the permit application fee. Tournament permit applicants must pay an application fee based on prize values. Tournament permit applicants tend to estimate the maximum prize values on their application at a level that results in an unnecessarily high application fee. This change would add \$1 to the lower bounds of the prize value structure in order to reduce application fees for some applicants from \$50 to \$25 and from \$200 to \$50.

SECTION 5 removes the open period and lottery process from the permit application process and allows applicants to apply starting on January 1 of the preceding year for traditional tournaments (a fishing tournament that was issued permits 4 out of 5 years from 2004 to 2008 for the same water and time period) and April 1 of the preceding year for non-traditional tournaments. All permits would be issued on a first come first served basis. Language was also included that allows the department to process late applications provided the applicant pays a late fee. This is necessary in order for department staff to expedite reviews and give incentive for applicants to apply earlier.

SECTION 6 excludes small permitted bass tournaments from calculations to determine the total number of tournaments allowed on individual waters. The size and number of permitted fishing tournaments allowed on a water body may not exceed limits in administrative code based on lake acreage and the numbers of boats, fishing days, and participants. 2011 Wisconsin Act 24 allowed culling in department-authorized bass tournaments, and as a result bass tournaments with fewer than 20 boats that formerly did not need permits are now applying for them in order to cull fish. The increase in permit applications could create a shortage of permits on certain waterbodies, potentially preventing large tournaments in need of a permit from receiving one. Prior to Act 24, these tournaments would already occur without a permit and not be counted toward the tournament permit limit because the small number of participants would not cause crowding on the water. Small bass tournaments (<20 boats) that apply for a permit only so participants can cull fish would not be counted toward any participation limits (maximum daily number of boats, maximum monthly boat days, maximum daily concurrent tournaments).

SECTION 7 increases the maximum daily number of participants allowed for permitted ice fishing events in small lakes: 150 daily participants would be allowed on lakes less than 100 acres and 250 daily participants would be allowed on lakes between 100-449 acres. Numerous community-oriented fundraising events with ice fishing tournaments are limited by the current participation limits.

SECTION 8 explicitly recognizes Minnesota's tournament permits on border waters. The fishing tournament permitting program administered by the Minnesota Department of Natural Resources that authorizes tournament activity on WI-MN boundary waters of the Mississippi River is very similar to that of Wisconsin. Accordingly, the states have recognized tournament permits and allowed tournament activity in their waters under the other states' permits. The number of permits available per river pool was set to reflect this agreement.

SECTIONS 9 and 10 specify that boat and live well requirements only apply to open water tournaments and that any fish transported to or from the weigh-in site in a catch-hold-release ice fishing tournament must be

held in water if the fish will be released.

SECTIONS 11 and 15 include standard conditions associated with catch-hold-release muskellunge tournaments. The permit provisions for fish transport, measurement, and release have always been included on permits for catch-hold-release muskellunge tournaments. The provisions will now be codified rather than only included on permit forms.

SECTIONS 12, 13, and 14 clarify the use of tournament specific conditions for catch-hold-release bass and walleye tournaments. The department currently places tournament-specific conditions on catch-hold-release bass and walleye tournaments to address issues related to post-release mortality. Specifically, the department reduces the daily bag limit when water temperatures are typically elevated and restricts the areas anglers are allowed to fish on large waterbodies to reduce the distance fish are transported. Both of these tournament specific conditions have at different times generated substantial controversy and, because of mutual miscommunication, been received with some element of surprise. The department worked with tournament anglers in developing a standard approach to implementing these conditions. The proposed changes explicitly state when and where bag limits will be reduced as well as provide exceptions for high profile tournaments that promote national public awareness of fishing. The proposed changes also state exactly where anglers will be allowed to fish on Green Bay based on the species they are targeting and the location of a tournament's weigh-in site. Finally, the department is adding language that clarifies the reasoning for the condition: whether the conditions are to be used to address issues associated with waste from post-release mortality or whether the conditions are meant to address potential detrimental effects on the fish population.

**6. Summary of and comparison with existing or proposed federal statutes and regulations.** The department is not aware of any existing or proposed federal regulation that would govern tournament fishing in Wisconsin's inland, outlying, or boundary waters.

## **7. Comparison with rules in adjacent states.**

### *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.

### *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.

## **8. Summary of factual data and analytical methodologies.**

This rule is intended to simplify and create more effective fishing tournament rules that increase user satisfaction while still addressing concerns about crowding, tournament associated fish mortality, and the spread of invasive species. The Tournament Rule Review Task Force, which includes DNR Fisheries Management and Law Enforcement staff and public tournament organizers from the Wisconsin Bass Federation Nation, Wisconsin Bass Federation, Wisconsin Conservation Congress, and the Midwest Walleye Series, developed the fishing tournament rule changes. The department solicited input on the suggested changes from the Wisconsin Federation of Great Lakes Sportfishing Clubs, the Wisconsin Conservation Congress, the Wisconsin Association of Lakes, the Wisconsin Wildlife Federation, and the Musky Clubs Alliance of Wisconsin, among others.

**9. Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis.** 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 reduce workload for staff.

**10. Effects on small business.** The rule would directly affect sport anglers who engage in tournament fishing. It is not expected to have an effect on small businesses. Resorts or taverns that choose to organize season-long fishing tournaments would have permit exemptions to do so. Local businesses that cater to tournament anglers and spectators may be indirectly affected by this rule.

No negative impact is expected for businesses or business associations. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. The department conducted an economic impact analysis prior to rule implementation.

**11. Rules proposed by the Department of Veterans Affairs.** No information

## **12. Agency contact person.**

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**13. Place where comments are to be submitted and deadline for submission.** Comments on this proposed rule were submitted to the agency contact person listed above. The deadline for written comments was November 8, 2013.

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SECTION 1. NR 20.40(2)(dm) and (Note) are created to read:

NR 20.40(2)(dm) “Cull” or “culling” means the practice of releasing a live fish that was held in an angler’s possession and replacing it with another fish. Live fish that are released and capable of swimming away under their own power are not considered part of the angler’s daily bag limit provided the total number of fish possessed at any one time does not exceed the angler’s daily bag limit.

**Note:** Section 29.403(1m), Stats., allows culling only during largemouth and smallmouth bass fishing tournaments authorized by the department. An angler must release the fish to be culled without unnecessary delay when keeping a new fish that would otherwise put them over their daily bag limit, and may not resume fishing or other activities until the fish to be culled is first released.

SECTION 2. NR 20.40(3) is amended to read:

NR 20.40(3) PERMIT REQUIRED. No person may carry out a fishing tournament that meets any of the criteria in pars. (a) to (d ~~e~~), without a permit. A person shall obtain a permit from the department to organize a fishing tournament when the waters to be fished are identified by name by the ~~sponsor~~ organizer and 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 catch-hold-release tournament with an off-site weigh-in.
- (d) The total prize value is \$10,000 or greater.
- (e) Tournament participants are allowed to cull largemouth and smallmouth bass.

SECTION 3. NR 20.40(3m) is amended to read:

NR 20.40(3m) PERMIT EXCEPTIONS. Organizers do not need a permit under this section to organize and conduct any of the following:

- (a) Fishing tournaments that are statewide or regional in nature ~~do not require a permit~~ where the specific waters to be fished or landings that must be used are not identified by name.

(b) Fishing tournaments that do not require identification or registration of participants prior to engaging in the tournament ~~do not require a permit.~~

(c) Fishing tournaments that continue for more than 4 days, do not require participants to fish at the same time, allow participants to register at any time during the tournament, and do not specify a weigh-in time.

SECTION 4. NR 20.40(4) is amended to read:

NR 20.40(4) 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 permit shall pay a \$25.00 non-refundable permit application fee upon submission of the application when the following conditions apply:

1. The tournament format is immediate-release; or
2. Total prizes provided to tournament participants are valued at less than ~~\$1,000~~ \$1,001; or
3. The tournament targets salmon or trout species on Lake Michigan, Green Bay, or Lake Superior; or

4. The tournament targets rough fish as defined in s. 29.001 (74), Stats.

(c) Applicants for a fishing tournament permit shall pay a \$50.00 non-refundable permit application fee upon submission of the application when the following conditions apply:

1. The tournament format is catch-hold-release or catch and kill; and
2. Total prizes provided to tournament participants are valued at ~~\$1,000~~ \$1,001 or greater and less than ~~\$10,000~~ \$10,001.

(d) Applicants for a fishing tournament permit shall pay a \$200.00 non-refundable permit application fee upon submission of the application when the following conditions apply:

1. The tournament format is catch-hold-release or catch and kill; and
2. Total prizes provided to tournament participants are valued at ~~\$10,000~~ \$10,001 or greater.

(e) There is no fee for a fishing tournament permit where 50% or more of the 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 or by visiting the department website at <http://dnr.wi.gov/topic/fishing/tournaments/>.

SECTION 5. NR 20.40(5) is repealed and recreated to read:

NR 20.40(5) PERMIT APPLICATION PROCESS.

(a) The department shall accept permit applications for traditional fishing tournaments beginning on January 1 of the year preceding the tournament.

(b) The department shall accept permit applications for tournaments that are not traditional fishing tournaments beginning on April 1 of the year preceding the tournament.

(c) All permit applications and application fees must be received by the department at least 30 days prior to the start of the tournament. The department may review permit applications received within 30 days of the tournament start date if the applicant pays a late fee in addition to the application fee which shall be equal to the application fee specified under sub. (4). If the department is unable to review a late application, the application fee will be returned to the applicant.

(d) The department shall approve or deny permit applications on a first come first served basis in compliance with the limits in subs. (7) and (8).

SECTION 6. NR 20.40(7)(intro.) is amended to read:

NR 20.40 (7) 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 except in Lake Michigan, Green Bay, Lake Superior and Lake Winnebago where there are no limits on the size and number of permitted fishing tournaments. Traditional fishing tournaments may be permitted to exceed the limits established in this subsection up to the maximum level of participation or boat days associated with that tournament in the past 5 years. Bass fishing tournaments with fewer than 20 boats will not be included in the maximum daily number of boats allowed on open water, the maximum monthly number of permitted fishing tournament boat days, the maximum daily number of concurrent permitted fishing tournaments, or the maximum number of permitted fishing tournaments per month on rivers.

SECTION 7. NR 20.40(7)(a) is amended to read:

NR 20.40(7)(a) The following monthly limits on permitted fishing tournament size, number, and total boat days based on lake acreage are outlined in the table below.

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	<del>50</del> 150	1 (ice fishing only)
2. 100–449	25	50	<del>150</del> 250	1
3. 450–999	50	300	500	1

4. 1,000–4,999	125	1,125	1,000	2
5. 5,000–9,999	150	2,400	1,500	2
6. Larger than 10,000	Determined by actual acreage (1 boat/50 acres)	3,000	No Limit	No Limit

SECTION 8. NR 20.40(7)(f)2m. and (Note) are created to read:

NR 20.40(7)(f)2m. Fishing tournaments permitted by the Minnesota Department of Natural Resources are authorized to operate in Wisconsin portions of Wisconsin-Minnesota boundary waters under the regulations specified in the Minnesota permit.

**Note:** Under s. 29.403 (1m), Stats., a bass tournament permitted by the Minnesota Department of Natural Resources may cull largemouth and smallmouth bass in Wisconsin portions of Wisconsin-Minnesota boundary waters. Culling is not allowed in Minnesota waters of Wisconsin-Minnesota boundary waters at the time this rule was drafted. Tournaments authorized by the Wisconsin Department of Natural Resources may not cull in Minnesota waters unless authorized by the Minnesota Department of Natural Resources.

SECTION 9. NR 20.40(10)(g)3. is amended to read:

NR 20.40(10)(g)3. No person may participate in a catch-hold-release open water 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.

SECTION 10. NR 20.40(10)(g)3m. is created to read:

NR 20.40(10)(g)3m. No person may participate in a catch-hold-release ice fishing tournament unless they have a container capable of holding and transporting live fish in water.

SECTION 11. NR 20.40(10)(g)4. is amended to read:

NR 20.40(10)(g)4. Except as provided in section (10)(gm)4., ~~No~~ no person may hold fish in a catch-hold-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.

SECTION 12. NR 20.40(10)(g)7. is amended to read:

NR 20.40(10)(g)7. The department may include the following permit conditions related to tournament operation for permitted catch-hold-release tournaments at the point of permit issuance 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 or when it determines that the transport and release of fish is detrimental to the fish population under the provisions of s. 23.095 (1g), Stats.

a. 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.

b. The department may require redistribution of released fish.

~~c. The department may require a reduced daily bag limit of 3 walleye for catch hold release tournaments on all waters with a daily bag limit of 3 walleye or greater from the second Saturday in June to the first Sunday in September. The department may 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.~~

SECTION 13. NR 20.40(10)(g)8. is created to read:

NR 20.40(10)(g)8. The department shall restrict the area that may be fished by participants in catch-hold-release bass and walleye tournaments on Green Bay to reduce the potential for biological harm to the bass population and to reduce the potential for unreasonable waste of walleye. Participants in catch-hold-release bass and walleye fishing tournaments with a weigh-in site north of the mouth of the Pensaukee River (N44°49.3146, W-87°53.934) may not fish north of a line extending from Gills Rock (N45°17'38.9724", W-87°1'23.0376") to the Wisconsin state line and south of a line running from Brown County line (N44°40'39.6510", W-87°59'15.5004") to the Kewaunee County line (N44°40'36.8898", W-87°44'11.8026"). Participants in catch-hold-release bass fishing tournaments with a weigh-in site north of the mouth of Pensaukee River (N44°49.3146, W-87°53.934) may not fish beyond 5 miles of the Green Bay shoreline on which the weigh-in site is located. Participants in catch-hold-release bass fishing tournaments with a weigh-in site north of the mouth of Pensaukee River located on the eastern shore of Green Bay may fish beyond 5 miles of the eastern shore only to access Green Bay waters within 1.5 miles surrounding Chambers Island. Participants in catch-hold-release bass and walleye fishing tournaments with a weigh-in site south of the mouth of the Pensaukee River (N44°49.3146, W-87°53.934) may not fish south of the DePere Dam (N44°26'50.9928", W-88°4'3.7050") and north of a line running from the mouth of the Pensaukee River (N44°49.3146, W-87°53.934) to Chaudoirs Dock (N44°44.838, W-87°41.94). Notwithstanding these fishing area restrictions, the department may allow one bass and one walleye tournament per year on Green Bay to fish all waters of Green Bay south of a line extending from Gills Rock (N45°17'38.9724", W-87°1'23.0376") to the Wisconsin state line provided that the tournament will promote national public awareness of fishing on Green Bay and is planned to have more than 60 boats. Tournaments promoting national public awareness include, but are not limited to, events

that are part of a national tour and statewide or regional championships that qualify participants for a national event.

**Note:** Anglers are not restricted from fishing in Michigan waters, however, to minimize potential for biological harm and unreasonable waste of natural resources, the department encourages tournament organizers to restrict fishing in Michigan waters to south of a line extending due east from Rochereau Point (N45°18'13.92", W-87°26'2.436") to the Wisconsin state line.

SECTION 14. NR 20.40(10)(g)9. is created to read:

NR 20.40(10)(g)9. To reduce the potential for unreasonable waste of natural resources, the department shall:

(a) Require a reduced daily bag limit of 3 walleye for catch-hold-release tournaments on all waters with a daily bag limit of 3 walleye or greater from the second Saturday in June to the first Sunday in September, unless the department determines that the temperature of the primary waterbody to be fished is expected to be less than 70 degrees Fahrenheit.

(b) 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. Notwithstanding these bag limit requirements, the department may allow one catch-hold-release bass tournament per year per waterbody with a 5 fish bag limit from the first Saturday in July to the second Sunday in August provided the tournament will promote national public awareness of fishing and is planned to have 60 or more boats and the primary waterbody fished will be 2000 or more acres. Tournaments promoting national public awareness include, but are not limited to, events that are part of a national tour and statewide or regional championships that qualify participants for a national event.

SECTION 15. NR 20.40(10)(gm) is created to read:

NR 20.40(10)(gm) In addition to the provisions in sub. (g), all of the following provisions apply to participants in catch-hold-release muskellunge tournaments:

1. Participants shall use boats equipped with a functioning live well or other container large enough to hold muskellunge and equipped with a pump for aerating and exchanging freshwater that is operated continuously once a fish is placed in the live well or other container.

2. Participants shall immediately transport muskellunge placed in a live well or other container to the designated weigh-in site. All transported fish must meet legal length limits for the water body being fished.

3. Either multiple weigh-in sites shall be designated by the tournament organizer or the areas open to fishing limited so that muskellunge will not be transported for more than 30 minutes.

4. Tournament officials or judges shall immediately register muskellunge brought to the weigh-in site. No pens, tanks or other means of confinement may be used to hold the fish at the weigh-in site.

5. Registration of muskellunge is restricted to a measurement of length. In-water measurement of the fish is recommended whenever possible.

6. Muskellunge may be retained at the weigh-in site only until capable of swimming upright under its own power and shall be released from the weigh-in site.

7. Participants may not leave the weigh-in site until the fish they transported to the weigh-in site has been successfully released. If the fish cannot be released alive, final disposition of the fish is the responsibility of that participant and shall not violate s. 23.095 (1g), Stats.

8. A participant shall count muskellunge transported to a weigh-in site towards the participant's daily bag limit and that person may not fish for muskellunge during the remainder of that day.

**Note:** Section 23.095 (1g), Stats., states that no person may damage or attempt to damage any natural resource within the state. "Damage" means to commit a physical act that unreasonably destroys, molests, defaces, removes or wastes.

**SECTION 16. 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 17. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 11, 2013.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Cathy Stepp, Secretary

(SEAL)