

November 15, 2006

Mr. Patrick Schmalz
Bureau of Fisheries Management and Habitat Protection
P.O. Box 7921
Madison, WI 53707

RE: Wisconsin Association of Lakes position on proposed fishing tournament rules NR 20.40

The Wisconsin Association of Lakes (WAL) represents more than 350 lake organizations and 100,000 waterfront property owners and recreational lake users working to keep Wisconsin's 15,000 lakes safe, clean, and healthy for everyone.

WAL believes that many aspects of the proposed rules, promulgated as required by 2003 Act 249, are positive steps to reduce the potentially negative impacts of tournament fishing on the resource, riparian owners, and the public users of the waters, yet allow fishing tournaments to continue to be a viable form of recreation for the many participants.

WAL has concerns about the proposed rules in six major areas: 1. Protection of small water bodies; 2. Provisions for multi-lake tournaments; 3. Funding of DNR expenses related to tournament fishing activities; 4. Control and prevention of aquatic invasive species; 5. Fish mortality in catch and release tournaments; and 6. Conformance to local ordinances.

1. Protection of small water bodies. The proposed rules allow too many boats relative to surface area on lakes less than 250 acres. The table which defines the maximum number of boats would allow 25 boats on a 100 acre lake, or one per 4 acres. The impact on the fishery and on other users of such density, especially considering the size and power of the boats used by most tournament participants would be immense and unacceptable. To address this issue, WAL recommends the following:

(a) Create a separate category for lakes between 100 and 249 acres. Limit the number of tournament boats on these waters to 15 and the number of boat-days to 30.

(b) Require a DNR permit for tournaments having 10 or more boats on waters between 100 and 249 acres.

2. Provisions for multi-lake tournaments. The proposed rule does not clearly define how tournaments that are held on multiple water bodies will be permitted.

(a) The tournament boat-days allocation should apply toward the limits on each of the water bodies allowed to be used by the tournament.

(b) The limit on number of boats and participants for each water body in a multi-lake tournament should be established based on the size of each water body.

3. Funding of DNR expenses related to tournament fishing activities. The proposed fees may be inadequate to fully fund the administrative, research and enforcement efforts related to tournament fishing activity. WAL recommends the following to address the funding issue:

(a) Assure that all costs associated with tournament events are recognized, including those for enforcement and research, and establish a fee structure that assures that all tournament costs are paid by the organizers and/or participants. The fiscal estimate of \$76,000 seems to be the absolute minimum required to administer the rule with little left over for enforcement or research.

Note: The department may wish to consider a separate fee schedule for non-profit organizations (501(c)(3) that organize and conduct fishing tournaments.

4. Control and prevention of aquatic invasive species (AIS). Wisconsin lakes are increasingly negatively impacted by the introduction of aquatic invasive species. Current regulations and those contained in the draft rule are inadequate to prevent the spread of these invaders from one water body to another. Tournament participants fish many different waters on a regular basis and may even fish both infested and non-infested water bodies during a single tournament. WAL recommends the following be included in the rule:

(a) Require the tournament organizers to define a detailed plan for AIS control, including watercraft and trailer inspections at landings, proper disposal of water from bilge, engine cooling systems and live wells, disinfection and other appropriate means to eliminate possible transport of AIS from one water body to another. The DNR should review and approve such plans and be granted authority to enforce the provisions. The costs of the review and approval should be included in the total costs of the tournament (see (2) above).

Note: If tournament participants are to transport boats over land from one water body to another during a tournament, the department should strongly recommend to the tournament that all plants and animals be removed from boats and trailers before leaving the launch area.

(b) Add a statement to the rule which specifically authorizes the DNR to impose conditions over and above what are contained in s. 30.715 WI Statutes and the associated rules.

Note: Although not necessarily appropriate for a rule, perhaps a footnote in the rule or on issued permits might encourage tournament organizers and participants to promote AIS prevention to the general public. Tournament participants and organizers were the leaders in promoting catch and release fishing. They can play an important role in protecting Wisconsin's lakes by taking the same leadership role with regard to AIS.

5. Fish mortality in catch and release tournaments. Tournaments conducted under catch and release rules, and especially those where the weigh in is off site, may result in significant fish mortality after release. WAL recommends the following provisions to reduce mortality and to provide incentives to the organizers and participants to properly handle the catch:

(a) Require a permit for all catch and release tournaments with a weigh in, regardless of the location of the weigh in.

(b) Prohibit the use of bags to transport or hold fish.

(c) WAL does not support a statewide prohibition on catch and release tournaments with an off site weigh in from July 1 to August 31 IF the other provisions for defining and verifying fish handling methods and equipment and giving DNR authority to modify the rules based on the current conditions are included in the rule. The rule should allow catch/weigh in/release tournaments to continue where there is minimal likelihood of above average mortality. For example, a bass tournament on Chequamegon Bay of Lake Superior would never experience mortality due to high water temperature, even in August.

(d) The possibility of establishing rules which are species specific should be included in the rule. What could be acceptable procedures for bass may not in many cases be appropriate for walleye or musky.

WAL supports the following provisions of the rule:

(e) Establishment of clear minimum standards for all means of holding and transporting fish. Live well and holding tank specifications for volume, dissolved oxygen and temperature in the rule.

(d) Requiring verification of live well and holding tank operation by the tournament organizer and DNR prior to the tournament and at random during the course of the tournament.

(e) Establishing clear authority for the DNR to impose modified rules on a specific event to reflect the current conditions on the water body including water temperature, water

quality and presence of disease. The authority should include but not limited to disallowing catch and release, moving weigh in sites and limiting the areas to be fished.

(f) The requirement for an enforceable plan for disposal of any fish killed during the tournament.

6. Conformance to local ordinances. Many local governments, lake districts and lake and river organizations expend significant effort and money to protect and enhance the quality of their water resources. The efforts include AIS control and prevention, stocking, fish habitat improvement, boating regulations, landing maintenance and others.

(a) Any tournament permit that is issued by the department should specifically state that the organizer of any tournament and all participants in a tournament are responsible for knowing and adherence to all local ordinances related to the tournament water bodies.

Summary:

The Wisconsin Association of Lakes agrees with the provisions of the proposed rule with the above exceptions and commends the department for its work to develop the rule.

Sincerely,

Peter T. Murray
Executive Director

CC: WAL Board of Directors